

111TH CONGRESS  
1ST SESSION

# H. R. 1139

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2009

Mr. WEINER (for himself, Ms. BERKLEY, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mr. CONYERS, Mr. COURTNEY, Ms. DEGETTE, Ms. DELAURO, Mr. GRIJALVA, Mr. HALL of New York, Mr. HIGGINS, Mr. HOLDEN, Mr. HOLT, Mr. ISRAEL, Mr. KENNEDY, Mr. KLEIN of Florida, Mr. LATOURETTE, Ms. LEE of California, Mr. LOEBSACK, Mr. MARKEY of Massachusetts, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCMAHON, Mr. NADLER of New York, Mr. ROSS, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SIRES, Mr. STUPAK, Ms. SUTTON, Mr. VISCIOSKY, Ms. WASSERMAN SCHULTZ, Mr. WILSON of Ohio, Mrs. LOWEY, Mr. MCINTYRE, Mr. BISHOP of New York, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, 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 “COPS Improvements  
3 Act of 2009”.

4 **SEC. 2. COPS GRANT IMPROVEMENTS.**

5 (a) IN GENERAL.—Section 1701 of the Omnibus  
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
7 3796dd) is amended—

8 (1) by amending subsection (a) to read as fol-  
9 lows:

10 “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
11 eral shall carry out grant programs under which the Attor-  
12 ney General makes grants to States, units of local govern-  
13 ment, Indian tribal governments, other public and private  
14 entities, multi-jurisdictional or regional consortia, and in-  
15 dividuals for the purposes described in subsections (b), (c),  
16 (d), and (e).”;

17 (2) in subsection (b)—

18 (A) by striking the subsection heading text  
19 and inserting “COMMUNITY POLICING AND  
20 CRIME PREVENTION GRANTS”;

21 (B) in paragraph (3), by striking “, to in-  
22 crease the number of officers deployed in com-  
23 munity-oriented policing”;

24 (C) by amending paragraph (4) to read as  
25 follows:

1           “(4) award grants to pay for or train officers  
2           hired to perform intelligence, anti-terror, or home-  
3           land security duties;”;

4           (D) by inserting after paragraph (4) the  
5           following:

6           “(5) award grants to hire school resource offi-  
7           cers and to establish school-based partnerships be-  
8           tween local law enforcement agencies and local  
9           school systems to combat crime, gangs, drug activi-  
10          ties, and other problems in and around elementary  
11          and secondary schools;”;

12          (E) by striking paragraph (9);

13          (F) by redesignating paragraphs (10)  
14          through (12) as paragraphs (9) through (11),  
15          respectively;

16          (G) by striking paragraph (13);

17          (H) by redesignating paragraphs (14)  
18          through (17) as paragraphs (12) through (15),  
19          respectively;

20          (I) in paragraph (14), as so redesignated,  
21          by striking “and” at the end;

22          (J) in paragraph (15), as so redesignated,  
23          by striking the period at the end and inserting  
24          a semicolon; and

25          (K) by adding at the end the following:

1           “(16) establish and implement innovative pro-  
2           grams to reduce and prevent illegal drug manufac-  
3           turing, distribution, and use, including the manufac-  
4           turing, distribution, and use of methamphetamine;

5           “(17) establish criminal gang enforcement task  
6           forces, consisting of members of Federal, State, and  
7           local law enforcement authorities (including Federal,  
8           State, and local prosecutors), for the coordinated in-  
9           vestigation, disruption, apprehension, and prosecu-  
10          tion of criminal gangs and offenders involved in local  
11          or multi-jurisdictional gang activities; and

12          “(18) award enhancing community policing and  
13          crime prevention grants that meet emerging law en-  
14          forcement needs, as warranted.”;

15          (3) by striking subsection (c);

16          (4) by striking subsections (h) and (i);

17          (5) by redesignating subsections (d) through (g)  
18          as subsections (f) through (i), respectively;

19          (6) by inserting after subsection (b) the fol-  
20          lowing:

21          “(c) TROOPS-TO-COPS PROGRAMS.—

22                 “(1) IN GENERAL.—Grants made under sub-  
23                 section (a) may be used to hire former members of  
24                 the Armed Forces to serve as career law enforce-  
25                 ment officers for deployment in community-oriented

1       policing, particularly in communities that are ad-  
2       versely affected by a recent military base closing.

3               “(2) DEFINITION.—In this subsection, ‘former  
4       member of the Armed Forces’ means a member of  
5       the Armed Forces of the United States who has  
6       been honorably discharged from the Armed Forces  
7       of the United States.

8               “(d) COMMUNITY PROSECUTORS PROGRAM.—The  
9       Attorney General may make grants under subsection (a)  
10      to pay for additional community prosecuting programs, in-  
11      cluding programs that assign prosecutors to—

12              “(1) handle cases from specific geographic  
13      areas; and

14              “(2) address counter-terrorism problems, spe-  
15      cific violent crime problems (including intensive ille-  
16      gal gang, gun, and drug enforcement and quality of  
17      life initiatives), and localized violent and other crime  
18      problems based on needs identified by local law en-  
19      forcement agencies, community organizations, and  
20      others.

21              “(e) TECHNOLOGY GRANTS.—The Attorney General  
22      may make grants under subsection (a) to develop and use  
23      new technologies (including interoperable communications  
24      technologies, modernized criminal record technology, and  
25      forensic technology) to assist State and local law enforce-

1 ment agencies in reorienting the emphasis of their activi-  
2 ties from reacting to crime to preventing crime and to  
3 train law enforcement officers to use such technologies.”;

4 (7) in subsection (f), as so redesignated—

5 (A) in paragraph (1), by striking “to  
6 States, units of local government, Indian tribal  
7 governments, and to other public and private  
8 entities,”;

9 (B) in paragraph (2), by striking “define  
10 for State and local governments, and other pub-  
11 lic and private entities,” and inserting “estab-  
12 lish”;

13 (C) in the first sentence of paragraph (3),  
14 by inserting “(including regional community po-  
15 licing institutes)” after “training centers or fa-  
16 cilities”; and

17 (D) by adding at the end the following:

18 “(4) EXCLUSIVITY.—The Office of Community  
19 Oriented Policing Services shall be the exclusive  
20 component of the Department of Justice to perform  
21 the functions and activities specified in this para-  
22 graph.”;

23 (8) in subsection (g), as so redesignated, by  
24 striking “may utilize any component”, and all that  
25 follows and inserting “shall use the Office of Com-

1 munity Oriented Policing Services of the Depart-  
2 ment of Justice in carrying out this part.”;

3 (9) in subsection (h), as so redesignated—

4 (A) by striking “subsection (a)” the first  
5 place that term appears and inserting “para-  
6 graphs (1) and (2) of subsection (b)”;

7 (B) by striking “in each fiscal year pursu-  
8 ant to subsection (a)” and inserting “in each  
9 fiscal year for purposes described in paragraph  
10 (1) and (2) of subsection (b)”;

11 (10) in subsection (i), as so redesignated—

12 (A) by striking “the Federal share shall  
13 decrease from year to year for up to 5 years”  
14 and inserting “unless the Attorney General  
15 waives the non-Federal contribution require-  
16 ment as described in the preceding sentence,  
17 the non-Federal share of the costs of hiring or  
18 rehiring such officers may be less than 25 per-  
19 cent of such costs for any year during the grant  
20 period, provided that the non-Federal share of  
21 such costs shall not be less than 25 percent in  
22 the aggregate for the entire grant period, but  
23 the State or local government should make an  
24 effort to increase the non-Federal share of such  
25 costs during the grant period”; and

1 (B) by adding at the end the following new  
2 sentence: “The preceding sentences shall not  
3 apply with respect to any program, project, or  
4 activity provided by a grant made pursuant to  
5 subsection (b)(4).”; and

6 (11) by adding at the end the following:

7 “(j) RETENTION OF ADDITIONAL OFFICER POSI-  
8 TIONS.—For any grant under paragraph (1) or (2) of sub-  
9 section (b) for hiring or rehiring career law enforcement  
10 officers, a grant recipient shall retain each additional law  
11 enforcement officer position created under that grant for  
12 not less than 12 months after the end of the period of  
13 that grant, unless the Attorney General waives, wholly or  
14 in part, the retention requirement of a program, project,  
15 or activity.”.

16 (b) APPLICATIONS.—Section 1702 of the Omnibus  
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
18 3796dd–1) is amended—

19 (1) in subsection (c)—

20 (A) in the matter preceding paragraph (1),  
21 by inserting “, unless waived by the Attorney  
22 General” after “under this part shall”; and

23 (B) in paragraph (8), by striking “share of  
24 the cost” and all that follows and inserting  
25 “share of the costs during the grant period,



1           how the applicant will maintain the increased  
2           hiring level of the law enforcement officers, and  
3           how the applicant will eventually assume re-  
4           sponsibility for all of the costs for such offi-  
5           cers;” and

6           (2) by striking subsection (d).

7           (c) RENEWAL OF GRANTS.—Section 1703 of the Om-  
8           nibus Crime Control and Safe Streets Act of 1968 (42  
9           U.S.C. 3796dd–2) is amended to read as follows:

10       **“SEC. 1703. RENEWAL OF GRANTS.**

11           “(a) IN GENERAL.—Except as provided in subsection  
12           (b), a grant made under this part may be renewed, without  
13           limitations on the duration of such renewal, to provide ad-  
14           ditional funds if the Attorney General determines that the  
15           funds made available to the recipient were used in a man-  
16           ner required under an approved application and if the re-  
17           cipient can demonstrate significant progress in achieving  
18           the objectives of the initial application.

19           “(b) GRANTS FOR HIRING.—Grants made under this  
20           part for hiring or rehiring additional career law enforce-  
21           ment officers may be renewed for up to 5 years, except  
22           that the Attorney General may waive such 5-year limita-  
23           tion for good cause.

24           “(c) NO COST EXTENSIONS.—Notwithstanding sub-  
25           sections (a) and (b), the Attorney General may extend a

1 grant period, without limitations as to the duration of  
2 such extension, to provide additional time to complete the  
3 objectives of the initial grant award.”.

4 (d) LIMITATION ON USE OF FUNDS.—Section 1704  
5 of the Omnibus Crime Control and Safe Streets Act of  
6 1968 (42 U.S.C. 3796dd-3) is amended—

7 (1) in subsection (a)—

8 (A) by striking “that would, in the absence  
9 of Federal funds received under this part, be  
10 made available from State or local sources” and  
11 inserting “that the Attorney General determines  
12 would, in the absence of Federal funds received  
13 under this part, be made available for the pur-  
14 pose of the grant under this part from State or  
15 local sources”; and

16 (B) by adding at the end the following new  
17 sentence: “The preceding sentence shall not  
18 apply with respect to funds made available  
19 under this part by a grant made pursuant to  
20 subsection (a) for the purposes described in  
21 subsection (b)(4).”; and

22 (2) by striking subsection (c).

23 (e) STUDY OF PROGRAM EFFECTIVENESS.—Section  
24 1705 of the Omnibus Crime Control and Safe Streets Act

1 of 1968 (42 U.S.C. 3796dd–4) is amended by adding at  
2 the end the following new subsection:

3 “(d) STUDY OF PROGRAM EFFECTIVENESS.—

4 “(1) IN GENERAL.—The Attorney General shall  
5 provide for a scientific study of the effectiveness of  
6 the programs, projects, and activities funded under  
7 this part in reducing crime.

8 “(2) STUDY.—The Attorney General shall se-  
9 lect one or more institutions of higher education, in-  
10 cluding historically Black colleges and universities,  
11 to conduct the study described in paragraph (1).

12 “(3) REPORTS.—Not later than 4 years after  
13 the date of the enactment of the COPS Improve-  
14 ments Act of 2009, the institution or institutions se-  
15 lected under paragraph (2) shall report the findings  
16 of the study described in paragraph (1) to the Attor-  
17 ney General. Not later than 30 days after the receipt  
18 of such report, the Attorney General shall report  
19 such findings to the appropriate committees of Con-  
20 gress, along with any recommendations the Attorney  
21 General may have relating to the effectiveness of the  
22 programs, projects, and activities funded under this  
23 part in reducing crime.”.

1 (f) ENFORCEMENT ACTIONS.—Section 1706 of the  
2 Omnibus Crime Control and Safe Streets Act of 1968 (42  
3 U.S.C. 3796dd–5) is amended—

4 (1) in the section heading, by striking “**REV-**  
5 **OCATION OR SUSPENSION OF FUNDING**” and in-  
6 serting “**ENFORCEMENT ACTIONS**”; and

7 (2) by striking “revoke or suspend” and all that  
8 follows and inserting “take any enforcement action  
9 available to the Department of Justice.”.

10 (g) DEFINITIONS.—Section 1709(1) of the Omnibus  
11 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
12 3796dd–8(1)) is amended by inserting “who is a sworn  
13 law enforcement officer” after “permanent basis”.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 1001(a)(11) of the Omnibus Crime Control and Safe  
16 Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amend-  
17 ed—

18 (1) in subparagraph (A), by striking  
19 “1,047,119,000 for each of fiscal years 2006  
20 through 2009” and inserting “3,050,000,000 for  
21 each of fiscal years 2009 through 2014”; and

22 (2) in subparagraph (B)—

23 (A) in the first sentence, by striking “3  
24 percent may be used for technical assistance  
25 under section 1701(d)” and inserting “5 per-

1 cent may be used for technical assistance under  
2 section 1701(f)”; and

3 (B) by striking the second sentence and in-  
4 serting the following: “Of the funds available  
5 for grants under part Q, not less than  
6 \$2,500,000,000 shall be used for grants for the  
7 purposes specified in section 1701(b), not more  
8 than \$200,000,000 shall be used for grants  
9 under section 1701(d), and not more than  
10 \$350,000,000 shall be used for grants under  
11 section 1701(e).”.

12 (i) PURPOSES.—Section 10002 of the Public Safety  
13 Partnership and Community Policing Act of 1994 (42  
14 U.S.C. 3796dd note) is amended—

15 (1) in paragraph (4), by striking “development”  
16 and inserting “use”; and

17 (2) in the matter following paragraph (4), by  
18 striking “for a period of 6 years”.

19 (j) COPS PROGRAM IMPROVEMENTS.—

20 (1) IN GENERAL.—Section 109(b) of the Omni-  
21 bus Crime Control and Safe Streets Act of 1968 (42  
22 U.S.C. 3712h(b)) is amended—

23 (A) by striking paragraph (1);

24 (B) by redesignating paragraphs (2) and

25 (3) as paragraphs (1) and (2), respectively; and

1 (C) in paragraph (2), as so redesignated,  
2 by inserting “, except for the program under  
3 part Q of this title” before the period.

4 (2) LAW ENFORCEMENT COMPUTER SYS-  
5 TEMS.—Section 107 of the Omnibus Crime Control  
6 and Safe Streets Act of 1968 (42 U.S.C. 3712f) is  
7 amended by adding at the end the following:

8 “(c) EXCEPTION.—This section shall not apply to any  
9 grant made under part Q of this title.”.

10 **SEC. 3. REPORT BY INSPECTOR GENERAL REQUIRED.**

11 (a) REPORT.—Not later than 180 days after the date  
12 of the enactment of this Act, the Inspector General of the  
13 Department of Justice shall submit to Congress a report  
14 on the Public Safety and Community Policing (“COPS  
15 ON THE BEAT”) grant program authorized by part Q  
16 of title I of the Omnibus Crime Control and Safe Streets  
17 Act of 1968 (42 U.S.C. 3796dd et seq.), including the ele-  
18 ments described in subsection (b).

19 (b) ELEMENTS OF REPORT.—The report submitted  
20 under subsection (a) shall include information on the fol-  
21 lowing, with respect to the grant program described in  
22 such subsection:

23 (1) The effect of the program on the rate of  
24 violent crime, drug offenses, and other crimes.

1           (2) The degree to which State and local govern-  
2           ments awarded a grant under the program con-  
3           tribute State and local funds, respectively, for law  
4           enforcement programs and activities.

5           (3) Any waste, fraud, or abuse within the pro-  
6           gram.

7           (c) RANDOM SAMPLING REQUIRED.—For purposes of  
8           subsection (a), the Inspector General of the Department  
9           of Justice shall audit and review a random sampling of  
10          State and local law enforcement agencies. Such sampling  
11          shall include—

12           (1) law enforcement agencies of various sizes;

13           (2) law enforcement agencies that serve various  
14          populations; and

15           (3) law enforcement agencies that serve areas  
16          of various crime rates.

○