

117TH CONGRESS
1ST SESSION

H. R. 1280

To hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2021

Ms. BASS (for herself, Mr. NADLER, Ms. JACKSON LEE, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Ms. CLARK of Massachusetts, Mr. JEFFRIES, Mr. AGUILAR, Ms. LEE of California, Ms. LOFGREN, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. DEUTCH, Mr. CICILLINE, Mr. SWALWELL, Mr. LIEU, Mr. RASKIN, Ms. JAYAPAL, Mrs. DEMINGS, Mr. CORREA, Ms. GARCIA of Texas, Mr. NEGUSE, Mrs. MCBATH, Mr. STANTON, Ms. DEAN, Ms. ESCOBAR, Mr. JONES, Ms. ROSS, Ms. ADAMS, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BOURDEAUX, Mr. BOWMAN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN, Ms. BROWNLEY, Mr. BUTTERFIELD, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON, Mr. CARTWRIGHT, Mr. CASTEN, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. CLARKE of New York, Mr. CLEAVER, Mrs. WATSON COLEMAN, Mr. CONNOLLY, Mr. COOPER, Mr. COURTNEY, Mr. CROW, Mr. DANNY K. DAVIS of Illinois, Mr. DEFazio, Ms. DEGETTE, Ms. DELBENE, Mr. DESAULNIER, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Ms. LEGER FERNANDEZ, Mr. FOSTER, Ms. LOIS FRANKEL of Florida, Ms. FUDGE, Mr. GALLEG0, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GREEN of Texas, Ms. HAALAND, Mr. HASTINGS, Mrs. HAYES, Mr. HORSFORD, Ms. HOULAHAN, Mr. HUFFMAN, Ms. JACOBS of California, Ms. JOHNSON of Texas, Mr. KAHELE, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM of New Jersey, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTH1, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Mr. LEVIN of Michigan, Mr. LEVIN of California, Mr. LOWENTHAL, Mr. MALINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MANNING, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Mr. MFUME, Ms. MOORE of Wisconsin, Mr. MORELLE, Mr. MOULTON, Mr. MRVAN, Mrs. NAPOLITANO, Mr. NEAL, Ms. NORTON, Mr. O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PANNETTA, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Ms.

PLASKETT, Mr. POCAN, Mr. PRICE of North Carolina, Miss RICE of New York, Ms. BLUNT ROCHESTER, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUSH, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Ms. SEWELL, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. LYNCH, Ms. STEVENS, Ms. STRICKLAND, Mr. SUOZZI, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Mr. TORRES of New York, Mrs. TRAHAN, Mr. TRONE, Ms. UNDERWOOD, Mr. VARGAS, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WELCH, Ms. WILD, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Mr. YARMUTH, Ms. CHU, Mr. BERA, Ms. DELAURO, Mr. SIRES, Mr. RUPPERSBERGER, Mr. GRIJALVA, Ms. WEXTON, Ms. KAPTUR, Mr. NORCROSS, Ms. DAVIDS of Kansas, Mr. ALLRED, Mrs. AXNE, Mr. HIGGINS of New York, Ms. NEWMAN, Mr. THOMPSON of California, Mr. KEATING, Mr. SABLAN, Mr. GOMEZ, Mr. RYAN, and Mr. DELGADO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “George Floyd Justice in Policing Act of 2021”.

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

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

TITLE I—POLICE ACCOUNTABILITY

Subtitle A—Holding Police Accountable in the Courts

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

Subtitle B—Law Enforcement Trust and Integrity Act

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

TITLE II—POLICING TRANSPARENCY THROUGH DATA

Subtitle A—National Police Misconduct Registry

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

Subtitle B—PRIDE Act

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

TITLE III—IMPROVING POLICE TRAINING AND POLICIES

Subtitle A—End Racial and Religious Profiling Act

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

PART I—PROHIBITION OF RACIAL PROFILING

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

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

- Sec. 321. Policies to eliminate racial profiling.

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

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

Sec. 335. Authorization of appropriations.

PART IV—DATA COLLECTION

Sec. 341. Attorney General to issue regulations.

Sec. 342. Publication of data.

Sec. 343. Limitations on publication of data.

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

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

Subtitle B—Additional Reforms

Sec. 361. Training on racial bias and duty to intervene.

Sec. 362. Ban on no-knock warrants in drug cases.

Sec. 363. Incentivizing banning of chokeholds and carotid holds.

Sec. 364. PEACE Act.

Sec. 365. Stop Militarizing Law Enforcement Act.

Sec. 366. Public safety innovation grants.

Subtitle C—Law Enforcement Body Cameras

PART 1—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

Sec. 371. Short title.

Sec. 372. Requirements for Federal law enforcement officers regarding the use
of body cameras.

Sec. 373. Patrol vehicles with in-car video recording cameras.

Sec. 374. Facial recognition technology.

Sec. 375. GAO study.

Sec. 376. Regulations.

Sec. 377. Rule of construction.

PART 2—POLICE CAMERA ACT

Sec. 381. Short title.

Sec. 382. Law enforcement body-worn camera requirements.

TITLE IV—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE

Sec. 401. Short title.

Sec. 402. Prohibition on engaging in sexual acts while acting under color of
law.

Sec. 403. Enactment of laws penalizing engaging in sexual acts while acting
under color of law.

Sec. 404. Reports to Congress.

Sec. 405. Definition.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Severability.

Sec. 502. Savings clause.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

14 (2) COPS GRANT PROGRAM.—The term “COPS
15 grant program” means the grant program author-
16 ized under section 1701 of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (34
18 U.S.C. 10381).

19 (3) FEDERAL LAW ENFORCEMENT AGENCY.—
20 The term “Federal law enforcement agency” means
21 any agency of the United States authorized to en-
22 gage in or supervise the prevention, detection, inves-
23 tigation, or prosecution of any violation of Federal
24 criminal law.

25 (4) FEDERAL LAW ENFORCEMENT OFFICER.—
26 The term “Federal law enforcement officer” has the

1 meaning given the term in section 115 of title 18,
2 United States Code.

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

7 (6) LOCAL LAW ENFORCEMENT OFFICER.—The
8 term “local law enforcement officer” means any offi-
9 cer, agent, or employee of a State or unit of local
10 government authorized by law or by a government
11 agency to engage in or supervise the prevention, de-
12 tection, or investigation of any violation of criminal
13 law.

14 (7) STATE.—The term “State” has the mean-
15 ing given the term in section 901 of title I of the
16 Omnibus Crime Control and Safe Streets Act of
17 1968 (34 U.S.C. 10251).

18 (8) TRIBAL LAW ENFORCEMENT OFFICER.—
19 The term “tribal law enforcement officer” means
20 any officer, agent, or employee of an Indian tribe, or
21 the Bureau of Indian Affairs, authorized by law or
22 by a government agency to engage in or supervise
23 the prevention, detection, or investigation of any vio-
24 lation of criminal law.

1 (9) UNIT OF LOCAL GOVERNMENT.—The term
2 “unit of local government” has the meaning given
3 the term in section 901 of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (34
5 U.S.C. 10251).

6 (10) DEADLY FORCE.—The term “deadly
7 force” means that force which a reasonable person
8 would consider likely to cause death or serious bodily
9 harm, including—

10 (A) the discharge of a firearm;

11 (B) a maneuver that restricts blood or oxy-
12 gen flow to the brain, including chokeholds,
13 strangleholds, neck restraints, neckholds, and
14 carotid artery restraints; and

15 (C) multiple discharges of an electronic
16 control weapon.

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

19 (A) the use of a firearm, electronic control
20 weapon, explosive device, chemical agent (such
21 as pepper spray), baton, impact projectile, blunt
22 instrument, hand, fist, foot, canine, or vehicle
23 against an individual;

24 (B) the use of a weapon, including a per-
25 sonal body weapon, chemical agent, impact

1 weapon, extended range impact weapon, sonic
2 weapon, sensory weapon, conducted energy de-
3 vice, or firearm, against an individual; or

4 (C) any intentional pointing of a firearm
5 at an individual.

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

9 (13) FACIAL RECOGNITION.—The term “facial
10 recognition” means an automated or semiautomated
11 process that analyzes biometric data of an individual
12 from video footage to identify or assist in identifying
13 an individual.

14 **TITLE I—POLICE**
15 **ACCOUNTABILITY**
16 **Subtitle A—Holding Police**
17 **Accountable in the Courts**

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

19 Section 242 of title 18, United States Code, is
20 amended—

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

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

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

5 **SEC. 102. QUALIFIED IMMUNITY REFORM.**

6 Section 1979 of the Revised Statutes of the United
7 States (42 U.S.C. 1983) is amended by adding at the end
8 the following: “It shall not be a defense or immunity in
9 any action brought under this section against a local law
10 enforcement officer (as such term is defined in section 2
11 of the George Floyd Justice in Policing Act of 2021), or
12 in any action under any source of law against a Federal
13 investigative or law enforcement officer (as such term is
14 defined in section 2680(h) of title 28, United States
15 Code), that—

16 “(1) the defendant was acting in good faith, or
17 that the defendant believed, reasonably or otherwise,
18 that his or her conduct was lawful at the time when
19 the conduct was committed; or

20 “(2) the rights, privileges, or immunities se-
21 cured by the Constitution and laws were not clearly
22 established at the time of their deprivation by the
23 defendant, or that at such time, the state of the law
24 was otherwise such that the defendant could not rea-

1 sonably have been expected to know whether his or
2 her conduct was lawful.”.

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

4 (a) SUBPOENA AUTHORITY.—Section 210401 of the
5 Violent Crime Control and Law Enforcement Act of 1994
6 (34 U.S.C. 12601) is amended—

7 (1) in subsection (a), by inserting “, by pros-
8 ecutors,” after “conduct by law enforcement offi-
9 cers”;

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

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

13 “(c) SUBPOENA AUTHORITY.—In carrying out the
14 authority in subsection (b), the Attorney General may re-
15 quire by subpoena the production of all information, docu-
16 ments, reports, answers, records, accounts, papers, and
17 other data in any medium (including electronically stored
18 information), as well as any tangible thing and documen-
19 tary evidence, and the attendance and testimony of wit-
20 nesses necessary in the performance of the Attorney Gen-
21 eral under subsection (b). Such a subpoena, in the case
22 of contumacy or refusal to obey, shall be enforceable by
23 order of any appropriate district court of the United
24 States.

1 “(d) CIVIL ACTION BY STATE ATTORNEYS GEN-
2 ERAL.—Whenever it shall appear to the attorney general
3 of any State, or such other official as a State may des-
4 ignate, that a violation of subsection (a) has occurred
5 within their State, the State attorney general or official,
6 in the name of the State, may bring a civil action in the
7 appropriate district court of the United States to obtain
8 appropriate equitable and declaratory relief to eliminate
9 the pattern or practice. In carrying out the authority in
10 this subsection, the State attorney general or official shall
11 have the same subpoena authority as is available to the
12 Attorney General under subsection (c).

13 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to limit the authority of the Attor-
15 ney General under subsection (b) in any case in which a
16 State attorney general has brought a civil action under
17 subsection (d).

18 “(f) REPORTING REQUIREMENTS.—On the date that
19 is one year after the enactment of the George Floyd Jus-
20 tice in Policing Act of 2021, and annually thereafter, the
21 Civil Rights Division of the Department of Justice shall
22 make publicly available on an internet website a report
23 on, during the previous year—

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

1 “(2) the number of preliminary investigations
2 of violations of subsection (a) that were resolved;
3 and

4 “(3) the status of any pending investigations of
5 violations of subsection (a).”.

6 (b) GRANT PROGRAM.—

7 (1) GRANTS AUTHORIZED.—The Attorney Gen-
8 eral may award a grant to a State to assist the
9 State in conducting pattern and practice investiga-
10 tions under section 210401(d) of the Violent Crime
11 Control and Law Enforcement Act of 1994 (34
12 U.S.C. 12601).

13 (2) APPLICATION.—A State seeking a grant
14 under paragraph (1) shall submit an application in
15 such form, at such time, and containing such infor-
16 mation as the Attorney General may require.

17 (3) FUNDING.—There are authorized to be ap-
18 propriated \$100,000,000 to the Attorney General for
19 each of fiscal years 2022 through 2024 to carry out
20 this subsection.

21 (c) DATA ON EXCESSIVE USE OF FORCE.—Section
22 210402 of the Violent Crime Control and Law Enforce-
23 ment Act of 1994 (34 U.S.C. 12602) is amended—

24 (1) in subsection (a)—

1 (A) by striking “The Attorney General”
2 and inserting the following:

3 “(1) FEDERAL COLLECTION OF DATA.—The
4 Attorney General”; and

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

6 “(2) STATE COLLECTION OF DATA.—The attor-
7 ney general of a State may, through appropriate
8 means, acquire data about the use of excessive force
9 by law enforcement officers and such data may be
10 used by the attorney general in conducting investiga-
11 tions under section 210401. This data may not con-
12 tain any information that may reveal the identity of
13 the victim or any law enforcement officer.”; and

14 (2) by amending subsection (b) to read as fol-
15 lows:

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

22 (d) ENFORCEMENT OF PATTERN OR PRACTICE RE-
23 LIEF.—Beginning in the first fiscal year that begins after
24 the date that is one year after the date of enactment of
25 this Act, a State or unit of local government that receives

1 funds under the Byrne grant program or the COPS grant
2 program during a fiscal year may not make available any
3 amount of such funds to a local law enforcement agency
4 if that local law enforcement agency enters into or renews
5 any contractual arrangement, including a collective bar-
6 gaining agreement with a labor organization, that—

7 (1) would prevent the Attorney General from
8 seeking or enforcing equitable or declaratory relief
9 against a law enforcement agency engaging in a pat-
10 tern or practice of unconstitutional misconduct; or

11 (2) conflicts with any terms or conditions con-
12 tained in a consent decree.

13 **SEC. 104. INDEPENDENT INVESTIGATIONS.**

14 (a) IN GENERAL.—

15 (1) DEFINITIONS.—In this subsection:

16 (A) INDEPENDENT INVESTIGATION.—The
17 term “independent investigation” means a
18 criminal investigation or prosecution of a law
19 enforcement officer’s use of deadly force, in-
20 cluding one or more of the following:

21 (i) Using an agency or civilian review
22 board that investigates and independently
23 reviews all allegations of use of deadly
24 force made against law enforcement offi-
25 cers in the jurisdiction.

1 (ii) Assigning of the attorney general
2 of the State in which the alleged use of
3 deadly force was committed to conduct the
4 criminal investigation and prosecution.

5 (iii) Adopting a procedure under
6 which an independent prosecutor is as-
7 signed to investigate and prosecute the
8 case, including a procedure under which an
9 automatic referral is made to an inde-
10 pendent prosecutor appointed and overseen
11 by the attorney general of the State in
12 which the alleged use of deadly force was
13 committed.

14 (iv) Adopting a procedure under
15 which an independent prosecutor is as-
16 signed to investigate and prosecute the
17 case.

18 (v) Having law enforcement agencies
19 agree to and implement memoranda of un-
20 derstanding with other law enforcement
21 agencies under which the other law en-
22 forcement agencies—

23 (I) shall conduct the criminal in-
24 vestigation into the alleged use of
25 deadly force; and

1 (II) upon conclusion of the crimi-
2 nal investigation, shall file a report
3 with the attorney general of the State
4 containing a determination regarding
5 whether—

6 (aa) the use of deadly force
7 was appropriate; and

8 (bb) any action should be
9 taken by the attorney general of
10 the State.

11 (vi) Any substantially similar proce-
12 dure to ensure impartiality in the inves-
13 tigation or prosecution.

14 (B) INDEPENDENT INVESTIGATION OF
15 LAW ENFORCEMENT STATUTE.—The term
16 “independent investigation of law enforcement
17 statute” means a statute requiring an inde-
18 pendent investigation in a criminal matter in
19 which—

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

22 (ii) one or more of the alleged offenses
23 involves the law enforcement officer’s use
24 of deadly force in the course of carrying
25 out that officer’s duty; and

1 (iii) the non-Federal law enforcement
2 officer's use of deadly force resulted in a
3 death or injury.

4 (C) INDEPENDENT PROSECUTOR.—The
5 term “independent prosecutor” means, with re-
6 spect to a criminal investigation or prosecution
7 of a law enforcement officer's use of deadly
8 force, a prosecutor who—

9 (i) does not oversee or regularly rely
10 on the law enforcement agency by which
11 the law enforcement officer under inves-
12 tigation is employed; and

13 (ii) would not be involved in the pros-
14 ecution in the ordinary course of that pros-
15 ecutor's duties.

16 (2) GRANT PROGRAM.—The Attorney General
17 may award grants to eligible States and Indian
18 Tribes to assist in implementing an independent in-
19 vestigation of law enforcement statute.

20 (3) ELIGIBILITY.—To be eligible for a grant
21 under this subsection, a State or Indian Tribe shall
22 have in effect an independent investigation of law
23 enforcement statute.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to the At-

1 torney General \$750,000,000 for fiscal years 2022
2 through 2024 to carry out this subsection.

3 (b) COPS GRANT PROGRAM USED FOR CIVILIAN RE-
4 VIEW BOARDS.—Part Q of title I of the of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
6 10381 et seq.) is amended—

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

8 (A) by redesignating paragraphs (22) and
9 (23) as paragraphs (23) and (24), respectively;

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

12 (C) by inserting after paragraph (21) the
13 following:

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

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

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

21 “(A) is independent and adequately fund-
22 ed;

23 “(B) has investigatory authority and sub-
24 poena power;

1 “(C) has representative community diver-
2 sity;
3 “(D) has policy making authority;
4 “(E) provides advocates for civilian com-
5 plainants;
6 “(F) may conduct hearings; and
7 “(G) conducts statistical studies on pre-
8 vailing complaint trends.”.

9 **Subtitle B—Law Enforcement**
10 **Trust and Integrity Act**

11 **SEC. 111. SHORT TITLE.**

12 This subtitle may be cited as the “Law Enforcement
13 Trust and Integrity Act of 2021”.

14 **SEC. 112. DEFINITIONS.**

15 In this subtitle:

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

1 National Asian Pacific American Legal Consortium
2 (NAPALC).

3 (2) LAW ENFORCEMENT ACCREDITATION ORGA-
4 NIZATION.—The term “law enforcement accredita-
5 tion organization” means a professional law enforce-
6 ment organization involved in the development of
7 standards of accreditation for law enforcement agen-
8 cies at the national, State, regional, or Tribal level,
9 such as the Commission on Accreditation for Law
10 Enforcement Agencies (CALEA).

11 (3) LAW ENFORCEMENT AGENCY.—The term
12 “law enforcement agency” means a State, local, In-
13 dian tribal, or campus public agency engaged in the
14 prevention, detection, investigation, prosecution, or
15 adjudication of violations of criminal laws.

16 (4) PROFESSIONAL LAW ENFORCEMENT ASSO-
17 CIATION.—The term “professional law enforcement
18 association” means a law enforcement membership
19 association that works for the needs of Federal,
20 State, local, or Indian tribal law enforcement agen-
21 cies and with the civilian community on matters of
22 common interest, such as the Hispanic American
23 Police Command Officers Association (HAPCOA),
24 the National Asian Pacific Officers Association
25 (NAPOA), the National Black Police Association

(NBPA), the National Latino Peace Officers Association (NLPOA), the National Organization of Black Law Enforcement Executives (NOBLE), Women in Law Enforcement, the Native American Law Enforcement Association (NALEA), the International Association of Chiefs of Police (IACP), the National Sheriffs' Association (NSA), the Fraternal Order of Police (FOP), or the National Association of School Resource Officers.

(5) PROFESSIONAL CIVILIAN OVERSIGHT ORGANIZATION.—The term “professional civilian oversight organization” means a membership organization formed to address and advance civilian oversight of law enforcement and whose members are from Federal, State, regional, local, or Tribal organizations that review issues or complaints against law enforcement agencies or officers, such as the National Association for Civilian Oversight of Law Enforcement (NACOLE).

SEC. 113. ACCREDITATION OF LAW ENFORCEMENT AGENCIES.

(a) STANDARDS.—

(1) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing accreditation standards and methodology developed by law

1 enforcement accreditation organizations nationwide,
2 including national, State, regional, and Tribal ac-
3 creditation organizations. Such an analysis shall in-
4 clude a review of the recommendations of the Final
5 Report of the President’s Taskforce on 21st Century
6 Policing, issued by the Department of Justice, in
7 May 2015.

8 (2) DEVELOPMENT OF UNIFORM STANDARDS.—
9 After completion of the initial review and analysis
10 under paragraph (1), the Attorney General shall—

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

19 (i) early warning systems and related
20 intervention programs;

21 (ii) use of force procedures;

22 (iii) civilian review procedures;

23 (iv) traffic and pedestrian stop and
24 search procedures;

25 (v) data collection and transparency;

1 (vi) administrative due process re-
2 quirements;

3 (vii) video monitoring technology;

4 (viii) youth justice and school safety;

5 and

6 (ix) recruitment, hiring, and training;

7 and

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

16 (3) CONTINUING ACCREDITATION PROCESS.—

17 The Attorney General shall adopt policies and proce-
18 dures to partner with law enforcement accreditation
19 organizations, professional law enforcement associa-
20 tions, labor organizations, community-based organi-
21 zations, and professional civilian oversight organiza-
22 tions to—

23 (A) continue the development of further
24 accreditation standards consistent with para-
25 graph (2); and

1 (B) encourage the pursuit of accreditation
2 of Federal, State, local, and Tribal law enforce-
3 ment agencies by certified law enforcement ac-
4 creditation organizations.

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

9 “(7) An assurance that, for each fiscal year
10 covered by an application, the applicant will use not
11 less than 5 percent of the total amount of the grant
12 award for the fiscal year to assist law enforcement
13 agencies of the applicant, including campus public
14 safety departments, gain or maintain accreditation
15 from certified law enforcement accreditation organi-
16 zations in accordance with section 113 of the Law
17 Enforcement Trust and Integrity Act of 2021.”.

18 (c) ELIGIBILITY FOR CERTAIN GRANT FUNDS.—The
19 Attorney General shall, as appropriate and consistent with
20 applicable law, allocate Department of Justice discre-
21 tionary grant funding only to States or units of local gov-
22 ernment that require law enforcement agencies of that
23 State or unit of local government to gain and maintain
24 accreditation from certified law enforcement accreditation
25 organizations in accordance with this section.

1 **SEC. 114. LAW ENFORCEMENT GRANTS.**

2 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)
3 of title I of the Omnibus Crime Control and Safe Streets
4 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
5 113, is amended by adding at the end the following:

6 “(8) An assurance that, for each fiscal year
7 covered by an application, the applicant will use not
8 less than 5 percent of the total amount of the grant
9 award for the fiscal year to study and implement ef-
10 fective management, training, recruiting, hiring, and
11 oversight standards and programs to promote effec-
12 tive community and problem solving strategies for
13 law enforcement agencies in accordance with section
14 114 of the Law Enforcement Trust and Integrity
15 Act of 2021.”.

16 (b) **GRANT PROGRAM FOR COMMUNITY ORGANIZA-**
17 **TIONS.**—The Attorney General may make grants to com-
18 munity-based organizations to study and implement—

19 (1) effective management, training, recruiting,
20 hiring, and oversight standards and programs to
21 promote effective community and problem solving
22 strategies for law enforcement agencies; or

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

1 (c) USE OF FUNDS.—Grant amounts described in
2 paragraph (8) of section 502(a) of title I of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
4 10153(a)), as added by subsection (a) of this section, and
5 grant amounts awarded under subsection (b) shall be used
6 to—

7 (1) study management and operations stand-
8 ards for law enforcement agencies, including stand-
9 ards relating to administrative due process, resi-
10 dency requirements, compensation and benefits, use
11 of force, racial profiling, early warning and interven-
12 tion systems, youth justice, school safety, civilian re-
13 view boards or analogous procedures, or research
14 into the effectiveness of existing programs, projects,
15 or other activities designed to address misconduct;
16 and

17 (2) develop pilot programs and implement effec-
18 tive standards and programs in the areas of train-
19 ing, hiring and recruitment, and oversight that are
20 designed to improve management and address mis-
21 conduct by law enforcement officers.

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

1 (1) TRAINING.—The implementation of policies,
2 practices, and procedures addressing training and
3 instruction to comply with accreditation standards in
4 the areas of—

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

7 (B) investigation of officer misconduct and
8 practices and procedures for referring to pros-
9 ecuting authorities allegations of officer use of
10 excessive force or racial profiling;

11 (C) disproportionate contact by law en-
12 forcement with minority communities;

13 (D) tactical and defensive strategy;

14 (E) arrests, searches, and restraint;

15 (F) professional verbal communications
16 with civilians;

17 (G) interactions with—

18 (i) youth;

19 (ii) individuals with disabilities;

20 (iii) individuals with limited English
21 proficiency; and

22 (iv) multi-cultural communities;

23 (H) proper traffic, pedestrian, and other
24 enforcement stops; and

1 (I) community relations and bias aware-
2 ness.

3 (2) RECRUITMENT, HIRING, RETENTION, AND
4 PROMOTION OF DIVERSE LAW ENFORCEMENT OFFI-
5 CERS.—Policies, procedures, and practices for—

6 (A) the hiring and recruitment of diverse
7 law enforcement officers who are representative
8 of the communities they serve;

9 (B) the development of selection, pro-
10 motion, educational, background, and psycho-
11 logical standards that comport with title VII of
12 the Civil Rights Act of 1964 (42 U.S.C. 2000e
13 et seq.); and

14 (C) initiatives to encourage residency in
15 the jurisdiction served by the law enforcement
16 agency and continuing education.

17 (3) OVERSIGHT.—Complaint procedures, in-
18 cluding the establishment of civilian review boards or
19 analogous procedures for jurisdictions across a range
20 of sizes and agency configurations, complaint proce-
21 dures by community-based organizations, early
22 warning systems and related intervention programs,
23 video monitoring technology, data collection and
24 transparency, and administrative due process re-

1 requirements inherent to complaint procedures for
2 members of the public and law enforcement.

3 (4) YOUTH JUSTICE AND SCHOOL SAFETY.—
4 Uniform standards on youth justice and school safe-
5 ty that include best practices for law enforcement
6 interaction and communication with children and
7 youth, taking into consideration adolescent develop-
8 ment and any disability, including—

9 (A) the right to effective and timely notifi-
10 cation of a parent or legal guardian of any law
11 enforcement interaction, regardless of the immi-
12 gration status of the individuals involved; and

13 (B) the creation of positive school climates
14 by improving school conditions for learning
15 by—

16 (i) eliminating school-based arrests
17 and referrals to law enforcement;

18 (ii) using evidence-based preventative
19 measures and alternatives to school-based
20 arrests and referrals to law enforcement,
21 such as restorative justice and healing
22 practices; and

23 (iii) using school-wide positive behav-
24 ioral interventions and supports.

1 (5) VICTIM SERVICES.—Counseling services, in-
2 cluding psychological counseling, for individuals and
3 communities impacted by law enforcement mis-
4 conduct.

5 (e) TECHNICAL ASSISTANCE.—

6 (1) IN GENERAL.—The Attorney General may
7 provide technical assistance to States and commu-
8 nity-based organizations in furtherance of the pur-
9 poses of this section.

10 (2) MODELS FOR REDUCTION OF LAW EN-
11 FORCEMENT MISCONDUCT.—The technical assistance
12 provided by the Attorney General may include the
13 development of models for States and community-
14 based organizations to reduce law enforcement offi-
15 cer misconduct. Any development of such models
16 shall be in consultation with community-based orga-
17 nizations.

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

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

25 (h) PERFORMANCE EVALUATION.—

1 (1) MONITORING COMPONENTS.—

2 (A) IN GENERAL.—Each program, project,
3 or activity funded under this section shall con-
4 tain a monitoring component, which shall be de-
5 veloped pursuant to rules made by the Attorney
6 General.

7 (B) REQUIREMENT.—Each monitoring
8 component required under subparagraph (A)
9 shall include systematic identification and col-
10 lection of data about activities, accomplish-
11 ments, and programs throughout the duration
12 of the program, project, or activity and presen-
13 tation of such data in a usable form.

14 (2) EVALUATION COMPONENTS.—

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

19 (B) REQUIREMENTS.—An evaluation con-
20 ducted under subparagraph (A) may include
21 independent audits of police behavior and other
22 assessments of individual program implementa-
23 tions. For community-based organizations in se-
24 lected jurisdictions that are able to support out-
25 come evaluations, the effectiveness of funded

1 programs, projects, and activities may be re-
2 quired.

3 (3) PERIODIC REVIEW AND REPORTS.—The At-
4 torney General may require a grant recipient to sub-
5 mit biannually to the Attorney General the results of
6 the monitoring and evaluations required under para-
7 graphs (1) and (2) and such other data and infor-
8 mation as the Attorney General determines to be
9 necessary.

10 (i) REVOCATION OR SUSPENSION OF FUNDING.—If
11 the Attorney General determines, as a result of monitoring
12 under subsection (h) or otherwise, that a grant recipient
13 under the Byrne grant program or under subsection (b)
14 is not in substantial compliance with the requirements of
15 this section, the Attorney General may revoke or suspend
16 funding of that grant, in whole or in part.

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

- 21 (1) is independent and adequately funded;
- 22 (2) has investigatory authority and subpoena
23 power;
- 24 (3) has representative community diversity;
- 25 (4) has policy making authority;

- 1 (5) provides advocates for civilian complainants;
- 2 (6) may conduct hearings; and
- 3 (7) conducts statistical studies on prevailing
- 4 complaint trends.

5 (k) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Attorney General
7 \$25,000,000 for fiscal year 2022 to carry out the grant
8 program authorized under subsection (b).

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

10 (a) STUDY.—

11 (1) IN GENERAL.—The Attorney General shall
12 conduct a nationwide study of the prevalence and ef-
13 fect of any law, rule, or procedure that allows a law
14 enforcement officer to delay the response to ques-
15 tions posed by a local internal affairs officer, or re-
16 view board on the investigative integrity and pros-
17 ecution of law enforcement misconduct, including
18 pre-interview warnings and termination policies.

19 (2) INITIAL ANALYSIS.—The Attorney General
20 shall perform an initial analysis of existing State
21 laws, rules, and procedures to determine whether, at
22 a threshold level, the effect of the type of law, rule,
23 or procedure that raises material investigatory issues
24 that could impair or hinder a prompt and thorough

1 investigation of possible misconduct, including crimi-
2 nal conduct.

3 (3) DATA COLLECTION.—After completion of
4 the initial analysis under paragraph (2), and consid-
5 ering material investigatory issues, the Attorney
6 General shall gather additional data nationwide on
7 similar laws, rules, and procedures from a represent-
8 ative and statistically significant sample of jurisdic-
9 tions, to determine whether such laws, rules, and
10 procedures raise such material investigatory issues.

11 (b) REPORTING.—

12 (1) INITIAL ANALYSIS.—Not later than 120
13 days after the date of the enactment of this Act, the
14 Attorney General shall—

15 (A) submit to Congress a report containing
16 the results of the initial analysis conducted
17 under subsection (a)(2);

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

20 (C) identify the jurisdictions for which the
21 study described in subsection (a)(3) is to be
22 conducted.

23 (2) DATA COLLECTED.—Not later than 2 years
24 after the date of the enactment of this Act, the At-
25 torney General shall submit to Congress a report

1 containing the results of the data collected under
2 this section and publish the report in the Federal
3 Register.

4 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated for fiscal
6 year 2022, in addition to any other sums authorized to
7 be appropriated—

8 (1) \$25,000,000 for additional expenses relat-
9 ing to the enforcement of section 210401 of the Vio-
10 lent Crime Control and Law Enforcement Act of
11 1994 (34 U.S.C. 12601), criminal enforcement
12 under sections 241 and 242 of title 18, United
13 States Code, and administrative enforcement by the
14 Department of Justice of such sections, including
15 compliance with consent decrees or judgments en-
16 tered into under such section 210401; and

17 (2) \$3,300,000 for additional expenses related
18 to conflict resolution by the Department of Justice’s
19 Community Relations Service.

20 **SEC. 117. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
21 **OVERSIGHT.**

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

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

5 (1) The Special Litigation Section of the Civil
6 Rights Division.

7 (2) The Criminal Section of the Civil Rights Di-
8 vision.

9 (3) The Federal Coordination and Compliance
10 Section of the Civil Rights Division.

11 (4) The Employment Litigation Section of the
12 Civil Rights Division.

13 (5) The Disability Rights Section of the Civil
14 Rights Division.

15 (6) The Office of Justice Programs.

16 (7) The Office of Community Oriented Policing
17 Services (COPS).

18 (8) The Corruption/Civil Rights Section of the
19 Federal Bureau of Investigation.

20 (9) The Community Relations Service.

21 (10) The Office of Tribal Justice.

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

24 (c) POWERS AND DUTIES.—The Task Force shall
25 consult with professional law enforcement associations,

1 labor organizations, and community-based organizations
2 to coordinate the process of the detection and referral of
3 complaints regarding incidents of alleged law enforcement
4 misconduct.

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

8 **SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCE-**
9 **MENT PRACTICES.**

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

14 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
15 NICITY, AND GENDER.—For each practice enumerated in
16 subsection (c), the reporting law enforcement agency shall
17 provide a breakdown of the numbers of incidents of that
18 practice by race, ethnicity, age, and gender of the officers
19 of the agency and of members of the public involved in
20 the practice.

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

- 23 (1) Traffic violation stops.
24 (2) Pedestrian stops.
25 (3) Frisk and body searches.

1 (4) Instances where law enforcement officers
2 used deadly force, including—

3 (A) a description of when and where dead-
4 ly force was used, and whether it resulted in
5 death;

6 (B) a description of deadly force directed
7 against an officer and whether it resulted in in-
8 jury or death; and

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

12 (d) RETENTION OF DATA.—Each law enforcement
13 agency required to report data under this section shall
14 maintain records relating to any matter reported for not
15 less than 4 years after those records are created.

16 (e) PENALTY FOR STATES FAILING TO REPORT AS
17 REQUIRED.—

18 (1) IN GENERAL.—For any fiscal year, a State
19 shall not receive any amount that would otherwise
20 be allocated to that State under section 505(a) of
21 title I of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (34 U.S.C. 10156(a)), or any
23 amount from any other law enforcement assistance
24 program of the Department of Justice, unless the
25 State has ensured, to the satisfaction of the Attor-

1 ney General, that the State and each local law en-
 2 forcement agency of the State is in substantial com-
 3 pliance with the requirements of this section.

4 (2) REALLOCATION.—Amounts not allocated by
 5 reason of this subsection shall be reallocated to
 6 States not disqualified by failure to comply with this
 7 section.

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

10 **TITLE II—POLICING TRANS-**
 11 **PARENCY THROUGH DATA**
 12 **Subtitle A—National Police**
 13 **Misconduct Registry**

14 **SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MIS-**
 15 **CONDUCT REGISTRY.**

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

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

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

1 (A) complaints that were found to be cred-
2 ible or that resulted in disciplinary action
3 against the law enforcement officer,
4 disaggregated by whether the complaint in-
5 volved a use of force or racial profiling (as such
6 term is defined in section 302);

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

10 (C) complaints for which the law enforce-
11 ment officer was exonerated or that were deter-
12 mined to be unfounded or not sustained,
13 disaggregated by whether the complaint in-
14 volved a use of force or racial profiling.

15 (2) Discipline records, disaggregated by wheth-
16 er the complaint involved a use of force or racial
17 profiling.

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

21 (4) Records of certification in accordance with
22 section 202.

23 (5) Records of lawsuits against law enforcement
24 officers and settlements of such lawsuits.

1 (6) Instances where a law enforcement officer
2 resigns or retires while under active investigation re-
3 lated to the use of force.

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

10 (d) STATE AND LOCAL LAW ENFORCEMENT AGENCY
11 REPORTING REQUIREMENTS.—Beginning in the first fis-
12 cal year that begins after the date that is one year after
13 the date of enactment of this Act and each fiscal year
14 thereafter in which a State receives funds under the Byrne
15 grant program, the State shall, once every 180 days, sub-
16 mit to the Attorney General the information described in
17 subsection (b) for the State and each local law enforce-
18 ment agency within the State.

19 (e) PUBLIC AVAILABILITY OF REGISTRY.—

20 (1) IN GENERAL.—In establishing the Registry
21 required under subsection (a), the Attorney General
22 shall make the Registry available to the public on an
23 internet website of the Attorney General in a man-
24 ner that allows members of the public to search for
25 an individual law enforcement officer's records of

1 misconduct, as described in subsection (b), involving
2 a use of force or racial profiling.

3 (2) PRIVACY PROTECTIONS.—Nothing in this
4 subsection shall be construed to supersede the re-
5 quirements or limitations under section 552a of title
6 5, United States Code (commonly known as the
7 “Privacy Act of 1974”).

8 **SEC. 202. CERTIFICATION REQUIREMENTS FOR HIRING OF**
9 **LAW ENFORCEMENT OFFICERS.**

10 (a) IN GENERAL.— Beginning in the first fiscal year
11 that begins after the date that is one year after the date
12 of the enactment of this Act, a State or unit of local gov-
13 ernment, other than an Indian Tribe, may not receive
14 funds under the Byrne grant program for that fiscal year
15 if, on the day before the first day of the fiscal year, the
16 State or unit of local government has not—

17 (1) submitted to the Attorney General evidence
18 that the State or unit of local government has a cer-
19 tification and decertification program for purposes
20 of employment as a law enforcement officer in that
21 State or unit of local government that is consistent
22 with the rules made under subsection (c); and

23 (2) submitted to the National Police Mis-
24 conduct Registry established under section 201
25 records demonstrating that all law enforcement offi-

1 cers of the State or unit of local government have
 2 completed all State certification requirements during
 3 the 1-year period preceding the fiscal year.

4 (b) AVAILABILITY OF INFORMATION.—The Attorney
 5 General shall make available to law enforcement agencies
 6 all information in the registry under section 201 for pur-
 7 poses of compliance with the certification and decertifica-
 8 tion programs described in subsection (a)(1) and consid-
 9 ering applications for employment.

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

13 **Subtitle B—PRIDE Act**

14 **SEC. 221. SHORT TITLE.**

15 This subtitle may be cited as the “Police Reporting
 16 Information, Data, and Evidence Act of 2021” or the
 17 “PRIDE Act of 2021”.

18 **SEC. 222. DEFINITIONS.**

19 In this subtitle:

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

24 (2) LOCAL LAW ENFORCEMENT OFFICER.—The
 25 term “local law enforcement officer” has the mean-

1 ing given the term in section 2, and includes a
2 school resource officer.

3 (3) SCHOOL.—The term “school” means an ele-
4 mentary school or secondary school (as those terms
5 are defined in section 8101 of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C.
7 7801)).

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

11 (A) assigned by the employing law enforce-
12 ment agency to a local educational agency or
13 school;

14 (B) contracting with a local educational
15 agency or school; or

16 (C) employed by a local educational agency
17 or school.

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

19 (a) REPORTING REQUIREMENTS.—

20 (1) IN GENERAL.—Beginning in the first fiscal
21 year that begins after the date that is one year after
22 the date of enactment of this Act and each fiscal
23 year thereafter in which a State or Indian Tribe re-
24 ceives funds under a Byrne grant program, the
25 State or Indian Tribe shall—

1 (A) report to the Attorney General, on a
2 quarterly basis and pursuant to guidelines es-
3 tablished by the Attorney General, information
4 regarding—

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

7 (I) a local law enforcement offi-
8 cer who is employed by the State or
9 by a unit of local government in the
10 State; or

11 (II) a tribal law enforcement offi-
12 cer who is employed by the Indian
13 Tribe;

14 (ii) any incident involving the shooting
15 of a local law enforcement officer or tribal
16 law enforcement officer described in clause
17 (i) by a civilian;

18 (iii) any incident involving the death
19 or arrest of a local law enforcement officer
20 or tribal law enforcement officer;

21 (iv) any incident during which use of
22 force by or against a local law enforcement
23 officer or tribal law enforcement officer de-
24 scribed in clause (i) occurs, which is not
25 reported under clause (i), (ii), or (iii);

1 (v) deaths in custody; and

2 (vi) uses of force in arrests and book-
3 ing;

4 (B) establish a system and a set of policies
5 to ensure that all use of force incidents are re-
6 ported by local law enforcement officers or trib-
7 al law enforcement officers; and

8 (C) submit to the Attorney General a plan
9 for the collection of data required to be re-
10 ported under this section, including any modi-
11 fications to a previously submitted data collec-
12 tion plan.

13 (2) REPORT INFORMATION REQUIRED.—

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

17 (i) the national origin, sex, race, eth-
18 nicity, age, disability, English language
19 proficiency, and housing status of each ci-
20 vilian against whom a local law enforce-
21 ment officer or tribal law enforcement offi-
22 cer used force;

23 (ii) the date, time, and location, in-
24 cluding whether it was on school grounds,
25 and the zip code, of the incident and

1 whether the jurisdiction in which the inci-
2 dent occurred allows for the open-carry or
3 concealed-carry of a firearm;

4 (iii) whether the civilian was armed,
5 and, if so, the type of weapon the civilian
6 had;

7 (iv) the type of force used against the
8 officer, the civilian, or both, including the
9 types of weapons used;

10 (v) the reason force was used;

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

13 (vii) the number of officers involved in
14 the incident;

15 (viii) the number of civilians involved
16 in the incident; and

17 (ix) a brief description regarding the
18 circumstances surrounding the incident,
19 which shall include information on—

20 (I) the type of force used by all
21 involved persons;

22 (II) the legitimate police objective
23 necessitating the use of force;

24 (III) the resistance encountered
25 by each local law enforcement officer

1 or tribal law enforcement officer in-
2 volved in the incident;

3 (IV) the efforts by local law en-
4 forcement officers or tribal law en-
5 forcement officers to—

6 (aa) de-escalate the situation
7 in order to avoid the use of force;
8 or

9 (bb) minimize the level of
10 force used; and

11 (V) if applicable, the reason why
12 efforts described in subclause (IV)
13 were not attempted.

14 (B) INCIDENTS REPORTED UNDER DEATH
15 IN CUSTODY REPORTING ACT.—A State or In-
16 dian Tribe is not required to include in a report
17 under subsection (a)(1) an incident reported by
18 the State or Indian Tribe in accordance with
19 section 20104(a)(2) of the Violent Crime Con-
20 trol and Law Enforcement Act of 1994 (34
21 U.S.C. 12104(a)(2)).

22 (C) RETENTION OF DATA.—Each law en-
23 forcement agency required to report data under
24 this section shall maintain records relating to

1 any matter so reportable for not less than 4
2 years after those records are created.

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

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

10 (B) submit a report to the Attorney Gen-
11 eral on the audit conducted under subpara-
12 graph (A).

13 (4) COMPLIANCE PROCEDURE.—Prior to sub-
14 mitting a report under paragraph (1)(A), the State
15 or Indian Tribe submitting such report shall com-
16 pare the information compiled to be reported pursu-
17 ant to clause (i) of paragraph (1)(A) to publicly
18 available sources, and shall revise such report to in-
19 clude any incident determined to be missing from
20 the report based on such comparison. Failure to
21 comply with the procedures described in the previous
22 sentence shall be considered a failure to comply with
23 the requirements of this section.

24 (b) INELIGIBILITY FOR FUNDS.—

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

8 (2) REALLOCATION.—Amounts not allocated
9 under a Byrne grant program in accordance with
10 paragraph (1) to a State for failure to comply with
11 this section shall be reallocated under the Byrne
12 grant program to States that have not failed to com-
13 ply with this section.

14 (3) INFORMATION REGARDING SCHOOL RE-
15 SOURCE OFFICERS.—The State or Indian Tribe shall
16 ensure that all schools and local educational agencies
17 within the jurisdiction of the State or Indian Tribe
18 provide the State or Indian Tribe with the informa-
19 tion needed regarding school resource officers to
20 comply with this section.

21 (c) PUBLIC AVAILABILITY OF DATA.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, and each year
24 thereafter, the Attorney General shall publish, and
25 make available to the public, a report containing the

1 data reported to the Attorney General under this
2 section.

3 (2) PRIVACY PROTECTIONS.—Nothing in this
4 subsection shall be construed to supersede the re-
5 quirements or limitations under section 552a of title
6 5, United States Code (commonly known as the
7 “Privacy Act of 1974”).

8 (d) GUIDANCE.—Not later than 180 days after the
9 date of enactment of this Act, the Attorney General, in
10 coordination with the Director of the Federal Bureau of
11 Investigation, shall issue guidance on best practices relat-
12 ing to establishing standard data collection systems that
13 capture the information required to be reported under sub-
14 section (a)(2), which shall include standard and consistent
15 definitions for terms.

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

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

21 (b) ELIGIBILITY.—In order to be eligible to receive
22 a grant under this section a law enforcement agency
23 shall—

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

4 (2) employ not more than 100 local or tribal law
5 enforcement officers;

6 (3) demonstrate that the use of force policy for
7 local law enforcement officers or tribal law enforce-
8 ment officers employed by the law enforcement agen-
9 cy is publicly available; and

10 (4) establish and maintain a complaint system
11 that—

12 (A) may be used by members of the public
13 to report incidents of use of force to the law en-
14 forcement agency;

15 (B) makes all information collected pub-
16 licly searchable and available; and

17 (C) provides information on the status of
18 an investigation related to a use of force com-
19 plaint.

20 (c) ACTIVITIES DESCRIBED.—A grant made under
21 this section may be used by a law enforcement agency
22 for—

23 (1) the cost of assisting the State or Indian
24 Tribe in which the law enforcement agency is located

1 in complying with the reporting requirements de-
2 scribed in section 223;

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

6 (3) public awareness campaigns designed to
7 gain information from the public on use of force by
8 or against local and tribal law enforcement officers,
9 including shootings, which may include tip lines, hot-
10 lines, and public service announcements; and

11 (4) use of force training for law enforcement
12 agencies and personnel, including training on de-es-
13 calation, implicit bias, crisis intervention techniques,
14 and adolescent development.

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

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, and each year thereafter,
18 the Attorney General shall conduct an audit and review
19 of the information provided under this subtitle to deter-
20 mine whether each State or Indian Tribe described in sec-
21 tion 223(a)(1) is in compliance with the requirements of
22 this subtitle.

23 (b) CONSISTENCY IN DATA REPORTING.—

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

1 (A) in a manner consistent with existing
2 programs of the Department of Justice that
3 collect data on local law enforcement officer en-
4 counters with civilians; and

5 (B) in a manner consistent with civil rights
6 laws for distribution of information to the pub-
7 lic.

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

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

13 (B) seek public comment before finalizing
14 the guidelines required under subparagraph
15 (A).

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

17 The head of each Federal law enforcement agency
18 shall submit to the Attorney General, on a quarterly basis
19 and pursuant to guidelines established by the Attorney
20 General, the information required to be reported by a
21 State or Indian Tribe under section 223.

22 **SEC. 227. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Attor-
24 ney General such sums as are necessary to carry out this
25 subtitle.

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

SEC. 301. SHORT TITLE.

This subtitle may be cited as the “End Racial and Religious Profiling Act of 2021” or “ERRPA”.

SEC. 302. DEFINITIONS.

In this subtitle:

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

(A) a Byrne grant program; and

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

(2) GOVERNMENTAL BODY.—The term “governmental body” means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian Tribal government.

(3) HIT RATE.—The term “hit rate” means the percentage of stops and searches in which a law en-

1 enforcement agent finds drugs, a gun, or something
2 else that leads to an arrest. The hit rate is cal-
3 culated by dividing the total number of searches by
4 the number of searches that yield contraband. The
5 hit rate is complementary to the rate of false stops.

6 (4) LAW ENFORCEMENT AGENCY.—The term
7 “law enforcement agency” means any Federal,
8 State, or local public agency engaged in the preven-
9 tion, detection, or investigation of violations of crimi-
10 nal, immigration, or customs laws.

11 (5) LAW ENFORCEMENT AGENT.—The term
12 “law enforcement agent” means any Federal, State,
13 or local official responsible for enforcing criminal,
14 immigration, or customs laws, including police offi-
15 cers and other agents of a law enforcement agency.

16 (6) RACIAL PROFILING.—

17 (A) IN GENERAL.—The term “racial
18 profiling” means the practice of a law enforce-
19 ment agent or agency relying, to any degree, on
20 actual or perceived race, ethnicity, national ori-
21 gin, religion, gender, gender identity, or sexual
22 orientation in selecting which individual to sub-
23 ject to routine or spontaneous investigatory ac-
24 tivities or in deciding upon the scope and sub-
25 stance of law enforcement activity following the

1 initial investigatory procedure, except when
2 there is trustworthy information, relevant to the
3 locality and timeframe, that links a person with
4 a particular characteristic described in this
5 paragraph to an identified criminal incident or
6 scheme.

7 (B) EXCEPTION.—For purposes of sub-
8 paragraph (A), a tribal law enforcement officer
9 exercising law enforcement authority within In-
10 dian country, as that term is defined in section
11 1151 of title 18, United States Code, is not
12 considered to be racial profiling with respect to
13 making key jurisdictional determinations that
14 are necessarily tied to reliance on actual or per-
15 ceived race, ethnicity, or tribal affiliation.

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

20 (A) Interviews.

21 (B) Traffic stops.

22 (C) Pedestrian stops.

23 (D) Frisks and other types of body
24 searches.

1 (E) Consensual or nonconsensual searches
2 of the persons, property, or possessions (includ-
3 ing vehicles) of individuals using any form of
4 public or private transportation, including mo-
5 torists and pedestrians.

6 (F) Data collection and analysis, assess-
7 ments, and predicated investigations.

8 (G) Inspections and interviews of entrants
9 into the United States that are more extensive
10 than those customarily carried out.

11 (H) Immigration-related workplace inves-
12 tigations.

13 (I) Such other types of law enforcement
14 encounters compiled for or by the Federal Bu-
15 reau of Investigation or the Department of Jus-
16 tice Bureau of Justice Statistics.

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

20 (A) are immaterial to the investigation;

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

23 (C) would place a severe burden on the re-
24 sources of the law enforcement agency given its
25 size.

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

2 **SEC. 311. PROHIBITION.**

3 No law enforcement agent or law enforcement agency
4 shall engage in racial profiling.

5 **SEC. 312. ENFORCEMENT.**

6 (a) REMEDY.—The United States, or an individual
7 injured by racial profiling, may enforce this part in a civil
8 action for declaratory or injunctive relief, filed either in
9 a State court of general jurisdiction or in a district court
10 of the United States.

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

13 (1) any governmental body that employed any
14 law enforcement agent who engaged in racial
15 profiling;

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

18 (3) any person with supervisory authority over
19 such agent.

20 (c) NATURE OF PROOF.—Proof that the routine or
21 spontaneous investigatory activities of law enforcement
22 agents in a jurisdiction have had a disparate impact on
23 individuals with a particular characteristic described in
24 section 302(6) shall constitute prima facie evidence of a
25 violation of this part.

1 (d) ATTORNEY’S FEES.—In any action or proceeding
2 to enforce this part against any governmental body, the
3 court may allow a prevailing plaintiff, other than the
4 United States, reasonable attorney’s fees as part of the
5 costs, and may include expert fees as part of the attorney’s
6 fee. The term “prevailing plaintiff” means a plaintiff that
7 substantially prevails pursuant to a judicial or administra-
8 tive judgment or order, or an enforceable written agree-
9 ment.

10 **PART II—PROGRAMS TO ELIMINATE RACIAL**
11 **PROFILING BY FEDERAL LAW ENFORCE-**
12 **MENT AGENCIES**

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

14 (a) IN GENERAL.—Federal law enforcement agencies
15 shall—

16 (1) maintain adequate policies and procedures
17 designed to eliminate racial profiling; and

18 (2) cease existing practices that permit racial
19 profiling.

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

22 (1) a prohibition on racial profiling;

23 (2) training on racial profiling issues as part of
24 Federal law enforcement training;

1 (3) the collection of data in accordance with the
2 regulations issued by the Attorney General under
3 section 341;

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

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

10 **PART III—PROGRAMS TO ELIMINATE RACIAL**
11 **PROFILING BY STATE AND LOCAL LAW EN-**
12 **FORCEMENT AGENCIES**

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

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

19 (1) maintains adequate policies and procedures
20 designed to eliminate racial profiling; and

21 (2) has eliminated any existing practices that
22 permit or encourage racial profiling.

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

25 (1) a prohibition on racial profiling;

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

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

6 (4) participation in an administrative complaint
7 procedure or independent audit program that meets
8 the requirements of section 332.

9 (c) EFFECTIVE DATE.—This section shall take effect
10 12 months after the date of enactment of this Act.

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

12 (a) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 6 months
14 after the date of enactment of this Act and in con-
15 sultation with stakeholders, including Federal, State,
16 and local law enforcement agencies and community,
17 professional, research, and civil rights organizations,
18 the Attorney General shall issue regulations for the
19 operation of administrative complaint procedures
20 and independent audit programs to ensure that such
21 procedures and programs provide an appropriate re-
22 sponse to allegations of racial profiling by law en-
23 forcement agents or agencies.

24 (2) GUIDELINES.—The regulations issued
25 under paragraph (1) shall contain guidelines that

1 ensure the fairness, effectiveness, and independence
2 of the administrative complaint procedures and inde-
3 pendent auditor programs.

4 (b) NONCOMPLIANCE.—If the Attorney General de-
5 termines that the recipient of a grant from any covered
6 program is not in compliance with the requirements of sec-
7 tion 331 or the regulations issued under subsection (a),
8 the Attorney General shall withhold, in whole or in part
9 (at the discretion of the Attorney General), funds for one
10 or more grants to the recipient under the covered pro-
11 gram, until the recipient establishes compliance.

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

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

18 (a) TECHNICAL ASSISTANCE GRANTS FOR DATA
19 COLLECTION.—

20 (1) IN GENERAL.—The Attorney General may,
21 through competitive grants or contracts, carry out a
22 2-year demonstration project for the purpose of de-
23 veloping and implementing data collection programs
24 on the hit rates for stops and searches by law en-
25 forcement agencies. The data collected shall be

1 disaggregated by race, ethnicity, national origin,
2 gender, and religion.

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

6 (3) ELIGIBLE GRANTEEES.—Grants or contracts
7 under this section shall be awarded to law enforce-
8 ment agencies that serve communities where there is
9 a significant concentration of racial or ethnic minori-
10 ties and that are not already collecting data volun-
11 tarily.

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

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

16 (2) training of law enforcement personnel on
17 data collection, particularly for data collection on hit
18 rates for stops and searches.

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

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out activities
3 under this section—

4 (1) \$5,000,000, over a 2-year period, to carry
5 out the demonstration program under subsection
6 (a); and

7 (2) \$500,000 to carry out the evaluation under
8 subsection (c).

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

10 (a) USE OF FUNDS REQUIREMENT.—Section 502(a)
11 of title I of the Omnibus Crime Control and Safe Streets
12 Act of 1968 (34 U.S.C. 10153(a)), as amended by sections
13 113 and 114, is amended by adding at the end the fol-
14 lowing:

15 “(9) An assurance that, for each fiscal year
16 covered by an application, the applicant will use not
17 less than 10 percent of the total amount of the
18 grant award for the fiscal year to develop and imple-
19 ment best practice devices and systems to eliminate
20 racial profiling in accordance with section 334 of the
21 End Racial and Religious Profiling Act of 2021.”.

22 (b) DEVELOPMENT OF BEST PRACTICES.—Grant
23 amounts described in paragraph (9) of section 502(a) of
24 title I of the Omnibus Crime Control and Safe Streets Act
25 of 1968 (34 U.S.C. 10153(a)), as added by subsection (a)

1 of this section, shall be for programs that include the fol-
2 lowing:

3 (1) The development and implementation of
4 training to prevent racial profiling and to encourage
5 more respectful interaction with the public.

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

8 (3) The development and acquisition of feed-
9 back systems and technologies that identify law en-
10 forcement agents or units of agents engaged in, or
11 at risk of engaging in, racial profiling or other mis-
12 conduct.

13 (4) The establishment and maintenance of an
14 administrative complaint procedure or independent
15 auditor program.

16 **SEC. 335. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Attor-
18 ney General such sums as are necessary to carry out this
19 part.

20 **PART IV—DATA COLLECTION**

21 **SEC. 341. ATTORNEY GENERAL TO ISSUE REGULATIONS.**

22 (a) REGULATIONS.—Not later than 6 months after
23 the date of enactment of this Act, the Attorney General,
24 in consultation with stakeholders, including Federal,
25 State, and local law enforcement agencies and community,

1 professional, research, and civil rights organizations, shall
2 issue regulations for the collection and compilation of data
3 under sections 321 and 331.

4 (b) REQUIREMENTS.—The regulations issued under
5 subsection (a) shall—

6 (1) provide for the collection of data on all rou-
7 tine and spontaneous investigatory activities;

8 (2) provide that the data collected shall—

9 (A) be disaggregated by race, ethnicity, na-
10 tional origin, gender, disability, and religion;

11 (B) include the date, time, and location of
12 such investigatory activities;

13 (C) include detail sufficient to permit an
14 analysis of whether a law enforcement agency is
15 engaging in racial profiling; and

16 (D) not include personally identifiable in-
17 formation;

18 (3) provide that a standardized form shall be
19 made available to law enforcement agencies for the
20 submission of collected data to the Department of
21 Justice;

22 (4) provide that law enforcement agencies shall
23 compile data on the standardized form made avail-
24 able under paragraph (3), and submit the form to

1 the Civil Rights Division and the Department of
2 Justice Bureau of Justice Statistics;

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

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

9 (7) provide that the Department of Justice Bu-
10 reau of Justice Statistics shall—

11 (A) analyze the data for any statistically
12 significant disparities, including—

13 (i) disparities in the percentage of
14 drivers or pedestrians stopped relative to
15 the proportion of the population passing
16 through the neighborhood;

17 (ii) disparities in the hit rate; and

18 (iii) disparities in the frequency of
19 searches performed on racial or ethnic mi-
20 nority drivers and the frequency of
21 searches performed on nonminority drivers;
22 and

23 (B) not later than 3 years after the date
24 of enactment of this Act, and annually there-
25 after—

1 (i) prepare a report regarding the
2 findings of the analysis conducted under
3 subparagraph (A);

4 (ii) provide such report to Congress;
5 and

6 (iii) make such report available to the
7 public, including on a website of the De-
8 partment of Justice, and in accordance
9 with accessibility standards under the
10 Americans with Disabilities Act of 1990
11 (42 U.S.C. 12101 et seq.); and

12 (8) protect the privacy of individuals whose
13 data is collected by—

14 (A) limiting the use of the data collected
15 under this subtitle to the purposes set forth in
16 this subtitle;

17 (B) except as otherwise provided in this
18 subtitle, limiting access to the data collected
19 under this subtitle to those Federal, State, or
20 local employees or agents who require such ac-
21 cess in order to fulfill the purposes for the data
22 set forth in this subtitle;

23 (C) requiring contractors or other non-
24 governmental agents who are permitted access
25 to the data collected under this subtitle to sign

1 use agreements incorporating the use and dis-
2 closure restrictions set forth in subparagraph
3 (A); and
4 (D) requiring the maintenance of adequate
5 security measures to prevent unauthorized ac-
6 cess to the data collected under this subtitle.

7 **SEC. 342. PUBLICATION OF DATA.**

8 The Director of the Bureau of Justice Statistics of
9 the Department of Justice shall provide to Congress and
10 make available to the public, together with each annual
11 report described in section 341, the data collected pursu-
12 ant to this subtitle, excluding any personally identifiable
13 information described in section 343.

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

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

19 (1) released to the public;

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

21 (A) such disclosures as are necessary to
22 comply with this subtitle;

23 (B) disclosures of information regarding a
24 particular person to that person; or

25 (C) disclosures pursuant to litigation; or

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

6 **PART V—DEPARTMENT OF JUSTICE REGULA-**
7 **TIONS AND REPORTS ON RACIAL PROFILING**
8 **IN THE UNITED STATES**

9 **SEC. 351. ATTORNEY GENERAL TO ISSUE REGULATIONS**
10 **AND REPORTS.**

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

15 (b) REPORTS.—

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

21 (2) SCOPE.—Each report submitted under
22 paragraph (1) shall include—

23 (A) a summary of data collected under sec-
24 tions 321(b)(3) and 331(b)(3) and from any

1 other reliable source of information regarding
2 racial profiling in the United States;

3 (B) a discussion of the findings in the
4 most recent report prepared by the Department
5 of Justice Bureau of Justice Statistics under
6 section 341(b)(7);

7 (C) the status of the adoption and imple-
8 mentation of policies and procedures by Federal
9 law enforcement agencies under section 321
10 and by the State and local law enforcement
11 agencies under sections 331 and 332; and

12 (D) a description of any other policies and
13 procedures that the Attorney General believes
14 would facilitate the elimination of racial
15 profiling.

16 **Subtitle B—Additional Reforms**

17 **SEC. 361. TRAINING ON RACIAL BIAS AND DUTY TO INTER-** 18 **VENUE.**

19 (a) IN GENERAL.—The Attorney General shall estab-
20 lish—

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

24 (2) a clear duty for Federal law enforcement of-
25 ficers to intervene in cases where another law en-

1 enforcement officer is using excessive force against a
2 civilian, and establish a training program that covers
3 the duty to intervene.

4 (b) MANDATORY TRAINING FOR FEDERAL LAW EN-
5 FORCEMENT OFFICERS.—The head of each Federal law
6 enforcement agency shall require each Federal law en-
7 forcement officer employed by the agency to complete the
8 training programs established under subsection (a).

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

19 (d) GRANTS TO TRAIN LAW ENFORCEMENT OFFI-
20 CERS ON USE OF FORCE.—Section 501(a)(1) of title I of
21 the Omnibus Crime Control and Safe Streets Act of 1968
22 (34 U.S.C. 10152(a)(1)) is amended by adding at the end
23 the following:

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

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

5 (a) BAN ON FEDERAL WARRANTS IN DRUG CASES.—
6 Section 509 of the Controlled Substances Act (21 U.S.C.
7 879) is amended by adding at the end the following: “A
8 search warrant authorized under this section shall require
9 that a law enforcement officer execute the search warrant
10 only after providing notice of his or her authority and pur-
11 pose.”.

12 (b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
13 ginning in the first fiscal year that begins after the date
14 that is one year after the date of enactment of this Act,
15 a State or unit of local government may not receive funds
16 under the COPS grant program for a fiscal year if, on
17 the day before the first day of the fiscal year, the State
18 or unit of local government does not have in effect a law
19 that prohibits the issuance of a no-knock warrant in a
20 drug case.

21 (c) DEFINITION.—In this section, the term “no-
22 knock warrant” means a warrant that allows a law en-
23 forcement officer to enter a property without requiring the
24 law enforcement officer to announce the presence of the

1 law enforcement officer or the intention of the law enforce-
2 ment officer to enter the property.

3 **SEC. 363. INCENTIVIZING BANNING OF CHOKEHOLDS AND**
4 **CAROTID HOLDS.**

5 (a) DEFINITION.—In this section, the term
6 “chokehold or carotid hold” means the application of any
7 pressure to the throat or windpipe, the use of maneuvers
8 that restrict blood or oxygen flow to the brain, or carotid
9 artery restraints that prevent or hinder breathing or re-
10 duce intake of air of an individual.

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

21 (c) CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.—

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

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

10 **SEC. 364. PEACE ACT.**

11 (a) SHORT TITLE.—This section may be cited as the
12 “Police Exercising Absolute Care With Everyone Act of
13 2021” or the “PEACE Act of 2021”.

14 (b) USE OF FORCE BY FEDERAL LAW ENFORCE-
15 MENT OFFICERS.—

16 (1) DEFINITIONS.—In this subsection:

17 (A) DEESCALATION TACTICS AND TECH-
18 NIQUES.—The term “deescalation tactics and
19 techniques” means proactive actions and ap-
20 proaches used by a Federal law enforcement of-
21 ficer to stabilize the situation so that more
22 time, options, and resources are available to
23 gain a person’s voluntary compliance and re-
24 duce or eliminate the need to use force, includ-
25 ing verbal persuasion, warnings, tactical tech-

1 niques, slowing down the pace of an incident,
2 waiting out a subject, creating distance between
3 the officer and the threat, and requesting addi-
4 tional resources to resolve the incident.

5 (B) NECESSARY.—The term “necessary”
6 means that another reasonable Federal law en-
7 forcement officer would objectively conclude,
8 under the totality of the circumstances, that
9 there was no reasonable alternative to the use
10 of force.

11 (C) REASONABLE ALTERNATIVES.—

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

1 (ii) DEADLY FORCE.—With respect to
2 the use of deadly force, the term “reason-
3 able alternatives” includes the use of less
4 lethal force.

5 (D) TOTALITY OF THE CIRCUMSTANCES.—
6 The term “totality of the circumstances” means
7 all credible facts known to the Federal law en-
8 forcement officer leading up to and at the time
9 of the use of force, including the actions of the
10 person against whom the Federal law enforce-
11 ment officer uses such force and the actions of
12 the Federal law enforcement officer.

13 (2) PROHIBITION ON LESS LETHAL FORCE.—A
14 Federal law enforcement officer may not use any
15 less lethal force unless—

16 (A) the form of less lethal force used is
17 necessary and proportional in order to effec-
18 tuate an arrest of a person who the officer has
19 probable cause to believe has committed a
20 criminal offense; and

21 (B) reasonable alternatives to the use of
22 the form of less lethal force have been ex-
23 hausted.

1 (3) PROHIBITION ON DEADLY USE OF FORCE.—

2 A Federal law enforcement officer may not use
3 deadly force against a person unless—

4 (A) the form of deadly force used is nec-
5 essary, as a last resort, to prevent imminent
6 and serious bodily injury or death to the officer
7 or another person;

8 (B) the use of the form of deadly force cre-
9 ates no substantial risk of injury to a third per-
10 son; and

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

13 (4) REQUIREMENT TO GIVE VERBAL WARN-
14 ING.—When feasible, prior to using force against a
15 person, a Federal law enforcement officer shall iden-
16 tify himself or herself as a Federal law enforcement
17 officer, and issue a verbal warning to the person
18 that the Federal law enforcement officer seeks to ap-
19 prehend, which shall—

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

22 (B) notify the person that the law enforce-
23 ment officer will use force against the person if
24 the person resists arrest or flees.

1 (5) GUIDANCE ON USE OF FORCE.—Not later
2 than 120 days after the date of enactment of this
3 Act, the Attorney General, in consultation with im-
4 pacted persons, communities, and organizations, in-
5 cluding representatives of civil and human rights or-
6 ganizations, victims of police use of force, and rep-
7 resentatives of law enforcement associations, shall
8 provide guidance to Federal law enforcement agen-
9 cies on—

10 (A) the types of less lethal force and dead-
11 ly force that are prohibited under paragraphs
12 (2) and (3); and

13 (B) how a Federal law enforcement officer
14 can—

15 (i) assess whether the use of force is
16 appropriate and necessary; and

17 (ii) use the least amount of force
18 when interacting with—

19 (I) pregnant individuals;

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

22 (III) elderly persons;

23 (IV) persons with mental, behav-
24 ioral, or physical disabilities or im-
25 pairments;

1 (V) persons experiencing percep-
 2 tual or cognitive impairments due to
 3 use of alcohol, narcotics,
 4 hallucinogens, or other drugs;
 5 (VI) persons suffering from a se-
 6 rious medical condition; and
 7 (VII) persons with limited
 8 English proficiency.

9 (6) TRAINING.—The Attorney General shall
 10 provide training to Federal law enforcement officers
 11 on interacting people described in subclauses (I)
 12 through (VII) of paragraph (5)(B)(ii).

13 (7) LIMITATION ON JUSTIFICATION DE-
 14 FENSE.—

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

18 **“§ 1123. Limitation on justification defense for Fed-**
 19 **eral law enforcement officers**

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

1 “(1) that officer’s use of use of such force was
 2 inconsistent with section 364(b) of the George Floyd
 3 Justice in Policing Act of 2021; or

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

7 “(b) DEFINITIONS.—In this section—

8 “(1) the terms ‘deadly force’ and ‘less lethal
 9 force’ have the meanings given such terms in section
 10 2 and section 364 of the George Floyd Justice in
 11 Policing Act of 2021; and

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

14 (B) CLERICAL AMENDMENT.—The table of
 15 sections for chapter 51 of title 18, United
 16 States Code, is amended by inserting after the
 17 item relating to section 1122 the following:

“1123. Limitation on justification defense for Federal law enforcement offi-
 cers.”.

18 (c) LIMITATION ON THE RECEIPT OF FUNDS UNDER
 19 THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
 20 GRANT PROGRAM.—

21 (1) LIMITATION.—A State or unit of local gov-
 22 ernment, other than an Indian Tribe, may not re-
 23 ceive funds that the State or unit of local govern-
 24 ment would otherwise receive under a Byrne grant

1 program for a fiscal year if, on the day before the
2 first day of the fiscal year, the State or unit of local
3 government does not have in effect a law that is con-
4 sistent with subsection (b) of this section and section
5 1123 of title 18, United States Code, as determined
6 by the Attorney General.

7 (2) SUBSEQUENT ENACTMENT.—

8 (A) IN GENERAL.—If funds described in
9 paragraph (1) are withheld from a State or unit
10 of local government pursuant to paragraph (1)
11 for 1 or more fiscal years, and the State or unit
12 of local government enacts or puts in place a
13 law described in paragraph (1), and dem-
14 onstrates substantial efforts to enforce such
15 law, subject to subparagraph (B), the State or
16 unit of local government shall be eligible, in the
17 fiscal year after the fiscal year during which the
18 State or unit of local government demonstrates
19 such substantial efforts, to receive the total
20 amount that the State or unit of local govern-
21 ment would have received during each fiscal
22 year for which funds were withheld.

23 (B) LIMIT ON AMOUNT OF PRIOR YEAR
24 FUNDS.—A State or unit of local government
25 may not receive funds under subparagraph (A)

1 in an amount that is more than the amount
2 withheld from the State or unit of local govern-
3 ment during the 5-fiscal-year period before the
4 fiscal year during which funds are received
5 under subparagraph (A).

6 (3) GUIDANCE.—Not later than 120 days after
7 the date of enactment of this Act, the Attorney Gen-
8 eral, in consultation with impacted persons, commu-
9 nities, and organizations, including representatives
10 of civil and human rights organizations, individuals
11 against whom a law enforcement officer used force,
12 and representatives of law enforcement associations,
13 shall make guidance available to States and units of
14 local government on the criteria that the Attorney
15 General will use in determining whether the State or
16 unit of local government has in place a law described
17 in paragraph (1).

18 (4) APPLICATION.—This subsection shall apply
19 to the first fiscal year that begins after the date that
20 is 1 year after the date of the enactment of this Act,
21 and each fiscal year thereafter.

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

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

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

7 (2) New and used material, including mine-re-
8 sistant ambush-protected vehicles and weapons de-
9 termined by the Department of Defense to be “mili-
10 tary grade” are transferred to Federal, Tribal,
11 State, and local law enforcement agencies through
12 the program.

13 (3) As a result local law enforcement agencies,
14 including police and sheriff’s departments, are ac-
15 quiring this material for use in their normal oper-
16 ations.

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

22 (5) In Fiscal Year 2017, \$504,000,000 worth
23 of property was transferred to law enforcement
24 agencies.

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

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

9 (8) Though the moratorium was widely pub-
10 licized, it was lifted in October 2013 without ade-
11 quate safeguards.

12 (9) On January 16, 2015, President Barack
13 Obama issued Executive Order 13688 to better co-
14 ordinate and regulate the federal transfer of military
15 weapons and equipment to State, local, and Tribal
16 law enforcement agencies.

17 (10) In July, 2017, the Government Account-
18 ability Office reported that the program's internal
19 controls were inadequate to prevent fraudulent appli-
20 cants' access to the program.

21 (11) On August, 28, 2017, President Donald
22 Trump rescinded Executive Order 13688 despite a
23 July 2017 Government Accountability Office report
24 finding deficiencies with the administration of the
25 1033 program.

1 (12) As a result, Federal, State, and local law
2 enforcement departments across the country are eli-
3 gible again to acquire free “military-grade” weapons
4 and equipment that could be used inappropriately
5 during policing efforts in which people and taxpayers
6 could be harmed.

7 (13) The Department of Defense categorizes
8 equipment eligible for transfer under the 1033 pro-
9 gram as “controlled” and “un-controlled” equip-
10 ment. “Controlled equipment” includes weapons, ex-
11 plosives such as flash-bang grenades, mine-resistant
12 ambush-protected vehicles, long-range acoustic de-
13 vices, aircraft capable of being modified to carry ar-
14 mament that are combat coded, and silencers,
15 among other military grade items.

16 (b) LIMITATION ON DEPARTMENT OF DEFENSE
17 TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW EN-
18 FORCEMENT AGENCIES.—

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

21 (A) in subsection (a)—

22 (i) in paragraph (1)(A), by striking
23 “counterdrug, counterterrorism, and bor-
24 der security activities” and inserting
25 “counterterrorism”; and

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

4 (B) in subsection (b)—

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

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

9 (iii) by adding at the end the fol-
10 lowing new paragraphs:

11 “(7) the recipient submits to the Department of
12 Defense a description of how the recipient expects to
13 use the property;

14 “(8) the recipient certifies to the Department of
15 Defense that if the recipient determines that the
16 property is surplus to the needs of the recipient, the
17 recipient will return the property to the Department
18 of Defense;

19 “(9) with respect to a recipient that is not a
20 Federal agency, the recipient certifies to the Depart-
21 ment of Defense that the recipient notified the local
22 community of the request for personal property
23 under this section by—

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

1 “(B) posting such notice at several promi-
2 nent locations in the jurisdiction of the recipi-
3 ent; and

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

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

11 (C) by striking subsection (d);

12 (D) by redesignating subsections (e) and
13 (f) as subsections (o) and (p), respectively; and

14 (E) by inserting after subsection (c) the
15 following new subsections:

16 “(d) ANNUAL CERTIFICATION ACCOUNTING FOR
17 TRANSFERRED PROPERTY.—(1) For each fiscal year, the
18 Secretary shall submit to Congress certification in writing
19 that each Federal or State agency to which the Secretary
20 has transferred property under this section—

21 “(A) has provided to the Secretary documenta-
22 tion accounting for all controlled property, including
23 arms and ammunition, that the Secretary has trans-
24 ferred to the agency, including any item described in
25 subsection (f) so transferred before the date of the

1 enactment of the George Floyd Justice in Policing
2 Act of 2021; and

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

6 “(2) If the Secretary does not provide a certification
7 under paragraph (1) for a Federal or State agency, the
8 Secretary may not transfer additional property to that
9 agency under this section.

10 “(e) ANNUAL REPORT ON EXCESS PROPERTY.—Be-
11 fore making any property available for transfer under this
12 section, the Secretary shall annually submit to Congress
13 a description of the property to be transferred together
14 with a certification that the transfer of the property would
15 not violate this section or any other provision of law.

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

19 “(A) Firearms, ammunition, bayonets, grenade
20 launchers, grenades (including stun and flash-bang),
21 and explosives.

22 “(B) Vehicles, except for passenger automobiles
23 (as such term is defined in section 32901(a)(18) of
24 title 49, United States Code) and bucket trucks.

25 “(C) Drones.

1 “(D) Controlled aircraft that—

2 “(i) are combat configured or combat
3 coded; or

4 “(ii) have no established commercial flight
5 application.

6 “(E) Silencers.

7 “(F) Long-range acoustic devices.

8 “(G) Items in the Federal Supply Class of
9 banned items.

10 “(2) The Secretary may not require, as a condition
11 of a transfer under this section, that a Federal or State
12 agency demonstrate the use of any small arms or ammuni-
13 tion.

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

18 “(4)(A) The Secretary may waive the applicability of
19 paragraph (1) to a vehicle described in subparagraph (B)
20 of such paragraph (other than a mine-resistant ambush-
21 protected vehicle), if the Secretary determines that such
22 a waiver is necessary for disaster or rescue purposes or
23 for another purpose where life and public safety are at
24 risk, as demonstrated by the proposed recipient of the ve-
25 hicle.

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

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

7 “(ii) require, as a condition of the waiver, that
8 the recipient of the vehicle for which the waiver is
9 issued provides public notice of the waiver and the
10 transfer, including the type of vehicle and the pur-
11 pose for which it is transferred, in the jurisdiction
12 where the recipient is located by not later than 30
13 days after the date on which the waiver is issued.

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

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

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

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

3 “(g) CONDITIONS FOR EXTENSION OF PROGRAM.—

4 Notwithstanding any other provision of law, amounts au-
5 thorized to be appropriated or otherwise made available
6 for any fiscal year may not be obligated or expended to
7 carry out this section unless the Secretary submits to Con-
8 gress certification that for the preceding fiscal year that—

9 “(1) each Federal or State agency that has re-
10 ceived controlled property transferred under this sec-
11 tion has—

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

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

17 “(2) with respect to each non-Federal agency
18 that has received controlled property under this sec-
19 tion, the State coordinator responsible for each such
20 agency has verified that the coordinator or an agent
21 of the coordinator has conducted an in-person inven-
22 tory of the property transferred to the agency and
23 that 100 percent of such property was accounted for
24 during the inventory or that the agency has been

1 suspended from the program pursuant to paragraph
2 (4);

3 “(3) with respect to each Federal agency that
4 has received controlled property under this section,
5 the Secretary of Defense or an agent of the Sec-
6 retary has conducted an in-person inventory of the
7 property transferred to the agency and that 100 per-
8 cent of such property was accounted for during the
9 inventory or that the agency has been suspended
10 from the program pursuant to paragraph (4);

11 “(4) the eligibility of any agency that has re-
12 ceived controlled property under this section for
13 which 100 percent of the property was not ac-
14 counted for during an inventory described in para-
15 graph (1) or (2), as applicable, to receive any prop-
16 erty transferred under this section has been sus-
17 pended; and

18 “(5) each State coordinator has certified, for
19 each non-Federal agency located in the State for
20 which the State coordinator is responsible that—

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

23 “(B) the eligibility of the agency to receive
24 property transferred under this section has been
25 suspended; and

1 “(6) the Secretary of Defense has certified, for
2 each Federal agency that has received property
3 under this section that—

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

6 “(B) the eligibility of the agency to receive
7 property transferred under this section has been
8 suspended.

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

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

18 “(j) NOTICE TO CONGRESS OF PROPERTY CANNIBAL-
19 IZATION.—Before the Defense Logistics Agency author-
20 izes the recipient of property transferred under this sec-
21 tion to cannibalize the property, the Secretary shall submit
22 to Congress notice of such authorization, including the
23 name of the recipient requesting the authorization, the
24 purpose of the proposed cannibalization, and the type of
25 property proposed to be cannibalized.

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

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

10 “(1) The percentage of equipment lost by re-
11 cipients of property transferred under this section,
12 including specific information about the type of
13 property lost, the monetary value of such property,
14 and the recipient that lost the property.

15 “(2) The transfer of any new (condition code
16 A) property transferred under this section, including
17 specific information about the type of property, the
18 recipient of the property, the monetary value of each
19 item of the property, and the total monetary value
20 of all such property transferred during the fiscal
21 year.”.

22 “(2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall apply with respect to any
24 transfer of property made after the date of the en-
25 actment of this Act.

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

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

7 “(3) LOCAL TASK FORCES ON PUBLIC SAFETY
8 INNOVATION.—

9 “(A) IN GENERAL.—A law enforcement
10 program under paragraph (1)(A) may include
11 the development of best practices for and the
12 creation of local task forces on public safety in-
13 novation, charged with exploring and developing
14 new strategies for public safety, including non-
15 law enforcement strategies.

16 “(B) DEFINITION.—The term ‘local task
17 force on public safety innovation’ means an ad-
18 ministrative entity, created from partnerships
19 between community-based organizations and
20 other local stakeholders, that may develop inno-
21 vative law enforcement and non-law enforce-
22 ment strategies to enhance just and equitable
23 public safety, repair breaches of trust between
24 law enforcement agencies and the community
25 they pledge to serve, and enhance accountability
26 of law enforcement officers.”.

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

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

9 (c) USE OF COPS GRANT PROGRAM TO HIRE LAW
10 ENFORCEMENT OFFICERS WHO ARE RESIDENTS OF THE
11 COMMUNITIES THEY SERVE.—Section 1701(b) of title I
12 of the Omnibus Crime Control and Safe Streets Act of
13 1968 (34 U.S.C. 10381(b)), as amended by this Act, is
14 further amended—

15 (1) by redesignating paragraphs (23) and (24)
16 as paragraphs (26) and (27), respectively;

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

19 (3) by inserting after paragraph (22) the fol-
20 lowing:

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

1 “(A) where there are poor or fragmented
 2 relationships between police and residents of the
 3 community, or where there are high incidents of
 4 crime; and

5 “(B) that are the communities that the law
 6 enforcement officers serve, or that are in close
 7 proximity to the communities that the law en-
 8 forcement officers serve;

9 “(24) to collect data on the number of law en-
 10 forcement officers who are willing to relocate to the
 11 communities where they serve, and whether such law
 12 enforcement officer relocations have impacted crime
 13 in such communities;

14 “(25) to develop and publicly report strategies
 15 and timelines to recruit, hire, promote, retain, de-
 16 velop, and train a diverse and inclusive law enforce-
 17 ment workforce, consistent with merit system prin-
 18 ciples and applicable law;”.

19 **Subtitle C—Law Enforcement Body** 20 **Cameras**

21 **PART 1—FEDERAL POLICE CAMERA AND** 22 **ACCOUNTABILITY ACT**

23 **SEC. 371. SHORT TITLE.**

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

1 **SEC. 372. REQUIREMENTS FOR FEDERAL LAW ENFORCE-**
2 **MENT OFFICERS REGARDING THE USE OF**
3 **BODY CAMERAS.**

4 (a) DEFINITIONS.—In this section:

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

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

9 (A) means any identifiable Federal law en-
10 forcement officer or any identifiable suspect,
11 victim, detainee, conversant, injured party, or
12 other similarly situated person who appears on
13 the body camera recording; and

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

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

19 (b) REQUIREMENT TO WEAR BODY CAMERA.—

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

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

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

1 (B) be worn in a manner that maximizes
2 the camera's ability to capture video footage of
3 the officer's activities.

4 (c) REQUIREMENT TO ACTIVATE.—

5 (1) IN GENERAL.—Both the video and audio re-
6 cording functions of the body camera shall be acti-
7 vated whenever a Federal law enforcement officer is
8 responding to a call for service or at the initiation
9 of any other law enforcement or investigative stop
10 (as such term is defined in section 373) between a
11 Federal law enforcement officer and a member of
12 the public, except that when an immediate threat to
13 the officer's life or safety makes activating the cam-
14 era impossible or dangerous, the officer shall acti-
15 vate the camera at the first reasonable opportunity
16 to do so.

17 (2) ALLOWABLE DEACTIVATION.—The body
18 camera shall not be deactivated until the stop has
19 fully concluded and the Federal law enforcement of-
20 ficer leaves the scene.

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

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

3 (1) Prior to entering a private residence with-
4 out a warrant or in non-exigent circumstances, a
5 Federal law enforcement officer shall ask the occu-
6 pant if the occupant wants the officer to discontinue
7 use of the officer’s body camera. If the occupant re-
8 sponds affirmatively, the Federal law enforcement
9 officer shall immediately discontinue use of the body
10 camera.

11 (2) When interacting with an apparent crime
12 victim, a Federal law enforcement officer shall, as
13 soon as practicable, ask the apparent crime victim if
14 the apparent crime victim wants the officer to dis-
15 continue use of the officer’s body camera. If the ap-
16 parent crime victim responds affirmatively, the Fed-
17 eral law enforcement officer shall immediately dis-
18 continue use of the body camera.

19 (3) When interacting with a person seeking to
20 anonymously report a crime or assist in an ongoing
21 law enforcement investigation, a Federal law en-
22 forcement officer shall, as soon as practicable, ask
23 the person seeking to remain anonymous, if the per-
24 son seeking to remain anonymous wants the officer
25 to discontinue use of the officer’s body camera. If

1 the person seeking to remain anonymous responds
2 affirmatively, the Federal law enforcement officer
3 shall immediately discontinue use of the body cam-
4 era.

5 (f) RECORDING OF OFFERS TO DISCONTINUE USE
6 OF BODY CAMERA.—Each offer of a Federal law enforce-
7 ment officer to discontinue the use of a body camera made
8 pursuant to subsection (e), and the responses thereto,
9 shall be recorded by the body camera prior to dis-
10 continuing use of the body camera.

11 (g) LIMITATIONS ON USE OF BODY CAMERA.—Body
12 cameras shall not be used to gather intelligence informa-
13 tion based on First Amendment protected speech, associa-
14 tions, or religion, or to record activity that is unrelated
15 to a response to a call for service or a law enforcement
16 or investigative stop between a law enforcement officer
17 and a member of the public, and shall not be equipped
18 with or employ any facial recognition technologies.

19 (h) EXCEPTIONS.—Federal law enforcement offi-
20 cers—

21 (1) shall not be required to use body cameras
22 during investigative or enforcement stops with the
23 public in the case that—

1 (A) recording would risk the safety of a
2 confidential informant, citizen informant, or un-
3 dercover officer;

4 (B) recording would pose a serious risk to
5 national security; or

6 (C) the officer is a military police officer,
7 a member of the United States Army Criminal
8 Investigation Command, or a protective detail
9 assigned to a Federal or foreign official while
10 performing his or her duties; and

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

15 (i) RETENTION OF FOOTAGE.—

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

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

1 (A) Any person who is a subject of body
2 camera video footage, and their designated legal
3 counsel.

4 (B) A parent or legal guardian of a minor
5 subject of body camera video footage, and their
6 designated legal counsel.

7 (C) The spouse, next of kin, or legally au-
8 thorized designee of a deceased subject of body
9 camera video footage, and their designated legal
10 counsel.

11 (D) A Federal law enforcement officer
12 whose body camera recorded the video footage,
13 and their designated legal counsel, subject to
14 the limitations and restrictions in this part.

15 (E) The superior officer of a Federal law
16 enforcement officer whose body camera re-
17 corded the video footage, subject to the limita-
18 tions and restrictions in this part.

19 (F) Any defense counsel who claims, pur-
20 suant to a written affidavit, to have a reason-
21 able basis for believing a video may contain evi-
22 dence that exculpates a client.

23 (3) LIMITATION.—The right to inspect subject
24 to subsection (j)(1) shall not include the right to
25 possess a copy of the body camera video footage, un-

1 less the release of the body camera footage is other-
2 wise authorized by this part or by another applicable
3 law. When a body camera fails to capture some or
4 all of the audio or video of an incident due to mal-
5 function, displacement of camera, or any other
6 cause, any audio or video footage that is captured
7 shall be treated the same as any other body camera
8 audio or video footage under this part.

9 (j) ADDITIONAL RETENTION REQUIREMENTS.—Not-
10 withstanding the retention and deletion requirements in
11 subsection (i), the following shall apply to body camera
12 video footage under this part:

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

17 (A) any use of force; or

18 (B) an stop about which a complaint has
19 been registered by a subject of the video foot-
20 age.

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

24 (A) the Federal law enforcement officer
25 whose body camera recorded the video footage,

1 if that officer reasonably asserts the video foot-
2 age has evidentiary or exculpatory value in an
3 ongoing investigation;

4 (B) any Federal law enforcement officer
5 who is a subject of the video footage, if that of-
6 ficer reasonably asserts the video footage has
7 evidentiary or exculpatory value;

8 (C) any superior officer of a Federal law
9 enforcement officer whose body camera re-
10 corded the video footage or who is a subject of
11 the video footage, if that superior officer rea-
12 sonably asserts the video footage has evi-
13 dentiary or exculpatory value;

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

17 (E) any member of the public who is a
18 subject of the video footage;

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

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

23 (k) PUBLIC REVIEW.—For purposes of subpara-
24 graphs (E), (F), and (G) of subsection (j)(2), any member
25 of the public who is a subject of video footage, the parent

1 or legal guardian of a minor who is a subject of the video
2 footage, or a deceased subject's next of kin or legally au-
3 thorized designee, shall be permitted to review the specific
4 video footage in question in order to make a determination
5 as to whether they will voluntarily request it be subjected
6 to a minimum 3-year retention period.

7 (l) DISCLOSURE.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), all video footage of an interaction or
10 event captured by a body camera, if that interaction
11 or event is identified with reasonable specificity and
12 requested by a member of the public, shall be pro-
13 vided to the person or entity making the request in
14 accordance with the procedures for requesting and
15 providing government records set forth in the section
16 552a of title 5, United States Code.

17 (2) EXCEPTIONS.—The following categories of
18 video footage shall not be released to the public in
19 the absence of express written permission from the
20 non-law enforcement subjects of the video footage:

21 (A) Video footage not subject to a min-
22 imum 3-year retention period pursuant to sub-
23 section (j).

24 (B) Video footage that is subject to a min-
25 imum 3-year retention period solely and exclu-

1 sively pursuant to paragraph (1)(B) or (2) of
2 subsection (j).

3 (3) PRIORITY OF REQUESTS.—Notwithstanding
4 any time periods established for acknowledging and
5 responding to records requests in section 552a of
6 title 5, United States Code, responses to requests for
7 video footage that is subject to a minimum 3-year
8 retention period pursuant to subsection (j)(1)(A),
9 where a subject of the video footage is recorded
10 being killed, shot by a firearm, or grievously injured,
11 shall be prioritized and, if approved, the requested
12 video footage shall be provided as expeditiously as
13 possible, but in no circumstances later than 5 days
14 following receipt of the request.

15 (4) USE OF REDACTION TECHNOLOGY.—

16 (A) IN GENERAL.—Whenever doing so is
17 necessary to protect personal privacy, the right
18 to a fair trial, the identity of a confidential
19 source or crime victim, or the life or physical
20 safety of any person appearing in video footage,
21 redaction technology may be used to obscure
22 the face and other personally identifying char-
23 acteristics of that person, including the tone of
24 the person's voice, provided the redaction does
25 not interfere with a viewer's ability to fully,

1 completely, and accurately comprehend the
2 events captured on the video footage.

3 (B) REQUIREMENTS.—The following re-
4 quirements shall apply to redactions under sub-
5 paragraph (A):

6 (i) When redaction is performed on
7 video footage pursuant to this paragraph,
8 an unedited, original version of the video
9 footage shall be retained pursuant to the
10 requirements of subsections (i) and (j).

11 (ii) Except pursuant to the rules for
12 the redaction of video footage set forth in
13 this subsection or where it is otherwise ex-
14 pressly authorized by this Act, no other ed-
15 iting or alteration of video footage, includ-
16 ing a reduction of the video footage's reso-
17 lution, shall be permitted.

18 (m) PROHIBITED WITHHOLDING OF FOOTAGE.—
19 Body camera video footage may not be withheld from the
20 public on the basis that it is an investigatory record or
21 was compiled for law enforcement purposes where any per-
22 son under investigation or whose conduct is under review
23 is a police officer or other law enforcement employee and
24 the video footage relates to that person's conduct in their
25 official capacity.

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

5 (o) CONFIDENTIALITY.—No government agency or
6 official, or law enforcement agency, officer, or official may
7 publicly disclose, release, or share body camera video foot-
8 age unless—

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

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

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

23 (q) ADDITIONAL LIMITATIONS.—Video footage may
24 not be—

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

6 (2) divulged or used by any law enforcement
7 agency for any commercial or other non-law enforce-
8 ment purpose.

9 (r) THIRD PARTY MAINTENANCE OF FOOTAGE.—

10 Where a law enforcement agency authorizes a third party
11 to act as its agent in maintaining body camera footage,
12 the agent shall not be permitted to independently access,
13 view, or alter any video footage, except to delete videos
14 as required by law or agency retention policies.

15 (s) ENFORCEMENT.—

16 (1) IN GENERAL.—If any Federal law enforce-
17 ment officer, or any employee or agent of a Federal
18 law enforcement agency fails to adhere to the re-
19 cording or retention requirements contained in this
20 part, intentionally interferes with a body camera's
21 ability to accurately capture video footage, or other-
22 wise manipulates the video footage captured by a
23 body camera during or after its operation—

1 (A) appropriate disciplinary action shall be
2 taken against the individual officer, employee,
3 or agent;

4 (B) a rebuttable evidentiary presumption
5 shall be adopted in favor of a criminal defend-
6 ant who reasonably asserts that exculpatory evi-
7 dence was destroyed or not captured; and

8 (C) a rebuttable evidentiary presumption
9 shall be adopted on behalf of a civil plaintiff
10 suing the Government, a Federal law enforce-
11 ment agency, or a Federal law enforcement offi-
12 cer for damages based on misconduct who rea-
13 sonably asserts that evidence supporting their
14 claim was destroyed or not captured.

15 (2) PROOF COMPLIANCE WAS IMPOSSIBLE.—
16 The disciplinary action requirement and rebuttable
17 presumptions described in paragraph (1) may be
18 overcome by contrary evidence or proof of exigent
19 circumstances that made compliance impossible.

20 (t) USE OF FORCE INVESTIGATIONS.—In the case
21 that a Federal law enforcement officer equipped with a
22 body camera is involved in, a witness to, or within viewable
23 sight range of either the use of force by another law en-
24 forcement officer that results in a death, the use of force
25 by another law enforcement officer, during which the dis-

1 charge of a firearm results in an injury, or the conduct
2 of another law enforcement officer that becomes the sub-
3 ject of a criminal investigation—

4 (1) the law enforcement agency that employs
5 the law enforcement officer, or the agency or depart-
6 ment conducting the related criminal investigation,
7 as appropriate, shall promptly take possession of the
8 body camera, and shall maintain such camera, and
9 any data on such camera, in accordance with the ap-
10 plicable rules governing the preservation of evidence;

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

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

16 (u) LIMITATION ON USE OF FOOTAGE AS EVI-
17 DENCE.—Any body camera video footage recorded by a
18 Federal law enforcement officer that violates this part or
19 any other applicable law may not be offered as evidence
20 by any government entity, agency, department, prosecu-
21 torial office, or any other subdivision thereof in any crimi-
22 nal or civil action or proceeding against any member of
23 the public.

24 (v) PUBLICATION OF AGENCY POLICIES.—Any Fed-
25 eral law enforcement agency policy or other guidance re-

1 guarding body cameras, their use, or the video footage
2 therefrom that is adopted by a Federal agency or depart-
3 ment, shall be made publicly available on that agency's
4 website.

5 (w) RULE OF CONSTRUCTION.—Nothing in this part
6 shall be construed to preempt any laws governing the
7 maintenance, production, and destruction of evidence in
8 criminal investigations and prosecutions.

9 **SEC. 373. PATROL VEHICLES WITH IN-CAR VIDEO RECORD-**
10 **ING CAMERAS.**

11 (a) DEFINITIONS.—In this section:

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

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

18 (3) ENFORCEMENT OR INVESTIGATIVE STOP.—
19 The term “enforcement or investigative stop” means
20 an action by a Federal law enforcement officer in re-
21 lation to enforcement and investigation duties, in-
22 cluding traffic stops, pedestrian stops, abandoned
23 vehicle contacts, motorist assists, commercial motor
24 vehicle stops, roadside safety checks, requests for

1 identification, or responses to requests for emer-
2 gency assistance.

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

6 (5) IN-CAR VIDEO CAMERA RECORDING EQUIP-
7 MENT.—The term “in-car video camera recording
8 equipment” means a video camera recording system
9 located in a patrol vehicle consisting of a camera as-
10 sembly, recording mechanism, and an in-car video
11 recording medium.

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

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

21 (8) WIRELESS MICROPHONE.—The term “wire-
22 less microphone” means a device worn by a Federal
23 law enforcement officer or any other equipment used
24 to record conversations between the officer and a

1 second party and transmitted to the recording equip-
2 ment.

3 (b) REQUIREMENTS.—

4 (1) IN GENERAL.—Each Federal law enforce-
5 ment agency shall install in-car video camera record-
6 ing equipment in all patrol vehicles with a recording
7 medium capable of recording for a period of 10
8 hours or more and capable of making audio record-
9 ings with the assistance of a wireless microphone.

10 (2) RECORDING EQUIPMENT REQUIREMENTS.—

11 In-car video camera recording equipment with a re-
12 cording medium capable of recording for a period of
13 10 hours or more shall record activities—

14 (A) whenever a patrol vehicle is assigned
15 to patrol duty;

16 (B) outside a patrol vehicle whenever—

17 (i) a Federal law enforcement officer
18 assigned that patrol vehicle is conducting
19 an enforcement or investigative stop;

20 (ii) patrol vehicle emergency lights are
21 activated or would otherwise be activated if
22 not for the need to conceal the presence of
23 law enforcement; or

24 (iii) an officer reasonably believes re-
25 cording may assist with prosecution, en-

1 hance safety, or for any other lawful pur-
2 pose; and

3 (C) inside the vehicle when transporting an
4 arrestee or when an officer reasonably believes
5 recording may assist with prosecution, enhance
6 safety, or for any other lawful purpose.

7 (3) REQUIREMENTS FOR RECORDING.—

8 (A) IN GENERAL.—A Federal law enforce-
9 ment officer shall begin recording for an en-
10 forcement or investigative stop when the officer
11 determines an enforcement stop is necessary
12 and shall continue until the enforcement action
13 has been completed and the subject of the en-
14 forcement or investigative stop or the officer
15 has left the scene.

16 (B) ACTIVATION WITH LIGHTS.—A Fed-
17 eral law enforcement officer shall begin record-
18 ing when patrol vehicle emergency lights are ac-
19 tivated or when they would otherwise be acti-
20 vated if not for the need to conceal the presence
21 of law enforcement, and shall continue until the
22 reason for the activation ceases to exist, regard-
23 less of whether the emergency lights are no
24 longer activated.

1 (C) PERMISSIBLE RECORDING.—A Federal
2 law enforcement officer may begin recording if
3 the officer reasonably believes recording may
4 assist with prosecution, enhance safety, or for
5 any other lawful purpose; and shall continue
6 until the reason for recording ceases to exist.

7 (4) ENFORCEMENT OR INVESTIGATIVE
8 STOPS.—A Federal law enforcement officer shall
9 record any enforcement or investigative stop. Audio
10 recording shall terminate upon release of the violator
11 and prior to initiating a separate criminal investiga-
12 tion.

13 (c) RETENTION OF RECORDINGS.—Recordings made
14 on in-car video camera recording medium shall be retained
15 for a storage period of at least 90 days. Under no cir-
16 cumstances shall any recording made on in-car video cam-
17 era recording medium be altered or erased prior to the
18 expiration of the designated storage period. Upon comple-
19 tion of the storage period, the recording medium may be
20 erased and reissued for operational use unless otherwise
21 ordered or if designated for evidentiary or training pur-
22 poses.

23 (d) ACCESSIBILITY OF RECORDINGS.—Audio or video
24 recordings made pursuant to this section shall be available
25 under the applicable provisions of section 552a of title 5,

1 United States Code. Only recorded portions of the audio
2 recording or video recording medium applicable to the re-
3 quest will be available for inspection or copying.

4 (e) MAINTENANCE REQUIRED.—The agency shall en-
5 sure proper care and maintenance of in-car video camera
6 recording equipment and recording medium. An officer op-
7 erating a patrol vehicle must immediately document and
8 notify the appropriate person of any technical difficulties,
9 failures, or problems with the in-car video camera record-
10 ing equipment or recording medium. Upon receiving no-
11 tice, every reasonable effort shall be made to correct and
12 repair any of the in-car video camera recording equipment
13 or recording medium and determine if it is in the public
14 interest to permit the use of the patrol vehicle.

15 **SEC. 374. FACIAL RECOGNITION TECHNOLOGY.**

16 No camera or recording device authorized or required
17 to be used under this part may be equipped with or employ
18 facial recognition technology, and footage from such a
19 camera or recording device may not be subjected to facial
20 recognition technology.

21 **SEC. 375. GAO STUDY.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall conduct a study on Federal law enforcement officer

1 training, vehicle pursuits, use of force, and interaction
2 with citizens, and submit a report on such study to—

3 (1) the Committees on the Judiciary of the
4 House of Representatives and of the Senate;

5 (2) the Committee on Oversight and Reform of
6 the House of Representatives; and

7 (3) the Committee on Homeland Security and
8 Governmental Affairs of the Senate.

9 **SEC. 376. REGULATIONS.**

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

13 **SEC. 377. RULE OF CONSTRUCTION.**

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

17 **PART 2—POLICE CAMERA ACT**

18 **SEC. 381. SHORT TITLE.**

19 This part may be cited as the “Police Creating Ac-
20 countability by Making Effective Recording Available Act
21 of 2021” or the “Police CAMERA Act of 2021”.

22 **SEC. 382. LAW ENFORCEMENT BODY-WORN CAMERA RE-**
23 **QUIREMENTS.**

24 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)
25 of title I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
 2 334, is amended by adding at the end the following:

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

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

11 **“PART OO—LAW ENFORCEMENT BODY-WORN**

12 **CAMERAS AND RECORDED DATA**

13 **“SEC. 3051. USE OF GRANT FUNDS.**

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

16 “(1) shall be used—

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

20 “(B) for expenses related to the implemen-
 21 tation of a body-worn camera program in order
 22 to deter excessive force, improve accountability
 23 and transparency of use of force by law enforce-
 24 ment officers, assist in responding to com-

1 plaints against law enforcement officers, and
2 improve evidence collection; and

3 “(C) to implement policies or procedures to
4 comply with the requirements described in sub-
5 section (b); and

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

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

10 “(1) establish policies and procedures in accord-
11 ance with the requirements described in subsection
12 (c) before law enforcement officers use of body-worn
13 cameras;

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

17 “(3) make the policies and protocols described
18 in paragraphs (1) and (2) available to the public;
19 and

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

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

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

3 “(A) the safe and effective use of body-
4 worn cameras;

5 “(B) the secure storage, handling, and de-
6 struction of recorded data collected by body-
7 worn cameras;

8 “(C) protecting the privacy rights of any
9 individual who may be recorded by a body-worn
10 camera;

11 “(D) the release of any recorded data col-
12 lected by a body-worn camera in accordance
13 with the open records laws, if any, of the State;
14 and

15 “(E) making recorded data available to
16 prosecutors, defense attorneys, and other offi-
17 cers of the court in accordance with subpara-
18 graph (E); and

19 “(2) conduct periodic evaluations of the security
20 of the storage and handling of the body-worn camera
21 data.

22 “(d) RECORDED DATA COLLECTION AND RETEN-
23 TION PROTOCOL.—The recorded data collection and reten-
24 tion protocol described in this paragraph is a protocol
25 that—

1 “(1) requires—

2 “(A) a law enforcement officer who is
3 wearing a body-worn camera to provide an ex-
4 planation if an activity that is required to be re-
5 corded by the body-worn camera is not re-
6 corded;

7 “(B) a law enforcement officer who is
8 wearing a body-worn camera to obtain consent
9 to be recorded from a crime victim or witness
10 before interviewing the victim or witness;

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

14 “(D) the system used to store recorded
15 data collected by body-worn cameras to log all
16 viewing, modification, or deletion of stored re-
17 corded data and to prevent, to the greatest ex-
18 tent practicable, the unauthorized access or dis-
19 closure of stored recorded data;

20 “(E) any law enforcement officer be pro-
21 hibited from accessing the stored data without
22 an authorized purpose; and

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

1 “(i) incidences of use of force,
2 disaggregated by race, ethnicity, gender,
3 and age of the victim;

4 “(ii) the number of complaints filed
5 against law enforcement officers;

6 “(iii) the disposition of complaints
7 filed against law enforcement officers;

8 “(iv) the number of times camera
9 footage is used for evidence collection in
10 investigations of crimes; and

11 “(v) any other additional statistical
12 data that the Director determines should
13 be collected and reported;

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

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

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

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

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

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

2 “(1) IN GENERAL.—Recorded data collected by
3 an entity receiving a grant under a grant under sub-
4 part 1 of part E of this title from a body-worn cam-
5 era shall be used only in internal and external inves-
6 tigations of misconduct by a law enforcement agency
7 or officer, if there is reasonable suspicion that a re-
8 cording contains evidence of a crime, or for limited
9 training purposes. The Director shall establish rules
10 to ensure that the recorded data is used only for the
11 purposes described in this paragraph.

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

18 “(3) EXCEPTIONS.—

19 “(A) CRIMINAL INVESTIGATION.—An enti-
20 ty receiving a grant under subpart 1 of part E
21 of this title may transfer recorded data collected
22 by the entity from a body-worn camera to an-
23 other law enforcement agency or intelligence
24 agency for use in a criminal investigation if the
25 requesting law enforcement or intelligence agen-

1 cy has reasonable suspicion that the requested
2 data contains evidence relating to the crime
3 being investigated.

4 “(B) CIVIL RIGHTS CLAIMS.—An entity re-
5 ceiving a grant under subpart 1 of part E of
6 this title may transfer recorded data collected
7 by the law enforcement agency from a body-
8 worn camera to another law enforcement agen-
9 cy for use in an investigation of the violation of
10 any right, privilege, or immunity secured or
11 protected by the Constitution or laws of the
12 United States.

13 “(g) AUDIT AND ASSESSMENT.—

14 “(1) IN GENERAL.—Not later than 2 years
15 after the date of enactment of this part, the Director
16 of the Office of Audit, Assessment, and Management
17 shall perform an assessment of the use of funds
18 under this section and the policies and protocols of
19 the grantees.

20 “(2) REPORTS.—Not later than September 1 of
21 each year, beginning 2 years after the date of enact-
22 ment of this part, each recipient of a grant under
23 subpart 1 of part E of this title shall submit to the
24 Director of the Office of Audit, Assessment, and
25 Management a report that—

1 “(A) describes the progress of the body-
2 worn camera program; and

3 “(B) contains recommendations on ways in
4 which the Federal Government, States, and
5 units of local government can further support
6 the implementation of the program.

7 “(3) REVIEW.—The Director of the Office of
8 Audit, Assessment, and Management shall evaluate
9 the policies and protocols of the grantees and take
10 such steps as the Director of the Office of Audit, As-
11 sessment, and Management determines necessary to
12 ensure compliance with the program.

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

14 “(a) IN GENERAL.—The Director shall establish and
15 maintain a body-worn camera training toolkit for law en-
16 forcement agencies, academia, and other relevant entities
17 to provide training and technical assistance, including best
18 practices for implementation, model policies and proce-
19 dures, and research materials.

20 “(b) MECHANISM.—In establishing the toolkit re-
21 quired to under subsection (a), the Director may consoli-
22 date research, practices, templates, and tools that been de-
23 veloped by expert and law enforcement agencies across the
24 country.

1 **“SEC. 3053. STUDY.**

2 “(a) IN GENERAL.—Not later than 2 years after the
3 date of enactment of the Police CAMERA Act of 2021,
4 the Director shall conduct a study on—

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

7 “(2) the impact of body-worn cameras on the
8 accountability and transparency of the use of force
9 by law enforcement officers;

10 “(3) the impact of body-worn cameras on re-
11 sponses to and adjudications of complaints of exces-
12 sive force;

13 “(4) the effect of the use of body-worn cameras
14 on the safety of law enforcement officers on patrol;

15 “(5) the effect of the use of body-worn cameras
16 on public safety;

17 “(6) the impact of body-worn cameras on evi-
18 dence collection for criminal investigations;

19 “(7) issues relating to the secure storage and
20 handling of recorded data from the body-worn cam-
21 eras;

22 “(8) issues relating to the privacy of individuals
23 and officers recorded on body-worn cameras;

24 “(9) issues relating to the constitutional rights
25 of individuals on whom facial recognition technology
26 is used;

1 “(10) issues relating to limitations on the use
2 of facial recognition technology;

3 “(11) issues relating to the public’s access to
4 body-worn camera footage;

5 “(12) the need for proper training of law en-
6 forcement officers that use body-worn cameras;

7 “(13) best practices in the development of pro-
8 tocols for the safe and effective use of body-worn
9 cameras;

10 “(14) a review of law enforcement agencies that
11 found body-worn cameras to be unhelpful in the op-
12 erations of the agencies; and

13 “(15) any other factors that the Director deter-
14 mines are relevant in evaluating the efficacy of body-
15 worn cameras.

16 “(b) REPORT.—Not later than 180 days after the
17 date on which the study required under subsection (a) is
18 completed, the Director shall submit to Congress a report
19 on the study, which shall include any policy recommenda-
20 tions that the Director considers appropriate.”.

1 **TITLE IV—CLOSING THE LAW**
2 **ENFORCEMENT CONSENT**
3 **LOOPHOLE**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Closing the Law En-
6 forcement Consent Loophole Act of 2021”.

7 **SEC. 402. PROHIBITION ON ENGAGING IN SEXUAL ACTS**
8 **WHILE ACTING UNDER COLOR OF LAW.**

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

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

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

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

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

20 “(1) IN GENERAL.—Whoever, acting under
21 color of law, knowingly engages in a sexual act with
22 an individual, including an individual who is under
23 arrest, in detention, or otherwise in the actual cus-
24 tody of any Federal law enforcement officer, shall be

1 fined under this title, imprisoned not more than 15
2 years, or both.

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

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

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

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

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

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

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

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

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

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

1 **SEC. 403. ENACTMENT OF LAWS PENALIZING ENGAGING IN**
2 **SEXUAL ACTS WHILE ACTING UNDER COLOR**
3 **OF LAW.**

4 (a) IN GENERAL.—Beginning in the first fiscal year
5 that begins after the date that is one year after the date
6 of enactment of this Act, in the case of a State or unit
7 of local government that does not have in effect a law de-
8 scribed in subsection (b), if that State or unit of local gov-
9 ernment that would otherwise receive funds under the
10 COPS grant program, that State or unit of local govern-
11 ment shall not be eligible to receive such funds. In the
12 case of a multi-jurisdictional or regional consortium, if any
13 member of that consortium is a State or unit of local gov-
14 ernment that does not have in effect a law described in
15 subsection (b), if that consortium would otherwise receive
16 funds under the COPS grant program, that consortium
17 shall not be eligible to receive such funds.

18 (b) DESCRIPTION OF LAW.—A law described in this
19 subsection is a law that—

20 (1) makes it a criminal offense for any person
21 acting under color of law of the State or unit of local
22 government to engage in a sexual act with an indi-
23 vidual, including an individual who is under arrest,
24 in detention, or otherwise in the actual custody of
25 any law enforcement officer; and

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

4 (c) REPORTING REQUIREMENT.—A State or unit of
5 local government that receives a grant under the COPS
6 grant program shall submit to the Attorney General, on
7 an annual basis, information on—

8 (1) the number of reports made to law enforce-
9 ment agencies in that State or unit of local govern-
10 ment regarding persons engaging in a sexual act
11 while acting under color of law during the previous
12 year; and

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

16 **SEC. 404. REPORTS TO CONGRESS.**

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

21 (1) the information required to be reported to
22 the Attorney General under section 403(b); and

23 (2) information on—

24 (A) the number of reports made, during
25 the previous year, to Federal law enforcement

1 agencies regarding persons engaging in a sexual
2 act while acting under color of law; and

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

6 (b) REPORT BY GAO.—Not later than 1 year after
7 the date of enactment of this Act, and each year there-
8 after, the Comptroller General of the United States shall
9 submit to Congress a report on any violations of section
10 2243(c) of title 18, United States Code, as amended by
11 section 402, committed during the 1-year period covered
12 by the report.

13 **SEC. 405. DEFINITION.**

14 In this title, the term “sexual act” has the meaning
15 given the term in section 2246 of title 18, United States
16 Code.

17 **TITLE V—MISCELLANEOUS**
18 **PROVISIONS**

19 **SEC. 501. SEVERABILITY.**

20 If any provision of this Act, or the application of such
21 a provision to any person or circumstance, is held to be
22 unconstitutional, the remainder of this Act and the appli-
23 cation of the remaining provisions of this Act to any per-
24 son or circumstance shall not be affected thereby.

1 **SEC. 502. SAVINGS CLAUSE.**

2 Nothing in this Act shall be construed—

3 (1) to limit legal or administrative remedies
4 under section 1979 of the Revised Statutes of the
5 United States (42 U.S.C. 1983), section 210401 of
6 the Violent Crime Control and Law Enforcement
7 Act of 1994 (34 U.S.C. 12601), title I of the Omni-
8 bus Crime Control and Safe Streets Act of 1968 (34
9 U.S.C. 10101 et seq.), or title VI of the Civil Rights
10 Act of 1964 (42 U.S.C. 2000d et seq.);

11 (2) to affect any Federal, State, or Tribal law
12 that applies to an Indian Tribe because of the polit-
13 ical status of the Tribe; or

14 (3) to waive the sovereign immunity of an In-
15 dian Tribe without the consent of the Tribe.

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