



Page 25, line 9, insert “and” after the semicolon at the end.

Page 25, line 13, strike “; and” and insert a period.

Page 25, strike lines 14 through 16.

Page 26, after line 4, insert the following:

1           (c) ELIGIBILITY FOR CERTAIN GRANT FUNDS.—The  
2 Attorney General shall, as appropriate and consistent with  
3 applicable law, allocate Department of Justice discre-  
4 tionary grant funding only to States or units of local gov-  
5 ernment that require law enforcement agencies of that  
6 State or unit of local government to gain and maintain  
7 accreditation from certified law enforcement accreditation  
8 organizations in accordance with this section.

Page 41, after line 20, insert the following:

9           (6) Instances where a law enforcement officer  
10       resigns or retires while under active investigation re-  
11       lated to the use of force.

Page 90, line 14, strike “Controlled firearms,” and insert “Firearms,”.

Page 90, strike lines 17 through 20, and insert the following:

1           “(B) Vehicles, except for passenger auto-  
2           mobiles (as such term is defined in section  
3           32901(a)(18) of title 49, United States Code)  
4           and bucket trucks.

Page 90, beginning on line 21, strike “that are ar-  
mored, weaponized, or both”.

Page 103, line 10, strike “real time”.

Page 120, line 4, strike “real time”.

Strike title IV and insert the following (and conform  
the table of contents accordingly):

5 **TITLE IV—CLOSING THE LAW**  
6 **ENFORCEMENT CONSENT**  
7 **LOOPHOLE**

8 **SEC. 401. SHORT TITLE.**

9           This title may be cited as the “Closing the Law En-  
10          forcement Consent Loophole Act of 2019”.

11 **SEC. 402. PROHIBITION ON ENGAGING IN SEXUAL ACTS**  
12 **WHILE ACTING UNDER COLOR OF LAW.**

13          (a) IN GENERAL.—Section 2243 of title 18, United  
14          States Code, is amended—

15                 (1) in the section heading, by adding at the end  
16          the following: “**or by any person acting**  
17          **under color of law**”;

1           (2) by redesignating subsections (c) and (d) as  
2 subsections (d) and (e), respectively;

3           (3) by inserting after subsection (b) the fol-  
4 lowing:

5           “(c) OF AN INDIVIDUAL BY ANY PERSON ACTING  
6 UNDER COLOR OF LAW.—

7           “(1) IN GENERAL.—Whoever, acting under  
8 color of law, knowingly engages in a sexual act with  
9 an individual, including an individual who is under  
10 arrest, in detention, or otherwise in the actual cus-  
11 tody of any Federal law enforcement officer, shall be  
12 fined under this title, imprisoned not more than 15  
13 years, or both.

14           “(2) DEFINITION.—In this subsection, the term  
15 ‘sexual act’ has the meaning given the term in sec-  
16 tion 2246.”; and

17           (4) in subsection (d), as so redesignated, by  
18 adding at the end the following:

19           “(3) In a prosecution under subsection (c), it is not  
20 a defense that the other individual consented to the sexual  
21 act.”.

22           (b) DEFINITION.—Section 2246 of title 18, United  
23 States Code, is amended—

24           (1) in paragraph (5), by striking “and” at the  
25 end;

1           (2) in paragraph (6), by striking the period at  
2           the end and inserting “; and”; and

3           (3) by inserting after paragraph (6) the fol-  
4           lowing:

5           “(7) the term ‘Federal law enforcement officer’  
6           has the meaning given the term in section 115.”.

7           (c) CLERICAL AMENDMENT.—The table of sections  
8           for chapter 109A of title 18, United States Code, is  
9           amended by amending the item related to section 2243  
10          to read as follows:

          “2243. Sexual abuse of a minor or ward or by any person acting under color  
          of law.”.

11       **SEC. 403. ENACTMENT OF LAWS PENALIZING ENGAGING IN**  
12                               **SEXUAL ACTS WHILE ACTING UNDER COLOR**  
13                               **OF LAW.**

14          (a) IN GENERAL.—Beginning in the first fiscal year  
15          that begins after the date that is one year after the date  
16          of enactment of this Act, in the case of a State or unit  
17          of local government that does not have in effect a law de-  
18          scribed in subsection (b), if that State or unit of local gov-  
19          ernment that would otherwise receive funds under the  
20          COPS grant program, that State or unit of local govern-  
21          ment shall not be eligible to receive such funds. In the  
22          case of a multi-jurisdictional or regional consortium, if any  
23          member of that consortium is a State or unit of local gov-  
24          ernment that does not have in effect a law described in

1 subsection (b), if that consortium would otherwise receive  
2 funds under the COPS grant program, that consortium  
3 shall not be eligible to receive such funds.

4 (b) DESCRIPTION OF LAW.—A law described in this  
5 subsection is a law that—

6 (1) makes it a criminal offense for any person  
7 acting under color of law of the State or unit of local  
8 government to engage in a sexual act with an indi-  
9 vidual, including an individual who is under arrest,  
10 in detention, or otherwise in the actual custody of  
11 any law enforcement officer; and

12 (2) prohibits a person charged with an offense  
13 described in paragraph (1) from asserting the con-  
14 sent of the other individual as a defense.

15 (c) REPORTING REQUIREMENT.—A State or unit of  
16 local government that receives a grant under the COPS  
17 grant program shall submit to the Attorney General, on  
18 an annual basis, information on—

19 (1) the number of reports made to law enforce-  
20 ment agencies in that State or unit of local govern-  
21 ment regarding persons engaging in a sexual act  
22 while acting under color of law during the previous  
23 year; and

1           (2) the disposition of each case in which sexual  
2           misconduct by a person acting under color of law  
3           was reported during the previous year.

4 **SEC. 404. REPORTS TO CONGRESS.**

5           (a) REPORT BY ATTORNEY GENERAL.—Not later  
6 than 1 year after the date of enactment of this Act, and  
7 each year thereafter, the Attorney General shall submit  
8 to Congress a report containing—

9           (1) the information required to be reported to  
10          the Attorney General under section 403(b); and

11          (2) information on—

12               (A) the number of reports made, during  
13               the previous year, to Federal law enforcement  
14               agencies regarding persons engaging in a sexual  
15               act while acting under color of law; and

16               (B) the disposition of each case in which  
17               sexual misconduct by a person acting under  
18               color of law was reported.

19          (b) REPORT BY GAO.—Not later than 1 year after  
20 the date of enactment of this Act, and each year there-  
21 after, the Comptroller General of the United States shall  
22 submit to Congress a report on any violations of section  
23 2243(c) of title 18, United States Code, as amended by  
24 section 402, committed during the 1-year period covered  
25 by the report.

1 **SEC. 405. DEFINITION.**

2       In this title, the term “sexual act” has the meaning  
3 given the term in section 2246 of title 18, United States  
4 Code.

