

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

---

IN THE HOUSE OF REPRESENTATIVES

Ms. BASS (for herself and Mr. NADLER) introduced the following bill; which  
was referred to the Committee on \_\_\_\_\_

---

**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 “Justice in Policing Act of 2020”.

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

## 2

## 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. Best practices for local law enforcement agencies.

Subtitle C—Law Enforcement Body Cameras

PART I—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

Sec. 371. Short title.

Sec. 372. Requirements for federal uniformed 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 II—POLICE CAMERA ACT

Sec. 381. Short title.

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

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING ACT

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Lynching.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Severability.

Sec. 502. Savings clause.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **BYRNE GRANT PROGRAM.**—The term

4 “Byrne grant program” means any grant program

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

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

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

21 (4) FEDERAL LAW ENFORCEMENT OFFICER.—  
22 The term “Federal law enforcement officer” has the  
23 meaning given the term in section 115 of title 18,  
24 United States Code.

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**TITLE I—POLICE  
ACCOUNTABILITY  
Subtitle A—Holding Police  
Accountable in the Courts**

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

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

(1) by striking “willfully” and inserting “knowingly or with reckless disregard”; and

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

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

Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end the following: “It shall not be a defense or immunity to any action brought under this section against a local law enforcement officer (as defined in section 2 of the Justice in Policing Act of 2020) or a State correctional officer (as defined in section 1121(b) of title 18, United States Code) that—

“(1) the defendant was acting in good faith, or that the defendant believed, reasonably or otherwise,

1 that his or her conduct was lawful at the time when  
2 the conduct was committed; or

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

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

11 (a) SUBPOENA AUTHORITY.—Section 210401 of the  
12 Violent Crime Control and Law Enforcement Act of 1994  
13 (34 U.S.C. 12601) is amended—

14 (1) in subsection (b), by striking “paragraph  
15 (1)” and inserting “subsection (a)”; and

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

17 “(c) SUBPOENA AUTHORITY.—In carrying out the  
18 authority in subsection (b), the Attorney General may re-  
19 quire by subpoena the production of all information, docu-  
20 ments, reports, answers, records, accounts, papers, and  
21 other data in any medium (including electronically stored  
22 information), as well as any tangible thing and documen-  
23 tary evidence, and the attendance and testimony of wit-  
24 nesses necessary in the performance of the Attorney Gen-  
25 eral under subsection (b). Such a subpoena, in the case

1 of contumacy or refusal to obey, shall be enforceable by  
2 order of any appropriate district court of the United  
3 States.”.

4 (b) GRANT PROGRAM.—

5 (1) GRANTS AUTHORIZED.—The Attorney Gen-  
6 eral may award a grant to a State to assist the  
7 State in conducting pattern and practice investiga-  
8 tions at the State level.

9 (2) ELIGIBILITY.—In order for a State to be el-  
10 igible for a grant under paragraph (1), the attorney  
11 general of the State, or similar State official, shall  
12 have the authority to conduct pattern and practice  
13 investigations, as described in section 210401 of the  
14 Violent Crime Control and Law Enforcement Act of  
15 1994 (34 U.S.C. 12601), of governmental agencies  
16 in the State.

17 (3) APPLICATION.—A State seeking a grant  
18 under paragraph (1) shall submit an application in  
19 such form, at such time, and containing such infor-  
20 mation as the Attorney General may require.

21 (4) FUNDING.—There are authorized to be ap-  
22 propriated \$100,000,000 to the Attorney General for  
23 each of fiscal years 2020 through 2022 to carry out  
24 this subsection.



1 **SEC. 104. INDEPENDENT INVESTIGATIONS.**

2 (a) IN GENERAL.—

3 (1) DEFINITIONS.—In this subsection:

4 (A) DEADLY FORCE.—The term “deadly  
5 force” means that force which a reasonable per-  
6 son would consider likely to cause death or seri-  
7 ous bodily harm.

8 (B) INDEPENDENT PROSECUTION.—The  
9 term “independent prosecution”, with respect to  
10 a criminal investigation or prosecution of a law  
11 enforcement officer’s use of deadly force, in-  
12 cludes using one or more of the following:

13 (i) Using an agency or civilian review  
14 board that investigates and independently  
15 reviews all officer use of force allegations.

16 (ii) Assigning the attorney general of  
17 the State in which the alleged crime was  
18 committed to conduct the criminal inves-  
19 tigation and prosecution.

20 (iii) Adopting a procedure under  
21 which an automatic referral is made to a  
22 special prosecutor appointed and overseen  
23 by the attorney general of the State in  
24 which the alleged crime was committed.

25 (iv) Adopting a procedure under  
26 which an independent prosecutor is as-

1 signed to investigate and prosecute the  
2 case.

3 (v) Having law enforcement agencies  
4 agree to and implement memoranda of un-  
5 derstanding with other law enforcement  
6 agencies under which the other law en-  
7 forcement agencies—

8 (I) shall conduct the criminal in-  
9 vestigation; and

10 (II) upon conclusion of the crimi-  
11 nal investigation, shall file a report  
12 with the attorney general of the State  
13 containing a determination regarding  
14 whether—

15 (aa) the use of deadly force  
16 was appropriate; and

17 (bb) any action should be  
18 taken by the attorney general of  
19 the State.

20 (vi) Using an independent prosecutor.

21 (C) INDEPENDENT PROSECUTION OF LAW  
22 ENFORCEMENT STATUTE.—The term “inde-  
23 pendent prosecution of law enforcement stat-  
24 ute” means a statute requiring an independent  
25 prosecution in a criminal matter in which—

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

3 (ii) one or more of the alleged offenses  
4 involves the law enforcement officer's use  
5 of deadly force in the course of carrying  
6 out that officer's duty; and

7 (iii) the law enforcement officer's use  
8 of deadly force resulted in a death or in-  
9 jury.

10 (D) INDEPENDENT PROSECUTION.—The  
11 term “independent prosecution”, with respect to  
12 a criminal investigation or prosecution of a law  
13 enforcement officer's use of deadly force, in-  
14 cludes using one or more of the following:

15 (i) Using an agency or civilian review  
16 board that investigates and independently  
17 reviews all officer use of force allegations.

18 (ii) Assigning the attorney general of  
19 the State in which the alleged crime was  
20 committed to conduct the criminal inves-  
21 tigation and prosecution.

22 (iii) Adopting a procedure under  
23 which an automatic referral is made to a  
24 special prosecutor appointed and overseen

1 by the attorney general of the State in  
2 which the alleged crime was committed.

3 (iv) Having law enforcement agencies  
4 agree to and implement memoranda of un-  
5 derstanding with other law enforcement  
6 agencies under which the other law en-  
7 forcement agencies—

8 (I) shall conduct the criminal in-  
9 vestigation; and

10 (II) upon conclusion of the crimi-  
11 nal investigation, shall file a report  
12 with the attorney general of the State  
13 containing a determination regarding  
14 whether—

15 (aa) the use of deadly force  
16 was appropriate; and

17 (bb) any action should be  
18 taken by the attorney general of  
19 the State.

20 (v) Using an independent prosecutor.

21 (E) INDEPENDENT PROSECUTOR.—The  
22 term “independent prosecutor” means, with re-  
23 spect to a criminal investigation or prosecution  
24 of a law enforcement officer’s use of deadly  
25 force, a prosecutor who—

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

5 (ii) would not be involved in the pros-  
6 ecution in the ordinary course of that pros-  
7 ecutor's duties.

8 (2) GRANT PROGRAM.—The Attorney General  
9 may award grants to eligible States and Indian  
10 Tribes to assist in implementing an independent  
11 prosecution of law enforcement statute.

12 (3) ELIGIBILITY.—To be eligible for a grant  
13 under this subsection, a State shall, as of the last  
14 day of the prior fiscal year, have enacted and have  
15 in effect an independent prosecution of law enforce-  
16 ment statute.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—  
18 There are authorized to be appropriated to the At-  
19 torney General \$750,000,000 for fiscal years 2020  
20 through 2022 to carry out this subsection.

21 (b) COPS GRANT PROGRAM USED FOR CIVILIAN RE-  
22 VIEW BOARDS.—Part Q of title I of the of the Omnibus  
23 Crime Control and Safe Streets Act of 1968 (34 U.S.C.  
24 10381 et seq.) is amended—

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

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

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

5 (C) by inserting after paragraph (21) the  
6 following:

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

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

11 “(8) ‘civilian review board’ means an adminis-  
12 trative entity that—

13 “(A) is independent and adequately fund-  
14 ed;

15 “(B) has investigatory authority and staff  
16 subpoena power;

17 “(C) has representative community diver-  
18 sity;

19 “(D) has policy making authority;

20 “(E) provides advocates for civilian com-  
21 plainants;

22 “(F) has mandatory police power to con-  
23 duct hearings; and

24 “(G) conducts statistical studies on pre-  
25 vailing complaint trends.”.

1           **Subtitle B—Law Enforcement**  
2                   **Trust and Integrity Act**

3   **SEC. 111. SHORT TITLE.**

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

6   **SEC. 112. DEFINITIONS.**

7           In this subtitle:

8           (1) **COMMUNITY-BASED ORGANIZATION.**—The  
9           term “community-based organization” means a  
10          grassroots organization that monitors the issue of  
11          police misconduct and that has a national presence  
12          and membership, such as the National Association  
13          for the Advancement of Colored People (NAACP),  
14          the American Civil Liberties Union (ACLU), the  
15          National Council of La Raza, the National Urban  
16          League, the National Congress of American Indians,  
17          or the National Asian Pacific American Legal Con-  
18          sortium (NAPALC).

19          (2) **LAW ENFORCEMENT ACCREDITATION ORGA-**  
20          **NIZATION.**—The term “law enforcement accredita-  
21          tion organization” means a professional law enforce-  
22          ment organization involved in the development of  
23          standards of accreditation for law enforcement agen-  
24          cies at the national, State, regional, or tribal level,

1 such as the Commission on Accreditation for Law  
2 Enforcement Agencies (CALEA).

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

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



1 Order of Police (FOP), and the National Association  
2 of School Resource Officers.

3 (5) PROFESSIONAL CIVILIAN OVERSIGHT ORGA-  
4 NIZATION.—The term “professional civilian oversight  
5 organization” means a membership organization  
6 formed to address and advance the cause of civilian  
7 oversight of law enforcement and whose members  
8 are from Federal, State, regional, local, or tribal or-  
9 ganizations that review issues or complaints against  
10 law enforcement agencies or individuals, such as the  
11 National Association for Civilian Oversight of Law  
12 Enforcement (NACOLE).

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

15 (a) STANDARDS.—

16 (1) INITIAL ANALYSIS.—The Attorney General  
17 shall perform an initial analysis of existing accredi-  
18 tation standards and methodology developed by law  
19 enforcement accreditation organizations nationwide,  
20 including national, State, regional, and tribal accred-  
21 itation organizations. Such an analysis shall include  
22 a review of the recommendations of the Final Report  
23 of the President’s Taskforce on 21st Century Polic-  
24 ing, issued in May 2015.

1           (2) DEVELOPMENT OF UNIFORM STANDARDS.—

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

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

11                           (i) early warning systems and related  
12                           intervention programs;

13                           (ii) use of force procedures;

14                           (iii) civilian review procedures;

15                           (iv) traffic and pedestrian stop and  
16                           search procedures;

17                           (v) data collection and transparency;

18                           (vi) administrative due process re-  
19                           quirements;

20                           (vii) video monitoring technology;

21                           (viii) juvenile justice and school safe-  
22                           ty; and

23                           (ix) training; and

24                   (B) recommend additional areas for the  
25                   development of national standards for the ac-

1           creditation of law enforcement agencies in con-  
2           sultation with existing law enforcement accredi-  
3           tation organizations, professional law enforce-  
4           ment associations, labor organizations, commu-  
5           nity-based organizations, and professional civil-  
6           ian oversight organizations.

7           (3) CONTINUING ACCREDITATION PROCESS.—

8           The Attorney General shall adopt policies and proce-  
9           dures to partner with law enforcement accreditation  
10          organizations, professional law enforcement associa-  
11          tions, labor organizations, community-based organi-  
12          zations, and professional civilian oversight organiza-  
13          tions to continue the development of further accredi-  
14          tation standards consistent with paragraph (2) and  
15          to encourage the pursuit of accreditation of Federal,  
16          State, local, and tribal law enforcement agencies by  
17          certified law enforcement accreditation organiza-  
18          tions.

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

23                 “(7) An assurance that, for each fiscal year  
24                 covered by an application, the applicant will use not  
25                 less than 5 percent of the total amount of the grant

1 award for the fiscal year to assist law enforcement  
2 agencies of the applicant, including campus public  
3 safety departments, gain or maintain accreditation  
4 from certified law enforcement accreditation organi-  
5 zations in accordance with section 113 of the Law  
6 Enforcement Trust and Integrity Act of 2020.”.

7 **SEC. 114. LAW ENFORCEMENT GRANTS.**

8 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)  
9 of title I of the Omnibus Crime Control and Safe Streets  
10 Act of 1968 (34 U.S.C. 10153(a)), as amended by section  
11 113, is amended by adding at the end the following:

12 “(8) An assurance that, for each fiscal year  
13 covered by an application, the applicant will use not  
14 less than 5 percent of the total amount of the grant  
15 award for the fiscal year to study and implement ef-  
16 fective management, training, recruiting, hiring, and  
17 oversight standards and programs to promote effec-  
18 tive community and problem solving strategies for  
19 law enforcement agencies in accordance with section  
20 114 of the Law Enforcement Trust and Integrity  
21 Act of 2020.”.

22 (b) **GRANT PROGRAM FOR COMMUNITY ORGANIZA-**  
23 **TIONS.**—The Attorney General may make grants to com-  
24 munity-based organizations to study and implement effec-  
25 tive management, training, recruiting, hiring, and over-

1 sight standards and programs to promote effective com-  
2 munity and problem solving strategies for law enforcement  
3 agencies.

4 (c) USE OF FUNDS.—Grant amounts described in  
5 paragraph (8) of section 502(a) of title I of the Omnibus  
6 Crime Control and Safe Streets Act of 1968 (34 U.S.C.  
7 10153(a)), as added by subsection (a) of this section, and  
8 grant amounts awarded under subsection (b) shall be used  
9 to—

10 (1) study of management and operations stand-  
11 ards for law enforcement agencies, including stand-  
12 ards relating to administrative due process, resi-  
13 dency requirements, compensation and benefits, use  
14 of force, racial profiling, early warning systems, ju-  
15 venile justice, school safety, civilian review boards or  
16 analogous procedures, or research into the effective-  
17 ness of existing programs, projects, or other activi-  
18 ties designed to address misconduct by law enforce-  
19 ment officers;

20 (2) to develop pilot programs and implement ef-  
21 fective standards and programs in the areas of train-  
22 ing, hiring and recruitment, and oversight that are  
23 designed to improve management and address mis-  
24 conduct by law enforcement officers.

1 (d) COMPONENTS OF PILOT PROGRAM.—A pilot pro-  
2 gram developed under subsection (c)(2) shall include the  
3 following:

4 (1) TRAINING.—Law enforcement policies,  
5 practices, and procedures addressing training and  
6 instruction to comply with accreditation standards in  
7 the areas of—

8 (A) the use of lethal, nonlethal force, and  
9 de-escalation;

10 (B) investigation of misconduct and prac-  
11 tices and procedures for referral to prosecuting  
12 authorities use of deadly force or racial  
13 profiling;

14 (C) disproportionate minority contact by  
15 law enforcement;

16 (D) tactical and defensive strategy;

17 (E) arrests, searches, and restraint;

18 (F) professional verbal communications  
19 with civilians;

20 (G) interactions with youth, the mentally  
21 ill, limited English proficiency, and multi-cul-  
22 tural 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 representative of the  
8 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       quirements inherent to complaint procedures for  
2       members of the public and law enforcement.

3           (4) JUVENILE JUSTICE AND SCHOOL SAFETY.—

4       The development of uniform standards on juvenile  
5       justice and school safety, including standards relat-  
6       ing to interaction and communication with juveniles,  
7       physical contact, use of lethal and nonlethal force,  
8       notification of a parent or guardian, interviews and  
9       questioning, custodial interrogation, audio and video  
10       recording, conditions of custody, alternatives to ar-  
11       rest, referral to child protection agencies, and re-  
12       moval from school grounds or campus.

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

17           (e) TECHNICAL ASSISTANCE.—

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

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



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

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

8 (g) APPLICATIONS.—

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

13 (2) APPROVAL.—A grant may not be made  
14 under this section unless an application has been  
15 submitted to, and approved by, the Attorney Gen-  
16 eral.

17 (h) PERFORMANCE EVALUATION.—

18 (1) MONITORING COMPONENTS.—

19 (A) IN GENERAL.—Each program, project,  
20 or activity funded under this section shall con-  
21 tain a monitoring component, which shall be de-  
22 veloped pursuant to guidelines established by  
23 the Attorney General.

24 (B) REQUIREMENT.—Each monitoring  
25 component required under subparagraph (A)

1 shall include systematic identification and col-  
2 lection of data about activities, accomplish-  
3 ments, and programs throughout the life of the  
4 program, project, or activity and presentation  
5 of such data in a usable form.

6 (2) EVALUATION COMPONENTS.—

7 (A) IN GENERAL.—Selected grant recipi-  
8 ents shall be evaluated on the local level or as  
9 part of a national evaluation, pursuant to  
10 guidelines established by the Attorney General.

11 (B) REQUIREMENTS.—An evaluation con-  
12 ducted under subparagraph (A) may include  
13 independent audits of police behavior and other  
14 assessments of individual program implementa-  
15 tions. In selected jurisdictions that are able to  
16 support outcome evaluations, the effectiveness  
17 of funded programs, projects, and activities  
18 may be required.

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

1           (i) REVOCATION OR SUSPENSION OF FUNDING.—If  
2 the Attorney General determines, as a result of monitoring  
3 under subsection (h) or otherwise, that a grant recipient  
4 under the Byrne grant program or under subsection (b)  
5 is not in substantial compliance with the requirements of  
6 this section, the Attorney General may revoke or suspend  
7 funding of that grant, in whole or in part.

8           (j) CIVILIAN REVIEW BOARD DEFINED.—In this sec-  
9 tion, the term “civilian review board” means an adminis-  
10 trative entity that—

11                 (1) is independent and adequately funded;

12                 (2) has investigatory authority and staff sub-  
13 poena power;

14                 (3) has representative community diversity;

15                 (4) has policy making authority;

16                 (5) provides advocates for civilian complainants;

17                 (6) has mandatory police power to conduct  
18 hearings; and

19                 (7) conducts statistical studies on prevailing  
20 complaint trends.

21           (k) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated to the Attorney General  
23 \$25,000,000 for fiscal year 2020 to carry out the grant  
24 program authorized under subsection (b).

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

2 (a) STUDY.—

3 (1) IN GENERAL.—The Attorney General shall  
4 conduct a nationwide study of the prevalence and ef-  
5 fect of any law, rule, or procedure that allows a law  
6 enforcement officer to delay the response to ques-  
7 tions posed by a local internal affairs officer, or re-  
8 view board on the investigative integrity and pros-  
9 ecution of law enforcement misconduct, including  
10 pre-interview warnings and termination policies.

11 (2) INITIAL ANALYSIS.—The Attorney General  
12 shall perform an initial analysis of existing State  
13 statutes to determine whether, at a threshold level,  
14 the effect of this type of rule or procedure raises  
15 material investigatory issues that could impair or  
16 hinder a prompt and thorough investigation of pos-  
17 sible misconduct, including criminal conduct, that  
18 would justify a wider inquiry.

19 (3) DATA COLLECTION.—After completion of  
20 the initial analysis under paragraph (2), and consid-  
21 ering material investigatory issues, the Attorney  
22 General shall gather additional data nationwide on  
23 similar rules from a representative and statistically  
24 significant sample of jurisdictions, to determine  
25 whether such rules and procedures raise such mate-  
26 rial investigatory issues.

1 (b) REPORTING.—

2 (1) INITIAL ANALYSIS.—Not later than 120  
3 days after the date of the enactment of this Act, the  
4 Attorney General shall—

5 (A) submit to Congress a report containing  
6 the results of the initial analysis conducted  
7 under subsection (a)(2);

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

10 (C) identify the jurisdictions for which the  
11 study described in subsection (a)(1) is to be  
12 conducted.

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

19 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated for fiscal  
21 year 2020, in addition to any other sums authorized to  
22 be appropriated for this purpose—

23 (1) \$25,000,000 for additional expenses relat-  
24 ing to the enforcement of section 210401 of the Vio-  
25 lent Crime Control and Law Enforcement Act of

1 1994 (34 U.S.C. 12601), criminal enforcement  
2 under sections 241 and 242 of title 18, United  
3 States Code, and administrative enforcement by the  
4 Department of Justice, including compliance with  
5 consent decrees or judgments entered into under  
6 such section 210401; and

7 (2) \$3,300,000 for additional expenses related  
8 to conflict resolution by the Department of Justice's  
9 Community Relations Service.

10 **SEC. 117. NATIONAL TASK FORCE ON LAW ENFORCEMENT**  
11 **OVERSIGHT.**

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

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

20 (1) The Special Litigation Section of the Civil  
21 Rights Division.

22 (2) The Criminal Section of the Civil Rights Di-  
23 vision.

24 (3) The Federal Coordination and Compliance  
25 Section of the Civil Rights Division.

1           (4) The Employment Litigation Section of the  
2 Civil Rights Division.

3           (5) The Disability Rights Section of the Civil  
4 Rights Division.

5           (6) The Office of Justice Programs.

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

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

10          (9) The Community Relations Service.

11          (10) The Office of Tribal Justice.

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

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

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

1 **SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCE-**  
2 **MENT PRACTICES.**

3 (a) **AGENCIES TO REPORT.**—Each Federal, State,  
4 and local law enforcement agency shall report data of the  
5 practices of that agency to the Attorney General.

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

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

15 (1) Traffic violation stops.

16 (2) Pedestrian stops.

17 (3) Frisk and body searches.

18 (4) Instances where officers or employees of the  
19 law enforcement agency used deadly force, includ-  
20 ing—

21 (A) a description of when and where dead-  
22 ly force was used, and whether it resulted in  
23 death;

24 (B) a description of deadly force directed  
25 against an officer or employee and whether it  
26 resulted in injury or death; and



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

4 (d) RETENTION OF DATA.—Each law enforcement  
5 agency required to report data under this section shall  
6 maintain records relating to any matter so reportable for  
7 not less than 4 years after those records are created.

8 (e) PENALTY FOR STATES FAILING TO REPORT AS  
9 REQUIRED.—

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

21 (2) REALLOCATION.—Amounts not allocated by  
22 reason of this subsection shall be reallocated to  
23 States not disqualified by failure to comply with this  
24 section.

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

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

7 **SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MIS-**  
8 **CONDUCT REGISTRY.**

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

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

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

19 (A) complaints that were found to be cred-  
20 ible or that resulted in disciplinary action of the  
21 law enforcement officer, disaggregated by wheth-  
22 er the complaint involved a use of force;

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

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

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

8           (3) Termination records, including the reason  
9           for each termination, disaggregated by whether the  
10          complaint involved a use of force.

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

13          (5) Records of lawsuits and settlements made  
14          against law enforcement officers.

15          (c) FEDERAL AGENCY REPORTING REQUIRE-  
16          MENTS.—Not later than 360 days after the date of enact-  
17          ment of this Act, and every 180 days thereafter, the head  
18          of each Federal law enforcement agency shall submit to  
19          the Attorney General the information described in sub-  
20          section (b).

21          (d) STATE AND LOCAL LAW ENFORCEMENT AGENCY  
22          REPORTING REQUIREMENTS.—Beginning in the first fis-  
23          cal year beginning after the date of enactment of this Act  
24          and each fiscal year thereafter in which a State receives  
25          funds under a Byrne grant program, the State shall, once

1 every 180 days, submit to the Attorney General the infor-  
2 mation described in subsection (b) for each local law en-  
3 forcement agency within the State.

4 (c) PUBLIC AVAILABILITY OF REGISTRY.—

5 (1) IN GENERAL.—In establishing the Registry  
6 required under subsection (a), the Attorney General  
7 shall make the Registry available to the public.

8 (2) PRIVACY PROTECTIONS.—Nothing in this  
9 subsection shall be construed to supersede the re-  
10 quirements or limitations under section 552a of title  
11 5, United States Code (commonly known as the  
12 “Privacy Act of 1974”).

13 **SEC. 202. CERTIFICATION REQUIREMENTS FOR HIRING OF**  
14 **LAW ENFORCEMENT OFFICERS.**

15 Beginning in the first fiscal year beginning after the  
16 date of enactment of this Act, a State or other jurisdiction  
17 may not receive funds under the Byrne grant program for  
18 a fiscal year if, on the day before the first day of the fiscal  
19 year, the State or other jurisdiction has not submitted to  
20 the National Police Misconduct Registry established under  
21 section 201 records demonstrating that all law enforce-  
22 ment officers of the State or other jurisdiction have com-  
23 pleted all State certification requirements during the 1-  
24 year period preceding the fiscal year.

1                   **Subtitle B—PRIDE Act**

2   **SEC. 221. SHORT TITLE.**

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

6   **SEC. 222. DEFINITIONS.**

7           In this subtitle:

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

12                   (2) LOCAL LAW ENFORCEMENT OFFICER.—The  
13          term “local law enforcement officer” includes a  
14          school resource officer.

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

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

23                           (A) assigned by the employing law enforce-  
24                           ment agency to a local educational agency or  
25                           school;

1 (B) contracting with a local educational  
2 agency or school; or

3 (C) employed by a local educational agency  
4 or school.

5 (5) USE OF FORCE.—The term “use of force”  
6 includes the use of a firearm, Taser, explosive de-  
7 vice, chemical agent (such as pepper spray), baton,  
8 impact projectile, blunt instrument, hand, fist, foot,  
9 canine, or vehicle against an individual.

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

11 (a) REPORTING REQUIREMENTS.—

12 (1) IN GENERAL.—Beginning in the first fiscal  
13 year beginning after the date of enactment of this  
14 Act and each fiscal year thereafter in which a State  
15 receives funds under a Byrne grant program, the  
16 State shall—

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

21 (i) any incident involving the shooting  
22 of a civilian by a local law enforcement of-  
23 ficer who is employed by the State or by  
24 a unit of local government in the State;

1 (ii) any incident involving the shooting  
2 of a local law enforcement officer described  
3 in clause (i) by a civilian;

4 (iii) any incident involving the death  
5 or arrest of a law enforcement officer;

6 (iv) any incident in which use of force  
7 by or against a local law enforcement offi-  
8 cer described in clause (i) occurs, which is  
9 not reported under clause (i), (ii), or (iii);

10 (v) deaths in custody; and

11 (vi) arrests and bookings.

12 (B) establish a system and a set of policies  
13 to ensure that all use of force incidents are re-  
14 ported by local law enforcement officers; and

15 (C) submit to the Attorney General a plan  
16 for the collection of data required to be re-  
17 ported under this section, including any modi-  
18 fications to a previously submitted data collec-  
19 tion plan.

20 (2) REPORT INFORMATION REQUIRED.—

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

24 (i) the national origin, sex, race, eth-  
25 nicity, age, disability, disability, English

1 language proficiency, and housing status of  
2 each civilian against whom a local law en-  
3 forcement officer used force;

4 (ii) the date, time, and location, in-  
5 cluding whether it was on school grounds,  
6 zip code, of the incident and whether the  
7 jurisdiction in which the incident occurred  
8 allows for the open-carry or concealed-  
9 carry of a firearm;

10 (iii) whether the civilian was armed,  
11 and, if so, the type of weapon the civilian  
12 had;

13 (iv) the type of force used against the  
14 officer, the civilian, or both, including the  
15 types of weapons used;

16 (v) the reason force was used;

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

19 (vii) the number of officers involved in  
20 the incident;

21 (viii) the number of civilians involved  
22 in the incident; and

23 (ix) a brief description regarding the  
24 circumstances surrounding the incident,  
25 which shall include information on—



1 (I) the type of force used by all  
2 involved persons;

3 (II) the legitimate police objective  
4 necessitating the use of force;

5 (III) the resistance encountered  
6 by each local law enforcement officer  
7 involved in the incident;

8 (IV) the efforts by local law en-  
9 forcement officers to—

10 (aa) de-escalate the situation  
11 in order to avoid the use of force;

12 or

13 (bb) minimize the level of  
14 force used; and

15 (V) if applicable, the reason why  
16 efforts described in subclause (IV)  
17 were not attempted.

18 (B) INCIDENTS REPORTED UNDER DEATH  
19 IN CUSTODY REPORTING ACT.—A State is not  
20 required to include in a report under subsection  
21 (a)(1) an incident reported by the State in ac-  
22 cordance with section 20104(a)(2) of the Vio-  
23 lent Crime Control and Law Enforcement Act  
24 of 1994 (34 U.S.C. 12104(a)(2)).

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

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

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

11           (4) COMPLIANCE PROCEDURE.—Prior to sub-  
12 mitting a report under paragraph (1)(A), the State  
13 submitting such report shall compare the informa-  
14 tion compiled to be reported pursuant to clause (i)  
15 of paragraph (1)(A) to open-source data records,  
16 and shall revise such report to include any incident  
17 determined to be missing from the report based on  
18 such comparison. Failure to comply with the proce-  
19 dures described in the previous sentence shall be  
20 considered a failure to comply with the requirements  
21 of this section.

22           (b) INELIGIBILITY FOR FUNDS.—

23                   (1) IN GENERAL.—For any fiscal year in which  
24 a State or Indian Tribe fails to comply with this sec-  
25 tion, the State or Indian Tribe, at the discretion of

1 the Attorney General, shall be subject to not more  
2 than a 10-percent reduction of the funds that would  
3 otherwise be allocated for that fiscal year to the  
4 State under a Byrne grant program.

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

11 (3) INFORMATION REGARDING SCHOOL RE-  
12 SOURCE OFFICERS.—The State shall ensure that all  
13 schools and local educational agencies within the ju-  
14 risdiction of the State provide the State with the in-  
15 formation needed regarding school resource officers  
16 to comply with this section.

17 (c) PUBLIC AVAILABILITY OF DATA.—

18 (1) IN GENERAL.—Not later than 1 year after  
19 the date of enactment of this Act, and each year  
20 thereafter, the Attorney General shall publish, and  
21 make available to the public, a report containing the  
22 data reported to the Attorney General under this  
23 section.

24 (2) PRIVACY PROTECTIONS.—Nothing in this  
25 subsection shall be construed to supersede the re-

1        requirements or limitations under section 552a of title  
2        5, United States Code (commonly known as the  
3        “Privacy Act of 1974”).

4        (d) GUIDANCE.—Not later than 180 days after the  
5        date of enactment of this Act, the Attorney General, in  
6        coordination with the Director of the Federal Bureau of  
7        Investigation, shall issue guidance on best practices relat-  
8        ing to establishing standard data collection systems that  
9        capture the information required to be reported under sub-  
10       section (a)(2), which shall include standard and consistent  
11       definitions for terms, including the term “use of force”  
12       which is consistent with the definition of such term in sec-  
13       tion 222.

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

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

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

22                (1) be an Indian Tribe or located in a State  
23                that receives funds under a Byrne grant program;

24                (2) employ not more than 100 local or tribal law  
25                enforcement officers;

1           (3) demonstrate that the use of force policy for  
2 local law enforcement officers employed by the law  
3 enforcement agency is publicly available; and

4           (4) establish and maintain a complaint system  
5 that—

6                 (A) may be used by members of the public  
7 to report incidents of use of force to the law en-  
8 forcement agency;

9                 (B) makes all information collected pub-  
10 licly searchable and available; and

11                (C) provide information on the status of an  
12 investigation.

13       (c) **ACTIVITIES DESCRIBED.**—A grant made under  
14 this section may be used by a law enforcement agency  
15 for—

16           (1) the cost of assisting the State or Indian  
17 Tribe in which the law enforcement agency is located  
18 in complying with the reporting requirements de-  
19 scribed in section 223;

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

23           (3) public awareness campaigns designed to  
24 gain information from the public on use of force by  
25 or against local and tribal law enforcement officers,

1 including shootings, which may include tip lines, hot-  
2 lines, and public service announcements; and

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

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

8 (a) IN GENERAL.—Not later than 1 year after the  
9 date of enactment of this Act, and each year thereafter,  
10 the Attorney General shall conduct an audit and review  
11 of the information provided under this subtitle to deter-  
12 mine whether each State described in section 223(a)(1)  
13 is in compliance with the requirements of this subtitle.

14 (b) CONSISTENCY IN DATA REPORTING.—

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

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

21 (B) in a manner consistent with civil and  
22 human rights laws for distribution of informa-  
23 tion to the public.

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

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

6           (B) seek public comment before finalizing  
7 the guidelines required under subparagraph  
8 (A).

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

10       The head of each Federal law enforcement agency  
11 shall submit to the Attorney General, on a quarterly basis  
12 and pursuant to guidelines established by the Attorney  
13 General, the information required to be reported by a  
14 State or Indian Tribe under section 223.

15 **SEC. 227. AUTHORIZATION OF APPROPRIATIONS.**

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

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

23 **SEC. 301. SHORT TITLE.**

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

1 **SEC. 302. DEFINITIONS.**

2 In this subtitle:

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

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

11 (B) the “Cops on the Beat” program  
12 under part Q of title I of the Omnibus Crime  
13 Control and Safe Streets Act of 1968 (34  
14 U.S.C. 10381 et seq.), except that no program,  
15 project, or other activity specified in section  
16 1701(b)(13) of such part shall be a covered  
17 program under this paragraph.

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

22 (3) HIT RATE.—The term “hit rate” means the  
23 percentage of stops and searches in which a law en-  
24 forcement officer finds drugs, a gun, or something  
25 else that leads to an arrest. The hit rate is cal-  
26 culated by dividing the total number of searches by



1 the number of searches that yield contraband. The  
2 hit rate is complementary to the rate of false stops.

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

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

13 (6) RACIAL PROFILING.—

14 (A) IN GENERAL.—The term “racial  
15 profiling” means the practice of a law enforce-  
16 ment agent or agency relying, to any degree, on  
17 actual or perceived race, ethnicity, national ori-  
18 gin, religion, gender, gender identity, or sexual  
19 orientation in selecting which individual to sub-  
20 ject to routine or spontaneous investigatory ac-  
21 tivities or in deciding upon the scope and sub-  
22 stance of law enforcement activity following the  
23 initial investigatory procedure, except when  
24 there is trustworthy information, relevant to the  
25 locality and timeframe, that links a person with

1 a particular characteristic described in this  
2 paragraph to an identified criminal incident or  
3 scheme.

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

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

17 (A) Interviews.

18 (B) Traffic stops.

19 (C) Pedestrian stops.

20 (D) Frisks and other types of body  
21 searches.

22 (E) Consensual or nonconsensual searches  
23 of the persons, property, or possessions (includ-  
24 ing vehicles) of individuals using any form of

1 public or private transportation, including mo-  
2 torists and pedestrians.

3 (F) Data collection and analysis, assess-  
4 ments, and predicated investigations.

5 (G) Inspections and interviews of entrants  
6 into the United States that are more extensive  
7 than those customarily carried out.

8 (H) Immigration-related workplace inves-  
9 tigations.

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

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

17 (A) are immaterial to the investigation;

18 (B) would result in the unnecessary disclo-  
19 sure of personal information; or

20 (C) would place a severe burden on the re-  
21 sources of the law enforcement agency given its  
22 size.

23 (9) STATE.—The term “State” means each of  
24 the 50 States, the District of Columbia, the Com-

1       monwealth of Puerto Rico, and any other territory  
2       or possession of the United States.

3           (10) UNIT OF LOCAL GOVERNMENT.—The term  
4       “unit of local government” means—

5           (A) any city, county, township, town, bor-  
6       ough, parish, village, or other general purpose  
7       political subdivision of a State; or

8           (B) any law enforcement district or judicial  
9       enforcement district that—

10           (i) is established under applicable  
11       State law; and

12           (ii) has the authority to, in a manner  
13       independent of other State entities, estab-  
14       lish a budget and impose taxes.

## 15       **PART I—PROHIBITION OF RACIAL PROFILING**

### 16       **SEC. 311. PROHIBITION.**

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

### 19       **SEC. 312. ENFORCEMENT.**

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

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

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

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

8 (3) any person with supervisory authority over  
9 such agent.

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

16 (d) ATTORNEY'S FEES.—In any action or proceeding  
17 to enforce this part against any governmental body, the  
18 court may allow a prevailing plaintiff, other than the  
19 United States, reasonable attorney's fees as part of the  
20 costs, and may include expert fees as part of the attorney's  
21 fee.

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

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

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

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

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

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

13 (1) a prohibition on racial profiling;

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

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

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

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

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

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

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

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

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

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

17 (1) a prohibition on racial profiling;

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

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

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

1 (c) EFFECTIVE DATE.—This section shall take effect  
2 12 months after the date of enactment of this Act.

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

4 (a) REGULATIONS.—

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

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

21 (b) NONCOMPLIANCE.—If the Attorney General de-  
22 termines that the recipient of a grant from any covered  
23 program is not in compliance with the requirements of sec-  
24 tion 331 or the regulations issued under subsection (a),  
25 the Attorney General shall withhold, in whole or in part



1 (at the discretion of the Attorney General), funds for one  
2 or more grants to the recipient under the covered pro-  
3 gram, until the recipient establishes compliance.

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

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

10 (a) TECHNICAL ASSISTANCE GRANTS FOR DATA  
11 COLLECTION.—

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

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

23 (3) ELIGIBLE GRANTEEES.—Grants or contracts  
24 under this section shall be awarded to law enforce-  
25 ment agencies that serve communities where there is

1 a significant concentration of racial or ethnic minori-  
2 ties and that are not already collecting data volun-  
3 tarily.

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

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

8 (2) training of law enforcement personnel on  
9 data collection, particularly for data collection on hit  
10 rates for stops and searches.

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

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to carry out activities  
19 under this section—

20 (1) \$5,000,000, over a 2-year period, to carry  
21 out the demonstration program under subsection  
22 (a); and

23 (2) \$500,000 to carry out the evaluation under  
24 subsection (c).

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

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  
5 114, is amended by adding at the end the following:

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

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

19 (1) The development and implementation of  
20 training to prevent racial profiling and to encourage  
21 more respectful interaction with the public.

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

24 (3) The development and acquisition of feed-  
25 back systems and technologies that identify officers

1 or units of officers engaged in, or at risk of engag-  
2 ing in, racial profiling or other misconduct.

3 (4) The establishment and maintenance of an  
4 administrative complaint procedure or independent  
5 auditor program.

6 **SEC. 335. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Attor-  
8 ney General such sums as are necessary to carry out this  
9 part.

10 **PART IV—DATA COLLECTION**

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

12 (a) REGULATIONS.—Not later than 6 months after  
13 the date of enactment of this Act, the Attorney General,  
14 in consultation with stakeholders, including Federal,  
15 State, and local law enforcement agencies and community,  
16 professional, research, and civil rights organizations, shall  
17 issue regulations for the collection and compilation of data  
18 under sections 321 and 331.

19 (b) REQUIREMENTS.—The regulations issued under  
20 subsection (a) shall—

21 (1) provide for the collection of data on all rou-  
22 tine or spontaneous investigatory activities;

23 (2) provide that the data collected shall—

24 (A) be collected by race, ethnicity, national  
25 origin, gender, disability, and religion;

1 (B) include the date, time, and location of  
2 such investigatory activities;

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

6 (D) not include personally identifiable in-  
7 formation;

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

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

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

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

23 (7) provide that the Department of Justice Bu-  
24 reau of Justice Statistics shall—

1 (A) analyze the data for any statistically  
2 significant disparities, including—

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

7 (ii) disparities in the hit rate; and

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

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

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

19 (ii) provide such report to Congress;  
20 and

21 (iii) make such report available to the  
22 public, including on a website of the De-  
23 partment of Justice, and in accordance  
24 with accessibility standards under the

1 Americans with Disabilities Act of 1990  
2 (42 U.S.C. 12101 et seq.); and

3 (8) protect the privacy of individuals whose  
4 data is collected by—

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

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

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

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

23 **SEC. 342. PUBLICATION OF DATA.**

24 The Department of Justice Bureau of Justice Statis-  
25 tics shall provide to Congress and make available to the

1 public, together with each annual report described in sec-  
2 tion 341, the data collected pursuant to this subtitle, ex-  
3 cluding any personally identifiable information described  
4 in section 343.

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

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

10 (1) released to the public;

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

12 (A) such disclosures as are necessary to  
13 comply with this subtitle;

14 (B) disclosures of information regarding a  
15 particular person to that person; or

16 (C) disclosures pursuant to litigation; or

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



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

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

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

10 (b) **REPORTS.**—

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

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

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

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

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

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

## 10 **Subtitle B—Additional Reforms**

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

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

15 (1) a training program to cover racial profiling,  
16 implicit bias, and procedural justice; and

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

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

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

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

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

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

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

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

1 only after providing notice of his or her authority and pur-  
2 pose.”.

3 (b) DEFINITION.—In this section, the term “no-  
4 knock warrant” means a warrant that allows a law en-  
5 forcement officer to enter a property without requiring the  
6 law enforcement officer to announce the presence of the  
7 law enforcement officer or the intention of the law enforce-  
8 ment officer to enter the property.

9 (c) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-  
10 ginning in the first fiscal year beginning after the date  
11 of enactment of this Act, a State or local jurisdiction may  
12 not receive funds under the COPS grant program for a  
13 fiscal year if, on the day before the first day of the fiscal  
14 year, the State or other jurisdiction does not have in effect  
15 a law that prohibits the issuance of a no-knock warrant  
16 in a drug case.

17 **SEC. 363. INCENTIVIZING BANNING OF CHOKEHOLDS AND**  
18 **CAROTID HOLDS.**

19 (a) DEFINITION.—In this section, the term  
20 “chokehold or carotid hold” means the application of any  
21 pressure to the throat or windpipe, the use of maneuvers  
22 that restrict blood or oxygen flow to the brain, or carotid  
23 artery restraints that prevent or hinder breathing or re-  
24 duce intake of air of an individual.

1 (b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-  
2 ginning in the first fiscal year beginning after the date  
3 of enactment of this Act, a State or local jurisdiction may  
4 not receive funds under the Byrne grant program or the  
5 COPS grant program for a fiscal year if, on the day before  
6 the first day of the fiscal year, the State or other jurisdic-  
7 tion does not have in effect a law that prohibits law en-  
8 forcement officers in the State or other jurisdiction from  
9 using a chokehold or carotid hold.

10 (c) CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.—  
11 Section 242 of title 18, United States Code, as amended  
12 by section 101, is amended by adding at the end the fol-  
13 lowing: “For the purposes of this section, the application  
14 of any pressure to the throat or windpipe, use of maneu-  
15 vers that restrict blood or oxygen flow to the brain, or  
16 carotid artery restraints which prevent or hinder breathing  
17 or reduce intake of air is a punishment, pain, or penalty.”.

18 **SEC. 364. PEACE ACT.**

19 (a) SHORT TITLE.—This section may be cited as the  
20 “Police Exercising Absolute Care With Everyone Act of  
21 2020” or the “PEACE Act of 2020”.

22 (b) USE OF FORCE BY FEDERAL LAW ENFORCE-  
23 MENT OFFICERS.—

24 (1) DEFINITIONS.—In this subsection:

1 (A) DEADLY FORCE.—The term “deadly  
2 force” means force that creates a substantial  
3 risk of causing death or serious bodily injury,  
4 including—

5 (i) the discharge of a firearm;

6 (ii) a maneuver that restricts blood or  
7 oxygen flow to the brain, including  
8 chokeholds, strangleholds, neck restraints,  
9 neckholds, and carotid artery restraints;  
10 and

11 (iii) multiple discharges of an elec-  
12 tronic control weapon.

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

1 (C) FEDERAL LAW ENFORCEMENT OFFI-  
2 CER.—The term “Federal law enforcement offi-  
3 cer” means any officer, agent, or employee of  
4 the United States authorized by law or by a  
5 Government agency to engage in or supervise  
6 the prevention, detection, investigation, or pros-  
7 ecution of any violation of Federal criminal law.

8 (D) LESS LETHAL FORCE.—The term  
9 “less lethal force” means any degree of force  
10 that is not likely to have lethal effect.

11 (E) NECESSARY.—The term “necessary”  
12 means that another reasonable Federal law en-  
13 forcement officer would objectively conclude,  
14 under the totality of the circumstances, that  
15 there was no reasonable alternative to the use  
16 of force.

17 (F) REASONABLE ALTERNATIVES.—

18 (i) IN GENERAL.—The term “reason-  
19 able alternatives” means tactics and meth-  
20 ods used by a Federal law enforcement of-  
21 ficer to effectuate an arrest that do not  
22 unreasonably increase the risk posed to the  
23 law enforcement officer or another person,  
24 including verbal communication, distance,  
25 warnings, deescalation tactics and tech-

1           niques, tactical repositioning, and other  
2           tactics and techniques intended to stabilize  
3           the situation and reduce the immediacy of  
4           the risk so that more time, options, and re-  
5           sources can be called upon to resolve the  
6           situation without the use of force.

7                   (ii) DEADLY FORCE.—With respect to  
8           the use of deadly force, the term “reason-  
9           able alternatives” includes the use of less  
10          lethal force.

11                   (G) TOTALITY OF THE CIRCUMSTANCES.—  
12          The term “totality of the circumstances” means  
13          all credible facts known to the Federal law en-  
14          forcement officer leading up to and at the time  
15          of the use of force, including the actions of the  
16          person against whom the Federal law enforce-  
17          ment officer uses such force and the actions of  
18          the Federal law enforcement officer.

19                   (2) PROHIBITION ON LESS LETHAL FORCE.—A  
20          Federal law enforcement officer may not use any  
21          less lethal force unless—

22                           (A) the form of less lethal force used is  
23                           necessary and proportional in order to effec-  
24                           tuate an arrest of a person who the officer has



1           probable cause to believe has committed a  
2           criminal offense; and

3           (B) reasonable alternatives to the use of  
4           the form of less lethal force have been ex-  
5           hausted.

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

7           A Federal law enforcement officer may not use  
8           deadly force against a person unless—

9           (A) the form of deadly force used is nec-  
10          essary, as a last resort, to prevent imminent  
11          and serious bodily injury or death to the officer  
12          or another person;

13          (B) the use of the form of deadly force cre-  
14          ates no substantial risk of injury to a third per-  
15          son; and

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

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

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

3 (B) notify the person that the law enforce-  
4 ment officer will use force against the person if  
5 the person resists arrest or flees.

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

15 (A) the types of less lethal force and dead-  
16 ly force that are prohibited under paragraphs  
17 (2) and (3); and

18 (B) how a Federal law enforcement officer  
19 can—

20 (i) assess whether the use of force is  
21 appropriate and necessary; and

22 (ii) use the least amount of force  
23 when interacting with—

24 (I) pregnant individuals;

75

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

3 (III) elderly persons;

4 (IV) persons with mental, behav-  
5 ioral, or physical disabilities or im-  
6 pairments;

7 (V) persons experiencing percep-  
8 tual or cognitive impairments due to  
9 use of alcohol, narcotics,  
10 hallucinogens, or other drugs;

11 (VI) persons suffering from a se-  
12 rious medical condition; and

13 (VII) persons with limited  
14 English proficiency.

15 (6) TRAINING.—The Attorney General shall  
16 provide training to Federal law enforcement officers  
17 on interacting people described in subclauses (I)  
18 through (VII) of paragraph (5)(B)(ii).

19 (7) LIMITATION ON JUSTIFICATION DE-  
20 FENSE.—

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

1 **“§ 1123. Limitation on justification defense for Fed-**  
2 **eral law enforcement officers**

3 “(a) IN GENERAL.—It is not a defense to an offense  
4 under section 1111 or 1112 that the use of less lethal  
5 force or deadly force was justified in the case of a Federal  
6 law enforcement officer—

7 “(1) whose use of such force was inconsistent  
8 with section 2 of the Police Exercising Absolute  
9 Care With Everyone Act of 2020; or

10 “(2) whose gross negligence, leading up to and  
11 at the time of the use of force, contributed to the  
12 necessity of the use of such force.

13 “(b) DEFINITIONS.—In this section—

14 “(1) the terms ‘deadly force’ and ‘less lethal  
15 force’ have the meanings given such terms in section  
16 2 of the Police Exercising Absolute Care With Ev-  
17 eryone Act of 2020; and

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

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

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

1           (c) LIMITATION ON THE RECEIPT OF FUNDS UNDER  
2 THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE  
3 GRANT PROGRAM.—

4           (1) LIMITATION.—A State or other jurisdiction,  
5 other than an Indian Tribe, may not receive funds  
6 that the State or other jurisdiction would otherwise  
7 receive under subpart 1 of part E of title I of the  
8 Omnibus Crime Control and Safe Streets Act of  
9 1968 (34 U.S.C. 10151 et seq.) for a fiscal year if,  
10 on the day before the first day of the fiscal year, the  
11 State or other jurisdiction does not have in effect a  
12 law that is consistent with subsection (b) of this Act  
13 and section 1123 of title 18, United States Code, as  
14 determined by the Attorney General.

15           (2) SUBSEQUENT ENACTMENT.—

16           (A) IN GENERAL.—If funds described in  
17 paragraph (1) are withheld from a State or  
18 other jurisdiction pursuant to paragraph (1) for  
19 1 or more fiscal years, and the State or other  
20 jurisdiction enacts or puts in place a law de-  
21 scribed in paragraph (1), and demonstrates  
22 substantial efforts to enforce such law, subject  
23 to subparagraph (B), the State or other juris-  
24 diction shall be eligible, in the fiscal year after  
25 the fiscal year during which the State or other

1 jurisdiction demonstrates such substantial ef-  
2 forts, to receive the total amount that the State  
3 or other jurisdiction would have received during  
4 each fiscal year for which funds were withheld.

5 (B) LIMIT ON AMOUNT OF PRIOR YEAR  
6 FUNDS.—A State or other jurisdiction may not  
7 receive funds under subparagraph (A) in an  
8 amount that is more than the amount withheld  
9 from the State or other jurisdiction during the  
10 5-fiscal-year period before the fiscal year during  
11 which funds are received under subparagraph  
12 (A).

13 (3) GUIDANCE.—Not later than 120 days after  
14 the date of enactment of this Act, the Attorney Gen-  
15 eral, in consultation with impacted persons, commu-  
16 nities, and organizations, including representatives  
17 of civil and human rights organizations, individuals  
18 against whom a law enforcement officer used force,  
19 and representatives of law enforcement associations,  
20 shall make guidance available to States and other  
21 jurisdictions on the criteria that the Attorney Gen-  
22 eral will use in determining whether the State or ju-  
23 risdiction has in place a law described in paragraph  
24 (1).

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

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

6           (a) FINDINGS.—Congress makes the following find-  
7           ings:

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

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

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

24          (4) As a result of the wars in Iraq and Afghani-  
25          stan, military equipment purchased for, and used in,

1 those wars has become excess property and has been  
2 made available for transfer to local and Federal law  
3 enforcement agencies.

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

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

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

15 (8) Though the moratorium was widely pub-  
16 licized, it was lifted in October 2013 without ade-  
17 quate safeguards.

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

23 (10) In July, 2017, the Government Account-  
24 ability Office reported that the program's internal



1 controls were inadequate to prevent fraudulent appli-  
2 cants' access to the program.

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

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

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

23 (b) LIMITATION ON DEPARTMENT OF DEFENSE  
24 TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW EN-  
25 FORCEMENT AGENCIES.—

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

3           (A) in subsection (a)—

4                 (i) in paragraph (1)(A), by striking  
5 “counterdrug, counterterrorism, and bor-  
6 der security activities” and inserting  
7 “counterterrorism”; and

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

11           (B) in subsection (b)—

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

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

16                 (iii) by adding at the end the fol-  
17 lowing new paragraphs:

18                 “(7) the recipient submits to the Department of  
19 Defense a description of how the recipient expects to  
20 use the property;

21                 “(8) the recipient certifies to the Department of  
22 Defense that if the recipient determines that the  
23 property is surplus to the needs of the recipient, the  
24 recipient will return the property to the Department  
25 of Defense;

1           “(9) with respect to a recipient that is not a  
2 Federal agency, the recipient certifies to the Depart-  
3 ment of Defense that the recipient notified the local  
4 community of the request for personal property  
5 under this section by—

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

8           “(B) posting such notice at several promi-  
9 nent locations in the jurisdiction of the recipi-  
10 ent; and

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

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

18           (C) by striking subsection (d);

19           (D) by redesignating subsections (e) and  
20 (f) as subsections (o) and (p), respectively; and

21           (E) by inserting after subsection (c) the  
22 following new subsections:

23           “(d) ANNUAL CERTIFICATION ACCOUNTING FOR  
24 TRANSFERRED PROPERTY.—(1) For each fiscal year, the  
25 Secretary shall submit to Congress certification in writing

1 that each Federal or State agency to which the Secretary  
2 has transferred property under this section—

3           “(A) has provided to the Secretary documenta-  
4 tion accounting for all controlled property, including  
5 arms and ammunition, that the Secretary has trans-  
6 ferred to the agency, including any item described in  
7 subsection (f) so transferred before the date of the  
8 enactment of the Stop Militarizing Law Enforce-  
9 ment Act; and

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

13           “(2) If the Secretary cannot provide a certification  
14 under paragraph (1) for a Federal or State agency, the  
15 Secretary may not transfer additional property to that  
16 agency under this section.

17           “(e) ANNUAL REPORT ON EXCESS PROPERTY.—Be-  
18 fore making any property available for transfer under this  
19 section, the Secretary shall annually submit to Congress  
20 a description of the property to be transferred together  
21 with a certification that the transfer of the property would  
22 not violate this section or any other provision of law.

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

1           “(A) Controlled firearms, ammunition, bayo-  
2           nets, grenade launchers, grenades (including stun  
3           and flash-bang) and explosives.

4           “(B) Controlled vehicles, highly mobile multi-  
5           wheeled vehicles, mine-resistant ambush-protected  
6           vehicles, trucks, truck dump, truck utility, and truck  
7           carryall.

8           “(C) Drones that are armored, weaponized, or  
9           both.

10          “(D) Controlled aircraft that—

11                 “(i) are combat configured or combat  
12                 coded; or

13                 “(ii) have no established commercial flight  
14                 application.

15          “(E) Silencers.

16          “(F) Long-range acoustic devices.

17          “(G) Items in the Federal Supply Class of  
18          banned items.

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

23          “(3) The limitations under this subsection shall also  
24          apply with respect to the transfer of previously transferred

1 property of the Department of Defense from one Federal  
2 or State agency to another such agency.

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

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

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

17               “(ii) require, as a condition of the waiver, that  
18 the recipient of the vehicle for which the waiver is  
19 issued provides public notice of the waiver and the  
20 transfer, including the type of vehicle and the pur-  
21 pose for which it is transferred, in the jurisdiction  
22 where the recipient is located by not later than 30  
23 days after the date on which the waiver is issued.

24       “(5) The Secretary may provide for an exemption to  
25 the limitation under subparagraph (D) of paragraph (1)

1 in the case of parts for aircraft described in such subpara-  
2 graph that are transferred as part of regular maintenance  
3 of aircraft in an existing fleet.

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

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

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

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

18 “(1) each Federal or State agency that has re-  
19 ceived controlled property transferred under this sec-  
20 tion has—

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

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

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

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

19           “(4) the eligibility of any agency that has re-  
20 ceived controlled property under this section for  
21 which 100 percent of the property was not ac-  
22 counted for during an inventory described in para-  
23 graph (1) or (2), as applicable, to receive any prop-  
24 erty transferred under this section has been sus-  
25 pended; and



1           “(5) each State coordinator has certified, for  
2 each non-Federal agency located in the State for  
3 which the State coordinator is responsible 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; and

9           “(6) the Secretary of Defense has certified, for  
10 each Federal agency that has received property  
11 under this section that—

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

14           “(B) the eligibility of the agency to receive  
15 property transferred under this section has been  
16 suspended.

17           “(h) PROHIBITION ON OWNERSHIP OF CONTROLLED  
18 PROPERTY.—A Federal or State agency that receives con-  
19 trolled property under this section may never take owner-  
20 ship of the property.

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

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

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

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

18           “(1) The percentage of equipment lost by re-  
19           cipients of property transferred under this section,  
20           including specific information about the type of  
21           property lost, the monetary value of such property,  
22           and the recipient that lost the property.

23           “(2) The transfer of any new (condition code  
24           A) property transferred under this section, including  
25           specific information about the type of property, the

1 recipient of the property, the monetary value of each  
2 item of the property, and the total monetary value  
3 of all such property transferred during the fiscal  
4 year.”.

5 (2) **EFFECTIVE DATE.**—The amendments made  
6 by paragraph (1) shall apply with respect to any  
7 transfer of property made after the date of the en-  
8 actment of this Act.

9 **SEC. 366. BEST PRACTICES FOR LOCAL LAW ENFORCE-**  
10 **MENT AGENCIES.**

11 (a) **COPS GRANTS USED FOR LOCAL TASK FORCES**  
12 **ON POLICING INNOVATION.**—Part Q of title I of the of  
13 the Omnibus Crime Control and Safe Streets Act of 1968  
14 (34 U.S.C. 10381 et seq.) is amended—

15 (1) in section 1701(b) (34 U.S.C. 13081(b)), as  
16 amended by section 104 of this Act, is amended—

17 (A) by redesignating paragraphs (23) and  
18 (24) as paragraphs (24) and (25), respectively;

19 (B) in paragraph (23), as so redesignated,  
20 by striking “(22)” and inserting “(23)”;

21 (C) by inserting after paragraph (22) the  
22 following:

23 “(23) to develop best practices for and to create  
24 local task forces on policing innovation;” and

1           (2) in section 1709 (34 U.S.C. 13089), as  
2 amended by section 104 of this Act, is amended by  
3 adding at the end the following:

4           “(9) ‘local task force on policing innovation’  
5 means an administrative entity that develops best  
6 practices and programs to enhance community serv-  
7 ice and accountability of law enforcement officers.”.

8           (b) ATTORNEY GENERAL TO CONDUCT STUDY.—

9           (1) STUDY.—

10           (A) IN GENERAL.—The Attorney General  
11 shall conduct a nationwide study of the preva-  
12 lence and effect of any law, rule, or procedure  
13 that allows a law enforcement officer to delay  
14 the response to questions posed by a local inter-  
15 nal affairs officer, or review board on the inves-  
16 tigative integrity and prosecution of law en-  
17 forcement misconduct, including pre-interview  
18 warnings and termination policies.

19           (B) INITIAL ANALYSIS.—The Attorney  
20 General shall perform an initial analysis of ex-  
21 isting State statutes to determine whether, at a  
22 threshold level, the effect of this type of rule or  
23 procedure raises material investigatory issues  
24 that could impair or hinder a prompt and thor-  
25 ough investigation of possible misconduct, in-

1 cluding criminal conduct, that would justify a  
2 wider inquiry.

3 (C) DATA COLLECTION.—After completion  
4 of the initial analysis under subparagraph (B),  
5 and considering material investigatory issues,  
6 the Attorney General shall gather additional  
7 data nationwide on similar rules from a rep-  
8 resentative and statistically significant sample  
9 of jurisdictions, to determine whether such rules  
10 and procedures raise such material investiga-  
11 tory issues.

12 (2) REPORTING.—

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

16 (i) submit to Congress a report con-  
17 taining the results of the initial analysis  
18 conducted under paragraph (1)(B);

19 (ii) make the report submitted under  
20 clause (i) available to the public; and

21 (iii) identify the jurisdictions for  
22 which the study described in paragraph  
23 (1)(A) is to be conducted.

24 (B) DATA COLLECTED.—Not later than 2  
25 years after the date of the enactment of this

1 Act, the Attorney General shall submit to Con-  
2 gress a report containing the results of the data  
3 collected under this section and publish the re-  
4 port in the Federal Register.

5 (c) CRISIS INTERVENTION TEAMS.—Section 501(c)  
6 of title I of the Omnibus Crime Control and Safe Streets  
7 Act of 1968 (34 U.S.C. 10152(c)) is amended by adding  
8 at the end the following:

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

13 (d) USE OF COPS GRANT PROGRAM TO HIRE LAW  
14 ENFORCEMENT OFFICERS WHO ARE RESIDENTS OF THE  
15 COMMUNITIES THEY SERVE.—Section 1701(b) of title I  
16 of the Omnibus Crime Control and Safe Streets Act of  
17 1968 (34 U.S.C. 10381(b)), as amended by subsection (a)  
18 of this section, is amended—

19 (1) by redesignating paragraphs (24) and (25)  
20 as paragraphs (27) and (28), respectively;

21 (2) in paragraph (27), as so redesignated, by  
22 striking “(23)” and inserting “(26)”; and

23 (3) by inserting after paragraph (23) the fol-  
24 lowing:

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

5                   “(A) where there are poor or fragmented  
6           relationships between police and residents of the  
7           community, or where there are high incidents of  
8           crime; and

9                   “(B) that are the communities that the law  
10          enforcement officers serve, or that are in close  
11          proximity to the communities that the law en-  
12          forcement officers serve;

13          “(25) to collect data on the number of law en-  
14          forcement officers who are willing to relocate to the  
15          communities where they serve, and whether such law  
16          enforcement officer relocations have impacted crime  
17          in such communities;

18                   “(26) to develop and publicly report strategies  
19          and timelines to recruit, hire, promote, retain, de-  
20          velop, and train a diverse and inclusive law enforce-  
21          ment workforce, consistent with merit system prin-  
22          ciples and applicable law;”.

1 **Subtitle C—Law Enforcement Body**  
 2 **Cameras**

3 **PART I—FEDERAL POLICE CAMERA AND**  
 4 **ACCOUNTABILITY ACT**

5 **SEC. 371. SHORT TITLE.**

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

8 **SEC. 372. REQUIREMENTS FOR FEDERAL UNIFORMED OFFI-**  
 9 **CERS REGARDING THE USE OF BODY CAM-**  
 10 **ERAS.**

11 (a) DEFINITIONS.—In this section:

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

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

16 (A) means any identifiable uniformed offi-  
 17 cer or any identifiable suspect, victim, detainee,  
 18 conversant, injured party, or other similarly sit-  
 19 uated person who appears on the body camera  
 20 recording; and

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

23 (3) UNIFORMED OFFICER.—The term “uni-  
 24 formed officer” means any person authorized by law  
 25 to conduct searches and effectuate arrests, either



1 with or without a warrant, and who is employed by  
2 the Federal Government.

3 (4) USE OF FORCE.—The term “use of force”  
4 means any action by a uniformed officer that—

5 (A) results in death, injury, complaint of  
6 injury, or complaint of pain that persists be-  
7 yond the use of a physical control hold;

8 (B) involves the use of a weapon, including  
9 a personal body weapon, chemical agent, impact  
10 weapon, extended range impact weapon, sonic  
11 weapon, sensory weapon, conducted energy de-  
12 vice, or firearm, against a member of the pub-  
13 lic; or

14 (C) involves any intentional pointing of a  
15 firearm at a member of the public.

16 (5) 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.—Uniformed officers with the  
21 authority to conduct searches and make arrests shall  
22 wear a body camera.

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

1 (A) have a field of view at least as broad  
2 as the officer's vision; and

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

6 (c) REQUIREMENT TO ACTIVATE.—

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

17 (2) ALLOWABLE DEACTIVATION.—The body  
18 camera shall not be deactivated until the encounter  
19 has fully concluded and the uniformed officer leaves  
20 the scene.

21 (d) NOTIFICATION OF SUBJECT OF RECORDING.—A  
22 uniformed officer who is wearing a body camera shall no-  
23 tify any subject of the recording that he or she is being  
24 recorded by a body camera as close to the inception of  
25 the encounter 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 uniformed officer shall ask the occupant if the occu-  
6 pant wants the officer to discontinue use of the offi-  
7 cer's body camera. If the occupant responds affirma-  
8 tively, the uniformed officer shall immediately dis-  
9 continue use of the body camera. The officer shall  
10 record such communication using the officer's body  
11 camera.

12 (2) When interacting with an apparent crime  
13 victim, a uniformed officer shall, as soon as prac-  
14 ticable, ask the apparent crime victim if the appar-  
15 ent crime victim wants the officer to discontinue use  
16 of the officer's body camera. If the apparent crime  
17 victim responds affirmatively, the uniformed officer  
18 shall immediately discontinue use of the body cam-  
19 era.

20 (3) When interacting with a person seeking to  
21 anonymously report a crime or assist in an ongoing  
22 law enforcement investigation, a uniformed officer  
23 shall, as soon as practicable, ask the person seeking  
24 to remain anonymous, if the person seeking to re-  
25 main anonymous wants the officer to discontinue use

1 of the officer's body camera. If the person seeking  
2 to remain anonymous responds affirmatively, the  
3 uniformed officer shall immediately discontinue use  
4 of the body camera.

5 (f) RECORDING OF OFFERS TO DISCONTINUE USE  
6 OF BODY CAMERA.—Each offer of a uniformed officer to  
7 discontinue the use of a body camera made pursuant to  
8 subsection (d), and the responses thereto, shall be re-  
9 corded by the body camera prior to discontinuing use of  
10 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 encounter between a law enforcement offi-  
17 cer and a member of the public, and shall not be equipped  
18 with or subjected to any real time facial recognition tech-  
19 nologies.

20 (h) EXCEPTIONS.—Uniformed officers—

21 (1) shall not be required to use body cameras  
22 during investigative or enforcement encounters with  
23 the 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 of a minor subject of body  
5 camera video footage, and their designated legal  
6 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 uniformed officer whose body cam-  
12 era recorded the video footage, and their des-  
13 ignated legal counsel, subject to the limitations  
14 and restrictions in this part.

15           (E) The superior officer of a uniformed of-  
16 ficer whose body camera recorded the video  
17 footage, subject to the limitations and restric-  
18 tions 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 the law.

9 (j) ADDITIONAL RETENTION REQUIREMENTS.—Not-  
10 withstanding the retention and deletion requirements in  
11 subsection (i):

12 (1) Video footage shall be automatically re-  
13 tained for not less than 3 years if the video footage  
14 captures an interaction or event involving—

15 (A) any use of force; or

16 (B) an encounter about which a complaint  
17 has been registered by a subject of the video  
18 footage.

19 (2) Body camera video footage shall also be re-  
20 tained for not less than 3 years if a longer retention  
21 period is voluntarily requested by—

22 (A) the uniformed officer whose body cam-  
23 era recorded the video footage, if that officer  
24 reasonably asserts the video footage has evi-

1           dentiary or exculpatory value in an ongoing in-  
2           vestigation;

3           (B) any uniformed officer who is a subject  
4           of the video footage, if that officer reasonably  
5           asserts the video footage has evidentiary or ex-  
6           culpatory value;

7           (C) any superior officer of a uniformed of-  
8           ficer whose body camera recorded the video  
9           footage or who is a subject of the video footage,  
10          if that superior officer reasonably asserts the  
11          video footage has evidentiary or exculpatory  
12          value;

13          (D) any uniformed officer, if the video  
14          footage is being retained solely and exclusively  
15          for police training purposes;

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

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

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

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



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

6 (1) DISCLOSURE.—

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

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

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

23 (B) video footage that is subject to a min-  
24 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 the requested video footage  
12 shall be provided as expeditiously as possible, but in  
13 no circumstances later than 5 days following receipt  
14 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  
11 (j) other editing or alteration of video foot-  
12 age, including a reduction of the video  
13 footage's resolution, shall be permitted.

14 (5) APPLICABILITY.—The provisions governing  
15 the production of body camera video footage to the  
16 public in this part shall take precedence over all  
17 other State and local laws, rules, and regulations to  
18 the contrary.

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

1 the video footage relates to that person's on-the-job con-  
2 duct.

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

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

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

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

16 (p) LIMITATION ON UNIFORMED OFFICER VIEWING  
17 OF BODY CAMERA FOOTAGE.—No uniformed officer shall  
18 review or receive an accounting of any body camera video  
19 footage that is subject to a minimum 3-year retention pe-  
20 riod pursuant to subsection (j)(1) prior to completing any  
21 required initial reports, statements, and interviews regard-  
22 ing the recorded event, unless doing so is necessary, while  
23 in the field, to address an immediate threat to life or safe-  
24 ty.

1 (q) ADDITIONAL LIMITATIONS.—Video footage may  
2 not be—

3 (1) in the case of footage that is not subject to  
4 a minimum 3-year retention period, viewed by any  
5 superior officer of a uniformed officer whose body  
6 camera recorded the footage absent a specific allega-  
7 tion of misconduct;

8 (2) subjected to facial recognition or any other  
9 form of automated analysis or analytics of any kind,  
10 unless—

11 (A) a judicial warrant providing authoriza-  
12 tion is obtained;

13 (B) the judicial warrant specifies the pre-  
14 cise video recording to which the authorization  
15 applies; and

16 (C) the authorizing court finds there is  
17 probable cause to believe that the requested use  
18 of facial recognition is relevant to an ongoing  
19 criminal investigation; or

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

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

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

4 (s) ENFORCEMENT.—

5 (1) IN GENERAL.—If any uniformed officer,  
6 employee, or agent fails to adhere to the recording  
7 or retention requirements contained in this part, in-  
8 tentiously interfere with a body camera's ability to  
9 accurately capture video footage, or otherwise ma-  
10 nipulate the video footage captured by a body cam-  
11 era during or after its operation—

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

15 (B) a rebuttable evidentiary presumption  
16 shall be adopted in favor of criminal defendants  
17 who reasonably assert that exculpatory evidence  
18 was destroyed or not captured; and

19 (C) a rebuttable evidentiary presumption  
20 shall be adopted on behalf of civil plaintiffs  
21 suing the government, a law enforcement agen-  
22 cy and/or uniformed officers for damages based  
23 on police misconduct who reasonably assert that  
24 evidence supporting their claim was destroyed  
25 or not captured.

1           (2) PROOF COMPLIANCE WAS IMPOSSIBLE.—

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

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

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

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

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

3           (u) LIMITATION ON USE OF FOOTAGE AS EVI-  
4 DENCE.—Any body camera video footage recorded in con-  
5 travention of this part or any other applicable law may  
6 not be offered as evidence by any government entity, agen-  
7 cy, department, prosecutorial office, or any other subdivi-  
8 sion thereof in any criminal or civil action or proceeding  
9 against any member of the public.

10          (v) PUBLICATION OF AGENCY POLICIES.—Any law  
11 enforcement policy or other guidance regarding body cam-  
12 eras, their use, or the video footage therefrom that is  
13 adopted by a Federal agency or department, shall be made  
14 publicly available on that agency's website.

15          (w) RULE OF CONSTRUCTION.—Nothing in this part  
16 shall be construed to contravene any laws governing the  
17 maintenance, production, and destruction of evidence in  
18 criminal investigations and prosecutions.

19 **SEC. 373. PATROL VEHICLES WITH IN-CAR VIDEO RECORD-**  
20 **ING CAMERAS.**

21          (a) DEFINITIONS.—In this section:

22           (1) AUDIO RECORDING.—The term “audio re-  
23 cording” means the recorded conversation between  
24 an officer and a second party.



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

4           (3) ENFORCEMENT STOP.—The term “enforce-  
5           ment stop” means an action by an officer in relation  
6           to enforcement and investigation duties, including  
7           traffic stops, pedestrian stops, abandoned vehicle  
8           contacts, motorist assists, commercial motor vehicle  
9           stops, roadside safety checks, requests for identifica-  
10          tion, or responses to requests for emergency assist-  
11          ance.

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

15          (5) IN-CAR VIDEO CAMERA RECORDING EQUIP-  
16          MENT.—The term “in-car video camera recording  
17          equipment” means a video camera recording system  
18          located in a patrol vehicle consisting of a camera as-  
19          sembly, recording mechanism, and an in-car video  
20          recording medium.

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

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

6           (8) WIRELESS MICROPHONE.—The term “wire-  
7           less microphone” means a device worn by the officer  
8           or any other equipment used to record conversations  
9           between the officer and a second party and trans-  
10          mitted to the recording equipment.

11         (b) REQUIREMENTS.—

12           (1) IN GENERAL.—Each Federal law enforce-  
13          ment agency shall install in-car video camera record-  
14          ing equipment in all patrol vehicles with a recording  
15          medium capable of recording for a period of 10  
16          hours or more and capable of making audio record-  
17          ings with the assistance of a wireless microphone.

18           (2) RECORDING EQUIPMENT REQUIREMENTS.—  
19          In-car video camera recording equipment with a re-  
20          cording medium capable of recording for a period of  
21          10 hours or more shall record activities—

22                   (A) outside a patrol vehicle whenever—

23                           (i) an officer assigned a patrol vehicle  
24                           is conducting an enforcement stop;

1 (ii) patrol vehicle emergency lights are  
2 activated or would otherwise be activated if  
3 not for the need to conceal the presence of  
4 law enforcement; or

5 (iii) an officer reasonably believes re-  
6 cording may assist with prosecution, en-  
7 hance safety, or for any other lawful pur-  
8 pose. In-car video camera recording equip-  
9 ment with a recording medium incapable of  
10 recording for a period of 10 hours or more  
11 shall record activities inside the vehicle  
12 when transporting an arrestee or when an  
13 officer reasonably believes recording may  
14 assist with prosecution, enhance safety, or  
15 for any other lawful purpose; and

16 (B) shall record activities whenever a pa-  
17 trol vehicle is assigned to patrol duty.

18 (3) REQUIREMENTS FOR RECORDING.—

19 (A) IN GENERAL.—Recording for an en-  
20 forcement stop shall begin when the officer de-  
21 termines an enforcement stop is necessary and  
22 shall continue until the enforcement action has  
23 been completed and the subject of the enforce-  
24 ment stop or the officer has left the scene.

1           (B) ACTIVATION WITH LIGHTS.—Record-  
2           ing shall begin when patrol vehicle emergency  
3           lights are activated or when they would other-  
4           wise be activated if not for the need to conceal  
5           the presence of law enforcement, and shall con-  
6           tinue until the reason for the activation ceases  
7           to exist, regardless of whether the emergency  
8           lights are no longer activated.

9           (C) PERMISSIBLE RECORDING.—An officer  
10          may begin recording if the officer reasonably  
11          believes recording may assist with prosecution,  
12          enhance safety, or for any other lawful purpose;  
13          and shall continue until the reason for record-  
14          ing ceases to exist.

15          (4) ENFORCEMENT STOPS.—Any enforcement  
16          stop shall be video and audio recorded. Audio re-  
17          cording shall terminate upon release of the violator  
18          and prior to initiating a separate criminal investiga-  
19          tion.

20          (c) RETENTION OF RECORDINGS.—Recordings  
21          made on in-car video camera recording medium shall be  
22          retained for a storage period of at least 90 days. Under  
23          no circumstances shall any recording made on in-car video  
24          camera recording medium be altered or erased prior to  
25          the expiration of the designated storage period. Upon com-

1 pletion of the storage period, the recording medium may  
2 be erased and reissued for operational use unless other-  
3 wise ordered or if designated for evidentiary or training  
4 purposes.

5 (d) ACCESSIBILITY OF RECORDINGS.—Audio or video  
6 recordings made pursuant to this section shall be available  
7 under the applicable provisions of section 552a of title 5,  
8 United States Code. Only recorded portions of the audio  
9 recording or video recording medium applicable to the re-  
10 quest will be available for inspection or copying.

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

22 **SEC. 374. FACIAL RECOGNITION TECHNOLOGY.**

23 No camera or recording device authorized or required  
24 to be used under this part may employ facial recognition  
25 technology.

1 **SEC. 375. GAO STUDY.**

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

7 (1) the Committees on the Judiciary of the  
8 House of Representatives and of the Senate;

9 (2) the Committee on Oversight and Reform of  
10 the House of Representatives; and

11 (3) the Committee on Homeland Security and  
12 Governmental Affairs of the Senate.

13 **SEC. 376. REGULATIONS.**

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

17 **SEC. 377. RULE OF CONSTRUCTION.**

18 Nothing in this part shall be construed to impose any  
19 requirement on a uniformed officer outside of the course  
20 of carrying out that officer's duty.

21 **PART II—POLICE CAMERA ACT**

22 **SEC. 381. SHORT TITLE.**

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

1 **SEC. 382. LAW ENFORCEMENT BODY-WORN CAMERA RE-**  
2 **QUIREMENTS.**

3 (a) **USE OF FUNDS REQUIREMENT.**—Section 502(a)  
4 of title I of the Omnibus Crime Control and Safe Streets  
5 Act of 1968 (34 U.S.C. 10153(a)), as amended by section  
6 334, is amended by adding at the end the following:

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

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

15 **“PART OO—LAW ENFORCEMENT BODY-WORN**  
16 **CAMERAS AND RECORDED DATA**

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

18 “(a) **IN GENERAL.**—Grant amounts described in  
19 paragraph (10) of section 502(a) of this title shall be  
20 used—

21 “(1) to purchase or lease body-worn cameras  
22 for use by State, local, and tribal law enforcement  
23 officers (as defined in section 2503);

24 “(2) for expenses related to the implementation  
25 of a body-worn camera program in order to deter ex-  
26 cessive force, improve accountability and trans-

1       parenency of use of force by law enforcement officers,  
2       assist in responding to complaints against law en-  
3       forcement officers, and improve evidence collection;  
4       or

5             “(3) implementing policies or procedures to  
6       comply with the requirements described in sub-  
7       section (b).

8       “(b) REQUIREMENTS.—A recipient of a grant under  
9       subpart 1 of part E of title I 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) making the policies and protocols described  
18       in paragraphs (1) and (2) available to the public;  
19       and

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

22       “(c) REQUIRED POLICIES AND PROCEDURES.—An  
23       entity receiving a grant under this section shall—

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



- 1           “(A) the safe and effective use of body-  
2 worn cameras;
- 3           “(B) the secure storage, handling, and de-  
4 struction of recorded data collected by body-  
5 worn cameras;
- 6           “(C) protecting the privacy rights of any  
7 individual who may be recorded by a body-worn  
8 camera;
- 9           “(D) protecting the constitutional rights of  
10 any individual on whom facial recognition tech-  
11 nology is used;
- 12           “(E) limitations on the use of body-worn  
13 cameras in conjunction with facial recognition  
14 technology for instances, including—
- 15               “(i) the use of facial recognition tech-  
16 nology only with judicial authorization;
- 17               “(ii) the use of facial recognition tech-  
18 nology only for imminent threats or serious  
19 crimes; and
- 20               “(iii) the use of facial recognition  
21 technology with double verification of iden-  
22 tified faces;
- 23           “(F) the release of any recorded data col-  
24 lected by a body-worn camera in accordance

1 with the open records laws, if any, of the State;  
2 and

3 “(G) making recorded data available to  
4 prosecutors, defense attorneys, and other offi-  
5 cers of the court in accordance with subpara-  
6 graph (E); and

7 “(2) conduct periodic evaluations of the security  
8 of the storage and handling of the body-worn camera  
9 data.

10 “(d) RECORDED DATA COLLECTION AND RETEN-  
11 TION PROTOCOL.—The recorded data collection and reten-  
12 tion protocol described in this paragraph is a protocol  
13 that—

14 “(1) requires—

15 “(A) a law enforcement officer who is  
16 wearing a body-mounted camera to provide an  
17 explanation if an activity that is required to be  
18 recorded by the body-mounted camera is not re-  
19 corded;

20 “(B) a law enforcement officer who is  
21 wearing a body-mounted camera to obtain con-  
22 sent to be recorded from a crime victim or wit-  
23 ness before interviewing the victim or witness;

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

4           “(D) the system used to store recorded  
5           data collected by body-worn cameras shall log  
6           all viewing, modification, or deletion of stored  
7           recorded data and shall prevent, to the greatest  
8           extent practicable, the unauthorized access or  
9           disclosure of stored recorded data;

10          “(E) any law enforcement officer be pro-  
11          hibited from accessing the stored data without  
12          an authorized purpose; and

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

15                 “(i) incidences of use of force,  
16                 disaggregated by race, ethnicity, gender,  
17                 and age of the victim;

18                 “(ii) the number of complaints filed  
19                 against law enforcement officers;

20                 “(iii) the disposition of complaints  
21                 filed against law enforcement officers;

22                 “(iv) the number of times camera  
23                 footage is used for evidence collection in  
24                 investigations of crimes; and

1                   “(v) any other additional statistical  
2                   data that the Director determines should  
3                   be collected and reported;

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

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

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

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

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

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

17                  “(1) IN GENERAL.—Recorded data collected by  
18                  an entity receiving a grant under this section from  
19                  a body-mounted camera shall be used only in inter-  
20                  nal and external investigations of misconduct by a  
21                  law enforcement agency or officer, if there is reason-  
22                  able suspicion that a recording contains evidence of  
23                  a crime, or for limited training purposes. The Direc-  
24                  tor shall establish rules to ensure that the recorded

1 data is used only for the purposes described in this  
2 subparagraph.

3 “(2) PROHIBITION ON TRANSFER.—Except as  
4 provided in paragraph (3), an entity receiving a  
5 grant under this section may not transfer any re-  
6 corded data collected by the entity from a body-  
7 mounted camera to another law enforcement or in-  
8 telligence agency.

9 “(3) EXCEPTIONS.—

10 “(A) CRIMINAL INVESTIGATION.—An enti-  
11 ty receiving a grant under this section may  
12 transfer recorded data collected by the entity  
13 from a body-mounted camera to another law  
14 enforcement agency or intelligence agency for  
15 use in a criminal investigation if the requesting  
16 law enforcement or intelligence agency has rea-  
17 sonable suspicion that the requested data con-  
18 tains evidence relating to the crime being inves-  
19 tigated.

20 “(B) CIVIL RIGHTS CLAIMS.—An entity re-  
21 ceiving a grant under this section may transfer  
22 recorded data collected by the law enforcement  
23 agency from a body-mounted camera to another  
24 law enforcement agency for use in an investiga-  
25 tion of any right, privilege, or immunity secured

1 or protected by the Constitution or laws of the  
2 United States.

3 “(g) AUDIT AND ASSESSMENT.—

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

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

16 “(A) describes the progress of the body-  
17 worn camera program; and

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

22 “(3) REVIEW.—The Director of the Office of  
23 Audit, Assessment, and Management shall evaluate  
24 the policies and protocols of the grantees and take  
25 such steps as the Director of the Office of Audit, As-

1        assessment, and Management determines necessary to  
2        ensure compliance with the program.

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

4        “(a) IN GENERAL.—The Director shall establish and  
5        maintain a toolkit for law enforcement agencies, academia,  
6        and other relevant entities to provide training and tech-  
7        nical assistance, including best practices for implementa-  
8        tion, model policies and procedures, and research mate-  
9        rials.

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

15       **“SEC. 3053. STUDY.**

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

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

21                “(2) the impact of body-worn cameras on the  
22                accountability and transparency of the use of force  
23                by law enforcement officers;

1           “(3) the impact of body-worn cameras on re-  
2           sponses to and adjudications of complaints of exces-  
3           sive force;

4           “(4) the effect of the use of body-worn cameras  
5           on the safety of law enforcement officers on patrol;

6           “(5) the effect of the use of body-worn cameras  
7           on public safety;

8           “(6) the impact of body-worn cameras on evi-  
9           dence collection for criminal investigations;

10          “(7) issues relating to the secure storage and  
11          handling of recorded data from the body-worn cam-  
12          eras;

13          “(8) issues relating to the privacy of citizens  
14          and officers recorded on body-worn cameras;

15          “(9) issues relating to the constitutional rights  
16          of individuals on whom facial recognition technology  
17          is used;

18          “(10) issues relating to limitations on the use  
19          of facial recognition technology;

20          “(11) issues relating to the public’s access to  
21          body-worn camera footage;

22          “(12) the need for proper training of law en-  
23          forcement officers that use body-worn cameras;





1           (2) Lynching was a widely acknowledged prac-  
2           tice in the United States until the middle of the  
3           20th century.

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

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

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

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

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

23          (8) Nearly 200 anti-lynching bills were intro-  
24          duced in Congress during the first half of the 20th  
25          century.

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

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

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

12           (12) The publication of "Without Sanctuary:  
13 Lynching Photography in America" helped bring  
14 greater awareness and proper recognition of the vic-  
15 tims of lynching.

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

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

24           (15) Having concluded that a reckoning with  
25 our own history is the only way the country can ef-

1       fectively champion human rights abroad, 90 Mem-  
2       bers of the United States Senate agreed to Senate  
3       Resolution 39, 109th Congress, on June 13, 2005,  
4       to apologize to the victims of lynching and the de-  
5       scendants of those victims for the failure of the Sen-  
6       ate to enact anti-lynching legislation.

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

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

21           (18) Further, it is the sense of Congress that  
22      criminal action by a group increases the likelihood  
23      that the criminal object of that group will be suc-  
24      cessfully attained and decreases the probability that  
25      the individuals involved will depart from their path

1 of criminality. Therefore, it is appropriate to specify  
2 criminal penalties for the crime of lynching, or any  
3 attempt or conspiracy to commit lynching.

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

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

1 tism, and White supremacy; and use all resources  
2 available to the President and the President's Cabi-  
3 net to address the growing prevalence of those hate  
4 groups in the United States”.

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

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

1 Code. Interference with these rights was often effec-  
2 tuated by multiple offenders and groups, rather than  
3 isolated individuals. Therefore, prohibiting conspir-  
4 acies to violate each of these rights recognizes the  
5 history of lynching in the United States and serves  
6 to prohibit its use in the future.

7 **SEC. 403. LYNCHING.**

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

10 **“§ 250. Lynching**

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

19 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
20 sections for chapter 13 of title 18, United States Code,  
21 is amended by inserting after the item relating to section  
22 249 the following:

“250. Lynching.”.

1           **TITLE V—MISCELLANEOUS**  
2                           **PROVISIONS**

3   **SEC. 501. SEVERABILITY.**

4           If any provision of this Act, or the application of such  
5 a provision to any person or circumstance, is held to be  
6 unconstitutional, the remainder of this Act and the appli-  
7 cation of the remaining provisions of this Act to any per-  
8 son or circumstance shall not be affected thereby.

9   **SEC. 502. SAVINGS CLAUSE.**

10          Nothing in this Act shall be construed—

11               (1) to limit legal or administrative remedies  
12               under section 1979 of the Revised Statutes of the  
13               United States (42 U.S.C. 1983), section 210401 of  
14               the Violent Crime Control and Law Enforcement  
15               Act of 1994 (34 U.S.C. 12601), title I of the Omni-  
16               bus Crime Control and Safe Streets Act of 1968 (34  
17               U.S.C. 10101 et seq.), or title VI of the Civil Rights  
18               Act of 1964 (42 U.S.C. 2000d et seq.);

19               (2) to affect any Federal, State, or Tribal law  
20               that applies to an Indian Tribe because of the polit-  
21               ical status of the Tribe; or

22               (3) to waive the sovereign immunity of an In-  
23               dian Tribe without the consent of the Tribe.