

118TH CONGRESS
1ST SESSION

S. 1144

To establish a grant program to provide assistance to local law enforcement agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

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, Mr. KELLY, and Mr. BLUMENTHAL) 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 law enforcement agencies, 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 2023”.

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

7 (a) DEFINITIONS.—In this Act:

8 (1) DE-ESCALATION TRAINING.—The term “de-
9 escalation training” means training relating to tak-

1 ing action or communicating verbally or non-verbally
2 during a potential force encounter in an attempt to
3 stabilize the situation and reduce the immediacy of
4 the threat so that more time, options, and resources
5 can be called upon to resolve the situation without
6 the use of force or with a reduction in the force nec-
7 essary.

8 (2) DIRECTOR.—The term “Director” means
9 the Director of the Office.

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

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

16 (B) a Tribal government that employs
17 fewer than 200 law enforcement officers.

18 (4) LAW ENFORCEMENT OFFICER.—The term
19 “law enforcement officer” has the meaning given the
20 term “career law enforcement officer” in section
21 1709 of title I the Omnibus Crime Control and Safe
22 Streets Act of 1968 (34 U.S.C. 10389).

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

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

3 (1) provide training and access to mental health
4 resources to local law enforcement officers; and

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

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

11 (d) APPLICATIONS.—

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

16 (2) REPORT.—

17 (A) IN GENERAL.—Not later than 60 days
18 after the date of enactment of this Act, the At-
19 torney General shall submit to Congress a re-
20 port that includes a plan to execute a stream-
21 lined application process for grants under this
22 section under which an eligible local government
23 seeking a grant under this section can reason-
24 ably complete the application in not more than
25 2 hours.

1 (B) CONTENTS OF PLAN.—The plan re-
2 quired under subparagraph (A) may include a
3 plan for—

4 (i) proactively providing eligible local
5 governments seeking a grant under this
6 section with information on the data such
7 eligible local governments will need to pre-
8 pare before beginning the grant applica-
9 tion; and

10 (ii) ensuring technical assistance is
11 available for eligible local governments
12 seeking a grant under this section before
13 and during the grant application process,
14 including through dedicated liaisons within
15 the Office.

16 (3) APPLICATIONS.—In selecting eligible local
17 governments to receive grants under this section, the
18 Director shall use the streamlined application proc-
19 ess described in paragraph (2)(A).

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

23 (1) de-escalation training for law enforcement
24 officers;

- 1 (2) victim-centered training for law enforcement
2 officers in handling situations of domestic violence;
- 3 (3) evidence-based law enforcement safety
4 training, including training for—
- 5 (A) active shooter situations;
- 6 (B) the safe handling of illicit drugs and
7 precursor chemicals;
- 8 (C) rescue situations;
- 9 (D) high speed or pursuit driving;
- 10 (E) recognizing and countering ambush at-
11 tacks;
- 12 (F) contact with individuals with mental
13 health needs;
- 14 (G) contact with individuals with substance
15 use disorders;
- 16 (H) contact with veterans;
- 17 (I) contact with individuals with disabil-
18 ities;
- 19 (J) contact with vulnerable youth;
- 20 (K) contact with individuals who are vic-
21 tims of domestic violence, sexual assault, or
22 trafficking; or
- 23 (L) contact with individuals experiencing
24 homelessness or living in poverty;

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

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

8 (6) a retention bonus for a law enforcement of-
9 ficer—

10 (A) in an amount determined by the eligi-
11 ble local government that does not exceed 20
12 percent of the salary of the law enforcement of-
13 ficer; and

14 (B) who—

15 (i) has been employed at the law en-
16 forcement agency for not fewer than 5
17 years; and

18 (ii) has not been found by an internal
19 investigation to have engaged in serious
20 misconduct;

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

25 (A) \$10,000; or

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

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

11 (f) DISCLOSURE OF OFFICER RECRUITMENT AND
12 RETENTION BONUSES.—

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

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

1 (g) 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 spector 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 (h) 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 (i) 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 2024 through 2028.

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