

Mr. POLIS. Mr. Speaker, you know, if there is an issue that has the opportunity to pull Congress together, it is the need to fix our failing infrastructure. You all know the statistics, but suffice it to say, if your child had the grade of our infrastructure, they would be going to summer school this summer.

In my district in Colorado, it is the upgrades for Interstate 25 between Denver and Fort Collins for the tens of thousands of commuters each day; it is the backup from skier traffic returning from the mountains on Interstate 70, or our Northwest line commuter rail that is 35 years behind schedule.

Of course, there are people who came within a hair's breadth of missing their flight because of interstate traffic. What is happening to my district and my State is happening across the country.

But it is not just roads and bridges we need to fix. To connect and improve our communities, the true definition of infrastructure includes investments in broadband, 21st century infrastructure, clean water systems, schools, public rail, pedestrian and bike paths, airports, energy efficiency, storage, and transmission to make our country stronger and reduce costs.

Now is the time to act on an infrastructure package that has true investment. It can't just be toll roads or a giveaway to Wall Street. A fully paid-for infrastructure package will be a boon for the country, for our cities, for our towns, for our rural areas, and for the middle class.

Infrastructure is a today problem that we can come together and solve. We need to act now and make infrastructure a priority.

NATIONAL FOSTER CARE MONTH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, May is National Foster Care Month and a time to recognize the more than 400,000 foster youth in America. During this month, we renew our commitment to ensuring that every child has a safe, loving family.

I am a member of the Congressional Caucus on Foster Youth and continue to this day to have a foster brother that I grew up with. I know firsthand how a loving, supportive home can make all the difference in a young person's life.

Mr. Speaker, if we were able to bring together all these children into one city, this city would be the 43rd or the 44th largest city in the country. More than 200,000 children enter the foster care system every year, which translates to a child entering care every 2 minutes. Approximately 254,000 will leave foster care this year; nearly 128,000 will be reunified with their families; another 52,000 will find new loving families through adoption.

Mr. Speaker, I thank every foster parent, volunteer, and mentor who works to make sure the needs of our children are not only being met, but they have the opportunity to thrive in a loving home.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 1039, PROBATION OFFICER PROTECTION ACT OF 2017

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 324 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 324

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1039) to amend section 3606 of title 18, United States Code, to grant probation officers authority to arrest hostile third parties who obstruct or impede a probation officer in the performance of official duties. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on House Resolution 324, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring this rule forward on behalf of the Committee on Rules today. The rule provides for the consideration of H.R. 1039, the Probation Officer Protection Act. The rule provides for 1 hour of debate equally divided between the chairman and rank-

ing member of the Committee on the Judiciary. The rule also provides for a motion to recommit and makes in order an amendment by Congresswoman JACKSON LEE of Texas.

On Tuesday, the Committee on Rules had the opportunity to hear from my fellow Committee on the Judiciary members: Mr. RATCLIFFE, Mr. CICILLINE, and Ms. JACKSON LEE.

H.R. 1039 was marked up by the Committee on the Judiciary on May 3 and favorably reported by the committee without amendment.

Mr. Speaker, it is fitting that we debate this rule and the underlying bill this week during National Police Week. As the son of a Georgia State Trooper, it is an honor to come before this House to help advance legislation that protects the men and women of law enforcement. The dangers our law enforcement officers face are real, and I know too well the fear that a loved one might not come home after leaving for a routine shift. This week we had the opportunity to recognize those who make our communities safer, and we are humbled to advance the policies that support their efforts, and we honor their sacrifice.

Mr. Speaker, allow me to point out that the sponsor of the underlying bill we are discussing, the Probation Officer Protection Act, is a former law enforcement officer himself. My friend DAVE REICHERT from Washington State is Sheriff REICHERT also, who led the task force responsible for solving the case of the infamous Green River serial killer. Along with him, I serve on the Policing Strategies Working Group, and I commend him for his work on the underlying legislation and his tireless advocacy on behalf of the heroes who wear the badge.

The Probation Officer Protection Act is a commonsense, yet modest, expansion of the Federal probation officers' existing arrest authority. Under current law, 18 U.S. Code section 111, it is a crime for a person to forcibly assault, resist, oppose, impede, intimidate, or interfere with any Federal official in the performance of his or her official duties. While the Federal officials described by this statute include probation officers, probation officers are limited in their ability to take affirmative actions in order to protect themselves when they face these threats not from the offender but from third parties.

Mr. Speaker, while probation officers can make arrests of those under their supervision, the first party, such as a parolee or individual serving a term of probation or supervised release, the law does not allow probation officers to take action to protect themselves should a third party impede or assault them.

In fact, if a third party, such as a family member or friend of a parolee, threatens or attacks a probation officer, that officer's only recourse is to retreat and call for local law enforcement.

Think about that, Mr. Speaker. I want to read that again.

If a third party, such as a family member or friend of a parolee, threatens or attacks a probation officer, that officer's only recourse is to retreat and call for local law enforcement.

Because the law has failed to equip probation officers with the authority to arrest an aggressive third party, probation officers have limited recourse when their safety is uncertain. Mr. Speaker, this is unacceptable and even defies reason. When probation officers find themselves in a dangerous situation involving third parties, they are at the mercy of happenstance. Perhaps, in urban areas, other law enforcement agents may be in proximity and able to respond. Perhaps, at times, the brave men and women who oversee offenders on release may have access to the backup they need once a third party threat has been established. But I will tell you this, in these certain areas that may happen. But it is possible, though, that without the authority to deescalate or manage a dangerous situation without the necessary authority to arrest threatening third parties, probation officers will remain unnecessarily vulnerable to attacks, violence, or even death.

In rural areas, like my district in northeast Georgia, a probation officer's restricted authority to arrest could pose an even greater risk to their well-being. Local law enforcement agencies in rural areas are often smaller and more separated from backup by distance. This means that probation officers who call for help could be subject to longer response times in the very moment they need the assistance the most.

Considering these facts, Mr. Speaker, it is reasonable to make a narrow, yet important, adjustment to current law in order to ensure that the probation officers have third-party arrest authority when they are forcibly threatened by that third party. Simply put, probation officers enter dangerous situations for the benefit of our communities and should be able to effectively protect themselves and others.

The Probation Officer Protection Act would address this flaw in current law by providing necessary recourse for probation officers. Under the terms of the bill, probation officers would have the authority to arrest hostile third parties who forcibly assault, resist, or otherwise impede a probation officer as they are carrying out their sworn duties.

We have heard examples of probation officers making visits to those under supervision, only to be greeted by third parties who are wielding knives or baseball bats or yelling obscenities at the officers as they attempt to serve the larger community. In these events, probation officers should not be handicapped in their ability to perform their jobs while protecting their own safety. As we know all too well, situations with agitated third parties can escalate

in an instant. Officers on site need to be equipped to deescalate dangerous situations for the good of the supervisee, the probation officer, and any bystanders.

This legislation does not represent an unprecedented or large-scale expansion of authority for probation officers. Probation officers already have limited arrest authority for first-party offenders. They are also bound by formal search and seizure policy and arrest procedures. Probation officers receive training that instructs them in properly detaining offenders so that they will be equipped with the necessary skills to manage dangerous individuals in circumstances that might warrant it.

Mr. Speaker, the intent behind the underlying bill is but one example of a larger effort behind much of the legislation we have seen on the floor this week. Every day, law enforcement officers put their lives on the line to protect us. Every day, they face dangerous situations for the sake of their neighbors. Law enforcement officers across the country bravely walk into uncertain situations prepared to protect and defend you and me and the people that we love.

I believe that our Nation's law enforcement—be they local, county, State, or Federal agents—overwhelmingly abide by their oath to protect and serve. In turn, we should remember their bravery and sacrifices each day and thank those who risk their lives to protect us. We must also thank the families who kiss their loved ones good-bye each morning, fully aware of the risk that their service entails.

Our men and women in blue should experience our gratitude every day, but this week, during Police Week, it is right for us to take the extra care to commemorate those who have fallen and to honor those who are serving.

As thousands of law enforcement professionals visit our Nation's Capital this week, I encourage all of my colleagues to thank them for their service. Also, I ask that all of my colleagues in this body look at this commonsense piece of legislation and show their support by voting "yes."

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I rise in opposition to the rule and the underlying bill, H.R. 1039, but first and foremost, I want to make sure that we recognize and honor the work and sacrifice that our police and first responders do each and every day.

This week is National Police Week and, frankly, it is an opportunity to honor every week, but in particular this week, those who run toward the gunfire, those who run toward the building on fire every day.

In my own district in Colorado, I hear so many countless stories of heroic acts and going above and beyond

the call of duty by those on the front lines of keeping us safe. In one example in Colorado, Officer Ross Maynard responded to a domestic violence situation. The victim's former boyfriend had broken a living room window in the middle of January, leaving the victim and her young daughter exposed to our record cold temperatures. Maynard went above and beyond his duty and covered the window to keep out the elements. He vacuumed the shattered glass from the floor when he found out the victim didn't have a vacuum so that the child didn't receive cuts from the glass.

In example of heroism, dispatcher Sara Demgen calmly helped a man deliver his son when his wife went into labor and they realized they wouldn't be able to make it to the hospital.

It is individuals like these who we should celebrate and support through our work here in Congress. Unfortunately, the legislation we are considering today doesn't make anyone safer, and if we passed it, it would bring about a constitutionally dubious process that could interfere with the important work of law enforcement professionals.

Part of the reason this is problematic legislation is because the process this legislation followed—like a lot of stuff that we have to vote on—was not transparent and was not regular order. There was no hearing on this bill. Even if we look back at last year's version of the bill, there was no hearing on that one, either.

Then we look at the rule that we are debating now. Mr. Speaker, a rule means what is the process for amending this bill. What we have here is a shutting down of that process, where they didn't provide an open rule. They allowed only one amendment as part of this bill that had been offered. There was no opportunity on the floor, through what is called an open rule, for Democrats or Republicans to offer good ideas to improve this legislation.

Of the six amendments that were submitted that the Committee on Rules considered yesterday, five of them were killed by the Committee on Rules and not even allowed to be voted on or debated by the House of Representatives. Now, the number of times I have had to come to this floor and argue against a closed rule or a structured rule is exhausting, and it is contrary to Speaker RYAN's promise that he made for the world to hear that he would bring us back to regular order and give everybody input on legislation that we consider in what is supposed to be the people's House.

This rule, yet again, is not open. It rules five of the six amendments out of order. The confidence and the trust in the House of Representatives, it is hard to imagine how it could even sink much lower, but it is restrictive processes and rules like this where neither Republicans or Democrats are allowed to even offer amendments or debate amendments to improve the legislation

that have led to the record level of distrust in this body.

In a moment, I will look forward to discussing the bill itself, but I just wanted to take this occasion in particular to celebrate our law enforcement professionals on National Police Week and every week.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, again, I appreciate my colleague pointing out certain things. Again, I think pointing out the complete story there would also be helpful, and that is that the amendments spoken of that were not made in order, following the rules of the House, the Jefferson's Manual, and all were not germane. The one amendment that was offered was made in order for this bill. The others were not germane. If they want to be brought up in a separate bill or separate order or find a bill that is actually germane to it, then that is a different issue, but not in this one.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, it seems that with each passing day, we learn more about the tangled web of conflicts of interest and secret meetings with Russians in and around the Trump campaign and Trump administration. Last week, President Trump fired FBI Director James Comey while he was overseeing the FBI's investigation into possible collusion between Trump campaign officials and the Russian Government, after reportedly asking Director Comey personally to drop the investigation into former National Security Advisor Flynn's ties to Russia. This week, we also learned that President Trump revealed highly classified information provided by an ally to Russian officials.

Without President Trump's tax returns, we have no way of knowing if he himself has financial ties or is financially beholden to Russia or Russian interests, as news reports have suggested. The American people deserve to know whether or not President Trump has conflicts of interest, financial interests, or business dealings with Russia or other foreign governments. It is imperative that we, as the people's representatives, hold the executive branch fully accountable.

Mr. Speaker, when we defeat the previous question, I will offer an amendment to the rule to bring up Representative ESHOO's bill, H.R. 305, which would require Presidents and major party nominees for the Presidency to release their tax returns.

If the President truly has nothing to hide, including business dealings or being economically beholden to Russia, he should freely release his tax returns to reassure the American people that they can have confidence that he is not acting out of conflict of interest but, rather, in our interest as a nation.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extra-

neous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, to discuss our important proposal, I yield 5 minutes to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the rule and the underlying bill, and I urge my colleagues to defeat the previous question so that the House can vote on my bipartisan legislation, the Presidential Tax Transparency Act.

Mr. Speaker, in the last week, the President fired the FBI Director who was investigating him. We then learned that the President also pressured the Director to end his investigation of Michael Flynn's Russia entanglements. These revelations, added to so many others, make it abundantly clear that we must have disclosure of the President's tax returns in order to fully understand his connections to Russia. The Presidential Tax Transparency Act would require this disclosure for the current President, all future Presidents, and Presidential nominees.

□ 1245

This practice has never been required by law. But if there were ever a time for Congress to codify this bipartisan disclosure tradition, now is the time.

The President's behavior has raised questions since before the election about what connections or exposure he may have to Russian officials. After the FBI, the CIA, and the NSA concluded that Russia did, in fact, interfere in our national elections; after several of the President's associates and staff lied about meetings with Russian officials during the campaign and transition; and after the FBI opened an investigation into these Russia contacts, the President still welcomed top Russian diplomats into the Oval Office for a closed-door meeting last week.

Holding the meeting itself raised many questions. But in the meeting, the President revealed highly classified, code-word information to the Russians. I believe that this is unprecedented. No President in the history of our country has ever done such a thing.

And on May 16, The New York Times reported that the President pressed the former FBI Director Jim Comey to end his investigation of Michael Flynn's ties to Russia before he fired him. This all begs the question: Why is the President so eager to please the Russians?

The appointment of former FBI Director Mueller, a highly distinguished public servant, as special counsel is most welcome. But I believe that Congress can act today to provide public disclosure of the President's tax returns, which would provide an immediate and important window into the President's potential Russian entanglements, and answer the critical ques-

tions of: To whom does he owe money? And who is the President doing business with? What are those entities?

We know there are 564 of them. The American people deserve to know. Only with full disclosure will we know the true sources of the President's income, the holders of his debt, and the extent of any business ties to Russia and other foreign countries.

Mr. Speaker, this bill is a highly serious, bipartisan—I want to stress that—bipartisan effort to exercise Congress' constitutional duty to serve as a check and balance on the executive branch as a coequal branch of government.

As the former Director of National Intelligence James Clapper said on May 14:

Our institutions are under attack, both externally . . . and internally.

I want to thank all of the cosponsors of this bill and, most especially, the Republicans who have had the courage to do so. It takes courage to have courage. Now is the time to stand up and demonstrate courage so that the American people will have confidence—confidence in what takes place here and to answer the questions that are left unanswered.

So by defeating the previous question today and voting to approve the Presidential Tax Transparency Act, Congress can create a pathway to the facts, and then the truth, that the American people have a right to know.

Mr. COLLINS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. DEMINGS), the former Orlando police chief, and my good friend.

Mrs. DEMINGS. Mr. Speaker, I have taken three oaths in my lifetime. The first oath I took was in 1984, as a police officer, when I was sworn in at the Orlando Police Department. The second oath I took when I was sworn in as the chief of police. And the third when I became a Member of the 115th Congress.

Although different positions, each oath stated that I would protect and defend the Constitution of the United States. Mr. Speaker, I want you to know that I have taken each oath very seriously.

I know former FBI Director James Comey understood the enormity of the oath he took to uphold the Constitution to seek the truth, regardless of outside influences or political circumstances. His loyalty is to the United States Constitution.

The American people should have faith that no one—that includes the President, the U.S. Attorney General, and the Deputy U.S. Attorney General—should be able to interfere with the proper functioning of the FBI or its work with local and State law enforcement agencies. It is the responsibility of Congress to ensure that all our law enforcement and intelligence agencies are able to fulfill their mission: to protect and defend the United States and enforce criminal laws as appropriate.

I filed an amendment with the Rules Committee that would prohibit the removal of the FBI Director, except for inefficiency, neglect of duty, or malfeasance in office.

Mr. Speaker, this amendment would insulate the FBI's mission from political influences and agendas. Unfortunately, it appears that the Republican leadership doesn't think that this is a good idea, or simply does not want to have this debate.

The rule reported from the Rules Committee prevents me from offering this important amendment.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman.

Mrs. DEMINGS. Mr. Speaker, if the FBI Director is abiding by the oath he took, then he should not be removed.

Mr. COLLINS of Georgia. Mr. Speaker, I would just like to remind everyone, as we have discussed here and we hear impassioned arguments for amendments that were not germane, find proper places to put amendments, and find bills that you want to write. That is all fair. That is in our rule book. But remember, the only germane amendment was made in order. I repeat, the only germane amendment was made in order.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman knows, we grant necessary waivers for amendments all the time. It is a very routine thing. So to argue it is not germane, the Rules Committee can grant the necessary waivers for any of these amendments. And, frankly, these amendments are more germane to what the American people care about than the underlying bill.

Mrs. DEMINGS' amendment that states that the Director of the FBI may only be removed for inefficiency or neglect of duty or misuse of office, what could be more germane to the concerns of the American people than that? All it would have taken was granting necessary waivers, as the Rules Committee does regularly on a number of bills when it suits their interests.

Another amendment from Representative KENNEDY was rejected to reinstate the authority to appoint independent counsel for purposes of an independent investigation.

One from Representative LAWRENCE was rejected to reinstate the authority for independent counsel.

Representative LIEU had an amendment to reinstate the authority for independent counsel to investigate and was not allowed.

Representative MOULTON had one.

So all of those amendments, even though they are more germane than any of the other items of what the American people care about, were, nevertheless, not granted the necessary waivers to be included in this bill.

The bill we are considering under this bill is highly problematic. It, frankly, serves to hurt the very people it purports to protect.

I know we all value the safety of our first responders and the safety of our communities. This bill would hurt the relationship police have with communities without any need. It is truly a solution in search of a problem.

This legislation would give Federal probation officers authority to arrest third parties, not the person that they are working with on probation, the ability to arrest them without a warrant.

When referring to third parties, that means people who are not under the authority of the police officer. It could mean a mother of someone on probation, a roommate, somebody who shares a house, and somebody doesn't want the probation officer to come into their room because the probation officer doesn't have a warrant, even if the parolee is in a different room.

We need to remember that an individual, of course, gives up some of their rights, including their Fourth Amendment rights, as a condition of probation. But not everybody who comes into contact with that person also should be required to give up their Fourth Amendment rights. The mother in this example has not given up those constitutional rights, which read: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause. . . ."

And simply being a roommate or a family member of somebody who is on probation should not mean you lose your constitutional rights as an American citizen.

If in this example the mother doesn't want the probation officer to enter her room, she has that right, unlike the parolee. But this bill would change the dynamics and allow the probation officer to say she was interfering and arrest her, something that likely violates her Fourth Amendment protections and would be overturned by the courts.

This would make family and friends of individuals entering probation from prison scared of allowing the person on probation to live in their homes. This could lead to increased recidivism and increased crime. It will create a huge hindrance to the probation system and the goal of successfully encouraging people to reenter society and avoid breaking the law.

If people don't have a family member or friend to live with, successful reentry becomes harder and almost impossible. We need to remember that probation officers are part of the judicial branch, but police are members of the executive branch. Not only does this legislation complicate that, but it is a violation of separation of powers.

When an individual is granted probation, as a condition of that probation they give up certain rights, and that is

understandable, and under the authority and supervision of the judicial branch in doing so. Third parties have not made that agreement with the judicial branch. They are not their jurisdiction. They are not adjudicated by the judicial branch. And probation officers should not have the authority to arrest them without a warrant provided by an officer of the peace.

However, even if we don't care about the constitutional rights of citizens, which I certainly hope we care about, we should care about the fact that this bill would reduce the safety of our probation officers. This legislation creates a very unsafe situation for our probation officers who are not trained in law enforcement.

On average, a Federal probation officer completes six weeks of training. That is compared to 21 weeks of training and 3 weeks of field for a police officer. That is simply not the same level of training.

With the disparity, doesn't it make sense for probation officers to use the assistance of police when they actually do need to arrest an uncooperative third party or serve a warrant based on probable cause?

With additional police powers come more likelihood people could be put in harm's way, and that is the opposite of what we want for someone who doesn't have the proper training.

I also want to talk about why the bill is so bad. In many ways, I asked myself the question: What problem are we trying to solve? Even if we look at the associations that are pushing for this legislation, the data just doesn't show that there is a need or that this would be a productive step towards either keeping our communities safer—and this bill would also put the lives of our probation officers at risk.

In a letter earlier this year, the Federal Law Enforcement Officers Association stated that "formal arrests by probation officers are rare." And 2015 data shows that, of the 987 searches conducted, only 30 uncooperative third parties, and even less arrests.

With so few incidents, it is, frankly, better for probation officers to call or use the assistance of well-trained police officers, if needed. That is the answer.

The proponents of this bill claim they have brought the bill forward at the request of our first responders. But the request was not even close to unanimous.

Mr. Speaker, I include in the RECORD a letter signed by officers, chiefs of police, probation officers, and other first responders in opposition to the bill.

MAY 16, 2017.

DEAR MEMBER OF CONGRESS: We are current or retired law enforcement officers concerned about public safety, constitutional policing practices, and building trust between law enforcement and the communities we serve. In light of Police Week, some Members of Congress have sponsored bills that would increase incarceration rates, enhance penalties for certain crimes, and, ultimately, weaken relationships between communities and police departments.

The idea that “law and order” has declined in the previous decade does a disservice to the law enforcement officers who have taken oaths to protect and serve their local communities. Those officers deserve programs and policies that fund critical training, enhance important policing skills that improve officer and public safety, and offer technical assistance and operational support. We are deeply troubled by recent legislative and executive actions that support this divisive “law and order” rhetoric and that chip away at our hard-fought efforts to sustain long-term trust between our communities and law enforcement agencies.

As officers who have handled high-profile incidents and routine investigations, we know that keys to success are strong leadership and morale, officer training and accountability, and community trust and engagement. Below, we offer several recommendations based upon these principles.

Programs that support mental health services for officers. A number of law enforcement agencies are increasingly recognizing the importance of regular mental health checks, crisis hotlines, peer mentoring programs, and other mental health services to alleviate the stress and trauma that officers face.

Policies and programs for de-escalation and crisis intervention training. As a result of such training, law enforcement agencies learn to apply strategies that reduce the likelihood of force-related incidents. De-escalation training is essential to reducing the number of violent confrontations between law enforcement and communities, as well as increasing methods for age appropriate responses when interacting with youth to improve their safety and well-being in communities. These trainings promote best practices and, as a result, reduce the risk of injury to police officers and members of the community.

Policies that promote crisis intervention training incorporating the services of mental health professionals. Such professionals can assist officers in identifying and responding to a person impacted by mental illness, an intoxicating substance, or emotional distress. The public safety benefits resulting from this training are well-documented and broadly supported by policing and public safety experts.

Programs that assist officers with understanding the effects of systemic trauma and better deal with the aftermath of trauma. Trauma sensitivity or trauma informed training can help officers identify individuals showing signs of trauma related behaviors, which may include: aggression; difficulty processing information; impulsiveness; heightened fight, flight, or freeze response; and hypersensitivity to noise or physical contact. Training can help law enforcement avoid interpreting such behaviors as requiring more aggression or use of force and, instead, guide officers to respond in a more informed and appropriate manner.

Policies and programs that incorporate implicit bias training into police training at all levels. Implicit bias training helps police officers mitigate racial bias during community interactions, encourage respectful encounters, and promote constitutional policing with the goal of building trust with communities.

Programs that collect data on deaths and use-of-force incidents by law enforcement. Specifically, we encourage you to support the Federal Bureau of Investigation National Use-of-Force Data Collection Program, which expands the Uniform Crime Report Program to include use of force incidents by law enforcement resulting in serious bodily injury. The Death in Custody Reporting Act, which was signed into law in 2014, must also be properly implemented.

Support the Collaborative Reform Initiative of the U.S. Department of Justice’s (DOJ) Office of Community Oriented Policing Services. The Collaborative Reform Initiative is a valuable program that offers technical assistance and operational support to local police departments to improve policing practices, transparency, professionalism, accountability, community inclusion, and procedural fairness. The Collaborative Reform Initiative enables police departments—which participate on a voluntary basis—to sustain longterm, significant reforms in a manner that improves trust between police and communities and meets the public safety goals of residents. The work of DOJ’s Civil Rights Division around policing must also be supported and sustained.

During Police Week, we urge you to prioritize federal programs, funding, and legislation that support the above policies, rather than legislation that would undercut partnerships with our local communities. We invite you to reach out to us about the above priorities and ask that you support legislation and funding that champion these important issues.

Sincerely,

Hassan Aden, Police Chief (Ret.), Greenville (NC) Police Department; Chief James Abbott, West Orange (NJ) Police Department; Officer Nick Bucci (Ret.), New Jersey State Police; Sheriff Jerry L. Clayton, Washtenaw County (MI) Sheriff’s Office; Captain James Davidsaver (Ret.), Lincoln (NE) Police Department; Deputy Chief Stephen Downing (Ret.), Los Angeles Police Department; Former Probation/Parole Officer and Corrections Counselor Shelley Fox-Loken, Oregon; Major Neill Franklin (Ret.), Baltimore and Maryland State Police Department; Officer Brian Gaughan (Ret.), Davenport, Iowa and Chicago; Lieutenant Commander Diane Goldstein (Ret.), Redondo Beach Police Department.

Ron Hampton, Community Relations Officer, D.C. Metropolitan Police Department (Ret.); Blacks in Law Enforcement of America; Officer Karen Hawke (Ret.), Massachusetts State Police; Former Federal Corrections Officer Regina Hufnagel, Boston, Massachusetts; Commissioner Terence Inch (Ret.), Hellam Township (PA) Police Department; Senior Patrol Officer Tim Johnson (Ret.), Madison (OH) Township Police Department; Commissioner George Kain, Ph.D., Ridgefield (CT) Board of Police Commissioners; Analyst Richard Kennedy (Ret.), Central Intelligence Agency; Chief Larry Kirk (Ret.), Old Monroe (MO) Police Department; Former Special Agent David Long, U.S. Department of Labor; Former Detective and Deputy Sheriff Nick Morrow, Los Angeles County Sheriff’s Department.

Lieutenant Joanne Naughton (Ret.), New York Police Department; Chief Norm Stampfer (Ret.), Seattle (WA) Police Department; Special Agent Ray Strack (Ret.), Department of Homeland Security, Fort Lauderdale, Florida; Former Police Officer Silvestre Tanenbaum, Carrollton (TX) Police Department; Sergeant Carl Tennenbaum (Ret.), San Francisco Police Department; Former Detention Officer and Deputy Marshal Jason Thomas, Prowers County, Colorado; Detective James Trainum (Ret.), Washington Metropolitan Police Department; Deputy Sheriff Darren Ullmann, Cowlitz County (OR) Sheriff’s Office; Federal Probation Officer LeRoy Washington (Ret.), Hawaii; Officer Jack Wilborn (Ret.), Glendale (AZ) Police Department; Detective Howard Wooldridge (Ret.), Michigan.

Mr. POLIS. Mr. Speaker, as they state, in part, in the letter: “We are deeply troubled by recent legislative and executive actions that support this

divisive ‘law and order’ rhetoric and that chip away at our hard-fought efforts to sustain long-term trust between our communities and law enforcement agencies.”

This letter is signed by many current and former police chiefs, sheriffs, and other law enforcement officials.

In the letter that I included in the RECORD, which will now appear for the world to see, law enforcement professionals say that instead of pushing forward with this bill that we are being asked to consider under a closed and restrictive rule, we should focus on mental health and trauma services for officers to support them, programs and policies for de-escalation and crises intervention training, better staffing for our police agencies and probation officers, programs and policies that incorporate implicit bias training into police training and probation office training, and community-oriented policing. These are the types of policies that Democrats, and myself, would love to put forward during National Police Week to support our law enforcement professionals and to keep our communities safe.

Why aren’t we focusing on those kinds of ideas, rather than a solution in search of a problem?

It is National Police Week, and we should be supporting legislation that protects and supports our police, not create a greater schism between our community and police through an unconstitutional bill that puts the lives of our probation officers at risk, and will likely increase recidivism among those on probation.

□ 1300

We can do better. That is why I urge my colleagues to vote “no” on this rule and to vote “no” on the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the time, and I appreciate the debate today. Also, I feel, in just a little bit of ways, I am sort of Alice in Wonderland here; what is up is down and what is down is up. I am not sure how you take this bill to, number one, say that probation officers would be any more in danger.

I would also, Mr. Speaker, like to include in the RECORD another letter that is from the Federal Law Enforcement Officers Association in support of what is going on here.

FEDERAL LAW ENFORCEMENT

OFFICERS ASSOCIATION

Cabin John, MD, May 17, 2017.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND LEADER PELOSI: I am writing on behalf of the nearly 27,000 members of the Federal Law Enforcement Officers Association to advise you of our

strong support for H.R. 1039, the "Probation Officer Protection Act," and to express our appreciation for the Congress's consideration of this important officer safety measure during National Police Week. FLEOA opposes the amendment that will be offered on the floor to sunset the authority provided by the bill, as you cannot put a stopwatch on critical law enforcement officer protection measures such as H.R. 1039.

The "Probation Officer Protection Act" is a critical officer safety measure. At a time when U.S. Probation Officers have seen their workloads increase due to changes in sentencing policy and are being asked to "do more with the same," ensuring that they have the means to protect themselves when placed in harm's way is paramount. H.R. 1039 will fully authorize a U.S. Probation Officer to arrest any third party who violates 18 USC 111. This statute has been on the books since the 1940s and makes it a crime for any person to forcibly assault, resist, intimidate, or interfere with any federal officer in the performance of their official duties. Current law, however, only allows Probation Officers to make arrests of individuals on probation or under supervised release who violate 18 USC 111. This authority does not extend to "third parties," which could include a former associate of the offender or an unidentified member of the community. In many instances third parties are well aware that a federal officer's authority is limited to individuals on supervision, and when a third party does impede or assault a U.S. Probation Officer, the Officer's only recourse is to retreat and call for local law enforcement. While in major cities local law enforcement may respond depending on availability, the same is not true for U.S. Probation Officers who work in rural communities where response by local law enforcement may be a single officer or none. This places Probation Officers at even greater risk, particularly in those situations where retreat is not even a reasonably safe alternative.

During the forthcoming debate on this bill, there will undoubtedly be those who go to great lengths to demean U.S. Probation Officers as something less than "real" law enforcement officers or to diminish the hazards that they face. Some may also raise inchoate objections about the constitutionality of H.R. 1039. For example, you will hear that Congress cannot extend Executive Branch police powers to the Judicial Branch, despite the fact that it was Congress that established the U.S. Supreme Court Police that resides directly across the street from the U.S. Capitol. Not only are such statements factually inaccurate, they display a basic lack of understanding about those who serve our nation as U.S. Probation Officers and the purposes behind the "Probation Officer Protection Act."

Make no mistake: U.S. Probation Officers are fully trained federal law enforcement officers. They attend basic training at the National Training Academy at the Federal Law Enforcement Training Center in Charleston, SC, and receive ongoing in-service training throughout the year. Their training covers everything from firearms regulation and safety and defensive tactics to handcuffing, the use of force, de-escalation training, and reality-based scenario training. It may be difficult for some to acknowledge, but there is an inherent risk to the work U.S. Probation Officers do—a risk that often outweighs that of traditional law enforcement. They do not enter into sterile offices, but often into environments that are uncertain. They are required to have frequent and regular contacts in the home and community and knowingly come into daily contact with individuals who have a history of violence, mental health issues, problems with authority, and

troubles with substance abuse. U.S. Probation Officers are not able to anticipate what is going to occur during all contacts. There are and have been occasions when U.S. Probation Officers are threatened and/or attacked by third parties and they need the ability to take an affirmative step to protect themselves.

U.S. Probation Officers are a unique profession. They have a knowledge base in law and human behavior, and a mix of skills in investigation, communication, and analysis. They strive to make our communities safer, to make a positive difference in the lives of those they serve, and promote fairness in process and excellence in service. But as the volume of approved searches they must conduct has markedly increased over the past year due to changes in sentencing policy, the absence of any authority to restrain or direct the movements of third parties places U.S. Probation Officers at a greater and unnecessary risk of physical harm. H.R. 1039 provides a modest expansion of U.S. Probation Officers' existing arrest authority to cover only violations of 18 USC 111. It does not in any way provide them "peace officer" status or grant them the same general arrest authority that state-level probation officers enjoy in many jurisdictions. Granting U.S. Probation Officers the authority to arrest third parties would not change who they are and what they are seeking. Nor will it interfere with or otherwise diminish U.S. Probation Officers' use of the de-escalation techniques that are the hallmark of their profession. It would simply afford them another tool, another avenue, if ever needed.

In the end, this legislation will enhance officer safety while also protecting probationers and third parties by preventing obstruction from escalating to actual violence. Thank you in advance for your consideration of this legislation and for helping U.S. Probation Officers do their job more safely by passing H.R. 1039, the "Probation Officer Protection Act."

Sincerely,

NATHAN R. CATURA,
National President.

Mr. COLLINS of Georgia. Mr. Speaker, I think what is interesting here is I can't really, frankly, understand sort of the shade, I guess, or the dismissiveness that is being thrown on probation officers and their lack of training, which is 6 weeks plus 40 hours additional, which is subject to their job.

The evidence that was presented here, the example of the person not wanting a search, many times a probation officer will come with a search warrant that will allow them to search anywhere. But even in the case of the lady who did not want her room searched, the bill specifically says forcible impeding, which is already discussed and talked about in law.

Also, any officer who witnesses a crime or is being attacked does not have to have a warrant to make an arrest. So, I mean, it is really interesting to me why we are discussing a bill and doing so in such a way for which there are actual instances where this takes place.

My friend said, well, it only happens a very few times. My question for this, as a son of a State trooper, if his name was Leonard Collins and he was actually going to do this, I would say that one matters, even if it is the only one—lives of these probation officers, one.

So why we are doing this, I am not really sure. Why we would oppose this, I am not really sure.

You can make stretched arguments here, but when a probation officer goes in and, in the words of the bill, is forcibly intimidated, impeded, attacked, they can arrest the person there who they have already had training in how to arrest. I am not sure, Mr. Speaker, how you can make a good argument about that. You can try.

There will be debate here in just a few minutes, which this rule gives, because I would encourage voting "no" on the previous question and voting "yes" on this rule.

But there is also another issue that I do want to address. In this majority, since this majority has been in control, there has never been a waiver for germaneness on a floor amendment. Germaneness matters. So, again, find the proper place.

As we go forward, as we look, at least in my time here, this is one of the simple, straightforward issues. You are protecting and giving a chance for those probation officers who encounter something that most in this body now, in our current jobs, maybe in previous, have not had to face.

So the question for me today is simply this. It makes sense as a common-sense update. Support it. It enables them to carry out their job, protecting themselves.

The underlying bill simply provides additional resources for probation officers to protect themselves while, at the same time, freeing up the demands of other law enforcement officers in the area. When we understand the commitment that they make, I do not understand making legal sidestep arguments of hypotheticals that may or may not exist to say we should not give them another tool in their toolbox.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 324 OFFERED BY
MR. POLIS

At the end of the resolution, add the following new sections:

SEC 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 305) to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Ways and Means and Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered

on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 305.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment

or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. COLLINS of Georgia. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 2:15 p.m. today.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1415

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 324; and

Adopting House Resolution 324, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 1039, PROBATION OFFICER PROTECTION ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 324) providing for consideration of the bill (H.R. 1039) to amend section 3606 of title 18, United States Code, to grant probation officers authority to arrest hostile third parties who obstruct or impede a probation officer in the performance of official duties, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 188, not voting 16, as follows:

[Roll No. 263]

YEAS—226

Abraham	Gohmert	Nunes
Aderholt	Goodlatte	Olson
Allen	Gosar	Palazzo
Amash	Gowdy	Palmer
Amodel	Granger	Paulsen
Arrington	Graves (GA)	Pearce
Babin	Graves (LA)	Perry
Bacon	Graves (MO)	Poe (TX)
Banks (IN)	Griffith	Poliquin
Barletta	Grothman	Posey
Barr	Guthrie	Ratcliffe
Barton	Harper	Reed
Bergman	Harris	Reichert
Biggs	Hartzler	Renacci
Bilirakis	Hensarling	Rice (SC)
Bishop (MI)	Herrera Beutler	Roby
Bishop (UT)	Hice, Jody B.	Roe (TN)
Black	Higgins (LA)	Rogers (AL)
Blackburn	Hill	Rogers (KY)
Blum	Holding	Rohrabacher
Bost	Hollingsworth	Rooney, Francis
Brady (TX)	Hudson	Ros-Lehtinen
Brat	Huizenga	Roskam
Bridenstine	Hultgren	Ross
Brooks (AL)	Hunter	Rothfus
Brooks (IN)	Hurd	Rouzer
Buchanan	Issa	Royce (CA)
Buck	Jenkins (KS)	Russell
Bucshon	Jenkins (WV)	Rutherford
Budd	Johnson (LA)	Sanford
Burgess	Johnson (OH)	Scalise
Byrne	Jordan	Schweikert
Calvert	Joyce (OH)	Scott, Austin
Carter (GA)	Katko	Sensenbrenner
Carter (TX)	Kelly (MS)	Shimkus
Chabot	Kelly (PA)	Shuster
Cheney	King (IA)	Simpson
Coffman	King (NY)	Smith (MO)
Collins (GA)	Kinziger	Smith (NE)
Collins (NY)	Kustoff (TN)	Smith (NJ)
Comer	Labrador	Smith (TX)
Comstock	LaHood	Smucker
Conaway	LaMalfa	Stefanik
Cook	Lamborn	Stewart
Costello (PA)	Lance	Stivers
Cramer	Latta	Taylor
Culberson	Lewis (MN)	Tenney
Curbelo (FL)	LoBiondo	Thompson (PA)
Davidson	Long	Thornberry
Davis, Rodney	Loudermilk	Tiberi
Denham	Love	Tipton
Dent	Lucas	Trott
DeSantis	Luetkemeyer	Turner
DesJarlais	MacArthur	Upton
Diaz-Balart	Marchant	Valadao
Donovan	Marino	Wagner
Duffy	Marshall	Walberg
Duncan (SC)	Massie	Walden
Duncan (TN)	Mast	Walker
Dunn	McCarthy	Walorski
Emmer	McCaul	Walters, Mimi
Estes (KS)	McClintock	Weber (TX)
Farenthold	McHenry	Webster (FL)
Faso	McKinley	Wenstrup
Ferguson	McMorris	Westerman
Fitzpatrick	Rodgers	Williams
Fleischmann	McSally	Wilson (SC)
Flores	Meadows	Wittman
Fortenberry	Meehan	Womack
Fox	Messer	Woodall
Franks (AZ)	Mitchell	Yoder
Frelinghuysen	Moolenaar	Yoho
Gaetz	Mooney (WV)	Young (AK)
Gallagher	Mullin	Young (IA)
Garrett	Murphy (PA)	Zeldin
Gibbs	Noem	

NAYS—188

Adams	Blumenauer	Bustos
Aguilar	Blunt Rochester	Butterfield
Barragán	Bonamici	Capuano
Bass	Boyle, Brendan F.	Carbajal
Beatty	Brady (PA)	Cardenas
Bera	Brown (MD)	Carson (IN)
Beyer	Brownley (CA)	Cartwright
Bishop (GA)		Castor (FL)