

Union Calendar No. 35

111TH CONGRESS
1ST SESSION

H. R. 1139

[Report No. 111-78]

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.

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. VISCLOSKY, 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

APRIL 21, 2009

Additional sponsors: Mr. MURTHA, Mrs. CAPPS, Mr. PIERLUISI, Mr. WELCH, and Mr. REICHERT

APRIL 21, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 23, 2009]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “COPS Improvements*
5 *Act of 2009”.*

6 **SEC. 2. COPS GRANT IMPROVEMENTS.**

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

10 *(1) by amending subsection (a) to read as fol-*
11 *lows:*

12 *“(a) GRANT AUTHORIZATION.—The Attorney General*
13 *shall carry out grant programs under which the Attorney*
14 *General makes grants to States, units of local government,*
15 *Indian tribal governments, other public and private enti-*
16 *ties, multi-jurisdictional or regional consortia, and individ-*
17 *uals for the purposes described in subsections (b), (c), (d),*

1 *and (e). Grants under this subsection shall be awarded on*
2 *a competitive basis.”;*

3 *(2) in subsection (b)—*

4 *(A) by striking the subsection heading text*
5 *and inserting “COMMUNITY POLICING AND*
6 *CRIME PREVENTION GRANTS”;*

7 *(B) in paragraph (3), by striking “, to in-*
8 *crease the number of officers deployed in commu-*
9 *nity-oriented policing”;*

10 *(C) by amending paragraph (4) to read as*
11 *follows:*

12 *“(4) award grants to pay for or train officers*
13 *hired to perform intelligence, anti-terror, or homeland*
14 *security duties;”;*

15 *(D) by inserting after paragraph (4) the fol-*
16 *lowing:*

17 *“(5) award grants to hire school resource officers*
18 *and to establish school-based partnerships between*
19 *local law enforcement agencies and local school sys-*
20 *tems to combat crime, gangs, drug activities, and*
21 *other problems in and around elementary and sec-*
22 *ondary schools;”;*

23 *(E) by striking paragraph (9);*

1 (F) by redesignating paragraphs (10)
2 through (12) as paragraphs (9) through (11), re-
3 spectively;

4 (G) by striking paragraph (13);

5 (H) by redesignating paragraphs (14)
6 through (17) as paragraphs (12) through (15),
7 respectively;

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

10 (J) in paragraph (15), as so redesignated,
11 by striking the period at the end and inserting
12 a semicolon; and

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

14 “(16) establish and implement innovative pro-
15 grams to reduce and prevent illegal drug manufac-
16 turing, distribution, and use, including the manufac-
17 turing, distribution, and use of methamphetamine;

18 “(17) hire and rehire civilian forensic analysts
19 and laboratory personnel;

20 “(18) establish criminal gang enforcement task
21 forces, consisting of members of Federal, State, and
22 local law enforcement authorities (including Federal,
23 State, and local prosecutors), for the coordinated in-
24 vestigation, disruption, apprehension, and prosecu-

1 *tion of criminal gangs and offenders involved in local*
2 *or multi-jurisdictional gang activities; and*

3 *“(19) award enhancing community policing and*
4 *crime prevention grants that meet emerging law en-*
5 *forcement needs.”;*

6 *(3) by striking subsection (c);*

7 *(4) by striking subsections (h) and (i);*

8 *(5) by redesignating subsections (d) through (g)*
9 *as subsections (f) through (i), respectively;*

10 *(6) by inserting after subsection (b) the fol-*
11 *lowing:*

12 *“(c) TROOPS-TO-COPS PROGRAMS.—*

13 *“(1) IN GENERAL.—Grants made under sub-*
14 *section (a) may be used to hire former members of the*
15 *Armed Forces to serve as career law enforcement offi-*
16 *cers for deployment in community-oriented policing,*
17 *particularly in communities that are adversely af-*
18 *ected by a recent military base closing.*

19 *“(2) DEFINITION.—In this subsection, ‘former*
20 *member of the Armed Forces’ means a member of the*
21 *Armed Forces of the United States who has been hon-*
22 *orably discharged from the Armed Forces of the*
23 *United States.*

24 *“(d) COMMUNITY PROSECUTORS PROGRAM.—The At-*
25 *torney General may make grants under subsection (a) to*

1 *pay for additional community prosecuting programs, in-*
2 *cluding programs that assign prosecutors to—*

3 *“(1) handle cases from specific geographic areas;*
4 *and*

5 *“(2) address counter-terrorism problems, specific*
6 *violent crime problems (including intensive illegal*
7 *gang, gun, and drug enforcement) and quality of life*
8 *initiatives, and localized violent and other crime*
9 *problems based on needs identified by local law en-*
10 *forcement agencies, community organizations, and*
11 *others.*

12 *“(e) TECHNOLOGY GRANTS.—The Attorney General*
13 *may make grants under subsection (a) to develop and use*
14 *new technologies (including interoperable communications*
15 *technologies, modernized criminal record technology, and*
16 *forensic technology) to assist State and local law enforce-*
17 *ment agencies in reorienting the emphasis of their activities*
18 *from reacting to crime to preventing crime and to train*
19 *law enforcement officers to use such technologies.”;*

20 *(7) in subsection (f), as so redesignated—*

21 *(A) in paragraph (1), by striking “to*
22 *States, units of local government, Indian tribal*
23 *governments, and to other public and private en-*
24 *tities,”;*

1 (B) in paragraph (2), by striking “define
2 for State and local governments, and other pub-
3 lic and private entities,” and inserting “estab-
4 lish”;

5 (C) in the first sentence of paragraph (3),
6 by inserting “(including regional community po-
7 licing institutes)” after “training centers or fa-
8 cilities”; and

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

10 “(4) *EXCLUSIVITY.*—The Office of Community
11 Oriented Policing Services shall be the exclusive com-
12 ponent of the Department of Justice to perform the
13 functions and activities specified in this part.”;

14 (8) in subsection (g), as so redesignated, by strik-
15 ing “may utilize any component”, and all that fol-
16 lows and inserting “shall use the Office of Commu-
17 nity Oriented Policing Services of the Department of
18 Justice in carrying out this part.”;

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

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

23 (B) by striking “in each fiscal year pursu-
24 ant to subsection (a)” and inserting “in each fis-

1 *cal year for purposes described in paragraph (1)*
2 *and (2) of subsection (b)”;*

3 *(10) in subsection (i), as so redesignated—*

4 *(A) by striking “the Federal share shall de-*
5 *crease from year to year for up to 5 years” and*
6 *inserting “unless the Attorney General waives*
7 *the non-Federal contribution requirement as de-*
8 *scribed in the preceding sentence, the non-Fed-*
9 *eral share of the costs of hiring or rehiring such*
10 *officers may be less than 25 percent of such costs*
11 *for any year during the grant period, provided*
12 *that the non-Federal share of such costs shall not*
13 *be less than 25 percent in the aggregate for the*
14 *entire grant period, but the State or local gov-*
15 *ernment should make an effort to increase the*
16 *non-Federal share of such costs during the grant*
17 *period”; and*

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

23 *(11) by adding at the end the following:*

24 “(j) *RETENTION OF ADDITIONAL OFFICER POSI-*
25 *TIONS.—For any grant under paragraph (1) or (2) of sub-*

1 *section (b) for hiring or rehiring career law enforcement*
 2 *officers, a grant recipient shall retain each additional law*
 3 *enforcement officer position created under that grant for not*
 4 *less than 12 months after the end of the period of that grant,*
 5 *unless the Attorney General waives, wholly or in part, the*
 6 *retention requirement of such grant.*

7 “(k) *TREATMENT OF GRANT FOR HIRING CIVILIAN FO-*
 8 *RENSIC ANALYSTS AND LABORATORY PERSONNEL.—A*
 9 *grant awarded under this section for hiring and rehiring*
 10 *of civilian forensic analysts and laboratory personnel (in*
 11 *accordance with paragraph (17) of subsection (b)) shall be*
 12 *subject to the same treatment, limitations, and renewal re-*
 13 *quirements under this part as grants awarded under this*
 14 *section for hiring and rehiring of career law enforcement*
 15 *personnel (in accordance with paragraphs (1) and (2) of*
 16 *subsection (b)).”.*

17 (b) *APPLICATIONS.—Section 1702 of the Omnibus*
 18 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
 19 *3796dd-1) is amended—*

20 (1) *in subsection (c)—*

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

24 (B) *in paragraph (8), by striking “share of*
 25 *the cost” and all that follows and inserting*

1 “share of the costs during the grant period, how
2 the applicant will maintain the increased hiring
3 level of the law enforcement officers, and how the
4 applicant will eventually assume responsibility
5 for all of the costs for such officers;” and
6 (2) by striking subsection (d).

7 (c) *RENEWAL OF GRANTS.*—Section 1703 of the *Omni-*
8 *bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
9 *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 that
22 the Attorney General may waive such 5-year limitation for
23 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 such*
2 *extension, to provide additional time to complete the objec-*
3 *tives of the initial grant award.”.*

4 (d) *LIMITATION ON USE OF FUNDS.—Section 1704 of*
5 *the Omnibus Crime Control and Safe Streets Act of 1968*
6 *(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 apply*
18 *with respect to funds made available under this*
19 *part by a grant made pursuant to subsection (a)*
20 *for the purposes described in subsection (b)(4).”;*
21 *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 the
2 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 the*
6 *programs, projects, and activities funded under this*
7 *part in reducing crime. Such study shall include*
8 *identified best practices for community policing that*
9 *have demonstrated results for building and strength-*
10 *ening the relationship between police departments and*
11 *the communities such departments serve.*

12 “(2) *STUDY.*—*The Attorney General shall select*
13 *one or more institutions of higher education, includ-*
14 *ing historically Black colleges and universities, to*
15 *conduct the study described in paragraph (1).*

16 “(3) *REPORTS.*—*Not later than 4 years after the*
17 *date of the enactment of the COPS Improvements Act*
18 *of 2009, the institution or institutions selected under*
19 *paragraph (2) shall report the findings of the study*
20 *described in paragraph (1) to the Attorney General.*
21 *Not later than 30 days after the receipt of such re-*
22 *port, the Attorney General shall report such findings*
23 *to the appropriate committees of Congress, along with*
24 *any recommendations the Attorney General may have*
25 *relating to the effectiveness of the programs, projects,*

1 and activities funded under this part in reducing
2 crime.”.

3 (f) *ENFORCEMENT ACTIONS*.—Section 1706 of the Om-
4 nibus Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3796dd–5) is amended—

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

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

12 (g) *DEFINITIONS*.—Section 1709(1) of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
14 3796dd–8(1)) is amended by inserting “who is a sworn law
15 enforcement officer” after “permanent basis”.

16 (h) *AUTHORIZATION OF APPROPRIATIONS*.—Section
17 1001(a)(11) of the Omnibus Crime Control and Safe Streets
18 Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

19 (1) in subparagraph (A), by striking
20 “1,047,119,000 for each of fiscal years 2006 through
21 2009” and inserting “1,800,000,000 for each of fiscal
22 years 2009 through 2014”; and

23 (2) in subparagraph (B)—

24 (A) in the first sentence, by striking “3 per-
25 cent may be used for technical assistance under

1 *section 1701(d)*” and inserting “5 percent may
2 *be used for technical assistance under section*
3 *1701(f)*”; and

4 *(B) by striking the second sentence and in-*
5 *serting the following: “Of the funds available for*
6 *grants under part Q, not less than*
7 *\$1,250,000,000 shall be used for grants for the*
8 *purposes specified in section 1701(b), not more*
9 *than \$200,000,000 shall be used for grants under*
10 *section 1701(d), and not more than \$350,000,000*
11 *shall be used for grants under 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, by
2 inserting “, except for the program under part Q
3 of this title” before the period.

4 (2) *LAW ENFORCEMENT COMPUTER SYSTEMS.*—
5 Section 107 of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3712f) is amended by
7 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 (k) *EFFECTIVE DATE.*—This section and the amend-
11 ments made by this section shall apply with respect to
12 grants awarded under part Q of the Omnibus Crime Con-
13 trol and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.)
14 on or after the date of enactment of this Act.

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

16 (a) *REPORT.*—Not later than 180 days after the date
17 of the enactment of this Act, the Inspector General of the
18 Department of Justice shall submit to Congress a report on
19 the Public Safety and Community Policing (“COPS ON
20 THE BEAT”) grant program authorized by part Q of title
21 I of the Omnibus Crime Control and Safe Streets Act of
22 1968 (42 U.S.C. 3796dd et seq.), including the elements de-
23 scribed in subsection (b).

24 (b) *ELEMENTS OF REPORT.*—The report submitted
25 under subsection (a) shall include information on the fol-

1 *lowing, with respect to the grant program described in such*
2 *subsection:*

3 (1) *The effect of the program on the rate of vio-*
4 *lent crime, drug offenses, and other crimes.*

5 (2) *The degree to which State and local govern-*
6 *ments awarded a grant under the program contribute*
7 *State and local funds, respectively, for law enforce-*
8 *ment programs and activities.*

9 (3) *Any waste, fraud, or abuse within the pro-*
10 *gram.*

11 (c) *RANDOM SAMPLING REQUIRED.*—*For purposes of*
12 *subsection (a), the Inspector General of the Department of*
13 *Justice shall audit and review a random sampling of State*
14 *and local law enforcement agencies. Such sampling shall*
15 *include—*

16 (1) *law enforcement agencies of various sizes;*

17 (2) *law enforcement agencies that serve various*
18 *populations; and*

19 (3) *law enforcement agencies that serve areas of*
20 *various crime rates.*

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