

Union Calendar No. 175

103D CONGRESS
1ST SESSION

H. R. 3355

[Report No. 103-324]

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

NOVEMBER 3, 1993

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

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. BROOKS (for himself and Mr. SCHUMER) introduced the following bill;
which was referred to the Committee on the Judiciary

NOVEMBER 3, 1993

Additional sponsor: Mr. HUGHES

NOVEMBER 3, 1993

Reported with an amendment, committed to the Committee of the Whole
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[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 October 26, 1993]

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community

to address crime and disorder problems, and otherwise to enhance public safety.

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. COMMUNITY POLICING; “COPS ON THE BEAT”.**

4 *(a) IN GENERAL.—Title I of the Omnibus Crime Con-*
5 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)*
6 *is amended by—*

7 *(1) redesignating part Q as part R;*

8 *(2) redesignating section 1701 as section 1801;*

9 *and*

10 *(3) inserting after part P the following new part:*

11 **“PART Q—PUBLIC SAFETY AND COMMUNITY**

12 **POLICING; ‘COPS ON THE BEAT’**

13 **“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COM-**

14 **MUNITY POLICING GRANTS.**

15 *“(a) GRANT AUTHORIZATION.—The Attorney General*
16 *is authorized to make grants to States and units of local*
17 *government, and to other public and private entities, to in-*
18 *crease police presence, to expand and improve cooperative*
19 *efforts between law enforcement agencies and members of*
20 *the community to address crime and disorder problems, and*
21 *otherwise to enhance public safety.*

22 *“(b) REHIRING AND HIRING GRANT PROJECTS.—*

23 *Grants made under the authority of subsection (a) of this*

1 *section may be used for programs, projects, and other activi-*
2 *ties to—*

3 “(1) *rehire law enforcement officers who have*
4 *been laid off as a result of State and local budget re-*
5 *ductions for deployment in community-oriented polic-*
6 *ing; and*

7 “(2) *hire and train new, additional career law*
8 *enforcement officers (including cadets and trainees)*
9 *for deployment in community-oriented policing across*
10 *the Nation.*

11 “(c) *ADDITIONAL GRANT PROJECTS.—Grants made*
12 *under the authority of subsection (a) of this section also*
13 *may include programs, projects, and other activities to—*

14 “(1) *increase the number of law enforcement offi-*
15 *cers involved in activities that are focused on inter-*
16 *action with members of the community on proactive*
17 *crime control and prevention by redeploying officers*
18 *to such activities;*

19 “(2) *provide specialized training to law enforce-*
20 *ment officers to enhance their conflict resolution, me-*
21 *diation, problem solving, service, and other skills*
22 *needed to work in partnership with members of the*
23 *community;*

24 “(3) *increase police participation in multidisci-*
25 *plinary early intervention teams;*

1 “(4) develop new technologies to assist State and
2 local law enforcement agencies in reorienting the em-
3 phasis of their activities from reacting to crime to
4 preventing crime;

5 “(5) develop and implement innovative programs
6 to permit members of the community to assist State
7 and local law enforcement agencies in the prevention
8 of crime in the community;

9 “(6) establish innovative programs to reduce,
10 and keep to a minimum, the amount of time that law
11 enforcement officers must be away from the commu-
12 nity while awaiting court appearances;

13 “(7) establish and implement innovative pro-
14 grams to increase and enhance proactive crime con-
15 trol and prevention programs involving law enforce-
16 ment officers and young persons in the community;

17 “(8) develop and establish new administrative
18 and managerial systems to facilitate the adoption of
19 community-oriented policing as an organization-wide
20 philosophy; and

21 “(9) establish, implement, and coordinate crime
22 prevention and control programs (involving law en-
23 forcement officers working with community members)
24 with other existing Federal programs that serve the
25 community and community members to better address

1 *the comprehensive needs of such community and its*
2 *members.*

3 “(d) *PREFERENTIAL CONSIDERATION OF APPLICA-*
4 *TIONS FOR CERTAIN GRANTS.—In awarding grants under*
5 *this part, the Attorney General may give preferential con-*
6 *sideration to grants for hiring and rehiring additional ca-*
7 *reer law enforcement officers that involve a non-Federal*
8 *contribution exceeding the 25 percent minimum under sub-*
9 *section (h) of this section.*

10 “(e) *TECHNICAL ASSISTANCE.—(1) The Attorney Gen-*
11 *eral may provide technical assistance to States and units*
12 *of local government, and to other public and private enti-*
13 *ties, in furtherance of the purposes of this part.*

14 “(2) *The technical assistance provided by the Attorney*
15 *General may include the development of a flexible model*
16 *that will define for States and units of local government,*
17 *and other public and private entities, definitions and strat-*
18 *egies associated with community or problem-oriented polic-*
19 *ing and methodologies for its implementation.*

20 “(3) *The technical assistance provided by the Attorney*
21 *General may include the establishment and operation of*
22 *training centers or facilities, either directly or by contract-*
23 *ing or cooperative arrangements. The functions of the cen-*
24 *ters or facilities established under this paragraph may in-*
25 *clude instruction and seminars for police executives, man-*

1 *agers, trainers, and supervisors concerning community or*
2 *problem-oriented policing and improvements in police-com-*
3 *munity interaction and cooperation that further the pur-*
4 *poses of this part.*

5 “(f) *UTILIZATION OF DEPARTMENT OF JUSTICE OF-*
6 *FICES AND SERVICES.—The Attorney General may utilize*
7 *any office or service of the Department of Justice in carry-*
8 *ing out this part.*

9 “(g) *MINIMUM AMOUNT.—Each qualifying State, to-*
10 *gether with grantees within the State, shall receive in each*
11 *fiscal year pursuant to subsection (a) of this not less than*
12 *0.25 percent of the total amount appropriated in the fiscal*
13 *year for grants pursuant to such subsection. As used in this*
14 *subsection, ‘qualifying State’ means any State which has*
15 *submitted an application for a grant, or in which an eligi-*
16 *ble entity has submitted an application for a grant, which*
17 *meets the requirements prescribed by the Attorney General*
18 *and the conditions set out in this part.*

19 “(h) *MATCHING FUNDS.—The portion of the costs of*
20 *a program, project, or activity provided by a grant under*
21 *subsection (a) of this section may not exceed 75 percent,*
22 *unless the Attorney General waives, wholly or in part, the*
23 *requirement under this subsection of a non-Federal con-*
24 *tribution to the costs of a program, project, or activity. In*
25 *relation to a grant for a period exceeding one year for hir-*

1 *ing or re-hiring career law enforcement officers, the Federal*
2 *share shall decrease from year to year, looking towards the*
3 *continuation of the increased hiring level using State or*
4 *local sources of funding following the conclusion of Federal*
5 *support, as provided in an approved plan pursuant to sec-*
6 *tion 1702(c)(8) of this part.*

7 “(i) *ALLOCATION OF FUNDS.—The funds available*
8 *under this part shall be allocated as provided in section*
9 *1001(a)(11)(B) of this title.*

10 “(j) *TERMINATION OF GRANTS FOR HIRING OFFI-*
11 *CERS.—The authority under subsection (a) of this section*
12 *to make grants for the hiring and rehiring of additional*
13 *career law enforcement officers shall lapse at the conclusion*
14 *of six years from the date of enactment of this part. Prior*
15 *to the expiration of this grant authority, the Attorney Gen-*
16 *eral shall submit a report to Congress concerning the experi-*
17 *ence with and effects of such grants. The report may include*
18 *any recommendations the Attorney General may have for*
19 *amendments to this part and related provisions of law in*
20 *light of the termination of the authority to make grants for*
21 *the hiring and rehiring of additional career law enforce-*
22 *ment officers.*

1 **“SEC. 1702. APPLICATIONS.**

2 “(a) *IN GENERAL.*—No grant may be made under this
3 part unless an application has been submitted to, and ap-
4 proved by, the Attorney General.

5 “(b) *FORM AND CONTENT OF APPLICATION.*—An ap-
6 plication for a grant under this part shall be submitted in
7 such form, and contain such information, as the Attorney
8 General may prescribe by regulation or guidelines.

9 “(c) *COMPLIANCE WITH REGULATIONS OR GUIDE-*
10 *LINES.*—In accordance with the regulations or guidelines
11 established by the Attorney General, each application for
12 a grant under this part shall—

13 “(1) *include a long-term strategy and detailed*
14 *implementation plan that reflects consultation with*
15 *community groups and appropriate private and pub-*
16 *lic agencies and reflects consideration of the statewide*
17 *strategy under section 503(a)(1) of this part;*

18 “(2) *demonstrate a specific public safety need;*

19 “(3) *explain the locality’s inability to address*
20 *the need without federal assistance;*

21 “(4) *identify related governmental and commu-*
22 *nity initiatives which complement or will be coordi-*
23 *nated with the proposal;*

24 “(5) *certify that there has been appropriate co-*
25 *ordination with all affected agencies;*

1 “(6) outline the initial and ongoing level of com-
2 munity support for implementing the proposal in-
3 cluding financial and in-kind contributions or other
4 tangible commitments;

5 “(7) specify plans for obtaining necessary sup-
6 port and continuing the proposed program, project, or
7 activity following the conclusion of Federal support;
8 and

9 “(8) if the application is for a grant for hiring
10 or rehiring additional career law enforcement offi-
11 cers—

12 “(A) specify plans for the assumption by
13 the grantee of a progressively larger share of the
14 cost in the course of time, looking towards the
15 continuation of the increased hiring level using
16 State or local sources of funding following the
17 conclusion of Federal support;

18 “(B) assess the impact, if any, of the in-
19 crease in police resources on other components of
20 the criminal justice system;

21 “(C) explain how the grant will be utilized
22 to re-orient the affected law enforcement agency’s
23 mission towards community-oriented policing or
24 enhance its involvement in or commitment to
25 community-oriented policing; and

1 “(D) ensure that, to the extent practicable,
2 grantees seek and recruit members of racial, eth-
3 nic, and gender minority groups whose represen-
4 tation in the law enforcement agency for which
5 funds are sought is less than in the general pop-
6 ulation qualified for such employment in such
7 jurisdiction.

8 **“SEC. 1703. REVIEW OF APPLICATIONS BY STATE OFFICE.**

9 “(a) *IN GENERAL.*—Except as provided in subsection
10 (c) or (d), an applicant for a grant under this part shall
11 submit an application to the State office designated under
12 section 507 of this title in the State in which the applicant
13 is located for initial review.

14 “(b) *INITIAL REVIEW OF APPLICATION.*—The State of-
15 fice referred to in subsection (a) of this section shall review
16 applications for grants under this part submitted to it,
17 based upon criteria specified by the Attorney General by
18 regulation or guidelines, and rank such applications based
19 upon the criteria specified by the Attorney General. The
20 State office referred to in subsection (a) of this section shall
21 submit the list along with all grant applications and sup-
22 porting materials received to the Attorney General.

23 “(c) *DIRECT APPLICATION TO THE ATTORNEY GEN-*
24 *ERAL BY CERTAIN MUNICIPALITIES.*—Notwithstanding sub-
25 section (a) of this section, municipalities whose population

1 *exceeds 100,000 may submit an application for a grant*
2 *under this part directly to the Attorney General. For pur-*
3 *poses of this subsection, ‘municipalities whose population*
4 *exceeds 100,000’ means units of local government or law*
5 *enforcement agencies having jurisdiction over areas with*
6 *populations exceeding 100,000, and consortia or associa-*
7 *tions that include one or more such units of local govern-*
8 *ment or law enforcement agencies.*

9 “(d) *DIRECT APPLICATION TO THE ATTORNEY GEN-*
10 *ERAL BY OTHER APPLICANTS.—Notwithstanding subsection*
11 *(a) of this section, if a State chooses not to carry out the*
12 *functions described in subsection (b) of this section, an ap-*
13 *plicant in the State may submit an application for a grant*
14 *under this part directly to the Attorney General.*

15 **“SEC. 1704. RENEWAL OF GRANTS.**

16 “(a) *IN GENERAL.—Except for grants made for hiring*
17 *or rehiring additional career law enforcement officers, a*
18 *grant under this part may be renewed for up to two addi-*
19 *tional years after the first fiscal year during which a recipi-*
20 *ent receives its initial grant if the Attorney General deter-*
21 *mines that the funds made available to the recipient were*
22 *used in a manner required under an approved application*
23 *and if the recipient can demonstrate significant progress*
24 *in achieving the objectives of the initial application.*

1 “(b) *GRANTS FOR HIRING.*—Grants made for hiring
2 or rehiring additional career law enforcement officers may
3 be renewed for up to five years, subject to the requirements
4 of subsection (a) of this section, but notwithstanding the
5 limitation in that subsection concerning the number of
6 years for which grants may be renewed.

7 “(c) *MULTI-YEAR GRANTS.*—A grant for a period ex-
8 ceeding one year may be renewed as provided in this sec-
9 tion, except that the total duration of such a grant includ-
10 ing any renewals may not exceed three years, or six years
11 if it is a grant made for hiring or rehiring additional ca-
12 reer law enforcement officers.

13 **“SEC. 1705. LIMITATION ON USE OF FUNDS.**

14 “(a) *NON-SUPPLANTING REQUIREMENT.*—Funds made
15 available under this part to States or units of local govern-
16 ment shall not be used to supplant State or local funds,
17 but will be used to increase the amount of funds that would,
18 in the absence of Federal funds, be made available from
19 State or local sources.

20 “(b) *ADMINISTRATIVE COSTS.*—No more than 5 per-
21 cent of the funds available under this part may be used
22 for the costs of States in carrying out the functions de-
23 scribed in section 1703(b) or other administrative costs.

24 “(c) *NON-FEDERAL COSTS.*—States and units of local
25 government may use assets received through the assets for-

1 *feiture equitable sharing program to cover the non-Federal*
2 *portion of programs, projects, and activities funded under*
3 *this part.*

4 “(d) *HIRING COSTS.—Funding provided under this*
5 *part for hiring or rehiring a career law enforcement officer*
6 *may not exceed \$75,000, unless the Attorney General grants*
7 *a waiver from this limitation.*

8 **“SEC. 1706. PERFORMANCE EVALUATION.**

9 “(a) *EVALUATION COMPONENTS.—*

10 “(1) *Each program, project, or activity funded*
11 *under this part shall contain an evaluation compo-*
12 *nent, developed pursuant to guidelines established by*
13 *the Attorney General.*

14 “(2) *The evaluations required by paragraph (1)*
15 *shall include outcome measures that can be used to*
16 *determine the effectiveness of the funded programs,*
17 *projects, activities and a description of the geographic*
18 *dispersion, and racial, ethnic, and gender diversity of*
19 *rehired and new employees. Outcome measures may*
20 *include crime and victimization indicators, quality of*
21 *life measures, community perceptions, and police per-*
22 *ceptions of their own work.*

23 “(b) *PERIODIC REVIEW AND REPORTS.—The Attorney*
24 *General shall review the performance of each grant recipient*
25 *under this part. The Attorney General may require a grant*

1 recipient to submit to the Attorney General the results of
2 the evaluations required under subsection (a) and such
3 other data and information as the Attorney General deems
4 reasonably necessary to carry out the responsibilities under
5 this subsection.

6 **“SEC. 1707. REVOCATION OR SUSPENSION OF FUNDING.**

7 *“If the Attorney General determines, as a result of the*
8 *reviews required by section 1706 of this part, or otherwise,*
9 *that a grant recipient under this part is not in substantial*
10 *compliance with the terms and requirements of an approved*
11 *grant application submitted under section 1702 of this*
12 *part, the Attorney General may revoke or suspend funding*
13 *of that grant, in whole or in part.*

14 **“SEC. 1708. ACCESS TO DOCUMENTS.**

15 *“(a) BY THE ATTORNEY GENERAL.—The Attorney*
16 *General shall have access for the purpose of audit and exam-*
17 *ination to any pertinent books, documents, papers, or*
18 *records of a grant recipient under this part, as well as the*
19 *pertinent books, documents, papers, or records of States and*
20 *units of local government, persons, businesses, and other en-*
21 *tities that are involved in programs, projects, or activities*
22 *for which assistance is provided under this part.*

23 *“(b) BY THE COMPTROLLER GENERAL.—The provi-*
24 *sions of subsection (a) of this section shall also apply with*
25 *respect to audits and examinations conducted by the Comp-*

1 troller General of the United States or by an authorized
2 representative of the Comptroller General.

3 **“SEC. 1709. GENERAL REGULATORY AUTHORITY.**

4 “The Attorney General is authorized to promulgate
5 regulations and guidelines to carry out this part.

6 **“SEC. 1710. DEFINITION.**

7 “For the purposes of this part, the term ‘career law
8 enforcement officer’ means a person hired on a permanent
9 basis who is authorized by law or by a State or local public
10 agency to engage in or supervise the prevention, detection,
11 or investigation of violations of criminal laws.”.

12 (b) *TECHNICAL AMENDMENT.*—The table of contents of
13 title I of the Omnibus Crime Control and Safe Streets Act
14 of 1968 (42 U.S.C. 3711, et seq.) is amended by striking
15 the material relating to part Q and inserting the following:

“PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; ‘COPS ON THE BEAT’

“Sec. 1701. Authority to make public safety and community policing grants.

“Sec. 1702. Applications.

“Sec. 1703. Review of applications by State office.

“Sec. 1704. Renewal of grants.

“Sec. 1705. Limitation on use of funds.

“Sec. 1706. Performance evaluation.

“Sec. 1707. Revocation or suspension of funding.

“Sec. 1708. Access to documents.

“Sec. 1709. General regulatory authority.

“Sec. 1710. Definition.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities and proceedings.”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *AUTHORIZATION.*—Section 1001(a) of title I of the
3 *Omnibus Crime Control and Safe Streets Act of 1968* (42
4 *U.S.C. 3793*) is amended—

5 (1) in paragraph (3) by striking “and O.” and
6 inserting “O, P, and Q.”; and

7 (2) by adding at the end the following:

8 “(11)(A) There are authorized to be appropriated to
9 carry out part Q, to remain available until expended,
10 \$200,000,000 for fiscal year 1994 and \$650,000,000 for each
11 of the fiscal years 1995, 1996, 1997, 1998, and 1999.

12 “(B) Of funds available under part Q in any fiscal
13 year, up to 5 percent may be used for technical assistance
14 under section 1701(e) or for evaluations or studies carried
15 out or commissioned by the Attorney General in furtherance
16 of the purposes of part Q, and up to 5 percent may be used
17 for the costs of States in carrying out the functions de-
18 scribed in section 1703(b) or other administrative costs. Of
19 the remaining funds, 60 percent shall be allocated for grants
20 pursuant to applications submitted as provided in section
21 1703(a) or (d), and 40 percent shall be allocated for grants
22 pursuant to applications submitted as provided in section
23 1703(c). Of the funds available in relation to grants pursu-
24 ant to applications submitted as provided in section
25 1703(a) or (d), at least 85 percent shall be applied to grants
26 for the purposes specified in section 1701(b), and no more

1 *than 15 percent may be applied to other grants in further-*
2 *ance of the purposes of part Q. Of the funds available in*
3 *relation to grants pursuant to applications submitted as*
4 *provided in section 1703(c), at least 85 percent shall be ap-*
5 *plied to grants for the purposes specified in section 1701(b),*
6 *and no more than 15 percent may be applied to other grants*
7 *in furtherance of the purposes of part Q.”.*