

PROTECT AND SERVE ACT OF 2018

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 891, I call up the bill (H.R. 5698) to amend title 18, United States Code, to punish criminal offenses targeting law enforcement officers, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). Pursuant to House Resolution 891, the bill is considered read.

The text of the bill is as follows:

H.R. 5698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect and Serve Act of 2018”.

SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“§ 120. Crimes targeting law enforcement officers

“(a) IN GENERAL.—Whoever, in any circumstance described in subsection (b), knowingly causes serious bodily injury to a law enforcement officer, or attempts to do so—

“(1) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(2) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(A) death results from the offense; or

“(B) the offense includes kidnapping or an attempt to kidnap, or an attempt to kill.

“(b) CIRCUMSTANCES DESCRIBED.—For purposes of subsection (a), the circumstances described in this subparagraph are that—

“(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(A) across a State line or national border; or

“(B) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(2) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subsection (a);

“(3) in connection with the conduct described in subsection (a), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce;

“(4) the conduct described in subsection (a)—

“(A) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(B) otherwise affects interstate or foreign commerce; or

“(5) the victim is a Federal law enforcement officer.

“(c) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstrably unvindicated the Federal interest in protecting the public safety; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(d) DEFINITIONS.—In this section:

“(1) LAW ENFORCEMENT OFFICER.—The term ‘law enforcement officer’ means an employee of a governmental or public agency who is authorized by law—

“(A) to engage in or supervise the prevention, detention, investigation, or the incarceration of any person for any criminal violation of law; and

“(B) to apprehend or arrest a person for any criminal violation of law.

“(2) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“120. Crimes targeting law enforcement officers.”.

The SPEAKER pro tempore. After 1 hour debate on the bill, it shall be in order to consider the further amendment printed in part A of House Report 115-677, if offered by the gentleman from Virginia (Mr. GOODLATTE) or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

PERMISSION TO POSTPONE PROCEEDINGS ON ADOPTING AMENDMENT TO H.R. 5698

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the question of adopting the amendment to H.R. 5698 may be subject to postponement as though under clause 8 of rule XX.

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

There was no objection.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material to H.R. 5698.

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

There was no objection.

□ 1515

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

On October 15, 1991, the National Law Enforcement Officers Memorial was dedicated to honor Federal, State, and local law enforcement officers who have made the ultimate sacrifice for the safety and protection of our Nation and its people.

The memorial features two curving, 304-foot-long, blue-gray marble walls.

Carved on these walls are the names of more than 21,000 officers who have been killed in the line of duty throughout U.S. history, dating back to the first known death in 1791.

Each spring, law enforcement officers from around the country gather in Washington, D.C., for Peace Officers Memorial Day. For a week, these men and women attend events to celebrate and honor those law enforcement officers who have made the ultimate sacrifice. Each year, there is a memorial service in which the names of fallen officers are added to the long, curving marble walls of the memorial. Unfortunately, the list of names keeps growing and shows no signs of slowing down.

That is why today I am pleased we are considering the Protect and Serve Act. This bill is designed to ensure those who seek to harm police officers face swift and certain justice.

In recent years, the brave and dedicated men and women in blue who serve our communities are facing increased levels of hostility and violence. The increasing levels of hostility towards the law enforcement community have given rise to an increase in ambush-style attacks on police officers.

In 2016 alone, 64 police officers were shot and killed in the line of duty, 21 of whom were killed in ambush-style attacks. According to CNN, in the first 17 weeks of this year, 21 law enforcement officers across the U.S. have been shot and killed in the line of duty. That averages out to more than one death every week.

Only a few weeks ago, on April 19, 2018, two sheriff's deputies were gunned down and killed in a suspected ambush while they were eating at a restaurant in Gainesville, Florida.

To address this threat to the brave police, who put their lives on the line each day across our country, the Protect and Serve Act allows for Federal prosecution of criminals who knowingly assault law enforcement officers and cause serious bodily harm or attempt to do so. This bill applies to both Federal law enforcement officers and State and local officers where there is a nexus to interstate commerce.

Importantly, Mr. Speaker, this legislation recognizes that most often these crimes are wholly within the jurisdiction of a State to prosecute. Therefore, in addition to other requirements in the bill to ensure a Federal connection, H.R. 5698 states specifically that prosecution under this new statute may only be pursued if the Attorney General certifies that, one, the State does not have jurisdiction; two, the State has requested that the Federal Government assume jurisdiction; three, the verdict or sentence obtained pursuant to State charges left demonstrably unvindicated the Federal interest in protecting the public safety; or, four, a prosecution by the United States is in the public interest and necessary to secure substantial justice.

This is a critical part of the bill. It will ensure that the Federal power is

reserved for particularly egregious cases.

At the dedication of the National Law Enforcement Officers Memorial, President George H. W. Bush aptly stated: “Carved on these walls is the story of America, of a continuing quest to preserve both democracy and decency, and to protect a national treasure that we call the American Dream.”

Today, we continue to recognize this special role police officers play in our society. The Protect and Serve Act sends a uniform message that our country will not tolerate attacks on police which purposefully attempt to undermine the State, sow chaos in our communities, and wreck the lives of many of our finest citizens and their families.

I urge my colleagues to send a uniform message today by addressing the grave crisis threatening both our communities and the brave men and women in blue who put their lives on the line each day.

I would like to thank my Judiciary Committee colleagues, especially career law enforcement officers Sheriff RUTHERFORD and Chief DEMINGS, for sponsoring this bill. In addition, I want to thank Congressman BUCK for his years of tireless work to ensure that those who target law enforcement officers are punished.

Finally, I want to recognize the police organizations who have worked with us so diligently on this and many other bills, including the Fraternal Order of Police, the National Association of Police Organizations, the Major County Sheriffs of America, the National Sheriffs’ Association, the Federal Law Enforcement Officers Association, and the Sergeants Benevolent Association, among many others. I thank them. We all salute them for their steadfast commitment and dedicated service.

Mr. Speaker, I urge my colleagues to support this important legislation, and I reserve the balance of my time.

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

Mr. Speaker, the Protect and Serve Act, while rooted in laudable goals, will not strengthen protections for law enforcement officers, and it fails to make meaningful reforms that would improve police-community relations. Although I will not oppose the bill, I believe that its consideration today reflects a wasted opportunity.

This legislation would create a new offense under title 18 of the U.S. Code for the crime of targeting law enforcement officers. Current law, however, at both the Federal and State level already makes it a crime. It is not clear why this bill changes the law in any meaningful way.

No Member of Congress questions the difficulty, danger, and stress associated with being a police officer. A white paper commissioned by the Ruderman Family Foundation reported that, last year, 129 peace officers died in the line of duty—46 from shootings—with an ad-

ditional 140 reported officer suicides. Since the start of this year, 2018, at least 36 law enforcement officers across the United States have died while on duty, with 24 of the deaths caused by gunfire.

Our hearts go out to the families of those officers who have lost their lives in the line of duty.

As a result of the risk inherent to policing, there is no profession more widely protected under Federal and State law than working in law enforcement. All 50 States have laws that enhance penalties for crimes against peace officers and, in some instances, crimes against the broadly defined category of first responders.

In fact, section 2 of the bill clearly acknowledges that States have primary jurisdictions for attacks on State and local police officers and lays out very narrow circumstances where a Federal nexus would exist. This presents an open question as to whether there would be any instances at all in which the Department of Justice would exercise jurisdiction under this legislation.

I would note that my own State of New York has four separate criminal statutes addressing attacks on law enforcement officers. Moreover, Federal laws already impose a life sentence and, in some circumstances, even the death penalty on persons convicted of killing State and local law enforcement officers or other employees assisting with Federal investigations.

Simply put, the legislation under consideration today does not improve upon this existing legal framework and does not provide any more stringent punishment for anyone under existing law.

I want to be clear about the respect that we have for the difficult work undertaken by our law enforcement professionals. While attacks on law enforcement officials are completely unacceptable, the existing framework for prosecuting these crimes is more than adequate at both the Federal and State level. If it were not, I would be an ardent supporter of this legislation.

Rather than advancing a bill that amounts to an empty gesture during Police Week, the Congress should instead be focusing on real reform measures that would actually protect law enforcement officers and first responders.

We should act on the related problem of well-documented unconstitutional policing practices in communities of color across the United States that have eroded trust between those communities and the law enforcement officials sworn to protect them.

The Civil Rights Division of the Justice Department currently has 19 consent agreements with troubled police departments nationwide. Dating back to the mid-1990s, every region of the country has suffered some kind of high-profile incident.

Adding to community concerns are the increasingly well-documented inci-

dents of unjustified deadly force against unarmed victims in police-civilian encounters. More than 50 percent of the unarmed victims in these fatal encounters with police were people of color.

The goal of protecting police officer safety would be well served by working to foster law enforcement reforms aimed at helping local jurisdictions meet their constitutional obligation of fair and unbiased policing and the resulting better trust between the communities and the police in their midst.

As we have debated the Protect and Serve Act, I have been encouraged by the expressed commitment by Chairman GOODLATTE and the bill’s sponsor, Representative RUTHERFORD, to work with me on bringing the Judiciary Committee’s balanced work on law enforcement accountability out into the open with hearings and the introduction of legislation. We should care equally about harms by and against police officers and their impact on local communities.

We should care about the harms on local communities because of that harm and also because of the fact that it undoubtedly leads to distrust, which in turn leads to greater violence against police officers.

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

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. RUTHERFORD), who is the chief sponsor of the legislation and a member of the Judiciary Committee.

Mr. RUTHERFORD. Mr. Speaker, I thank Chairman GOODLATTE and Representative NADLER for their support of this legislation.

Mr. Speaker, I rise today in strong support of H.R. 5698, the Protect and Serve Act of 2018. This important bill will enhance penalties for anyone who intentionally causes harm to our law enforcement officers.

I can tell you after dedicating 40 years of my life to law enforcement, I know what officers go through every day when they put that uniform on, say goodbye to their families, and walk out the door to protect their communities.

Sadly, we have seen a recent rash in increase in violence against officers, especially in ambush-style attacks. In fact, just last month in Florida, Sergeant Noel Ramirez and Deputy Taylor Lindsey were eating lunch and were specifically targeted and assassinated in that restaurant simply because they were police officers and wore that blue uniform. They are not alone. So far this year, 87 law enforcement officers have been shot in the line of duty, 28 of whom ultimately lost their lives.

Mr. Speaker, this is a 75-percent increase over last year. For this reason, I introduced bipartisan legislation with my good friend and former Orlando police chief, Representative VAL DEMINGS, that will ensure that there are the strongest possible penalties for anyone who decides to target and harm

not only Federal law enforcement officers but also local and State law enforcement officers.

We worked on this bill closely with the Fraternal Order of Police, and I am proud to have earned the support of the National Association of Police Organizations, the Sergeants Benevolent Association, and the Major County Sheriffs of America, which represents thousands of officers across the country.

This week, we remember the officers who have given their lives protecting our communities, and we, as Members of Congress, must show the law enforcement community across the country that we support them and the important work that they do day in and day out.

We must also show those who wish to target police officers with violence that those attacks will not be tolerated. I urge all Members to join me in supporting this legislation.

Mr. Speaker, I should mention—I think I would be remiss if I didn't—that just yesterday morning, in Jacksonville, Florida, as mentioned earlier by my good friend from Washington, Dave Reichert—Sheriff Reichert—held a moment of silence for those officers who have given their lives in service to this community. Yesterday morning, about 4 o'clock in the morning during a horrible storm in Jacksonville, Officer Lance Whitaker gave his life on Law Enforcement Memorial Day in service to our community.

I have to say, Police Week and Law Enforcement Memorial Day always remind me of the words of Ralph Waldo Emerson, who said that the purpose in life is not to be happy; it is to be useful. It is to be honorable. It is to be compassionate, and it is to know that you made a difference because you lived and you lived well.

Mr. Speaker, I offer this bill in memory of Officer Lance Whitaker, who died yesterday morning living well.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), who is the distinguished ranking member of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee.

□ 1530

Ms. JACKSON LEE. Mr. Speaker, I was honored just a few minutes ago to be on the floor of the House with the chairman of the committee, Mr. GOODLATTE; the ranking member, Mr. NADLER; the proponent of this bill, Mr. RUTHERFORD; and our Democratic proponent, Mrs. DEMINGS, to honor those fallen officers with a moment of silence in the most powerful lawmaking body in the world, to acknowledge to the Nation and to the world that we stand united in honoring those who have fallen in the call of duty.

I would like to express my deepest gratitude during National Police Week to all the brave men and women who continue to give of themselves selflessly. I also acknowledge my own hometown leadership: Sheriff Gonzalez,

and, of course, our distinguished chief of police; all of the assistant chiefs, deputy sheriffs, and leadership; constables and their deputy constables; Texas rangers; and, of course, our Federal officers, over which this committee has jurisdiction. We thank not only them for their service, but also the families whose loved ones have fallen in battle.

This is not a discussion of the respect and admiration we have for officers, and there is no argument regarding the difficulty, danger, and stress associated with being a police officer. We all have seen the reports that show, in 2017, 129 police officers died in the line of duty; 46 of those brave men and women were shot, while 140, tragically, committed suicide. That says a lot about the toll this type of profession takes on a person physically, psychologically, mentally, and on their families.

The risks inherent in policing resulted in numerous statutes that deal with protecting our law enforcement officers via Federal and State law. Our law enforcement officers are most protected under our laws, and, in some instances, the statutes give life and the death penalty for such crimes. Even crimes against the broadly defined category of first responders are well addressed under Federal and State law.

My State of Texas has several criminal statutes addressing attacks on law enforcement officers; therefore, this legislation may be deemed to be a duplicate legal framework. But I want to propose to my colleagues, as I did when we sat together at the Rules Committee, that we can work together in moving forward.

I do want to say on this legislation that it does frame itself on the focus of the targeting of law enforcement. As well, it recognizes that the first prosecution level will be State and local laws to protect or bring to justice those who have shot police officers.

The SPEAKER pro tempore (Mr. DONOVAN). The time of the gentlewoman has expired.

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

Ms. JACKSON LEE. Mr. Speaker, I want to be clear that I respect the bill that is moving forward but recognize that we really need to do more.

One of the points that I want to make is this new law does not have mandatory minimums. It does allow the discretion of the judge, but I believe that there are issues that our civil rights groups have raised that are legitimate.

This bill is being contemplated during a time when our country is in need of a new look at the Nation's 18,000 law enforcement agencies. I hope my colleague, Mr. RUTHERFORD, as we have honored those together who have fallen, will join us in the Law Enforcement Trust and Integrity Act that will provide for the opportunity for credentialing, professional development training and counseling, deesca-

lation training that is necessary for our officers, and join in the enhancements of police-community relations. This will be a true tribute to our officers and, as well, provide a framework of protecting their lives as we engage the community in more coming together between police and community.

I hope, again, that we move together as a committee and that the police working group will produce this kind of legislation. I support the Protect and Serve Act of 2018.

Mr. Speaker, I would like to express my deepest gratitude during this National Police Week, to all the brave men and women that continue to give of themselves selflessly.

There is no argument regarding the difficulty, danger and stress associated with being a police officer.

We have all seen the reports that show in 2017, 129 police officers died in the line of duty. 46 of those brave men and women were shot, while 140 committed suicides. That says a lot about the toll this type of profession takes on a person both physical, psychologically and mentally.

The risk inherent in policing resulted in numerous statutes with vast protection via federal and state law. Our law enforcement officers are most protected under our laws and in some instances life and the death penalty are imposed for such crimes.

Even crimes against the broadly defined category of first responders are well addressed under federal and state law.

For example, my state of Texas has several criminal statutes addressing attacks on law enforcement officers.

Therefore, this legislation is duplicative in nature and does not improve current legal framework for crimes against law enforcement officers.

I want to be clear about the respect that we have for the difficult work undertaken by our law enforcement professionals. However, as Mr. Chairman said at Rules yesterday in agreement with my concerns, we cannot ignore the danger in taking such a one-sided approach to the issue of police practices.

Many of the civil rights groups have raised legitimate concerns. For example, this bill is being contemplated during a time when our country is in the throes of a national policing crisis, with a never-ending stream of police shootings of unarmed African Americans captured on video.

While I support protection for our officers, I am also troubled by the message this may send to all those impacted daily by the violence perpetrated by the bad apples within law enforcement.

We should focus on real reform measures like the Law Enforcement Trust and Integrity Act that will protect law enforcement, first responders, and their communities.

Over the years, well-documented, unconstitutional policing practices in communities of color across the United States have eroded trust between these communities and the law enforcement officials sworn to protect them.

Almost 1,000 people were killed by police in 2017 according to the Washington Post. Another outlet estimates over 1,100 police-related fatalities last year, with people of color representing more than 50 percent of those unarmed during fatal encounters with police.

In the two years since the creation of the Judiciary bipartisan Policing Strategies Working Group, the Committee has advanced no police reform legislation.

The country's interests would be better served by working to foster law enforcement reforms aimed at helping local jurisdictions meet their constitutional obligation of fair and unbiased policing. Repeatedly pursuing legislation, such as H.R. 5698, will sow seeds of division by ignoring the realities of police accountability issues, thus ultimately undermining public safety.

We should care equally about harms by and against police officers and their impact on local communities.

Out of respect for all who have lost their lives over the last year—both law enforcement and civilian—we must dedicate ourselves to engaging the difficult issues in reforming police practices to make lasting change in our communities.

Mr. GOODLATTE. Mr. Speaker, it is my honor to yield such time as he may consume to the gentleman from Louisiana (Mr. SCALISE), a gentleman who can speak well of the role that law enforcement officers play in saving lives. He is the chief majority whip of the House of Representatives.

Mr. SCALISE. Mr. Speaker, I thank the gentleman from Virginia for yielding.

I thank my colleague from Florida for bringing forward this important bill, the Protect and Serve Act, and especially, Mr. Speaker, as we celebrate law enforcement week nationally, a time to really thank those men and women who serve and put their uniform on every day to protect us, protect our communities, and keep our country and communities safe.

I know all too well just that value and importance of having law enforcement and why they serve such an important role. Nearly a year ago, when we had the shooting in Virginia where a gunman targeted Members of Congress, it was those very law enforcement officers—in this case, our United States Capitol Police—who were the heroes who went toward the danger and confronted and took down the shooter, along with Virginia police who joined in as well.

While they were risking their lives for us, they took on gunfire. They were shot themselves. In this case, it was United States Capitol Police David Bailey and Crystal Griner, who were just recently awarded incredible honors from the President and national law enforcement organizations for their heroic bravery. They went towards the fire, but they were shot and continued to take down and confront the shooter.

Why this bill is so important is because it hardens penalties against any criminal who would target law enforcement officers. They deserve this protection. We have seen too often, in the last 2 years, where police officers were targeted by people because they wore the badge and because they are part of the thin blue line.

We need to stand with them. We need to make it crystal clear that we are

going to be standing with them and we are going to have their back. More often than not, they are the ones who have our back. That is why this bill is so important, Mr. Speaker.

I rise in strong support and urge all of my colleagues to support this important legislation.

Mr. NADLER. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I include in the RECORD letters from the National Fraternal Order of Police dated May 9, 2018; the National Association of Police Organizations, Inc., dated May 16, 2018; the Sergeants Benevolent Association, dated May 8, 2018; and the National Sheriffs' Association, dated May 7, 2018, all endorsing this legislation.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, 9 May 2018.

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

Hon. KEVIN O. MCCARTHY,
Majority Leader, House of Representatives,
Washington, DC.

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

Hon. STENY H. HOYER,
Minority Whip, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND REPRESENTATIVES MCCARTHY, PELOSI AND HOYER: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong support for H.R. 5698, the "Protect and Serve Act," which was favorably reported by the House Committee on the Judiciary earlier today and to urge that it be considered next week during National Police Week.

The legislation, introduced by Representative John H. Rutherford (R-FL), a former sheriff, and Val V. Demings (D-FL), a former police chief, would impose Federal penalties on individuals who deliberately target local, State or Federal law enforcement officers with violence. This year 87 officers have been shot in the line of duty and 28 of them were killed. Far too many of these murdered officers were slain in ambush as was the case with Sergeant Noel Ramirez and Deputy Sheriff Taylor Lindsey of the Gilchrist County Sheriff's Department in Florida. These two officers were having lunch together when they were assassinated by a man who fired through the restaurant's window to kill them before turning the weapon on himself. Similarly, the violent transnational criminal organization MS-13 called for the assassinations of police officers in New York so the gang could "take back the streets"—a move clearly intended to intimidate the men and women in uniform.

Ambush attacks like this are increasing at an alarming rate. A report issued by the Federal Bureau of Investigation on the motivations of cop-killers revealed that many of these attacks are motivated by a hatred or animus toward law enforcement officers. This same report stated that these killers felt that the communities and elected officials no longer supported their officers and they would not face serious penalties for their actions. We must change this perspective and we believe the "Protect and Serve Act" will do just that.

We appreciate, as always, your leadership and your support for law enforcement officers and the families of those who fell in the line of duty. As our nation comes together to honor these heroes during National Police

Week, I hope the House will consider taking this legislation up on the floor and passing it.

On behalf of the more than 335,000 members of the Fraternal Order of Police, thank you for considering our view on this important legislation. If I can provide any additional support for this bill or on any other matter, please do not hesitate to contact me or my Senior Advisor, Jim Pasco, in my Washington, D.C. office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Alexandria, Virginia, May 16, 2018.

House of Representatives,
Washington, DC.

DEAR MEMBERS OF CONGRESS: On behalf of the National Association of Police Organizations (NAPO), I am writing to you to advise you of our strong support for H.R. 5698, the Protect and Serve Act.

NAPO is a coalition of police units and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

The Protect and Serve Act of 2018 provides for new criminal provisions for deliberate, targeted attacks on officers. This bill is critical, as there is a serious and growing trend of armed attacks on law enforcement officers. According to a December 2017 report from the Office of Community Oriented Policing Services (COPS) and the National Law Enforcement Officers Memorial Fund, 2016 saw a significant increase in ambush attacks on unsuspecting officers, with 21 shot and killed. 61% of those officers were not answering a call for service or engaged in enforcement action or performing official duties—they were targeted and killed just for the uniform they wore. 12 officers were murdered sitting in their patrol cars.

NAPO has long been fighting to establish stricter penalties for those who harm or target for harm law enforcement officers. Any persons contemplating harming an officer must know that they will face serious punishments. NAPO strongly believes that increased penalties make important differences in the attitudes of criminals toward public safety officers, and ensure protection for the community.

On May 13th, 360 American law enforcement heroes, who gave their lives in the line of duty, were honored at the 30th Annual Candlelight Vigil. In memory of those officers and in the hope of ensuring there are fewer names added to the memorial walls next year, we ask that you join us in supporting H.R. 5698, the Protect and Serve Act.

Sincerely,

WILLIAM J. JOHNSON, Esq., CAE,
Executive Director.

SERGEANTS BENEVOLENT ASSOCIATION,
POLICE DEPARTMENT, CITY
OF NEW YORK,

New York, NY, May 8, 2018.

Hon. ROBERT GOODLATTE,
Chairman, House Committee on the Judiciary,
House of Representatives, Washington, DC.

Hon. JERROLD NADLER,
Ranking Member, House Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND REPRESENTATIVE NADLER: I am writing on behalf of the more

than 13,000 members of the Sergeants Benevolent Association of the New York City Police Department (SBA) to thank you for scheduling the markup of the “Protect and Serve Act.” The SBA strongly supports this important officer safety legislation and we respectfully request that the Committee advance it to the full House of Representatives as expeditiously as possible.

Unfortunately for law enforcement officers today, it is a simple fact that they must maintain constant vigilance to the threats posed by those who seek to do them harm for nothing more than the badge and uniform they wear. It is a vigilance borne out of what we have seen in recent years, as far too many officers have made the ultimate sacrifice at the hands of cowardly criminals who have intentionally targeted law enforcement officers for violence. Last month’s ambush attack in Gilchrist, Florida that claimed the lives of Sgt. Noel Ramirez and Deputy Taylor Lindsey is just the latest example of the rise in violence carried out on federal, state, and local law enforcement. We have seen similar attacks in Baton Rouge and Dallas in 2016, as well as the assassination of our own NYPD Officers Rafael Ramos and Wenjian Liu in December 2014. According to a recent joint study conducted by the COPS Program and the National Law Enforcement Officers Memorial Fund, between 2010–2016 there were 81 officers killed in ambush-style attacks—targeted specifically because they were uniformed police or deputies. Of this number, 25 of the officers attacked were responding to a call for service at the time of the ambush. Because these types of attacks threaten to unravel the basic social fabric of our Nation—the rule of law—they must be met with the harshest of penalties.

It is for these reasons and many others that our organization is proud to support the “Protect and Serve Act,” which will help to address the rise in attacks on, and increase the protection of, state and local law enforcement. Specifically, the bill aims to combat targeted violence against law enforcement officers by creating a new federal crime for perpetrating, or attempting to perpetrate, deliberate acts of violence against federal, state, and local law enforcement officers. It would also permit the U.S. Department of Justice (DOJ) to assume jurisdiction and prosecute these heinous attacks on law enforcement in those instances where the state has requested that DOJ assume jurisdiction, or where federal prosecution is in the public interest in order to secure justice. Penalties under the act would range from up to 10 years in federal prison to a life sentence if death results from the offense, or the offense involved kidnapping, attempted kidnapping, or an attempt to kill.

On behalf of the membership of the Sergeants Benevolent Association, thank you again for your consideration of this important legislation. Please do not hesitate to contact me, or our Washington Representatives, if we can be of any further assistance. Sincerely,

ED MULLINS,
President.

NATIONAL SHERIFFS’ ASSOCIATION,
Alexandria, VA, May 7, 2018.

Congressman JOHN RUTHERFORD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE RUTHERFORD: On behalf of the National Sheriffs’ Association (NSA) and the more than 3,000 elected sheriffs nationwide, we write to endorse The Protect and Serve Act of 2018. We believe that your proposal of this bill is necessary and vitally important to the safety and protection of our country’s federal, state, and local law enforcement.

Each day deputies and officers put their lives on the line to protect and serve their communities. They are the mainstays of our communities, and should be treated with respect. Egregious acts such as targeting, injuring, or killing a law enforcement officer should be punishable to the highest degree according to the severity of the crime.

The National Sheriffs’ Association strongly supports The Protect and Serve Act of 2018 as it works to punish individuals who commit crimes targeting law enforcement officers. We believe this bill is an essential to further defend the safety of our nation’s law enforcement officers.

Sincerely,

JONATHAN F. THOMPSON,
Executive Director and CEO.

Mr. GOODLATTE. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I stated at the outset of debate today, I will not oppose this bill, although it merely duplicates existing law. It does not add any protection for the police and does not increase any penalty for someone who assaults a police officer. I am not interested in falling into the trap of opposing what amounts to a messaging bill brought forth during Police Week.

But I want to be clear that I believe H.R. 5698 represents a wasted opportunity and appears tone-deaf to some of the real struggles happening in communities across our Nation. This bill is being contemplated at a time when our country is in the throes of a national policing crisis, with a never-ending stream of police shootings of unarmed African Americans captured on video.

Creating a new, yet superfluous crime for offenses committed against law enforcement is not a great idea because it doesn’t do anything. It is particularly not a great idea when we are ignoring the other problem that adds to the danger for police officers, which is the disconnectedness and estrangement of many police forces from the communities they serve.

I hope this Congress will now get back to the difficult work of legislating meaningful solutions. I am encouraged that my Republican colleagues have made a commitment to pursue balanced law enforcement accountability reform with hearings and, hopefully, the introduction of legislation. There is much work to be done.

Mr. Speaker, I include in the RECORD a letter from various civil rights and civil liberties groups relative to this bill.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2018.
Re Coalition Opposition to H.R. 5698, the
Protect and Serve Act of 2018.

DEAR MEMBERS OF CONGRESS: On behalf of the 28 undersigned civil rights, civil liberties, faith-based, and government accountability organizations, we write to urge you to oppose H.R. 5698, the Protect and Serve Act of 2018, which creates a new crime for offenses that target law enforcement officers.

First, police already have substantial protections under federal and state law, rendering this bill superfluous. Second, this bill signals that there is a “war on police,”

which is not only untrue, but an unhelpful and dangerous narrative to uplift. And finally, bills similar to Protect and Serve that have been introduced in states around the country—so called “Blue Lives Matter” bills—appear to be a political response to the growing national movement for police accountability in the face of continued killings and assaults of unarmed African Americans; therefore, this bill is divisive and will have a negative impact on the relationship between law enforcement and the communities they serve.

i. Federal and state criminal laws already offer ample protection to police officers.

Federal law already has extremely strong penalties for people who commit crimes against law enforcement officers and other public officials. For example, federal laws impose a life sentence or death penalty on persons convicted of first-degree murder of federal employees or officers, killing state and local law enforcement officers or other employees assisting with federal investigations and killing officers of the U.S. courts. All fifty states have laws that enhance penalties for people who commit offenses against law enforcement officers, including for homicide and assault.

Moreover, there is no record that crimes against law enforcement go unprosecuted or are otherwise treated frivolously. There is no record to suggest that prosecutors are unwilling or unable to charge individuals with crimes against law enforcement. In fact, crimes against police officers are treated as among the most heinous criminal acts, given the high degree of culpability and punishment attached to such crimes.

II. The Protect and Serve Act does not advance any stated policy goals, because law enforcement is not subject to increasing or widespread attacks.

There is no doubt that police work is a dangerous undertaking, but the reality is that there has been a continuing decline in the number of officers killed or assaulted in the line of duty over the last several decades. In the past ten years, the number of officers feloniously killed has fluctuated, yet not significantly increased or decreased, as have ambush-style killings of officers. Given these facts, this bill perpetuates a false narrative that police are under increasing attack by their communities. Such a message is unhelpful and unsupported.

Furthermore, the Protect and Serve Act does nothing to meaningfully improve officer safety and wellness if that is an intended policy goal. For example, it does not call for support services, better training, improved safety measures, increased supervision, or any of the other multiple measures available to law enforcement that are widely accepted as promoting officer safety and wellbeing.

III. Protect and Serve Act is polarizing and harms community-police relations.

This bill is being contemplated at a time when our country is in the throes of a national policing crisis, with a never-ending stream of police shootings of unarmed African Americans captured on video. Creating a new, yet superfluous, crime for offenses committed against law enforcement is a particularly disconnected and non-responsive policy choice. Unfortunately, the Protect and Serve Act is similar to other “Blue Lives Matter” type bills that create new criminal offenses and penalty enhancements for crimes against police.

Collectively, these policy efforts, which have sprung up amid the national call for police accountability, appear to be a political response to the powerful activism of grassroots movements that demand fair and constitutional policing. Rather than focusing on policies that address issues of police excessive force, biased policing, and other police

practices that have failed these communities, the Protect and Serve Act's aim is to further criminalize. This bill will be received as yet another attack on these communities and threatens to exacerbate what is already a discriminatory system of mass incarceration in this country. Continuing to undermine police-community relations in this manner sows seeds of division, which ultimately threatens public safety and undermines the work of law enforcement.

For the reasons summarized above, we urge you to vote against the Protect and Serve Act as it comes before the U.S. House of Representatives. There is no justification for creating a new crime for offenses committed against law enforcement. At a time when we need to foster healing between law enforcement and our communities, we should not be considering legislation which not only does nothing to advance the goal of officer safety, but will further erode the relationship between police and communities.

Thank you for your consideration of this matter. If you have any questions, please contact Kanya Bennett of the ACLU; Sakira Cook of The Leadership Conference or Sonia Gill Hernandez of the NAACP Legal Defense and Educational Fund, Inc.

Sincerely,

American Civil Liberties Union; Anti-Defamation League; Campaign for Youth Justice; Church of Scientology National Affairs Office; CLASP; The Daniel Initiative; Defending Rights & Dissent; Friends Committee on National Legislation; Human Rights Watch; Government Information Watch; Law Enforcement Action Partnership; The Leadership Conference on Civil and Human Rights; Muslim Advocates; NAACP.

NAACP Legal Defense and Educational Fund, Inc.; National Action Network; National Association of Criminal Defense Lawyers; National Association of Social Workers; National Bar Association; National Center for Transgender Equality; Nation Council of Jewish Women; The National Council for Incarcerated and Formerly Incarcerated Women and Girls; National Council of Churches; People for the American Way; PolicyLink; South Asian Americans Leading Together; Southern Poverty Law Center; StoptheDrugWar.org.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

I just want to make it very clear how important this legislation is for protecting law enforcement officers because it sends a message that we are going to handle these cases in a new way.

Some have criticized this bill, claiming that it is a hate crime. While I share those individuals' concerns about Federal hate crime statutes, I am pleased to tell the Members of this Congress that this bill before us did not create a new Federal hate crime. That is because the legislation does not use the language from the hate crime statute that requires the government prove the defendant acted "because of the actual or perceived" status of the victim.

What this bill does is penalize knowingly attacking a law enforcement officer. Given the increase in ambush-style attacks on law enforcement, which was detailed earlier, this bill represents a solution to a growing problem: the killing of police officers. It is narrowly tailored to accomplish that goal.

Therefore, I want to assure those Members who may be concerned about

its intent that it is definitely not changing our Federal hate crime statutes.

This legislation this week, National Police Week, sends an important signal not just to our Nation's law enforcement officers, 900,000 strong, but far beyond that, to all Americans, that we are placing a very, very high priority on saving the lives of men and women who put their lives on the line to protect us, to protect our freedoms, to protect our opportunities, to protect our families, to protect our communities, and making sure that people who ambush police officers and take police officers' lives are held fully accountable, which is what this bill does. It is a good bill. It is an important bill. I urge my colleagues to support it.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 PRINTED IN PART A OF HOUSE REPORT 115-677 OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, beginning on line 13, strike "knowingly causes serious bodily injury to a law enforcement officer" and insert "knowingly assaults a law enforcement officer causing serious bodily injury".

Beginning on page 5, strike line 24 and all that follows through page 6, line 8, and insert the following:

"(1) LAW ENFORCEMENT OFFICER.—The term 'law enforcement officer' means an employee of a governmental or public agency who is authorized by law—

"(A) to engage in or supervise the prevention, detection, or the investigation of any criminal violation of law; or

"(B) to engage in or supervise the detention or the incarceration of any person for any criminal violation of law."

The SPEAKER pro tempore. Pursuant to House Resolution 891, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

This amendment makes two small, but important changes to the underlying legislation.

It first clarifies the language of the bill to assure those who are prosecuted are acting with some level of intent in injuring a police officer. It does this by changing the language from "knowingly causing serious bodily injury to a law enforcement officer" to "knowingly assaults a law enforcement officer causing serious bodily harm." This change will avoid covering situations where someone unintentionally harms a police officer.

The amendment also amends the definition of law enforcement officer to ensure it covers all law enforcement officers who are putting themselves in

harm's way each day, including corrections officers.

Mr. Speaker, this amendment is important because it ensures that, in practice, this statute can be used more efficiently to protect law enforcement officers. It also ensures that nobody who wears a badge will be unintentionally excluded from the bill's protections.

Mr. Speaker, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, I support the amendment, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, that is good news, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill and on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The amendment was agreed to.

□ 1545

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GOODLATTE. 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.

VETERANS CEMETERY BENEFIT CORRECTION ACT

Mr. ROE of Tennessee. Mr. Speaker, pursuant to House Resolution 891, I call up the bill (S. 2372) to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 891, an amendment in the nature of a substitute consisting of the text of H.R. 5674, as reported by the Committee on Veterans' Affairs, as modified by the amendment printed in part B of House Report 115-677, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows: