AMENDMENT TO DIVISION B OF RULES

COMMITTEE PRINT 116-60

[TEXT OF H.R. 7617, DEFENSE, COMMERCE, JUSTICE, SCIENCE, ENERGY AND WATER DEVELOPMENT, FINANCIAL SERVICES AND GENERAL GOVERNMENT, HOMELAND SECURITY, LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2021]

OFFERED BY MR. CASTRO OF TEXAS

At the end of division B (before the short title), insert the following:

SEC. ___________. None of the funds appropriated or otherwise made available by this Act, or by any other Act making appropriations or any other funds available, to the Department of Justice for any fiscal year may be made available for the salary or expenses of any federal employee (including any contract or subcontract employee) who is responding, pursuant to any federal authority, to a mass gathering or public protest in any area under the jurisdiction of a State, local, tribal, or territorial government unless—
(1) such employee (including any contract or subcontract employee) wears a uniform that clearly identifies the Federal agency affiliation of the employee;

(2) if the employee (including any contract or subcontract employee) is responding in a civilian capacity, wears clothing that is not similar to a combat-style uniform worn by a member of the United States Armed Forces;

(3) any vehicle used by such employee (including any contract or subcontract employee) in the course of performing official functions identifies the Federal agency affiliation of the employee;

(4) the Department of Justice publishes a notice on its public-facing website that includes the number and agency affiliation of employees, of contractors, and of subcontractors responding to a mass gathering or public protest, the specific legal authority under which they are acting, and a precise statement of their mission;

(5) a policy is in force at the employee’s agency that prohibits the use, at a mass gathering or public protest, of deadly force or less-lethal force, including but not limited to rubber bullets and similar projectiles, stun grenades, flash bangs, and tear gas.
3 less the employee (including any contract or subcontract employee) has a reasonable belief that the
subject of such force poses an imminent threat of
death or serious bodily injury to the employee (in-
cluding any contract or subcontract employee) or to
another person;

(6) a policy is in force at the employee’s agency
that prohibits conducting surveillance of, or col-
lecting intelligence on, persons present at a mass
gathering or public protest unless such persons are
the subject of a predicated criminal investigation
based on a reasonable suspicion that they are en-
gaged in or preparing to engage in criminal activity;
and

(7) the Department of Justice maintains a com-
plete record of any law enforcement activities con-
ducted in connection with the mass gathering or
public protest, including any arrests, detentions,
searches, seizures, or uses of force, and those
records are provided to Congress at 48-hour inter-
vals following the initial deployment of employees
(including any contract or subcontract employees) to
the mass gathering or protest.

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