

AMENDMENT TO RULES COMMITTEE PRINT 119-

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OFFERED BY MR. LICCARDO OF CALIFORNIA

At the end of subtitle F of title X, add the following new section:

1 **SEC. 10__ . LIMITATION ON PROVISION OF SUPPORT BY**
2 **ARMED FORCES TO CIVILIAN LAW ENFORCE-**
3 **MENT ACTIVITIES.**

4 (a) **IN GENERAL.**—Chapter 15 of title 10, United
5 States Code, is amended by inserting after section 274 the
6 following new section:

7 **“§ 274a. Limitation on provision of support**

8 “(a) **IN GENERAL.**—The Secretary of Defense may
9 provide support under section 272, 273, or 274 of this
10 title only if the President first submits to Congress a noti-
11 fication and written justification for the support that in-
12 cludes—

13 “(1) the agency to which the support is pro-
14 vided;

15 “(2) the budget, implementation timeline with
16 milestones, anticipated delivery schedule, and com-
17 pletion date for the purpose or project for which the
18 support is provided;

1 “(3) the source and planned expenditure of
2 funds provided for such purpose or project;

3 “(4) a description of the arrangements, if any,
4 for the sustainment of such purpose or project and
5 the source of funds to support sustainment of the
6 capabilities and performance outcomes achieved
7 using the support, if applicable;

8 “(5) a description of the objectives for such
9 purpose or project and an evaluation framework to
10 be used to develop capability and performance
11 metrics associated with operational outcomes for the
12 recipient of the support; and

13 “(6) information, including the amount, type,
14 and purpose, about the support provided to the
15 agency during the three fiscal years preceding the
16 fiscal year for which the support covered by the noti-
17 fication and justification is provided.

18 “(b) LIMITATION ON TIMING.—

19 “(1) IN GENERAL.—The Secretary of Defense
20 may not provide support under section 272, 273, or
21 274 of this title for a period that exceeds 30 days
22 unless a joint resolution of approval is enacted that
23 approves the provision of such support for a longer
24 period.

1 “(2) JOINT RESOLUTION OF APPROVAL.—In
2 this subsection, the term ‘joint resolution of ap-
3 proval’ means only a joint resolution of either House
4 of Congress—

5 “(A) the title of which is as follows: ‘A
6 joint resolution approving the provision by the
7 Department of Defense of support to civilian
8 law enforcement for a period of more than 30
9 days.’; and

10 “(B) the sole matter after the resolving
11 clause of which is the following: ‘Congress ap-
12 proves of the provision of support under section
13 272, 273, or 274 of title 10, United States
14 Code, with respect to _____ for a pe-
15 riod not to exceed _____.’, with the first
16 blank space being filled with a short description
17 of the proposed action and the second blank
18 space being filled with the appropriate period
19 following the date of adoption of the resolution.

20 “(3) INTRODUCTION.—A joint resolution of ap-
21 proval may be introduced—

22 “(A) in the Senate, by the majority leader
23 (or the majority leader’s designee) or the mi-
24 nority leader (or the minority leader’s des-
25 ignee); and

1 “(B) in the House of Representatives, by
2 the majority leader or the minority leader.

3 “(4) CONSIDERATION IN THE SENATE.—

4 “(A) COMMITTEE REFERRAL.—A joint res-
5 olution of approval introduced in the Senate
6 shall be referred to the Committee on Armed
7 Services.

8 “(B) REPORTING AND DISCHARGE.—If the
9 Committee on Armed Services has not reported
10 a joint resolution of approval within 10 cal-
11 endar days after the date of referral of the joint
12 resolution, that committee shall be discharged
13 from further consideration of the joint resolu-
14 tion and the joint resolution shall be placed on
15 the appropriate calendar.

16 “(C) PROCEEDING TO CONSIDERATION.—
17 Notwithstanding Rule XXII of the Standing
18 Rules of the Senate, it is in order at any time
19 after the Committee on Armed Services reports
20 a joint resolution of approval to the Senate or
21 has been discharged from consideration of such
22 a joint resolution (even though a previous mo-
23 tion to the same effect has been disagreed to)
24 to move to proceed to the consideration of the
25 joint resolution, and all points of order against

1 the joint resolution (and against consideration
2 of the joint resolution) are waived. The motion
3 to proceed is not debatable. The motion is not
4 subject to a motion to postpone. A motion to
5 reconsider the vote by which the motion is
6 agreed to or disagreed to shall not be in order.

7 “(D) APPROVAL OF RESOLUTION.—Ap-
8 proval by the Senate of a joint resolution of ap-
9 proval shall require the affirmative vote of
10 three-fifths of Members of the Senate, duly cho-
11 sen and sworn.

12 “(E) RULINGS OF THE CHAIR ON PROCE-
13 DURE.—Appeals from the decisions of the Chair
14 relating to the application of the rules of the
15 Senate, as the case may be, to the procedure re-
16 lating to a joint resolution of approval shall be
17 decided without debate.

18 “(F) CONSIDERATION OF VETO MES-
19 SAGES.—Debate in the Senate of any veto mes-
20 sage with respect to a joint resolution of ap-
21 proval, including all debatable motions and ap-
22 peals in connection with the joint resolution,
23 shall be limited to 10 hours, to be equally di-
24 vided between, and controlled by, the majority

1 leader and the minority leader or their des-
2 ignees.

3 “(5) FLOOR CONSIDERATION IN HOUSE OF
4 REPRESENTATIVES.—If a committee of the House of
5 Representatives to which a joint resolution of ap-
6 proval has been referred has not reported the joint
7 resolution within 10 calendar days after the date of
8 referral, that committee shall be discharged from
9 further consideration of the joint resolution.

10 “(6) RULES RELATING TO SENATE AND HOUSE
11 OF REPRESENTATIVES.—

12 “(A) TREATMENT OF HOUSE JOINT RESO-
13 LUTION IN SENATE.—

14 “(i) RECEIPT BEFORE PASSAGE OF
15 SENATE RESOLUTION.—If, before the pas-
16 sage by the Senate of a joint resolution of
17 approval, the Senate receives an identical
18 joint resolution from the House of Rep-
19 resentatives, the following procedures shall
20 apply:

21 “(I) That joint resolution shall
22 not be referred to a committee.

23 “(II) With respect to that joint
24 resolution—

1 “(aa) the procedure in the
2 Senate shall be the same as if no
3 joint resolution had been received
4 from the House of Representa-
5 tives; but

6 “(bb) the vote on passage
7 shall be on the joint resolution
8 from the House of Representa-
9 tives.

10 “(ii) RECEIPT FOLLOWING PASSAGE
11 OF SENATE RESOLUTION.—If, following
12 passage of a joint resolution of approval in
13 the Senate, the Senate receives an identical
14 joint resolution from the House of Rep-
15 resentatives, that joint resolution shall be
16 placed on the appropriate Senate calendar.

17 “(iii) NO COMPANION RESOLUTION.—
18 If a joint resolution of approval is received
19 from the House, and no companion joint
20 resolution has been introduced in the Sen-
21 ate, the Senate procedures under this sub-
22 section shall apply to the House joint reso-
23 lution.

24 “(B) TREATMENT OF SENATE JOINT RESO-
25 LUTION IN HOUSE.—In the House of Rep-

1 representatives, the following procedures shall
2 apply to a joint resolution of approval received
3 from the Senate (unless the House has already
4 passed a joint resolution relating to the same
5 proposed action):

6 “(i) The joint resolution shall be re-
7 ferred to the Committee on Armed Serv-
8 ices.

9 “(ii) If the Committee on Armed
10 Services has not reported the joint resolu-
11 tion within 2 calendar days after the date
12 of referral, that committee shall be dis-
13 charged from further consideration of the
14 joint resolution.

15 “(iii) Beginning on the third legisla-
16 tive day after the Committee on Armed
17 Services reports the joint resolution to the
18 House or has been discharged from further
19 consideration thereof, it shall be in order
20 to move to proceed to consider the joint
21 resolution in the House. All points of order
22 against the motion are waived. Such a mo-
23 tion shall not be in order after the House
24 has disposed of a motion to proceed on the
25 joint resolution. The previous question

1 shall be considered as ordered on the mo-
2 tion to its adoption without intervening
3 motion. The motion shall not be debatable.
4 A motion to reconsider the vote by which
5 the motion is disposed of shall not be in
6 order.

7 “(iv) The joint resolution shall be con-
8 sidered as read. All points of order against
9 the joint resolution and against its consid-
10 eration are waived. The previous question
11 shall be considered as ordered on the joint
12 resolution to final passage without inter-
13 vening motion except 2 hours of debate
14 equally divided and controlled by the spon-
15 sor of the joint resolution (or a designee)
16 and an opponent. A motion to reconsider
17 the vote on passage of the joint resolution
18 shall not be in order.

19 “(C) APPLICATION TO REVENUE MEAS-
20 URES.—The provisions of this paragraph shall
21 not apply in the House of Representatives to a
22 joint resolution of approval that is a revenue
23 measure.

1 “(7) RULES OF SENATE AND HOUSE OF REP-
2 REPRESENTATIVES.—This subsection is enacted by Con-
3 gress—

4 “(A) as an exercise of the rulemaking
5 power of the Senate and the House of Rep-
6 representatives, respectively, and as such is deemed
7 a part of the rules of each House, respectively,
8 and supersedes other rules only to the extent
9 that it is inconsistent with such rules; and

10 “(B) with full recognition of the constitu-
11 tional right of either House to change the rules
12 (so far as relating to the procedure of that
13 House) at any time, in the same manner, and
14 to the same extent as in the case of any other
15 rule of that House.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) USE OF MILITARY EQUIPMENT.—Section
18 272 of title 10, United States Code, is amended by
19 inserting “section 274a of this title and” after “in
20 accordance with”.

21 (2) TRAINING AND ADVISING CIVILIAN LAW EN-
22 FORCEMENT OFFICIALS.—Section 273 of title 10,
23 United States Code, is amended by inserting “sec-
24 tion 274a of this title and” after “in accordance
25 with”.

1 (3) MAINTENANCE AND OPERATION OF EQUIP-
2 MENT.—Section 274 of title 10, United States Code,
3 is amended by inserting “section 274a of this title
4 and” after “in accordance with” each place it ap-
5 pears.

