

Calendar No. 421

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, Mr. CASIDY, Ms. COLLINS, Mr. TESTER, Mr. TILLIS, Mr. COONS, Mr. YOUNG, Ms. KLOBUCHAR, Mrs. FEINSTEIN, Mr. CRUZ, Mr. DURBIN, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. LEAHY, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 14, 2022

Reported by Mr. DURBIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Invest to Protect Act
3 of 2022”.

4 **SEC. 2. GRANT PROGRAM.**

5 (a) **DEFINITIONS.**—In this Act:

6 (1) **DE-ESCALATION TRAINING.**—The term “de-
7 escalation training” means a process or tactic used
8 to prevent, reduce, or manage behaviors associated
9 with conflict (including verbal or physical agitation,
10 aggression, violence, or similar behaviors) during an
11 interaction between not less than 2 individuals.

12 (2) **DIRECTOR.**—The term “Director” means
13 the Director of the Office.

14 (3) **ELIGIBLE LOCAL GOVERNMENT.**—The term
15 “eligible local government” means—

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

20 (B) a Tribal government that employs
21 fewer than 200 law enforcement officers.

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

1 (5) OFFICE.—The term “Office” means the Of-
2 fice of Community Oriented Policing Services of the
3 Department of Justice.

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

6 (1) provide training, body cameras, and access
7 to mental health resources to local law enforcement
8 officers; and

9 (2) improve the recruitment and retention of
10 local law enforcement officers.

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

15 (d) APPLICATIONS.—

16 (1) BARRIERS.—The Attorney General shall de-
17 termine what barriers exist to establishing a stream-
18 lined application process for grants under this sec-
19 tion.

20 (2) REPORT.—Not later than 30 days after the
21 date of enactment of this Act, the Attorney General
22 shall submit to Congress a report that includes a
23 plan to execute a streamlined application process for
24 grants under this section under which an eligible
25 local government seeking a grant under this section

1 can complete the application in not more than 30
2 minutes.

3 ~~(3)~~ APPLICATIONS.—In selecting eligible local
4 governments to receive grants under this section, the
5 Director shall use the streamlined application proce-
6 ss described in paragraph ~~(2)~~.

7 ~~(c)~~ ELIGIBLE ACTIVITIES.—An eligible local govern-
8 ment that receives a grant under this section may use
9 amounts from the grant only for—

10 (1) de-escalation training for law enforcement
11 officers;

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

14 (3) law enforcement officer safety training;

15 (4) the offsetting of overtime costs associated
16 with scheduling issues when a law enforcement offi-
17 cer participates in the training described in para-
18 graphs ~~(1)~~ through ~~(3)~~;

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

1 (6) a signing bonus for a law enforcement offi-
 2 cer in an amount determined by the eligible local
 3 government;

4 (7) a retention bonus for a law enforcement of-
 5 ficer in an amount determined by the eligible local
 6 government;

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

11 (A) \$10,000; or

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

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

22 (f) BODY CAMERA GUIDELINES.—

23 (1) IN GENERAL.—An eligible local government
 24 that uses funds from a grant under this section for
 25 the purpose described in subsection (c)(5) shall—

1 (A) follow guidelines established by the eli-
2 gible local government or the State in which the
3 eligible local government is located relating to
4 the purchasing, storage, operation, and securing
5 of body cameras based on existing industry best
6 practices; or

7 (B) if the guidelines described in subpara-
8 graph (A) do not yet exist, follow the guidelines
9 established under paragraph (2).

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

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

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

4 (1) AUDIT REQUIREMENT.—

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

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

24 (C) MANDATORY EXCLUSION.—A recipient
25 of grant funds under this section that is found

1 to have an unresolved audit finding shall not be
2 eligible to receive grant funds under this section
3 during the first 2 fiscal years beginning after
4 the end of the 12-month period described in
5 subparagraph (A).

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

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

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

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

1 (2) ANNUAL CERTIFICATION.—Beginning in the
2 fiscal year during which audits commence under
3 paragraph (1)(B), the Attorney General shall submit
4 to the Committee on the Judiciary and the Com-
5 mittee on Appropriations of the Senate and the
6 Committee on the Judiciary and the Committee on
7 Appropriations of the House of Representatives an
8 annual certification—

9 (A) indicating whether—

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

15 (ii) all mandatory exclusions required
16 under paragraph (1)(C) have been issued;
17 and

18 (iii) all reimbursements required
19 under paragraph (1)(E) have been made;
20 and

21 (B) that includes a list of any grant recipi-
22 ents excluded under paragraph (1) from the
23 previous year.

24 (i) PREVENTING DUPLICATIVE GRANTS.—

1 (1) IN GENERAL.—Before the Director awards
2 a grant to an eligible local government under this
3 section, the Attorney General shall compare poten-
4 tial grant awards with other grants awarded by the
5 Attorney General to determine if grant awards are
6 or have been awarded for a similar purpose.

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

13 (A) a list of all such grants awarded, in-
14 cluding the total dollar amount of any such
15 grants awarded; and

16 (B) the reason the Attorney General
17 awarded multiple grants to the same applicant
18 for a similar purpose.

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

21 (1) shall use amounts otherwise made available
22 to the Office; and

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Invest to Protect Act*
3 *of 2022”.*

4 **SEC. 2. GRANT PROGRAM.**

5 (a) *DEFINITIONS.—In this Act:*

6 (1) *DE-ESCALATION TRAINING.—The term “de-es-*
7 *calation training” means training relating to taking*
8 *action or communicating verbally or non-verbally*
9 *during a potential force encounter in an attempt to*
10 *stabilize the situation and reduce the immediacy of*
11 *the threat so that more time, options, and resources*
12 *can be called upon to resolve the situation without the*
13 *use of force or with a reduction in the force necessary.*

14 (2) *DIRECTOR.—The term “Director” means the*
15 *Director of the Office.*

16 (3) *ELIGIBLE LOCAL GOVERNMENT.—The term*
17 *“eligible local government” means—*

18 (A) *a county, municipality, town, township,*
19 *village, parish, borough, or other unit of general*
20 *government below the State level that employs*
21 *fewer than 200 law enforcement officers; and*

22 (B) *a Tribal government that employs fewer*
23 *than 200 law enforcement officers.*

24 (4) *LAW ENFORCEMENT OFFICER.—The term*
25 *“law enforcement officer” has the meaning given the*
26 *term “career law enforcement officer” in section 1709*

1 *of title I the Omnibus Crime Control and Safe Streets*
2 *Act of 1968 (34 U.S.C. 10389).*

3 (5) *OFFICE.*—*The term “Office” means the Office*
4 *of Community Oriented Policing Services of the De-*
5 *partment of Justice.*

6 (b) *ESTABLISHMENT.*—*There is established within the*
7 *Office a grant program to—*

8 (1) *provide training, body cameras, and access*
9 *to mental health resources to local law enforcement of-*
10 *icers; and*

11 (2) *improve the recruitment and retention of*
12 *local law enforcement officers.*

13 (c) *AUTHORITY.*—*Not later than 120 days after the*
14 *date of enactment of this Act, the Director shall award*
15 *grants to eligible local governments as a part of the grant*
16 *program established under subsection (b).*

17 (d) *APPLICATIONS.*—

18 (1) *BARRIERS.*—*The Attorney General shall de-*
19 *termine what barriers exist to establishing a stream-*
20 *lined application process for grants under this sec-*
21 *tion.*

22 (2) *REPORT.*—

23 (A) *IN GENERAL.*—*Not later than 30 days*
24 *after the date of enactment of this Act, the Attor-*
25 *ney General shall submit to Congress a report*

1 *that includes a plan to execute a streamlined ap-*
2 *plication process for grants under this section*
3 *under which an eligible local government seeking*
4 *a grant under this section can reasonably com-*
5 *plete the application in not more than 2 hours.*

6 *(B) CONTENTS OF PLAN.—The plan re-*
7 *quired under subparagraph (A) may include a*
8 *plan for—*

9 *(i) proactively providing eligible local*
10 *governments seeking a grant under this sec-*
11 *tion with information on the data such eli-*
12 *gible local governments will need to prepare*
13 *before beginning the grant application; and*

14 *(ii) ensuring technical assistance is*
15 *available for eligible local governments seek-*
16 *ing a grant under this section before and*
17 *during the grant application process, in-*
18 *cluding through dedicated liaisons within*
19 *the Office.*

20 *(3) APPLICATIONS.—In selecting eligible local*
21 *governments to receive grants under this section, the*
22 *Director shall use the streamlined application process*
23 *described in paragraph (2)(A).*

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

4 (1) *de-escalation training for law enforcement of-*
5 *ficers;*

6 (2) *victim-centered training for law enforcement*
7 *officers in handling situations of domestic violence;*

8 (3) *law enforcement officer safety training;*

9 (4) *the offsetting of overtime costs associated*
10 *with scheduling issues when a law enforcement officer*
11 *participates in the training described in paragraphs*
12 *(1) through (3);*

13 (5) *the purchasing, storage, operation, data col-*
14 *lection, and securing of body cameras in accordance*
15 *with guidelines described in subsection (f)(1)(A) or, if*
16 *such guidelines do not exist, established by the Attor-*
17 *ney General under subsection (f)(2);*

18 (6) *a signing bonus for a law enforcement officer*
19 *in an amount determined by the eligible local govern-*
20 *ment;*

21 (7) *a retention bonus for a law enforcement offi-*
22 *cer—*

23 (A) *in an amount determined by the eligible*
24 *local government that does not exceed 20 percent*
25 *of the salary of the law enforcement officer; and*

1 (B) *who—*

2 (i) *has been employed at a law enforce-*
3 *ment agency for not fewer than 5 years; and*

4 (ii) *has not been found by an internal*
5 *investigation to have engaged in serious*
6 *misconduct;*

7 (8) *a stipend for the graduate education of law*
8 *enforcement officers in the area of mental health, pub-*
9 *lic health, or social work, which shall not exceed the*
10 *lesser of—*

11 (A) *\$10,000; or*

12 (B) *the amount the law enforcement officer*
13 *pays towards such graduate education; and*

14 (9) *providing access to patient-centered behav-*
15 *ioral health services for law enforcement officers,*
16 *which may include resources for risk assessments, evi-*
17 *dence-based, trauma-informed care to treat post-trau-*
18 *matic stress disorder or acute stress disorder, peer*
19 *support and counselor services and family supports,*
20 *and the promotion of improved access to high quality*
21 *mental health care through telehealth.*

22 (f) *BODY CAMERA GUIDELINES.—*

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

1 (A) follow guidelines established by the eli-
2 gible local government or the State in which the
3 eligible local government is located relating to
4 the purchasing, storage, operation, data collec-
5 tion, and securing of body cameras based on ex-
6 isting industry best practices; or

7 (B) if the guidelines described in subpara-
8 graph (A) do not yet exist or are not based on
9 existing industry best practices, follow the guide-
10 lines established under paragraph (2).

11 (2) *FEDERAL GUIDELINES.*—Not later than 60
12 days after the date of enactment of this Act, the Attor-
13 ney General shall establish guidelines for small law
14 enforcement agencies relating to the purchasing, stor-
15 age, operation, data collection, and securing of body
16 cameras that are based on existing industry best
17 practices.

18 (g) *DISCLOSURE OF OFFICER RECRUITMENT AND RE-*
19 *TENTION BONUSES.*—

20 (1) *IN GENERAL.*—Not later than 60 days after
21 the date on which an eligible local government that
22 receives a grant under this section awards a signing
23 or retention bonus described in paragraph (6) or (7)
24 of subsection (e), the eligible local government shall
25 disclose to the Director and make publicly available

1 on a website of the eligible local government the
2 amount of such bonus.

3 (2) *REPORT.*—*The Director shall submit to the*
4 *appropriate congressional committees an annual re-*
5 *port that includes each signing or retention bonus*
6 *disclosed under paragraph (1) during the preceding*
7 *year.*

8 (h) *GRANT ACCOUNTABILITY.*—*All grants awarded by*
9 *the Director under this section shall be subject to the fol-*
10 *lowing accountability provisions:*

11 (1) *AUDIT REQUIREMENT.*—

12 (A) *DEFINITION.*—*In this paragraph, the*
13 *term “unresolved audit finding” means a find-*
14 *ing in the final audit report of the Inspector*
15 *General of the Department of Justice that the*
16 *audited grantee has used grant funds for an un-*
17 *authorized expenditure or otherwise unallowable*
18 *cost that is not closed or resolved within 12*
19 *months from the date when the final audit report*
20 *is issued.*

21 (B) *AUDITS.*—*Beginning in the first fiscal*
22 *year beginning after the date of enactment of*
23 *this subsection, and in each fiscal year there-*
24 *after, the Inspector General of the Department of*
25 *Justice shall conduct audits of recipients of*

1 *grants under this section to prevent waste, fraud,*
2 *and abuse of funds by grantees. The Inspector*
3 *General of the Department of Justice shall deter-*
4 *mine the appropriate number of grantees to be*
5 *audited each year.*

6 (C) *MANDATORY EXCLUSION.*—*A recipient*
7 *of grant funds under this section that is found*
8 *to have an unresolved audit finding shall not be*
9 *eligible to receive grant funds under this section*
10 *during the first 2 fiscal years beginning after the*
11 *end of the 12-month period described in subpara-*
12 *graph (A).*

13 (D) *PRIORITY.*—*In awarding grants under*
14 *this section, the Director shall give priority to el-*
15 *igible local governments that did not have an un-*
16 *resolved audit finding during the 3 fiscal years*
17 *before submitting an application for a grant*
18 *under this section.*

19 (E) *REIMBURSEMENT.*—*If an eligible local*
20 *government is awarded grant funds under this*
21 *section during the 2-fiscal-year period during*
22 *which the eligible local government is barred*
23 *from receiving grants under subparagraph (C),*
24 *the Attorney General shall—*

1 (i) deposit an amount equal to the
2 amount of the grant funds that were im-
3 properly awarded to the grantee into the
4 General Fund of the Treasury; and

5 (ii) seek to recoup the costs of the re-
6 payment to the fund from the grant recipi-
7 ent that was erroneously awarded grant
8 funds.

9 (2) ANNUAL CERTIFICATION.—Beginning in the
10 fiscal year during which audits commence under
11 paragraph (1)(B), the Attorney General shall submit
12 to the Committee on the Judiciary and the Committee
13 on Appropriations of the Senate and the Committee
14 on the Judiciary and the Committee on Appropria-
15 tions of the House of Representatives an annual cer-
16 tification—

17 (A) indicating whether—

18 (i) all audits issued by the Office of the
19 Inspector General of the Department of Jus-
20 tice under paragraph (1) have been com-
21 pleted and reviewed by the appropriate As-
22 sistant Attorney General or Director;

23 (ii) all mandatory exclusions required
24 under paragraph (1)(C) have been issued;
25 and

1 (iii) all reimbursements required under
2 paragraph (1)(E) have been made; and
3 (B) that includes a list of any grant recipi-
4 ents excluded under paragraph (1) from the pre-
5 vious year.

6 (i) *PREVENTING DUPLICATIVE GRANTS.*—

7 (1) *IN GENERAL.*—Before the Director awards a
8 grant to an eligible local government under this sec-
9 tion, the Attorney General shall compare potential
10 grant awards with other grants awarded by the Attor-
11 ney General to determine if grant awards are or have
12 been awarded for a similar purpose.

13 (2) *REPORT.*—If the Attorney General awards
14 grants to the same applicant for a similar purpose,
15 the Attorney General shall submit to the Committee
16 on the Judiciary of the Senate and the Committee on
17 the Judiciary of the House of Representatives a report
18 that includes—

19 (A) a list of all such grants awarded, in-
20 cluding the total dollar amount of any such
21 grants awarded; and

22 (B) the reason the Attorney General award-
23 ed multiple grants to the same applicant for a
24 similar purpose.

1 (j) *FUNDING.*—*In carrying out this section, the Direc-*
2 *tor—*

3 (1) *shall use amounts otherwise made available*
4 *to the Office; and*

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

Calendar No. 421

117TH CONGRESS
2^D SESSION

S. 3860

A BILL

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

JUNE 14, 2022

Reported with an amendment