

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:

1 SEC. _____. None of the funds appropriated or
2 otherwise made available by this Act, or by any other Act
3 making appropriations or any other funds available, to the
4 Department of Justice for any fiscal year may be made
5 available for the salary or expenses of any federal em-
6 ployee (including any contract or subcontract employee)
7 who is responding, pursuant to any federal authority, to
8 a mass gathering or public protest in any area under the
9 jurisdiction of a State, local, tribal, or territorial govern-
10 ment unless—

1 (1) such employee (including any contract or
2 subcontract employee) wears a uniform that clearly
3 identifies the Federal agency affiliation of the em-
4 ployee;

5 (2) if the employee (including any contract or
6 subcontract employee) is responding in a civilian ca-
7 pacity, wears clothing that is not similar to a com-
8 bat-style uniform worn by a member of the United
9 States Armed Forces;

10 (3) any vehicle used by such employee (includ-
11 ing any contract or subcontract employee) in the
12 course of performing official functions identifies the
13 Federal agency affiliation of the employee;

14 (4) the Department of Justice publishes a no-
15 tice on its public-facing website that includes the
16 number and agency affiliation of employees, of con-
17 tractors, and of subcontractors responding to a mass
18 gathering or public protest, the specific legal author-
19 ity under which they are acting, and a precise state-
20 ment of their mission;

21 (5) a policy is in force at the employee's agency
22 that prohibits the use, at a mass gathering or public
23 protest, of deadly force or less-lethal force, including
24 but not limited to rubber bullets and similar projec-
25 tiles, stun grenades, flash bangs, and tear gas. un-

1 less the employee (including any contract or sub-
2 contract employee) has a reasonable belief that the
3 subject of such force poses an imminent threat of
4 death or serious bodily injury to the employee (in-
5 cluding any contract or subcontract employee) or to
6 another person;

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

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

