

117TH CONGRESS
2D SESSION

S. 3860

AN ACT

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 training relating to tak-
8 ing 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
13 the use of force or with a reduction in the force nec-
14 essary.

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

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

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

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

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

1 term “career law enforcement officer” in section
2 1709 of title I the Omnibus Crime Control and Safe
3 Streets Act of 1968 (34 U.S.C. 10389).

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

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

9 (1) provide training and access to mental health
10 resources to local law enforcement officers; 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 60 days
24 after the date of enactment of this Act, the At-
25 torney General shall submit to Congress a re-

1 port that includes a plan to execute a stream-
2 lined application process for grants under this
3 section under which an eligible local government
4 seeking a grant under this section can reason-
5 ably complete the application in not more than
6 2 hours.

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

10 (i) proactively providing eligible local
11 governments seeking a grant under this
12 section with information on the data such
13 eligible local governments will need to pre-
14 pare before beginning the grant applica-
15 tion; and

16 (ii) ensuring technical assistance is
17 available for eligible local governments
18 seeking a grant under this section before
19 and during the grant application process,
20 including through dedicated liaisons within
21 the Office.

22 (3) APPLICATIONS.—In selecting eligible local
23 governments to receive grants under this section, the
24 Director shall use the streamlined application proc-
25 ess 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
5 officers;

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

8 (3) evidence-based law enforcement safety
9 training, including training for—

10 (A) active shooter situations;

11 (B) the safe handling of illicit drugs and
12 precursor chemicals;

13 (C) rescue situations;

14 (D) high speed or pursuit driving;

15 (E) recognizing and countering ambush at-
16 tacks;

17 (F) contact with individuals with mental
18 health needs;

19 (G) contact with individuals with substance
20 use disorders;

21 (H) contact with veterans;

22 (I) contact with individuals with disabil-
23 ities;

24 (J) contact with vulnerable youth;

1 (K) contact with individuals who are vic-
 2 tims of domestic violence, sexual assault, or
 3 trafficking; or

4 (L) contact with individuals experiencing
 5 homelessness or living in poverty;

6 (4) the offsetting of overtime costs associated
 7 with scheduling issues relating to the participation
 8 of a law enforcement officer in the training de-
 9 scribed in paragraphs (1) through (3);

10 (5) a signing bonus for a law enforcement offi-
 11 cer in an amount determined by the eligible local
 12 government;

13 (6) a retention bonus for a law enforcement of-
 14 ficer—

15 (A) in an amount determined by the eligi-
 16 ble local government that does not exceed 20
 17 percent of the salary of the law enforcement of-
 18 ficer; and

19 (B) who—

20 (i) has been employed at the law en-
 21 forcement agency for not fewer than 5
 22 years; and

23 (ii) has not been found by an internal
 24 investigation to have engaged in serious
 25 misconduct;

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

5 (A) \$10,000; or

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

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

16 (f) DISCLOSURE OF OFFICER RECRUITMENT AND
 17 RETENTION BONUSES.—

18 (1) IN GENERAL.—Not later than 60 days after
 19 the date on which an eligible local government that
 20 receives a grant under this section awards a signing
 21 or retention bonus described in paragraph (5) or (6)
 22 of subsection (e), the eligible local government shall
 23 disclose to the Director and make publicly available
 24 on a website of the eligible local government the
 25 amount of such bonus.

1 (2) REPORT.—The Attorney General shall sub-
2 mit to the appropriate congressional committees an
3 annual report that includes each signing or retention
4 bonus disclosed under paragraph (1) during the pre-
5 ceding year.

6 (g) GRANT ACCOUNTABILITY.—All grants awarded
7 by the Director under this section shall be subject to the
8 following accountability provisions:

9 (1) AUDIT REQUIREMENT.—

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

19 (B) AUDITS.—Beginning in the first fiscal
20 year beginning after the date of enactment of
21 this subsection, and in each fiscal year there-
22 after, the Inspector General of the Department
23 of Justice shall conduct audits of recipients of
24 grants under this section to prevent waste,
25 fraud, and abuse of funds by grantees. The In-

1 spectator General of the Department of Justice
2 shall determine the appropriate number of
3 grantees to be audited each year.

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

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

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

23 (i) deposit an amount equal to the
24 amount of the grant funds that were im-

1 properly awarded to the grantee into the
2 General Fund of the Treasury; and

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

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

15 (A) indicating whether—

16 (i) all audits issued by the Office of
17 the Inspector General of the Department
18 of Justice under paragraph (1) have been
19 completed and reviewed by the appropriate
20 Assistant Attorney General or Director;

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

1 (iii) all reimbursements required
2 under paragraph (1)(E) have been made;
3 and

4 (B) that includes a list of any grant recipi-
5 ents excluded under paragraph (1) from the
6 previous year.

7 (h) PREVENTING DUPLICATIVE GRANTS.—

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

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

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

23 (B) the reason the Attorney General
24 awarded multiple grants to the same applicant
25 for a similar purpose.

1 (i) FUNDING.—In carrying out this section, the Di-
2 rector—

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.

Passed the Senate August 1, 2022.

Attest:

Secretary.

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