

Calendar No. 480

116TH CONGRESS
2D SESSION

S. 3985

To improve and reform policing practices, accountability and transparency.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

Mr. SCOTT of South Carolina (for himself, Mr. McCONNELL, Mr. CORNYN, Mr. GRAHAM, Mrs. CAPITO, Mr. SASSE, Mr. LANKFORD, Mr. ALEXANDER, Ms. MCSALLY, Mr. TILLIS, Mr. BRAUN, Mr. ROBERTS, Mr. BURR, Mr. CRAMER, Mr. RUBIO, Mr. THUNE, Mr. WICKER, Mr. DAINES, Mr. BLUNT, Mr. INHOFE, Mr. HOEVEN, Ms. COLLINS, Mr. CRAPO, Ms. ERNST, Mrs. FISCHER, Mr. YOUNG, Mr. BOOZMAN, Mr. ROMNEY, Mr. RISCH, Mr. GRASSLEY, Mr. PORTMAN, Mr. GARDNER, Mr. ENZI, Mr. COTTON, Mr. SHELBY, Mrs. LOEFFLER, Mr. ROUNDS, Mr. KENNEDY, Mr. BARRASSO, Mr. PERDUE, Mrs. BLACKBURN, Mrs. HYDE-SMITH, Mr. CASSIDY, Mr. JOHNSON, Mr. MORAN, Mr. CRUZ, and Mr. SULLIVAN) introduced the following bill; which was read the first time

JUNE 18, 2020

Read the second time and placed on the calendar

A BILL

To improve and reform policing practices, accountability and transparency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Just and Unifying Solutions To Invigorate Communities
 4 Everywhere Act of 2020” or the “JUSTICE Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act shall be as follows:

Sec. 1. Short title; table of contents.

TITLE I—LAW ENFORCEMENT REFORMS

Sec. 101. George Floyd and Walter Scott Notification Act.
 Sec. 102. Breonna Taylor Notification Act.
 Sec. 103. Guidance.
 Sec. 104. Compliance assistance grants.
 Sec. 105. Incentivizing banning of chokeholds.
 Sec. 106. Falsifying police incident reports.

TITLE II—BODY-WORN CAMERAS

Sec. 201. Body-Worn Camera Partnership Grant Program.
 Sec. 202. Penalties for failure to use body-worn cameras.

TITLE III—LAW ENFORCEMENT RECORDS RETENTION

Sec. 301. Law enforcement records retention.

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING

Sec. 401. Short title.
 Sec. 402. Findings.
 Sec. 403. Lynching.

TITLE V—COMMISSION ON THE SOCIAL STATUS OF BLACK MEN
 AND BOYS ACT

Sec. 501. Short title.
 Sec. 502. Commission establishment and membership.
 Sec. 503. Other matters relating to appointment; removal.
 Sec. 504. Leadership election.
 Sec. 505. Commission duties and powers.
 Sec. 506. Commission meeting requirements.
 Sec. 507. Annual report guidelines.
 Sec. 508. Commission compensation.

TITLE VI—ALTERNATIVES TO THE USE OF FORCE, DE-ESCA-
 LATION, BEHAVIORAL HEALTH CRISES AND DUTY TO INTER-
 VENE TRAINING

Sec. 601. Training on alternatives to use of force, de-escalation, and behavioral
 health crises.
 Sec. 602. Training on duty to intervene.

TITLE VII—NATIONAL CRIMINAL JUSTICE COMMISSION ACT

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Establishment of Commission.
- Sec. 704. Purpose of the Commission.
- Sec. 705. Review, recommendations, and report.
- Sec. 706. Membership.
- Sec. 707. Administration.
- Sec. 708. Direct appropriations.
- Sec. 709. Sunset.

TITLE VIII—LAW ENFORCEMENT AGENCY HIRING AND
EDUCATION

Subtitle A—Hiring

- Sec. 801. Law enforcement agency hiring.
- Sec. 802. Reauthorization of law enforcement grant programs.

Subtitle B—Training

- Sec. 811. Definitions.
- Sec. 812. Program authorized.
- Sec. 813. Online education resources.
- Sec. 814. National Museum of African American History and Culture Council.
- Sec. 815. Engagement of eligible program participants.
- Sec. 816. Annual report.

TITLE IX—BEST PRACTICES AND STUDIES

- Sec. 901. Best practices.
- Sec. 902. Study.
- Sec. 903. Mental health study.
- Sec. 904. Study and proposal on improving accountability for DOJ grants.

TITLE X—CLOSING THE LAW ENFORCEMENT CONSENT
LOOPHOLE ACT

- Sec. 1001. Prohibition on engaging in sexual acts while acting under color of law.
- Sec. 1002. Incentive for States.
- Sec. 1003. Reports to Congress.

TITLE XI—EMERGENCY FUNDING

- Sec. 1101. Emergency designation.

1 **TITLE I—LAW ENFORCEMENT**
2 **REFORMS**

3 **SEC. 101. GEORGE FLOYD AND WALTER SCOTT NOTIFICA-**
4 **TION ACT.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “George Floyd and Walter Scott Notification Act”.

7 (b) NATIONAL USE-OF-FORCE DATA COLLECTION.—
8 Section 501 of title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (34 U.S.C. 10152) is amended
10 by adding at the end the following:

11 “(h) NATIONAL USE-OF-FORCE DATA COLLEC-
12 TION.—

13 “(1) DEFINITIONS.—In this section—

14 “(A) the term ‘law enforcement officer’—

15 “(i) means any officer, agent, or em-
16 ployee of a State, unit of local government,
17 or an Indian tribe authorized by law or by
18 a government agency to engage in or su-
19 pervise the prevention detection, or inves-
20 tigation of any violation of criminal law, or
21 authorized by law to supervise sentenced
22 criminal offenders; and

23 “(ii) includes an individual described
24 in clause (i) who is employed or volunteers

1 in a full-time, part-time, or auxiliary ca-
2 pacity;

3 “(B) the term ‘National Use-of-Force Data
4 Collection’ means the National Use-of-Force
5 Data Collection of the Federal Bureau of Inves-
6 tigation; and

7 “(C) the term ‘serious bodily injury’ means
8 bodily injury that involves a substantial risk of
9 death, unconsciousness, extreme physical pain,
10 protracted and obvious disfigurement, or pro-
11 tracted loss or impairment of the function of a
12 bodily member, organ, or mental faculty.

13 “(2) REPORTING REQUIREMENT.—For each fis-
14 cal year in which a State or unit of local government
15 receives funds under subsection (a), the State or
16 unit of local government shall report to the National
17 Use-of-Force Data Collection on an annual basis and
18 pursuant to guidelines established by the Federal
19 Bureau of Investigation, information regarding—

20 “(A) a use-of-force event by a law enforce-
21 ment officer in the State or unit of local gov-
22 ernment that involves—

23 “(i) the fatality of an individual that
24 is connected to use of force by a law en-
25 forcement officer;

1 “(ii) the serious bodily injury of an in-
 2 dividual that is connected to use of force
 3 by a law enforcement officer; and

4 “(iii) in the absence of either death or
 5 serious bodily injury, when a firearm is
 6 discharged by a law enforcement officer at
 7 or in the direction of an individual;

8 “(B) any event in which a firearm is dis-
 9 charged by a civilian at or in the direction of
 10 a law enforcement officer; and

11 “(C) the death or serious bodily injury of
 12 a law enforcement officer that results from any
 13 discharge of a firearm by a civilian, or any
 14 other means, including whether the law enforce-
 15 ment officer was killed or suffered serious bod-
 16 ily injury as part of an ambush or calculated
 17 attack.

18 “(3) INFORMATION REQUIRED.—For each use-
 19 of-force event required to be reported under para-
 20 graph (2), the following information shall be pro-
 21 vided, as required by the Federal Bureau of Inves-
 22 tigation:

23 “(A) Incident information.

24 “(B) Subject information.

25 “(C) Officer information.

1 “(4) COMPLIANCE.—

2 “(A) INELIGIBILITY FOR FUNDS.—

3 “(i) FIRST FISCAL YEAR.—

4 “(I) STATES.—For the first fis-
5 cal year beginning after the date of
6 enactment of the George Floyd and
7 Walter Scott Notification Act in which
8 a State fails to comply with paragraph
9 (2) with respect to a State law en-
10 forcement agency, the State shall be
11 subject to a 20-percent reduction of
12 the funds that would otherwise be al-
13 located for retention by the State
14 under section 505(c) for that fiscal
15 year, and if any unit of local govern-
16 ment within the State fails to comply
17 with paragraph (2), the State shall be
18 subject to a reduction of the funds al-
19 located for retention by the State
20 under section 505(c) that is equal to
21 the percentage of the population of
22 the State represented by the unit of
23 local government, not to exceed 20
24 percent.

1 “(II) LOCAL GOVERNMENTS.—

2 For the first fiscal year beginning
3 after the date of enactment of the
4 George Floyd and Walter Scott Notifi-
5 cation Act in which a unit of local
6 government fails to comply with para-
7 graph (2), the unit of local govern-
8 ment shall be subject to a 20-percent
9 reduction of the funds that would oth-
10 erwise be allocated to the unit of local
11 government for that fiscal year under
12 this subpart.

13 “(ii) SUBSEQUENT FISCAL YEARS.—

14 “(I) STATES.—Beginning in the
15 first fiscal year beginning after the
16 first fiscal year described in clause
17 (i)(I) in which a State fails to comply
18 with paragraph (2) with respect to a
19 State law enforcement agency, the
20 percentage by which the funds de-
21 scribed in clause (i)(I) are reduced
22 shall be increased by 5 percent each
23 fiscal year the State fails to comply
24 with paragraph (2), except that such

1 reduction shall not exceed 25 percent
 2 in any fiscal year.

3 “(II) LOCAL GOVERNMENTS.—

4 Beginning in the first fiscal year be-
 5 ginning after the first fiscal year de-
 6 scribed in clause (i)(II) in which a
 7 unit of local government fails to com-
 8 ply with paragraph (2), the percent-
 9 age by which the funds described in
 10 clause (i)(II) are reduced shall be in-
 11 creased by 5 percent each fiscal year
 12 the unit of local government fails to
 13 comply with paragraph (2), except
 14 that such reduction shall not exceed
 15 25 percent in any fiscal year.

16 “(B) REALLOCATION.—Amounts not allo-
 17 cated under a program referred to in subpara-
 18 graph (A) to a State or unit of local govern-
 19 ment for failure to comply with paragraph (2)
 20 shall be reallocated under the program to
 21 States or units of local government that have
 22 complied with paragraph (2).

23 “(5) PUBLIC AVAILABILITY OF DATA.—Not
 24 later than 1 year after the date of enactment of this
 25 Act, and each year thereafter, the Director of the

1 Federal Bureau of Investigation shall publish, and
 2 make available to the public, the National Use-of-
 3 Force Data Collection.

4 “(6) FBI OUTREACH AND TECHNICAL ASSIST-
 5 ANCE.—The Director of the Federal Bureau of In-
 6 vestigation shall provide to a State or unit of local
 7 government technical assistance and training for the
 8 collection and submission of data in accordance with
 9 this subsection.”.

10 **SEC. 102. BREONNA TAYLOR NOTIFICATION ACT.**

11 (a) SHORT TITLE.—This section may be cited as the
 12 “Breonna Taylor Notification Act of 2020”.

13 (b) NO-KNOCK WARRANT REPORTS.—Section 501 of
 14 title I of the Omnibus Crime Control and Safe Streets Act
 15 of 1968 (34 U.S.C. 10152), as amended by section 101
 16 of this Act, is amended by adding at the end the following:

17 “(i) NO-KNOCK WARRANT REPORTS.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) FEDERAL LAW ENFORCEMENT AGEN-
 20 CY.—The term ‘Federal law enforcement agen-
 21 cy’ means any agency of the United States au-
 22 thorized to engage in or supervise the preven-
 23 tion, detection, investigation, or prosecution of
 24 any violation of Federal criminal law.

1 “(B) NO-KNOCK WARRANT.—The term
 2 ‘no-knock warrant’ means a warrant that au-
 3 thorizes a law enforcement officer to enter a
 4 certain premises to execute a warrant without
 5 first knocking or otherwise announcing the
 6 presence of the law enforcement officer if a
 7 court of competent jurisdiction finds reasonable
 8 suspicion that knocking and announcing the
 9 presence of law enforcement would—

10 “(i) pose a danger to the officer, a
 11 suspect, or a third party on the premises;

12 “(ii) inhibit the investigation; or

13 “(iii) allow the destruction of evi-
 14 dence.

15 “(C) STATE LAW ENFORCEMENT AGENCY;
 16 LOCAL LAW ENFORCEMENT AGENCY.—The
 17 terms ‘State law enforcement agency’ and ‘local
 18 law enforcement agency’ mean an agency of a
 19 State or unit of local government, respectively,
 20 that is authorized to engage in or supervise the
 21 prevention, detection, investigation, or prosecu-
 22 tion of any violation of criminal law.

23 “(2) REPORT TO ATTORNEY GENERAL.—

24 “(A) REQUIREMENT.—

1 “(i) IN GENERAL.—Subject to clause
2 (iii), not later than January 31 of the first
3 calendar year beginning after the date of
4 enactment of the Breonna Taylor Notifica-
5 tion Act of 2020, and annually there-
6 after—

7 “(I) a State that receives funds
8 under subsection (a) shall submit to
9 the Attorney General a report that in-
10 cludes, for each no-knock warrant car-
11 ried out by a State law enforcement
12 agency of the State during the pre-
13 ceding calendar year, the information
14 described in subclauses (I) through
15 (V) of paragraph (3)(A)(i); and

16 “(II) a unit of local government
17 that receives funds under subsection
18 (a) shall submit to the Attorney Gen-
19 eral a report that includes—

20 “(aa) for each no-knock
21 warrant carried out by a local
22 law enforcement agency of the
23 unit of local government during
24 the preceding calendar year, the
25 information described in sub-

1 clauses (I) through (V) of para-
2 graph (3)(A)(i); and

3 “(bb) the crime rate data
4 for the unit of local government
5 for the preceding calendar year.

6 “(ii) STATE OVERSIGHT OF LOCAL
7 GOVERNMENTS.—A State that receives
8 funds under subsection (a) shall ensure
9 that each unit of local government within
10 the State submits to the Attorney General
11 a report that includes, in accordance with
12 clause (i)(II) of this subparagraph—

13 “(I) for each no-knock warrant
14 carried out by a local law enforcement
15 agency of the unit of local government
16 during the preceding calendar year,
17 the information described in sub-
18 clauses (I) through (V) of paragraph
19 (3)(A)(i); and

20 “(II) the crime rate data for the
21 unit of local government for the pre-
22 ceding calendar year.

23 “(iii) OPEN INVESTIGATIONS.—A
24 State or unit of local government—

1 “(I) may not submit the informa-
 2 tion described in subclauses (I)
 3 through (V) of paragraph (3)(A)(i)
 4 for a no-knock warrant relating to an
 5 investigation that has not been closed
 6 as of the date on which the applicable
 7 report is due under clause (i) of this
 8 subparagraph; and

9 “(II) shall include any informa-
 10 tion withheld under subclause (I) in
 11 the earliest subsequent report sub-
 12 mitted under clause (i) after the in-
 13 vestigation has been closed.

14 “(B) PENALTY.—

15 “(i) IN GENERAL.—

16 “(I) FIRST FISCAL YEAR.—

17 “(aa) STATES.—

18 “(AA) FAILURE TO
 19 COMPLY BY STATE.—For
 20 the first fiscal year that fol-
 21 lows a fiscal year in which a
 22 State failed to comply with
 23 subparagraph (A) with re-
 24 spect to a State law enforce-
 25 ment agency, the State shall

1 be subject to a 20-percent
2 reduction of the funds that
3 would otherwise be allocated
4 for retention by the State
5 under section 505(c) for
6 that fiscal year.

7 “(BB) FAILURE TO
8 COMPLY BY LOCAL GOVERN-
9 MENT.—For the first fiscal
10 year that follows a fiscal
11 year in which a unit of local
12 government within a State
13 failed to comply with sub-
14 paragraph (A), the State
15 shall be subject to a reduc-
16 tion of the funds that would
17 otherwise be allocated for re-
18 tention by the State under
19 section 505(c) for that fiscal
20 year by a percentage that is
21 equal to the percentage of
22 the population of the State
23 that lives in the unit of local
24 government, which may not
25 exceed 20 percent.

1 “(bb) UNITS OF LOCAL GOV-
 2 ERNMENT.—For the first fiscal
 3 year that follows a fiscal year in
 4 which a unit of local government
 5 failed to comply with subpara-
 6 graph (A), the unit of local gov-
 7 ernment shall be subject to a 20-
 8 percent reduction of the funds
 9 that would otherwise be allocated
 10 to the unit of local government
 11 under this subpart for that fiscal
 12 year.

13 “(II) SUBSEQUENT FISCAL
 14 YEARS.—

15 “(aa) STATES.—Beginning
 16 in the first fiscal year beginning
 17 after the first fiscal year de-
 18 scribed in subclause (I)(aa)(AA)
 19 in which a State fails to comply
 20 with subparagraph (A) with re-
 21 spect to a State law enforcement
 22 agency, the percentage by which
 23 the funds described in subclause
 24 (I)(aa)(AA) are reduced shall be
 25 increased by 5 percent each fiscal

1 year the State fails to comply
2 with subparagraph (A) with re-
3 spect to a State law enforcement
4 agency, except that such reduc-
5 tion shall not exceed 25 percent
6 in any fiscal year.

7 “(bb) LOCAL GOVERN-
8 MENTS.—Beginning in the first
9 fiscal year beginning after the
10 first fiscal year described in sub-
11 clause (I)(bb) in which a unit of
12 local government fails to comply
13 with subparagraph (A), the per-
14 centage by which the funds de-
15 scribed in subclause (I)(bb) are
16 reduced shall be increased by 5
17 percent each fiscal year the unit
18 of local government fails to com-
19 ply with subparagraph (A), ex-
20 cept that such reduction shall not
21 exceed 25 percent in any fiscal
22 year.

23 “(ii) REALLOCATION.—Amounts not
24 allocated by reason of clause (i) to a State
25 or unit of local government for failure to

1 comply with subparagraph (A) shall be re-
2 allocated to States or units of local govern-
3 ment, respectively, that have complied with
4 subparagraph (A).

5 “(iii) EFFECTIVE DATE.—Clause (i)
6 shall take effect with respect to the third
7 annual report due under subparagraph (A)
8 after the date of enactment of the Breonna
9 Taylor Notification Act of 2020.

10 “(3) ATTORNEY GENERAL REPORT.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), not later than March 31 of the first
13 calendar year beginning after the date of enact-
14 ment of the Breonna Taylor Notification Act of
15 2020, and annually thereafter, the Attorney
16 General shall publish a report that includes—

17 “(i) for each no-knock warrant carried
18 out by a Federal law enforcement agency,
19 State law enforcement agency, or local law
20 enforcement agency during the preceding
21 calendar year—

22 “(I) the reason for which the
23 warrant was issued, including each
24 violation of law listed on the warrant;

1 “(II) whether, in the course of
2 carrying out the warrant—

3 “(aa) force resulting in
4 property damage, serious bodily
5 injury, or death was used; or

6 “(bb) any law enforcement
7 officer, suspect, or bystander was
8 injured or killed;

9 “(III) the sex, race, ethnicity,
10 and age of each person found at the
11 location for which the no-knock war-
12 rant was issued;

13 “(IV) whether the location
14 searched matched the location de-
15 scribed in the warrant;

16 “(V) whether the warrant in-
17 cluded the particularized information
18 required under the Fourth Amend-
19 ment to the Constitution of the
20 United States, as interpreted by the
21 Supreme Court of the United States,
22 and any other applicable Federal,
23 State, or local law related to the use
24 of no-knock warrants; and

1 “(ii) for each local law enforcement
 2 agency for which information is submitted
 3 under clause (i) for a calendar year, the
 4 crime rate data for the applicable unit of
 5 local government for that calendar year.

6 “(B) OPEN INVESTIGATIONS.—The Attor-
 7 ney General—

8 “(i) may not publish any information
 9 described in subparagraph (A) for a no-
 10 knock warrant relating to an investigation
 11 that has not been closed as of the date on
 12 which the applicable report is due under
 13 that paragraph; and

14 “(ii) shall include any information
 15 withheld under clause (i) in the earliest
 16 subsequent report published under sub-
 17 paragraph (A) after the investigation has
 18 been closed.”.

19 **SEC. 103. GUIDANCE.**

20 (a) IN GENERAL.—Not later than 180 days after the
 21 date of enactment of this Act, the Attorney General, in
 22 coordination with the Director of the Federal Bureau of
 23 Investigation and State and local law enforcement agen-
 24 cies, shall issue guidance on best practices relating to es-
 25 tablishing standard data collection systems that capture

1 the information required to be reported under subsections
 2 (h) and (i) of section 501 of title I of the Omnibus Crime
 3 Control and Safe Streets Act of 1968 (34 U.S.C. 10152),
 4 as added by sections 101 and 102 of this Act, respectively,
 5 and that ensure the reporting under such subsections (h)
 6 and (i) is consistent with data reported under the Death
 7 in Custody Reporting Act of 2013 (34 U.S.C. 60105 et
 8 seq.), section 20104(a)(2) of the Violent Crime Control
 9 and Law Enforcement Act of 1994 (34 U.S.C.
 10 12104(a)(2)), which shall include standard and consistent
 11 definitions for terms, including the term “use of force”.

12 (b) **PRIVACY PROTECTIONS.**—Nothing in section 101
 13 or 102 shall be construed to supersede the requirements
 14 or limitations under section 552a of title 5, United States
 15 Code (commonly known as the “Privacy Act of 1974”).

16 **SEC. 104. COMPLIANCE ASSISTANCE GRANTS.**

17 (a) **IN GENERAL.**—The Attorney General may award
 18 grants to States and units of local government to assist
 19 in the collection of the information required to be reported
 20 under subsections (h) and (i) of section 501 of title I of
 21 the Omnibus Crime Control and Safe Streets Act of 1968
 22 (34 U.S.C. 10152), as added by sections 101 and 102 of
 23 this Act, respectively.

24 (b) **APPLICATION.**—A State or unit of local govern-
 25 ment seeking a grant under this section shall submit an

1 application at such time, in such manner, and containing
 2 such information as the Attorney General may require.

3 (c) AMOUNT OF GRANT.—Each grant awarded under
 4 this section shall be not more than \$1,000,000.

5 (d) DIRECT APPROPRIATIONS.—For the purpose of
 6 making grants under this section, there is authorized to
 7 be appropriated, and there is appropriated, out of any
 8 money in the Treasury not otherwise appropriated,
 9 \$112,000,000, to remain available until expended.

10 **SEC. 105. INCENTIVIZING BANNING OF CHOKEHOLDS.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
 12 gress that—

13 (1) chokeholds are extremely dangerous maneu-
 14 vers that can easily result in serious bodily injury or
 15 death;

16 (2) George Floyd’s death has become a
 17 flashpoint to compel the need to address the use of
 18 chokeholds by law enforcement officers across the
 19 United States;

20 (3) the National Consensus Policy on Use of
 21 Force, a collaborative effort among 11 of the most
 22 significant law enforcement leadership and labor or-
 23 ganizations in the United States, concluded in a dis-
 24 cussion paper on the use of force that chokeholds

are extremely dangerous and recommended restricting their use, consistent with this section; and

(4) law enforcement agencies throughout the United States must create policies that guard against the use of this maneuver to help prevent the death of civilians whom they encounter, and engender more trust and faith among law enforcement officers and the communities they serve.

(b) INCENTIVIZING BANNING OF CHOKEHOLDS.—

(1) COPS GRANT PROGRAM ELIGIBILITY.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381), as amended by section 601 of this Act, is amended by adding at the end the following:

“(o) BANNING OF CHOKEHOLDS.—

“(1) CHOKEHOLD DEFINED.—In this subsection, the term ‘chokehold’ means a physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation.

“(2) LIMITATION ON ELIGIBILITY FOR FUNDS.—Beginning in the first fiscal year beginning after the date of enactment of the JUSTICE Act, a State or unit of local government may not receive funds under this section for a fiscal year if, on the day before the first day of the fiscal year, the State

1 or unit of local government does not have an agency-
 2 wide policy in place for each law enforcement agency
 3 of the State or unit of local government that pro-
 4 hibits the use of chokeholds except when deadly
 5 force is authorized.”.

6 (2) BYRNE GRANT PROGRAM ELIGIBILITY.—
 7 Section 501 of title I of the Omnibus Crime Control
 8 and Safe Streets Act of 1968 (34 U.S.C. 10152), as
 9 amended by section 102 of this Act, is amended by
 10 adding at the end the following:

11 “(j) BANNING OF CHOKEHOLDS.—

12 “(1) CHOKEHOLD DEFINED.—In this sub-
 13 section, the term ‘chokehold’ means a physical ma-
 14 neuver that restricts an individual’s ability to
 15 breathe for the purposes of incapacitation.

16 “(2) LIMITATION ON ELIGIBILITY FOR
 17 FUNDS.—Beginning in the first fiscal year beginning
 18 after the date of enactment of the JUSTICE Act, a
 19 State or unit of local government may not receive
 20 funds under this part for a fiscal year if, on the day
 21 before the first day of the fiscal year, the State or
 22 unit of local government does not have an agency-
 23 wide policy in place for each law enforcement agency
 24 of the State or unit of local government that pro-

1 hibits the use of chokeholds except when deadly
2 force is authorized.”.

3 (c) FEDERAL LAW ENFORCEMENT AGENCIES.—

4 (1) DEFINITION.—In this subsection, the term
5 “chokehold” means a physical maneuver that re-
6 stricts an individual’s ability to breathe for the pur-
7 poses of incapacitation.

8 (2) FEDERAL POLICY.—The Attorney General
9 shall develop a policy for Federal law enforcement
10 agencies that bans the use of chokeholds except
11 when deadly force is authorized.

12 (3) REQUIREMENT.—The head of each Federal
13 law enforcement agency shall implement the policy
14 developed under paragraph (2).

15 **SEC. 106. FALSIFYING POLICE INCIDENT REPORTS.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) when a law enforcement officer commits an
19 offense that deprives a citizen of their rights, privi-
20 leges, and immunities protected under the Constitu-
21 tion and laws of the United States, that behavior is
22 penalized to punish those involved and to deter fu-
23 ture conduct;

1 (2) where serious bodily injury or death results
2 from the acts described in paragraph (1), punish-
3 ment must be severe;

4 (3) a law enforcement officer who intentionally
5 submits a false police report in connection with an
6 act described in paragraph (1) should also be pun-
7 ished severely;

8 (4) false reporting described in paragraph (3)
9 not only serves to conceal potential criminal conduct
10 and obstruct the administration of justice, false re-
11 porting also undermines the trust and confidence
12 that communities place in law enforcement agencies;

13 (5) obstruction of justice is intolerable in any
14 form, particularly in the form described in this sub-
15 section;

16 (6) the deterioration of trust and confidence be-
17 tween law enforcement agencies and communities
18 must be abated; and

19 (7) severe penalties must be imposed for indi-
20 viduals who create false police reports in connection
21 with criminal civil rights violations resulting in seri-
22 ous bodily injury or death.

23 (b) OFFENSE.—Chapter 47 of title 18, United States
24 Code, is amended by adding at the end the following:

1 **“SEC. 1041. FALSE REPORTING.**

2 “(a) OFFENSE.—It shall be unlawful for any person
3 to knowingly and willfully falsify a police report in a mate-
4 rial way with the intent to falsify, conceal, or cover up
5 a material fact, in furtherance of the deprivation of any
6 rights, privileges, or immunities secured or protected by
7 the Constitution or laws of the United States where death
8 or serious bodily injury (as defined in section 1365) oc-
9 curs.

10 “(b) PENALTY.—Any person who violates subsection
11 (a) shall be fined under this title, imprisoned for not more
12 than 20 years, or both.”.

13 (c) TECHNICAL AND CONFORMING AMENDMENT.—
14 The table of sections for chapter 47 of title 18, United
15 States Code, is amended by inserting after the item relat-
16 ing to section 1040 the following:

“1041. False reporting.”.

17 (d) SENTENCING ENHANCEMENT FOR FALSIFICA-
18 TION OF POLICE REPORTS.—Pursuant to its authority
19 under section 994 of title 28, United States Code, the
20 United States Sentencing Commission shall review and
21 amend the Federal sentencing guidelines to ensure that
22 the guidelines provide an additional penalty increase of not
23 fewer than 4 offense levels if the defendant knowingly and
24 willfully falsifies a report in a material way with the intent
25 to falsify, conceal, or cover up a material fact, in further-

1 ance of the deprivation of any rights, privileges, or immu-
 2 nities secured or protected by the Constitution or laws of
 3 the United States where death or serious bodily injury oc-
 4 curs.

5 **TITLE II—BODY-WORN CAMERAS**

6 **SEC. 201. BODY-WORN CAMERA PARTNERSHIP GRANT PRO-** 7 **GRAM.**

8 Subpart 1 of part E of title I of the Omnibus Crime
 9 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
 10 et seq.) is amended by adding at the end the following:

11 **“SEC. 509. BODY-WORN CAMERA PARTNERSHIP GRANT** 12 **PROGRAM.**

13 “(a) DEFINITIONS.—In this section—

14 “(1) the term ‘covered government’ means a
 15 State, unit of local government, or Indian Tribe;

16 “(2) the term ‘Director’ means the Director of
 17 the Bureau of Justice Assistance; and

18 “(3) the term ‘unit of local government’, not-
 19 withstanding section 901, does not include an Indian
 20 Tribe.

21 “(b) AUTHORIZATION OF GRANTS.—The Director
 22 may make grants to eligible covered governments for use
 23 by the covered government for—

24 “(1) the purchase of body-worn cameras;

1 “(2) necessary initial supportive technological
2 infrastructure for body-worn cameras for law en-
3 forcement officers in the jurisdiction of the grantee;

4 “(3) the development of policies and procedures
5 relating to the use of body-worn cameras;

6 “(4) training on the use of body-worn cameras;

7 “(5) the storage, retention, viewing, auditing,
8 and release of footage from body-worn cameras; and

9 “(6) personnel, including law enforcement,
10 prosecution, and criminal defense personnel, to sup-
11 port the administration of the body-worn camera
12 program of the covered government.

13 “(c) ELIGIBILITY.—

14 “(1) APPLICATION.—For a covered government
15 to be eligible to receive a grant under this section,
16 the chief executive officer of the covered government
17 shall submit to the Director an application in such
18 form and containing such information as the Direc-
19 tor may require.

20 “(2) POLICIES AND PROCEDURES ASSUR-
21 ANCES.—The application under paragraph (1) shall,
22 as required by the Director, provide assurances that
23 the covered government will establish policies and
24 procedures in accordance with subsection (d).

25 “(d) REQUIRED POLICIES AND PROCEDURES.—

1 “(1) IN GENERAL.—A covered government re-
2 ceiving a grant under this section shall develop poli-
3 cies and procedures related to the use of body-worn
4 cameras that—

5 “(A) are developed with community input,
6 including from prosecutors and organizations
7 representing crime victims, in accordance with
8 recognized best practices;

9 “(B) require that a body-worn camera be
10 activated when a law enforcement officer ar-
11 rests or detains any person in the course of the
12 official duties of the officer, with consideration
13 to sensitive cases;

14 “(C) apply discipline to any law enforce-
15 ment officer who intentionally fails to ensure
16 that a body-worn camera is engaged, functional,
17 and properly secured at all times during which
18 the camera is required to be worn;

19 “(D) require training for—

20 “(i) the proper use of body-worn cam-
21 eras; and

22 “(ii) the handling and use of the ob-
23 tained video and audio recordings;

24 “(E) provide clear standards for privacy,
25 data retention, and use for evidentiary purposes

1 in a criminal proceeding, including in the case
2 of an assault on a law enforcement officer; and

3 “(F) make footage available to the public
4 in response to a valid request under an applica-
5 ble freedom of information law if the footage
6 can be made available—

7 “(i) without compromising an ongoing
8 investigation or revealing the identity of
9 third parties, including victims, inform-
10 ants, or witnesses; and

11 “(ii) with consideration given to the
12 rights of victims and surviving family
13 members.

14 “(2) PUBLICATION.—A covered government re-
15 ceiving a grant under this section shall make all
16 policies and procedures regarding body-worn cam-
17 eras available on a public website.

18 “(3) GUIDANCE.—The Director shall issue
19 guidance to covered governments related to the re-
20 quirements under paragraph (1).

21 “(e) GRANT AMOUNTS.—

22 “(1) MINIMUM AMOUNT.—

23 “(A) IN GENERAL.—Each fiscal year, un-
24 less the Director has awarded a fully funded
25 grant for each eligible application submitted by

1 a State and any units of local government with-
 2 in the State under this section for the fiscal
 3 year, the Director shall allocate to the State
 4 and units of local government within the State
 5 for grants under this section an aggregate
 6 amount that is not less than 0.5 percent of the
 7 total amount appropriated for the fiscal year
 8 for grants under this section.

9 “(B) CERTAIN TERRITORIES.—For pur-
 10 poses of the Virgin Islands, American Samoa,
 11 Guam, and the Northern Mariana Islands, sub-
 12 paragraph (A) shall be applied by substituting
 13 ‘0.25 percent’ for ‘0.5 percent’.

14 “(2) MAXIMUM AMOUNT.—

15 “(A) AMOUNT PER COVERED GOVERN-
 16 MENT.—A covered government may not receive
 17 a grant under this section for a fiscal year in
 18 an amount that is greater than 5 percent of the
 19 total amount appropriated for grants under this
 20 section for the fiscal year.

21 “(B) AGGREGATE AMOUNT PER STATE.—A
 22 State and each covered government within the
 23 State may not receive grants under this section
 24 for a fiscal year in an aggregate amount that
 25 is more than 20 percent of the total amount ap-

1 appropriated for grants under this section for the
2 fiscal year.

3 “(f) MATCHING FUNDS.—The portion of the costs of
4 a body-worn camera program provided by a grant under
5 this section—

6 “(1) may not exceed 50 percent; and

7 “(2) subject to subsection (e)(2), shall equal 50
8 percent if the grant is to a unit of local government
9 with fewer than 100,000 residents.

10 “(g) SUPPLEMENT, NOT SUPPLANT.—Funds made
11 available under this section shall not be used to supplant
12 covered government funds, but shall be used to increase
13 the amount of funds that would, in the absence of Federal
14 funds, be made available from covered government sources
15 for the purposes of this section.

16 “(h) REPORTS TO THE DIRECTOR.—A covered gov-
17 ernment that receives a grant under this section shall sub-
18 mit to the Director, for each year in which funds from
19 a grant received under this section are expended, a report
20 at such time and in such manner as the Director may rea-
21 sonably require, that contains—

22 “(1) a summary of the activities carried out
23 under the grant and an assessment of whether the
24 activities are meeting the needs identified in the
25 grant application; and

1 “(2) such other information as the Director
2 may require.

3 “(i) REPORTS TO CONGRESS.—Not later than 90
4 days after the end of a fiscal year for which grants are
5 made under this section, the Director shall submit to Con-
6 gress a report that includes—

7 “(1) the aggregate amount of grants made
8 under this section to each covered government for
9 the fiscal year;

10 “(2) a summary of the information provided by
11 covered governments receiving grants under this sec-
12 tion; and

13 “(3) a description of the priorities and plan for
14 awarding grants among eligible covered govern-
15 ments, and how the plan will ensure the effective use
16 of body-worn cameras to protect public safety.

17 “(j) DIRECT APPROPRIATIONS.—For the purpose of
18 making grants under this section, there is appropriated,
19 to remain available until expended, out of any money in
20 the Treasury not otherwise appropriated—

21 “(1) for fiscal year 2021, \$100,000,000;

22 “(2) for fiscal year 2022, \$100,000,000;

23 “(3) for fiscal year 2023, \$100,000,000;

24 “(4) for fiscal year 2024, \$100,000,000; and

25 “(5) for fiscal year 2025, \$100,000,000.”.

1 **SEC. 202. PENALTIES FOR FAILURE TO USE BODY-WORN**
2 **CAMERAS.**

3 (a) DEFINITION.—In this section, the term “covered
4 provision” means—

5 (1) section 509 of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968, as added by
7 section 201; and

8 (2) any other provision of law that makes funds
9 available for the purchase of body-worn cameras.

10 (b) REQUIREMENT.—

11 (1) STATES.—A State that receives funds under
12 a covered provision shall—

13 (A) have a policy in place to apply dis-
14 cipline to any law enforcement officer who in-
15 tentiously fails to ensure that a body-worn
16 camera purchased using those funds is engaged,
17 functional, and properly secured at all times
18 during which the camera is required to be worn;
19 and

20 (B) ensure that any entity to which the
21 State awards a subgrant under the covered pro-
22 vision has a policy in place to apply discipline
23 to any law enforcement officer who intentionally
24 fails to ensure that a body-worn camera pur-
25 chased using those funds is engaged, functional,

1 and properly secured at all times during which
2 the camera is required to be worn.

3 (2) OTHER ENTITIES.—An entity other than a
4 State that receives funds under a covered provision
5 shall have a policy in place to apply discipline to any
6 law enforcement officer who intentionally fails to en-
7 sure that a body-worn camera purchased using those
8 funds is engaged, functional, and properly secured at
9 all times during which the camera is required to be
10 worn.

11 (c) COMPLIANCE.—

12 (1) INELIGIBILITY FOR FUNDS.—

13 (A) FIRST FISCAL YEAR.—

14 (i) STATES.—For the first fiscal year
15 beginning after the date of enactment of
16 this Act in which a State fails to comply
17 with subsection (b)(1), the State shall be
18 subject to a 20-percent reduction of the
19 funds that would otherwise be provided to
20 the State under the applicable covered pro-
21 vision for that fiscal year.

22 (ii) OTHER ENTITIES.—For the first
23 fiscal year beginning after the date of en-
24 actment of this Act in which an entity
25 other than a State fails to comply with

1 subsection (b)(2), the entity shall be sub-
2 ject to a 20-percent reduction of the funds
3 that would otherwise be allocated to the
4 entity under the applicable covered provi-
5 sion for that fiscal year.

6 (B) SUBSEQUENT FISCAL YEARS.—

7 (i) STATES.—Beginning in the first
8 fiscal year beginning after the first fiscal
9 year described in subparagraph (A)(i) in
10 which a State fails to comply with sub-
11 section (b), the percentage by which the
12 funds described in subparagraph (A)(i) are
13 reduced shall be increased by 5 percent
14 each fiscal year the State fails to comply
15 with subsection (b), except that such re-
16 duction shall not exceed 25 percent in any
17 fiscal year.

18 (ii) OTHER ENTITIES.—Beginning in
19 the first fiscal year beginning after the
20 first fiscal year described in subparagraph
21 (A)(i) in which a an entity other than a
22 State fails to comply with subsection (b),
23 the percentage by which the funds de-
24 scribed in subparagraph (A)(ii) are re-
25 duced shall be increased by 5 percent each

1 fiscal year the entity fails to comply with
 2 subsection (b), except that such reduction
 3 shall not exceed 25 percent in any fiscal
 4 year.

5 (2) REALLOCATION.—Amounts not allocated
 6 under covered provision to a State or other entity
 7 for failure to comply with subsection (b) shall be re-
 8 allocated under the covered provision to States or
 9 other entities that have complied with subsection (b).

10 **TITLE III—LAW ENFORCEMENT** 11 **RECORDS RETENTION**

12 **SEC. 301. LAW ENFORCEMENT RECORDS RETENTION.**

13 (a) IN GENERAL.— Part E of title I of the Omnibus
 14 Crime Control and Safe Streets Acts of 1968 (34 U.S.C.
 15 10151 et seq.) is amended by adding at the end the fol-
 16 lowing:

17 **“Subpart 4—Law Enforcement Records Retention**

18 **“SEC. 531. LAW ENFORCEMENT RECORDS RETENTION.**

19 “(a) DEFINITIONS.—In this section—

20 “(1) the term ‘applicable covered system’, with
 21 respect to a law enforcement agency, means the cov-
 22 ered system of the covered government of which the
 23 law enforcement agency is part;

24 “(2) the term ‘covered government’ means a
 25 State or unit of local government;

1 “(3) the term ‘covered system’ means a system
 2 maintained by a covered government under sub-
 3 section (b); and

4 “(4) the term ‘disciplinary record’—

5 “(A) means any written document regard-
 6 ing an allegation of misconduct by a law en-
 7 forcement officer that—

8 “(i) is substantiated and is adju-
 9 dicated by a government agency or court;
 10 and

11 “(ii) results in—

12 “(I) adverse action by the em-
 13 ploying law enforcement agency; or

14 “(II) criminal charges; and

15 “(B) does not include a written document
 16 regarding an allegation described in subpara-
 17 graph (A) if the adjudication described in
 18 clause (i) of that subparagraph has been over-
 19 turned on appeal.

20 “(b) RECORDS RETENTION REQUIREMENTS.—

21 “(1) RECORDS RETENTION SYSTEM.—A covered
 22 government that receives funds under this part shall
 23 maintain a system for sharing disciplinary records of
 24 law enforcement officers that meets the require-
 25 ments under paragraph (2).

1 “(2) REQUIREMENTS.—In administering a cov-
2 ered system, a covered government shall—

3 “(A) retain each disciplinary record or in-
4 ternal investigation record regarding a law en-
5 forcement officer that is prepared by a law en-
6 forcement agency of the covered government;

7 “(B) retain a record of each award or com-
8 mendation regarding a law enforcement officer
9 that is prepared by a law enforcement agency
10 of the covered government;

11 “(C) establish a policy that ensures that
12 each record included in the covered system is
13 retained and accessible for not less than 30
14 years;

15 “(D) allow a law enforcement officer, coun-
16 sel for a law enforcement officer, or the rep-
17 resentative organization of a law enforcement
18 officer to—

19 “(i) submit information to the covered
20 system relating to a disciplinary record or
21 internal investigation record regarding the
22 law enforcement officer that is retained
23 under subparagraph (A); or

24 “(ii) obtain access to the covered sys-
25 tem in order to review a disciplinary record

1 or internal investigation record described
2 in clause (i);

3 “(E) allow any Federal, State, or local law
4 enforcement agency to access any record in-
5 cluded in the covered system for the purpose of
6 making a decision to hire a law enforcement of-
7 ficer;

8 “(F) require that, before hiring a law en-
9 forcement officer, a representative of a law en-
10 forcement agency of the covered government
11 with hiring authority—

12 “(i) search the applicable covered sys-
13 tem of each law enforcement agency that
14 has employed the applicant as a law en-
15 forcement officer in order to determine
16 whether the applicant has a disciplinary
17 record, internal investigation record, or
18 record of an award or commendation on
19 file; and

20 “(ii) if a record described in clause (i)
21 exists, review the record in full before hir-
22 ing the law enforcement officer; and

23 “(G) prohibit access to the covered system
24 by any individual other than an individual who

1 is authorized to access the covered system for
 2 purposes of—

3 “(i) submitting records or other infor-
 4 mation to the covered system as described
 5 in subparagraphs (A), (B), and (D); or

6 “(ii) reviewing records or other infor-
 7 mation in the covered system as described
 8 in subparagraphs (E) and (F).

9 “(c) INELIGIBILITY FOR FUNDS.—

10 “(1) IN GENERAL.— A covered government
 11 may not receive funds under section 505, 506, 515,
 12 or 516 unless the covered government is in compli-
 13 ance with subsection (b) of this section.

14 “(2) REALLOCATION.—Amounts not allocated
 15 under a section referred to in paragraph (1) to a
 16 covered government for failure to comply with sub-
 17 section (b) shall be reallocated under that section to
 18 covered governments that have complied with sub-
 19 section (b).

20 “(d) ONE-TIME GRANT.—

21 “(1) IN GENERAL.—The Attorney General shall
 22 award a grant to each State, using an apportion-
 23 ment formula that reflects the differences between
 24 each State, to be used by the State and units of

1 local government within the State to establish cov-
2 ered systems.

3 “(2) AMOUNT.—The amount of a grant award-
4 ed to a State under paragraph (1) shall be not less
5 than \$1,000,000.

6 “(3) DIRECT APPROPRIATIONS.—For the pur-
7 pose of making grants under this subsection, there
8 is authorized to be appropriated, and there is appro-
9 priated, out of any money in the Treasury not other-
10 wise appropriated, \$100,000,000, to remain avail-
11 able until expended.

12 “(e) INDEMNIFICATION.—

13 “(1) IN GENERAL.—The United States shall in-
14 demnify and hold harmless a covered government,
15 and any law enforcement agency thereof, against
16 any claim (including reasonable expenses of litiga-
17 tion or settlement) by any person or entity related
18 to—

19 “(A) the retention of records in a covered
20 system as required under subsection (b); or

21 “(B) the review of records included in a
22 covered system as required under subsection
23 (b).

24 “(2) LIMITATION.—Paragraph (1) shall not
25 apply to the release of a record—

1 “(A) to a non-law enforcement entity or in-
 2 dividual; or

3 “(B) for a purpose other than making a
 4 decision to hire a law enforcement officer.”.

5 (b) EFFECTIVE DATE.—Section 531(c) of title I of
 6 the Omnibus Crime Control and Safe Streets Acts of
 7 1968, as added by subsection (a), shall take effect on Oc-
 8 tober 1 of the first fiscal year beginning after the date
 9 of enactment of this Act.

10 **TITLE IV—JUSTICE FOR VICTIMS** 11 **OF LYNCHING**

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Justice for Victims
 14 of Lynching Act of 2020”.

15 **SEC. 402. FINDINGS.**

16 Congress finds the following:

17 (1) The crime of lynching succeeded slavery as
 18 the ultimate expression of racism in the United
 19 States following Reconstruction.

20 (2) Lynching was a widely acknowledged prac-
 21 tice in the United States until the middle of the
 22 20th century.

23 (3) Lynching was a crime that occurred
 24 throughout the United States, with documented inci-
 25 dents in all but 4 States.

1 (4) At least 4,742 people, predominantly Afri-
2 can Americans, were reported lynched in the United
3 States between 1882 and 1968.

4 (5) Ninety-nine percent of all perpetrators of
5 lynching escaped from punishment by State or local
6 officials.

7 (6) Lynching prompted African Americans to
8 form the National Association for the Advancement
9 of Colored People (referred to in this section as the
10 “NAACP”) and prompted members of B’nai B’rith
11 to found the Anti-Defamation League.

12 (7) Mr. Walter White, as a member of the
13 NAACP and later as the executive secretary of the
14 NAACP from 1931 to 1955, meticulously inves-
15 tigated lynchings in the United States and worked
16 tirelessly to end segregation and racialized terror.

17 (8) Nearly 200 anti-lynching bills were intro-
18 duced in Congress during the first half of the 20th
19 century.

20 (9) Between 1890 and 1952, 7 Presidents peti-
21 tioned Congress to end lynching.

22 (10) Between 1920 and 1940, the House of
23 Representatives passed 3 strong anti-lynching meas-
24 ures.

1 (11) Protection against lynching was the min-
2 imum and most basic of Federal responsibilities, and
3 the Senate considered but failed to enact anti-lynch-
4 ing legislation despite repeated requests by civil
5 rights groups, Presidents, and the House of Rep-
6 resentatives to do so.

7 (12) The publication of “Without Sanctuary:
8 Lynching Photography in America” helped bring
9 greater awareness and proper recognition of the vic-
10 tims of lynching.

11 (13) Only by coming to terms with history can
12 the United States effectively champion human rights
13 abroad.

14 (14) An apology offered in the spirit of true re-
15 pentance moves the United States toward reconcili-
16 ation and may become central to a new under-
17 standing, on which improved racial relations can be
18 forged.

19 (15) Having concluded that a reckoning with
20 our own history is the only way the country can ef-
21 fectively champion human rights abroad, 90 Mem-
22 bers of the United States Senate agreed to Senate
23 Resolution 39, 109th Congress, on June 13, 2005,
24 to apologize to the victims of lynching and the de-

1 scendants of those victims for the failure of the Sen-
2 ate to enact anti-lynching legislation.

3 (16) The National Memorial for Peace and Jus-
4 tice, which opened to the public in Montgomery, Ala-
5 bama, on April 26, 2018, is the Nation's first memo-
6 rial dedicated to the legacy of enslaved Black people,
7 people terrorized by lynching, African Americans hu-
8 miliated by racial segregation and Jim Crow, and
9 people of color burdened with contemporary pre-
10 sumptions of guilt and police violence.

11 (17) Notwithstanding the Senate's apology and
12 the heightened awareness and education about the
13 Nation's legacy with lynching, it is wholly necessary
14 and appropriate for the Congress to enact legisla-
15 tion, after 100 years of unsuccessful legislative ef-
16 forts, finally to make lynching a Federal crime.

17 (18) Further, it is the sense of Congress that
18 criminal action by a group increases the likelihood
19 that the criminal object of that group will be suc-
20 cessfully attained and decreases the probability that
21 the individuals involved will depart from their path
22 of criminality. Therefore, it is appropriate to specify
23 criminal penalties for the crime of lynching, or any
24 attempt or conspiracy to commit lynching.

1 (19) The United States Senate agreed to unani-
2 mously Senate Resolution 118, 115th Congress, on
3 April 5, 2017, “[c]ondemning hate crime and any
4 other form of racism, religious or ethnic bias, dis-
5 crimination, incitement to violence, or animus tar-
6 geting a minority in the United States” and taking
7 notice specifically of Federal Bureau of Investigation
8 statistics demonstrating that “among single-bias
9 hate crime incidents in the United States, 59.2 per-
10 cent of victims were targeted due to racial, ethnic,
11 or ancestral bias, and among those victims, 52.2
12 percent were victims of crimes motivated by the of-
13 fenders’ anti-Black or anti-African American bias”.

14 (20) On September 14, 2017, President Donald
15 J. Trump signed into law Senate Joint Resolution
16 49 (Public Law 115–58; 131 Stat. 1149), wherein
17 Congress “condemn[ed] the racist violence and do-
18 mestic terrorist attack that took place between Au-
19 gust 11 and August 12, 2017, in Charlottesville,
20 Virginia” and “urg[ed] the President and his admin-
21 istration to speak out against hate groups that
22 espouse racism, extremism, xenophobia, anti-Semi-
23 tism, and White supremacy; and use all resources
24 available to the President and the President’s Cabi-

1 net to address the growing prevalence of those hate
2 groups in the United States”.

3 (21) Senate Joint Resolution 49 (Public Law
4 115–58; 131 Stat. 1149) specifically took notice of
5 “hundreds of torch-bearing White nationalists,
6 White supremacists, Klansmen, and neo-Nazis [who]
7 chanted racist, anti-Semitic, and anti-immigrant slo-
8 gans and violently engaged with counter-demonstra-
9 tors on and around the grounds of the University of
10 Virginia in Charlottesville” and that these groups
11 “reportedly are organizing similar events in other
12 cities in the United States and communities every-
13 where are concerned about the growing and open
14 display of hate and violence being perpetrated by
15 those groups”.

16 (22) Lynching was a pernicious and pervasive
17 tool that was used to interfere with multiple aspects
18 of life—including the exercise of Federally protected
19 rights, as enumerated in section 245 of title 18,
20 United States Code, housing rights, as enumerated
21 in section 901 of the Civil Rights Act of 1968 (42
22 U.S.C. 3631), and the free exercise of religion, as
23 enumerated in section 247 of title 18, United States
24 Code. Interference with these rights was often effec-
25 tuated by multiple offenders and groups, rather than

1 isolated individuals. Therefore, prohibiting conspir-
 2 acies to violate each of these rights recognizes the
 3 history of lynching in the United States and serves
 4 to prohibit its use in the future.

5 **SEC. 403. LYNCHING.**

6 (a) OFFENSE.—Chapter 13 of title 18, United States
 7 Code, is amended by adding at the end the following:

8 **“§ 250. Lynching**

9 “Whoever conspires with another person to violate
 10 section 245, 247, or 249 of this title or section 901 of
 11 the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be
 12 punished in the same manner as a completed violation of
 13 such section, except that if the maximum term of impris-
 14 onment for such completed violation is less than 10 years,
 15 the person may be imprisoned for not more than 10
 16 years.”.

17 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 18 sections for chapter 13 of title 18, United States Code,
 19 is amended by inserting after the item relating to section
 20 249 the following:

“250. Lynching.”.

1 **TITLE V—COMMISSION ON THE**
2 **SOCIAL STATUS OF BLACK**
3 **MEN AND BOYS ACT**

4 **SEC. 501. SHORT TITLE.**

5 This title may be cited as the “Commission on the
6 Social Status of Black Men and Boys Act”.

7 **SEC. 502. COMMISSION ESTABLISHMENT AND MEMBER-**
8 **SHIP.**

9 (a) ESTABLISHMENT.—The Commission on the So-
10 cial Status of Black Men and Boys (hereinafter in this
11 title referred to as “the Commission”) is established with-
12 in the United States Commission on Civil Rights Office
13 of the Staff Director.

14 (b) MEMBERSHIP.—The Commission shall consist of
15 19 members appointed as follows:

16 (1) The Senate majority leader shall appoint
17 one member who is not employed by the Federal
18 Government and is an expert on issues affecting
19 Black men and boys in America.

20 (2) The Senate minority leader shall appoint
21 one member who is not employed by the Federal
22 Government and is an expert on issues affecting
23 Black men and boys in America.

24 (3) The House of Representatives majority
25 leader shall appoint one member who is not em-

1 employed by the Federal Government and is an expert
2 on issues affecting Black men and boys in America.

3 (4) The House of Representatives minority
4 leader shall appoint one member who is not em-
5 ployed by the Federal Government and is an expert
6 on issues affecting Black men and boys in America.

7 (5) The Chair of the Congressional Black Cau-
8 cus shall be a member of the Commission, as well
9 as 5 additional Members of the Congressional Black
10 Caucus who shall be individuals that either sit on
11 the following committees of relevant jurisdiction or
12 are experts on issues affecting Black men and boys
13 in the United States, including—

- 14 (A) education;
- 15 (B) justice and Civil Rights;
- 16 (C) healthcare;
- 17 (D) labor and employment; and
- 18 (E) housing.

19 (6) The Staff Director of the United States
20 Commission on Civil Rights shall appoint one mem-
21 ber from within the staff of the United States Com-
22 mission on Civil Rights who is an expert in issues
23 relating to Black men and boys.

24 (7) The Chair of the United States Equal Em-
25 ployment Opportunity Commission shall appoint one

1 member from within the staff of the United States
2 Equal Employment Opportunity Commission who is
3 an expert in equal employment issues impacting
4 Black men.

5 (8) The Secretary of Education shall appoint
6 one member from within the Department of Edu-
7 cation who is an expert in urban education.

8 (9) The Attorney General shall appoint one
9 member from within the Department of Justice who
10 is an expert in racial disparities within the criminal
11 justice system.

12 (10) The Secretary of Health and Human Serv-
13 ices shall appoint one member from within the De-
14 partment of Health and Human Services who is an
15 expert in health issues facing Black men.

16 (11) The Secretary of Housing and Urban De-
17 velopment shall appoint one member from within the
18 Department of Housing and Urban Development
19 who is an expert in housing and development in
20 urban communities.

21 (12) The Secretary of Labor shall appoint one
22 member from within the Department of Labor who
23 is an expert in labor issues impacting Black men.

24 (13) The President of the United States shall
25 appoint 2 members who are not employed by the

1 Federal Government and are experts on issues af-
 2 fecting Black men and boys in America.

3 (c) MEMBERSHIP BY POLITICAL PARTY.—If after the
 4 Commission is appointed there is a partisan imbalance of
 5 Commission members, the congressional leaders of the po-
 6 litical party with fewer members on the Commission shall
 7 jointly name additional members to create partisan parity
 8 on the Commission.

9 **SEC. 503. OTHER MATTERS RELATING TO APPOINTMENT;**
 10 **REMOVAL.**

11 (a) TIMING OF INITIAL APPOINTMENTS.—Each ini-
 12 tial appointment to the Commission shall be made no later
 13 than 90 days after the Commission is established. If any
 14 appointing authorities fail to appoint a member to the
 15 Commission, their appointment shall be made by the Staff
 16 Director of the Commission on Civil Rights.

17 (b) TERMS.—Except as otherwise provided in this
 18 section, the term of a member of the Commission shall
 19 be 4 years. For the purpose of providing staggered terms,
 20 the first term of those members initially appointed under
 21 paragraphs (1) through (5) of section 502 shall be ap-
 22 pointed to 2-year terms with all other terms lasting 4
 23 years. Members are eligible for consecutive reappointment.

24 (c) REMOVAL.—A member of the Commission may
 25 be removed from the Commission at any time by the ap-

1 pointing authority should the member fail to meet Com-
 2 mission responsibilities. Once the seat becomes vacant, the
 3 appointing authority is responsible for filling the vacancy
 4 in the Commission before the next meeting.

5 (d) VACANCIES.—The appointing authority of a
 6 member of the Commission shall either reappoint that
 7 member at the end of that member's term or appoint an-
 8 other person meeting the qualifications for that appoint-
 9 ment. In the event of a vacancy arising during a term,
 10 the appointing authority shall, before the next meeting of
 11 the Commission, appoint a replacement to finish that
 12 term.

13 **SEC. 504. LEADERSHIP ELECTION.**

14 At the first meeting of the Commission each year,
 15 the members shall elect a Chair and a Secretary. A va-
 16 cancy in the Chair or Secretary shall be filled by vote of
 17 the remaining members. The Chair and Secretary are eli-
 18 gible for consecutive reappointment.

19 **SEC. 505. COMMISSION DUTIES AND POWERS.**

20 (a) STUDY.—

21 (1) IN GENERAL.—The Commission shall con-
 22 duct a systematic study of the conditions affecting
 23 Black men and boys, including homicide rates, ar-
 24 rest and incarceration rates, poverty, violence, fa-
 25 therhood, mentorship, drug abuse, death rates, dis-

1 parate income and wealth levels, school performance
2 in all grade levels including postsecondary education
3 and college, and health issues.

4 (2) TRENDS.—The Commission shall document
5 trends regarding the topics described in paragraph
6 (1) and report on the community impacts of relevant
7 government programs within the scope of such top-
8 ics.

9 (b) PROPOSAL OF MEASURES.—The Commission
10 shall propose measures to alleviate and remedy the under-
11 lying causes of the conditions described in subsection (a),
12 which may include recommendations of changes to the
13 law, recommendations for how to implement related poli-
14 cies, and recommendations for how to create, develop, or
15 improve upon government programs.

16 (c) SUGGESTIONS AND COMMENTS.—The Commis-
17 sion shall accept suggestions or comments pertinent to the
18 applicable issues from members of Congress, governmental
19 agencies, public and private organizations, and private
20 citizens.

21 (d) STAFF AND ADMINISTRATIVE SUPPORT.—The
22 Office of the Staff Director of the United States Commis-
23 sion on Civil Rights shall provide staff and administrative
24 support to the Commission. All entities of the United

1 States Government shall provide information that is other-
2 wise a public record at the request of the Commission.

3 **SEC. 506. COMMISSION MEETING REQUIREMENTS.**

4 (a) FIRST MEETING.—The first meeting of the Com-
5 mission shall take place no later than 30 days after the
6 initial members are all appointed. Meetings shall be fo-
7 cused on significant issues impacting Black men and boys,
8 for the purpose of initiating research ideas and delegating
9 research tasks to Commission members to initiate the first
10 annual report described in section 507.

11 (b) QUARTERLY MEETINGS.—The Commission shall
12 meet quarterly. In addition to all quarterly meetings, the
13 Commission shall meet at other times at the call of the
14 Chair or as determined by a majority of Commission mem-
15 bers.

16 (c) QUORUM; RULE FOR VOTING ON FINAL AC-
17 TIONS.—A majority of the members of the Commission
18 constitute a quorum, and an affirmative vote of a majority
19 of the members present is required for final action.

20 (d) EXPECTATIONS FOR ATTENDANCE BY MEM-
21 BERS.—Members are expected to attend all Commission
22 meetings. In the case of an absence, members are expected
23 to report to the Chair prior to the meeting and allowance
24 may be made for an absent member to participate re-
25 motely. Members will still be responsible for fulfilling prior

1 commitments, regardless of attendance status. If a mem-
2 ber is absent twice in a given year, he or she will be re-
3 viewed by the Chair and appointing authority and further
4 action will be considered, including removal and replace-
5 ment on the Commission.

6 (e) MINUTES.—Minutes shall be taken at each meet-
7 ing by the Secretary, or in that individual’s absence, the
8 Chair shall select another Commission member to take
9 minutes during that absence. The Commission shall make
10 its minutes publicly available and accessible not later than
11 one week after each meeting.

12 **SEC. 507. ANNUAL REPORT GUIDELINES.**

13 The Commission shall make an annual report, begin-
14 ning the year of the first Commission meeting. The report
15 shall address the current conditions affecting Black men
16 and boys and make recommendations to address these
17 issues. The report shall be submitted to the President, the
18 Congress, members of the President’s Cabinet, and the
19 chairs of the appropriate committees of jurisdiction. The
20 Commission shall make the report publicly available online
21 on a centralized Federal website.

22 **SEC. 508. COMMISSION COMPENSATION.**

23 Members of the Commission shall serve on the Com-
24 mission without compensation.

1 **TITLE VI—ALTERNATIVES TO**
 2 **THE USE OF FORCE, DE-ESCA-**
 3 **LATION, BEHAVIORAL**
 4 **HEALTH CRISES AND DUTY**
 5 **TO INTERVENE TRAINING**

6 **SEC. 601. TRAINING ON ALTERNATIVES TO USE OF FORCE,**
 7 **DE-ESCALATION, AND BEHAVIORAL HEALTH**
 8 **CRISES.**

9 (a) DEFINITIONS.—Section 901(a) of title I of the
 10 Omnibus Crime Control and Safe Streets Act of 1968 (34
 11 U.S.C. 10251(a)) is amended—

12 (1) in paragraph (27), by striking “and” at the
 13 end;

14 (2) in paragraph (28), by striking the period at
 15 the end and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(29) the term ‘de-escalation’ means taking ac-
 18 tion or communicating verbally or non-verbally dur-
 19 ing a potential force encounter in an attempt to sta-
 20 bilize the situation and reduce the immediacy of the
 21 threat so that more time, options, and resources can
 22 be called upon to resolve the situation without the
 23 use of force or with a reduction in the force nec-
 24 essary; and

1 “(30) the term ‘behavioral health crisis’ means
2 a situation in which the behavior of a person puts
3 the person at risk of hurting himself or herself or
4 others or prevents the person from being able to
5 care for himself or herself or function effectively in
6 the community, including a situation in which a per-
7 son is under the influence of a drug or alcohol, is
8 suicidal, or experiences symptoms of a mental ill-
9 ness.”.

10 (b) COPS PROGRAM.—Section 1701 of title I of the
11 Omnibus Crime Control and Safe Streets Act of 1968 (34
12 U.S.C. 10381) is amended by adding at the end the fol-
13 lowing:

14 “(n) TRAINING IN ALTERNATIVES TO USE OF
15 FORCE, DE-ESCALATION TECHNIQUES, AND BEHAVIORAL
16 HEALTH CRISES.—

17 “(1) TRAINING CURRICULA.—The Attorney
18 General, in consultation with relevant law enforce-
19 ment agencies of States and units of local govern-
20 ment, labor organizations, professional law enforce-
21 ment organizations, and mental health organiza-
22 tions, shall develop training curricula in—

23 “(A) alternatives to use of force and de-es-
24 calation tactics; and

1 “(B) safely responding to a person experi-
2 encing a behavioral health crisis, including tech-
3 niques and strategies that are designed to pro-
4 tect the safety of the person experiencing the
5 behavioral health crisis, law enforcement offi-
6 cers, and the public.

7 “(2) CERTIFIED PROGRAMS.—The Attorney
8 General shall establish a process to certify public
9 and private entities that offer courses in alternatives
10 to use of force, de-escalation tactics, and techniques
11 and strategies for responding to a behavioral health
12 crisis using the training curricula established under
13 paragraph (1) or equivalents to the training cur-
14 ricula established under paragraph (1).

15 “(3) TRANSITIONAL REGIONAL TRAINING PRO-
16 GRAMS FOR STATE AND LOCAL AGENCY PER-
17 SONNEL.—Until the end of fiscal year 2023, the At-
18 torney General shall, and thereafter may, provide re-
19 gional training to equip and certify personnel from
20 law enforcement agencies of States and units of local
21 government in a State to conduct training using the
22 training curricula established under paragraph (1).

23 “(4) LIST.—The Attorney General shall publish
24 a list of law enforcement agencies of States and
25 units of local government that employ officers who

1 have successfully completed a course described under
 2 paragraph (2) or (3), which shall include—

3 “(A) the total number of law enforcement
 4 officers employed by the agency;

5 “(B) the number of officers who have com-
 6 pleted the course; and

7 “(C) whether personnel from the law en-
 8 forcement agency are certified to conduct train-
 9 ing.

10 “(5) DIRECT APPROPRIATIONS.—For the pur-
 11 pose of making grants under this subsection, there
 12 is appropriated, to remain available until expended,
 13 out of any money in the Treasury not otherwise ap-
 14 propriated—

15 “(A) for fiscal year 2021, \$20,000,000;

16 “(B) for fiscal year 2022, \$20,000,000;

17 “(C) for fiscal year 2023, \$20,000,000;

18 “(D) for fiscal year 2024, \$20,000,000;

19 and

20 “(E) for fiscal year 2025, \$20,000,000.”.

21 (c) BYRNE JAG PROGRAM.—Subpart 1 of part E of
 22 title I of the Omnibus Crime Control and Safe Streets Act
 23 of 1968 (34 U.S.C. 10151 et seq.) is amended—

24 (1) by redesignating section 508 as section 511;

25 and

1 (2) by inserting after section 507 the following:

2 **“SEC. 508. LAW ENFORCEMENT TRAINING PROGRAMS.**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘approved course in alternatives
5 to use of force, de-escalation tactics, or techniques
6 and strategies for responding to a behavioral health
7 crisis’ means a course using the training curricula
8 established under section 1701(n)(1) or equivalents
9 to such training curricula—

10 “(A) provided by the Attorney General
11 under section 1701(n)(3); or

12 “(B) provided by a certified entity; and

13 “(2) the term ‘certified entity’ means a public
14 or private entity that has been certified by the At-
15 torney General under section 1701(n)(2).

16 “(b) AUTHORITY.—The Attorney General shall, from
17 amounts made available for this purpose under subsection
18 (e), make grants to States for use by the State or a unit
19 of government located in the State to—

20 “(1) pay for costs associated with conducting
21 the training and for attendance by law enforcement
22 personnel at an approved course in alternatives to
23 use of force, de-escalation tactics, or techniques and
24 strategies for responding to a behavioral health cri-
25 sis; and

1 “(2) procure training in alternatives to use of
 2 force, de-escalation tactics, or techniques and strate-
 3 gies for responding to a behavioral health crisis from
 4 a certified entity.

5 “(c) ALLOCATION OF FUNDS.—

6 “(1) IN GENERAL.—Of the total amount appro-
 7 priated to carry out this section for a fiscal year, the
 8 Attorney General shall allocate funds to each State
 9 in proportion to the total number of law enforcement
 10 officers in the State as compared to the total num-
 11 ber of law enforcement officers in the United States.

12 “(2) TRAINING FOR STATE LAW ENFORCEMENT
 13 OFFICERS.—Each State may retain from the total
 14 amount of funds provided to the State for the pur-
 15 poses described in this section an amount that is not
 16 more than the amount that bears the same ratio to
 17 the total amount of funds as the ratio of—

18 “(A) the total number of law enforcement
 19 officers employed by the State; to

20 “(B) the total number of law enforcement
 21 officers employed by the State and units of
 22 local government within the State.

23 “(3) TRAINING FOR LOCAL LAW ENFORCEMENT
 24 OFFICERS.—A State shall make available to units of
 25 local government in the State for the purposes de-

scribed in this section the amounts remaining after a State retains funds under paragraph (2). At the request of a unit of local government, the State may use an amount of the funds allocated to the unit of local government under this paragraph to facilitate training in alternatives to use of force, de-escalation tactics, or techniques and strategies for responding to a behavioral health crisis to law enforcement officers employed by the unit of local government.

“(d) REPORTING.—

“(1) UNITS OF LOCAL GOVERNMENT.—Any unit of local government that receives funds from a State under subsection (c)(3) shall submit to the State a report indicating—

“(A) the number of law enforcement officers that have completed training described in this section;

“(B) the total number of law enforcement officers employed by the unit of local government; and

“(C) any barriers to providing the training.

“(2) STATES.—Any State that receives funds under subsection (c)(2) shall, after receiving the reports described in paragraph (1), submit to the Attorney General—

1 “(A) such reports; and

2 “(B) a report by the State indicating—

3 “(i) the number of law enforcement
4 officers employed by the State that have
5 completed training described in this sec-
6 tion;

7 “(ii) the total number of law enforce-
8 ment officers employed by the State; and

9 “(iii) any barriers to providing the
10 training.

11 “(e) DIRECT APPROPRIATIONS.—For the purpose of
12 making grants under this section, there is appropriated,
13 to remain available until expended, out of any money in
14 the Treasury not otherwise appropriated—

15 “(1) for fiscal year 2021, \$50,000,000;

16 “(2) for fiscal year 2022, \$50,000,000;

17 “(3) for fiscal year 2023, \$50,000,000;

18 “(4) for fiscal year 2024, \$50,000,000; and

19 “(5) for fiscal year 2025, \$50,000,000.”.

20 **SEC. 602. TRAINING ON DUTY TO INTERVENE.**

21 Subpart 1 of part E of Title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
23 et seq.), as amended by section 201, is amended by adding
24 at the end the following:

1 **“SEC. 510. TRAINING ON DUTY TO INTERVENE.**

2 “(a) TRAINING PROGRAM.—

3 “(1) IN GENERAL.—The Attorney General, in
4 consultation with relevant law enforcement agencies
5 of States and units of local governments and organi-
6 zations representing rank and file law enforcement
7 officers, shall develop a training curriculum for law
8 enforcement agencies and officers on the develop-
9 ment, implementation, fulfillment, and enforcement
10 of a duty of a law enforcement officer to intervene
11 when another law enforcement officer is engaged in
12 excessive use of force.

13 “(2) CERTIFIED PROGRAMS.—The Attorney
14 General shall establish a process to certify public
15 and private entities that offer courses on the duty to
16 intervene that are equivalent to the training cur-
17 riculum established under paragraph (1).

18 “(3) TRANSITIONAL REGIONAL TRAINING PRO-
19 GRAMS.—Until the end of fiscal year 2023, the At-
20 torney General shall provide regional training work-
21 shops for law enforcement officers of States and
22 units of local government, using the training cur-
23 riculum established under paragraph (1).

24 “(4) LIST.—The Attorney General shall publish
25 a list of law enforcement agencies of States and
26 units of local government that employ officers who

1 have successfully completed a course described under
2 paragraph (2) or (3), which shall include the total
3 number of law enforcement officers employed by the
4 agency and the number of officers who have com-
5 pleted the course.

6 “(b) GRANT PROGRAM.—

7 “(1) AUTHORIZATION.—The Attorney General
8 may make grants to State and local law enforcement
9 agencies to—

10 “(A) pay for costs associated with attend-
11 ance by law enforcement personnel at a training
12 course approved by the Attorney General under
13 paragraph (2) or (3) of subsection (a); and

14 “(B) procure training in the duty to inter-
15 vene from a public or private entity certified
16 under subsection (a)(2).

17 “(2) APPLICATION.—Each State or local law
18 enforcement agency seeking a grant under this sub-
19 section shall submit an application to the Attorney
20 General at such time, in such manner, and con-
21 taining such information as the Attorney General
22 may require.

23 “(c) DIRECT APPROPRIATIONS.—For the purpose of
24 making grants under this section, there is appropriated,

1 to remain available until expended, out of any money in
2 the Treasury not otherwise appropriated—

3 “(1) for fiscal year 2021, \$100,000,000;

4 “(2) for fiscal year 2022, \$100,000,000;

5 “(3) for fiscal year 2023, \$100,000,000;

6 “(4) for fiscal year 2024, \$100,000,000; and

7 “(5) for fiscal year 2025, \$100,000,000.”.

8 **TITLE VII—NATIONAL CRIMINAL** 9 **JUSTICE COMMISSION ACT**

10 **SEC. 701. SHORT TITLE.**

11 This title may be cited as the “National Criminal
12 Justice Commission Act of 2020”.

13 **SEC. 702. FINDINGS.**

14 Congress finds that—

15 (1) it is in the interest of the United States to
16 establish a commission to undertake a comprehen-
17 sive review of the criminal justice system;

18 (2) there has not been a comprehensive study
19 since the President’s Commission on Law Enforce-
20 ment and Administration of Justice was established
21 in 1965;

22 (3) in a span of 18 months, the President’s
23 Commission on Law Enforcement and Administra-
24 tion of Justice produced a comprehensive report en-
25 titled “The Challenge of Crime in a Free Society”,

1 which contained 200 specific recommendations on all
2 aspects of the criminal justice system involving—

3 (A) Federal, State, Tribal, and local gov-
4 ernments;

5 (B) civic organizations;

6 (C) religious institutions;

7 (D) business groups; and

8 (E) individual citizens; and

9 (4) developments over the intervening 50 years
10 require once again that Federal, State, Tribal, and
11 local governments, law enforcement agencies, includ-
12 ing rank and file officers, civil rights organizations,
13 community-based organization leaders, civic organi-
14 zations, religious institutions, business groups, and
15 individual citizens come together to review evidence
16 and consider how to improve the criminal justice
17 system.

18 **SEC. 703. ESTABLISHMENT OF COMMISSION.**

19 There is established a commission to be known as the
20 “National Criminal Justice Commission” (referred to in
21 this title as the “Commission”).

22 **SEC. 704. PURPOSE OF THE COMMISSION.**

23 The Commission shall—

24 (1) undertake a comprehensive review of the
25 criminal justice system;

1 (2) submit to the President and Congress rec-
2 ommendations for Federal criminal justice reform;
3 and

4 (3) disseminate findings and supplemental guid-
5 ance to the Federal Government, as well as to State,
6 local, and Tribal governments.

7 **SEC. 705. REVIEW, RECOMMENDATIONS, AND REPORT.**

8 (a) GENERAL REVIEW.—The Commission shall un-
9 dertake a comprehensive review of all areas of the criminal
10 justice system, including the criminal justice costs, prac-
11 tices, and policies of the Federal, State, local, and Tribal
12 governments.

13 (b) RECOMMENDATIONS.—

14 (1) IN GENERAL.—Not later than 18 months
15 after the date of the first meeting of the Commis-
16 sion, the Commission shall submit to the President
17 and Congress recommendations for changes in Fed-
18 eral oversight, policies, practices, and laws designed
19 to prevent, deter, and reduce crime and violence, re-
20 duce recidivism, improve cost-effectiveness, and en-
21 sure the interests of justice at every step of the
22 criminal justice system.

23 (2) UNANIMOUS CONSENT.—If a unanimous
24 vote of the members of the Commission at a meeting
25 where a quorum is present pursuant to section

1 706(d) approves a recommendation of the Commis-
2 sion, the Commission may adopt and submit the rec-
3 ommendation under paragraph (1).

4 (3) PUBLIC ACCESS.—The recommendations
5 submitted under this subsection shall be made avail-
6 able to the public.

7 (c) REPORT.—

8 (1) IN GENERAL.—Not later than 18 months
9 after the date of the first meeting of the Commis-
10 sion, the Commission shall disseminate to the Fed-
11 eral Government, as well as to State, local, and
12 Tribal governments, a report that details the find-
13 ings and supplemental guidance of the Commission
14 regarding the criminal justice system at all levels of
15 government.

16 (2) MAJORITY VOTE.—If a majority vote of the
17 members of the Commission approves a finding or
18 supplemental guidance at a meeting where a quorum
19 is present pursuant to section 706(d), the finding or
20 supplemental guidance may be adopted and included
21 in the report required under paragraph (1).

22 (3) DISSENTS.—In the case of a member of the
23 Commission who dissents from a finding or supple-
24 mental guidance approved by a majority vote under
25 paragraph (2), the member may state the reason for

1 the dissent in writing and the report described in
2 paragraph (1) shall include the dissent.

3 (4) PUBLIC ACCESS.—The report submitted
4 under this subsection shall be made available to the
5 public.

6 (d) PRIOR COMMISSIONS.—The Commission shall
7 take into consideration the work of prior relevant commis-
8 sions in conducting the review of the Commission.

9 (e) STATE AND LOCAL GOVERNMENTS.—In issuing
10 the recommendations and report of the Commission under
11 this section, the Commission shall not infringe on the le-
12 gitimate rights of the States to determine the criminal
13 laws of the States or the enforcement of such laws.

14 (f) PUBLIC HEARINGS.—The Commission shall con-
15 duct public hearings in various locations around the
16 United States.

17 (g) CONSULTATION WITH GOVERNMENT AND NON-
18 GOVERNMENT REPRESENTATIVES.—

19 (1) IN GENERAL.—The Commission shall—

20 (A) closely consult with Federal, State,
21 local, and Tribal governments and nongovern-
22 ment leaders, including—

23 (i) State, local, and Tribal law en-
24 forcement officials, including rank and file
25 officers;

- 1 (ii) legislators;
- 2 (iii) public health officials;
- 3 (iv) judges;
- 4 (v) court administrators;
- 5 (vi) prosecutors;
- 6 (vii) defense counsel;
- 7 (viii) victims' rights organizations;
- 8 (ix) probation and parole officials;
- 9 (x) criminal justice planners;
- 10 (xi) criminologists;
- 11 (xii) civil rights and liberties organiza-
- 12 tions;
- 13 (xiii) community-based organization
- 14 leaders;
- 15 (xiv) formerly incarcerated individ-
- 16 uals;
- 17 (xv) professional organizations; and
- 18 (xvi) corrections officials; and
- 19 (B) include in the final report required
- 20 under subsection (c) summaries of the input
- 21 and recommendations of the leaders consulted
- 22 under subparagraph (A).
- 23 (2) UNITED STATES SENTENCING COMMIS-
- 24 SION.—To the extent the review and recommenda-
- 25 tions required by this section relate to sentencing

1 policies and practices for the Federal criminal jus-
2 tice system, the Commission shall conduct the review
3 in consultation with the United States Sentencing
4 Commission.

5 (h) SENSE OF CONGRESS ON UNANIMITY.—It is the
6 sense of Congress that, given the national importance of
7 the matters before the Commission—

8 (1) the Commission should work toward devel-
9 oping findings and supplemental guidance that are
10 unanimously supported by the members of the Com-
11 mission; and

12 (2) a finding or supplemental guidance unani-
13 mously supported by the members of the Commis-
14 sion should take precedence over a finding or supple-
15 mental guidance that is not unanimously supported.

16 **SEC. 706. MEMBERSHIP.**

17 (a) IN GENERAL.—The Commission shall be com-
18 posed of 14 members, as follows:

19 (1) The President shall appoint 1 member, who
20 shall serve as a co-chairperson of the Commission.

21 (2) The co-chairperson described in paragraph
22 (1) shall appoint 6 members in consultation with the
23 leadership of—

1 (A) the Senate and House of Representa-
2 tives of the same political party as the Presi-
3 dent;

4 (B) the Committee on the Judiciary of the
5 House of Representatives of the same political
6 party as the President; and

7 (C) the Committee on the Judiciary of the
8 Senate of the same political party as the Presi-
9 dent.

10 (3) The leader of the Senate, in consultation
11 with the leader of the House of Representatives who
12 is a member of the opposite party of the President,
13 shall appoint 1 member, who shall serve as a co-
14 chairperson of the Commission.

15 (4) The co-chairperson described in paragraph
16 (3) shall appoint 6 members in consultation with the
17 leadership of—

18 (A) the Senate and House of Representa-
19 tives of the opposite political party as the Presi-
20 dent;

21 (B) the Committee on the Judiciary of the
22 House of Representatives of the opposite polit-
23 ical party as the President; and

1 (C) the Committee on the Judiciary of the
2 Senate of the opposite political party as the
3 President.

4 (b) MEMBERSHIP.—

5 (1) IN GENERAL.—A member shall be ap-
6 pointed based upon knowledge or experience in a rel-
7 evant area, including—

8 (A) law enforcement;

9 (B) criminal justice;

10 (C) national security;

11 (D) prison and jail administration;

12 (E) prisoner reentry;

13 (F) public health, including—

14 (i) physical and sexual victimization;

15 (ii) drug addiction; or

16 (iii) mental health;

17 (G) the rights of victims;

18 (H) civil rights;

19 (I) civil liberties;

20 (J) court administration;

21 (K) social services; or

22 (L) State, local, or Tribal government.

23 (2) LAW ENFORCEMENT REPRESENTATION.—

1 (A) MEMBERS APPOINTED BY THE CO-
2 CHAIRPERSONS.—Of the 6 members appointed
3 by the co-chairperson under subsection (a)(2)—

4 (i) not fewer than 2 shall be rep-
5 resentatives from Federal, State, or local
6 law enforcement agencies, including not
7 less than 1 representative from a rank and
8 file organization; and

9 (ii) not fewer than 1 shall be a rep-
10 resentative from a Tribal law enforcement
11 agency.

12 (B) OTHER MEMBERS.—Of the 6 members
13 appointed under subsection (a)(4)—

14 (i) not fewer than 2 shall be rep-
15 resentatives of Federal, State, or local law
16 enforcement agencies, including not less
17 than 1 representative from a rank and file
18 organization; and

19 (ii) not fewer than 1 shall be a rep-
20 resentative from a Tribal law enforcement
21 agency.

22 (3) DISQUALIFICATION.—If an individual pos-
23 sesses a personal financial interest in the discharge
24 of a duty of the Commission, the individual may not
25 be appointed as a member of the Commission.

1 (4) TERMS.—A member shall be appointed for
2 the duration of the Commission.

3 (c) APPOINTMENTS AND FIRST MEETING.—

4 (1) APPOINTMENTS.—Each member of the
5 Commission shall be appointed not later than 45
6 days after the date of enactment of this Act.

7 (2) FIRST MEETING.—The Commission shall
8 hold the first meeting of the Commission on the
9 date, whichever is later, that is not later than—

10 (A) 60 days after the date of enactment of
11 this Act; or

12 (B) 30 days after the date on which funds
13 are made available for the Commission.

14 (3) ETHICS.—At the first meeting of the Com-
15 mission, the Commission shall—

16 (A) draft appropriate ethics guidelines for
17 members and staff of the Commission, includ-
18 ing guidelines relating to—

19 (i) conflict of interest; and

20 (ii) financial disclosure;

21 (B) consult with the Committees on the
22 Judiciary of the Senate and the House of Rep-
23 resentatives as a part of drafting the guidelines;
24 and

1 (C) provide each Committee described in
2 subparagraph (B) with a copy of the guidelines
3 completed under subparagraph (A).

4 (d) MEETINGS, QUORUM, AND VACANCIES.—

5 (1) MEETINGS.—The Commission shall meet at
6 the call of—

7 (A) the co-chairpersons; or

8 (B) a majority of the members of the Com-
9 mission.

10 (2) QUORUM.—Except as provided in para-
11 graph (3)(B), a majority of the members of the
12 Commission shall constitute a quorum for purposes
13 of conducting business, except that 2 members of
14 the Commission shall constitute a quorum for pur-
15 poses of receiving testimony.

16 (3) VACANCIES.—

17 (A) IN GENERAL.—A vacancy in the Com-
18 mission shall not affect a power of the Commis-
19 sion, and the vacancy shall be filled in the same
20 manner in which the original appointment was
21 made.

22 (B) QUORUM.—In the case of a vacancy
23 occurring after the date that is 45 days after
24 the date of enactment of this Act, until the date
25 on which the vacancy is filled, a majority of the

1 members of the Commission shall constitute a
 2 quorum if—

3 (i) not fewer than 1 member of the
 4 Commission appointed under paragraph
 5 (1) or (2) of subsection (a) is present; and

6 (ii) not fewer than 1 member of the
 7 Commission appointed under paragraph
 8 (3) or (4) of subsection (a) is present.

9 (e) ACTIONS OF THE COMMISSION.—

10 (1) IN GENERAL.—The Commission—

11 (A) shall, subject to section 705, act by a
 12 resolution agreed to by a majority of the mem-
 13 bers of the Commission voting and present; and

14 (B) may establish a panel composed of less
 15 than the full membership of the Commission for
 16 purposes of carrying out a duty of the Commis-
 17 sion under this title, which—

18 (i) shall be subject to the review and
 19 control of the Commission; and

20 (ii) may make a finding or determina-
 21 tion that may be considered a finding or
 22 determination of the Commission if the
 23 finding or determination is approved by
 24 the Commission.

1 (2) DELEGATION.—If authorized by the co-
 2 chairpersons of the Commission, a member, agent,
 3 or staff member of the Commission may take an ac-
 4 tion that the Commission may take under this title.

5 **SEC. 707. ADMINISTRATION.**

6 (a) STAFF.—

7 (1) EXECUTIVE DIRECTOR.—The Commission
 8 shall have a staff headed by an Executive Director,
 9 who shall be paid at a rate established for the Cer-
 10 tified Plan pay level for the Senior Executive Service
 11 under section 5382 of title 5, United States Code.

12 (2) APPOINTMENTS AND COMPENSATION.—The
 13 co-chairpersons of the Commission shall designate
 14 and fix the compensation of the Executive Director
 15 and, in accordance with rules agreed upon by the
 16 Commission, may appoint and fix the compensation
 17 of such other personnel as may be necessary to en-
 18 able the Commission to carry out its functions, with-
 19 out regard to the provisions of title 5, United States
 20 Code, governing appointments in the competitive
 21 service, and without regard to the provisions of
 22 chapter 51 and subchapter III of chapter 53 of such
 23 title relating to classification and General Schedule
 24 pay rates, except that no rate of pay fixed under this
 25 subsection may exceed the equivalent of that payable

1 for a position at level V of the Executive Schedule
2 under section 5316 of title 5, United States Code.

3 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

4 (A) IN GENERAL.—The Executive Director
5 and any personnel of the Commission who are
6 employees shall be employees under section
7 2105 of title 5, United States Code, for pur-
8 poses of chapters 63, 81, 83, 84, 85, 87, 89,
9 and 90 of such title 5.

10 (B) MEMBERS OF THE COMMISSION.—

11 Subparagraph (A) shall not be construed to
12 apply to members of the Commission.

13 (4) THE COMPENSATION OF MEMBERS.—

14 (A) NON-FEDERAL EMPLOYEES.—A mem-
15 ber of the commission who is not an officer or
16 employee of the Federal Government shall be
17 compensated at a rate equal to the daily equiva-
18 lent of the annual rate of basic pay prescribed
19 for level IV of the Executive Schedule under
20 section 5315 of title 5, United States Code, for
21 each day (including travel time) during which
22 the member is engaged in the performance of
23 the duties of the Board.

24 (B) FEDERAL EMPLOYEES.—A member of
25 the commission who is an officer or employee of

1 the Federal Government shall serve without
2 compensation in addition to the compensation
3 received for the services of the member as an
4 officer or employee of the Federal Government.

5 (5) TRAVEL EXPENSES.—A member of the
6 Commission shall be allowed travel expenses, includ-
7 ing per diem in lieu of subsistence, at rates author-
8 ized for employees of agencies under subchapter I of
9 chapter 57 of title 5, United States Code, while
10 away from the home or regular places of business of
11 the member in the performance of services for the
12 Commission.

13 (b) EXPERTS AND CONSULTANTS.—With the ap-
14 proval of the Commission, the Executive Director may
15 procure temporary and intermittent services under section
16 3109(b) of title 5, United States Code.

17 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
18 the request of the Commission, a Federal Government em-
19 ployee may be detailed to the Commission without reim-
20 bursement, and such detail shall be without interruption
21 or loss of civil service status or privilege.

22 (d) OTHER RESOURCES.—

23 (1) IN GENERAL.—The Commission shall have
24 reasonable access to materials, resources, statistical

1 data, and other information such Commission deter-
2 mines to be necessary to carry out its duties from—

3 (A) the Library of Congress;

4 (B) the Department of Justice;

5 (C) the Office of National Drug Control
6 Policy;

7 (D) the Department of State; and

8 (E) other agencies of the executive or legis-
9 lative branch of the Federal Government.

10 (2) REQUESTS FOR RESOURCES.—The co-chair-
11 persons of the Commission shall make requests for
12 the access described in paragraph (1) in writing
13 when necessary.

14 (e) VOLUNTEER SERVICES.—Notwithstanding sec-
15 tion 1342 of title 31, United States Code, the Commis-
16 sion—

17 (1) may—

18 (A) accept and use the services of an indi-
19 vidual volunteering to serve without compensa-
20 tion; and

21 (B) reimburse the individual described in
22 subparagraph (A) for local travel, office sup-
23 plies, and for other travel expenses, including
24 per diem in lieu of subsistence, as authorized by
25 section 5703 of title 5, United States Code; and

1 (2) shall consider the individual described in
 2 paragraph (1) an employee of the Federal Govern-
 3 ment in performance of those services for the pur-
 4 poses of—

5 (A) chapter 81 of title 5, United States
 6 Code, relating to compensation for work-related
 7 injuries;

8 (B) chapter 171 of title 28, United States
 9 Code, relating to tort claims; and

10 (C) chapter 11 of title 18, United States
 11 Code, relating to conflicts of interest.

12 (f) OBTAINING OFFICIAL DATA.—

13 (1) IN GENERAL.—Except as provided in para-
 14 graph (3), the Commission may directly secure from
 15 an agency of the United States information nec-
 16 essary to enable the Commission to carry out this
 17 title.

18 (2) PROCEDURES.—Upon the request of the co-
 19 chairpersons of the Commission, the head of the
 20 agency shall furnish any information requested
 21 under paragraph (1) to the Commission.

22 (3) SENSITIVE INFORMATION.—The Commis-
 23 sion may not have access to sensitive information re-
 24 garding ongoing investigations.

1 (g) **MAILS.**—The Commission may use the United
2 States mails in the same manner and under the same con-
3 ditions as other departments and agencies of the United
4 States.

5 (h) **BIANNUAL REPORTS.**—The Commission shall
6 submit biannual status reports to Congress regarding—

7 (1) the use of resources;

8 (2) salaries; and

9 (3) all expenditures of appropriated funds.

10 (i) **CONTRACTS.**—

11 (1) **IN GENERAL.**—The Commission may enter
12 into a contract with a Federal or State agency, a
13 private firm, an institution, or an individual for the
14 conduct of an activity necessary to the discharge of
15 a duty or responsibility of the Commission.

16 (2) **TIMING.**—A contract, lease, or other legal
17 agreement the Commission enters into may not ex-
18 tend beyond the date of the termination of the Com-
19 mission.

20 (j) **GIFTS.**—The Commission may accept, use, or dis-
21 pose of a gift or donation of a service or property.

22 (k) **ADMINISTRATIVE ASSISTANCE.**—The Adminis-
23 trator of General Services shall provide to the Commis-
24 sion, on a reimbursable basis, the administrative support
25 services necessary for the Commission to carry out the re-

1 sponsibilities of the Commission under this title, which
 2 may include—

- 3 (1) human resource management;
- 4 (2) budget;
- 5 (3) leasing;
- 6 (4) accounting; or
- 7 (5) payroll services.

8 (l) NON-APPLICABILITY OF FACA AND PUBLIC AC-
 9 CESS TO MEETINGS AND MINUTES.—

10 (1) IN GENERAL.—The Federal Advisory Com-
 11 mittee Act (5 U.S.C. App.) shall not apply to the
 12 Commission.

13 (2) MEETINGS AND MINUTES.—

14 (A) MEETINGS.—

15 (i) ADMINISTRATION.—Each meeting
 16 of the Commission shall be open to the
 17 public, except that a meeting or any por-
 18 tion of it may be closed to the public if it
 19 concerns matters or information described
 20 in section 552b(c) of title 5, United States
 21 Code.

22 (ii) INTERESTED INDIVIDUALS.—An
 23 interested individual may—

24 (I) appear at an open meeting;

1 (II) present an oral or written
2 statement on the subject matter of the
3 meeting; and

4 (III) be administered an oath or
5 affirmation.

6 (iii) NOTICE.—Each open meeting of
7 the Commission shall be preceded by time-
8 ly public notice in the Federal Register of
9 the time, place, and subject of the meeting.

10 (B) MINUTES AND PUBLIC ACCESS.—

11 (i) MINUTES.—Minutes of each open
12 meeting shall be kept and shall contain a
13 record of—

14 (I) the people present;

15 (II) a description of the discus-
16 sion that occurred; and

17 (III) a copy of each statement
18 filed.

19 (ii) PUBLIC ACCESS.—The minutes
20 and records of each open meeting and
21 other documents that were made available
22 to or prepared for the Commission shall be
23 available for public inspection and copying
24 at a single location in the offices of the
25 Commission.

1 (m) ARCHIVING.—Not later than the date described
2 in section 709, all records and papers of the Commission
3 shall be delivered to the Archivist of the United States
4 for deposit in the National Archives.

5 **SEC. 708. DIRECT APPROPRIATIONS.**

6 (a) IN GENERAL.—For the purpose of carrying out
7 this title, there is authorized to be appropriated, and there
8 is appropriated, to remain available until expended, out
9 of any money in the Treasury not otherwise appro-
10 priated—

11 (1) for fiscal year 2021, \$7,000,000; and

12 (2) for fiscal year 2022, \$7,000,000.

13 (b) LIMITATION.—None of the funds provided by this
14 section may be used for international travel.

15 **SEC. 709. SUNSET.**

16 The Commission shall terminate 60 days after the
17 date on which the Commission submits the report required
18 under section 705(c) to Congress.

1 **TITLE VIII—LAW ENFORCEMENT**
2 **AGENCY HIRING AND EDU-**
3 **CATION**

4 **Subtitle A—Hiring**

5 **SEC. 801. LAW ENFORCEMENT AGENCY HIRING.**

6 Section 1701(b) of title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (34 U.S.C. 10381(b))
8 is amended—

9 (1) by redesignating paragraphs (22) and (23)
10 as paragraphs (23) and (24), respectively;

11 (2) in paragraph (23), as so redesignated, by
12 striking “(21)” and inserting “(22)”; and

13 (3) by inserting after paragraph (21) the fol-
14 lowing:

15 “(22) for a law enforcement agency that has a
16 substantially different racial and ethnic demographic
17 makeup than the community served by the agency,
18 to hire recruiters and enroll law enforcement officer
19 candidates in law enforcement academies to become
20 career law enforcement officers who have racial and
21 ethnic demographic characteristics similar to the
22 community;”.

1 **SEC. 802. REAUTHORIZATION OF LAW ENFORCEMENT**
 2 **GRANT PROGRAMS.**

3 (a) EDWARD BYRNE MEMORIAL JUSTICE ASSIST-
 4 ANCE GRANT PROGRAM.—Section 511 of title I of the
 5 Omnibus Crime Control and Safe Streets Act of 1968
 6 (Public Law 90–351; 82 Stat. 197), as so redesignated
 7 by this Act, is amended by striking “this subpart
 8 \$1,095,000,000 for each of the fiscal years 2006 through
 9 2012” and inserting “this subpart, including sections 508,
 10 509, and 510, \$800,000,000 for each of fiscal years 2021
 11 through 2025”.

12 (b) REAUTHORIZATION OF COPS ON THE BEAT
 13 GRANT PROGRAM.—Section 1001(a)(11)(A) of title I of
 14 the Omnibus Crime Control and Safe Streets Act of 1968
 15 (34 U.S.C. 10261(a)(11)(A)) is amended by striking “part
 16 Q, to remain available until expended \$1,047,119,000 for
 17 each of fiscal years 2006 through 2009” and inserting
 18 “part Q, including section 1701(n), to remain available
 19 until expended \$400,000,000 for each of fiscal years 2021
 20 through 2025”.

21 **Subtitle B—Training**

22 **SEC. 811. DEFINITIONS.**

23 In this subtitle:

24 (1) DIRECTOR.—The term “Director” means
 25 the Director of the National Museum of African
 26 American History and Culture.

1 (2) ELIGIBLE PROGRAM PARTICIPANT.—The
 2 term “eligible program participant” means a Fed-
 3 eral, State, or local law enforcement officer or re-
 4 cruiter, or a candidate in a law enforcement acad-
 5 emy.

6 **SEC. 812. PROGRAM AUTHORIZED.**

7 (a) DIRECT APPROPRIATIONS.—For the purpose of
 8 carrying out this subtitle, there is authorized to be appro-
 9 priated, and there is appropriated, to remain available
 10 until expended, out of any money in the Treasury not oth-
 11 erwise appropriated—

12 (1) for fiscal year 2021, \$2,000,000;

13 (2) for fiscal year 2022, \$2,000,000;

14 (3) for fiscal year 2023, \$2,000,000;

15 (4) for fiscal year 2024, \$2,000,000; and

16 (5) for fiscal year 2025, \$2,000,000.

17 (b) DONATIONS, GIFTS, BEQUESTS, AND DEVISES OF
 18 PROPERTY.—In accordance with chapter 23 of title 36,
 19 United States Code, and in furtherance of the purposes
 20 of this subtitle, the Director is authorized to solicit, ac-
 21 cept, hold, administer, invest, and use donated funds and
 22 gifts, bequests, and devises of property, both real and per-
 23 sonal.

24 (c) USE OF FUNDS.—The Director, using funds ap-
 25 propriated under subsection (a) and resources received

1 under subsection (b), including through the engagement
 2 of eligible program participants as appropriate and in con-
 3 sultation with the National Law Enforcement Museum—

4 (1) shall develop and nationally disseminate a
 5 curriculum to educate eligible program participants
 6 on the history of racism in the United States; and

7 (2) shall carry out education program training
 8 for eligible program participants that focuses on—

9 (A) racial reconciliation with the goal of
 10 understanding the history of racism in America;

11 (B) improving relationships between law
 12 enforcement and the communities they serve;
 13 and

14 (C) training eligible program participants
 15 who can effectively train their law enforcement
 16 peers in their State and communities.

17 (d) APPLICATIONS.—The Director may seek the en-
 18 gagement of an eligible program participant under sub-
 19 section (c) by requiring submission of an application to
 20 the Director at such time, in such manner, and based on
 21 such competitive criteria as the Director may require.

22 **SEC. 813. ONLINE EDUCATION RESOURCES.**

23 (a) WEBSITE.—The Director shall maintain on the
 24 website of the National Museum of African American His-
 25 tory and Culture a special section designated for education

1 resources to improve awareness and understanding of the
 2 history of racism in the United States and to promote ra-
 3 cial reconciliation through best practices to improve rela-
 4 tions between law enforcement and the communities they
 5 serve. The website and resources shall be made publically
 6 available.

7 (b) INFORMATION DISTRIBUTION.—The Director
 8 shall distribute information about the activities funded
 9 under this subtitle through the website of the National
 10 Museum of African American History and Culture, and
 11 shall respond to inquiries for supplementary information
 12 concerning such activities.

13 (c) BEST PRACTICES.—The information distributed
 14 by the Director shall include best practices for educators.

15 **SEC. 814. NATIONAL MUSEUM OF AFRICAN AMERICAN HIS-**
 16 **TORY AND CULTURE COUNCIL.**

17 The National Museum of African American History
 18 and Culture Council established under section 5 of the Na-
 19 tional Museum of African American History and Culture
 20 Act (20 U.S.C. 80r-3), shall have governance responsi-
 21 bility for the programs and activities carried out under
 22 this subtitle in accordance with the National Museum of
 23 African American History and Culture Act (20 U.S.C.
 24 80r).

1 **SEC. 815. ENGAGEMENT OF ELIGIBLE PROGRAM PARTICI-**
2 **PANTS.**

3 (a) IN GENERAL.—An eligible program participant
4 shall be engaged at the discretion of the Director to par-
5 ticipate in education program activities authorized under
6 this subtitle and approved by the Director pursuant to an
7 application described in section 812(d).

8 (b) ENGAGEMENT PERIOD.—Engagement of eligible
9 program participants under this subtitle shall be for a pe-
10 riod determined by the Director.

11 (c) PRIORITY.—In engaging eligible program partici-
12 pants under section 812, the Director shall give priority
13 to applications from such participants who work for a
14 Federal, State, or local law enforcement agency that does
15 not, at the time application is made, offer any education
16 programming on the history of racism or best practices
17 to improve race relations between law enforcement and the
18 communities they serve.

19 **SEC. 816. ANNUAL REPORT.**

20 Not later than February 1 of each year, the Director
21 shall submit to the Congress a report describing the activi-
22 ties carried out under this subtitle.

1 **TITLE IX—BEST PRACTICES AND**
2 **STUDIES**

3 **SEC. 901. BEST PRACTICES.**

4 (a) IN GENERAL.—The National Criminal Justice
5 Commission established under title VIII (referred to in
6 this title as the “Commission”) shall—

7 (1) develop recommended best practices guide-
8 lines to ensure fair and effective policing tactics and
9 procedures that encourage equitable justice, commu-
10 nity trust, and law enforcement officer safety;

11 (2) include the recommended best practices de-
12 scribed in paragraph (1) in the recommendations of
13 the Commission required under section 705; and

14 (3) best practices for developing standards for
15 law enforcement officer due process.

16 (b) REQUIREMENTS.—The best practices required to
17 be developed under subsection (a) shall include—

18 (1) best practices for the hiring, firing, suspen-
19 sion, and discipline of law enforcement officers; and

20 (2) best practices for community transparency
21 and optimal administration of a law enforcement
22 agency.

23 **SEC. 902. STUDY.**

24 (a) IN GENERAL.—The Commission shall conduct a
25 study on the establishment and operation of use of force

1 review boards by States and units of local government,
2 wherein citizens can assist law enforcement agencies in re-
3 viewing use of force incidents.

4 (b) INCLUSION IN COMMISSION RECOMMENDA-
5 TIONS.—The Commission shall include a report on the
6 study conducted under subsection (a), which shall include
7 recommendations, if any, for best practices for State and
8 local use of force review boards, as well as best practices
9 for developing standards for law enforcement officer due
10 process, in the recommendations of the Commission re-
11 quired under section 705.

12 **SEC. 903. MENTAL HEALTH STUDY.**

13 (a) IN GENERAL.—The Commission shall conduct a
14 study on law enforcement officer training, crisis interven-
15 tion teams, co-responder programs, personnel require-
16 ments, Federal resources, and pilot programs needed to
17 improve nationwide law enforcement officer engagement
18 on issues related to mental health, homelessness, and ad-
19 diction.

20 (b) INCLUSION IN COMMISSION RECOMMENDA-
21 TIONS.—The Commission shall include a report on the
22 study conducted under subsection (a), which shall include
23 recommendations, if any, in the recommendations of the
24 Commission required under section 705.

1 **SEC. 904. STUDY AND PROPOSAL ON IMPROVING ACCOUNT-**
2 **ABILITY FOR DOJ GRANTS.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “covered grant” means a grant
5 awarded under a covered grant program; and

6 (2) the term “covered grant program” means—

7 (A) the Edward Byrne Memorial Justice
8 Assistance Grant Program under subpart 1 of
9 part E of title I of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (34 U.S.C. 10151
11 et seq.);

12 (B) the “Cops on the Beat” program
13 under part Q of title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (34
15 U.S.C. 10381 et seq.); and

16 (C) any other grant program administered
17 by the Attorney General that provides funds to
18 law enforcement agencies.

19 (b) STUDY AND PROPOSAL.—Not later than 1 year
20 after the date of enactment of this Act, the Attorney Gen-
21 eral shall study, and submit to Congress a proposal re-
22 garding, the possible implementation of a method to im-
23 prove accountability for law enforcement agencies that re-
24 ceive funds from covered grant programs.

25 (c) CONTENTS.—In carrying out subsection (b), the
26 Attorney General shall develop discrete performance

1 metrics for law enforcement agencies that apply for and
2 receive funds from covered grant programs, the param-
3 eters of which shall—

4 (1) establish benchmarks of progress, measured
5 on a semiannual or annual basis, as appropriate;

6 (2) require annual accounting by a recipient of
7 a covered grant of the progress made toward each
8 benchmark described in paragraph (1); and

9 (3) provide that—

10 (A) the failure to achieve a benchmark de-
11 scribed in paragraph (1) shall constitute a vio-
12 lation of the grant agreement;

13 (B) if a recipient does not cure a violation
14 by achieving the applicable benchmark not later
15 than 90 days after the date of the violation, the
16 recipient shall return the amounts of the cov-
17 ered grant to the Attorney General; and

18 (C) a law enforcement agency that violates
19 a grant agreement may not apply for a covered
20 grant for a period of 1 year.

1 **TITLE X—CLOSING THE LAW EN-**
 2 **FORCEMENT CONSENT LOOP-**
 3 **HOLE ACT**

4 **SEC. 1001. PROHIBITION ON ENGAGING IN SEXUAL ACTS**
 5 **WHILE ACTING UNDER COLOR OF LAW.**

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

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

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

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

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

17 “(1) IN GENERAL.—Whoever, acting under
 18 color of law, knowingly engages in a sexual act with
 19 an individual who has been arrested by, is detained
 20 by, or is in custody of any Federal law enforcement
 21 officer, shall be fined under this title, imprisoned not
 22 more than 15 years, or both.

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

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

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

6 (b) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of
7 title 18, United States Code, is amended by—

8 (1) in paragraph (4), by striking “or” at the
9 end;

10 (2) by redesignating paragraph (5) as para-
11 graph (6); and

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

14 “(5) subsection (c) of section 2243 of this title
15 had the sexual contact been a sexual act, shall be
16 fined under this title, imprisoned not more than 15
17 years, or both; or”.

18 (c) DEFINITION.—Section 2246 of title 18, United
19 States Code, is amended—

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

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

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

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

3 (d) CLERICAL AMENDMENT.—The table of sections
 4 for chapter 109A of title 18, United States Code, is
 5 amended by amending the item related to section 2243
 6 to read as follows:

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

7 **SEC. 1002. INCENTIVE FOR STATES.**

8 (a) AUTHORITY TO MAKE GRANTS.—The Attorney
 9 General is authorized to make grants to States that have
 10 in effect a law that—

11 (1) makes it a criminal offense for any person
 12 acting under color of law of the State to engage in
 13 a sexual act (as defined in section 2246 of title 18,
 14 United States Code) with an individual who has
 15 been arrested by, is detained by, or is in custody of
 16 any law enforcement officer; and

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

20 (b) REPORTING REQUIREMENT.—A State that re-
 21 ceives a grant under this section shall submit to the Attor-
 22 ney General, on an annual basis, information on—

23 (1) the number of reports made to law enforce-
 24 ment agencies in that State regarding persons en-

1 gaging in a sexual act (as defined in section 2246
2 of title 18, United States Code) while acting under
3 color of law during the previous year; and

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

7 (c) APPLICATION.—A State seeking a grant under
8 this section shall submit an application to the Attorney
9 General at such time, in such manner, and containing
10 such information as the Attorney General may reasonably
11 require, including information about the law described in
12 subsection (a).

13 (d) GRANT AMOUNT.—The amount of a grant to a
14 State under this section shall be in an amount that is not
15 greater than 10 percent of the average of the total amount
16 of funding of the 3 most recent awards that the State re-
17 ceived under the following grant programs:

18 (1) Part T of title I of the Omnibus Crime Con-
19 trol and Safe Streets Act of 1968 (34 U.S.C. 10441
20 et seq.) (commonly referred to as the “STOP Vio-
21 lence Against Women Formula Grant Program”).

22 (2) Section 41601 of the Violence Against
23 Women Act of 1994 (34 U.S.C. 12511) (commonly
24 referred to as the “Sexual Assault Services Pro-
25 gram”).

1 (e) GRANT TERM.—

2 (1) IN GENERAL.—The Attorney General shall
3 provide an increase in the amount provided to a
4 State under the grant programs described in sub-
5 section (d) for a 2-year period.

6 (2) RENEWAL.—A State that receives a grant
7 under this section may submit an application for a
8 renewal of such grant at such time, in such manner,
9 and containing such information as the Attorney
10 General may reasonably require.

11 (3) LIMIT.—A State may not receive a grant
12 under this section for more than 4 years.

13 (f) USES OF FUNDS.—A State that receives a grant
14 under this section shall use—

15 (1) 25 percent of such funds for any of the per-
16 missible uses of funds under the grant program de-
17 scribed in paragraph (1) of subsection (d); and

18 (2) 75 percent of such funds for any of the per-
19 missible uses of funds under the grant program de-
20 scribed in paragraph (2) of subsection (d).

21 (g) DIRECT APPROPRIATIONS.—For the purpose of
22 making grants under this section, there is authorized to
23 be appropriated, and there is appropriated, to remain
24 available until expended, out of any money in the Treasury
25 not otherwise appropriated—

- 1 (1) for fiscal year 2021, \$5,000,000;
- 2 (2) for fiscal year 2022, \$5,000,000;
- 3 (3) for fiscal year 2023, \$5,000,000;
- 4 (4) for fiscal year 2024, \$5,000,000; and
- 5 (5) for fiscal year 2025, \$5,000,000.

6 (h) DEFINITION.—For purposes of this section, the
7 term “State” means each of the several States and the
8 District of Columbia, Indian Tribes, and the Common-
9 wealth of Puerto Rico, Guam, American Samoa, the Vir-
10 gin Islands, and the Northern Mariana Islands.

11 **SEC. 1003. REPORTS TO CONGRESS.**

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

16 (1) the information required to be reported to
17 the Attorney General under section 1002(b); and

18 (2) information on—

19 (A) the number of reports made, during
20 the previous year, to Federal law enforcement
21 agencies regarding persons engaging in a sexual
22 act (as defined in section 2246 of title 18,
23 United States Code) while acting under color of
24 law; and

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

4 (b) REPORT BY GAO.—Not later than 1 year after
5 the date of enactment of this Act, and each year there-
6 after, the Comptroller General of the United States shall
7 submit to Congress a report on any violations of section
8 2243(c) of title 18, United States Code, as amended by
9 section 1001, committed during the 1-year period covered
10 by the report.

11 **TITLE XI—EMERGENCY** 12 **FUNDING**

13 **SEC. 1101. EMERGENCY DESIGNATION.**

14 (a) IN GENERAL.—The amounts provided under this
15 Act, or an amendment made by this Act, are designated
16 as an emergency requirement pursuant to section 4(g) of
17 the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
18 933(g)).

19 (b) DESIGNATION IN SENATE.—In the Senate, this
20 Act, and the amendments made by this Act, is designated
21 as an emergency requirement pursuant to section 4112(a)
22 of H. Con. Res. 71 (115th Congress), the concurrent reso-
23 lution on the budget for fiscal year 2018.

Calendar No. 480

116TH CONGRESS
2D Session

S. 3985

A BILL

To improve and reform policing practices,
accountability and transparency.

JUNE 18, 2020

Read the second time and placed on the calendar