To improve and reform policing practices, accountability and transparency.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

Mr. Scott of South Carolina (for himself, Mr. McConnell, Mr. Cornyn, Mr. Graham, Mrs. Capito, Mr. Sasse, Mr. Lankford, Mr. Alexander, Ms. McSally, Mr. Tillis, Mr. Braun, Mr. Roberts, Mr. Burr, Mr. Cramer, Mr. Rubio, Mr. Thune, Mr. Wicker, Mr. Daines, Mr. Blunt, Mr. Inhofe, Mr. Hoeven, Ms. Collins, Mr. Crapo, Ms. Ernst, Mrs. Fischer, Mr. Young, Mr. Boozman, Mr. Romney, Mr. Risch, Mr. Grassley, Mr. Portman, Mr. Gardner, Mr. Enzi, Mr. Cotton, Mr. Shelby, Mrs. Loeffler, Mr. Rounds, Mr. Kennedy, Mr. Barrasso, Mr. Perdue, Mrs. Blackburn, Mrs. Hyde-Smith, Mr. Cassidy, Mr. Johnson, Mr. Moran, Mr. Cruz, and Mr. Sullivan) introduced the following bill; which was read the first time

JUNE 18, 2020

Read the second time and placed on the calendar

A BILL

To improve and reform policing practices, accountability and transparency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—LAW ENFORCEMENT REFORMS

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

TITLE II—BODY-WORN CAMERAS

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

TITLE III—LAW ENFORCEMENT RECORDS RETENTION

Sec. 301. Law enforcement records retention.

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING

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

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

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

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

Sec. 601. Training on alternatives to use of force, de-escalation, and behavioral health crises.
Sec. 602. Training on duty to intervene.
TITLE VII—NATIONAL CRIMINAL JUSTICE COMMISSION ACT

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

TITLE VIII—LAW ENFORCEMENT AGENCY HIRING AND EDUCATION

Subtitle A—Hiring

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

Subtitle B—Training

Sec. 811. Definitions.
Sec. 812. Program authorized.
Sec. 813. Online education resources.
Sec. 815. Engagement of eligible program participants.
Sec. 816. Annual report.

TITLE IX—BEST PRACTICES AND STUDIES

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

TITLE X—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE ACT

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

TITLE XI—EMERGENCY FUNDING

Sec. 1101. Emergency designation.
TITLE I—LAW ENFORCEMENT 
REFORMS

SEC. 101. GEORGE FLOYD AND WALTER SCOTT NOTIFICATION ACT.

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

(b) NATIONAL USE-OF-FORCE DATA COLLECTION.—

Section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152) is amended by adding at the end the following:

“(h) NATIONAL USE-OF-FORCE DATA COLLECTION.—

“(1) DEFINITIONS.—In this section—

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

“(i) means any officer, agent, or employee of a State, unit of local government, or an Indian tribe authorized by law or by a government agency to engage in or supervise the prevention detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders; and

“(ii) includes an individual described in clause (i) who is employed or volunteers
in a full-time, part-time, or auxiliary capacity;

“(B) the term ‘National Use-of-Force Data Collection’ means the National Use-of-Force Data Collection of the Federal Bureau of Investigation; and

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

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

“(A) a use-of-force event by a law enforcement officer in the State or unit of local government that involves—

“(i) the fatality of an individual that is connected to use of force by a law enforcement officer;
“(ii) the serious bodily injury of an individual that is connected to use of force by a law enforcement officer; and

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

“(B) any event in which a firearm is discharged by a civilian at or in the direction of a law enforcement officer; and

“(C) the death or serious bodily injury of a law enforcement officer that results from any discharge of a firearm by a civilian, or any other means, including whether the law enforcement officer was killed or suffered serious bodily injury as part of an ambush or calculated attack.

“(3) INFORMATION REQUIRED.—For each use-of-force event required to be reported under paragraph (2), the following information shall be provided, as required by the Federal Bureau of Investigation:

“(A) Incident information.

“(B) Subject information.

“(C) Officer information.
“(4) COMPLIANCE.—

“(A) INELIGIBILITY FOR FUNDS.—

“(i) FIRST FISCAL YEAR.—

“(I) STATES.—For the first fiscal year beginning after the date of enactment of the George Floyd and Walter Scott Notification Act in which a State fails to comply with paragraph (2) with respect to a State law enforcement agency, the State shall be subject to a 20-percent reduction of the funds that would otherwise be allocated for retention by the State under section 505(c) for that fiscal year, and if any unit of local government within the State fails to comply with paragraph (2), the State shall be subject to a reduction of the funds allocated for retention by the State under section 505(c) that is equal to the percentage of the population of the State represented by the unit of local government, not to exceed 20 percent.
“(II) LOCAL GOVERNMENTS.—

For the first fiscal year beginning after the date of enactment of the George Floyd and Walter Scott Notification Act in which a unit of local government fails to comply with paragraph (2), the unit of local government shall be subject to a 20-percent reduction of the funds that would otherwise be allocated to the unit of local government for that fiscal year under this subpart.

“(ii) SUBSEQUENT FISCAL YEARS.—

“(I) STATES.—Beginning in the first fiscal year beginning after the first fiscal year described in clause (i)(I) in which a State fails to comply with paragraph (2) with respect to a State law enforcement agency, the percentage by which the funds described in clause (i)(I) are reduced shall be increased by 5 percent each fiscal year the State fails to comply with paragraph (2), except that such
reduction shall not exceed 25 percent in any fiscal year.

“(II) LOCAL GOVERNMENTS.—Beginning in the first fiscal year beginning after the first fiscal year described in clause (i)(II) in which a unit of local government fails to comply with paragraph (2), the percentage by which the funds described in clause (i)(II) are reduced shall be increased by 5 percent each fiscal year the unit of local government fails to comply with paragraph (2), except that such reduction shall not exceed 25 percent in any fiscal year.

“(B) REALLOCATION.—Amounts not allocated under a program referred to in subparagraph (A) to a State or unit of local government for failure to comply with paragraph (2) shall be reallocated under the program to States or units of local government that have complied with paragraph (2).

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

“(6) FBI OUTREACH AND TECHNICAL ASSISTANCE.—The Director of the Federal Bureau of Investigation shall provide to a State or unit of local government technical assistance and training for the collection and submission of data in accordance with this subsection.”.

SEC. 102. BREONNA TAYLOR NOTIFICATION ACT.

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

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

“(i) NO-KNOCK WARRANT REPORTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) FEDERAL LAW ENFORCEMENT AGENCY.—The term ‘Federal law enforcement agency’ means any agency of the United States authorized to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law.
“(B) No-knock warrant.—The term ‘no-knock warrant’ means a warrant that authorizes a law enforcement officer to enter a certain premises to execute a warrant without first knocking or otherwise announcing the presence of the law enforcement officer if a court of competent jurisdiction finds reasonable suspicion that knocking and announcing the presence of law enforcement would—

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

“(ii) inhibit the investigation; or

“(iii) allow the destruction of evidence.

“(C) State law enforcement agency; local law enforcement agency.—The terms ‘State law enforcement agency’ and ‘local law enforcement agency’ mean an agency of a State or unit of local government, respectively, that is authorized to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

“(2) Report to attorney general.—

“(A) Requirement.—
“(i) IN GENERAL.—Subject to clause (iii), not later than January 31 of the first calendar year beginning after the date of enactment of the Breonna Taylor Notification Act of 2020, and annually thereafter—

“(I) a State that receives funds under subsection (a) shall submit to the Attorney General a report that includes, for each no-knock warrant carried out by a State law enforcement agency of the State during the preceding calendar year, the information described in subclauses (I) through (V) of paragraph (3)(A)(i); and

“(II) a unit of local government that receives funds under subsection (a) shall submit to the Attorney General a report that includes—

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

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

“(ii) State oversight of local governments.—A State that receives funds under subsection (a) shall ensure that each unit of local government within the State submits to the Attorney General a report that includes, in accordance with clause (i)(II) of this subparagraph—

“(I) for each no-knock warrant carried out by a local law enforcement agency of the unit of local government during the preceding calendar year, the information described in subclauses (I) through (V) of paragraph (3)(A)(i); and

“(II) the crime rate data for the unit of local government for the preceding calendar year.

“(iii) Open investigations.—A State or unit of local government—
“(I) may not submit the information described in subclauses (I) through (V) of paragraph (3)(A)(i) for a no-knock warrant relating to an investigation that has not been closed as of the date on which the applicable report is due under clause (i) of this subparagraph; and

“(II) shall include any information withheld under subclause (I) in the earliest subsequent report submitted under clause (i) after the investigation has been closed.

“(B) Penalty.—

“(i) In general.—

“(I) First fiscal year.—

“(aa) States.—

“(AA) Failure to comply by State.—For the first fiscal year that follows a fiscal year in which a State failed to comply with subparagraph (A) with respect to a State law enforcement agency, the State shall
be subject to a 20-percent reduction of the funds that would otherwise be allocated for retention by the State under section 505(c) for that fiscal year.

“(BB) FAILURE TO COMPLY BY LOCAL GOVERNMENT.—For the first fiscal year that follows a fiscal year in which a unit of local government within a State failed to comply with subparagraph (A), the State shall be subject to a reduction of the funds that would otherwise be allocated for retention by the State under section 505(c) for that fiscal year by a percentage that is equal to the percentage of the population of the State that lives in the unit of local government, which may not exceed 20 percent.
“(bb) Units of local government.—For the first fiscal year that follows a fiscal year in which a unit of local government failed to comply with subparagraph (A), the unit of local government shall be subject to a 20-percent reduction of the funds that would otherwise be allocated to the unit of local government under this subpart for that fiscal year.

“(II) Subsequent fiscal years.—

“(aa) States.—Beginning in the first fiscal year beginning after the first fiscal year described in subclause (I)(aa)(AA) in which a State fails to comply with subparagraph (A) with respect to a State law enforcement agency, the percentage by which the funds described in subclause (I)(aa)(AA) are reduced shall be increased by 5 percent each fiscal
year the State fails to comply with subparagraph (A) with respect to a State law enforcement agency, except that such reduction shall not exceed 25 percent in any fiscal year.

“(bb) LOCAL GOVERNMENTS.—Beginning in the first fiscal year beginning after the first fiscal year described in subclause (I)(bb) in which a unit of local government fails to comply with subparagraph (A), the percentage by which the funds described in subclause (I)(bb) are reduced shall be increased by 5 percent each fiscal year the unit of local government fails to comply with subparagraph (A), except that such reduction shall not exceed 25 percent in any fiscal year.

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

“(iii) EFFECTIVE DATE.—Clause (i)
shall take effect with respect to the third
annual report due under subparagraph (A)
after the date of enactment of the Breonna

“(3) ATTORNEY GENERAL REPORT.—

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

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

“(I) the reason for which the
warrant was issued, including each
violation of law listed on the warrant;
“(II) whether, in the course of carrying out the warrant—

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

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

“(III) the sex, race, ethnicity, and age of each person found at the location for which the no-knock warrant was issued;

“(IV) whether the location searched matched the location described in the warrant;

“(V) whether the warrant included the particularized information required under the Fourth Amendment to the Constitution of the United States, as interpreted by the Supreme Court of the United States, and any other applicable Federal, State, or local law related to the use of no-knock warrants; and
“(ii) for each local law enforcement agency for which information is submitted under clause (i) for a calendar year, the crime rate data for the applicable unit of local government for that calendar year.

“(B) OPEN INVESTIGATIONS.—The Attorney General—

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

“(ii) shall include any information withheld under clause (i) in the earliest subsequent report published under subparagraph (A) after the investigation has been closed.”.

SEC. 103. GUIDANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Director of the Federal Bureau of Investigation and State and local law enforcement agencies, shall issue guidance on best practices relating to establishing standard data collection systems that capture
the information required to be reported under subsections (h) and (i) of section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152), as added by sections 101 and 102 of this Act, respectively, and that ensure the reporting under such subsections (h) and (i) is consistent with data reported under the Death in Custody Reporting Act of 2013 (34 U.S.C. 60105 et seq.), section 20104(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12104(a)(2)), which shall include standard and consistent definitions for terms, including the term “use of force”.

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

SEC. 104. COMPLIANCE ASSISTANCE GRANTS.

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

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

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

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

SEC. 105. INCENTIVIZING BANNING OF CHOKEHOLDS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) chokeholds are extremely dangerous maneuvers that can easily result in serious bodily injury or death;

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

(3) the National Consensus Policy on Use of Force, a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States, concluded in a discussion paper on the use of force that chokeholds
are extremely dangerous and recommended restricting their use, consistent with this section; and

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

(b) INCENTIVIZING BANNING OF CHOKEHOLDS.—

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

“(o) BANNING OF CHOKEHOLDS.—

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

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

(2) Byrne grant program eligibility.—
Section 501 of title I of the Omnibus Crime Control
and Safe Streets Act of 1968 (34 U.S.C. 10152), as
amended by section 102 of this Act, is amended by
adding at the end the following:

“(j) Banning of chokeholds.—

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

“(2) Limitation on eligibility for
funds.—Beginning in the first fiscal year beginning
after the date of enactment of the JUSTICE Act, a
State or unit of local government may not receive
funds under this part for a fiscal year if, on the day
before the first day of the fiscal year, the State or
unit of local government does not have an agency-
wide policy in place for each law enforcement agency
of the State or unit of local government that pro-
hibits the use of chokeholds except when deadly force is authorized.”.

(c) Federal Law Enforcement Agencies.—

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

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

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

SEC. 106. FALSIFYING POLICE INCIDENT REPORTS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) when a law enforcement officer commits an offense that deprives a citizen of their rights, privileges, and immunities protected under the Constitution and laws of the United States, that behavior is penalized to punish those involved and to deter future conduct;
(2) where serious bodily injury or death results from the acts described in paragraph (1), punishment must be severe;

(3) a law enforcement officer who intentionally submits a false police report in connection with an act described in paragraph (1) should also be punished severely;

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

(5) obstruction of justice is intolerable in any form, particularly in the form described in this subsection;

(6) the deterioration of trust and confidence between law enforcement agencies and communities must be abated; and

(7) severe penalties must be imposed for individuals who create false police reports in connection with criminal civil rights violations resulting in serious bodily injury or death.

(b) OFFENSE.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:
“SEC. 1041. FALSE REPORTING.

“(a) OFFENSE.—It shall be unlawful for any person to knowingly and willfully falsify a police report in a material way with the intent to falsify, conceal, or cover up a material fact, in furtherance of the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States where death or serious bodily injury (as defined in section 1365) occurs.

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

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

“1041. False reporting.”.

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

TITLE II—BODY-WORN CAMERAS

SEC. 201. BODY-WORN CAMERA PARTNERSHIP GRANT PRO-
GRAM.

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

“SEC. 509. BODY-WORN CAMERA PARTNERSHIP GRANT
PROGRAM.

“(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

“(6) personnel, including law enforcement, prosecution, and criminal defense personnel, to support the administration of the body-worn camera program of the covered government.

“(e) ELIGIBILITY.—

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

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

“(d) REQUIRED POLICIES AND PROCEDURES.—
“(1) IN GENERAL.—A covered government receiving a grant under this section shall develop policies and procedures related to the use of body-worn cameras that—

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

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

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

“(D) require training for—

“(i) the proper use of body-worn cameras; and

“(ii) the handling and use of the obtained video and audio recordings;

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

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

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

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

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

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

“(e) GRANT AMOUNTS.—

“(1) MINIMUM AMOUNT.—

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

“(B) CERTAIN TERRITORIES.—For purposes of the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, subparagraph (A) shall be applied by substituting ‘0.25 percent’ for ‘0.5 percent’.

“(2) MAXIMUM AMOUNT.—

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

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

“(f) Matching Funds.—The portion of the costs of a body-worn camera program provided by a grant under this section—

“(1) may not exceed 50 percent; and

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

“(g) Supplement, Not Supplant.—Funds made available under this section shall not be used to supplant covered government funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from covered government sources for the purposes of this section.

“(h) Reports to the Director.—A covered government that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report at such time and in such manner as the Director may reasonably require, that contains—

“(1) a summary of the activities carried out under the grant and an assessment of whether the activities are meeting the needs identified in the grant application; and
“(2) such other information as the Director may require.

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

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

“(2) a summary of the information provided by covered governments receiving grants under this section; and

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

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

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

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

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

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

“(5) for fiscal year 2025, $100,000,000.”.
SEC. 202. PENALTIES FOR FAILURE TO USE BODY-WORN CAMERAS.

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

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

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

(b) REQUIREMENT.—

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

(A) have a policy in place to apply discipline to any law enforcement officer who intentionally fails to ensure that a body-worn camera purchased using those funds is engaged, functional, and properly secured at all times during which the camera is required to be worn; and

(B) ensure that any entity to which the State awards a subgrant under the covered provision has a policy in place to apply discipline to any law enforcement officer who intentionally fails to ensure that a body-worn camera purchased using those funds is engaged, functional,
and properly secured at all times during which
the camera is required to be worn.

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

(c) Compliance.—

(1) Ineligibility for Funds.—

(A) First Fiscal Year.—

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

(ii) Other Entities.—For the first
fiscal year beginning after the date of en-
actment of this Act in which an entity
other than a State fails to comply with
subsection (b)(2), the entity shall be subject to a 20-percent reduction of the funds that would otherwise be allocated to the entity under the applicable covered provision for that fiscal year.

(B) Subsequent fiscal years.—

(i) States.—Beginning in the first fiscal year beginning after the first fiscal year described in subparagraph (A)(i) in which a State fails to comply with subsection (b), the percentage by which the funds described in subparagraph (A)(i) are reduced shall be increased by 5 percent each fiscal year the State fails to comply with subsection (b), except that such reduction shall not exceed 25 percent in any fiscal year.

(ii) Other entities.—Beginning in the first fiscal year beginning after the first fiscal year described in subparagraph (A)(i) in which an entity other than a State fails to comply with subsection (b), the percentage by which the funds described in subparagraph (A)(ii) are reduced shall be increased by 5 percent each
fiscal year the entity fails to comply with
subsection (b), except that such reduction
shall not exceed 25 percent in any fiscal
year.

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

TITLE III—LAW ENFORCEMENT
RECORDS RETENTION

SEC. 301. LAW ENFORCEMENT RECORDS RETENTION.

(a) IN GENERAL.—Part E of title I of the Omnibus
10151 et seq.) is amended by adding at the end the fol-
lowing:

“Subpart 4—Law Enforcement Records Retention

“SEC. 531. LAW ENFORCEMENT RECORDS RETENTION.

“(a) DEFINITIONS.—In this section—

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

“(2) the term ‘covered government’ means a
State or unit of local government;
“(3) the term ‘covered system’ means a system maintained by a covered government under subsection (b); and

“(4) the term ‘disciplinary record’—

“(A) means any written document regarding an allegation of misconduct by a law enforcement officer that—

“(i) is substantiated and is adjudicated by a government agency or court; and

“(ii) results in—

“(I) adverse action by the employing law enforcement agency; or

“(II) criminal charges; and

“(B) does not include a written document regarding an allegation described in subparagraph (A) if the adjudication described in clause (i) of that subparagraph has been overturned on appeal.

“(b) RECORDS RETENTION REQUIREMENTS.—

“(1) RECORDS RETENTION SYSTEM.—A covered government that receives funds under this part shall maintain a system for sharing disciplinary records of law enforcement officers that meets the requirements under paragraph (2).
“(2) Requirements.—In administering a covered system, a covered government shall—

“(A) retain each disciplinary record or internal investigation record regarding a law enforcement officer that is prepared by a law enforcement agency of the covered government;

“(B) retain a record of each award or commendation regarding a law enforcement officer that is prepared by a law enforcement agency of the covered government;

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

“(D) allow a law enforcement officer, counsel for a law enforcement officer, or the representative organization of a law enforcement officer to—

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

“(ii) obtain access to the covered system in order to review a disciplinary record
or internal investigation record described
in clause (i);

“(E) allow any Federal, State, or local law
enforcement agency to access any record in-
cluded in the covered system for the purpose of
making a decision to hire a law enforcement off-
icer;

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

“(i) search the applicable covered sys-

tem of each law enforcement agency that
has employed the applicant as a law en-
forcement officer in order to determine
whether the applicant has a disciplinary
record, internal investigation record, or
record of an award or commendation on
file; and

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

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

“(i) submitting records or other information to the covered system as described in subparagraphs (A), (B), and (D); or

“(ii) reviewing records or other information in the covered system as described in subparagraphs (E) and (F).

“(e) INELIGIBILITY FOR FUNDS.—

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

“(2) REALLOCATION.—Amounts not allocated under a section referred to in paragraph (1) to a covered government for failure to comply with subsection (b) shall be reallocated under that section to covered governments that have complied with subsection (b).

“(d) ONE-TIME GRANT.—

“(1) IN GENERAL.—The Attorney General shall award a grant to each State, using an apportionment formula that reflects the differences between each State, to be used by the State and units of
local government within the State to establish covered systems.

“(2) AMOUNT.—The amount of a grant awarded to a State under paragraph (1) shall be not less than $1,000,000.

“(3) DIRECT APPROPRIATIONS.—For the purpose of making grants under this subsection, there is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended.

“(e) INDEMNIFICATION.—

“(1) IN GENERAL.—The United States shall indemnify and hold harmless a covered government, and any law enforcement agency thereof, against any claim (including reasonable expenses of litigation or settlement) by any person or entity related to—

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

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

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

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“(A) to a non-law enforcement entity or individual; or

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

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

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING

SEC. 401. SHORT TITLE.

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

SEC. 402. FINDINGS.

Congress finds the following:

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

(2) Lynching was a widely acknowledged practice in the United States until the middle of the 20th century.

(3) Lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States.
(4) At least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968.

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

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

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

(8) Nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century.

(9) Between 1890 and 1952, 7 Presidents petitioned Congress to end lynching.

(10) Between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures.
(11) Protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so.

(12) The publication of “Without Sanctuary: Lynching Photography in America” helped bring greater awareness and proper recognition of the victims of lynching.

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

(14) An apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.

(15) Having concluded that a reckoning with our own history is the only way the country can effectively champion human rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the de-
scendants of those victims for the failure of the Senate to enact anti-lynching legislation.

(16) The National Memorial for Peace and Justice, which opened to the public in Montgomery, Alabama, on April 26, 2018, is the Nation’s first memorial dedicated to the legacy of enslaved Black people, people terrorized by lynching, African Americans humiliated by racial segregation and Jim Crow, and people of color burdened with contemporary presumptions of guilt and police violence.

(17) Notwithstanding the Senate’s apology and the heightened awareness and education about the Nation’s legacy with lynching, it is wholly necessary and appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal crime.

(18) Further, it is the sense of Congress that criminal action by a group increases the likelihood that the criminal object of that group will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Therefore, it is appropriate to specify criminal penalties for the crime of lynching, or any attempt or conspiracy to commit lynching.
(19) The United States Senate agreed to unanimously Senate Resolution 118, 115th Congress, on April 5, 2017, “[c]ondemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States” and taking notice specifically of Federal Bureau of Investigation statistics demonstrating that “among single-bias hate crime incidents in the United States, 59.2 percent of victims were targeted due to racial, ethnic, or ancestral bias, and among those victims, 52.2 percent were victims of crimes motivated by the offenders’ anti-Black or anti-African American bias”.

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

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

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

SEC. 403. LYNCHING.

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

“§ 250. Lynching

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

(b) Table of Sections Amendment.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

“250. Lynching.”.
TITLE V—COMMISSION ON THE
SOCIAL STATUS OF BLACK
MEN AND BOYS ACT

SEC. 501. SHORT TITLE.
This title may be cited as the “Commission on the Social Status of Black Men and Boys Act”.

SEC. 502. COMMISSION ESTABLISHMENT AND MEMBERSHIP.
(a) Establishment.—The Commission on the Social Status of Black Men and Boys (hereinafter in this title referred to as “the Commission”) is established within the United States Commission on Civil Rights Office of the Staff Director.

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

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

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

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

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

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

(A) education;
(B) justice and Civil Rights;
(C) healthcare;
(D) labor and employment; and
(E) housing.

(6) The Staff Director of the United States Commission on Civil Rights shall appoint one member from within the staff of the United States Commission on Civil Rights who is an expert in issues relating to Black men and boys.

(7) The Chair of the United States Equal Employment Opportunity Commission shall appoint one
member from within the staff of the United States Equal Employment Opportunity Commission who is an expert in equal employment issues impacting Black men.

(8) The Secretary of Education shall appoint one member from within the Department of Education who is an expert in urban education.

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

(10) The Secretary of Health and Human Services shall appoint one member from within the Department of Health and Human Services who is an expert in health issues facing Black men.

(11) The Secretary of Housing and Urban Development shall appoint one member from within the Department of Housing and Urban Development who is an expert in housing and development in urban communities.

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

(13) The President of the United States shall appoint 2 members who are not employed by the
Federal Government and are experts on issues affecting Black men and boys in America.

(c) MEMBERSHIP BY POLITICAL PARTY.—If after the Commission is appointed there is a partisan imbalance of Commission members, the congressional leaders of the political party with fewer members on the Commission shall jointly name additional members to create partisan parity on the Commission.

SEC. 503. OTHER MATTERS RELATING TO APPOINTMENT; REMOVAL.

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

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

(c) REMOVAL.—A member of the Commission may be removed from the Commission at any time by the ap-
pointing authority should the member fail to meet Commission responsibilities. Once the seat becomes vacant, the appointing authority is responsible for filling the vacancy in the Commission before the next meeting.

(d) VACANCIES.—The appointing authority of a member of the Commission shall either reappoint that member at the end of that member’s term or appoint another person meeting the qualifications for that appointment. In the event of a vacancy arising during a term, the appointing authority shall, before the next meeting of the Commission, appoint a replacement to finish that term.

SEC. 504. LEADERSHIP ELECTION.

At the first meeting of the Commission each year, the members shall elect a Chair and a Secretary. A vacancy in the Chair or Secretary shall be filled by vote of the remaining members. The Chair and Secretary are eligible for consecutive reappointment.

SEC. 505. COMMISSION DUTIES AND POWERS.

(a) Study.—

(1) In general.—The Commission shall conduct a systematic study of the conditions affecting Black men and boys, including homicide rates, arrest and incarceration rates, poverty, violence, fatherhood, mentorship, drug abuse, death rates, dis-
parate income and wealth levels, school performance
in all grade levels including postsecondary education
and college, and health issues.

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

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

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

(d) STAFF AND ADMINISTRATIVE SUPPORT.—The
Office of the Staff Director of the United States Commiss-
ion on Civil Rights shall provide staff and administrative
support to the Commission. All entities of the United
States Government shall provide information that is otherwise a public record at the request of the Commission.

SEC. 506. COMMISSION MEETING REQUIREMENTS.

(a) First Meeting.—The first meeting of the Commission shall take place no later than 30 days after the initial members are all appointed. Meetings shall be focused on significant issues impacting Black men and boys, for the purpose of initiating research ideas and delegating research tasks to Commission members to initiate the first annual report described in section 507.

(b) Quarterly Meetings.—The Commission shall meet quarterly. In addition to all quarterly meetings, the Commission shall meet at other times at the call of the Chair or as determined by a majority of Commission members.

(c) Quorum; Rule for Voting on Final Actions.—A majority of the members of the Commission constitute a quorum, and an affirmative vote of a majority of the members present is required for final action.

(d) Expectations for Attendance by Members.—Members are expected to attend all Commission meetings. In the case of an absence, members are expected to report to the Chair prior to the meeting and allowance may be made for an absent member to participate remotely. Members will still be responsible for fulfilling prior...
commitments, regardless of attendance status. If a member is absent twice in a given year, he or she will be reviewed by the Chair and appointing authority and further action will be considered, including removal and replacement on the Commission.

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

SEC. 507. ANNUAL REPORT GUIDELINES.

The Commission shall make an annual report, beginning the year of the first Commission meeting. The report shall address the current conditions affecting Black men and boys and make recommendations to address these issues. The report shall be submitted to the President, the Congress, members of the President’s Cabinet, and the chairs of the appropriate committees of jurisdiction. The Commission shall make the report publicly available online on a centralized Federal website.

SEC. 508. COMMISSION COMPENSATION.

Members of the Commission shall serve on the Commission without compensation.
TITLE VI—ALTERNATIVES TO
THE USE OF FORCE, DE-ESCALATION, BEHAVIORAL
HEALTH CRISSES AND DUTY
TO INTERVENE TRAINING

SEC. 601. TRAINING ON ALTERNATIVES TO USE OF FORCE,
DE-ESCALATION, AND BEHAVIORAL HEALTH
CRISSES.

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

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

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

(3) by adding at the end the following:

“(29) the term ‘de-escalation’ means taking ac-
tion or communicating verbally or non-verbally dur-
ing a potential force encounter in an attempt to sta-
bilize the situation and reduce the immediacy of the
threat so that more time, options, and resources can
be called upon to resolve the situation without the
use of force or with a reduction in the force nec-
essary; and
“(30) the term ‘behavioral health crisis’ means a situation in which the behavior of a person puts the person at risk of hurting himself or herself or others or prevents the person from being able to care for himself or herself or function effectively in the community, including a situation in which a person is under the influence of a drug or alcohol, is suicidal, or experiences symptoms of a mental illness.”.

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

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

“(1) TRAINING CURRICULA.—The Attorney General, in consultation with relevant law enforcement agencies of States and units of local government, labor organizations, professional law enforcement organizations, and mental health organizations, shall develop training curricula in—

“(A) alternatives to use of force and de-escalation tactics; and
“(B) safely responding to a person experiencing a behavioral health crisis, including techniques and strategies that are designed to protect the safety of the person experiencing the behavioral health crisis, law enforcement officers, and the public.

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

“(3) TRANSITIONAL REGIONAL TRAINING PROGRAMS FOR STATE AND LOCAL AGENCY PERSONNEL.—Until the end of fiscal year 2023, the Attorney General shall, and thereafter may, provide regional training to equip and certify personnel from law enforcement agencies of States and units of local government in a State to conduct training using the training curricula established under paragraph (1).

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

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

“(B) the number of officers who have completed the course; and

“(C) whether personnel from the law enforcement agency are certified to conduct training.

“(5) DIRECT APPROPRIATIONS.—For the purpose of making grants under this subsection, there is appropriated, to remain available until expended, out of any money in the Treasury not otherwise appropriated—

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

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

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

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

and

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

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

(1) by redesignating section 508 as section 511; and
(2) by inserting after section 507 the following:

“SEC. 508. LAW ENFORCEMENT TRAINING PROGRAMS.

“(a) DEFINITIONS.—In this section—

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

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

“(B) provided by a certified entity; and

“(2) the term ‘certified entity’ means a public or private entity that has been certified by the Attorney General under section 1701(n)(2).

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

“(1) pay for costs associated with conducting the training and for attendance by law enforcement personnel at an approved course in alternatives to use of force, de-escalation tactics, or techniques and strategies for responding to a behavioral health crisis; and
“(2) procure training in alternatives to use of force, de-escalation tactics, or techniques and strategies for responding to a behavioral health crisis from a certified entity.

“(c) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—Of the total amount appropriated to carry out this section for a fiscal year, the Attorney General shall allocate funds to each State in proportion to the total number of law enforcement officers in the State as compared to the total number of law enforcement officers in the United States.

“(2) TRAINING FOR STATE LAW ENFORCEMENT OFFICERS.—Each State may retain from the total amount of funds provided to the State for the purposes described in this section an amount that is not more than the amount that bears the same ratio to the total amount of funds as the ratio of—

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

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

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

“(d) REPORTING.—

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

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

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

“(C) any barriers to providing the training.

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

“(B) a report by the State indicating—

“(i) the number of law enforcement officers employed by the State that have completed training described in this section;

“(ii) the total number of law enforcement officers employed by the State; and

“(iii) any barriers to providing the training.

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

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

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

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

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

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

SEC. 602. TRAINING ON DUTY TO INTERVENE.

Subpart 1 of part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.), as amended by section 201, is amended by adding at the end the following:
“SEC. 510. TRAINING ON DUTY TO INTERVENE.

“(a) Training Program.—

“(1) In General.—The Attorney General, in consultation with relevant law enforcement agencies of States and units of local governments and organizations representing rank and file law enforcement officers, shall develop a training curriculum for law enforcement agencies and officers on the development, implementation, fulfillment, and enforcement of a duty of a law enforcement officer to intervene when another law enforcement officer is engaged in excessive use of force.

“(2) Certified Programs.—The Attorney General shall establish a process to certify public and private entities that offer courses on the duty to intervene that are equivalent to the training curriculum established under paragraph (1).

“(3) Transitional Regional Training Programs.—Until the end of fiscal year 2023, the Attorney General shall provide regional training workshops for law enforcement officers of States and units of local government, using the training curriculum established under paragraph (1).

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

“(b) GRANT PROGRAM.—

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

“(A) pay for costs associated with attendance by law enforcement personnel at a training course approved by the Attorney General under paragraph (2) or (3) of subsection (a); and

“(B) procure training in the duty to intervene from a public or private entity certified under subsection (a)(2).

“(2) APPLICATION.—Each State or local law enforcement agency seeking a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

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

“(1) for fiscal year 2021, $100,000,000;
“(2) for fiscal year 2022, $100,000,000;
“(3) for fiscal year 2023, $100,000,000;
“(4) for fiscal year 2024, $100,000,000; and
“(5) for fiscal year 2025, $100,000,000.”.

TITLE VII—NATIONAL CRIMINAL
JUSTICE COMMISSION ACT

SEC. 701. SHORT TITLE.

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

SEC. 702. FINDINGS.

Congress finds that—

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

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

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

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

(A) Federal, State, Tribal, and local governments;

(B) civic organizations;

(C) religious institutions;

(D) business groups; and

(E) individual citizens; and

(4) developments over the intervening 50 years require once again that Federal, State, Tribal, and local governments, law enforcement agencies, including rank and file officers, civil rights organizations, community-based organization leaders, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

SEC. 703. ESTABLISHMENT OF COMMISSION.

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

SEC. 704. PURPOSE OF THE COMMISSION.

The Commission shall—

(1) undertake a comprehensive review of the criminal justice system;
(2) submit to the President and Congress recommenda-
tions for Federal criminal justice reform; and

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

SEC. 705. REVIEW, RECOMMENDATIONS, AND REPORT.

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

(b) RECOMMENDATIONS.—

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

(2) UNANIMOUS CONSENT.—If a unanimous
vote of the members of the Commission at a meeting
where a quorum is present pursuant to section
706(d) approves a recommendation of the Commission, the Commission may adopt and submit the recommendation under paragraph (1).

(3) Public Access.—The recommendations submitted under this subsection shall be made available to the public.

(c) Report.—

(1) In General.—Not later than 18 months after the date of the first meeting of the Commission, the Commission shall disseminate to the Federal Government, as well as to State, local, and Tribal governments, a report that details the findings and supplemental guidance of the Commission regarding the criminal justice system at all levels of government.

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

(3) Dissents.—In the case of a member of the Commission who dissents from a finding or supplemental guidance approved by a majority vote under paragraph (2), the member may state the reason for
the dissent in writing and the report described in paragraph (1) shall include the
dissent.

(4) Public Access.—The report submitted under this subsection shall be made available to the public.

(d) Prior Commissions.—The Commission shall take into consideration the work of prior relevant commissions in conducting the review of the Commission.

(e) State and Local Governments.—In issuing the recommendations and report of the Commission under this section, the Commission shall not infringe on the legitimate rights of the States to determine the criminal laws of the States or the enforcement of such laws.

(f) Public Hearings.—The Commission shall conduct public hearings in various locations around the United States.

(g) Consultation With Government and Non-Government Representatives.—

(1) In General.—The Commission shall—

(A) closely consult with Federal, State, local, and Tribal governments and nongovernment leaders, including—

(i) State, local, and Tribal law enforcement officials, including rank and file officers;
(ii) legislators;
(iii) public health officials;
(iv) judges;
(v) court administrators;
(vi) prosecutors;
(vii) defense counsel;
(viii) victims’ rights organizations;
(ix) probation and parole officials;
(x) criminal justice planners;
(xi) criminologists;
(xii) civil rights and liberties organizations;
(xiii) community-based organization leaders;
(xiv) formerly incarcerated individuals;
(xv) professional organizations; and
(xvi) corrections officials; and
(B) include in the final report required under subsection (c) summaries of the input and recommendations of the leaders consulted under subparagraph (A).
(2) United States Sentencing Commission.—To the extent the review and recommendations required by this section relate to sentencing
policies and practices for the Federal criminal justice system, the Commission shall conduct the review in consultation with the United States Sentencing Commission.

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

(1) the Commission should work toward developing findings and supplemental guidance that are unanimously supported by the members of the Commission; and

(2) a finding or supplemental guidance unanimously supported by the members of the Commission should take precedence over a finding or supplemental guidance that is not unanimously supported.

SEC. 706. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

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

(2) The co-chairperson described in paragraph (1) shall appoint 6 members in consultation with the leadership of—
(A) the Senate and House of Representa-
tives of the same political party as the Presi-
dent;

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

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

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

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

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

(B) the Committee on the Judiciary of the
House of Representatives of the opposite polit-
ical party as the President; and
(C) the Committee on the Judiciary of the Senate of the opposite political party as the President.

(b) MEMBERSHIP.—

(1) IN GENERAL.—A member shall be appointed based upon knowledge or experience in a relevant area, including—

(A) law enforcement;
(B) criminal justice;
(C) national security;
(D) prison and jail administration;
(E) prisoner reentry;
(F) public health, including—
   (i) physical and sexual victimization;
   (ii) drug addiction; or
   (iii) mental health;
(G) the rights of victims;
(H) civil rights;
(I) civil liberties;
(J) court administration;
(K) social services; or
(L) State, local, or Tribal government.

(2) LAW ENFORCEMENT REPRESENTATION.—
(A) Members appointed by the co-chairpersons.—Of the 6 members appointed by the co-chairperson under subsection (a)(2)—

(i) not fewer than 2 shall be representatives from Federal, State, or local law enforcement agencies, including not less than 1 representative from a rank and file organization; and

(ii) not fewer than 1 shall be a representative from a Tribal law enforcement agency.

(B) Other members.—Of the 6 members appointed under subsection (a)(4)—

(i) not fewer than 2 shall be representatives of Federal, State, or local law enforcement agencies, including not less than 1 representative from a rank and file organization; and

(ii) not fewer than 1 shall be a representative from a Tribal law enforcement agency.

(3) Disqualification.—If an individual possesses a personal financial interest in the discharge of a duty of the Commission, the individual may not be appointed as a member of the Commission.
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(4) TERMS.—A member shall be appointed for the duration of the Commission.

(c) APPOINTMENTS AND FIRST MEETING.—

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

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

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

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

(3) ETHICS.—At the first meeting of the Commission, the Commission shall—

(A) draft appropriate ethics guidelines for members and staff of the Commission, including guidelines relating to—

(i) conflict of interest; and

(ii) financial disclosure;

(B) consult with the Committees on the Judiciary of the Senate and the House of Representatives as a part of drafting the guidelines; and
(C) provide each Committee described in subparagraph (B) with a copy of the guidelines completed under subparagraph (A).

(d) MEETINGS, QUORUM, AND VACANCIES.—

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

(A) the co-chairpersons; or

(B) a majority of the members of the Commission.

(2) QUORUM.—Except as provided in paragraph (3)(B), a majority of the members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect a power of the Commission, and the vacancy shall be filled in the same manner in which the original appointment was made.

(B) QUORUM.—In the case of a vacancy occurring after the date that is 45 days after the date of enactment of this Act, until the date on which the vacancy is filled, a majority of the
members of the Commission shall constitute a quorum if—

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

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

(e) ACTIONS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission—

(A) shall, subject to section 705, act by a resolution agreed to by a majority of the members of the Commission voting and present; and

(B) may establish a panel composed of less than the full membership of the Commission for purposes of carrying out a duty of the Commission under this title, which—

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

(ii) may make a finding or determination that may be considered a finding or determination of the Commission if the finding or determination is approved by the Commission.
(2) **DELEGATION.**—If authorized by the co-chairpersons of the Commission, a member, agent, or staff member of the Commission may take an action that the Commission may take under this title.

**SEC. 707. ADMINISTRATION.**

(a) **STAFF.**—

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

(2) **APPOINTMENTS AND COMPENSATION.**—The co-chairpersons of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable
for a position at level V of the Executive Schedule
under section 5316 of title 5, United States Code.

(3) Personnel as Federal employees.—

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

(B) Members of the Commission.—
Subparagraph (A) shall not be construed to
apply to members of the Commission.

(4) The Compensation of Members.—

(A) Non-federal Employees.—A mem-
ber of the commission who is not an officer or
employee of the Federal Government shall be
compensated at a rate equal to the daily equiva-
lent of the annual rate of basic pay prescribed
for level IV of the Executive Schedule under
section 5315 of title 5, United States Code, for
each day (including travel time) during which
the member is engaged in the performance of
the duties of the Board.

(B) Federal Employees.—A member of
the commission who is an officer or employee of
the Federal Government shall serve without
compensation in addition to the compensation
received for the services of the member as an
officer or employee of the Federal Government.

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

(b) Experts and Consultants.—With the ap-
proval of the Commission, the Executive Director may
procure temporary and intermittent services under section
3109(b) of title 5, United States Code.

(c) Detail of Government Employees.—Upon
the request of the Commission, a Federal Government em-
ployee may be detailed to the Commission without reim-
bursement, and such detail shall be without interruption
or loss of civil service status or privilege.

(d) Other Resources.—

(1) In General.—The Commission shall have
reasonable access to materials, resources, statistical
data, and other information such Commission deter-
mines to be necessary to carry out its duties from—

(A) the Library of Congress;
(B) the Department of Justice;
(C) the Office of National Drug Control
Policy;
(D) the Department of State; and
(E) other agencies of the executive or legis-
lative branch of the Federal Government.

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

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

(1) may—

(A) accept and use the services of an indi-

ual volunteering to serve without compensa-
tion; and

(B) reimburse the individual described in
subparagraph (A) for local travel, office sup-
plies, and for other travel expenses, including
per diem in lieu of subsistence, as authorized by
section 5703 of title 5, United States Code; and
(2) shall consider the individual described in
paragraph (1) an employee of the Federal Govern-
ment in performance of those services for the pur-
poses of—

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

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

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

(f) Obtaining Official Data.—

(1) In General.—Except as provided in para-
graph (3), the Commission may directly secure from
an agency of the United States information nec-
essary to enable the Commission to carry out this
title.

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

(3) Sensitive Information.—The Commis-
sion may not have access to sensitive information re-
garding ongoing investigations.
(g) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) Biannual Reports.—The Commission shall submit biannual status reports to Congress regarding—

(1) the use of resources;
(2) salaries; and
(3) all expenditures of appropriated funds.

(i) Contracts.—

(1) In general.—The Commission may enter into a contract with a Federal or State agency, a private firm, an institution, or an individual for the conduct of an activity necessary to the discharge of a duty or responsibility of the Commission.

(2) Timing.—A contract, lease, or other legal agreement the Commission enters into may not extend beyond the date of the termination of the Commission.

(j) Gifts.—The Commission may accept, use, or dispose of a gift or donation of a service or property.

(k) Administrative Assistance.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out the re-
sponsibilities of the Commission under this title, which may include—

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

(I) NON-APPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) MEETINGS AND MINUTES.—

(A) MEETINGS.—

(i) ADMINISTRATION.—Each meeting of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code.

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

(I) appear at an open meeting;
(II) present an oral or written statement on the subject matter of the meeting; and

(III) be administered an oath or affirmation.

(iii) NOTICE.—Each open meeting of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) MINUTES AND PUBLIC ACCESS.—

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

(I) the people present;

(II) a description of the discussion that occurred; and

(III) a copy of each statement filed.

(ii) PUBLIC ACCESS.—The minutes and records of each open meeting and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.
(m) ARCHIVING.—Not later than the date described in section 709, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 708. DIRECT APPROPRIATIONS.

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

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

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

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

SEC. 709. SUNSET.

The Commission shall terminate 60 days after the date on which the Commission submits the report required under section 705(c) to Congress.
TITLE VIII—LAW ENFORCEMENT
AGENCY HIRING AND EDUCATION

Subtitle A—Hiring

SEC. 801. LAW ENFORCEMENT AGENCY HIRING.

Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(b)) is amended—

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

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

(3) by inserting after paragraph (21) the following:

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

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SEC. 802. REAUTHORIZATION OF LAW ENFORCEMENT GRANT PROGRAMS.

(a) Edward Byrne Memorial Justice Assistance Grant Program.—Section 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351; 82 Stat. 197), as so redesignated by this Act, is amended by striking “this subpart $1,095,000,000 for each of the fiscal years 2006 through 2012” and inserting “this subpart, including sections 508, 509, and 510, $800,000,000 for each of fiscal years 2021 through 2025”.

(b) Reauthorization of COPS on the Beat Grant Program.—Section 1001(a)(11)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(11)(A)) is amended by striking “part Q, to remain available until expended $1,047,119,000 for each of fiscal years 2006 through 2009” and inserting “part Q, including section 1701(n), to remain available until expended $400,000,000 for each of fiscal years 2021 through 2025”.

Subtitle B—Training

SEC. 811. DEFINITIONS.

In this subtitle:

(1) Director.—The term “Director” means the Director of the National Museum of African American History and Culture.
(2) Eligible Program Participant.—The term “eligible program participant” means a Federal, State, or local law enforcement officer or recruiter, or a candidate in a law enforcement academy.

SEC. 812. PROGRAM AUTHORIZED.

(a) Direct Appropriations.—For the purpose of carrying out this subtitle, there is authorized to be appropriated, and there is appropriated, to remain available until expended, out of any money in the Treasury not otherwise appropriated—

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

(b) Donations, Gifts, Bequests, and Devises of Property.—In accordance with chapter 23 of title 36, United States Code, and in furtherance of the purposes of this subtitle, the Director is authorized to solicit, accept, hold, administer, invest, and use donated funds and gifts, bequests, and devises of property, both real and personal.

(c) Use of Funds.—The Director, using funds appropriated under subsection (a) and resources received
under subsection (b), including through the engagement of eligible program participants as appropriate and in consultation with the National Law Enforcement Museum—

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

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

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

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

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

(d) Applications.—The Director may seek the engagement of an eligible program participant under subsection (c) by requiring submission of an application to the Director at such time, in such manner, and based on such competitive criteria as the Director may require.

SEC. 813. ONLINE EDUCATION RESOURCES.

(a) Website.—The Director shall maintain on the website of the National Museum of African American History and Culture a special section designated for education
resources to improve awareness and understanding of the
history of racism in the United States and to promote ra-
cial reconciliation through best practices to improve rela-
tions between law enforcement and the communities they
serve. The website and resources shall be made publically
available.

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

e) BEST PRACTICES.—The information distributed
by the Director shall include best practices for educators.

SEC. 814. NATIONAL MUSEUM OF AFRICAN AMERICAN HIST-
TORY AND CULTURE COUNCIL.

The National Museum of African American History
and Culture Council established under section 5 of the Na-
tional Museum of African American History and Culture
Act (20 U.S.C. 80r-3), shall have governance responsi-
bility for the programs and activities carried out under
this subtitle in accordance with the National Museum of
African American History and Culture Act (20 U.S.C.
80r).
SEC. 815. ENGAGEMENT OF ELIGIBLE PROGRAM PARTICIPANTS.

(a) In General.—An eligible program participant shall be engaged at the discretion of the Director to participate in education program activities authorized under this subtitle and approved by the Director pursuant to an application described in section 812(d).

(b) Engagement Period.—Engagement of eligible program participants under this subtitle shall be for a period determined by the Director.

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

SEC. 816. ANNUAL REPORT.

Not later than February 1 of each year, the Director shall submit to the Congress a report describing the activities carried out under this subtitle.
TITLE IX—BEST PRACTICES AND STUDIES

SEC. 901. BEST PRACTICES.

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

(1) develop recommended best practices guidelines to ensure fair and effective policing tactics and procedures that encourage equitable justice, community trust, and law enforcement officer safety;

(2) include the recommended best practices described in paragraph (1) in the recommendations of the Commission required under section 705; and

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

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

(1) best practices for the hiring, firing, suspension, and discipline of law enforcement officers; and

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

SEC. 902. STUDY.

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

(b) Inclusion in Commission Recommendations.—The Commission shall include a report on the study conducted under subsection (a), which shall include recommendations, if any, for best practices for State and local use of force review boards, as well as best practices for developing standards for law enforcement officer due process, in the recommendations of the Commission required under section 705.

SEC. 903. MENTAL HEALTH STUDY.

(a) In General.—The Commission shall conduct a study on law enforcement officer training, crisis intervention teams, co-responder programs, personnel requirements, Federal resources, and pilot programs needed to improve nationwide law enforcement officer engagement on issues related to mental health, homelessness, and addiction.

(b) Inclusion in Commission Recommendations.—The Commission shall include a report on the study conducted under subsection (a), which shall include recommendations, if any, in the recommendations of the Commission required under section 705.
SEC. 904. STUDY AND PROPOSAL ON IMPROVING ACCOUNTABILITY FOR DOJ GRANTS.

(a) Definitions.—In this section—

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

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

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

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

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

(b) Study and Proposal.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall study, and submit to Congress a proposal regarding, the possible implementation of a method to improve accountability for law enforcement agencies that receive funds from covered grant programs.

(c) Contents.—In carrying out subsection (b), the Attorney General shall develop discrete performance
metrics for law enforcement agencies that apply for and receive funds from covered grant programs, the parameters of which shall—

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

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

(3) provide that—

(A) the failure to achieve a benchmark described in paragraph (1) shall constitute a violation of the grant agreement;

(B) if a recipient does not cure a violation by achieving the applicable benchmark not later than 90 days after the date of the violation, the recipient shall return the amounts of the covered grant to the Attorney General; and

(C) a law enforcement agency that violates a grant agreement may not apply for a covered grant for a period of 1 year.
TITLE X—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE ACT

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

(a) In General.—Section 2243 of title 18, United States Code, is amended—

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

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

(3) by inserting after subsection (b) the following: 

“(c) Of an Individual by Any Person Acting Under Color of Law.— 

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

“(2) Definition.—In this subsection, the term ‘sexual act’ has the meaning given the term in section 2246.”; and
(4) in subsection (d), as so redesignated, by adding at the end the following:

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

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

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

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

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

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

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

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

(3) by inserting after paragraph (6) the following:
“(7) the term ‘Federal law enforcement officer’ has the meaning given the term in section 115.”.

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

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

SEC. 1002. INCENTIVE FOR STATES.

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

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

(2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

(b) REPORTING REQUIREMENT.—A State that receives a grant under this section shall submit to the Attorney General, on an annual basis, information on—

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

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

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

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

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

(2) Section 41601 of the Violence Against
referred to as the “Sexual Assault Services Pro-
gram”).
(c) Grant Term.—

(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.

(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.

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

(f) Uses of Funds.—A State that receives a grant under this section shall use—

(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

(2) 75 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (2) of subsection (d).

(g) Direct Appropriations.—For the purpose of making grants under this section, there is authorized to be appropriated, and there is appropriated, to remain available until expended, out of any money in the Treasury not otherwise appropriated—
(1) for fiscal year 2021, $5,000,000;

(2) for fiscal year 2022, $5,000,000;

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

(4) for fiscal year 2024, $5,000,000; and

(5) for fiscal year 2025, $5,000,000.

(h) Definition.—For purposes of this section, the term “State” means each of the several States and the District of Columbia, Indian Tribes, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

SEC. 1003. REPORTS TO CONGRESS.

(a) Report by Attorney General.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report containing—

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

(2) information on—

(A) the number of reports made, during the previous year, to Federal law enforcement agencies regarding persons engaging in a sexual act (as defined in section 2246 of title 18, United States Code) while acting under color of law; and
(B) the disposition of each case in which
sexual misconduct by a person acting under
color of law was reported.

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

**TITLE XI—EMERGENCY FUNDING**

**SEC. 1101. EMERGENCY DESIGNATION.**

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

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

S. 3985

To improve and reform policing practices,
accountability and transparency.

JUNE 18, 2020

Read the second time and placed on the calendar.