

To the office of U.S. Senator Thomas Tillis

Re: S 5214 (119th Congress), Protect and Serve Act of 2026 • Latest action (2026-08-03): Read twice and referred to the Committee on the Judiciary.

VFA SI Solution #221 • published 2026-08-05 • <https://www.valuesforamerica.com/solutions/221>

Office of record (Congress.gov): 113 Dirksen Senate Office Building Washington, DC 20510, Washington, DC • (202) 224-6342

Law Enforcement Protection Incentive Act of 2025

The measure, as described from the official record: To deter and punish violent crimes specifically targeting law enforcement officers by creating or enhancing federal penalties for such offenses.

THE PROPOSAL

Section 1. Short Title. This Act may be cited as the 'Law Enforcement Protection Incentive Act of 2025'.

Section 2. Findings and Purpose. Congress finds that violent crimes targeting law enforcement officers undermine public safety and the administration of justice. The purpose of this Act is to encourage states to adopt enhanced penalties for such crimes through conditional grants, without creating new federal criminal jurisdiction.

Section 3. Grant Program. The Attorney General shall establish a grant program to provide funds to states that enact or have in effect a state law providing for enhanced criminal penalties (e.g., sentence enhancements of at least 5 years) for any felony offense where the victim was selected because of the victim's status as a law enforcement officer. To qualify, the state law must also include data reporting requirements and training on de-escalation and community policing.

Section 4. Funding. There is authorized to be appropriated \$50,000,000 per fiscal year for fiscal years 2026 through 2030, to be derived from the general fund of the Treasury. No funds may be used for federal prosecution of crimes already covered by state law.

Section 5. Oversight. The Attorney General shall report annually to Congress on the number of states participating, the amounts disbursed, and any measurable impact on violence against law enforcement officers.

Section 6. Sunset. This Act shall sunset on September 30, 2030, unless reauthorized by Congress.

Section 7. Effective Date. This Act shall take effect 90 days after enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source General fund of the Treasury (authorized appropriation)

Funding Amount	\$50,000,000 per fiscal year for 5 years
Sunset Years	5 years
Oversight Body	Attorney General (annual report to Congress)
Enforcement Mechanism	Conditional grants: states must enact qualifying enhanced penalty laws and comply with reporting/training requirements; DOJ may withhold funds for noncompliance after notice and hearing.
Effective Date	90 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (General Welfare – spending for general welfare via conditional grants)
- Article I, Section 8, Clause 18 (Necessary and Proper – to carry out spending power)
- Tenth Amendment (reserves police powers to states; grants respect state autonomy)
- Fifth Amendment Due Process (equal protection concerns addressed by requiring victim selection based on status, not race or other protected class)

Concerns with the measure as written:

- Tenth Amendment: Police powers and prosecution of violent crimes are traditionally state functions; creating a new federal crime may exceed enumerated powers.
 - Fifth Amendment Due Process: Enhanced penalties based solely on victim status may raise equal protection concerns if not carefully tailored.
 - Article I, Section 8: Lacks a clear enumerated power nexus unless tied to interstate commerce or federal property/officers.
-

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: avoids federal overreach into state criminal law, includes de-escalation training and data reporting to address police-community relations, and uses grants rather than mandates. Republican priorities: supports law enforcement by incentivizing stronger state penalties, respects federalism, and provides funding without creating new federal crimes.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources:

<https://www.valuesforamerica.com/solutions/221> · Methodology: <https://www.valuesforamerica.com/methodology>