

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

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**OFFERED BY MS. ESCOBAR OF TEXAS**

At the end of subtitle E of title X, insert the following:

1 **SEC. 10\_\_\_. CURTAILING INSURRECTION ACT VIOLATIONS**  
2 **OF INDIVIDUALS' LIBERTIES.**

3 (a) FEDERAL AID FOR STATE GOVERNMENTS.—Sec-  
4 tion 251 of title 10, United States Code, is amended—

5 (1) by striking “Whenever” and inserting “(a)  
6 IN GENERAL.—Whenever”; and

7 (2) by adding at the end the following new sub-  
8 section:

9 “(b) CERTIFICATION TO CONGRESS.—(1) The Presi-  
10 dent may not invoke the authority under this section un-  
11 less the President and the Secretary of Defense certify to  
12 Congress that the State concerned is unable or unwilling  
13 to suppress an insurrection described in subsection (a).

14 “(2) A certification under paragraph (1) shall include  
15 the following:

16 “(A) A description of the circumstances necessi-  
17 tating the invocation of the authority under this sec-  
18 tion.

1           “(B) Demonstrable evidence that the State con-  
2           cerned is unable or unwilling to suppress such insur-  
3           rection, and a legal justification for resorting to the  
4           authority under this section to so suppress.

5           “(C) A description of the mission, scope, and  
6           duration of use of members of the armed forces  
7           under this section.”.

8           (b) USE OF MILITIA AND ARMED FORCES TO EN-  
9           FORCE FEDERAL AUTHORITY.—Section 252 of title 10,  
10          United States Code, is amended to read as follows:

11         “**§ 252. Use of militia and armed forces to enforce**  
12                                 **Federal authority**

13           “(a) AUTHORITY.—Whenever unlawful obstructions,  
14           combinations, or assemblages, or rebellion against the au-  
15           thority of the United States, make it impracticable to en-  
16           force the laws of the United States in any State by the  
17           ordinary course of judicial proceedings, the President may  
18           call into Federal service such of the militia of any State,  
19           and use such of the armed forces, as the President con-  
20           siders necessary to enforce those laws or to suppress the  
21           rebellion.

22           “(b) CERTIFICATION TO CONGRESS.—(1) The Presi-  
23           dent may not invoke the authority under this section un-  
24           less the President and the Secretary of Defense certify to  
25           Congress that the State concerned is unable or unwilling

1 to suppress an unlawful obstruction, combination, or as-  
2 semblage, or rebellion against the authority of the United  
3 States described in subsection (a).

4 “(2) A certification under paragraph (1) shall include  
5 the following:

6 “(A) A description of the circumstances necessi-  
7 tating the invocation of the authority under this sec-  
8 tion.

9 “(B) Demonstrable evidence that the State con-  
10 cerned is unable or unwilling to suppress such un-  
11 lawful obstruction, combination, or assemblage, or  
12 rebellion against the authority of the United States,  
13 and a legal justification for resorting to the author-  
14 ity under this section to so suppress.

15 “(C) A description of the mission, scope, and  
16 duration of use of members of the armed forces  
17 under this section.”.

18 (c) INTERFERENCE WITH STATE AND FEDERAL  
19 LAW.—Section 253 of title 10, United States Code, is  
20 amended—

21 (1) by striking “The President” and inserting  
22 “(a) AUTHORITY.—(1) The President”;

23 (2) by redesignating paragraphs (1) and (2) as  
24 subparagraphs (A) and (B), respectively;

1           (3) by striking “In any situation covered by  
2           clause (1),” and inserting “(2) In any situation cov-  
3           ered by paragraph (1)(A),”; and

4           (4) by adding at the end the following new sub-  
5           section:

6           “(b) CERTIFICATION TO CONGRESS.—(1) The Presi-  
7           dent may not invoke the authority under this section un-  
8           less the President and the Secretary of Defense certify to  
9           Congress that the State concerned is unable or unwilling  
10          to suppress an insurrection, domestic violence, unlawful  
11          combination, or conspiracy, as described in subsection (a).

12          “(2) A certification under paragraph (1) shall include  
13          the following:

14                 “(A) A description of the circumstances necessi-  
15                 tating the invocation of the authority under this sec-  
16                 tion.

17                 “(B) Demonstrable evidence that the State con-  
18                 cerned is unable or unwilling to suppress such insur-  
19                 rection, domestic violence, unlawful combination, or  
20                 conspiracy, and a legal justification for resorting to  
21                 the authority under this section to so suppress.

22                 “(C) A description of the mission, scope, and  
23                 duration of use of members of the armed forces  
24                 under this section.”.

25          (d) CONSULTATION WITH CONGRESS.—

1           (1) IN GENERAL.—Chapter 13 of title 10,  
2           United States Code, is amended by adding at the  
3           end the following new section:

4   **“§ 256. Consultation**

5           “The President, in every possible instance, shall con-  
6           sult with Congress before invoking the authority under  
7           section 251, 252, or 253 of this title.”.

8           (2) CLERICAL AMENDMENT.—The table of sec-  
9           tions at the beginning of chapter 13 of title 10,  
10          United States Code, is amended by adding at the  
11          end the following new item:

“256. Consultation.”.

12          (e) RESTRICTION ON DIRECT PARTICIPATION BY  
13          MILITARY PERSONNEL.—

14           (1) IN GENERAL.—Such chapter is further  
15           amended by adding at the end the following new sec-  
16           tion:

17   **“§ 257. Restriction on direct participation by military**  
18           **personnel**

19           “(a) IN GENERAL.—No activity under this chapter  
20           shall permit direct participation by a member of the Army,  
21           Navy, Air Force, Marine Corps, or Space Force in a  
22           search, seizure, arrest, or other similar activity unless par-  
23           ticipation in such activity by such member is otherwise  
24           expressly authorized by law.

1           “(b) REGULATIONS.—The Secretary of Defense shall  
2 prescribe such regulations as may be necessary to ensure  
3 compliance with subsection (a).

4           “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
5 tion shall be construed to limit authority of law enforce-  
6 ment personnel of the armed forces on Federal military  
7 installations”.

8           (2) CLERICAL AMENDMENT.—The table of sec-  
9 tions at the beginning of such chapter is further  
10 amended by adding at the end the following new  
11 item:

“257. Restriction on direct participation by military personnel.”.

