

111TH CONGRESS
1ST SESSION

H. R. 1139

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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). Grants under this subsection shall be award-
17 ed on a competitive basis.”;

18 (2) in subsection (b)—

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

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

25 (C) by amending paragraph (4) to read as
26 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) hire and rehire civilian forensic analysts
6 and laboratory personnel;

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

14 “(19) award enhancing community policing and
15 crime prevention grants that meet emerging law en-
16 forcement needs.”;

17 (3) by striking subsection (c);

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

19 (5) by redesignating subsections (d) through (g)
20 as subsections (f) through (i), respectively;

21 (6) by inserting after subsection (b) the fol-
22 lowing:

23 “(c) TROOPS-TO-COPS PROGRAMS.—

24 “(1) IN GENERAL.—Grants made under sub-
25 section (a) may be used to hire former members of

1 the Armed Forces to serve as career law enforce-
2 ment officers for deployment in community-oriented
3 policing, particularly in communities that are ad-
4 versely affected by a recent military base closing.

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

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

14 “(1) handle cases from specific geographic
15 areas; and

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

23 “(e) TECHNOLOGY GRANTS.—The Attorney General
24 may make grants under subsection (a) to develop and use
25 new technologies (including interoperable communications

1 technologies, modernized criminal record technology, and
2 forensic technology) to assist State and local law enforce-
3 ment agencies in reorienting the emphasis of their activi-
4 ties from reacting to crime to preventing crime and to
5 train law enforcement officers to use such technologies.”;

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

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

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

15 (C) in the first sentence of paragraph (3),
16 by inserting “(including regional community po-
17licing institutes)” after “training centers or fa-
18cilities”; and

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

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

24 (8) in subsection (g), as so redesignated, by
25 striking “may utilize any component”, and all that

1 follows and inserting “shall use the Office of Com-
2 munity Oriented Policing Services of the Depart-
3 ment of Justice in carrying out this part.”;

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

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

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

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

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

1 effort to increase the non-Federal share of such
2 costs during the grant period”; and

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

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

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

17 “(k) TREATMENT OF GRANT FOR HIRING CIVILIAN
18 FORENSIC ANALYSTS AND LABORATORY PERSONNEL.—
19 A grant awarded under this section for hiring and rehiring
20 of civilian forensic analysts and laboratory personnel (in
21 accordance with paragraph (17) of subsection (b)) shall
22 be subject to the same treatment, limitations, and renewal
23 requirements under this part as grants awarded under this
24 section for hiring and rehiring of career law enforcement

1 personnel (in accordance with paragraphs (1) and (2) of
2 subsection (b)).”.

3 (b) APPLICATIONS.—Section 1702 of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
5 3796dd–1) is amended—

6 (1) in subsection (c)—

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

10 (B) in paragraph (8), by striking “share of
11 the cost” and all that follows and inserting
12 “share of the costs during the grant period,
13 how the applicant will maintain the increased
14 hiring level of the law enforcement officers, and
15 how the applicant will eventually assume re-
16 sponsibility for all of the costs for such offi-
17 cers;”; and

18 (2) by striking subsection (d).

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

22 **“SEC. 1703. RENEWAL OF GRANTS.**

23 “(a) IN GENERAL.—Except as provided in subsection
24 (b), a grant made under this part may be renewed, without
25 limitations on the duration of such renewal, to provide ad-

ditional funds if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

“(b) GRANTS FOR HIRING.—Grants made under this part for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, except that the Attorney General may waive such 5-year limitation for good cause.

“(c) NO COST EXTENSIONS.—Notwithstanding subsections (a) and (b), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.”.

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

(1) in subsection (a)—

(A) by striking “that would, in the absence of Federal funds received under this part, be made available from State or local sources” and inserting “that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the pur-

1 pose of the grant under this part from State or
2 local sources”; and

3 (B) by adding at the end the following new
4 sentence: “The preceding sentence shall not
5 apply with respect to funds made available
6 under this part by a grant made pursuant to
7 subsection (a) for the purposes described in
8 subsection (b)(4).”; and

9 (2) by striking subsection (c).

10 (e) STUDY OF PROGRAM EFFECTIVENESS.—Section
11 1705 of the Omnibus Crime Control and Safe Streets Act
12 of 1968 (42 U.S.C. 3796dd–4) is amended by adding at
13 the end the following new subsection:

14 “(d) STUDY OF PROGRAM EFFECTIVENESS.—

15 “(1) IN GENERAL.—The Attorney General shall
16 provide for a scientific study of the effectiveness of
17 the programs, projects, and activities funded under
18 this part in reducing crime. Such study shall include
19 identified best practices for community policing that
20 have demonstrated results for building and strength-
21 ening the relationship between police departments
22 and the communities such departments serve.

23 “(2) STUDY.—The Attorney General shall se-
24 lect one or more institutions of higher education, in-

cluding historically Black colleges and universities,
to conduct the study described in paragraph (1).

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

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

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

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

(g) DEFINITIONS.—Section 1709(1) of the Omnibus
Crime Control and Safe Streets Act of 1968 (42 U.S.C.

1 3796dd–8(1)) is amended by inserting “who is a sworn
2 law enforcement officer” after “permanent basis”.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
4 1001(a)(11) of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amend-
6 ed—

7 (1) in subparagraph (A), by striking
8 “1,047,119,000 for each of fiscal years 2006
9 through 2009” and inserting “1,800,000,000 for
10 each of fiscal years 2009 through 2014”; and

11 (2) in subparagraph (B)—

12 (A) in the first sentence, by striking “3
13 percent may be used for technical assistance
14 under section 1701(d)” and inserting “5 per-
15 cent may be used for technical assistance under
16 section 1701(f)”; and

17 (B) by striking the second sentence and in-
18 serting the following: “Of the funds available
19 for grants under part Q, not less than
20 \$1,250,000,000 shall be used for grants for the
21 purposes specified in section 1701(b), not more
22 than \$200,000,000 shall be used for grants
23 under section 1701(d), and not more than
24 \$350,000,000 shall be used for grants under
25 section 1701(e).”.

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

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

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

8 (j) COPS PROGRAM IMPROVEMENTS.—

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

12 (A) by striking paragraph (1);

13 (B) by redesignating paragraphs (2) and
14 (3) as paragraphs (1) and (2), respectively; and

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

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

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

24 (k) EFFECTIVE DATE.—This section and the amend-
25 ments made by this section shall apply with respect to

1 grants awarded under part Q of the Omnibus Crime Con-
2 trol and Safe Streets Act of 1968 (42 U.S.C. 3796dd et
3 seq.) on or after the date of enactment of this Act.

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

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

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

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

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

23 (3) Any waste, fraud, or abuse within the pro-
24 gram.

1 (c) RANDOM SAMPLING REQUIRED.—For purposes of
2 subsection (a), the Inspector General of the Department
3 of Justice shall audit and review a random sampling of
4 State and local law enforcement agencies. Such sampling
5 shall include—

6 (1) law enforcement agencies of various sizes;

7 (2) law enforcement agencies that serve various
8 populations; and

9 (3) law enforcement agencies that serve areas
10 of various crime rates.

Passed the House of Representatives April 23, 2009.

Attest: LORRAINE C. MILLER,
Clerk.