

AMENDMENT TO H.R. 1280
OFFERED BY MR. STAUBER OF MINNESOTA

Strike all that follows 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 “Just and Unifying Solutions To Invigorate Communities
4 Everywhere Act of 2021” or the “JUSTICE Act of 2021”.

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

Sec. 1. Short title; table of contents.

TITLE I—LAW ENFORCEMENT REFORMS

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

TITLE II—BODY-WORN CAMERAS

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

TITLE III—LAW ENFORCEMENT RECORDS RETENTION

Sec. 301. Law enforcement records retention.

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING

Sec. 401. Short title.
Sec. 402. Findings.

Sec. 403. Lynching.

TITLE V—ALTERNATIVES TO THE USE OF FORCE, DE-ESCALATION, BEHAVIORAL HEALTH CRISES AND DUTY TO INTERVENE TRAINING

Sec. 501. Training on alternatives to use of force, de-escalation, and behavioral health crises.

Sec. 502. Training on duty to intervene.

TITLE VI—NATIONAL CRIMINAL JUSTICE COMMISSION ACT

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Establishment of Commission.

Sec. 604. Purpose of the Commission.

Sec. 605. Review, recommendations, and report.

Sec. 606. Membership.

Sec. 607. Administration.

Sec. 608. Authorization of appropriations.

Sec. 609. Sunset.

TITLE VII—LAW ENFORCEMENT AGENCY HIRING AND EDUCATION

Sec. 701. Law enforcement agency hiring.

Sec. 702. Reauthorization of law enforcement grant programs.

TITLE VIII—BEST PRACTICES AND STUDIES

Sec. 801. Best practices.

Sec. 802. Study.

Sec. 803. Mental health study.

Sec. 804. Study and proposal on improving accountability for DOJ grants.

TITLE IX—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE ACT

Sec. 901. Prohibition on engaging in sexual acts while acting under color of law.

Sec. 902. Incentive for States.

Sec. 903. Reports to Congress.

Sec. 1. .

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

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

5 (a) SHORT TITLE.—This section may be cited as the

6 “George Floyd and Walter Scott Notification Act”.

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

5 “(h) NATIONAL USE-OF-FORCE DATA COLLEC-
6 TION.—

7 “(1) DEFINITIONS.—In this section—

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

9 “(i) means any officer, agent, or em-
10 ployee of a State, unit of local government,
11 or an Indian tribe authorized by law or by
12 a government agency to engage in or su-
13 pervise the prevention detection, or inves-
14 tigation of any violation of criminal law, or
15 authorized by law to supervise sentenced
16 criminal offenders; and

17 “(ii) includes an individual described
18 in clause (i) who is employed or volunteers
19 in a full-time, part-time, or auxiliary ca-
20 pacity;

21 “(B) the term ‘National Use-of-Force Data
22 Collection’ means the National Use-of-Force
23 Data Collection of the Federal Bureau of Inves-
24 tigation; and

1 “(C) the term ‘serious bodily injury’ means
2 bodily injury that involves a substantial risk of
3 death, unconsciousness, extreme physical pain,
4 protracted and obvious disfigurement, or pro-
5 tracted loss or impairment of the function of a
6 bodily member, organ, or mental faculty.

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

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

17 “(i) the fatality of an individual that
18 is connected to use of force by a law en-
19 forcement officer;

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

23 “(iii) in the absence of either death or
24 serious bodily injury, when a firearm is

1 discharged by a law enforcement officer at
2 or in the direction of an individual;

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

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

13 “(3) INFORMATION REQUIRED.—For each use-
14 of-force event required to be reported under para-
15 graph (2), the following information shall be pro-
16 vided, as required by the Federal Bureau of Inves-
17 tigation:

18 “(A) Incident information.

19 “(B) Subject information.

20 “(C) Officer information.

21 “(4) COMPLIANCE.—

22 “(A) INELIGIBILITY FOR FUNDS.—

23 “(i) FIRST FISCAL YEAR.—

24 “(I) STATES.—For the first fis-
25 cal year beginning after the date of

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

20 “(II) LOCAL GOVERNMENTS.—
21 For the first fiscal year beginning
22 after the date of enactment of the
23 George Floyd and Walter Scott Notifi-
24 cation Act in which a unit of local
25 government fails to comply with para-

1 graph (2), the unit of local govern-
2 ment shall be subject to a 20-percent
3 reduction of the funds that would oth-
4 erwise be allocated to the unit of local
5 government for that fiscal year under
6 this subpart.

7 “(ii) SUBSEQUENT FISCAL YEARS.—

8 “(I) STATES.—Beginning in the
9 first fiscal year beginning after the
10 first fiscal year described in clause
11 (i)(I) in which a State fails to comply
12 with paragraph (2) with respect to a
13 State law enforcement agency, the
14 percentage by which the funds de-
15 scribed in clause (i)(I) are reduced
16 shall be increased by 5 percent each
17 fiscal year the State fails to comply
18 with paragraph (2), except that such
19 reduction shall not exceed 25 percent
20 in any fiscal year.

21 “(II) LOCAL GOVERNMENTS.—
22 Beginning in the first fiscal year be-
23 ginning after the first fiscal year de-
24 scribed in clause (i)(II) in which a
25 unit of local government fails to com-

1 ply with paragraph (2), the percent-
2 age by which the funds described in
3 clause (i)(II) are reduced shall be in-
4 creased by 5 percent each fiscal year
5 the unit of local government fails to
6 comply with paragraph (2), except
7 that such reduction shall not exceed
8 25 percent in any fiscal year.

9 “(B) REALLOCATION.—Amounts not allo-
10 cated under a program referred to in subpara-
11 graph (A) to a State or unit of local govern-
12 ment for failure to comply with paragraph (2)
13 shall be reallocated under the program to
14 States or units of local government that have
15 complied with paragraph (2).

16 “(5) PUBLIC AVAILABILITY OF DATA.—Not
17 later than 1 year after the date of enactment of this
18 Act, and each year thereafter, the Director of the
19 Federal Bureau of Investigation shall publish, and
20 make available to the public, the National Use-of-
21 Force Data Collection.

22 “(6) FBI OUTREACH AND TECHNICAL ASSIST-
23 ANCE.—The Director of the Federal Bureau of In-
24 vestigation shall provide to a State or unit of local
25 government technical assistance and training for the

1 collection and submission of data in accordance with
2 this subsection.”.

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

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

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

10 “(i) **NO-KNOCK WARRANT REPORTS.**—

11 “(1) **DEFINITIONS.**—In this subsection:

12 “(A) **FEDERAL LAW ENFORCEMENT AGEN-**
13 **CY.**—The term ‘Federal law enforcement agen-
14 **cy’** means any agency of the United States au-
15 **thorized to engage in or supervise the preven-**
16 **tion, detection, investigation, or prosecution of**
17 **any violation of Federal criminal law.**

18 “(B) **NO-KNOCK WARRANT.**—The term
19 ‘no-knock warrant’ means a warrant that au-
20 thORIZES a law enforcement officer to enter a
21 certain premises to execute a warrant without
22 first knocking or otherwise announcing the
23 presence of the law enforcement officer if a
24 court of competent jurisdiction finds reasonable

1 suspicion that knocking and announcing the
2 presence of law enforcement would—

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

5 “(ii) inhibit the investigation; or

6 “(iii) allow the destruction of evi-
7 dence.

8 “(C) STATE LAW ENFORCEMENT AGENCY;
9 LOCAL LAW ENFORCEMENT AGENCY.—The
10 terms ‘State law enforcement agency’ and ‘local
11 law enforcement agency’ mean an agency of a
12 State or unit of local government, respectively,
13 that is authorized to engage in or supervise the
14 prevention, detection, investigation, or prosecu-
15 tion of any violation of criminal law.

16 “(2) REPORT TO ATTORNEY GENERAL.—

17 “(A) REQUIREMENT.—

18 “(i) IN GENERAL.—Subject to clause
19 (iii), not later than January 31 of the first
20 calendar year beginning after the date of
21 enactment of the Breonna Taylor Notifica-
22 tion Act of 2020, and annually there-
23 after—

24 “(I) a State that receives funds
25 under subsection (a) shall submit to

1 the Attorney General a report that in-
2 cludes, for each no-knock warrant car-
3 ried out by a State law enforcement
4 agency of the State during the pre-
5 ceding calendar year, the information
6 described in subclauses (I) through
7 (V) of paragraph (3)(A)(i); and

8 “(II) a unit of local government
9 that receives funds under subsection
10 (a) shall submit to the Attorney Gen-
11 eral a report that includes—

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

20 “(bb) the crime rate data
21 for the unit of local government
22 for the preceding calendar year.

23 “(ii) STATE OVERSIGHT OF LOCAL
24 GOVERNMENTS.—A State that receives
25 funds under subsection (a) shall ensure

1 that each unit of local government within
2 the State submits to the Attorney General
3 a report that includes, in accordance with
4 clause (i)(II) of this subparagraph—

5 “(I) for each no-knock warrant
6 carried out by a local law enforcement
7 agency of the unit of local government
8 during the preceding calendar year,
9 the information described in sub-
10 clauses (I) through (V) of paragraph
11 (3)(A)(i); and

12 “(II) the crime rate data for the
13 unit of local government for the pre-
14 ceding calendar year.

15 “(iii) OPEN INVESTIGATIONS.—A
16 State or unit of local government—

17 “(I) may not submit the informa-
18 tion described in subclauses (I)
19 through (V) of paragraph (3)(A)(i)
20 for a no-knock warrant relating to an
21 investigation that has not been closed
22 as of the date on which the applicable
23 report is due under clause (i) of this
24 subparagraph; and

1 “(II) shall include any informa-
2 tion withheld under subclause (I) in
3 the earliest subsequent report sub-
4 mitted under clause (i) after the in-
5 vestigation has been closed.

6 “(B) PENALTY.—

7 “(i) IN GENERAL.—

8 “(I) FIRST FISCAL YEAR.—

9 “(aa) STATES.—

10 “(AA) FAILURE TO
11 COMPLY BY STATE.—For
12 the first fiscal year that fol-
13 lows a fiscal year in which a
14 State failed to comply with
15 subparagraph (A) with re-
16 spect to a State law enforce-
17 ment agency, the State shall
18 be subject to a 20-percent
19 reduction of the funds that
20 would otherwise be allocated
21 for retention by the State
22 under section 505(c) for
23 that fiscal year.

24 “(BB) FAILURE TO
25 COMPLY BY LOCAL GOVERN-

1 MENT.—For the first fiscal
2 year that follows a fiscal
3 year in which a unit of local
4 government within a State
5 failed to comply with sub-
6 paragraph (A), the State
7 shall be subject to a reduc-
8 tion of the funds that would
9 otherwise be allocated for re-
10 tention by the State under
11 section 505(c) for that fiscal
12 year by a percentage that is
13 equal to the percentage of
14 the population of the State
15 that lives in the unit of local
16 government, which may not
17 exceed 20 percent.

18 “(bb) UNITS OF LOCAL GOV-
19 ERNMENT.—For the first fiscal
20 year that follows a fiscal year in
21 which a unit of local government
22 failed to comply with subpara-
23 graph (A), the unit of local gov-
24 ernment shall be subject to a 20-
25 percent reduction of the funds

1 that would otherwise be allocated
2 to the unit of local government
3 under this subpart for that fiscal
4 year.

5 “(II) SUBSEQUENT FISCAL
6 YEARS.—

7 “(aa) STATES.—Beginning
8 in the first fiscal year beginning
9 after the first fiscal year de-
10 scribed in subclause (I)(aa)(AA)
11 in which a State fails to comply
12 with subparagraph (A) with re-
13 spect to a State law enforcement
14 agency, the percentage by which
15 the funds described in subclause
16 (I)(aa)(AA) are reduced shall be
17 increased by 5 percent each fiscal
18 year the State fails to comply
19 with subparagraph (A) with re-
20 spect to a State law enforcement
21 agency, except that such reduc-
22 tion shall not exceed 25 percent
23 in any fiscal year.

24 “(bb) LOCAL GOVERN-
25 MENTS.—Beginning in the first

1 fiscal year beginning after the
2 first fiscal year described in sub-
3 clause (I)(bb) in which a unit of
4 local government fails to comply
5 with subparagraph (A), the per-
6 centage by which the funds de-
7 scribed in subclause (I)(bb) are
8 reduced shall be increased by 5
9 percent each fiscal year the unit
10 of local government fails to com-
11 ply with subparagraph (A), ex-
12 cept that such reduction shall not
13 exceed 25 percent in any fiscal
14 year.

15 “(ii) REALLOCATION.—Amounts not
16 allocated by reason of clause (i) to a State
17 or unit of local government for failure to
18 comply with subparagraph (A) shall be re-
19 allocated to States or units of local govern-
20 ment, respectively, that have complied with
21 subparagraph (A).

22 “(iii) EFFECTIVE DATE.—Clause (i)
23 shall take effect with respect to the third
24 annual report due under subparagraph (A)

1 after the date of enactment of the Breonna
2 Taylor Notification Act of 2020.

3 “(3) ATTORNEY GENERAL REPORT.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), not later than March 31 of the first
6 calendar year beginning after the date of enact-
7 ment of the Breonna Taylor Notification Act of
8 2020, and annually thereafter, the Attorney
9 General shall publish a report that includes—

10 “(i) for each no-knock warrant carried
11 out by a Federal law enforcement agency,
12 State law enforcement agency, or local law
13 enforcement agency during the preceding
14 calendar year—

15 “(I) the reason for which the
16 warrant was issued, including each
17 violation of law listed on the warrant;

18 “(II) whether, in the course of
19 carrying out the warrant—

20 “(aa) force resulting in
21 property damage, serious bodily
22 injury, or death was used; or

23 “(bb) any law enforcement
24 officer, suspect, or bystander was
25 injured or killed;

1 “(III) the sex, race, ethnicity,
2 and age of each person found at the
3 location for which the no-knock war-
4 rant was issued;

5 “(IV) whether the location
6 searched matched the location de-
7 scribed in the warrant;

8 “(V) whether the warrant in-
9 cluded the particularized information
10 required under the Fourth Amend-
11 ment to the Constitution of the
12 United States, as interpreted by the
13 Supreme Court of the United States,
14 and any other applicable Federal,
15 State, or local law related to the use
16 of no-knock warrants; and

17 “(ii) for each local law enforcement
18 agency for which information is submitted
19 under clause (i) for a calendar year, the
20 crime rate data for the applicable unit of
21 local government for that calendar year.

22 “(B) OPEN INVESTIGATIONS.—The Attor-
23 ney General—

24 “(i) may not publish any information
25 described in subparagraph (A) for a no-

1 knock warrant relating to an investigation
2 that has not been closed as of the date on
3 which the applicable report is due under
4 that paragraph; and

5 “(ii) shall include any information
6 withheld under clause (i) in the earliest
7 subsequent report published under sub-
8 paragraph (A) after the investigation has
9 been closed.”.

10 **SEC. 103. GUIDANCE.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Attorney General, in
13 coordination with the Director of the Federal Bureau of
14 Investigation and State and local law enforcement agen-
15 cies, shall issue guidance on best practices relating to es-
16 tablishing standard data collection systems that capture
17 the information required to be reported under subsections
18 (h) and (i) of section 501 of title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (34 U.S.C. 10152),
20 as added by sections 101 and 102 of this Act, respectively,
21 and that ensure the reporting under such subsections (h)
22 and (i) is consistent with data reported under the Death
23 in Custody Reporting Act of 2013 (34 U.S.C. 60105 et
24 seq.), section 20104(a)(2) of the Violent Crime Control
25 and Law Enforcement Act of 1994 (34 U.S.C.

1 12104(a)(2)), which shall include standard and consistent
2 definitions for terms, including the term “use of force”.

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

7 **SEC. 104. COMPLIANCE ASSISTANCE GRANTS.**

8 (a) **IN GENERAL.**—The Attorney General may award
9 grants to States and units of local government to assist
10 in the collection of the information required to be reported
11 under subsections (h) and (i) of section 501 of title I of
12 the Omnibus Crime Control and Safe Streets Act of 1968
13 (34 U.S.C. 10152), as added by sections 101 and 102 of
14 this Act, respectively.

15 (b) **APPLICATION.**—A State or unit of local govern-
16 ment seeking a grant under this section shall submit an
17 application at such time, in such manner, and containing
18 such information as the Attorney General may require.

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

21 (d) **AUTHORIZATION OF APPROPRIATIONS.**—For the
22 purpose of making grants under this section, there is au-
23 thorized to be appropriated \$112,000,000 for fiscal year
24 2021.

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

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

4 (1) chokeholds are extremely dangerous maneu-
5 vers that can easily result in serious bodily injury or
6 death;

7 (2) George Floyd’s death has become a
8 flashpoint to compel the need to address the use of
9 chokeholds by law enforcement officers across the
10 United States;

11 (3) the National Consensus Policy on Use of
12 Force, a collaborative effort among 11 of the most
13 significant law enforcement leadership and labor or-
14 ganizations in the United States, concluded in a dis-
15 cussion paper on the use of force that chokeholds
16 are extremely dangerous and recommended restrict-
17 ing their use, consistent with this section; and

18 (4) law enforcement agencies throughout the
19 United States must create policies that guard
20 against the use of this maneuver to help prevent the
21 death of civilians whom they encounter, and engen-
22 der more trust and faith among law enforcement of-
23 ficers and the communities they serve.

24 (b) INCENTIVIZING BANNING OF CHOKEHOLDS.—

25 (1) COPS GRANT PROGRAM ELIGIBILITY.—Sec-
26 tion 1701 of title I of the Omnibus Crime Control

1 and Safe Streets Act of 1968 (34 U.S.C. 10381), as
2 amended by section 501 of this Act, is amended by
3 adding at the end the following:

4 “(o) BANNING OF CHOKEHOLDS.—

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

9 “(2) LIMITATION ON ELIGIBILITY FOR
10 FUNDS.—Beginning in the first fiscal year beginning
11 after the date of enactment of the JUSTICE Act, a
12 State or unit of local government may not receive
13 funds under this section for a fiscal year if, on the
14 day before the first day of the fiscal year, the State
15 or unit of local government does not have an agency-
16 wide policy in place for each law enforcement agency
17 of the State or unit of local government that pro-
18 hibits the use of chokeholds except when deadly
19 force is authorized.”.

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

25 “(j) BANNING OF CHOKEHOLDS.—

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

5 “(2) LIMITATION ON ELIGIBILITY FOR
6 FUNDS.—Beginning in the first fiscal year beginning
7 after the date of enactment of the JUSTICE Act, a
8 State or unit of local government may not receive
9 funds under this part for a fiscal year if, on the day
10 before the first day of the fiscal year, the State or
11 unit of local government does not have an agency-
12 wide policy in place for each law enforcement agency
13 of the State or unit of local government that pro-
14 hibits the use of chokeholds except when deadly
15 force is authorized.”.

16 (c) FEDERAL LAW ENFORCEMENT AGENCIES.—

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

21 (2) FEDERAL POLICY.—The Attorney General
22 shall develop a policy for Federal law enforcement
23 agencies that bans the use of chokeholds except
24 when deadly force is authorized.

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

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

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

7 (1) when a law enforcement officer commits an
8 offense that deprives a citizen of their rights, privi-
9 leges, and immunities protected under the Constitu-
10 tion and laws of the United States, that behavior is
11 penalized to punish those involved and to deter fu-
12 ture conduct;

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

16 (3) a law enforcement officer who intentionally
17 submits a false police report in connection with an
18 act described in paragraph (1) should also be pun-
19 ished severely;

20 (4) false reporting described in paragraph (3)
21 not only serves to conceal potential criminal conduct
22 and obstruct the administration of justice, false re-
23 porting also undermines the trust and confidence
24 that communities place in law enforcement agencies;

1 (5) obstruction of justice is intolerable in any
2 form, particularly in the form described in this sub-
3 section;

4 (6) the deterioration of trust and confidence be-
5 tween law enforcement agencies and communities
6 must be abated; and

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

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

13 **“SEC. 1041. FALSE REPORTING.**

14 “(a) OFFENSE.—It shall be unlawful for any person
15 to knowingly and willfully falsify a police report in a mate-
16 rial way with the intent to falsify, conceal, or cover up
17 a material fact, in furtherance of the deprivation of any
18 rights, privileges, or immunities secured or protected by
19 the Constitution or laws of the United States where death
20 or serious bodily injury (as defined in section 1365) oc-
21 curs.

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

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

“1041. False reporting.”.

5 (d) SENTENCING ENHANCEMENT FOR FALSIFICA-
6 TION OF POLICE REPORTS.—Pursuant to its authority
7 under section 994 of title 28, United States Code, the
8 United States Sentencing Commission shall review and
9 amend the Federal sentencing guidelines to ensure that
10 the guidelines provide an additional penalty increase of not
11 fewer than 4 offense levels if the defendant knowingly and
12 willfully falsifies a report in a material way with the intent
13 to falsify, conceal, or cover up a material fact, in further-
14 ance of the deprivation of any rights, privileges, or immu-
15 nities secured or protected by the Constitution or laws of
16 the United States where death or serious bodily injury oc-
17 curs.

18 **TITLE II—BODY-WORN CAMERAS**

19 **SEC. 201. BODY-WORN CAMERA PARTNERSHIP GRANT PRO-** 20 **GRAM.**

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

1 **“SEC. 509. BODY-WORN CAMERA PARTNERSHIP GRANT**
2 **PROGRAM.**

3 “(a) DEFINITIONS.—In this section—

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

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

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

11 “(b) AUTHORIZATION OF GRANTS.—The Director
12 may make grants to eligible covered governments for use
13 by the covered government for—

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

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

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

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

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

23 “(6) personnel, including law enforcement,
24 prosecution, and criminal defense personnel, to sup-
25 port the administration of the body-worn camera
26 program of the covered government.

1 “(c) ELIGIBILITY.—

2 “(1) APPLICATION.—For a covered government
3 to be eligible to receive a grant under this section,
4 the chief executive officer of the covered government
5 shall submit to the Director an application in such
6 form and containing such information as the Direc-
7 tor may require.

8 “(2) POLICIES AND PROCEDURES ASSUR-
9 ANCES.—The application under paragraph (1) shall,
10 as required by the Director, provide assurances that
11 the covered government will establish policies and
12 procedures in accordance with subsection (d).

13 “(d) REQUIRED POLICIES AND PROCEDURES.—

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

18 “(A) are developed with community input,
19 including from prosecutors and organizations
20 representing crime victims, in accordance with
21 recognized best practices;

22 “(B) require that a body-worn camera be
23 activated when a law enforcement officer ar-
24 rests or detains any person in the course of the

1 official duties of the officer, with consideration
2 to sensitive cases;

3 “(C) apply discipline to any law enforce-
4 ment officer who intentionally fails to ensure
5 that a body-worn camera is engaged, functional,
6 and properly secured at all times during which
7 the camera is required to be worn;

8 “(D) require training for—

9 “(i) the proper use of body-worn cam-
10 eras; and

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

13 “(E) provide clear standards for privacy,
14 data retention, and use for evidentiary purposes
15 in a criminal proceeding, including in the case
16 of an assault on a law enforcement officer; and

17 “(F) make footage available to the public
18 in response to a valid request under an applica-
19 ble freedom of information law if the footage
20 can be made available—

21 “(i) without compromising an ongoing
22 investigation or revealing the identity of
23 third parties, including victims, inform-
24 ants, or witnesses; and

1 “(ii) with consideration given to the
2 rights of victims and surviving family
3 members.

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

8 “(3) GUIDANCE.—The Director shall issue
9 guidance to covered governments related to the re-
10 quirements under paragraph (1).

11 “(e) GRANT AMOUNTS.—

12 “(1) MINIMUM AMOUNT.—

13 “(A) IN GENERAL.—Each fiscal year, un-
14 less the Director has awarded a fully funded
15 grant for each eligible application submitted by
16 a State and any units of local government with-
17 in the State under this section for the fiscal
18 year, the Director shall allocate to the State
19 and units of local government within the State
20 for grants under this section an aggregate
21 amount that is not less than 0.5 percent of the
22 total amount appropriated for the fiscal year
23 for grants under this section.

24 “(B) CERTAIN TERRITORIES.—For pur-
25 poses of the Virgin Islands, American Samoa,

1 Guam, and the Northern Mariana Islands, sub-
2 paragraph (A) shall be applied by substituting
3 ‘0.25 percent’ for ‘0.5 percent’.

4 “(2) MAXIMUM AMOUNT.—

5 “(A) AMOUNT PER COVERED GOVERN-
6 MENT.—A covered government may not receive
7 a grant under this section for a fiscal year in
8 an amount that is greater than 5 percent of the
9 total amount appropriated for grants under this
10 section for the fiscal year.

11 “(B) AGGREGATE AMOUNT PER STATE.—A
12 State and each covered government within the
13 State may not receive grants under this section
14 for a fiscal year in an aggregate amount that
15 is more than 20 percent of the total amount ap-
16 propriated for grants under this section for the
17 fiscal year.

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

21 “(1) may not exceed 50 percent; and

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

1 “(g) SUPPLEMENT, NOT SUPPLANT.—Funds made
2 available under this section shall not be used to supplant
3 covered government funds, but shall be used to increase
4 the amount of funds that would, in the absence of Federal
5 funds, be made available from covered government sources
6 for the purposes of this section.

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

13 “(1) a summary of the activities carried out
14 under the grant and an assessment of whether the
15 activities are meeting the needs identified in the
16 grant application; and

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

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

23 “(1) the aggregate amount of grants made
24 under this section to each covered government for
25 the fiscal year;

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

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

8 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated for the purpose of making
10 grants under this section \$100,000,000 for each of fiscal
11 years 2021 through 2025.”.

12 **SEC. 202. PENALTIES FOR FAILURE TO USE BODY-WORN**
13 **CAMERAS.**

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

16 (1) section 509 of title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968, as added by
18 section 201; and

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

21 (b) REQUIREMENT.—

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

24 (A) have a policy in place to apply dis-
25 cipline to any law enforcement officer who in-

1 entionally fails to ensure that a body-worn
2 camera purchased using those funds is engaged,
3 functional, and properly secured at all times
4 during which the camera is required to be worn;
5 and

6 (B) ensure that any entity to which the
7 State awards a subgrant under the covered pro-
8 vision has a policy in place to apply discipline
9 to any law enforcement officer who intentionally
10 fails to ensure that a body-worn camera pur-
11 chased using those funds is engaged, functional,
12 and properly secured at all times during which
13 the camera is required to be worn.

14 (2) OTHER ENTITIES.—An entity other than a
15 State that receives funds under a covered provision
16 shall have a policy in place to apply discipline to any
17 law enforcement officer who intentionally fails to en-
18 sure that a body-worn camera purchased using those
19 funds is engaged, functional, and properly secured at
20 all times during which the camera is required to be
21 worn.

22 (c) COMPLIANCE.—

23 (1) INELIGIBILITY FOR FUNDS.—

24 (A) FIRST FISCAL YEAR.—

1 (i) STATES.—For the first fiscal year
2 beginning after the date of enactment of
3 this Act in which a State fails to comply
4 with subsection (b)(1), the State shall be
5 subject to a 20-percent reduction of the
6 funds that would otherwise be provided to
7 the State under the applicable covered pro-
8 vision for that fiscal year.

9 (ii) OTHER ENTITIES.—For the first
10 fiscal year beginning after the date of en-
11 actment of this Act in which an entity
12 other than a State fails to comply with
13 subsection (b)(2), the entity shall be sub-
14 ject to a 20-percent reduction of the funds
15 that would otherwise be allocated to the
16 entity under the applicable covered provi-
17 sion for that fiscal year.

18 (B) SUBSEQUENT FISCAL YEARS.—

19 (i) STATES.—Beginning in the first
20 fiscal year beginning after the first fiscal
21 year described in subparagraph (A)(i) in
22 which a State fails to comply with sub-
23 section (b), the percentage by which the
24 funds described in subparagraph (A)(i) are
25 reduced shall be increased by 5 percent

1 each fiscal year the State fails to comply
2 with subsection (b), except that such re-
3 duction shall not exceed 25 percent in any
4 fiscal year.

5 (ii) OTHER ENTITIES.—Beginning in
6 the first fiscal year beginning after the
7 first fiscal year described in subparagraph
8 (A)(i) in which a an entity other than a
9 State fails to comply with subsection (b),
10 the percentage by which the funds de-
11 scribed in subparagraph (A)(ii) are re-
12 duced shall be increased by 5 percent each
13 fiscal year the entity fails to comply with
14 subsection (b), except that such reduction
15 shall not exceed 25 percent in any fiscal
16 year.

17 (2) REALLOCATION.—Amounts not allocated
18 under covered provision to a State or other entity
19 for failure to comply with subsection (b) shall be re-
20 allocated under the covered provision to States or
21 other entities that have complied with subsection (b).

1 **TITLE III—LAW ENFORCEMENT**
2 **RECORDS RETENTION**

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

4 (a) IN GENERAL.— Part E of title I of the Omnibus
5 Crime Control and Safe Streets Acts of 1968 (34 U.S.C.
6 10151 et seq.) is amended by adding at the end the fol-
7 lowing:

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

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

10 “(a) DEFINITIONS.—In this section—

11 “(1) the term ‘applicable covered system’, with
12 respect to a law enforcement agency, means the cov-
13 ered system of the covered government of which the
14 law enforcement agency is part;

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

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

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

21 “(A) means any written document regard-
22 ing an allegation of misconduct by a law en-
23 forcement officer that—

1 “(i) is substantiated and is adju-
2 dicated by a government agency or court;
3 and

4 “(ii) results in—

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

7 “(II) criminal charges; and

8 “(B) does not include a written document
9 regarding an allegation described in subpara-
10 graph (A) if the adjudication described in
11 clause (i) of that subparagraph has been over-
12 turned on appeal.

13 “(b) RECORDS RETENTION REQUIREMENTS.—

14 “(1) RECORDS RETENTION SYSTEM.—A covered
15 government that receives funds under this part shall
16 maintain a system for sharing disciplinary records of
17 law enforcement officers that meets the require-
18 ments under paragraph (2).

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

21 “(A) retain each disciplinary record or in-
22 ternal investigation record regarding a law en-
23 forcement officer that is prepared by a law en-
24 forcement agency of the covered government;

1 “(B) retain a record of each award or com-
2 mendation regarding a law enforcement officer
3 that is prepared by a law enforcement agency
4 of the covered government;

5 “(C) establish a policy that ensures that
6 each record included in the covered system is
7 retained and accessible for not less than 30
8 years;

9 “(D) allow a law enforcement officer, coun-
10 sel for a law enforcement officer, or the rep-
11 resentative organization of a law enforcement
12 officer to—

13 “(i) submit information to the covered
14 system relating to a disciplinary record or
15 internal investigation record regarding the
16 law enforcement officer that is retained
17 under subparagraph (A); or

18 “(ii) obtain access to the covered sys-
19 tem in order to review a disciplinary record
20 or internal investigation record described
21 in clause (i);

22 “(E) allow any Federal, State, or local law
23 enforcement agency to access any record in-
24 cluded in the covered system for the purpose of

1 making a decision to hire a law enforcement of-
2 ficer;

3 “(F) require that, before hiring a law en-
4 forcement officer, a representative of a law en-
5 forcement agency of the covered government
6 with hiring authority—

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

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

18 “(G) prohibit access to the covered system
19 by any individual other than an individual who
20 is authorized to access the covered system for
21 purposes of—

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

1 “(ii) reviewing records or other infor-
2 mation in the covered system as described
3 in subparagraphs (E) and (F).

4 “(c) INELIGIBILITY FOR FUNDS.—

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

9 “(2) REALLOCATION.—Amounts not allocated
10 under a section referred to in paragraph (1) to a
11 covered government for failure to comply with sub-
12 section (b) shall be reallocated under that section to
13 covered governments that have complied with sub-
14 section (b).

15 “(d) ONE-TIME GRANT.—

16 “(1) IN GENERAL.—The Attorney General shall
17 award a grant to each State, using an appor-
18 tionment formula that reflects the differences between
19 each State, to be used by the State and units of
20 local government within the State to establish cov-
21 ered systems.

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

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for the pur-
3 pose of making grants under this subsection
4 \$100,000,000.

5 “(e) INDEMNIFICATION.—

6 “(1) IN GENERAL.—The United States shall in-
7 demnify and hold harmless a covered government,
8 and any law enforcement agency thereof, against
9 any claim (including reasonable expenses of litiga-
10 tion or settlement) by any person or entity related
11 to—

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

14 “(B) the review of records included in a
15 covered system as required under subsection
16 (b).

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

19 “(A) to a non-law enforcement entity or in-
20 dividual; or

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

23 (b) EFFECTIVE DATE.—Section 531(c) of title I of
24 the Omnibus Crime Control and Safe Streets Acts of
25 1968, as added by subsection (a), shall take effect on Oc-

1 tober 1 of the first fiscal year beginning after the date
2 of enactment of this Act.

3 **TITLE IV—JUSTICE FOR VICTIMS**
4 **OF LYNCHING**

5 **SEC. 401. SHORT TITLE.**

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

8 **SEC. 402. FINDINGS.**

9 Congress finds the following:

10 (1) The crime of lynching succeeded slavery as
11 the ultimate expression of racism in the United
12 States following Reconstruction.

13 (2) Lynching was a widely acknowledged prac-
14 tice in the United States until the middle of the
15 20th century.

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

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

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

1 (6) Lynching prompted African Americans to
2 form the National Association for the Advancement
3 of Colored People (referred to in this section as the
4 “NAACP”) and prompted members of B’nai B’rith
5 to found the Anti-Defamation League.

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

11 (8) Nearly 200 anti-lynching bills were intro-
12 duced in Congress during the first half of the 20th
13 century.

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

16 (10) Between 1920 and 1940, the House of
17 Representatives passed 3 strong anti-lynching meas-
18 ures.

19 (11) Protection against lynching was the min-
20 imum and most basic of Federal responsibilities, and
21 the Senate considered but failed to enact anti-lynch-
22 ing legislation despite repeated requests by civil
23 rights groups, Presidents, and the House of Rep-
24 resentatives to do so.

1 (12) The publication of “Without Sanctuary:
2 Lynching Photography in America” helped bring
3 greater awareness and proper recognition of the vic-
4 tims of lynching.

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

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

13 (15) Having concluded that a reckoning with
14 our own history is the only way the country can ef-
15 fectively champion human rights abroad, 90 Mem-
16 bers of the United States Senate agreed to Senate
17 Resolution 39, 109th Congress, on June 13, 2005,
18 to apologize to the victims of lynching and the de-
19 scendants of those victims for the failure of the Sen-
20 ate to enact anti-lynching legislation.

21 (16) The National Memorial for Peace and Jus-
22 tice, which opened to the public in Montgomery, Ala-
23 bama, on April 26, 2018, is the Nation’s first memo-
24 rial dedicated to the legacy of enslaved Black people,
25 people terrorized by lynching, African Americans hu-

1 miliated by racial segregation and Jim Crow, and
2 people of color burdened with contemporary pre-
3 sumptions of guilt and police violence.

4 (17) Notwithstanding the Senate’s apology and
5 the heightened awareness and education about the
6 Nation’s legacy with lynching, it is wholly necessary
7 and appropriate for the Congress to enact legisla-
8 tion, after 100 years of unsuccessful legislative ef-
9 forts, finally to make lynching a Federal crime.

10 (18) Further, it is the sense of Congress that
11 criminal action by a group increases the likelihood
12 that the criminal object of that group will be suc-
13 cessfully attained and decreases the probability that
14 the individuals involved will depart from their path
15 of criminality. Therefore, it is appropriate to specify
16 criminal penalties for the crime of lynching, or any
17 attempt or conspiracy to commit lynching.

18 (19) The United States Senate agreed to unani-
19 mously Senate Resolution 118, 115th Congress, on
20 April 5, 2017, “[c]ondemning hate crime and any
21 other form of racism, religious or ethnic bias, dis-
22 crimination, incitement to violence, or animus tar-
23 geting a minority in the United States” and taking
24 notice specifically of Federal Bureau of Investigation
25 statistics demonstrating that “among single-bias

1 hate crime incidents in the United States, 59.2 per-
2 cent of victims were targeted due to racial, ethnic,
3 or ancestral bias, and among those victims, 52.2
4 percent were victims of crimes motivated by the of-
5 fenders’ anti-Black or anti-African American bias”.

6 (20) On September 14, 2017, President Donald
7 J. Trump signed into law Senate Joint Resolution
8 49 (Public Law 115–58; 131 Stat. 1149), wherein
9 Congress “condemn[ed] the racist violence and do-
10 mestic terrorist attack that took place between Au-
11 gust 11 and August 12, 2017, in Charlottesville,
12 Virginia” and “urg[ed] the President and his admin-
13 istration to speak out against hate groups that
14 espouse racism, extremism, xenophobia, anti-Semi-
15 tism, and White supremacy; and use all resources
16 available to the President and the President’s Cabi-
17 net to address the growing prevalence of those hate
18 groups in the United States”.

19 (21) Senate Joint Resolution 49 (Public Law
20 115–58; 131 Stat. 1149) specifically took notice of
21 “hundreds of torch-bearing White nationalists,
22 White supremacists, Klansmen, and neo-Nazis [who]
23 chanted racist, anti-Semitic, and anti-immigrant slo-
24 gans and violently engaged with counter-demonstra-
25 tors on and around the grounds of the University of

1 Virginia in Charlottesville” and that these groups
2 “reportedly are organizing similar events in other
3 cities in the United States and communities every-
4 where are concerned about the growing and open
5 display of hate and violence being perpetrated by
6 those groups”.

7 (22) Lynching was a pernicious and pervasive
8 tool that was used to interfere with multiple aspects
9 of life—including the exercise of Federally protected
10 rights, as enumerated in section 245 of title 18,
11 United States Code, housing rights, as enumerated
12 in section 901 of the Civil Rights Act of 1968 (42
13 U.S.C. 3631), and the free exercise of religion, as
14 enumerated in section 247 of title 18, United States
15 Code. Interference with these rights was often effec-
16 tuated by multiple offenders and groups, rather than
17 isolated individuals. Therefore, prohibiting conspir-
18 acies to violate each of these rights recognizes the
19 history of lynching in the United States and serves
20 to prohibit its use in the future.

21 **SEC. 403. LYNCHING.**

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

1 **“§ 250. Lynching**

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

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

“250. Lynching.”.

14 **TITLE V—ALTERNATIVES TO**
15 **THE USE OF FORCE, DE-ESCA-**
16 **LATION, BEHAVIORAL**
17 **HEALTH CRISES AND DUTY**
18 **TO INTERVENE TRAINING**

19 **SEC. 501. TRAINING ON ALTERNATIVES TO USE OF FORCE,**
20 **DE-ESCALATION, AND BEHAVIORAL HEALTH**
21 **CRISES.**

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

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

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

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

6 “(29) the term ‘de-escalation’ means taking ac-
7 tion or communicating verbally or non-verbally dur-
8 ing a potential force encounter in an attempt to sta-
9 bilize the situation and reduce the immediacy of the
10 threat so that more time, options, and resources can
11 be called upon to resolve the situation without the
12 use of force or with a reduction in the force nec-
13 essary; and

14 “(30) the term ‘behavioral health crisis’ means
15 a situation in which the behavior of a person puts
16 the person at risk of hurting himself or herself or
17 others or prevents the person from being able to
18 care for himself or herself or function effectively in
19 the community, including a situation in which a per-
20 son is under the influence of a drug or alcohol, is
21 suicidal, or experiences symptoms of a mental ill-
22 ness.”.

23 (b) COPS PROGRAM.—Section 1701 of title I of the
24 Omnibus Crime Control and Safe Streets Act of 1968 (34

1 U.S.C. 10381) is amended by adding at the end the fol-
2 lowing:

3 “(n) TRAINING IN ALTERNATIVES TO USE OF
4 FORCE, DE-ESCALATION TECHNIQUES, AND BEHAVIORAL
5 HEALTH CRISES.—

6 “(1) TRAINING CURRICULA.—The Attorney
7 General, in consultation with relevant law enforce-
8 ment agencies of States and units of local govern-
9 ment, labor organizations, professional law enforce-
10 ment organizations, and mental health organiza-
11 tions, shall develop training curricula in—

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

14 “(B) safely responding to a person experi-
15 encing a behavioral health crisis, including tech-
16 niques and strategies that are designed to pro-
17 tect the safety of the person experiencing the
18 behavioral health crisis, law enforcement offi-
19 cers, and the public.

20 “(2) CERTIFIED PROGRAMS.—The Attorney
21 General shall establish a process to certify public
22 and private entities that offer courses in alternatives
23 to use of force, de-escalation tactics, and techniques
24 and strategies for responding to a behavioral health
25 crisis using the training curricula established under

1 paragraph (1) or equivalents to the training cur-
2 ricula established under paragraph (1).

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

11 “(4) LIST.—The Attorney General shall publish
12 a list of law enforcement agencies of States and
13 units of local government that employ officers who
14 have successfully completed a course described under
15 paragraph (2) or (3), which shall include—

16 “(A) the total number of law enforcement
17 officers employed by the agency;

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

20 “(C) whether personnel from the law en-
21 forcement agency are certified to conduct train-
22 ing.

23 “(5) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated for the pur-
25 pose of making grants under this subsection

1 \$20,000,000 for each of fiscal years 2021 through
2 2025.”.

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

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

7 and

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

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

10 “(a) DEFINITIONS.—In this section—

11 “(1) the term ‘approved course in alternatives
12 to use of force, de-escalation tactics, or techniques
13 and strategies for responding to a behavioral health
14 crisis’ means a course using the training curricula
15 established under section 1701(n)(1) or equivalents
16 to such training curricula—

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

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

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

23 “(b) AUTHORITY.—The Attorney General shall, from
24 amounts made available for this purpose under subsection

1 (e), make grants to States for use by the State or a unit
2 of government located in the State to—

3 “(1) pay for costs associated with conducting
4 the training and for attendance by law enforcement
5 personnel at an approved course in alternatives to
6 use of force, de-escalation tactics, or techniques and
7 strategies for responding to a behavioral health cri-
8 sis; and

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

13 “(c) ALLOCATION OF FUNDS.—

14 “(1) IN GENERAL.—Of the total amount appro-
15 priated to carry out this section for a fiscal year, the
16 Attorney General shall allocate funds to each State
17 in proportion to the total number of law enforcement
18 officers in the State as compared to the total num-
19 ber of law enforcement officers in the United States.

20 “(2) TRAINING FOR STATE LAW ENFORCEMENT
21 OFFICERS.—Each State may retain from the total
22 amount of funds provided to the State for the pur-
23 poses described in this section an amount that is not
24 more than the amount that bears the same ratio to
25 the total amount of funds as the ratio of—

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

3 “(B) the total number of law enforcement
4 officers employed by the State and units of
5 local government within the State.

6 “(3) TRAINING FOR LOCAL LAW ENFORCEMENT
7 OFFICERS.—A State shall make available to units of
8 local government in the State for the purposes de-
9 scribed in this section the amounts remaining after
10 a State retains funds under paragraph (2). At the
11 request of a unit of local government, the State may
12 use an amount of the funds allocated to the unit of
13 local government under this paragraph to facilitate
14 training in alternatives to use of force, de-escalation
15 tactics, or techniques and strategies for responding
16 to a behavioral health crisis to law enforcement offi-
17 cers employed by the unit of local government.

18 “(d) REPORTING.—

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

23 “(A) the number of law enforcement offi-
24 cers that have completed training described in
25 this section;

1 “(B) the total number of law enforcement
2 officers employed by the unit of local govern-
3 ment; and

4 “(C) any barriers to providing the training.

5 “(2) STATES.—Any State that receives funds
6 under subsection (c)(2) shall, after receiving the re-
7 ports described in paragraph (1), submit to the At-
8 torney General—

9 “(A) such reports; and

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

11 “(i) the number of law enforcement
12 officers employed by the State that have
13 completed training described in this sec-
14 tion;

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

17 “(iii) any barriers to providing the
18 training.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated for the purpose of making
21 grants under this section \$50,000,000 for each of fiscal
22 years 2021 through 2025.”.

23 **SEC. 502. TRAINING ON DUTY TO INTERVENE.**

24 Subpart 1 of part E of Title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 (34 U.S.C. 10151

1 et seq.), as amended by section 201, is amended by adding
2 at the end the following:

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

4 “(a) TRAINING PROGRAM.—

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

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

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

1 “(4) LIST.—The Attorney General shall publish
2 a list of law enforcement agencies of States and
3 units of local government that employ officers who
4 have successfully completed a course described under
5 paragraph (2) or (3), which shall include the total
6 number of law enforcement officers employed by the
7 agency and the number of officers who have com-
8 pleted the course.

9 “(b) GRANT PROGRAM.—

10 “(1) AUTHORIZATION.—The Attorney General
11 may make grants to State and local law enforcement
12 agencies to—

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

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

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

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated for the purpose of making
3 grants under this section \$100,000,000 for each of fiscal
4 years 2021 through 2025.”.

5 **TITLE VI—NATIONAL CRIMINAL**
6 **JUSTICE COMMISSION ACT**

7 **SEC. 601. SHORT TITLE.**

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

10 **SEC. 602. FINDINGS.**

11 Congress finds that—

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

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

19 (3) in a span of 18 months, the President’s
20 Commission on Law Enforcement and Administra-
21 tion of Justice produced a comprehensive report en-
22 titled “The Challenge of Crime in a Free Society”,
23 which contained 200 specific recommendations on all
24 aspects of the criminal justice system involving—

1 (A) Federal, State, Tribal, and local gov-
2 ernments;

3 (B) civic organizations;

4 (C) religious institutions;

5 (D) business groups; and

6 (E) individual citizens; and

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

16 **SEC. 603. ESTABLISHMENT OF COMMISSION.**

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

20 **SEC. 604. PURPOSE OF THE COMMISSION.**

21 The Commission shall—

22 (1) undertake a comprehensive review of the
23 criminal justice system;

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

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

7 **SEC. 605. REVIEW, RECOMMENDATIONS, AND REPORT.**

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

13 (b) RECOMMENDATIONS.—

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

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

1 606(d) approves a recommendation of the Commis-
2 sion, the Commission may adopt and submit the rec-
3 ommendation under paragraph (1).

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

7 (c) REPORT.—

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

16 (2) MAJORITY VOTE.—If a majority vote of the
17 members of the Commission approves a finding or
18 supplemental guidance at a meeting where a quorum
19 is present pursuant to section 606(d), the finding or
20 supplemental guidance may be adopted and included
21 in the report required under paragraph (1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **SEC. 606. MEMBERSHIP.**

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

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

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

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

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

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

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

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

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

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

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

4 (b) MEMBERSHIP.—

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

8 (A) law enforcement;

9 (B) criminal justice;

10 (C) national security;

11 (D) prison and jail administration;

12 (E) prisoner reentry;

13 (F) public health, including—

14 (i) physical and sexual victimization;

15 (ii) drug addiction; or

16 (iii) mental health;

17 (G) the rights of victims;

18 (H) civil rights;

19 (I) civil liberties;

20 (J) court administration;

21 (K) social services; or

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

23 (2) LAW ENFORCEMENT REPRESENTATION.—

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

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

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

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

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

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

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

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

3 (c) APPOINTMENTS AND FIRST MEETING.—

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

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

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

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

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

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

19 (i) conflict of interest; and

20 (ii) financial disclosure;

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

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

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

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

7 (A) the co-chairpersons; or

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

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

16 (3) VACANCIES.—

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

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

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

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

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

9 (e) ACTIONS OF THE COMMISSION.—

10 (1) IN GENERAL.—The Commission—

11 (A) shall, subject to section 605, act by a
12 resolution agreed to by a majority of the mem-
13 bers of the Commission voting and present; and

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

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

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

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

5 **SEC. 607. ADMINISTRATION.**

6 (a) STAFF.—

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

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

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

3 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

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

10 (B) MEMBERS OF THE COMMISSION.—
11 Subparagraph (A) shall not be construed to
12 apply to members of the Commission.

13 (4) THE COMPENSATION OF MEMBERS.—

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

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

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

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

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

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

22 (d) OTHER RESOURCES.—

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

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

3 (A) the Library of Congress;

4 (B) the Department of Justice;

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

7 (D) the Department of State; and

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

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

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

17 (1) may—

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

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

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

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

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

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

12 (f) OBTAINING OFFICIAL DATA.—

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

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

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

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

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

7 (1) the use of resources;

8 (2) salaries; and

9 (3) all expenditures of appropriated funds.

10 (i) **CONTRACTS.**—

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

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

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

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

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

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

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

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

13 (2) MEETINGS AND MINUTES.—

14 (A) MEETINGS.—

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

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

24 (I) appear at an open meeting;

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

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

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

10 (B) MINUTES AND PUBLIC ACCESS.—

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

14 (I) the people present;

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

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

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

1 (m) ARCHIVING.—Not later than the date described
2 in section 609, all records and papers of the Commission
3 shall be delivered to the Archivist of the United States
4 for deposit in the National Archives.

5 **SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated for the purpose of carrying out this title
8 \$7,000,000 for each of fiscal years 2021 through 2022.

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

11 **SEC. 609. SUNSET.**

12 The Commission shall terminate 60 days after the
13 date on which the Commission submits the report required
14 under section 605(c) to Congress.

15 **TITLE VII—LAW ENFORCEMENT**
16 **AGENCY HIRING AND EDU-**
17 **CATION**

18 **SEC. 701. LAW ENFORCEMENT AGENCY HIRING.**

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

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

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

1 Q, to remain available until expended \$1,047,119,000 for
2 each of fiscal years 2006 through 2009” and inserting
3 “part Q, including section 1701(n), to remain available
4 until expended \$400,000,000 for each of fiscal years 2021
5 through 2025”.

6 **TITLE VIII—BEST PRACTICES**
7 **AND STUDIES**

8 **SEC. 801. BEST PRACTICES.**

9 (a) IN GENERAL.—The National Criminal Justice
10 Commission established under title VI (referred to in this
11 title as the “Commission”) shall—

12 (1) develop recommended best practices guide-
13 lines to ensure fair and effective policing tactics and
14 procedures that encourage equitable justice, commu-
15 nity trust, and law enforcement officer safety;

16 (2) include the recommended best practices de-
17 scribed in paragraph (1) in the recommendations of
18 the Commission required under section 605; and

19 (3) best practices for developing standards for
20 law enforcement officer due process.

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

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

1 (2) best practices for community transparency
2 and optimal administration of a law enforcement
3 agency.

4 **SEC. 802. STUDY.**

5 (a) IN GENERAL.—The Commission shall conduct a
6 study on the establishment and operation of use of force
7 review boards by States and units of local government,
8 wherein citizens can assist law enforcement agencies in re-
9 viewing use of force incidents.

10 (b) INCLUSION IN COMMISSION RECOMMENDA-
11 TIONS.—The Commission shall include a report on the
12 study conducted under subsection (a), which shall include
13 recommendations, if any, for best practices for State and
14 local use of force review boards, as well as best practices
15 for developing standards for law enforcement officer due
16 process, in the recommendations of the Commission re-
17 quired under section 605.

18 **SEC. 803. MENTAL HEALTH STUDY.**

19 (a) IN GENERAL.—The Commission shall conduct a
20 study on law enforcement officer training, crisis interven-
21 tion teams, co-responder programs, personnel require-
22 ments, Federal resources, and pilot programs needed to
23 improve nationwide law enforcement officer engagement
24 on issues related to mental health, homelessness, and ad-
25 diction.

1 (b) INCLUSION IN COMMISSION RECOMMENDA-
2 TIONS.—The Commission shall include a report on the
3 study conducted under subsection (a), which shall include
4 recommendations, if any, in the recommendations of the
5 Commission required under section 605.

6 **SEC. 804. STUDY AND PROPOSAL ON IMPROVING ACCOUNT-**
7 **ABILITY FOR DOJ GRANTS.**

8 (a) DEFINITIONS.—In this section—

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

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

12 (A) the Edward Byrne Memorial Justice
13 Assistance Grant Program under subpart 1 of
14 part E of title I of the Omnibus Crime Control
15 and Safe Streets Act of 1968 (34 U.S.C. 10151
16 et seq.);

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

21 (C) any other grant program administered
22 by the Attorney General that provides funds to
23 law enforcement agencies.

24 (b) STUDY AND PROPOSAL.—Not later than 1 year
25 after the date of enactment of this Act, the Attorney Gen-

1 eral shall study, and submit to Congress a proposal re-
2 garding, the possible implementation of a method to im-
3 prove accountability for law enforcement agencies that re-
4 ceive funds from covered grant programs.

5 (c) CONTENTS.—In carrying out subsection (b), the
6 Attorney General shall develop discrete performance
7 metrics for law enforcement agencies that apply for and
8 receive funds from covered grant programs, the param-
9 eters of which shall—

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

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

15 (3) provide that—

16 (A) the failure to achieve a benchmark de-
17 scribed in paragraph (1) shall constitute a vio-
18 lation of the grant agreement;

19 (B) if a recipient does not cure a violation
20 by achieving the applicable benchmark not later
21 than 90 days after the date of the violation, the
22 recipient shall return the amounts of the cov-
23 ered grant to the Attorney General; and

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

4 **TITLE IX—CLOSING THE LAW**
5 **ENFORCEMENT CONSENT**
6 **LOOPHOLE ACT**

7 **SEC. 901. PROHIBITION ON ENGAGING IN SEXUAL ACTS**
8 **WHILE ACTING UNDER COLOR OF LAW.**

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

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

14 (2) by redesignating subsections (c) and (d) as
15 subsections (d) and (e), respectively;

16 (3) by inserting after subsection (b) the fol-
17 lowing:

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

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

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

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

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

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

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

13 (2) by redesignating paragraph (5) as para-
14 graph (6); and

15 (3) by inserting after paragraph (4) the fol-
16 lowing:

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

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

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

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

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

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

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

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

11 **SEC. 902. INCENTIVE FOR STATES.**

12 (a) AUTHORITY TO MAKE GRANTS.—The Attorney
13 General is authorized to make grants to States that have
14 in effect a law that—

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

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

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

4 (1) the number of reports made to law enforce-
5 ment agencies in that State regarding persons en-
6 gaging in a sexual act (as defined in section 2246
7 of title 18, United States Code) while acting under
8 color of law during the previous year; and

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

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

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

23 (1) Part T of title I of the Omnibus Crime Con-
24 trol and Safe Streets Act of 1968 (34 U.S.C. 10441

1 et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”).

2
3 (2) Section 41601 of the Violence Against Women Act of 1994 (34 U.S.C. 12511) (commonly referred to as the “Sexual Assault Services Program”).

4
5
6
7 (e) GRANT TERM.—

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

9
10
11
12 (2) RENEWAL.—A State that receives a grant under this section may submit an application for a renewal of such grant at such time, in such manner, and containing such information as the Attorney General may reasonably require.

13
14
15
16
17 (3) LIMIT.—A State may not receive a grant under this section for more than 4 years.

18
19 (f) USES OF FUNDS.—A State that receives a grant under this section shall use—

20
21 (1) 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of subsection (d); and

1 (2) 75 percent of such funds for any of the per-
2 missible uses of funds under the grant program de-
3 scribed in paragraph (2) of subsection (d).

4 (g) **AUTHORIZATION OF APPROPRIATIONS.**—There is
5 authorized to be appropriated for the purpose of making
6 grants under this section \$5,000,000 for each of fiscal
7 years 2021 through 2025.

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

13 **SEC. 903. REPORTS TO CONGRESS.**

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

18 (1) the information required to be reported to
19 the Attorney General under section 902(b); and

20 (2) information on—

21 (A) the number of reports made, during
22 the previous year, to Federal law enforcement
23 agencies regarding persons engaging in a sexual
24 act (as defined in section 2246 of title 18,

1 United States Code) while acting under color of
2 law; and

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

6 (b) REPORT BY GAO.—Not later than 1 year after
7 the date of enactment of this Act, and each year there-
8 after, the Comptroller General of the United States shall
9 submit to Congress a report on any violations of section
10 2243(c) of title 18, United States Code, as amended by
11 section 901, committed during the 1-year period covered
12 by the report.

13 **SEC. 1 .**

