

117TH CONGRESS
2D SESSION

S. 3860

To establish a grant program to provide assistance to local governments with fewer than 200 law enforcement officers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

Ms. CORTEZ MASTO (for herself, Mr. GRASSLEY, Mr. WARNOCK, and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a grant program to provide assistance to local governments with fewer than 200 law enforcement officers, and for other purposes.

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.**

4 This Act may be cited as the “Invest to Protect Act
5 of 2022”.

6 **SEC. 2. GRANT PROGRAM.**

7 (a) DEFINITIONS.—In this Act:

8 (1) DE-ESCALATION TRAINING.—The term “de-
9 escalation training” means a process or tactic used

1 to prevent, reduce, or manage behaviors associated
2 with conflict (including verbal or physical agitation,
3 aggression, violence, or similar behaviors) during an
4 interaction between not less than 2 individuals.

5 (2) DIRECTOR.—The term “Director” means
6 the Director of the Office.

7 (3) ELIGIBLE LOCAL GOVERNMENT.—The term
8 “eligible local government” means—

9 (A) a county, municipality, town, township,
10 village, parish, borough, or other unit of general
11 government below the State level that employs
12 fewer than 200 law enforcement officers; and

13 (B) a Tribal government that employs
14 fewer than 200 law enforcement officers.

15 (4) LAW ENFORCEMENT OFFICER.—The term
16 “law enforcement officer” has the meaning given the
17 term in section 2503 of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (34 U.S.C. 10533).

19 (5) OFFICE.—The term “Office” means the Of-
20 fice of Community Oriented Policing Services of the
21 Department of Justice.

22 (b) ESTABLISHMENT.—There is established within
23 the Office a grant program to—

1 (1) provide training, body cameras, and access
2 to mental health resources to local law enforcement
3 officers; and

4 (2) improve the recruitment and retention of
5 local law enforcement officers.

6 (c) **AUTHORITY.**—Not later than 60 days after the
7 date of enactment of this Act, the Director shall award
8 grants to eligible local governments as a part of the grant
9 program established under subsection (b).

10 (d) **APPLICATIONS.**—

11 (1) **BARRIERS.**—The Attorney General shall de-
12 termine what barriers exist to establishing a stream-
13 lined application process for grants under this sec-
14 tion.

15 (2) **REPORT.**—Not later than 30 days after the
16 date of enactment of this Act, the Attorney General
17 shall submit to Congress a report that includes a
18 plan to execute a streamlined application process for
19 grants under this section under which an eligible
20 local government seeking a grant under this section
21 can complete the application in not more than 30
22 minutes.

23 (3) **APPLICATIONS.**—In selecting eligible local
24 governments to receive grants under this section, the

1 Director shall use the streamlined application proc-
2 ess described in paragraph (2).

3 (e) ELIGIBLE ACTIVITIES.—An eligible local govern-
4 ment that receives a grant under this section may use
5 amounts from the grant only for—

6 (1) de-escalation training for law enforcement
7 officers;

8 (2) training for law enforcement officers in han-
9 dling situations of domestic violence;

10 (3) law enforcement officer safety training;

11 (4) the offsetting of overtime costs associated
12 with scheduling issues when a law enforcement offi-
13 cer participates in the training described in para-
14 graphs (1) through (3);

15 (5) the purchasing, storage, operation, and se-
16 curing of body cameras in accordance with guide-
17 lines established by the eligible local government or
18 the Attorney General under subsection (f)(2) until
19 the eligible local government establishes such guide-
20 lines;

21 (6) a signing bonus for a law enforcement offi-
22 cer in an amount determined by the eligible local
23 government;

1 (7) a retention bonus for a law enforcement of-
2 ficer in an amount determined by the eligible local
3 government;

4 (8) a stipend for the graduate education of law
5 enforcement officers in the area of mental health,
6 public health, or social work, which shall not exceed
7 the lesser of—

8 (A) \$10,000; or

9 (B) the amount the law enforcement offi-
10 cer pays towards such graduate education; and

11 (9) providing access to patient-centered behav-
12 ioral health services for law enforcement officers,
13 which may include resources for risk assessments,
14 evidence-based, trauma-informed care to treat post-
15 traumatic stress disorder or acute stress disorder,
16 peer support and counselor services and family sup-
17 ports, and the promotion of improved access to high
18 quality mental health care through telehealth.

19 (f) BODY CAMERA GUIDELINES.—

20 (1) IN GENERAL.—An eligible local government
21 that uses funds from a grant under this section for
22 the purpose described in subsection (e)(5) shall—

23 (A) follow guidelines established by the eli-
24 gible local government or the State in which the
25 eligible local government is located relating to

1 the purchasing, storage, operation, and securing
2 of body cameras based on existing industry best
3 practices; or

4 (B) if the guidelines described in subpara-
5 graph (A) do not yet exist, follow the guidelines
6 established under paragraph (2).

7 (2) FEDERAL GUIDELINES.—Not later than 60
8 days after the date of enactment of this Act, the At-
9 torney General shall establish guidelines relating to
10 the purchasing, storage, operation, and securing of
11 body cameras that are based on existing industry
12 best practices.

13 (g) DISCLOSURE OF OFFICER RECRUITMENT AND
14 RETENTION BONUSES.—Not later than 60 days after the
15 date on which an eligible local government that receives
16 a grant under this section awards a signing or retention
17 bonus described in paragraph (6) or (7) of subsection (e),
18 the eligible local government shall disclose to the Director
19 and make publicly available on a website of the eligible
20 local government the amount of such bonus.

21 (h) GRANT ACCOUNTABILITY.—All grants awarded
22 by the Director under this section shall be subject to the
23 following accountability provisions:

24 (1) AUDIT REQUIREMENT.—

1 (A) DEFINITION.—In this paragraph, the
2 term “unresolved audit finding” means a find-
3 ing in the final audit report of the Inspector
4 General of the Department of Justice that the
5 audited grantee has used grant funds for an
6 unauthorized expenditure or otherwise unallow-
7 able cost that is not closed or resolved within
8 12 months from the date when the final audit
9 report is issued.

10 (B) AUDITS.—Beginning in the first fiscal
11 year beginning after the date of enactment of
12 this subsection, and in each fiscal year there-
13 after, the Inspector General of the Department
14 of Justice shall conduct audits of recipients of
15 grants under this section to prevent waste,
16 fraud, and abuse of funds by grantees. The In-
17 spector General of the Department of Justice
18 shall determine the appropriate number of
19 grantees to be audited each year.

20 (C) MANDATORY EXCLUSION.—A recipient
21 of grant funds under this section that is found
22 to have an unresolved audit finding shall not be
23 eligible to receive grant funds under this section
24 during the first 2 fiscal years beginning after

1 the end of the 12-month period described in
2 subparagraph (A).

3 (D) PRIORITY.—In awarding grants under
4 this section, the Director shall give priority to
5 eligible local governments that did not have an
6 unresolved audit finding during the 3 fiscal
7 years before submitting an application for a
8 grant under this section.

9 (E) REIMBURSEMENT.—If an eligible local
10 government is awarded grant funds under this
11 section during the 2-fiscal-year period during
12 which the eligible local government is barred
13 from receiving grants under subparagraph (C),
14 the Attorney General shall—

15 (i) deposit an amount equal to the
16 amount of the grant funds that were im-
17 properly awarded to the grantee into the
18 General Fund of the Treasury; and

19 (ii) seek to recoup the costs of the re-
20 payment to the fund from the grant recipi-
21 ent that was erroneously awarded grant
22 funds.

23 (2) ANNUAL CERTIFICATION.—Beginning in the
24 fiscal year during which audits commence under
25 paragraph (1)(B), the Attorney General shall submit

1 to the Committee on the Judiciary and the Com-
2 mittee on Appropriations of the Senate and the
3 Committee on the Judiciary and the Committee on
4 Appropriations of the House of Representatives an
5 annual certification—

6 (A) indicating whether—

7 (i) all audits issued by the Office of
8 the Inspector General of the Department
9 of Justice under paragraph (1) have been
10 completed and reviewed by the appropriate
11 Assistant Attorney General or Director;

12 (ii) all mandatory exclusions required
13 under paragraph (1)(C) have been issued;
14 and

15 (iii) all reimbursements required
16 under paragraph (1)(E) have been made;
17 and

18 (B) that includes a list of any grant recipi-
19 ents excluded under paragraph (1) from the
20 previous year.

21 (i) PREVENTING DUPLICATIVE GRANTS.—

22 (1) IN GENERAL.—Before the Director awards
23 a grant to an eligible local government under this
24 section, the Attorney General shall compare poten-
25 tial grant awards with other grants awarded by the

1 Attorney General to determine if grant awards are
2 or have been awarded for a similar purpose.

3 (2) REPORT.—If the Attorney General awards
4 grants to the same applicant for a similar purpose
5 the Attorney General shall submit to the Committee
6 on the Judiciary of the Senate and the Committee
7 on the Judiciary of the House of Representatives a
8 report that includes—

9 (A) a list of all such grants awarded, in-
10 cluding the total dollar amount of any such
11 grants awarded; and

12 (B) the reason the Attorney General
13 awarded multiple grants to the same applicant
14 for a similar purpose.

15 (j) FUNDING.—In carrying out this section, the Di-
16 rector—

17 (1) shall use amounts otherwise made available
18 to the Office; and

19 (2) may use not more than \$50,000,000 of such
20 amounts for each of fiscal years 2023 through 2027.

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