

116TH CONGRESS }
2d Session } HOUSE OF REPRESENTATIVES { REPORT
116-455

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2021

JULY 16, 2020.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SERRANO, from the Committee on Appropriations,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7667]

The Committee on Appropriations submits the following report in
explanation of the accompanying bill making appropriations for
Commerce, Justice, Science, and Related Agencies for the fiscal
year ending September 30, 2021, and for other purposes.

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The Task Force shall support the Attorney General and coordinate the detection and referral of complaints regarding incidents of alleged law enforcement misconduct nationwide, in consultation with professional law enforcement associations, labor organizations, and community-based organizations.

National Police Misconduct Registry.—The Committee strongly supports establishment of a National Police Misconduct Registry, containing data with respect to all Federal, State and local law enforcement officers, to be compiled and maintained by the Department of Justice. This would provide a publicly available resource to help ensure accountability and transparency, and help restore trust in the credibility of the Nation’s law enforcement agencies and improve relationships between them and the communities they serve. To that end, the Committee has included \$500,000 to support development and implementation of such a registry, as specified in Title II of H.R. 7120, the George Floyd Justice in Policing Act, as passed by the House of Representatives on June 25, 2020.

Accreditation of law enforcement agencies.—The Committee strongly supports development and implementation of strong, uniform accreditation standards for Federal, State, and local law enforcement agencies to ensure community accountability and a focus on policing with a guardian mentality, as set forth in H.R. 7120 as passed by the House of Representatives on June 25, 2020. The Committee therefore directs the Attorney General to take the lead in such an effort, and recommend such standards, in consultation with law enforcement accreditation organizations, based on an analysis of existing accreditation standards and methodology development by law enforcement accreditation organizations nationwide, including national, State, regional, and tribal accreditation organizations, as well as the May 2015 recommendations of the President’s Task Force on 21st Century Policing.

Use of force.—The Committee is concerned about the lack of reliable statistics on how often law enforcement uses deadly force, as underscored in the 2018 report by the U.S. Commission on Civil Rights entitled *Police Use of Force: An Examination of Modern Policing Practices*. That report recommended that “Congress should condition cities’ receipt of federal law enforcement funds on the cities’ collection and reporting to DOJ of data regarding police use of force practices, in a format that is aggregable and comparable nationally, which DOJ can then report to the American public. Congress should require DOJ to create and maintain a public, national database of police use of force incidents and appropriate funds sufficient to support the creation and maintenance of the database.”

The Committee agrees with these recommendations and notes that Congress is currently considering affirmative direction, such as the language of Section 364 of H.R. 7120, as passed by the House of Representatives on June 25, 2020, that would define and sanction specific types of force. The Committee therefore directs the Attorney General to develop plans to require each State, city, county, and tribal government agency receiving DOJ law enforcement funding to provide annual data to the Department on its use of force incidents. The Committee also directs the Attorney General to develop plans to require all Federal law enforcement agencies to provide annual information on its use of force incidents. Such data

should include: the date, time, and location of each instance in which deadly force was used; identifying characteristics of the victim and officer involved, including the race, gender, ethnicity, and approximate age of the victim; any existence of mental illness or disability of the victim; the nature of the deadly force used, including whether it involved a firearm; and a description of any non-lethal efforts that were taken before deadly force was used.

The Committee understands that the National Use of Force Data Collection (NUOFDC) database effort, begun in 2015 and implemented nationally on January 1, 2019, reflects participation from State and local agencies, and that when NUOFDC participation reaches 60 percent such data may be published. The Committee also understands that the NUOFDC database does not currently include data on religion of persons involved, documentation of deadly force guidelines in effect, or explanations or reasons for use of force. The Committee directs the Department to develop a plan to collect such data and brief the Committee not later than 90 days after the enactment of this Act on steps to implement such a plan, to include any additional funding required. In addition, while Congress is currently considering changes in this area, including in section 219 of this Act, the Committee understands that Use-of-Force data and UCR submissions to the FBI are currently voluntary. Thus, the aforesaid briefing should also address what steps, to include additional legal authority, financial incentives, and implementation actions, may be required to further increase such submissions of information, including by making such information a condition for eligibility to receive DOJ assistance or share in DOJ-administered Federal law enforcement funds, while maintaining law enforcement cooperation between DOJ and its partners. Such briefing should also address the process and associated administrative requirements to audit and review use of force data from Federal, State and local law enforcement agencies, consistent with the approach set forth in sections 225 and 226 of H.R. 7120 as passed by the House of Representatives on June 25, 2020, including the use of such audits to assess compliance with reporting requirements if such requirements were to be established in law or regulation.

Death in Custody Reporting Act.—The Committee is deeply concerned by the Department’s failure to implement the Death in Custody Reporting Act of 2013, Public Law 113–242. As our nation faces another crisis caused by the shocking deaths of individuals of color at the hands of local law enforcement, the Committee believes that the requirements of that law are essential to enable Congress and the American public to understand the scope of the problem and to facilitate reforms. The Committee directs the Department, not later than 90 days after enactment of this Act, to provide the Committee with the report required in Section 2(f) of Public Law 113–242. The Committee also directs the Department to comply with recommendations in the Department of Justice’s Inspector General’s December 2018 report entitled, “Review of the Department of Justice’s Implementation of the Death in Custody Reporting Act of 2013,” and to notify the Committee not later than 90 days after enactment of this Act regarding all Federal agencies with law enforcement authority who are non-compliant with the requirements of Public Law 113–242.