

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7120
OFFERED BY MR. NADLER OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “George Floyd Justice in Policing Act of 2020”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—POLICE ACCOUNTABILITY

Subtitle A—Holding Police Accountable in the Courts

Sec. 101. Deprivation of rights under color of law.
Sec. 102. Qualified immunity reform.
Sec. 103. Pattern and practice investigations.
Sec. 104. Independent investigations.

Subtitle B—Law Enforcement Trust and Integrity Act

Sec. 111. Short title.
Sec. 112. Definitions.
Sec. 113. Accreditation of law enforcement agencies.
Sec. 114. Law enforcement grants.
Sec. 115. Attorney General to conduct study.
Sec. 116. Authorization of appropriations.
Sec. 117. National task force on law enforcement oversight.
Sec. 118. Federal data collection on law enforcement practices.

TITLE II—POLICING TRANSPARENCY THROUGH DATA

Subtitle A—National Police Misconduct Registry

Sec. 201. Establishment of National Police Misconduct Registry.
Sec. 202. Certification requirements for hiring of law enforcement officers.

Subtitle B—PRIDE Act

- Sec. 221. Short title.
- Sec. 222. Definitions.
- Sec. 223. Use of force reporting.
- Sec. 224. Use of force data reporting.
- Sec. 225. Compliance with reporting requirements.
- Sec. 226. Federal law enforcement reporting.
- Sec. 227. Authorization of appropriations.

TITLE III—IMPROVING POLICE TRAINING AND POLICIES

Subtitle A—End Racial and Religious Profiling Act

- Sec. 301. Short title.
- Sec. 302. Definitions.

PART I—PROHIBITION OF RACIAL PROFILING

- Sec. 311. Prohibition.
- Sec. 312. Enforcement.

PART II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

- Sec. 321. Policies to eliminate racial profiling.

PART III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

- Sec. 331. Policies required for grants.
- Sec. 332. Involvement of Attorney General.
- Sec. 333. Data collection demonstration project.
- Sec. 334. Development of best practices.
- Sec. 335. Authorization of appropriations.

PART IV—DATA COLLECTION

- Sec. 341. Attorney General to issue regulations.
- Sec. 342. Publication of data.
- Sec. 343. Limitations on publication of data.

PART V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

- Sec. 351. Attorney General to issue regulations and reports.

Subtitle B—Additional Reforms

- Sec. 361. Training on racial bias and duty to intervene.
- Sec. 362. Ban on no-knock warrants in drug cases.
- Sec. 363. Incentivizing banning of chokeholds and carotid holds.
- Sec. 364. PEACE Act.
- Sec. 365. Stop Militarizing Law Enforcement Act.
- Sec. 366. Public safety innovation grants.

Subtitle C—Law Enforcement Body Cameras

PART 1—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

- Sec. 371. Short title.
- Sec. 372. Requirements for Federal law enforcement officers regarding the use of body cameras.
- Sec. 373. Patrol vehicles with in-car video recording cameras.
- Sec. 374. Facial recognition technology.
- Sec. 375. GAO study.
- Sec. 376. Regulations.
- Sec. 377. Rule of construction.

PART 2—POLICE CAMERA ACT

- Sec. 381. Short title.
- Sec. 382. Law enforcement body-worn camera requirements.

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING ACT

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

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Severability.
- Sec. 502. Savings clause.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) BYRNE GRANT PROGRAM.—The term
4 “Byrne grant program” means any grant program
5 under subpart 1 of part E of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (34
7 U.S.C. 10151 et seq.), without regard to whether
8 the funds are characterized as being made available
9 under the Edward Byrne Memorial State and Local
10 Law Enforcement Assistance Programs, the Local
11 Government Law Enforcement Block Grants Pro-
12 gram, the Edward Byrne Memorial Justice Assist-
13 ance Grant Program, or otherwise.

14 (2) COPS GRANT PROGRAM.—The term “COPS
15 grant program” means the grant program author-

1 ized under section 1701 of title I of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (34
3 U.S.C. 10381).

4 (3) FEDERAL LAW ENFORCEMENT AGENCY.—
5 The term “Federal law enforcement agency” means
6 any agency of the United States authorized to en-
7 gage in or supervise the prevention, detection, inves-
8 tigation, or prosecution of any violation of Federal
9 criminal law.

10 (4) FEDERAL LAW ENFORCEMENT OFFICER.—
11 The term “Federal law enforcement officer” has the
12 meaning given the term in section 115 of title 18,
13 United States Code.

14 (5) INDIAN TRIBE.—The term “Indian Tribe”
15 has the meaning given the term “Indian tribe” in
16 section 901 of title I of the Omnibus Crime Control
17 and Safe Streets Act of 1968 (34 U.S.C. 10251).

18 (6) LOCAL LAW ENFORCEMENT OFFICER.—The
19 term “local law enforcement officer” means any offi-
20 cer, agent, or employee of a State or unit of local
21 government authorized by law or by a government
22 agency to engage in or supervise the prevention, de-
23 tection, or investigation of any violation of criminal
24 law.

1 (7) STATE.—The term “State” has the mean-
2 ing given the term in section 901 of title I of the
3 Omnibus Crime Control and Safe Streets Act of
4 1968 (34 U.S.C. 10251).

5 (8) TRIBAL LAW ENFORCEMENT OFFICER.—
6 The term “tribal law enforcement officer” means
7 any officer, agent, or employee of an Indian tribe, or
8 the Bureau of Indian Affairs, authorized by law or
9 by a government agency to engage in or supervise
10 the prevention, detection, or investigation of any vio-
11 lation of criminal law.

12 (9) UNIT OF LOCAL GOVERNMENT.—The term
13 “unit of local government” has the meaning given
14 the term in section 901 of title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (34
16 U.S.C. 10251).

17 (10) DEADLY FORCE.—The term “deadly
18 force” means that force which a reasonable person
19 would consider likely to cause death or serious bodily
20 harm, including—

21 (A) the discharge of a firearm;

22 (B) a maneuver that restricts blood or oxy-
23 gen flow to the brain, including chokeholds,
24 strangleholds, neck restraints, neckholds, and
25 carotid artery restraints; and

1 (C) multiple discharges of an electronic
2 control weapon.

3 (11) USE OF FORCE.—The term “use of force”
4 includes—

5 (A) the use of a firearm, Taser, explosive
6 device, chemical agent (such as pepper spray),
7 baton, impact projectile, blunt instrument,
8 hand, fist, foot, canine, or vehicle against an in-
9 dividual;

10 (B) the use of a weapon, including a per-
11 sonal body weapon, chemical agent, impact
12 weapon, extended range impact weapon, sonic
13 weapon, sensory weapon, conducted energy de-
14 vice, or firearm, against an individual; or

15 (C) any intentional pointing of a firearm
16 at an individual.

17 (12) LESS LETHAL FORCE.—The term “less le-
18 thal force” means any degree of force that is not
19 likely to cause death or serious bodily injury.

20 (13) FACIAL RECOGNITION.—The term “facial
21 recognition” means an automated or semiautomated
22 process that analyzes biometric data of an individual
23 from video footage to identify or assist in identifying
24 an individual.

1 **TITLE I—POLICE**
2 **ACCOUNTABILITY**
3 **Subtitle A—Holding Police**
4 **Accountable in the Courts**

5 **SEC. 101. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.**

6 Section 242 of title 18, United States Code, is
7 amended—

8 (1) by striking “willfully” and inserting “know-
9 ingly or recklessly”;

10 (2) by striking “, or may be sentenced to
11 death”; and

12 (3) by adding at the end the following: “For
13 purposes of this section, an act shall be considered
14 to have resulted in death if the act was a substantial
15 factor contributing to the death of the person.”.

16 **SEC. 102. QUALIFIED IMMUNITY REFORM.**

17 Section 1979 of the Revised Statutes of the United
18 States (42 U.S.C. 1983) is amended by adding at the end
19 the following: “It shall not be a defense or immunity in
20 any action brought under this section against a local law
21 enforcement officer (as such term is defined in section 2
22 of the George Floyd Justice in Policing Act of 2020), or
23 in any action under any source of law against a Federal
24 investigative or law enforcement officer (as such term is

1 defined in section 2680(h) of title 28, United States
2 Code), that—

3 “(1) the defendant was acting in good faith, or
4 that the defendant believed, reasonably or otherwise,
5 that his or her conduct was lawful at the time when
6 the conduct was committed; or

7 “(2) the rights, privileges, or immunities se-
8 cured by the Constitution and laws were not clearly
9 established at the time of their deprivation by the
10 defendant, or that at such time, the state of the law
11 was otherwise such that the defendant could not rea-
12 sonably have been expected to know whether his or
13 her conduct was lawful.”.

14 **SEC. 103. PATTERN AND PRACTICE INVESTIGATIONS.**

15 (a) SUBPOENA AUTHORITY.—Section 210401 of the
16 Violent Crime Control and Law Enforcement Act of 1994
17 (34 U.S.C. 12601) is amended—

18 (1) in subsection (a), by inserting “, by pros-
19 ecutors,” after “conduct by law enforcement offi-
20 cers”;

21 (2) in subsection (b), by striking “paragraph
22 (1)” and inserting “subsection (a)”; and

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

24 “(c) SUBPOENA AUTHORITY.—In carrying out the
25 authority in subsection (b), the Attorney General may re-

1 quire by subpoena the production of all information, docu-
2 ments, reports, answers, records, accounts, papers, and
3 other data in any medium (including electronically stored
4 information), as well as any tangible thing and documen-
5 tary evidence, and the attendance and testimony of wit-
6 nesses necessary in the performance of the Attorney Gen-
7 eral under subsection (b). Such a subpoena, in the case
8 of contumacy or refusal to obey, shall be enforceable by
9 order of any appropriate district court of the United
10 States.

11 “(d) CIVIL ACTION BY STATE ATTORNEYS GEN-
12 ERAL.—Whenever it shall appear to the attorney general
13 of any State, or such other official as a State may des-
14 ignate, that a violation of subsection (a) has occurred
15 within their State, the State attorney general or official,
16 in the name of the State, may bring a civil action in the
17 appropriate district court of the United States to obtain
18 appropriate equitable and declaratory relief to eliminate
19 the pattern or practice. In carrying out the authority in
20 this subsection, the State attorney general or official shall
21 have the same subpoena authority as is available to the
22 Attorney General under subsection (c).

23 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to limit the authority of the Attor-
25 ney General under subsection (b) in any case in which a

1 State attorney general has brought a civil action under
2 subsection (d).

3 “(f) REPORTING REQUIREMENTS.—On the date that
4 is one year after the enactment of the George Floyd Jus-
5 tice in Policing Act of 2020, and annually thereafter, the
6 Civil Rights Division of the Department of Justice shall
7 make publicly available on an internet website a report
8 on, during the previous year—

9 “(1) the number of preliminary investigations
10 of violations of subsection (a) that were commenced;

11 “(2) the number of preliminary investigations
12 of violations of subsection (a) that were resolved;
13 and

14 “(3) the status of any pending investigations of
15 violations of subsection (a).”.

16 (b) GRANT PROGRAM.—

17 (1) GRANTS AUTHORIZED.—The Attorney Gen-
18 eral may award a grant to a State to assist the
19 State in conducting pattern and practice investiga-
20 tions under section 210401(d) of the Violent Crime
21 Control and Law Enforcement Act of 1994 (34
22 U.S.C. 12601) .

23 (2) APPLICATION.—A State seeking a grant
24 under paragraph (1) shall submit an application in

1 such form, at such time, and containing such infor-
2 mation as the Attorney General may require.

3 (3) FUNDING.—There are authorized to be ap-
4 propriated \$100,000,000 to the Attorney General for
5 each of fiscal years 2021 through 2023 to carry out
6 this subsection.

7 (c) DATA ON EXCESSIVE USE OF FORCE.—Section
8 210402 of the Violent Crime Control and Law Enforce-
9 ment Act of 1994 (34 U.S.C. 12602) is amended—

10 (1) in subsection (a)—

11 (A) by striking “The Attorney General”
12 and inserting the following: “(1) FEDERAL COL-
13 LECTION OF DATA.—The Attorney General”;
14 and

15 (B) by adding at the end the following:

16 “(2) STATE COLLECTION OF DATA.—The attor-
17 ney general of a State may, through appropriate
18 means, acquire data about the use of excessive force
19 by law enforcement officers and such data may be
20 used by the attorney general in conducting investiga-
21 tions under section 210401. This data may not con-
22 tain any information that may reveal the identity of
23 the victim or any law enforcement officer.”; and

24 (2) by amending subsection (b) to read as fol-
25 lows:

1 “(b) LIMITATION ON USE OF DATA ACQUIRED BY
2 THE ATTORNEY GENERAL.—Data acquired under sub-
3 section (a)(1) shall be used only for research or statistical
4 purposes and may not contain any information that may
5 reveal the identity of the victim or any law enforcement
6 officer.”.

7 **SEC. 104. INDEPENDENT INVESTIGATIONS.**

8 (a) IN GENERAL.—

9 (1) DEFINITIONS.—In this subsection:

10 (A) INDEPENDENT INVESTIGATION.—The
11 term “independent investigation” means a
12 criminal investigation or prosecution of a law
13 enforcement officer’s use of deadly force, in-
14 cluding one or more of the following:

15 (i) Using an agency or civilian review
16 board that investigates and independently
17 reviews all allegations of use of deadly
18 force made against law enforcement offi-
19 cers in the jurisdiction.

20 (ii) Assigning of the attorney general
21 of the State in which the alleged use of
22 deadly force was committed to conduct the
23 criminal investigation and prosecution.

24 (iii) Adopting a procedure under
25 which an independent prosecutor is as-

1 signed to investigate and prosecute the
2 case, including a procedure under which an
3 automatic referral is made to an inde-
4 pendent prosecutor appointed and overseen
5 by the attorney general of the State in
6 which the alleged use of deadly force was
7 committed.

8 (iv) Adopting a procedure under
9 which an independent prosecutor is as-
10 signed to investigate and prosecute the
11 case.

12 (v) Having law enforcement agencies
13 agree to and implement memoranda of un-
14 derstanding with other law enforcement
15 agencies under which the other law en-
16 forcement agencies—

17 (I) shall conduct the criminal in-
18 vestigation into the alleged use of
19 deadly force; and

20 (II) upon conclusion of the crimi-
21 nal investigation, shall file a report
22 with the attorney general of the State
23 containing a determination regarding
24 whether—

1 (aa) the use of deadly force
2 was appropriate; and

3 (bb) any action should be
4 taken by the attorney general of
5 the State.

6 (vi) Any substantially similar proce-
7 dure to ensure impartiality in the inves-
8 tigation or prosecution.

9 (B) INDEPENDENT INVESTIGATION OF
10 LAW ENFORCEMENT STATUTE.—The term
11 “independent investigation of law enforcement
12 statute” means a statute requiring an inde-
13 pendent investigation in a criminal matter in
14 which—

15 (i) one or more of the possible defend-
16 ants is a law enforcement officer;

17 (ii) one or more of the alleged offenses
18 involves the law enforcement officer’s use
19 of deadly force in the course of carrying
20 out that officer’s duty; and

21 (iii) the non-Federal law enforcement
22 officer’s use of deadly force resulted in a
23 death or injury.

24 (C) INDEPENDENT PROSECUTOR.—The
25 term “independent prosecutor” means, with re-

1 spect to a criminal investigation or prosecution
2 of a law enforcement officer's use of deadly
3 force, a prosecutor who—

4 (i) does not oversee or regularly rely
5 on the law enforcement agency by which
6 the law enforcement officer under inves-
7 tigation is employed; and

8 (ii) would not be involved in the pros-
9 ecution in the ordinary course of that pros-
10 ecutor's duties.

11 (2) GRANT PROGRAM.—The Attorney General
12 may award grants to eligible States and Indian
13 Tribes to assist in implementing an independent in-
14 vestigation of law enforcement statute.

15 (3) ELIGIBILITY.—To be eligible for a grant
16 under this subsection, a State or Indian Tribe shall
17 have in effect an independent investigation of law
18 enforcement statute.

19 (4) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to the At-
21 torney General \$750,000,000 for fiscal years 2021
22 through 2023 to carry out this subsection.

23 (b) COPS GRANT PROGRAM USED FOR CIVILIAN RE-
24 VIEW BOARDS.—Part Q of title I of the of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
2 10381 et seq.) is amended—

3 (1) in section 1701(b) (34 U.S.C. 10381(b))—

4 (A) by redesignating paragraphs (22) and
5 (23) as paragraphs (23) and (24), respectively;

6 (B) in paragraph (23), as so redesignated,
7 by striking “(21)” and inserting “(22)”; and

8 (C) by inserting after paragraph (21) the
9 following:

10 “(22) to develop best practices for and to create
11 civilian review boards;”; and

12 (2) in section 1709 (34 U.S.C. 10389), by add-
13 ing at the end the following:

14 “(8) ‘civilian review board’ means an adminis-
15 trative entity that investigates civilian complaints
16 against law enforcement officers and—

17 “(A) is independent and adequately fund-
18 ed;

19 “(B) has investigatory authority and sub-
20 poena power;

21 “(C) has representative community diver-
22 sity;

23 “(D) has policy making authority;

24 “(E) provides advocates for civilian com-
25 plainants;

1 “(F) may conduct hearings; and

2 “(G) conducts statistical studies on pre-
3 vailing complaint trends.”.

4 **Subtitle B—Law Enforcement**
5 **Trust and Integrity Act**

6 **SEC. 111. SHORT TITLE.**

7 This subtitle may be cited as the “Law Enforcement
8 Trust and Integrity Act of 2020”.

9 **SEC. 112. DEFINITIONS.**

10 In this subtitle:

11 (1) **COMMUNITY-BASED ORGANIZATION.**—The
12 term “community-based organization” means a
13 grassroots organization that monitors the issue of
14 police misconduct and that has a local or national
15 presence and membership, such as the National As-
16 sociation for the Advancement of Colored People
17 (NAACP), the American Civil Liberties Union
18 (ACLU), UnidosUS, the National Urban League,
19 the National Congress of American Indians, or the
20 National Asian Pacific American Legal Consortium
21 (NAPALC).

22 (2) **LAW ENFORCEMENT ACCREDITATION ORGA-**
23 **NIZATION.**—The term “law enforcement accredita-
24 tion organization” means a professional law enforce-
25 ment organization involved in the development of

1 standards of accreditation for law enforcement agen-
2 cies at the national, State, regional, or Tribal level,
3 such as the Commission on Accreditation for Law
4 Enforcement Agencies (CALEA).

5 (3) LAW ENFORCEMENT AGENCY.—The term
6 “law enforcement agency” means a State, local, In-
7 dian tribal, or campus public agency engaged in the
8 prevention, detection, investigation, prosecution, or
9 adjudication of violations of criminal laws.

10 (4) PROFESSIONAL LAW ENFORCEMENT ASSO-
11 CIATION.—The term “professional law enforcement
12 association” means a law enforcement membership
13 association that works for the needs of Federal,
14 State, local, or Indian tribal law enforcement agen-
15 cies and with the civilian community on matters of
16 common interest, such as the Hispanic American
17 Police Command Officers Association (HAPCOA),
18 the National Asian Pacific Officers Association
19 (NAPOA), the National Black Police Association
20 (NBPA), the National Latino Peace Officers Asso-
21 ciation (NLPOA), the National Organization of
22 Black Law Enforcement Executives (NOBLE),
23 Women in Law Enforcement, the Native American
24 Law Enforcement Association (NALEA), the Inter-
25 national Association of Chiefs of Police (IACP), the

1 National Sheriffs' Association (NSA), the Fraternal
2 Order of Police (FOP), or the National Association
3 of School Resource Officers.

4 (5) PROFESSIONAL CIVILIAN OVERSIGHT ORGA-
5 NIZATION.—The term “professional civilian oversight
6 organization” means a membership organization
7 formed to address and advance civilian oversight of
8 law enforcement and whose members are from Fed-
9 eral, State, regional, local, or Tribal organizations
10 that review issues or complaints against law enforce-
11 ment agencies or officers, such as the National Asso-
12 ciation for Civilian Oversight of Law Enforcement
13 (NACOLE).

14 **SEC. 113. ACCREDITATION OF LAW ENFORCEMENT AGEN-**
15 **CIES.**

16 (a) STANDARDS.—

17 (1) INITIAL ANALYSIS.—The Attorney General
18 shall perform an initial analysis of existing accredi-
19 tation standards and methodology developed by law
20 enforcement accreditation organizations nationwide,
21 including national, State, regional, and Tribal ac-
22 creditation organizations. Such an analysis shall in-
23 clude a review of the recommendations of the Final
24 Report of the President's Taskforce on 21st Century

1 Policing, issued by the Department of Justice, in
2 May 2015.

3 (2) DEVELOPMENT OF UNIFORM STANDARDS.—

4 After completion of the initial review and analysis
5 under paragraph (1), the Attorney General shall—

6 (A) recommend, in consultation with law
7 enforcement accreditation organizations and
8 community-based organizations, the adoption of
9 additional standards that will result in greater
10 community accountability of law enforcement
11 agencies and an increased focus on policing
12 with a guardian mentality, including standards
13 relating to—

14 (i) early warning systems and related
15 intervention programs;

16 (ii) use of force procedures;

17 (iii) civilian review procedures;

18 (iv) traffic and pedestrian stop and
19 search procedures;

20 (v) data collection and transparency;

21 (vi) administrative due process re-
22 quirements;

23 (vii) video monitoring technology;

24 (viii) youth justice and school safety;

25 and

1 (ix) recruitment, hiring, and training;

2 and

3 (B) recommend additional areas for the
4 development of national standards for the ac-
5 creditation of law enforcement agencies in con-
6 sultation with existing law enforcement accredi-
7 tation organizations, professional law enforce-
8 ment associations, labor organizations, commu-
9 nity-based organizations, and professional civil-
10 ian oversight organizations.

11 (3) CONTINUING ACCREDITATION PROCESS.—

12 The Attorney General shall adopt policies and proce-
13 dures to partner with law enforcement accreditation
14 organizations, professional law enforcement associa-
15 tions, labor organizations, community-based organi-
16 zations, and professional civilian oversight organiza-
17 tions to—

18 (A) continue the development of further
19 accreditation standards consistent with para-
20 graph (2);

21 (B) encourage the pursuit of accreditation
22 of Federal, State, local, and Tribal law enforce-
23 ment agencies by certified law enforcement ac-
24 creditation organizations; and

1 (C) develop recommendations for imple-
2 mentation of a national accreditation require-
3 ment tied to Federal grant eligibility.

4 (b) USE OF FUNDS REQUIREMENTS.—Section
5 502(a) of title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (34 U.S.C. 10153(a)) is amended by
7 adding at the end the following:

8 “(7) An assurance that, for each fiscal year
9 covered by an application, the applicant will use not
10 less than 5 percent of the total amount of the grant
11 award for the fiscal year to assist law enforcement
12 agencies of the applicant, including campus public
13 safety departments, gain or maintain accreditation
14 from certified law enforcement accreditation organi-
15 zations in accordance with section 113 of the Law
16 Enforcement Trust and Integrity Act of 2020.”.

17 **SEC. 114. LAW ENFORCEMENT GRANTS.**

18 (a) USE OF FUNDS REQUIREMENT.—Section 502(a)
19 of title I of the Omnibus Crime Control and Safe Streets
20 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
21 113, is amended by adding at the end the following:

22 “(8) An assurance that, for each fiscal year
23 covered by an application, the applicant will use not
24 less than 5 percent of the total amount of the grant
25 award for the fiscal year to study and implement ef-

1 fective management, training, recruiting, hiring, and
2 oversight standards and programs to promote effec-
3 tive community and problem solving strategies for
4 law enforcement agencies in accordance with section
5 114 of the Law Enforcement Trust and Integrity
6 Act of 2020.”.

7 (b) GRANT PROGRAM FOR COMMUNITY ORGANIZA-
8 TIONS.—The Attorney General may make grants to com-
9 munity-based organizations to study and implement—

10 (1) effective management, training, recruiting,
11 hiring, and oversight standards and programs to
12 promote effective community and problem solving
13 strategies for law enforcement agencies; or

14 (2) effective strategies and solutions to public
15 safety, including strategies that do not rely on Fed-
16 eral and local law enforcement agency responses.

17 (c) USE OF FUNDS.—Grant amounts described in
18 paragraph (8) of section 502(a) of title I of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
20 10153(a)), as added by subsection (a) of this section, and
21 grant amounts awarded under subsection (b) shall be used
22 to—

23 (1) study management and operations stand-
24 ards for law enforcement agencies, including stand-
25 ards relating to administrative due process, resi-

1 dency requirements, compensation and benefits, use
2 of force, racial profiling, early warning and interven-
3 tion systems, youth justice, school safety, civilian re-
4 view boards or analogous procedures, or research
5 into the effectiveness of existing programs, projects,
6 or other activities designed to address misconduct;
7 and

8 (2) develop pilot programs and implement effec-
9 tive standards and programs in the areas of train-
10 ing, hiring and recruitment, and oversight that are
11 designed to improve management and address mis-
12 conduct by law enforcement officers.

13 (d) COMPONENTS OF PILOT PROGRAM.—A pilot pro-
14 gram developed under subsection (c)(2) shall include im-
15 plementation of the following:

16 (1) TRAINING.—The implementation of policies,
17 practices, and procedures addressing training and
18 instruction to comply with accreditation standards in
19 the areas of—

20 (A) the use of deadly force, less lethal
21 force, and de-escalation tactics and techniques;

22 (B) investigation of officer misconduct and
23 practices and procedures for referring to pros-
24 ecuting authorities allegations of officer use of
25 excessive force or racial profiling;

1 (C) disproportionate contact by law en-
2 forcement with minority communities;

3 (D) tactical and defensive strategy;

4 (E) arrests, searches, and restraint;

5 (F) professional verbal communications
6 with civilians;

7 (G) interactions with—

8 (i) youth;

9 (ii) individuals with disabilities;

10 (iii) individuals with limited English
11 proficiency; and

12 (iv) multi-cultural communities;

13 (H) proper traffic, pedestrian, and other
14 enforcement stops; and

15 (I) community relations and bias aware-
16 ness.

17 (2) RECRUITMENT, HIRING, RETENTION, AND
18 PROMOTION OF DIVERSE LAW ENFORCEMENT OFFI-
19 CERS.—Policies, procedures, and practices for—

20 (A) the hiring and recruitment of diverse
21 law enforcement officers who are representative
22 of the communities they serve;

23 (B) the development of selection, pro-
24 motion, educational, background, and psycho-
25 logical standards that comport with title VII of

1 the Civil Rights Act of 1964 (42 U.S.C. 2000e
2 et seq.); and

3 (C) initiatives to encourage residency in
4 the jurisdiction served by the law enforcement
5 agency and continuing education.

6 (3) OVERSIGHT.—Complaint procedures, in-
7 cluding the establishment of civilian review boards or
8 analogous procedures for jurisdictions across a range
9 of sizes and agency configurations, complaint proce-
10 dures by community-based organizations, early
11 warning systems and related intervention programs,
12 video monitoring technology, data collection and
13 transparency, and administrative due process re-
14 quirements inherent to complaint procedures for
15 members of the public and law enforcement.

16 (4) YOUTH JUSTICE AND SCHOOL SAFETY.—
17 Uniform standards on youth justice and school safe-
18 ty that include best practices for law enforcement
19 interaction and communication with children and
20 youth, taking into consideration adolescent develop-
21 ment and any disability, including—

22 (A) the right to effective and timely notifi-
23 cation of a parent or legal guardian of any law
24 enforcement interaction, regardless of the immi-
25 gration status of the individuals involved; and

1 (B) the creation of positive school climates
2 by improving school conditions for learning
3 by—

4 (i) eliminating school-based arrests
5 and referrals to law enforcement;

6 (ii) using evidence-based preventative
7 measures and alternatives to school-based
8 arrests and referrals to law enforcement,
9 such as restorative justice and healing
10 practices; and

11 (iii) using school-wide positive behav-
12 ioral interventions and supports.

13 (5) VICTIM SERVICES.—Counseling services, in-
14 cluding psychological counseling, for individuals and
15 communities impacted by law enforcement mis-
16 conduct.

17 (e) TECHNICAL ASSISTANCE.—

18 (1) IN GENERAL.—The Attorney General may
19 provide technical assistance to States and commu-
20 nity-based organizations in furtherance of the pur-
21 poses of this section.

22 (2) MODELS FOR REDUCTION OF LAW EN-
23 FORCEMENT MISCONDUCT.—The technical assistance
24 provided by the Attorney General may include the
25 development of models for States and community-

1 based organizations to reduce law enforcement offi-
2 cer misconduct. Any development of such models
3 shall be in consultation with community-based orga-
4 nizations.

5 (f) USE OF COMPONENTS.—The Attorney General
6 may use any component or components of the Department
7 of Justice in carrying out this section.

8 (g) APPLICATIONS.—An application for a grant
9 under subsection (b) shall be submitted in such form, and
10 contain such information, as the Attorney General may
11 prescribe by rule.

12 (h) PERFORMANCE EVALUATION.—

13 (1) MONITORING COMPONENTS.—

14 (A) IN GENERAL.—Each program, project,
15 or activity funded under this section shall con-
16 tain a monitoring component, which shall be de-
17 veloped pursuant to rules made by the Attorney
18 General.

19 (B) REQUIREMENT.—Each monitoring
20 component required under subparagraph (A)
21 shall include systematic identification and col-
22 lection of data about activities, accomplish-
23 ments, and programs throughout the duration
24 of the program, project, or activity and presen-
25 tation of such data in a usable form.

1 (2) EVALUATION COMPONENTS.—

2 (A) IN GENERAL.—Selected grant recipi-
3 ents shall be evaluated on the local level or as
4 part of a national evaluation, pursuant to rules
5 made by the Attorney General.

6 (B) REQUIREMENTS.—An evaluation con-
7 ducted under subparagraph (A) may include
8 independent audits of police behavior and other
9 assessments of individual program implementa-
10 tions. For community-based organizations in se-
11 lected jurisdictions that are able to support out-
12 come evaluations, the effectiveness of funded
13 programs, projects, and activities may be re-
14 quired.

15 (3) PERIODIC REVIEW AND REPORTS.—The At-
16 torney General may require a grant recipient to sub-
17 mit biannually to the Attorney General the results of
18 the monitoring and evaluations required under para-
19 graphs (1) and (2) and such other data and infor-
20 mation as the Attorney General determines to be
21 necessary.

22 (i) REVOCATION OR SUSPENSION OF FUNDING.—If
23 the Attorney General determines, as a result of monitoring
24 under subsection (h) or otherwise, that a grant recipient
25 under the Byrne grant program or under subsection (b)

1 is not in substantial compliance with the requirements of
2 this section, the Attorney General may revoke or suspend
3 funding of that grant, in whole or in part.

4 (j) CIVILIAN REVIEW BOARD DEFINED.—In this sec-
5 tion, the term “civilian review board” means an adminis-
6 trative entity that investigates civilian complaints against
7 law enforcement officers and—

8 (1) is independent and adequately funded;

9 (2) has investigatory authority and subpoena
10 power;

11 (3) has representative community diversity;

12 (4) has policy making authority;

13 (5) provides advocates for civilian complainants;

14 (6) may conduct hearings; and

15 (7) conducts statistical studies on prevailing
16 complaint trends.

17 (k) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Attorney General
19 \$25,000,000 for fiscal year 2021 to carry out the grant
20 program authorized under subsection (b).

21 **SEC. 115. ATTORNEY GENERAL TO CONDUCT STUDY.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Attorney General shall
24 conduct a nationwide study of the prevalence and ef-
25 fect of any law, rule, or procedure that allows a law

1 enforcement officer to delay the response to ques-
2 tions posed by a local internal affairs officer, or re-
3 view board on the investigative integrity and pros-
4 ecution of law enforcement misconduct, including
5 pre-interview warnings and termination policies.

6 (2) INITIAL ANALYSIS.—The Attorney General
7 shall perform an initial analysis of existing State
8 laws, rules, and procedures to determine whether, at
9 a threshold level, the effect of the type of law, rule,
10 or procedure that raises material investigatory issues
11 that could impair or hinder a prompt and thorough
12 investigation of possible misconduct, including crimi-
13 nal conduct.

14 (3) DATA COLLECTION.—After completion of
15 the initial analysis under paragraph (2), and consid-
16 ering material investigatory issues, the Attorney
17 General shall gather additional data nationwide on
18 similar laws, rules, and procedures from a represent-
19 ative and statistically significant sample of jurisdic-
20 tions, to determine whether such laws, rules, and
21 procedures raise such material investigatory issues.

22 (b) REPORTING.—

23 (1) INITIAL ANALYSIS.—Not later than 120
24 days after the date of the enactment of this Act, the
25 Attorney General shall—

1 (A) submit to Congress a report containing
2 the results of the initial analysis conducted
3 under subsection (a)(2);

4 (B) make the report submitted under sub-
5 paragraph (A) available to the public; and

6 (C) identify the jurisdictions for which the
7 study described in subsection (a)(3) is to be
8 conducted.

9 (2) DATA COLLECTED.—Not later than 2 years
10 after the date of the enactment of this Act, the At-
11 torney General shall submit to Congress a report
12 containing the results of the data collected under
13 this section and publish the report in the Federal
14 Register.

15 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated for fiscal
17 year 2021, in addition to any other sums authorized to
18 be appropriated—

19 (1) \$25,000,000 for additional expenses relat-
20 ing to the enforcement of section 210401 of the Vio-
21 lent Crime Control and Law Enforcement Act of
22 1994 (34 U.S.C. 12601), criminal enforcement
23 under sections 241 and 242 of title 18, United
24 States Code, and administrative enforcement by the
25 Department of Justice of such sections, including

1 compliance with consent decrees or judgments en-
2 tered into under such section 210401; and

3 (2) \$3,300,000 for additional expenses related
4 to conflict resolution by the Department of Justice's
5 Community Relations Service.

6 **SEC. 117. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
7 **OVERSIGHT.**

8 (a) ESTABLISHMENT.—There is established within
9 the Department of Justice a task force to be known as
10 the Task Force on Law Enforcement Oversight (herein-
11 after in this section referred to as the “Task Force”).

12 (b) COMPOSITION.—The Task Force shall be com-
13 posed of individuals appointed by the Attorney General,
14 who shall appoint not less than 1 individual from each of
15 the following:

16 (1) The Special Litigation Section of the Civil
17 Rights Division.

18 (2) The Criminal Section of the Civil Rights Di-
19 vision.

20 (3) The Federal Coordination and Compliance
21 Section of the Civil Rights Division.

22 (4) The Employment Litigation Section of the
23 Civil Rights Division.

24 (5) The Disability Rights Section of the Civil
25 Rights Division.

1 (6) The Office of Justice Programs.

2 (7) The Office of Community Oriented Policing
3 Services (COPS).

4 (8) The Corruption/Civil Rights Section of the
5 Federal Bureau of Investigation.

6 (9) The Community Relations Service.

7 (10) The Office of Tribal Justice.

8 (11) The unit within the Department of Justice
9 assigned as a liaison for civilian review boards.

10 (c) POWERS AND DUTIES.—The Task Force shall
11 consult with professional law enforcement associations,
12 labor organizations, and community-based organizations
13 to coordinate the process of the detection and referral of
14 complaints regarding incidents of alleged law enforcement
15 misconduct.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated \$5,000,000 for each fis-
18 cal year to carry out this section.

19 **SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCE-**
20 **MENT PRACTICES.**

21 (a) AGENCIES TO REPORT.—Each Federal, State,
22 Tribal, and local law enforcement agency shall report data
23 of the practices enumerated in subsection (c) of that agen-
24 cy to the Attorney General.

1 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
2 NICITY, AND GENDER.—For each practice enumerated in
3 subsection (c), the reporting law enforcement agency shall
4 provide a breakdown of the numbers of incidents of that
5 practice by race, ethnicity, age, and gender of the officers
6 of the agency and of members of the public involved in
7 the practice.

8 (c) PRACTICES TO BE REPORTED ON.—The prac-
9 tices to be reported on are the following:

10 (1) Traffic violation stops.

11 (2) Pedestrian stops.

12 (3) Frisk and body searches.

13 (4) Instances where law enforcement officers
14 used deadly force, including—

15 (A) a description of when and where dead-
16 ly force was used, and whether it resulted in
17 death;

18 (B) a description of deadly force directed
19 against an officer and whether it resulted in in-
20 jury or death; and

21 (C) the law enforcement agency's justifica-
22 tion for use of deadly force, if the agency deter-
23 mines it was justified.

24 (d) RETENTION OF DATA.—Each law enforcement
25 agency required to report data under this section shall

1 maintain records relating to any matter reported for not
2 less than 4 years after those records are created.

3 (e) PENALTY FOR STATES FAILING TO REPORT AS
4 REQUIRED.—

5 (1) IN GENERAL.—For any fiscal year, a State
6 shall not receive any amount that would otherwise
7 be allocated to that State under section 505(a) of
8 title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (34 U.S.C. 10156(a)), or any
10 amount from any other law enforcement assistance
11 program of the Department of Justice, unless the
12 State has ensured, to the satisfaction of the Attor-
13 ney General, that the State and each local law en-
14 forcement agency of the State is in substantial com-
15 pliance with the requirements of this section.

16 (2) REALLOCATION.—Amounts not allocated by
17 reason of this subsection shall be reallocated to
18 States not disqualified by failure to comply with this
19 section.

20 (f) REGULATIONS.—The Attorney General shall pre-
21 scribe regulations to carry out this section.

1 **TITLE II—POLICING TRANS-**
2 **PARENCY THROUGH DATA**
3 **Subtitle A—National Police**
4 **Misconduct Registry**

5 **SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MIS-**
6 **CONDUCT REGISTRY.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Attorney General shall
9 establish a National Police Misconduct Registry to be com-
10 piled and maintained by the Department of Justice.

11 (b) CONTENTS OF REGISTRY.—The Registry re-
12 quired to be established under subsection (a) shall contain
13 the following data with respect to all Federal and local
14 law enforcement officers:

15 (1) Each complaint filed against a law enforce-
16 ment officer, aggregated by—

17 (A) complaints that were found to be cred-
18 ible or that resulted in disciplinary action
19 against the law enforcement officer,
20 disaggregated by whether the complaint in-
21 volved a use of force or racial profiling (as such
22 term is defined in section 302);

23 (B) complaints that are pending review,
24 disaggregated by whether the complaint in-
25 volved a use of force or racial profiling; and

1 (C) complaints for which the law enforce-
2 ment officer was exonerated or that were deter-
3 mined to be unfounded or not sustained,
4 disaggregated by whether the complaint in-
5 volved a use of force or racial profiling.

6 (2) Discipline records, disaggregated by wheth-
7 er the complaint involved a use of force or racial
8 profiling.

9 (3) Termination records, the reason for each
10 termination, disaggregated by whether the complaint
11 involved a use of force or racial profiling.

12 (4) Records of certification in accordance with
13 section 202.

14 (5) Records of lawsuits against law enforcement
15 officers and settlements of such lawsuits.

16 (c) FEDERAL AGENCY REPORTING REQUIRE-
17 MENTS.—Not later than 1 year after the date of enact-
18 ment of this Act, and every 6 months thereafter, the head
19 of each Federal law enforcement agency shall submit to
20 the Attorney General the information described in sub-
21 section (b).

22 (d) STATE AND LOCAL LAW ENFORCEMENT AGENCY
23 REPORTING REQUIREMENTS.—Beginning in the first fis-
24 cal year that begins after the date that is one year after
25 the date of enactment of this Act and each fiscal year

1 thereafter in which a State receives funds under the Byrne
2 grant program, the State shall, once every 180 days, sub-
3 mit to the Attorney General the information described in
4 subsection (b) for the State and each local law enforce-
5 ment agency within the State.

6 (e) PUBLIC AVAILABILITY OF REGISTRY.—

7 (1) IN GENERAL.—In establishing the Registry
8 required under subsection (a), the Attorney General
9 shall make the Registry available to the public on an
10 internet website of the Attorney General in a man-
11 ner that allows members of the public to search for
12 an individual law enforcement officer’s records of
13 misconduct, as described in subsection (b), involving
14 a use of force or racial profiling.

15 (2) PRIVACY PROTECTIONS.—Nothing in this
16 subsection shall be construed to supersede the re-
17 quirements or limitations under section 552a of title
18 5, United States Code (commonly known as the
19 “Privacy Act of 1974”).

20 **SEC. 202. CERTIFICATION REQUIREMENTS FOR HIRING OF**
21 **LAW ENFORCEMENT OFFICERS.**

22 (a) IN GENERAL.— Beginning in the first fiscal year
23 that begins after the date that is one year after the date
24 of the enactment of this Act, a State or unit of local gov-
25 ernment, other than an Indian Tribe, may not receive

1 funds under the Byrne grant program for that fiscal year
2 if, on the day before the first day of the fiscal year, the
3 State or unit of local government has not—

4 (1) submitted to the Attorney General evidence
5 that the State or unit of local government has a cer-
6 tification and decertification program for purposes
7 of employment as a law enforcement officer in that
8 State or unit of local government that is consistent
9 with the rules made under subsection (c); and

10 (2) submitted to the National Police Mis-
11 conduct Registry established under section 201
12 records demonstrating that all law enforcement offi-
13 cers of the State or unit of local government have
14 completed all State certification requirements during
15 the 1-year period preceding the fiscal year.

16 (b) AVAILABILITY OF INFORMATION.—The Attorney
17 General shall make available to law enforcement agencies
18 all information in the registry under section 201 for pur-
19 poses of compliance with the certification and decertifica-
20 tion programs described in subsection (a)(1) and consid-
21 ering applications for employment.

22 (c) RULES.—The Attorney General shall make rules
23 to carry out this section and section 201, including uni-
24 form reporting standards.

1 **Subtitle B—PRIDE Act**

2 **SEC. 221. SHORT TITLE.**

3 This subtitle may be cited as the “Police Reporting
4 Information, Data, and Evidence Act of 2020” or the
5 “PRIDE Act of 2020”.

6 **SEC. 222. DEFINITIONS.**

7 In this subtitle:

8 (1) LOCAL EDUCATIONAL AGENCY.—The term
9 “local educational agency” has the meaning given
10 the term in section 8101 of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C. 7801).

12 (2) LOCAL LAW ENFORCEMENT OFFICER.—The
13 term “local law enforcement officer” has the mean-
14 ing given the term in section 2, and includes a
15 school resource officer.

16 (3) SCHOOL.—The term “school” means an ele-
17 mentary school or secondary school (as those terms
18 are defined in section 8101 of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C.
20 7801)).

21 (4) SCHOOL RESOURCE OFFICER.—The term
22 “school resource officer” means a sworn law enforce-
23 ment officer who is—

1 (A) assigned by the employing law enforce-
2 ment agency to a local educational agency or
3 school;

4 (B) contracting with a local educational
5 agency or school; or

6 (C) employed by a local educational agency
7 or school.

8 **SEC. 223. USE OF FORCE REPORTING.**

9 (a) REPORTING REQUIREMENTS.—

10 (1) IN GENERAL.—Beginning in the first fiscal
11 year that begins after the date that is one year after
12 the date of enactment of this Act and each fiscal
13 year thereafter in which a State or Indian Tribe re-
14 ceives funds under a Byrne grant program, the
15 State or Indian Tribe shall—

16 (A) report to the Attorney General, on a
17 quarterly basis and pursuant to guidelines es-
18 tablished by the Attorney General, information
19 regarding—

20 (i) any incident involving the use of
21 deadly force against a civilian by—

22 (I) a local law enforcement offi-
23 cer who is employed by the State or
24 by a unit of local government in the
25 State; or

1 (II) a tribal law enforcement offi-
2 cer who is employed by the Indian
3 Tribe;

4 (ii) any incident involving the shooting
5 of a local law enforcement officer or tribal
6 law enforcement officer described in clause
7 (i) by a civilian;

8 (iii) any incident involving the death
9 or arrest of a local law enforcement officer
10 or tribal law enforcement officer;

11 (iv) any incident during which use of
12 force by or against a local law enforcement
13 officer or tribal law enforcement officer de-
14 scribed in clause (i) occurs, which is not
15 reported under clause (i), (ii), or (iii);

16 (v) deaths in custody; and

17 (vi) uses of force in arrests and book-
18 ing;

19 (B) establish a system and a set of policies
20 to ensure that all use of force incidents are re-
21 ported by local law enforcement officers or trib-
22 al law enforcement officers; and

23 (C) submit to the Attorney General a plan
24 for the collection of data required to be re-
25 ported under this section, including any modi-

1 fications to a previously submitted data collec-
2 tion plan.

3 (2) REPORT INFORMATION REQUIRED.—

4 (A) IN GENERAL.—The report required
5 under paragraph (1)(A) shall contain informa-
6 tion that includes, at a minimum—

7 (i) the national origin, sex, race, eth-
8 nicity, age, disability, English language
9 proficiency, and housing status of each ci-
10 vilian against whom a local law enforce-
11 ment officer or tribal law enforcement offi-
12 cer used force;

13 (ii) the date, time, and location, in-
14 cluding whether it was on school grounds,
15 and the zip code, of the incident and
16 whether the jurisdiction in which the inci-
17 dent occurred allows for the open-carry or
18 concealed-carry of a firearm;

19 (iii) whether the civilian was armed,
20 and, if so, the type of weapon the civilian
21 had;

22 (iv) the type of force used against the
23 officer, the civilian, or both, including the
24 types of weapons used;

25 (v) the reason force was used;

1 (vi) a description of any injuries sus-
2 tained as a result of the incident;

3 (vii) the number of officers involved in
4 the incident;

5 (viii) the number of civilians involved
6 in the incident; and

7 (ix) a brief description regarding the
8 circumstances surrounding the incident,
9 which shall include information on—

10 (I) the type of force used by all
11 involved persons;

12 (II) the legitimate police objective
13 necessitating the use of force;

14 (III) the resistance encountered
15 by each local law enforcement officer
16 or tribal law enforcement officer in-
17 volved in the incident;

18 (IV) the efforts by local law en-
19 forcement officers or tribal law en-
20 forcement officers to—

21 (aa) de-escalate the situation
22 in order to avoid the use of force;
23 or

24 (bb) minimize the level of
25 force used; and

1 (V) if applicable, the reason why
2 efforts described in subclause (IV)
3 were not attempted.

4 (B) INCIDENTS REPORTED UNDER DEATH
5 IN CUSTODY REPORTING ACT.—A State or In-
6 dian Tribe is not required to include in a report
7 under subsection (a)(1) an incident reported by
8 the State or Indian Tribe in accordance with
9 section 20104(a)(2) of the Violent Crime Con-
10 trol and Law Enforcement Act of 1994 (34
11 U.S.C. 12104(a)(2)).

12 (C) RETENTION OF DATA.—Each law en-
13 forcement agency required to report data under
14 this section shall maintain records relating to
15 any matter so reportable for not less than 4
16 years after those records are created.

17 (3) AUDIT OF USE-OF-FORCE REPORTING.—Not
18 later than 1 year after the date of enactment of this
19 Act, and each year thereafter, each State or Indian
20 Tribe described in paragraph (1) shall—

21 (A) conduct an audit of the use of force in-
22 cident reporting system required to be estab-
23 lished under paragraph (1)(B); and

1 (B) submit a report to the Attorney Gen-
2 eral on the audit conducted under subpara-
3 graph (A).

4 (4) COMPLIANCE PROCEDURE.—Prior to sub-
5 mitting a report under paragraph (1)(A), the State
6 or Indian Tribe submitting such report shall com-
7 pare the information compiled to be reported pursu-
8 ant to clause (i) of paragraph (1)(A) to publicly
9 available sources, and shall revise such report to in-
10 clude any incident determined to be missing from
11 the report based on such comparison. Failure to
12 comply with the procedures described in the previous
13 sentence shall be considered a failure to comply with
14 the requirements of this section.

15 (b) INELIGIBILITY FOR FUNDS.—

16 (1) IN GENERAL.—For any fiscal year in which
17 a State or Indian Tribe fails to comply with this sec-
18 tion, the State or Indian Tribe, at the discretion of
19 the Attorney General, shall be subject to not more
20 than a 10-percent reduction of the funds that would
21 otherwise be allocated for that fiscal year to the
22 State or Indian Tribe under a Byrne grant program.

23 (2) REALLOCATION.—Amounts not allocated
24 under a Byrne grant program in accordance with
25 paragraph (1) to a State for failure to comply with

1 this section shall be reallocated under the Byrne
2 grant program to States that have not failed to com-
3 ply with this section.

4 (3) INFORMATION REGARDING SCHOOL RE-
5 SOURCE OFFICERS.—The State or Indian Tribe shall
6 ensure that all schools and local educational agencies
7 within the jurisdiction of the State or Indian Tribe
8 provide the State or Indian Tribe with the informa-
9 tion needed regarding school resource officers to
10 comply with this section.

11 (c) PUBLIC AVAILABILITY OF DATA.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, and each year
14 thereafter, the Attorney General shall publish, and
15 make available to the public, a report containing the
16 data reported to the Attorney General under this
17 section.

18 (2) PRIVACY PROTECTIONS.—Nothing in this
19 subsection shall be construed to supersede the re-
20 quirements or limitations under section 552a of title
21 5, United States Code (commonly known as the
22 “Privacy Act of 1974”).

23 (d) GUIDANCE.—Not later than 180 days after the
24 date of enactment of this Act, the Attorney General, in
25 coordination with the Director of the Federal Bureau of

1 Investigation, shall issue guidance on best practices relat-
2 ing to establishing standard data collection systems that
3 capture the information required to be reported under sub-
4 section (a)(2), which shall include standard and consistent
5 definitions for terms.

6 **SEC. 224. USE OF FORCE DATA REPORTING.**

7 (a) TECHNICAL ASSISTANCE GRANTS AUTHOR-
8 IZED.—The Attorney General may make grants to eligible
9 law enforcement agencies to be used for the activities de-
10 scribed in subsection (c).

11 (b) ELIGIBILITY.—In order to be eligible to receive
12 a grant under this section a law enforcement agency
13 shall—

14 (1) be a tribal law enforcement agency or be lo-
15 cated in a State that receives funds under a Byrne
16 grant program;

17 (2) employ not more than 100 local or tribal law
18 enforcement officers;

19 (3) demonstrate that the use of force policy for
20 local law enforcement officers or tribal law enforce-
21 ment officers employed by the law enforcement agen-
22 cy is publicly available; and

23 (4) establish and maintain a complaint system
24 that—

1 (A) may be used by members of the public
2 to report incidents of use of force to the law en-
3 forcement agency;

4 (B) makes all information collected pub-
5 licly searchable and available; and

6 (C) provides information on the status of
7 an investigation related to a use of force com-
8 plaint.

9 (c) ACTIVITIES DESCRIBED.—A grant made under
10 this section may be used by a law enforcement agency
11 for—

12 (1) the cost of assisting the State or Indian
13 Tribe in which the law enforcement agency is located
14 in complying with the reporting requirements de-
15 scribed in section 223;

16 (2) the cost of establishing necessary systems
17 required to investigate and report incidents as re-
18 quired under subsection (b)(4);

19 (3) public awareness campaigns designed to
20 gain information from the public on use of force by
21 or against local and tribal law enforcement officers,
22 including shootings, which may include tip lines, hot-
23 lines, and public service announcements; and

24 (4) use of force training for law enforcement
25 agencies and personnel, including training on de-es-

1 calation, implicit bias, crisis intervention techniques,
2 and adolescent development.

3 **SEC. 225. COMPLIANCE WITH REPORTING REQUIREMENTS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, and each year thereafter,
6 the Attorney General shall conduct an audit and review
7 of the information provided under this subtitle to deter-
8 mine whether each State or Indian Tribe described in sec-
9 tion 223(a)(1) is in compliance with the requirements of
10 this subtitle.

11 (b) CONSISTENCY IN DATA REPORTING.—

12 (1) IN GENERAL.—Any data reported under
13 this subtitle shall be collected and reported—

14 (A) in a manner consistent with existing
15 programs of the Department of Justice that
16 collect data on local law enforcement officer en-
17 counters with civilians; and

18 (B) in a manner consistent with civil rights
19 laws for distribution of information to the pub-
20 lic.

21 (2) GUIDELINES.—Not later than 1 year after
22 the date of enactment of this Act, the Attorney Gen-
23 eral shall—

24 (A) issue guidelines on the reporting re-
25 quirement under section 223; and

1 (B) seek public comment before finalizing
2 the guidelines required under subparagraph
3 (A).

4 **SEC. 226. FEDERAL LAW ENFORCEMENT REPORTING.**

5 The head of each Federal law enforcement agency
6 shall submit to the Attorney General, on a quarterly basis
7 and pursuant to guidelines established by the Attorney
8 General, the information required to be reported by a
9 State or Indian Tribe under section 223.

10 **SEC. 227. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the Attor-
12 ney General such sums as are necessary to carry out this
13 subtitle.

14 **TITLE III—IMPROVING POLICE**
15 **TRAINING AND POLICIES**
16 **Subtitle A—End Racial and**
17 **Religious Profiling Act**

18 **SEC. 301. SHORT TITLE.**

19 This subtitle may be cited as the “End Racial and
20 Religious Profiling Act of 2020” or “ERRPA”.

21 **SEC. 302. DEFINITIONS.**

22 In this subtitle:

23 (1) **COVERED PROGRAM.**—The term “covered
24 program” means any program or activity funded in
25 whole or in part with funds made available under—

1 (A) a Byrne grant program; and

2 (B) the COPS grant program, except that
3 no program, project, or other activity specified
4 in section 1701(b)(13) of part Q of title I of the
5 Omnibus Crime Control and Safe Streets Act of
6 1968 (34 U.S.C. 10381 et seq.) shall be a cov-
7 ered program under this paragraph.

8 (2) GOVERNMENTAL BODY.—The term “govern-
9 mental body” means any department, agency, special
10 purpose district, or other instrumentality of Federal,
11 State, local, or Indian Tribal government.

12 (3) HIT RATE.—The term “hit rate” means the
13 percentage of stops and searches in which a law en-
14 forcement agent finds drugs, a gun, or something
15 else that leads to an arrest. The hit rate is cal-
16 culated by dividing the total number of searches by
17 the number of searches that yield contraband. The
18 hit rate is complementary to the rate of false stops.

19 (4) LAW ENFORCEMENT AGENCY.—The term
20 “law enforcement agency” means any Federal,
21 State, or local public agency engaged in the preven-
22 tion, detection, or investigation of violations of crimi-
23 nal, immigration, or customs laws.

24 (5) LAW ENFORCEMENT AGENT.—The term
25 “law enforcement agent” means any Federal, State,

1 or local official responsible for enforcing criminal,
2 immigration, or customs laws, including police offi-
3 cers and other agents of a law enforcement agency.

4 (6) RACIAL PROFILING.—

5 (A) IN GENERAL.—The term “racial
6 profiling” means the practice of a law enforce-
7 ment agent or agency relying, to any degree, on
8 actual or perceived race, ethnicity, national ori-
9 gin, religion, gender, gender identity, or sexual
10 orientation in selecting which individual to sub-
11 ject to routine or spontaneous investigatory ac-
12 tivities or in deciding upon the scope and sub-
13 stance of law enforcement activity following the
14 initial investigatory procedure, except when
15 there is trustworthy information, relevant to the
16 locality and timeframe, that links a person with
17 a particular characteristic described in this
18 paragraph to an identified criminal incident or
19 scheme.

20 (B) EXCEPTION.—For purposes of sub-
21 paragraph (A), a tribal law enforcement officer
22 exercising law enforcement authority within In-
23 dian country, as that term is defined in section
24 1151 of title 18, United States Code, is not
25 considered to be racial profiling with respect to

1 making key jurisdictional determinations that
2 are necessarily tied to reliance on actual or per-
3 ceived race, ethnicity, or tribal affiliation.

4 (7) ROUTINE OR SPONTANEOUS INVESTIGATORY
5 ACTIVITIES.—The term “routine or spontaneous in-
6 vestigatory activities” means the following activities
7 by a law enforcement agent:

8 (A) Interviews.

9 (B) Traffic stops.

10 (C) Pedestrian stops.

11 (D) Frisks and other types of body
12 searches.

13 (E) Consensual or nonconsensual searches
14 of the persons, property, or possessions (includ-
15 ing vehicles) of individuals using any form of
16 public or private transportation, including mo-
17 torists and pedestrians.

18 (F) Data collection and analysis, assess-
19 ments, and predicated investigations.

20 (G) Inspections and interviews of entrants
21 into the United States that are more extensive
22 than those customarily carried out.

23 (H) Immigration-related workplace inves-
24 tigations.

1 (I) Such other types of law enforcement
2 encounters compiled for or by the Federal Bu-
3 reau of Investigation or the Department of Jus-
4 tice Bureau of Justice Statistics.

5 (8) REASONABLE REQUEST.—The term “rea-
6 sonable request” means all requests for information,
7 except for those that—

8 (A) are immaterial to the investigation;

9 (B) would result in the unnecessary dislo-
10 sure of personal information; or

11 (C) would place a severe burden on the re-
12 sources of the law enforcement agency given its
13 size.

14 **PART I—PROHIBITION OF RACIAL PROFILING**

15 **SEC. 311. PROHIBITION.**

16 No law enforcement agent or law enforcement agency
17 shall engage in racial profiling.

18 **SEC. 312. ENFORCEMENT.**

19 (a) REMEDY.—The United States, or an individual
20 injured by racial profiling, may enforce this part in a civil
21 action for declaratory or injunctive relief, filed either in
22 a State court of general jurisdiction or in a district court
23 of the United States.

24 (b) PARTIES.—In any action brought under this part,
25 relief may be obtained against—

1 (1) any governmental body that employed any
2 law enforcement agent who engaged in racial
3 profiling;

4 (2) any agent of such body who engaged in ra-
5 cial profiling; and

6 (3) any person with supervisory authority over
7 such agent.

8 (c) NATURE OF PROOF.—Proof that the routine or
9 spontaneous investigatory activities of law enforcement
10 agents in a jurisdiction have had a disparate impact on
11 individuals with a particular characteristic described in
12 section 302(6) shall constitute prima facie evidence of a
13 violation of this part.

14 (d) ATTORNEY'S FEES.—In any action or proceeding
15 to enforce this part against any governmental body, the
16 court may allow a prevailing plaintiff, other than the
17 United States, reasonable attorney's fees as part of the
18 costs, and may include expert fees as part of the attorney's
19 fee. The term "prevailing plaintiff" means a plaintiff that
20 substantially prevails pursuant to a judicial or administra-
21 tive judgment or order, or an enforceable written agree-
22 ment.

1 **PART II—PROGRAMS TO ELIMINATE RACIAL**
2 **PROFILING BY FEDERAL LAW ENFORCE-**
3 **MENT AGENCIES**

4 **SEC. 321. POLICIES TO ELIMINATE RACIAL PROFILING.**

5 (a) IN GENERAL.—Federal law enforcement agencies
6 shall—

7 (1) maintain adequate policies and procedures
8 designed to eliminate racial profiling; and

9 (2) cease existing practices that permit racial
10 profiling.

11 (b) POLICIES.—The policies and procedures de-
12 scribed in subsection (a)(1) shall include—

13 (1) a prohibition on racial profiling;

14 (2) training on racial profiling issues as part of
15 Federal law enforcement training;

16 (3) the collection of data in accordance with the
17 regulations issued by the Attorney General under
18 section 341;

19 (4) procedures for receiving, investigating, and
20 responding meaningfully to complaints alleging ra-
21 cial profiling by law enforcement agents; and

22 (5) any other policies and procedures the Attor-
23 ney General determines to be necessary to eliminate
24 racial profiling by Federal law enforcement agencies.

1 **PART III—PROGRAMS TO ELIMINATE RACIAL**
2 **PROFILING BY STATE AND LOCAL LAW EN-**
3 **FORCEMENT AGENCIES**

4 **SEC. 331. POLICIES REQUIRED FOR GRANTS.**

5 (a) IN GENERAL.—An application by a State or a
6 unit of local government for funding under a covered pro-
7 gram shall include a certification that such State, unit of
8 local government, and any law enforcement agency to
9 which it will distribute funds—

10 (1) maintains adequate policies and procedures
11 designed to eliminate racial profiling; and

12 (2) has eliminated any existing practices that
13 permit or encourage racial profiling.

14 (b) POLICIES.—The policies and procedures de-
15 scribed in subsection (a)(1) shall include—

16 (1) a prohibition on racial profiling;

17 (2) training on racial profiling issues as part of
18 law enforcement training;

19 (3) the collection of data in accordance with the
20 regulations issued by the Attorney General under
21 section 341; and

22 (4) participation in an administrative complaint
23 procedure or independent audit program that meets
24 the requirements of section 332.

25 (c) EFFECTIVE DATE.—This section shall take effect
26 12 months after the date of enactment of this Act.

1 **SEC. 332. INVOLVEMENT OF ATTORNEY GENERAL.**

2 (a) REGULATIONS.—

3 (1) IN GENERAL.—Not later than 6 months
4 after the date of enactment of this Act and in con-
5 sultation with stakeholders, including Federal, State,
6 and local law enforcement agencies and community,
7 professional, research, and civil rights organizations,
8 the Attorney General shall issue regulations for the
9 operation of administrative complaint procedures
10 and independent audit programs to ensure that such
11 procedures and programs provide an appropriate re-
12 sponse to allegations of racial profiling by law en-
13 forcement agents or agencies.

14 (2) GUIDELINES.—The regulations issued
15 under paragraph (1) shall contain guidelines that
16 ensure the fairness, effectiveness, and independence
17 of the administrative complaint procedures and inde-
18 pendent auditor programs.

19 (b) NONCOMPLIANCE.—If the Attorney General de-
20 termines that the recipient of a grant from any covered
21 program is not in compliance with the requirements of sec-
22 tion 331 or the regulations issued under subsection (a),
23 the Attorney General shall withhold, in whole or in part
24 (at the discretion of the Attorney General), funds for one
25 or more grants to the recipient under the covered pro-
26 gram, until the recipient establishes compliance.

1 (c) PRIVATE PARTIES.—The Attorney General shall
2 provide notice and an opportunity for private parties to
3 present evidence to the Attorney General that a recipient
4 of a grant from any covered program is not in compliance
5 with the requirements of this part.

6 **SEC. 333. DATA COLLECTION DEMONSTRATION PROJECT.**

7 (a) TECHNICAL ASSISTANCE GRANTS FOR DATA
8 COLLECTION.—

9 (1) IN GENERAL.—The Attorney General may,
10 through competitive grants or contracts, carry out a
11 2-year demonstration project for the purpose of de-
12 veloping and implementing data collection programs
13 on the hit rates for stops and searches by law en-
14 forcement agencies. The data collected shall be
15 disaggregated by race, ethnicity, national origin,
16 gender, and religion.

17 (2) NUMBER OF GRANTS.—The Attorney Gen-
18 eral shall provide not more than 5 grants or con-
19 tracts under this section.

20 (3) ELIGIBLE GRANTEES.—Grants or contracts
21 under this section shall be awarded to law enforce-
22 ment agencies that serve communities where there is
23 a significant concentration of racial or ethnic minori-
24 ties and that are not already collecting data volun-
25 tarily.

1 (b) REQUIRED ACTIVITIES.—Activities carried out
2 with a grant under this section shall include—

3 (1) developing a data collection tool and report-
4 ing the compiled data to the Attorney General; and

5 (2) training of law enforcement personnel on
6 data collection, particularly for data collection on hit
7 rates for stops and searches.

8 (c) EVALUATION.—Not later than 3 years after the
9 date of enactment of this Act, the Attorney General shall
10 enter into a contract with an institution of higher edu-
11 cation (as defined in section 101 of the Higher Education
12 Act of 1965 (20 U.S.C. 1001)) to analyze the data col-
13 lected by each of the grantees funded under this section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out activities
16 under this section—

17 (1) \$5,000,000, over a 2-year period, to carry
18 out the demonstration program under subsection
19 (a); and

20 (2) \$500,000 to carry out the evaluation under
21 subsection (c).

22 **SEC. 334. DEVELOPMENT OF BEST PRACTICES.**

23 (a) USE OF FUNDS REQUIREMENT.—Section 502(a)
24 of title I of the Omnibus Crime Control and Safe Streets
25 Act of 1968 (34 U.S.C. 10153(a)), as amended by sections

1 113 and 114, is amended by adding at the end the fol-
2 lowing:

3 “(9) An assurance that, for each fiscal year
4 covered by an application, the applicant will use not
5 less than 10 percent of the total amount of the
6 grant award for the fiscal year to develop and imple-
7 ment best practice devices and systems to eliminate
8 racial profiling in accordance with section 334 of the
9 End Racial and Religious Profiling Act of 2020.”.

10 (b) DEVELOPMENT OF BEST PRACTICES.—Grant
11 amounts described in paragraph (9) of section 502(a) of
12 title I of the Omnibus Crime Control and Safe Streets Act
13 of 1968 (34 U.S.C. 10153(a)), as added by subsection (a)
14 of this section, shall be for programs that include the fol-
15 lowing:

16 (1) The development and implementation of
17 training to prevent racial profiling and to encourage
18 more respectful interaction with the public.

19 (2) The acquisition and use of technology to fa-
20 cilitate the accurate collection and analysis of data.

21 (3) The development and acquisition of feed-
22 back systems and technologies that identify law en-
23 forcement agents or units of agents engaged in, or
24 at risk of engaging in, racial profiling or other mis-
25 conduct.

1 (C) include detail sufficient to permit an
2 analysis of whether a law enforcement agency is
3 engaging in racial profiling; and

4 (D) not include personally identifiable in-
5 formation;

6 (3) provide that a standardized form shall be
7 made available to law enforcement agencies for the
8 submission of collected data to the Department of
9 Justice;

10 (4) provide that law enforcement agencies shall
11 compile data on the standardized form made avail-
12 able under paragraph (3), and submit the form to
13 the Civil Rights Division and the Department of
14 Justice Bureau of Justice Statistics;

15 (5) provide that law enforcement agencies shall
16 maintain all data collected under this subtitle for not
17 less than 4 years;

18 (6) include guidelines for setting comparative
19 benchmarks, consistent with best practices, against
20 which collected data shall be measured;

21 (7) provide that the Department of Justice Bu-
22 reau of Justice Statistics shall—

23 (A) analyze the data for any statistically
24 significant disparities, including—

1 (i) disparities in the percentage of
2 drivers or pedestrians stopped relative to
3 the proportion of the population passing
4 through the neighborhood;

5 (ii) disparities in the hit rate; and

6 (iii) disparities in the frequency of
7 searches performed on racial or ethnic mi-
8 nority drivers and the frequency of
9 searches performed on nonminority drivers;
10 and

11 (B) not later than 3 years after the date
12 of enactment of this Act, and annually there-
13 after—

14 (i) prepare a report regarding the
15 findings of the analysis conducted under
16 subparagraph (A);

17 (ii) provide such report to Congress;
18 and

19 (iii) make such report available to the
20 public, including on a website of the De-
21 partment of Justice, and in accordance
22 with accessibility standards under the
23 Americans with Disabilities Act of 1990
24 (42 U.S.C. 12101 et seq.); and

1 (8) protect the privacy of individuals whose
2 data is collected by—

3 (A) limiting the use of the data collected
4 under this subtitle to the purposes set forth in
5 this subtitle;

6 (B) except as otherwise provided in this
7 subtitle, limiting access to the data collected
8 under this subtitle to those Federal, State, or
9 local employees or agents who require such ac-
10 cess in order to fulfill the purposes for the data
11 set forth in this subtitle;

12 (C) requiring contractors or other non-
13 governmental agents who are permitted access
14 to the data collected under this subtitle to sign
15 use agreements incorporating the use and dis-
16 closure restrictions set forth in subparagraph
17 (A); and

18 (D) requiring the maintenance of adequate
19 security measures to prevent unauthorized ac-
20 cess to the data collected under this subtitle.

21 **SEC. 342. PUBLICATION OF DATA.**

22 The Director of the Bureau of Justice Statistics of
23 the Department of Justice shall provide to Congress and
24 make available to the public, together with each annual
25 report described in section 341, the data collected pursu-

1 ant to this subtitle, excluding any personally identifiable
2 information described in section 343.

3 **SEC. 343. LIMITATIONS ON PUBLICATION OF DATA.**

4 The name or identifying information of a law enforce-
5 ment agent, complainant, or any other individual involved
6 in any activity for which data is collected and compiled
7 under this subtitle shall not be—

8 (1) released to the public;

9 (2) disclosed to any person, except for—

10 (A) such disclosures as are necessary to
11 comply with this subtitle;

12 (B) disclosures of information regarding a
13 particular person to that person; or

14 (C) disclosures pursuant to litigation; or

15 (3) subject to disclosure under section 552 of
16 title 5, United States Code (commonly known as the
17 Freedom of Information Act), except for disclosures
18 of information regarding a particular person to that
19 person.

1 **PART V—DEPARTMENT OF JUSTICE REGULA-**
2 **TIONS AND REPORTS ON RACIAL PROFILING**
3 **IN THE UNITED STATES**

4 **SEC. 351. ATTORNEY GENERAL TO ISSUE REGULATIONS**
5 **AND REPORTS.**

6 (a) REGULATIONS.—In addition to the regulations re-
7 quired under sections 333 and 341, the Attorney General
8 shall issue such other regulations as the Attorney General
9 determines are necessary to implement this subtitle.

10 (b) REPORTS.—

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of enactment of this Act, and annually
13 thereafter, the Attorney General shall submit to
14 Congress a report on racial profiling by law enforce-
15 ment agencies.

16 (2) SCOPE.—Each report submitted under
17 paragraph (1) shall include—

18 (A) a summary of data collected under sec-
19 tions 321(b)(3) and 331(b)(3) and from any
20 other reliable source of information regarding
21 racial profiling in the United States;

22 (B) a discussion of the findings in the
23 most recent report prepared by the Department
24 of Justice Bureau of Justice Statistics under
25 section 341(b)(7);

1 (C) the status of the adoption and imple-
2 mentation of policies and procedures by Federal
3 law enforcement agencies under section 321
4 and by the State and local law enforcement
5 agencies under sections 331 and 332; and

6 (D) a description of any other policies and
7 procedures that the Attorney General believes
8 would facilitate the elimination of racial
9 profiling.

10 **Subtitle B—Additional Reforms**

11 **SEC. 361. TRAINING ON RACIAL BIAS AND DUTY TO INTER-** 12 **VENE.**

13 (a) IN GENERAL.—The Attorney General shall estab-
14 lish—

15 (1) a training program for law enforcement of-
16 ficers to cover racial profiling, implicit bias, and pro-
17 cedural justice; and

18 (2) a clear duty for Federal law enforcement of-
19 ficers to intervene in cases where another law en-
20 forcement officer is using excessive force against a
21 civilian, and establish a training program that covers
22 the duty to intervene.

23 (b) MANDATORY TRAINING FOR FEDERAL LAW EN-
24 FORCEMENT OFFICERS.—The head of each Federal law
25 enforcement agency shall require each Federal law en-

1 enforcement officer employed by the agency to complete the
2 training programs established under subsection (a).

3 (c) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
4 ginning in the first fiscal year that begins after the date
5 that is one year after the date of enactment of this Act,
6 a State or unit of local government may not receive funds
7 under the Byrne grant program for a fiscal year if, on
8 the day before the first day of the fiscal year, the State
9 or unit of local government does not require each law en-
10 forcement officer in the State or unit of local government
11 to complete the training programs established under sub-
12 section (a).

13 (d) GRANTS TO TRAIN LAW ENFORCEMENT OFFI-
14 CERS ON USE OF FORCE.—Section 501(a)(1) of title I of
15 the Omnibus Crime Control and Safe Streets Act of 1968
16 (34 U.S.C. 10152(a)(1)) is amended by adding at the end
17 the following:

18 “(I) Training programs for law enforce-
19 ment officers, including training programs on
20 use of force and a duty to intervene.”.

21 **SEC. 362. BAN ON NO-KNOCK WARRANTS IN DRUG CASES.**

22 (a) BAN ON FEDERAL WARRANTS IN DRUG CASES.—
23 Section 509 of the Controlled Substances Act (21 U.S.C.
24 879) is amended by adding at the end the following: “A
25 search warrant authorized under this section shall require

1 that a law enforcement officer execute the search warrant
2 only after providing notice of his or her authority and pur-
3 pose.”.

4 (b) **LIMITATION ON ELIGIBILITY FOR FUNDS.**—Be-
5 ginning in the first fiscal year that begins after the date
6 that is one year after the date of enactment of this Act,
7 a State or unit of local government may not receive funds
8 under the COPS grant program for a fiscal year if, on
9 the day before the first day of the fiscal year, the State
10 or unit of local government does not have in effect a law
11 that prohibits the issuance of a no-knock warrant in a
12 drug case.

13 (c) **DEFINITION.**—In this section, the term “no-
14 knock warrant” means a warrant that allows a law en-
15 forcement officer to enter a property without requiring the
16 law enforcement officer to announce the presence of the
17 law enforcement officer or the intention of the law enforce-
18 ment officer to enter the property.

19 **SEC. 363. INCENTIVIZING BANNING OF CHOKEHOLDS AND**
20 **CAROTID HOLDS.**

21 (a) **DEFINITION.**—In this section, the term
22 “chokehold or carotid hold” means the application of any
23 pressure to the throat or windpipe, the use of maneuvers
24 that restrict blood or oxygen flow to the brain, or carotid

1 artery restraints that prevent or hinder breathing or re-
2 duce intake of air of an individual.

3 (b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
4 ginning in the first fiscal year that begins after the date
5 that is one year after the date of enactment of this Act,
6 a State or unit of local government may not receive funds
7 under the Byrne grant program or the COPS grant pro-
8 gram for a fiscal year if, on the day before the first day
9 of the fiscal year, the State or unit of local government
10 does not have in effect a law that prohibits law enforce-
11 ment officers in the State or unit of local government from
12 using a chokehold or carotid hold.

13 (c) CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.—

14 (1) SHORT TITLE.—This subsection may be
15 cited as the “Eric Garner Excessive Use of Force
16 Prevention Act”.

17 (2) CHOKEHOLDS AS CIVIL RIGHTS VIOLA-
18 TIONS.—Section 242 of title 18, United States Code,
19 as amended by section 101, is amended by adding
20 at the end the following: “For the purposes of this
21 section, the application of any pressure to the throat
22 or windpipe, use of maneuvers that restrict blood or
23 oxygen flow to the brain, or carotid artery restraints
24 which prevent or hinder breathing or reduce intake
25 of air is a punishment, pain, or penalty.”.

1 **SEC. 364. PEACE ACT.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Police Exercising Absolute Care With Everyone Act of
4 2020” or the “PEACE Act of 2020”.

5 (b) **USE OF FORCE BY FEDERAL LAW ENFORCE-**
6 **MENT OFFICERS.**—

7 (1) **DEFINITIONS.**—In this subsection:

8 (A) **DEESCALATION TACTICS AND TECH-**
9 **NIQUES.**—The term “deescalation tactics and
10 techniques” means proactive actions and ap-
11 proaches used by a Federal law enforcement of-
12 ficer to stabilize the situation so that more
13 time, options, and resources are available to
14 gain a person’s voluntary compliance and re-
15 duce or eliminate the need to use force, includ-
16 ing verbal persuasion, warnings, tactical tech-
17 niques, slowing down the pace of an incident,
18 waiting out a subject, creating distance between
19 the officer and the threat, and requesting addi-
20 tional resources to resolve the incident.

21 (B) **NECESSARY.**—The term “necessary”
22 means that another reasonable Federal law en-
23 forcement officer would objectively conclude,
24 under the totality of the circumstances, that
25 there was no reasonable alternative to the use
26 of force.

1 (C) REASONABLE ALTERNATIVES.—

2 (i) IN GENERAL.—The term “reason-
3 able alternatives” means tactics and meth-
4 ods used by a Federal law enforcement of-
5 ficer to effectuate an arrest that do not
6 unreasonably increase the risk posed to the
7 law enforcement officer or another person,
8 including verbal communication, distance,
9 warnings, deescalation tactics and tech-
10 niques, tactical repositioning, and other
11 tactics and techniques intended to stabilize
12 the situation and reduce the immediacy of
13 the risk so that more time, options, and re-
14 sources can be called upon to resolve the
15 situation without the use of force.

16 (ii) DEADLY FORCE.—With respect to
17 the use of deadly force, the term “reason-
18 able alternatives” includes the use of less
19 lethal force.

20 (D) TOTALITY OF THE CIRCUMSTANCES.—

21 The term “totality of the circumstances” means
22 all credible facts known to the Federal law en-
23 forcement officer leading up to and at the time
24 of the use of force, including the actions of the
25 person against whom the Federal law enforce-

1 ment officer uses such force and the actions of
2 the Federal law enforcement officer.

3 (2) PROHIBITION ON LESS LETHAL FORCE.—A
4 Federal law enforcement officer may not use any
5 less lethal force unless—

6 (A) the form of less lethal force used is
7 necessary and proportional in order to effec-
8 tuate an arrest of a person who the officer has
9 probable cause to believe has committed a
10 criminal offense; and

11 (B) reasonable alternatives to the use of
12 the form of less lethal force have been ex-
13 hausted.

14 (3) PROHIBITION ON DEADLY USE OF FORCE.—
15 A Federal law enforcement officer may not use
16 deadly force against a person unless—

17 (A) the form of deadly force used is nec-
18 essary, as a last resort, to prevent imminent
19 and serious bodily injury or death to the officer
20 or another person;

21 (B) the use of the form of deadly force cre-
22 ates no substantial risk of injury to a third per-
23 son; and

24 (C) reasonable alternatives to the use of
25 the form of deadly force have been exhausted.

1 (4) REQUIREMENT TO GIVE VERBAL WARN-
2 ING.—When feasible, prior to using force against a
3 person, a Federal law enforcement officer shall iden-
4 tify himself or herself as a Federal law enforcement
5 officer, and issue a verbal warning to the person
6 that the Federal law enforcement officer seeks to ap-
7 prehend, which shall—

8 (A) include a request that the person sur-
9 render to the law enforcement officer; and

10 (B) notify the person that the law enforce-
11 ment officer will use force against the person if
12 the person resists arrest or flees.

13 (5) GUIDANCE ON USE OF FORCE.—Not later
14 than 120 days after the date of enactment of this
15 Act, the Attorney General, in consultation with im-
16 pacted persons, communities, and organizations, in-
17 cluding representatives of civil and human rights or-
18 ganizations, victims of police use of force, and rep-
19 resentatives of law enforcement associations, shall
20 provide guidance to Federal law enforcement agen-
21 cies on—

22 (A) the types of less lethal force and dead-
23 ly force that are prohibited under paragraphs
24 (2) and (3); and

1 (B) how a Federal law enforcement officer
2 can—

3 (i) assess whether the use of force is
4 appropriate and necessary; and

5 (ii) use the least amount of force
6 when interacting with—

7 (I) pregnant individuals;

8 (II) children and youth under 21
9 years of age;

10 (III) elderly persons;

11 (IV) persons with mental, behav-
12 ioral, or physical disabilities or im-
13 pairments;

14 (V) persons experiencing percep-
15 tual or cognitive impairments due to
16 use of alcohol, narcotics,
17 hallucinogens, or other drugs;

18 (VI) persons suffering from a se-
19 rious medical condition; and

20 (VII) persons with limited
21 English proficiency.

22 (6) TRAINING.—The Attorney General shall
23 provide training to Federal law enforcement officers
24 on interacting people described in subclauses (I)
25 through (VII) of paragraph (5)(B)(ii).

1 (7) LIMITATION ON JUSTIFICATION DE-
2 FENSE.—

3 (A) IN GENERAL.—Chapter 51 of title 18,
4 United States Code, is amended by adding at
5 the end the following:

6 **“§ 1123. Limitation on justification defense for Fed-
7 eral law enforcement officers**

8 “(a) IN GENERAL.—It is not a defense to an offense
9 under section 1111 or 1112 that the use of less lethal
10 force or deadly force by a Federal law enforcement officer
11 was justified if—

12 “(1) that officer’s use of use of such force was
13 inconsistent with section 364(b) of the George Floyd
14 Justice in Policing Act of 2020; or

15 “(2) that officer’s gross negligence, leading up
16 to and at the time of the use of force, contributed
17 to the necessity of the use of such force.

18 “(b) DEFINITIONS.—In this section—

19 “(1) the terms ‘deadly force’ and ‘less lethal
20 force’ have the meanings given such terms in section
21 2 and section 364 of the George Floyd Justice in
22 Policing Act of 2020; and

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

1 (B) CLERICAL AMENDMENT.—The table of
2 sections for chapter 51 of title 18, United
3 States Code, is amended by inserting after the
4 item related to section 1122 the following:

“1123. Limitation on justification defense for Federal law enforcement officers.”.

5 (c) LIMITATION ON THE RECEIPT OF FUNDS UNDER
6 THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
7 GRANT PROGRAM.—

8 (1) LIMITATION.—A State or unit of local gov-
9 ernment, other than an Indian Tribe, may not re-
10 ceive funds that the State or unit of local govern-
11 ment would otherwise receive under a Byrne grant
12 program for a fiscal year if, on the day before the
13 first day of the fiscal year, the State or unit of local
14 government does not have in effect a law that is con-
15 sistent with subsection (b) of this section and section
16 1123 of title 18, United States Code, as determined
17 by the Attorney General.

18 (2) SUBSEQUENT ENACTMENT.—

19 (A) IN GENERAL.—If funds described in
20 paragraph (1) are withheld from a State or unit
21 of local government pursuant to paragraph (1)
22 for 1 or more fiscal years, and the State or unit
23 of local government enacts or puts in place a
24 law described in paragraph (1), and dem-

1 onstrates substantial efforts to enforce such
2 law, subject to subparagraph (B), the State or
3 unit of local government shall be eligible, in the
4 fiscal year after the fiscal year during which the
5 State or unit of local government demonstrates
6 such substantial efforts, to receive the total
7 amount that the State or unit of local govern-
8 ment would have received during each fiscal
9 year for which funds were withheld.

10 (B) LIMIT ON AMOUNT OF PRIOR YEAR
11 FUNDS.—A State or unit of local government
12 may not receive funds under subparagraph (A)
13 in an amount that is more than the amount
14 withheld from the State or unit of local govern-
15 ment during the 5-fiscal-year period before the
16 fiscal year during which funds are received
17 under subparagraph (A).

18 (3) GUIDANCE.—Not later than 120 days after
19 the date of enactment of this Act, the Attorney Gen-
20 eral, in consultation with impacted persons, commu-
21 nities, and organizations, including representatives
22 of civil and human rights organizations, individuals
23 against whom a law enforcement officer used force,
24 and representatives of law enforcement associations,
25 shall make guidance available to States and units of

1 local government on the criteria that the Attorney
2 General will use in determining whether the State or
3 unit of local government has in place a law described
4 in paragraph (1).

5 (4) APPLICATION.—This subsection shall apply
6 to the first fiscal year that begins after the date that
7 is 1 year after the date of the enactment of this Act,
8 and each fiscal year thereafter.

9 **SEC. 365. STOP MILITARIZING LAW ENFORCEMENT ACT.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) Under section 2576a of title 10, United
13 States Code, the Department of Defense is author-
14 ized to provide excess property to local law enforce-
15 ment agencies. The Defense Logistics Agency, ad-
16 ministers such section by operating the Law En-
17 forcement Support Office program.

18 (2) New and used material, including mine-re-
19 sistant ambush-protected vehicles and weapons de-
20 termined by the Department of Defense to be “mili-
21 tary grade” are transferred to Federal, Tribal,
22 State, and local law enforcement agencies through
23 the program.

24 (3) As a result local law enforcement agencies,
25 including police and sheriff’s departments, are ac-

1 quiring this material for use in their normal oper-
2 ations.

3 (4) As a result of the wars in Iraq and Afghani-
4 stan, military equipment purchased for, and used in,
5 those wars has become excess property and has been
6 made available for transfer to local and Federal law
7 enforcement agencies.

8 (5) In Fiscal Year 2017, \$504,000,000 worth
9 of property was transferred to law enforcement
10 agencies.

11 (6) More than \$6,800,000,000 worth of weap-
12 ons and equipment have been transferred to police
13 organizations in all 50 States and four territories
14 through the program.

15 (7) In May 2012, the Defense Logistics Agency
16 instituted a moratorium on weapons transfers
17 through the program after reports of missing equip-
18 ment and inappropriate weapons transfers.

19 (8) Though the moratorium was widely pub-
20 licized, it was lifted in October 2013 without ade-
21 quate safeguards.

22 (9) On January 16, 2015, President Barack
23 Obama issued Executive Order 13688 to better co-
24 ordinate and regulate the federal transfer of military

1 weapons and equipment to State, local, and Tribal
2 law enforcement agencies.

3 (10) In July, 2017, the Government Account-
4 ability Office reported that the program's internal
5 controls were inadequate to prevent fraudulent appli-
6 cants' access to the program.

7 (11) On August, 28, 2017, President Donald
8 Trump rescinded Executive Order 13688 despite a
9 July 2017 Government Accountability Office report
10 finding deficiencies with the administration of the
11 1033 program.

12 (12) As a result, Federal, State, and local law
13 enforcement departments across the country are eli-
14 gible again to acquire free "military-grade" weapons
15 and equipment that could be used inappropriately
16 during policing efforts in which people and taxpayers
17 could be harmed.

18 (13) The Department of Defense categorizes
19 equipment eligible for transfer under the 1033 pro-
20 gram as "controlled" and "un-controlled" equip-
21 ment. "Controlled equipment" includes weapons, ex-
22 plosives such as flash-bang grenades, mine-resistant
23 ambush-protected vehicles, long-range acoustic de-
24 vices, aircraft capable of being modified to carry ar-

1 mament that are combat coded, and silencers,
2 among other military grade items.

3 (b) LIMITATION ON DEPARTMENT OF DEFENSE
4 TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW EN-
5 FORCEMENT AGENCIES.—

6 (1) IN GENERAL.—Section 2576a of title 10,
7 United States Code, is amended—

8 (A) in subsection (a)—

9 (i) in paragraph (1)(A), by striking
10 “counterdrug, counterterrorism, and bor-
11 der security activities” and inserting
12 “counterterrorism”; and

13 (ii) in paragraph (2), by striking “,
14 the Director of National Drug Control Pol-
15 icy,”;

16 (B) in subsection (b)—

17 (i) in paragraph (5), by striking
18 “and” at the end;

19 (ii) in paragraph (6), by striking the
20 period and inserting a semicolon; and

21 (iii) by adding at the end the fol-
22 lowing new paragraphs:

23 “(7) the recipient submits to the Department of
24 Defense a description of how the recipient expects to
25 use the property;

1 “(8) the recipient certifies to the Department of
2 Defense that if the recipient determines that the
3 property is surplus to the needs of the recipient, the
4 recipient will return the property to the Department
5 of Defense;

6 “(9) with respect to a recipient that is not a
7 Federal agency, the recipient certifies to the Depart-
8 ment of Defense that the recipient notified the local
9 community of the request for personal property
10 under this section by—

11 “(A) publishing a notice of such request on
12 a publicly accessible Internet website;

13 “(B) posting such notice at several promi-
14 nent locations in the jurisdiction of the recipi-
15 ent; and

16 “(C) ensuring that such notices were avail-
17 able to the local community for a period of not
18 less than 30 days; and

19 “(10) the recipient has received the approval of
20 the city council or other local governing body to ac-
21 quire the personal property sought under this sec-
22 tion.”;

23 (C) by striking subsection (d);

24 (D) by redesignating subsections (e) and
25 (f) as subsections (o) and (p), respectively; and

1 (E) by inserting after subsection (c) the
2 following new subsections:

3 “(d) ANNUAL CERTIFICATION ACCOUNTING FOR
4 TRANSFERRED PROPERTY.—(1) For each fiscal year, the
5 Secretary shall submit to Congress certification in writing
6 that each Federal or State agency to which the Secretary
7 has transferred property under this section—

8 “(A) has provided to the Secretary documenta-
9 tion accounting for all controlled property, including
10 arms and ammunition, that the Secretary has trans-
11 ferred to the agency, including any item described in
12 subsection (f) so transferred before the date of the
13 enactment of the George Floyd Justice in Policing
14 Act of 2020; and

15 “(B) with respect to a non-Federal agency, car-
16 ried out each of paragraphs (5) through (8) of sub-
17 section (b).

18 “(2) If the Secretary does not provide a certification
19 under paragraph (1) for a Federal or State agency, the
20 Secretary may not transfer additional property to that
21 agency under this section.

22 “(e) ANNUAL REPORT ON EXCESS PROPERTY.—Be-
23 fore making any property available for transfer under this
24 section, the Secretary shall annually submit to Congress
25 a description of the property to be transferred together

1 with a certification that the transfer of the property would
2 not violate this section or any other provision of law.

3 “(f) LIMITATIONS ON TRANSFERS.—(1) The Sec-
4 retary may not transfer to Federal, Tribal, State, or local
5 law enforcement agencies the following under this section:

6 “(A) Controlled firearms, ammunition, bayo-
7 nets, grenade launchers, grenades (including stun
8 and flash-bang),and explosives.

9 “(B) Controlled vehicles, highly mobile multi-
10 wheeled vehicles, mine-resistant ambush-protected
11 vehicles, trucks, truck dump, truck utility, and truck
12 carryall.

13 “(C) Drones that are armored, weaponized, or
14 both.

15 “(D) Controlled aircraft that—

16 “(i) are combat configured or combat
17 coded; or

18 “(ii) have no established commercial flight
19 application.

20 “(E) Silencers.

21 “(F) Long-range acoustic devices.

22 “(G) Items in the Federal Supply Class of
23 banned items.

24 “(2) The Secretary may not require, as a condition
25 of a transfer under this section, that a Federal or State

1 agency demonstrate the use of any small arms or ammuni-
2 tion.

3 “(3) The limitations under this subsection shall also
4 apply with respect to the transfer of previously transferred
5 property of the Department of Defense from one Federal
6 or State agency to another such agency.

7 “(4)(A) The Secretary may waive the applicability of
8 paragraph (1) to a vehicle described in subparagraph (B)
9 of such paragraph (other than a mine-resistant ambush-
10 protected vehicle), if the Secretary determines that such
11 a waiver is necessary for disaster or rescue purposes or
12 for another purpose where life and public safety are at
13 risk, as demonstrated by the proposed recipient of the ve-
14 hicle.

15 “(B) If the Secretary issues a waiver under subpara-
16 graph (A), the Secretary shall—

17 “(i) submit to Congress notice of the waiver,
18 and post such notice on a public Internet website of
19 the Department, by not later than 30 days after the
20 date on which the waiver is issued; and

21 “(ii) require, as a condition of the waiver, that
22 the recipient of the vehicle for which the waiver is
23 issued provides public notice of the waiver and the
24 transfer, including the type of vehicle and the pur-
25 pose for which it is transferred, in the jurisdiction

1 where the recipient is located by not later than 30
2 days after the date on which the waiver is issued.

3 “(5) The Secretary may provide for an exemption to
4 the limitation under subparagraph (D) of paragraph (1)
5 in the case of parts for aircraft described in such subpara-
6 graph that are transferred as part of regular maintenance
7 of aircraft in an existing fleet.

8 “(6) The Secretary shall require, as a condition of
9 any transfer of property under this section, that the Fed-
10 eral or State agency that receives the property shall return
11 the property to the Secretary if the agency—

12 “(A) is investigated by the Department of Jus-
13 tice for any violation of civil liberties; or

14 “(B) is otherwise found to have engaged in
15 widespread abuses of civil liberties.

16 “(g) CONDITIONS FOR EXTENSION OF PROGRAM.—
17 Notwithstanding any other provision of law, amounts au-
18 thorized to be appropriated or otherwise made available
19 for any fiscal year may not be obligated or expended to
20 carry out this section unless the Secretary submits to Con-
21 gress certification that for the preceding fiscal year that—

22 “(1) each Federal or State agency that has re-
23 ceived controlled property transferred under this sec-
24 tion has—

1 “(A) demonstrated 100 percent account-
2 ability for all such property, in accordance with
3 paragraph (2) or (3), as applicable; or

4 “(B) been suspended from the program
5 pursuant to paragraph (4);

6 “(2) with respect to each non-Federal agency
7 that has received controlled property under this sec-
8 tion, the State coordinator responsible for each such
9 agency has verified that the coordinator or an agent
10 of the coordinator has conducted an in-person inven-
11 tory of the property transferred to the agency and
12 that 100 percent of such property was accounted for
13 during the inventory or that the agency has been
14 suspended from the program pursuant to paragraph
15 (4);

16 “(3) with respect to each Federal agency that
17 has received controlled property under this section,
18 the Secretary of Defense or an agent of the Sec-
19 retary has conducted an in-person inventory of the
20 property transferred to the agency and that 100 per-
21 cent of such property was accounted for during the
22 inventory or that the agency has been suspended
23 from the program pursuant to paragraph (4);

24 “(4) the eligibility of any agency that has re-
25 ceived controlled property under this section for

1 which 100 percent of the property was not ac-
2 counted for during an inventory described in para-
3 graph (1) or (2), as applicable, to receive any prop-
4 erty transferred under this section has been sus-
5 pended; and

6 “(5) each State coordinator has certified, for
7 each non-Federal agency located in the State for
8 which the State coordinator is responsible that—

9 “(A) the agency has complied with all re-
10 quirements under this section; or

11 “(B) the eligibility of the agency to receive
12 property transferred under this section has been
13 suspended; and

14 “(6) the Secretary of Defense has certified, for
15 each Federal agency that has received property
16 under this section that—

17 “(A) the agency has complied with all re-
18 quirements under this section; or

19 “(B) the eligibility of the agency to receive
20 property transferred under this section has been
21 suspended.

22 “(h) PROHIBITION ON OWNERSHIP OF CONTROLLED
23 PROPERTY.—A Federal or State agency that receives con-
24 trolled property under this section may not take ownership
25 of the property.

1 “(i) NOTICE TO CONGRESS OF PROPERTY DOWN-
2 GRADES.—Not later than 30 days before downgrading the
3 classification of any item of personal property from con-
4 trolled or Federal Supply Class, the Secretary shall submit
5 to Congress notice of the proposed downgrade.

6 “(j) NOTICE TO CONGRESS OF PROPERTY CANNIBAL-
7 IZATION.—Before the Defense Logistics Agency author-
8 izes the recipient of property transferred under this sec-
9 tion to cannibalize the property, the Secretary shall submit
10 to Congress notice of such authorization, including the
11 name of the recipient requesting the authorization, the
12 purpose of the proposed cannibalization, and the type of
13 property proposed to be cannibalized.

14 “(k) QUARTERLY REPORTS ON USE OF CONTROLLED
15 EQUIPMENT.—Not later than 30 days after the last day
16 of a fiscal quarter, the Secretary shall submit to Congress
17 a report on any uses of controlled property transferred
18 under this section during that fiscal quarter.

19 “(l) REPORTS TO CONGRESS.—Not later than 30
20 days after the last day of a fiscal year, the Secretary shall
21 submit to Congress a report on the following for the pre-
22 ceding fiscal year:

23 “(1) The percentage of equipment lost by re-
24 cipients of property transferred under this section,
25 including specific information about the type of

1 property lost, the monetary value of such property,
2 and the recipient that lost the property.

3 “(2) The transfer of any new (condition code
4 A) property transferred under this section, including
5 specific information about the type of property, the
6 recipient of the property, the monetary value of each
7 item of the property, and the total monetary value
8 of all such property transferred during the fiscal
9 year.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall apply with respect to any
12 transfer of property made after the date of the en-
13 actment of this Act.

14 **SEC. 366. PUBLIC SAFETY INNOVATION GRANTS.**

15 (a) BYRNE GRANTS USED FOR LOCAL TASK FORCES
16 ON PUBLIC SAFETY INNOVATION.—Section 501(a) of the
17 Omnibus Crime Control and Safe Streets Act of 1968 (34
18 U.S.C. 10151(a)), as amended by this Act, is further
19 amended by adding at the end the following:

20 “(3) LOCAL TASK FORCES ON PUBLIC SAFETY
21 INNOVATION.—

22 “(A) IN GENERAL.—A law enforcement
23 program under paragraph (1)(A) may include
24 the development of best practices for and the
25 creation of local task forces on public safety in-

1 novation, charged with exploring and developing
2 new strategies for public safety, including non-
3 law enforcement strategies.

4 “(B) DEFINITION.—The term ‘local task
5 force on public safety innovation’ means an ad-
6 ministrative entity, created from partnerships
7 between community-based organizations and
8 other local stakeholders, that may develop inno-
9 vative law enforcement and non-law enforce-
10 ment strategies to enhance just and equitable
11 public safety, repair breaches of trust between
12 law enforcement agencies and the community
13 they pledge to serve, and enhance accountability
14 of law enforcement officers.”.

15 (b) CRISIS INTERVENTION TEAMS.—Section 501(c)
16 of title I of the Omnibus Crime Control and Safe Streets
17 Act of 1968 (34 U.S.C. 10152(c)) is amended by adding
18 at the end the following:

19 “(3) In the case of crisis intervention teams
20 funded under subsection (a)(1)(H), a program as-
21 sessment under this subsection shall contain a report
22 on best practices for crisis intervention.”.

23 (c) USE OF COPS GRANT PROGRAM TO HIRE LAW
24 ENFORCEMENT OFFICERS WHO ARE RESIDENTS OF THE
25 COMMUNITIES THEY SERVE.—Section 1701(b) of title I

1 of the Omnibus Crime Control and Safe Streets Act of
2 1968 (34 U.S.C. 10381(b)), as amended by this Act, is
3 further amended—

4 (1) by redesignating paragraphs (23) and (24)
5 as paragraphs (26) and (27), respectively;

6 (2) in paragraph (26), as so redesignated, by
7 striking “(22)” and inserting “(25)”; and

8 (3) by inserting after paragraph (22) the fol-
9 lowing:

10 “(23) to recruit, hire, incentivize, retain, de-
11 velop, and train new, additional career law enforce-
12 ment officers or current law enforcement officers
13 who are willing to relocate to communities—

14 “(A) where there are poor or fragmented
15 relationships between police and residents of the
16 community, or where there are high incidents of
17 crime; and

18 “(B) that are the communities that the law
19 enforcement officers serve, or that are in close
20 proximity to the communities that the law en-
21 forcement officers serve;

22 “(24) to collect data on the number of law en-
23 forcement officers who are willing to relocate to the
24 communities where they serve, and whether such law

1 enforcement officer relocations have impacted crime
2 in such communities;

3 “(25) to develop and publicly report strategies
4 and timelines to recruit, hire, promote, retain, de-
5 velop, and train a diverse and inclusive law enforce-
6 ment workforce, consistent with merit system prin-
7 ciples and applicable law;”.

8 **Subtitle C—Law Enforcement Body** 9 **Cameras**

10 **PART 1—FEDERAL POLICE CAMERA AND** 11 **ACCOUNTABILITY ACT**

12 **SEC. 371. SHORT TITLE.**

13 This part may be cited as the “Federal Police Cam-
14 era and Accountability Act”.

15 **SEC. 372. REQUIREMENTS FOR FEDERAL LAW ENFORCE-** 16 **MENT OFFICERS REGARDING THE USE OF** 17 **BODY CAMERAS.**

18 (a) DEFINITIONS.—In this section:

19 (1) MINOR.—The term “minor” means any in-
20 dividual under 18 years of age.

21 (2) SUBJECT OF THE VIDEO FOOTAGE.—The
22 term “subject of the video footage”—

23 (A) means any identifiable Federal law en-
24 forcement officer or any identifiable suspect,
25 victim, detainee, conversant, injured party, or

1 other similarly situated person who appears on
2 the body camera recording; and

3 (B) does not include people who only inci-
4 dentally appear on the recording.

5 (3) VIDEO FOOTAGE.—The term “video foot-
6 age” means any images or audio recorded by a body
7 camera.

8 (b) REQUIREMENT TO WEAR BODY CAMERA.—

9 (1) IN GENERAL.—Federal law enforcement of-
10 ficers shall wear a body camera.

11 (2) REQUIREMENT FOR BODY CAMERA.—A
12 body camera required under paragraph (1) shall—

13 (A) have a field of view at least as broad
14 as the officer’s vision; and

15 (B) be worn in a manner that maximizes
16 the camera’s ability to capture video footage of
17 the officer’s activities.

18 (c) REQUIREMENT TO ACTIVATE.—

19 (1) IN GENERAL.—Both the video and audio re-
20 cording functions of the body camera shall be acti-
21 vated whenever a Federal law enforcement officer is
22 responding to a call for service or at the initiation
23 of any other law enforcement or investigative stop
24 (as such term is defined in section 373) between a
25 Federal law enforcement officer and a member of

1 the public, except that when an immediate threat to
2 the officer's life or safety makes activating the cam-
3 era impossible or dangerous, the officer shall acti-
4 vate the camera at the first reasonable opportunity
5 to do so.

6 (2) ALLOWABLE DEACTIVATION.—The body
7 camera shall not be deactivated until the stop has
8 fully concluded and the Federal law enforcement of-
9 ficer leaves the scene.

10 (d) NOTIFICATION OF SUBJECT OF RECORDING.—A
11 Federal law enforcement officer who is wearing a body
12 camera shall notify any subject of the recording that he
13 or she is being recorded by a body camera as close to the
14 inception of the stop as is reasonably possible.

15 (e) REQUIREMENTS.—Notwithstanding subsection
16 (c), the following shall apply to the use of a body camera:

17 (1) Prior to entering a private residence with-
18 out a warrant or in non-exigent circumstances, a
19 Federal law enforcement officer shall ask the occu-
20 pant if the occupant wants the officer to discontinue
21 use of the officer's body camera. If the occupant re-
22 sponds affirmatively, the Federal law enforcement
23 officer shall immediately discontinue use of the body
24 camera.

1 (2) When interacting with an apparent crime
2 victim, a Federal law enforcement officer shall, as
3 soon as practicable, ask the apparent crime victim if
4 the apparent crime victim wants the officer to dis-
5 continue use of the officer's body camera. If the ap-
6 parent crime victim responds affirmatively, the Fed-
7 eral law enforcement officer shall immediately dis-
8 continue use of the body camera.

9 (3) When interacting with a person seeking to
10 anonymously report a crime or assist in an ongoing
11 law enforcement investigation, a Federal law en-
12 forcement officer shall, as soon as practicable, ask
13 the person seeking to remain anonymous, if the per-
14 son seeking to remain anonymous wants the officer
15 to discontinue use of the officer's body camera. If
16 the person seeking to remain anonymous responds
17 affirmatively, the Federal law enforcement officer
18 shall immediately discontinue use of the body cam-
19 era.

20 (f) RECORDING OF OFFERS TO DISCONTINUE USE
21 OF BODY CAMERA.—Each offer of a Federal law enforce-
22 ment officer to discontinue the use of a body camera made
23 pursuant to subsection (e), and the responses thereto,
24 shall be recorded by the body camera prior to dis-
25 continuing use of the body camera.

1 (g) LIMITATIONS ON USE OF BODY CAMERA.—Body
2 cameras shall not be used to gather intelligence informa-
3 tion based on First Amendment protected speech, associa-
4 tions, or religion, or to record activity that is unrelated
5 to a response to a call for service or a law enforcement
6 or investigative stop between a law enforcement officer
7 and a member of the public, and shall not be equipped
8 with or employ any real time facial recognition tech-
9 nologies.

10 (h) EXCEPTIONS.—Federal law enforcement offi-
11 cers—

12 (1) shall not be required to use body cameras
13 during investigative or enforcement stops with the
14 public in the case that—

15 (A) recording would risk the safety of a
16 confidential informant, citizen informant, or un-
17 dercover officer;

18 (B) recording would pose a serious risk to
19 national security; or

20 (C) the officer is a military police officer,
21 a member of the United States Army Criminal
22 Investigation Command, or a protective detail
23 assigned to a Federal or foreign official while
24 performing his or her duties; and

1 (2) shall not activate a body camera while on
2 the grounds of any public, private or parochial ele-
3 mentary or secondary school, except when respond-
4 ing to an imminent threat to life or health.

5 (i) RETENTION OF FOOTAGE.—

6 (1) IN GENERAL.—Body camera video footage
7 shall be retained by the law enforcement agency that
8 employs the officer whose camera captured the foot-
9 age, or an authorized agent thereof, for 6 months
10 after the date it was recorded, after which time such
11 footage shall be permanently deleted.

12 (2) RIGHT TO INSPECT.—During the 6-month
13 retention period described in paragraph (1), the fol-
14 lowing persons shall have the right to inspect the
15 body camera footage:

16 (A) Any person who is a subject of body
17 camera video footage, and their designated legal
18 counsel.

19 (B) A parent or legal guardian of a minor
20 subject of body camera video footage, and their
21 designated legal counsel.

22 (C) The spouse, next of kin, or legally au-
23 thorized designee of a deceased subject of body
24 camera video footage, and their designated legal
25 counsel.

1 (D) A Federal law enforcement officer
2 whose body camera recorded the video footage,
3 and their designated legal counsel, subject to
4 the limitations and restrictions in this part.

5 (E) The superior officer of a Federal law
6 enforcement officer whose body camera re-
7 corded the video footage, subject to the limita-
8 tions and restrictions in this part.

9 (F) Any defense counsel who claims, pur-
10 suant to a written affidavit, to have a reason-
11 able basis for believing a video may contain evi-
12 dence that exculpates a client.

13 (3) LIMITATION.—The right to inspect subject
14 to subsection (j)(1) shall not include the right to
15 possess a copy of the body camera video footage, un-
16 less the release of the body camera footage is other-
17 wise authorized by this part or by another applicable
18 law. When a body camera fails to capture some or
19 all of the audio or video of an incident due to mal-
20 function, displacement of camera, or any other
21 cause, any audio or video footage that is captured
22 shall be treated the same as any other body camera
23 audio or video footage under this part.

24 (j) ADDITIONAL RETENTION REQUIREMENTS.—Not-
25 withstanding the retention and deletion requirements in

1 subsection (i), the following shall apply to body camera
2 video footage under this part:

3 (1) Body camera video footage shall be auto-
4 matically retained for not less than 3 years if the
5 video footage captures an interaction or event involv-
6 ing—

7 (A) any use of force; or

8 (B) an stop about which a complaint has
9 been registered by a subject of the video foot-
10 age.

11 (2) Body camera video footage shall be retained
12 for not less than 3 years if a longer retention period
13 is voluntarily requested by—

14 (A) the Federal law enforcement officer
15 whose body camera recorded the video footage,
16 if that officer reasonably asserts the video foot-
17 age has evidentiary or exculpatory value in an
18 ongoing investigation;

19 (B) any Federal law enforcement officer
20 who is a subject of the video footage, if that of-
21 ficer reasonably asserts the video footage has
22 evidentiary or exculpatory value;

23 (C) any superior officer of a Federal law
24 enforcement officer whose body camera re-
25 corded the video footage or who is a subject of

1 the video footage, if that superior officer rea-
2 sonably asserts the video footage has evi-
3 dentiary or exculpatory value;

4 (D) any Federal law enforcement officer, if
5 the video footage is being retained solely and
6 exclusively for police training purposes;

7 (E) any member of the public who is a
8 subject of the video footage;

9 (F) any parent or legal guardian of a
10 minor who is a subject of the video footage; or

11 (G) a deceased subject's spouse, next of
12 kin, or legally authorized designee.

13 (k) PUBLIC REVIEW.—For purposes of subpara-
14 graphs (E), (F), and (G) of subsection (j)(2), any member
15 of the public who is a subject of video footage, the parent
16 or legal guardian of a minor who is a subject of the video
17 footage, or a deceased subject's next of kin or legally au-
18 thorized designee, shall be permitted to review the specific
19 video footage in question in order to make a determination
20 as to whether they will voluntarily request it be subjected
21 to a minimum 3-year retention period.

22 (l) DISCLOSURE.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), all video footage of an interaction or
25 event captured by a body camera, if that interaction

1 or event is identified with reasonable specificity and
2 requested by a member of the public, shall be pro-
3 vided to the person or entity making the request in
4 accordance with the procedures for requesting and
5 providing government records set forth in the section
6 552a of title 5, United States Code.

7 (2) EXCEPTIONS.—The following categories of
8 video footage shall not be released to the public in
9 the absence of express written permission from the
10 non-law enforcement subjects of the video footage:

11 (A) Video footage not subject to a min-
12 imum 3-year retention period pursuant to sub-
13 section (j).

14 (B) Video footage that is subject to a min-
15 imum 3-year retention period solely and exclu-
16 sively pursuant to paragraph (1)(B) or (2) of
17 subsection (j).

18 (3) PRIORITY OF REQUESTS.—Notwithstanding
19 any time periods established for acknowledging and
20 responding to records requests in section 552a of
21 title 5, United States Code, responses to requests for
22 video footage that is subject to a minimum 3-year
23 retention period pursuant to subsection (j)(1)(A),
24 where a subject of the video footage is recorded
25 being killed, shot by a firearm, or grievously injured,

1 shall be prioritized and, if approved, the requested
2 video footage shall be provided as expeditiously as
3 possible, but in no circumstances later than 5 days
4 following receipt of the request.

5 (4) USE OF REDACTION TECHNOLOGY.—

6 (A) IN GENERAL.—Whenever doing so is
7 necessary to protect personal privacy, the right
8 to a fair trial, the identity of a confidential
9 source or crime victim, or the life or physical
10 safety of any person appearing in video footage,
11 redaction technology may be used to obscure
12 the face and other personally identifying char-
13 acteristics of that person, including the tone of
14 the person’s voice, provided the redaction does
15 not interfere with a viewer’s ability to fully,
16 completely, and accurately comprehend the
17 events captured on the video footage.

18 (B) REQUIREMENTS.—The following re-
19 quirements shall apply to redactions under sub-
20 paragraph (A):

21 (i) When redaction is performed on
22 video footage pursuant to this paragraph,
23 an unedited, original version of the video
24 footage shall be retained pursuant to the
25 requirements of subsections (i) and (j).

1 (ii) Except pursuant to the rules for
2 the redaction of video footage set forth in
3 this subsection or where it is otherwise ex-
4 pressly authorized by this Act, no other ed-
5 iting or alteration of video footage, includ-
6 ing a reduction of the video footage's reso-
7 lution, shall be permitted.

8 (m) PROHIBITED WITHHOLDING OF FOOTAGE.—
9 Body camera video footage may not be withheld from the
10 public on the basis that it is an investigatory record or
11 was compiled for law enforcement purposes where any per-
12 son under investigation or whose conduct is under review
13 is a police officer or other law enforcement employee and
14 the video footage relates to that person's conduct in their
15 official capacity.

16 (n) ADMISSIBILITY.—Any video footage retained be-
17 yond 6 months solely and exclusively pursuant to sub-
18 section (j)(2)(D) shall not be admissible as evidence in any
19 criminal or civil legal or administrative proceeding.

20 (o) CONFIDENTIALITY.—No government agency or
21 official, or law enforcement agency, officer, or official may
22 publicly disclose, release, or share body camera video foot-
23 age unless—

24 (1) doing so is expressly authorized pursuant to
25 this part or another applicable law; or

1 (2) the video footage is subject to public release
2 pursuant to subsection (l), and not exempted from
3 public release pursuant to subsection (l)(1).

4 (p) LIMITATION ON FEDERAL LAW ENFORCEMENT
5 OFFICER VIEWING OF BODY CAMERA FOOTAGE.—No
6 Federal law enforcement officer shall review or receive an
7 accounting of any body camera video footage that is sub-
8 ject to a minimum 3-year retention period pursuant to
9 subsection (j)(1) prior to completing any required initial
10 reports, statements, and interviews regarding the recorded
11 event, unless doing so is necessary, while in the field, to
12 address an immediate threat to life or safety.

13 (q) ADDITIONAL LIMITATIONS.—Video footage may
14 not be—

15 (1) in the case of footage that is not subject to
16 a minimum 3-year retention period, viewed by any
17 superior officer of a Federal law enforcement officer
18 whose body camera recorded the footage absent a
19 specific allegation of misconduct; or

20 (2) divulged or used by any law enforcement
21 agency for any commercial or other non-law enforce-
22 ment purpose.

23 (r) THIRD PARTY MAINTENANCE OF FOOTAGE.—
24 Where a law enforcement agency authorizes a third party
25 to act as its agent in maintaining body camera footage,

1 the agent shall not be permitted to independently access,
2 view, or alter any video footage, except to delete videos
3 as required by law or agency retention policies.

4 (s) ENFORCEMENT.—

5 (1) IN GENERAL.—If any Federal law enforce-
6 ment officer, or any employee or agent of a Federal
7 law enforcement agency fails to adhere to the re-
8 cording or retention requirements contained in this
9 part, intentionally interferes with a body camera's
10 ability to accurately capture video footage, or other-
11 wise manipulates the video footage captured by a
12 body camera during or after its operation—

13 (A) appropriate disciplinary action shall be
14 taken against the individual officer, employee,
15 or agent;

16 (B) a rebuttable evidentiary presumption
17 shall be adopted in favor of a criminal defend-
18 ant who reasonably asserts that exculpatory evi-
19 dence was destroyed or not captured; and

20 (C) a rebuttable evidentiary presumption
21 shall be adopted on behalf of a civil plaintiff
22 suing the Government, a Federal law enforce-
23 ment agency, or a Federal law enforcement offi-
24 cer for damages based on misconduct who rea-

1 sonably asserts that evidence supporting their
2 claim was destroyed or not captured.

3 (2) PROOF COMPLIANCE WAS IMPOSSIBLE.—

4 The disciplinary action requirement and rebuttable
5 presumptions described in paragraph (1) may be
6 overcome by contrary evidence or proof of exigent
7 circumstances that made compliance impossible.

8 (t) USE OF FORCE INVESTIGATIONS.—In the case
9 that a Federal law enforcement officer equipped with a
10 body camera is involved in, a witness to, or within viewable
11 sight range of either the use of force by another law en-
12 forcement officer that results in a death, the use of force
13 by another law enforcement officer, during which the dis-
14 charge of a firearm results in an injury, or the conduct
15 of another law enforcement officer that becomes the sub-
16 ject of a criminal investigation—

17 (1) the law enforcement agency that employs
18 the law enforcement officer, or the agency or depart-
19 ment conducting the related criminal investigation,
20 as appropriate, shall promptly take possession of the
21 body camera, and shall maintain such camera, and
22 any data on such camera, in accordance with the ap-
23 plicable rules governing the preservation of evidence;

1 (2) a copy of the data on such body camera
2 shall be made in accordance with prevailing forensic
3 standards for data collection and reproduction; and

4 (3) such copied data shall be made available to
5 the public in accordance with subsection (l).

6 (u) LIMITATION ON USE OF FOOTAGE AS EVIDENCE.—Any body camera video footage recorded by a
7 Federal law enforcement officer that violates this part or
8 any other applicable law may not be offered as evidence
9 by any government entity, agency, department, prosecu-
10 torial office, or any other subdivision thereof in any crimi-
11 nal or civil action or proceeding against any member of
12 the public.

13 (v) PUBLICATION OF AGENCY POLICIES.—Any Fed-
14 eral law enforcement agency policy or other guidance re-
15 garding body cameras, their use, or the video footage
16 therefrom that is adopted by a Federal agency or depart-
17 ment, shall be made publicly available on that agency's
18 website.

19 (w) RULE OF CONSTRUCTION.—Nothing in this part
20 shall be construed to preempt any laws governing the
21 maintenance, production, and destruction of evidence in
22 criminal investigations and prosecutions.
23

1 **SEC. 373. PATROL VEHICLES WITH IN-CAR VIDEO RECORD-**
2 **ING CAMERAS.**

3 (a) DEFINITIONS.—In this section:

4 (1) AUDIO RECORDING.—The term “audio re-
5 cording” means the recorded conversation between a
6 Federal law enforcement officer and a second party.

7 (2) EMERGENCY LIGHTS.—The term “emer-
8 gency lights” means oscillating, rotating, or flashing
9 lights on patrol vehicles.

10 (3) ENFORCEMENT OR INVESTIGATIVE STOP.—
11 The term “enforcement or investigative stop” means
12 an action by a Federal law enforcement officer in re-
13 lation to enforcement and investigation duties, in-
14 cluding traffic stops, pedestrian stops, abandoned
15 vehicle contacts, motorist assists, commercial motor
16 vehicle stops, roadside safety checks, requests for
17 identification, or responses to requests for emer-
18 gency assistance.

19 (4) IN-CAR VIDEO CAMERA.—The term “in-car
20 video camera” means a video camera located in a
21 patrol vehicle.

22 (5) IN-CAR VIDEO CAMERA RECORDING EQUIP-
23 MENT.—The term “in-car video camera recording
24 equipment” means a video camera recording system
25 located in a patrol vehicle consisting of a camera as-

1 sembly, recording mechanism, and an in-car video
2 recording medium.

3 (6) RECORDING.—The term “recording” means
4 the process of capturing data or information stored
5 on a recording medium as required under this sec-
6 tion.

7 (7) RECORDING MEDIUM.—The term “record-
8 ing medium” means any recording medium for the
9 retention and playback of recorded audio and video
10 including VHS, DVD, hard drive, solid state, digital,
11 or flash memory technology.

12 (8) WIRELESS MICROPHONE.—The term “wire-
13 less microphone” means a device worn by a Federal
14 law enforcement officer or any other equipment used
15 to record conversations between the officer and a
16 second party and transmitted to the recording equip-
17 ment.

18 (b) REQUIREMENTS.—

19 (1) IN GENERAL.—Each Federal law enforce-
20 ment agency shall install in-car video camera record-
21 ing equipment in all patrol vehicles with a recording
22 medium capable of recording for a period of 10
23 hours or more and capable of making audio record-
24 ings with the assistance of a wireless microphone.

1 (2) RECORDING EQUIPMENT REQUIREMENTS.—

2 In-car video camera recording equipment with a re-
3 cording medium capable of recording for a period of
4 10 hours or more shall record activities—

5 (A) whenever a patrol vehicle is assigned
6 to patrol duty;

7 (B) outside a patrol vehicle whenever—

8 (i) a Federal law enforcement officer
9 assigned that patrol vehicle is conducting
10 an enforcement or investigative stop;

11 (ii) patrol vehicle emergency lights are
12 activated or would otherwise be activated if
13 not for the need to conceal the presence of
14 law enforcement; or

15 (iii) an officer reasonably believes re-
16 cording may assist with prosecution, en-
17 hance safety, or for any other lawful pur-
18 pose; and

19 (C) inside the vehicle when transporting an
20 arrestee or when an officer reasonably believes
21 recording may assist with prosecution, enhance
22 safety, or for any other lawful purpose.

23 (3) REQUIREMENTS FOR RECORDING.—

24 (A) IN GENERAL.—A Federal law enforce-
25 ment officer shall begin recording for an en-

1 enforcement or investigative stop when the officer
2 determines an enforcement stop is necessary
3 and shall continue until the enforcement action
4 has been completed and the subject of the en-
5 forcement or investigative stop or the officer
6 has left the scene.

7 (B) ACTIVATION WITH LIGHTS.—A Fed-
8 eral law enforcement officer shall begin record-
9 ing when patrol vehicle emergency lights are ac-
10 tivated or when they would otherwise be acti-
11 vated if not for the need to conceal the presence
12 of law enforcement, and shall continue until the
13 reason for the activation ceases to exist, regard-
14 less of whether the emergency lights are no
15 longer activated.

16 (C) PERMISSIBLE RECORDING.—A Federal
17 law enforcement officer may begin recording if
18 the officer reasonably believes recording may
19 assist with prosecution, enhance safety, or for
20 any other lawful purpose; and shall continue
21 until the reason for recording ceases to exist.

22 (4) ENFORCEMENT OR INVESTIGATIVE
23 STOPS.—A Federal law enforcement officer shall
24 record any enforcement or investigative stop. Audio
25 recording shall terminate upon release of the violator

1 and prior to initiating a separate criminal investiga-
2 tion.

3 (c) **RETENTION OF RECORDINGS.**—Recordings made
4 on in-car video camera recording medium shall be retained
5 for a storage period of at least 90 days. Under no cir-
6 cumstances shall any recording made on in-car video cam-
7 era recording medium be altered or erased prior to the
8 expiration of the designated storage period. Upon comple-
9 tion of the storage period, the recording medium may be
10 erased and reissued for operational use unless otherwise
11 ordered or if designated for evidentiary or training pur-
12 poses.

13 (d) **ACCESSIBILITY OF RECORDINGS.**—Audio or video
14 recordings made pursuant to this section shall be available
15 under the applicable provisions of section 552a of title 5,
16 United States Code. Only recorded portions of the audio
17 recording or video recording medium applicable to the re-
18 quest will be available for inspection or copying.

19 (e) **MAINTENANCE REQUIRED.**—The agency shall en-
20 sure proper care and maintenance of in-car video camera
21 recording equipment and recording medium. An officer op-
22 erating a patrol vehicle must immediately document and
23 notify the appropriate person of any technical difficulties,
24 failures, or problems with the in-car video camera record-
25 ing equipment or recording medium. Upon receiving no-

1 tice, every reasonable effort shall be made to correct and
2 repair any of the in-car video camera recording equipment
3 or recording medium and determine if it is in the public
4 interest to permit the use of the patrol vehicle.

5 **SEC. 374. FACIAL RECOGNITION TECHNOLOGY.**

6 No camera or recording device authorized or required
7 to be used under this part may be equipped with or employ
8 real time facial recognition technology, and footage from
9 such a camera or recording device may not be subjected
10 to facial recognition technology.

11 **SEC. 375. GAO STUDY.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Comptroller General of the United States
14 shall conduct a study on Federal law enforcement officer
15 training, vehicle pursuits, use of force, and interaction
16 with citizens, and submit a report on such study to—

17 (1) the Committees on the Judiciary of the
18 House of Representatives and of the Senate;

19 (2) the Committee on Oversight and Reform of
20 the House of Representatives; and

21 (3) the Committee on Homeland Security and
22 Governmental Affairs of the Senate.

1 **SEC. 376. REGULATIONS.**

2 Not later than 6 months after the date of the enact-
3 ment of this Act, the Attorney General shall issue such
4 final regulations as are necessary to carry out this part.

5 **SEC. 377. RULE OF CONSTRUCTION.**

6 Nothing in this part shall be construed to impose any
7 requirement on a Federal law enforcement officer outside
8 of the course of carrying out that officer's duty.

9 **PART 2—POLICE CAMERA ACT**

10 **SEC. 381. SHORT TITLE.**

11 This part may be cited as the “Police Creating Ac-
12 countability by Making Effective Recording Available Act
13 of 2020” or the “Police CAMERA Act of 2020”.

14 **SEC. 382. LAW ENFORCEMENT BODY-WORN CAMERA RE-**
15 **QUIREMENTS.**

16 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)
17 of title I of the Omnibus Crime Control and Safe Streets
18 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
19 334, is amended by adding at the end the following:

20 “(10) An assurance that, for each fiscal year
21 covered by an application, the applicant will use not
22 less than 5 percent of the total amount of the grant
23 award for the fiscal year to develop policies and pro-
24 tocols in compliance with part OO.”.

1 (b) REQUIREMENTS.—Title I of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
3 et seq.) is amended by adding at the end the following:

4 **“PART OO—LAW ENFORCEMENT BODY-WORN**
5 **CAMERAS AND RECORDED DATA**

6 **“SEC. 3051. USE OF GRANT FUNDS.**

7 “(a) IN GENERAL.—Grant amounts described in
8 paragraph (10) of section 502(a) of this title—

9 “(1) shall be used—

10 “(A) to purchase or lease body-worn cam-
11 eras for use by State, local, and tribal law en-
12 forcement officers (as defined in section 2503);

13 “(B) for expenses related to the implemen-
14 tation of a body-worn camera program in order
15 to deter excessive force, improve accountability
16 and transparency of use of force by law enforce-
17 ment officers, assist in responding to com-
18 plaints against law enforcement officers, and
19 improve evidence collection; and

20 “(C) to implement policies or procedures to
21 comply with the requirements described in sub-
22 section (b); and

23 “(2) may not be used for expenses related to fa-
24 cial recognition technology.

1 “(b) REQUIREMENTS.—A recipient of a grant under
2 subpart 1 of part E of this title shall—

3 “(1) establish policies and procedures in accord-
4 ance with the requirements described in subsection
5 (c) before law enforcement officers use of body-worn
6 cameras;

7 “(2) adopt recorded data collection and reten-
8 tion protocols as described in subsection (d) before
9 law enforcement officers use of body-worn cameras;

10 “(3) make the policies and protocols described
11 in paragraphs (1) and (2) available to the public;
12 and

13 “(4) comply with the requirements for use of
14 recorded data under subsection (f).

15 “(c) REQUIRED POLICIES AND PROCEDURES.—A re-
16 cipient of a grant under subpart 1 of part E of this title
17 shall—

18 “(1) develop with community input and publish
19 for public view policies and protocols for—

20 “(A) the safe and effective use of body-
21 worn cameras;

22 “(B) the secure storage, handling, and de-
23 struction of recorded data collected by body-
24 worn cameras;

1 “(C) protecting the privacy rights of any
2 individual who may be recorded by a body-worn
3 camera;

4 “(D) the release of any recorded data col-
5 lected by a body-worn camera in accordance
6 with the open records laws, if any, of the State;
7 and

8 “(E) making recorded data available to
9 prosecutors, defense attorneys, and other offi-
10 cers of the court in accordance with subpara-
11 graph (E); and

12 “(2) conduct periodic evaluations of the security
13 of the storage and handling of the body-worn camera
14 data.

15 “(d) RECORDED DATA COLLECTION AND RETEN-
16 TION PROTOCOL.—The recorded data collection and reten-
17 tion protocol described in this paragraph is a protocol
18 that—

19 “(1) requires—

20 “(A) a law enforcement officer who is
21 wearing a body-worn camera to provide an ex-
22 planation if an activity that is required to be re-
23 corded by the body-worn camera is not re-
24 corded;

1 “(B) a law enforcement officer who is
2 wearing a body-worn camera to obtain consent
3 to be recorded from a crime victim or witness
4 before interviewing the victim or witness;

5 “(C) the collection of recorded data unre-
6 lated to a legitimate law enforcement purpose
7 be minimized to the greatest extent practicable;

8 “(D) the system used to store recorded
9 data collected by body-worn cameras to log all
10 viewing, modification, or deletion of stored re-
11 corded data and to prevent, to the greatest ex-
12 tent practicable, the unauthorized access or dis-
13 closure of stored recorded data;

14 “(E) any law enforcement officer be pro-
15 hibited from accessing the stored data without
16 an authorized purpose; and

17 “(F) the law enforcement agency to collect
18 and report statistical data on—

19 “(i) incidences of use of force,
20 disaggregated by race, ethnicity, gender,
21 and age of the victim;

22 “(ii) the number of complaints filed
23 against law enforcement officers;

24 “(iii) the disposition of complaints
25 filed against law enforcement officers;

1 “(iv) the number of times camera
2 footage is used for evidence collection in
3 investigations of crimes; and

4 “(v) any other additional statistical
5 data that the Director determines should
6 be collected and reported;

7 “(2) allows an individual to file a complaint
8 with a law enforcement agency relating to the im-
9 proper use of body-worn cameras; and

10 “(3) complies with any other requirements es-
11 tablished by the Director.

12 “(e) REPORTING.—Statistical data required to be col-
13 lected under subsection (d)(1)(D) shall be reported to the
14 Director, who shall—

15 “(1) establish a standardized reporting system
16 for statistical data collected under this program; and

17 “(2) establish a national database of statistical
18 data recorded under this program.

19 “(f) USE OR TRANSFER OF RECORDED DATA.—

20 “(1) IN GENERAL.—Recorded data collected by
21 an entity receiving a grant under a grant under sub-
22 part 1 of part E of this title from a body-worn cam-
23 era shall be used only in internal and external inves-
24 tigations of misconduct by a law enforcement agency
25 or officer, if there is reasonable suspicion that a re-

1 cording contains evidence of a crime, or for limited
2 training purposes. The Director shall establish rules
3 to ensure that the recorded data is used only for the
4 purposes described in this paragraph.

5 “(2) PROHIBITION ON TRANSFER.—Except as
6 provided in paragraph (3), an entity receiving a
7 grant under subpart 1 of part E of this title may
8 not transfer any recorded data collected by the enti-
9 ty from a body-worn camera to another law enforce-
10 ment or intelligence agency.

11 “(3) EXCEPTIONS.—

12 “(A) CRIMINAL INVESTIGATION.—An enti-
13 ty receiving a grant under subpart 1 of part E
14 of this title may transfer recorded data collected
15 by the entity from a body-worn camera to an-
16 other law enforcement agency or intelligence
17 agency for use in a criminal investigation if the
18 requesting law enforcement or intelligence agen-
19 cy has reasonable suspicion that the requested
20 data contains evidence relating to the crime
21 being investigated.

22 “(B) CIVIL RIGHTS CLAIMS.—An entity re-
23 ceiving a grant under subpart 1 of part E of
24 this title may transfer recorded data collected
25 by the law enforcement agency from a body-

1 worn camera to another law enforcement agen-
2 cy for use in an investigation of the violation of
3 any right, privilege, or immunity secured or
4 protected by the Constitution or laws of the
5 United States.

6 “(g) AUDIT AND ASSESSMENT.—

7 “(1) IN GENERAL.—Not later than 2 years
8 after the date of enactment of this part, the Director
9 of the Office of Audit, Assessment, and Management
10 shall perform an assessment of the use of funds
11 under this section and the policies and protocols of
12 the grantees.

13 “(2) REPORTS.—Not later than September 1 of
14 each year, beginning 2 years after the date of enact-
15 ment of this part, each recipient of a grant under
16 subpart 1 of part E of this title shall submit to the
17 Director of the Office of Audit, Assessment, and
18 Management a report that—

19 “(A) describes the progress of the body-
20 worn camera program; and

21 “(B) contains recommendations on ways in
22 which the Federal Government, States, and
23 units of local government can further support
24 the implementation of the program.

1 “(3) REVIEW.—The Director of the Office of
2 Audit, Assessment, and Management shall evaluate
3 the policies and protocols of the grantees and take
4 such steps as the Director of the Office of Audit, As-
5 sessment, and Management determines necessary to
6 ensure compliance with the program.

7 **“SEC. 3052. BODY-WORN CAMERA TRAINING TOOLKIT.**

8 “(a) IN GENERAL.—The Director shall establish and
9 maintain a body-worn camera training toolkit for law en-
10 forcement agencies, academia, and other relevant entities
11 to provide training and technical assistance, including best
12 practices for implementation, model policies and proce-
13 dures, and research materials.

14 “(b) MECHANISM.—In establishing the toolkit re-
15 quired to under subsection (a), the Director may consoli-
16 date research, practices, templates, and tools that been de-
17 veloped by expert and law enforcement agencies across the
18 country.

19 **“SEC. 3053. STUDY.**

20 “(a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of the Police CAMERA Act of 2020,
22 the Director shall conduct a study on—

23 “(1) the efficacy of body-worn cameras in deter-
24 ring excessive force by law enforcement officers;

1 “(2) the impact of body-worn cameras on the
2 accountability and transparency of the use of force
3 by law enforcement officers;

4 “(3) the impact of body-worn cameras on re-
5 sponses to and adjudications of complaints of exces-
6 sive force;

7 “(4) the effect of the use of body-worn cameras
8 on the safety of law enforcement officers on patrol;

9 “(5) the effect of the use of body-worn cameras
10 on public safety;

11 “(6) the impact of body-worn cameras on evi-
12 dence collection for criminal investigations;

13 “(7) issues relating to the secure storage and
14 handling of recorded data from the body-worn cam-
15 eras;

16 “(8) issues relating to the privacy of individuals
17 and officers recorded on body-worn cameras;

18 “(9) issues relating to the constitutional rights
19 of individuals on whom facial recognition technology
20 is used;

21 “(10) issues relating to limitations on the use
22 of facial recognition technology;

23 “(11) issues relating to the public’s access to
24 body-worn camera footage;

1 “(12) the need for proper training of law en-
2 forcement officers that use body-worn cameras;

3 “(13) best practices in the development of pro-
4 tocols for the safe and effective use of body-worn
5 cameras;

6 “(14) a review of law enforcement agencies that
7 found body-worn cameras to be unhelpful in the op-
8 erations of the agencies; and

9 “(15) any other factors that the Director deter-
10 mines are relevant in evaluating the efficacy of body-
11 worn cameras.

12 “(b) REPORT.—Not later than 180 days after the
13 date on which the study required under subsection (a) is
14 completed, the Director shall submit to Congress a report
15 on the study, which shall include any policy recommenda-
16 tions that the Director considers appropriate.”.

17 **TITLE IV—JUSTICE FOR VICTIMS**
18 **OF LYNCHING ACT**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “Emmett Till Anti-
21 Lynching Act”.

22 **SEC. 402. FINDINGS.**

23 Congress finds the following:

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

4 (2) Lynching was a widely acknowledged prac-
5 tice in the United States until the middle of the
6 20th century.

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

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

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

16 (6) Lynching prompted African Americans to
17 form the National Association for the Advancement
18 of Colored People (referred to in this section as the
19 “NAACP”) and prompted members of B’nai B’rith
20 to found the Anti-Defamation League.

21 (7) Mr. Walter White, as a member of the
22 NAACP and later as the executive secretary of the
23 NAACP from 1931 to 1955, meticulously inves-
24 tigated lynchings in the United States and worked
25 tirelessly to end segregation and racialized terror.

1 (8) Nearly 200 anti-lynching bills were intro-
2 duced in Congress during the first half of the 20th
3 century.

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

6 (10) Between 1920 and 1940, the House of
7 Representatives passed 3 strong anti-lynching meas-
8 ures.

9 (11) Protection against lynching was the min-
10 imum and most basic of Federal responsibilities, and
11 the Senate considered but failed to enact anti-lynch-
12 ing legislation despite repeated requests by civil
13 rights groups, Presidents, and the House of Rep-
14 resentatives to do so.

15 (12) The publication of “Without Sanctuary:
16 Lynching Photography in America” helped bring
17 greater awareness and proper recognition of the vic-
18 tims of lynching.

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

22 (14) An apology offered in the spirit of true re-
23 pentance moves the United States toward reconcili-
24 ation and may become central to a new under-

1 standing, on which improved racial relations can be
2 forged.

3 (15) Having concluded that a reckoning with
4 our own history is the only way the country can ef-
5 fectively champion human rights abroad, 90 Mem-
6 bers of the United States Senate agreed to Senate
7 Resolution 39, 109th Congress, on June 13, 2005,
8 to apologize to the victims of lynching and the de-
9 scendants of those victims for the failure of the Sen-
10 ate to enact anti-lynching legislation.

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

19 (17) Notwithstanding the Senate's apology and
20 the heightened awareness and education about the
21 Nation's legacy with lynching, it is wholly necessary
22 and appropriate for the Congress to enact legisla-
23 tion, after 100 years of unsuccessful legislative ef-
24 forts, finally to make lynching a Federal crime.

1 (18) Further, it is the sense of Congress that
2 criminal action by a group increases the likelihood
3 that the criminal object of that group will be suc-
4 cessfully attained and decreases the probability that
5 the individuals involved will depart from their path
6 of criminality. Therefore, it is appropriate to specify
7 criminal penalties for the crime of lynching, or any
8 attempt or conspiracy to commit lynching.

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

22 (20) On September 14, 2017, President Donald
23 J. Trump signed into law Senate Joint Resolution
24 49 (Public Law 115–58; 131 Stat. 1149), wherein
25 Congress “condemn[ed] the racist violence and do-

1 mestic terrorist attack that took place between Au-
2 gust 11 and August 12, 2017, in Charlottesville,
3 Virginia” and “urg[ed] the President and his admin-
4 istration to speak out against hate groups that
5 espouse racism, extremism, xenophobia, anti-Semi-
6 tism, and White supremacy; and use all resources
7 available to the President and the President’s Cabi-
8 net to address the growing prevalence of those hate
9 groups in the United States”.

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

23 (22) Lynching was a pernicious and pervasive
24 tool that was used to interfere with multiple aspects
25 of life—including the exercise of federally protected

1 rights, as enumerated in section 245 of title 18,
2 United States Code, housing rights, as enumerated
3 in section 901 of the Civil Rights Act of 1968 (42
4 U.S.C. 3631), and the free exercise of religion, as
5 enumerated in section 247 of title 18, United States
6 Code. Interference with these rights was often effec-
7 tuated by multiple offenders and groups, rather than
8 isolated individuals. Therefore, prohibiting conspir-
9 acies to violate each of these rights recognizes the
10 history of lynching in the United States and serves
11 to prohibit its use in the future.

12 **SEC. 403. LYNCHING.**

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

15 **“§ 250. Lynching**

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

24 (b) TABLE OF SECTIONS AMENDMENT.—The table of
25 sections for chapter 13 of title 18, United States Code,

1 is amended by inserting after the item relating to section
2 249 the following:

“250. Lynching.”.

3 **TITLE V—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 501. SEVERABILITY.**

6 If any provision of this Act, or the application of such
7 a provision to any person or circumstance, is held to be
8 unconstitutional, the remainder of this Act and the appli-
9 cation of the remaining provisions of this Act to any per-
10 son or circumstance shall not be affected thereby.

11 **SEC. 502. SAVINGS CLAUSE.**

12 Nothing in this Act shall be construed—

13 (1) to limit legal or administrative remedies
14 under section 1979 of the Revised Statutes of the
15 United States (42 U.S.C. 1983), section 210401 of
16 the Violent Crime Control and Law Enforcement
17 Act of 1994 (34 U.S.C. 12601), title I of the Omni-
18 bus Crime Control and Safe Streets Act of 1968 (34
19 U.S.C. 10101 et seq.), or title VI of the Civil Rights
20 Act of 1964 (42 U.S.C. 2000d et seq.);

21 (2) to affect any Federal, State, or Tribal law
22 that applies to an Indian Tribe because of the polit-
23 ical status of the Tribe; or

1 (3) to waive the sovereign immunity of an In-
2 dian Tribe without the consent of the Tribe.

