



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2020
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 7120 – George Floyd Justice in Policing Act of 2020

(Rep. Bass, D-CA, and 230 cosponsors)

The Administration opposes House passage of H.R. 7120, the George Floyd Justice in Policing Act of 2020. This overbroad bill would deter good people from pursuing careers in law enforcement, weaken the ability of law enforcement agencies to reduce crime and keep our communities safe, and fail to bring law enforcement and the communities they serve closer together. The Administration favors a targeted approach that will improve the quality of police services provided to every American community, instead of using an excessive approach such as the one taken by H.R. 7120.

The Administration does not support policies that undermine the ability of law enforcement to maintain law and order and secure public safety. H.R. 7120 would limit qualified immunity for police officers, which the courts have long held plays an important role in ensuring that law enforcement officers have the flexibility and confidence they need to make difficult decisions in extreme and unanticipated situations. This legislation would also allow unsubstantiated allegations against police officers to be publicized through a law enforcement “misconduct registry,” thereby creating due process concerns for law enforcement officers and jeopardizing the privacy and safety of such officers and their families. Any unproven allegations that would exist in such a registry could easily devastate the reputations of countless law-abiding, hard-working law enforcement officers across the country.

The Administration also opposes provisions of the bill that would lower the mens rea standard from “willful” to “reckless” for certain criminal conduct alleged to have been committed by law enforcement officers. The willful standard that has long existed under civil rights law appropriately ensures that acts of brutality and other clear violations of Federal rights are subject to criminal punishment, while avoiding deterrence of actions that are necessary for public safety. The legislation would also inappropriately allow the Attorney General to make grants to encourage potentially ideological “community-based organizations” to implement standards for law enforcement agencies, whether or not such organizations have any skill or experience in the law enforcement profession.

Instead of the measures presented by H.R. 7120, the Administration supports commonsense policies to promote high-quality law enforcement practices that keep communities and police officers safe. During the past year, President Trump has signed two Executive Orders to help improve the justice system. In October 2019, he signed Executive Order 13896, which directed the Attorney General to establish the Commission on Law Enforcement and the Administration of Justice.

This Commission, the first of its kind since the 1960s, is enhancing public safety and supporting the well-ordered administration of justice. Additionally, earlier this month, President Trump signed Executive Order 13929, titled “Safe Policing for Safe Communities,” which encourages police departments nationwide to meet the most current professional standards for the use of force. Under the second Executive Order, the Attorney General will allocate certain grant funding only to those State and local law enforcement agencies that meet high standards regarding use of force and de-escalation. The Order also provides incentives for Federal, State, local, tribal, and territorial law enforcement agencies to share information in a nationwide database to track judgments against law enforcement officers for excessive use of force. Overall, it reflects commonsense policy solutions based on input from a wide range of stakeholders.

In this moment, America needs both sides of the aisle in Congress to come together to pass meaningful solutions. Unfortunately, H.R. 7120 represents partisan politics that would undermine law enforcement and make our communities less safe. In contrast, S. 3985, the JUSTICE Act, and its House companion bill, H.R. 7278, would take a reasoned, bipartisan approach, incentivize best practices throughout the country, and help improve nationwide law enforcement reporting of data regarding uses of force, weapons discharge, and uses of other law enforcement techniques.

If H.R. 7120 were presented to the President, his advisors would recommend that he veto the bill.

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