

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 7581  
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 1, strike line 5, and all that follows through page 9, line 2, and insert the following (and redesignate the succeeding section accordingly):

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

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

7 (2) LOCAL LAW ENFORCEMENT OFFICER.—The  
8 term “local law enforcement officer”—

9 (A) means any officer, agent, or employee  
10 of a State or unit of local government author-  
11 ized by law or by a government agency to en-  
12 gage in or supervise the prevention, detection,  
13 or investigation of any violation of criminal law;  
14 and

15 (B) includes a school resource officer.

16 (3) SCHOOL.—The term “school” means an ele-  
17 mentary school or secondary school (as those terms

1 are defined in section 8101 of the Elementary and  
2 Secondary Education Act of 1965 (20 U.S.C.  
3 7801)).

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

7 (A) assigned by the employing law enforce-  
8 ment agency to a local educational agency or  
9 school;

10 (B) contracting with a local educational  
11 agency or school; or

12 (C) employed by a local educational agency  
13 or school.

14 **SEC. 3. USE OF FORCE REPORTING.**

15 (a) REPORTING REQUIREMENTS.—

16 (1) IN GENERAL.—Beginning in the first fiscal  
17 year that begins after the date that is one year after  
18 the date of enactment of this Act and each fiscal  
19 year thereafter in which a State or Indian Tribe re-  
20 ceives funds under a Byrne grant program, the  
21 State or Indian Tribe shall—

22 (A) report to the Attorney General, on a  
23 quarterly basis and pursuant to guidelines es-  
24 tablished by the Attorney General, information  
25 regarding—

1 (i) any incident involving the use of  
2 deadly force against a civilian by—

3 (I) a local law enforcement offi-  
4 cer who is employed by the State or  
5 by a unit of local government in the  
6 State; or

7 (II) a tribal law enforcement offi-  
8 cer who is employed by the Indian  
9 Tribe;

10 (ii) any incident involving the shooting  
11 of a local law enforcement officer or tribal  
12 law enforcement officer described in clause  
13 (i) by a civilian;

14 (iii) any incident involving the death  
15 or arrest of a local law enforcement officer  
16 or tribal law enforcement officer;

17 (iv) any incident during which use of  
18 force by or against a local law enforcement  
19 officer or tribal law enforcement officer de-  
20 scribed in clause (i) occurs, which is not  
21 reported under clause (i), (ii), or (iii);

22 (v) deaths in custody; and

23 (vi) uses of force in arrests and book-  
24 ing;

1 (B) establish a system and a set of policies  
2 to ensure that all use of force incidents are re-  
3 ported by local law enforcement officers or trib-  
4 al law enforcement officers; and

5 (C) submit to the Attorney General a plan  
6 for the collection of data required to be re-  
7 ported under this section, including any modi-  
8 fications to a previously submitted data collec-  
9 tion plan.

10 (2) REPORT INFORMATION REQUIRED.—

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

14 (i) the national origin, sex, race, eth-  
15 nicity, age, disability, English language  
16 proficiency, and housing status of each ci-  
17 vilian against whom a local law enforce-  
18 ment officer or tribal law enforcement offi-  
19 cer used force;

20 (ii) the date, time, and location, in-  
21 cluding whether it was on school grounds,  
22 and the zip code, of the incident and  
23 whether the jurisdiction in which the inci-  
24 dent occurred allows for the open-carry or  
25 concealed-carry of a firearm;

1 (iii) whether the civilian was armed,  
2 and, if so, the type of weapon the civilian  
3 had;

4 (iv) the type of force used against the  
5 officer, the civilian, or both, including the  
6 types of weapons used;

7 (v) the reason force was used;

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

10 (vii) the number of officers involved in  
11 the incident;

12 (viii) the number of civilians involved  
13 in the incident; and

14 (ix) a brief description regarding the  
15 circumstances surrounding the incident,  
16 which shall include information on—

17 (I) the type of force used by all  
18 involved persons;

19 (II) the legitimate police objective  
20 necessitating the use of force;

21 (III) the resistance encountered  
22 by each local law enforcement officer  
23 or tribal law enforcement officer in-  
24 volved in the incident;

1 (IV) the efforts by local law en-  
2 forcement officers or tribal law en-  
3 forcement officers to—

4 (aa) de-escalate the situation  
5 in order to avoid the use of force;  
6 or

7 (bb) minimize the level of  
8 force used; and

9 (V) if applicable, the reason why  
10 efforts described in subclause (IV)  
11 were not attempted.

12 (B) INCIDENTS REPORTED UNDER DEATH  
13 IN CUSTODY REPORTING ACT.—A State or In-  
14 dian Tribe is not required to include in a report  
15 under paragraph (1) an incident reported by  
16 the State or Indian Tribe in accordance with  
17 section 20104(a)(2) of the Violent Crime Con-  
18 trol and Law Enforcement Act of 1994 (34  
19 U.S.C. 12104(a)(2)).

20 (C) RETENTION OF DATA.—Each law en-  
21 forcement agency required to report data under  
22 this section shall maintain records relating to  
23 any matter so reportable for not less than 4  
24 years after those records are created.

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 or 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 or Indian Tribe submitting such report shall com-  
14 pare the information compiled to be reported pursu-  
15 ant to clause (i) of paragraph (1)(A) to publicly  
16 available sources, and shall revise such report to in-  
17 clude any incident determined to be missing from  
18 the report based on such comparison. Failure to  
19 comply with the procedures described in the previous  
20 sentence shall be considered a failure to comply with  
21 the requirements 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 or Indian Tribe 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 or Indian Tribe shall  
13 ensure that all schools and local educational agencies  
14 within the jurisdiction of the State or Indian Tribe  
15 provide the State or Indian Tribe with the informa-  
16 tion needed regarding school resource officers to  
17 comply with this section.

18 (c) PUBLIC AVAILABILITY OF DATA.—

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



1           (2) **PRIVACY PROTECTIONS.**—Nothing in this  
2 subsection shall be construed to supersede the re-  
3 quirements or limitations under section 552a of title  
4 5, United States Code (commonly known as the  
5 “Privacy Act of 1974”).

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

14 **SEC. 4. 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 a tribal law enforcement agency or be lo-  
23 cated in a State that receives funds under a Byrne  
24 grant program;

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

3           (3) demonstrate that the use of force policy for  
4 local law enforcement officers or tribal law enforce-  
5 ment officers employed by the law enforcement agen-  
6 cy is publicly available; and

7           (4) establish and maintain a complaint system  
8 that—

9                   (A) may be used by members of the public  
10 to report incidents of use of force to the law en-  
11 forcement agency;

12                   (B) makes all information collected pub-  
13 licly searchable and available; and

14                   (C) provides information on the status of  
15 an investigation related to a use of force com-  
16 plaint.

17       (c) **ACTIVITIES DESCRIBED.**—A grant made under  
18 this section may be used by a law enforcement agency  
19 for—

20           (1) the cost of assisting the State or Indian  
21 Tribe in which the law enforcement agency is located  
22 in complying with the reporting requirements de-  
23 scribed in section 223;

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

4           (3) public awareness campaigns designed to  
5 gain information from the public on use of force by  
6 or against local and tribal law enforcement officers,  
7 including shootings, which may include tip lines, hot-  
8 lines, and public service announcements; and

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

13 **SEC. 5. COMPLIANCE WITH REPORTING REQUIREMENTS.**

14       (a) **IN GENERAL.**—Not later than 1 year after the  
15 date of enactment of this Act, and each year thereafter,  
16 the Attorney General shall conduct an audit and review  
17 of the information provided under this Act to determine  
18 whether each State or Indian Tribe described in section  
19 3(a)(1) is in compliance with the requirements of this Act.

20       (b) **CONSISTENCY IN DATA REPORTING.**—

21           (1) **IN GENERAL.**—Any data reported under  
22 this Act shall be collected and reported—

23               (A) in a manner consistent with existing  
24 programs of the Department of Justice that

1 collect data on local law enforcement officer en-  
2 counters with civilians; and

3 (B) in a manner consistent with civil rights  
4 laws for distribution of information to the pub-  
5 lic.

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

9 (A) issue guidelines on the reporting re-  
10 quirement under section 3; and

11 (B) seek public comment before finalizing  
12 the guidelines required under subparagraph  
13 (A).

14 **SEC. 6. FEDERAL LAW ENFORCEMENT REPORTING.**

15 The head of each Federal law enforcement agency  
16 shall submit to the Attorney General, on a quarterly basis  
17 and pursuant to guidelines established by the Attorney  
18 General, the information required to be reported by a  
19 State or Indian Tribe under section 3.

