

111TH CONGRESS  
1ST SESSION

# S. 167

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 SENATE OF THE UNITED STATES

JANUARY 8, 2009

Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mrs. BOXER, Ms. STABENOW, Mr. KERRY, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and 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,*

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  
8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
9 3796dd) is amended—

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

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

10           (2) in subsection (b)—

11           (A) by striking the subsection heading text  
12           and inserting “COMMUNITY POLICING AND  
13           CRIME PREVENTION GRANTS”;

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

17           (C) in paragraph (4), by inserting “or  
18           train” after “pay for”;

19           (D) by inserting after paragraph (4) the  
20           following:

21           “(5) award grants to hire school resource offi-  
22           cers and to establish school-based partnerships be-  
23           tween local law enforcement agencies and local  
24           school systems to combat crime, gangs, drug activi-

1 ties, and other problems in and around elementary  
2 and secondary schools;”;

3 (E) by striking paragraph (9);

4 (F) by redesignating paragraphs (10)  
5 through (12) as paragraphs (9) through (11),  
6 respectively;

7 (G) by striking paragraph (13);

8 (H) by redesignating paragraphs (14)  
9 through (17) as paragraphs (12) through (15),  
10 respectively;

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

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

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

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

22 “(17) award enhancing community policing and  
23 crime prevention grants that meet emerging law en-  
24 forcement needs, as warranted.”;

25 (3) by striking subsection (c);

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

2 (5) by redesignating subsections (d) through (g)

3 as subsections (f) through (i), respectively;

4 (6) by inserting after subsection (b) the fol-  
5 lowing:

6 “(c) TROOPS-TO-COPS PROGRAMS.—

7 “(1) IN GENERAL.—Grants made under sub-  
8 section (a) may be used to hire former members of  
9 the Armed Forces to serve as career law enforce-  
10 ment officers for deployment in community-oriented  
11 policing, particularly in communities that are ad-  
12 versely affected by a recent military base closing.

13 “(2) DEFINITION.—In this subsection, ‘former  
14 member of the Armed Forces’ means a member of  
15 the Armed Forces of the United States who is invol-  
16 untarily separated from the Armed Forces within  
17 the meaning of section 1141 of title 10, United  
18 States Code.

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

23 “(1) handle cases from specific geographic  
24 areas; and

1           “(2) address counter-terrorism problems, spe-  
2           cific violent crime problems (including intensive ille-  
3           gal gang, gun, and drug enforcement and quality of  
4           life initiatives), and localized violent and other crime  
5           problems based on needs identified by local law en-  
6           forcement agencies, community organizations, and  
7           others.

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

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

17                         (A) in paragraph (1), by striking “to  
18                         States, units of local government, Indian tribal  
19                         governments, and to other public and private  
20                         entities,”;

21                         (B) in paragraph (2), by striking “define  
22                         for State and local governments, and other pub-  
23                         lic and private entities,” and inserting “estab-  
24                         lish”;

1 (C) in the first sentence of paragraph (3),  
2 by inserting “(including regional community po-  
3 lying institutes)” after “training centers or fa-  
4 cilities”; and

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

6 “(4) EXCLUSIVITY.—The Office of Community  
7 Oriented Policing Services shall be the exclusive  
8 component of the Department of Justice to perform  
9 the functions and activities specified in this para-  
10 graph.”;

11 (8) in subsection (g), as so redesignated, by  
12 striking “may utilize any component”, and all that  
13 follows and inserting “shall use the Office of Com-  
14 munity Oriented Policing Services of the Depart-  
15 ment of Justice in carrying out this part.”;

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

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

20 (B) by striking “in each fiscal year pursu-  
21 ant to subsection (a)” and inserting “in each  
22 fiscal year for purposes described in paragraph  
23 (1) and (2) of subsection (b)”;

24 (10) in subsection (i), as so redesignated, by  
25 striking the second sentence; and

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

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

11 (b) APPLICATIONS.—Section 1702 of the Omnibus  
12 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
13 3796dd–1) is amended—

14 (1) in subsection (c)—

15 (A) in the matter preceding paragraph (1),  
16 by inserting “, unless waived by the Attorney  
17 General” after “under this part shall”;

18 (B) by striking paragraph (8); and

19 (C) by redesignating paragraphs (9)  
20 through (11) as paragraphs (8) through (10),  
21 respectively; and

22 (2) by striking subsection (d).

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

1 **“SEC. 1703. RENEWAL OF GRANTS.**

2       “(a) IN GENERAL.—A grant made under this part  
3 may be renewed, without limitations on the duration of  
4 such renewal, to provide additional funds, if the Attorney  
5 General determines that the funds made available to the  
6 recipient were used in a manner required under an ap-  
7 proved application and if the recipient can demonstrate  
8 significant progress in achieving the objectives of the ini-  
9 tial application.

10       “(b) NO COST EXTENSIONS.—Notwithstanding sub-  
11 section (a), the Attorney General may extend a grant pe-  
12 riod, without limitations as to the duration of such exten-  
13 sion, to provide additional time to complete the objectives  
14 of the initial grant award.”.

15       (d) LIMITATION ON USE OF FUNDS.—Section 1704  
16 of the Omnibus Crime Control and Safe Streets Act of  
17 1968 (42 U.S.C. 3796dd-3) is amended—

18           (1) in subsection (a), by striking “that would,  
19 in the absence of Federal funds received under this  
20 part, be made available from State or local sources”  
21 and inserting “that the Attorney General determines  
22 would, in the absence of Federal funds received  
23 under this part, be made available for the purpose  
24 of the grant under this part from State or local  
25 sources”; and

26           (2) by striking subsection (c).



1 (e) ENFORCEMENT ACTIONS.—

2 (1) IN GENERAL.—Section 1706 of the Omni-  
3 bus Crime Control and Safe Streets Act of 1968 (42  
4 U.S.C. 3796dd–5) is amended—

5 (A) in the section heading, by striking  
6 **“REVOCATION OR SUSPENSION OF FUND-**  
7 **ING”** and inserting **“ENFORCEMENT AC-**  
8 **TIONS”**; and

9 (B) by striking “revoke or suspend” and  
10 all that follows and inserting “take any enforce-  
11 ment action available to the Department of Jus-  
12 tice.”.

13 (2) TECHNICAL AND CONFORMING AMEND-  
14 MENT.—The table of contents of title I of the Omni-  
15 bus Crime Control and Safe Streets Act of 1968 (42  
16 U.S.C. 3711) is amended by striking the item relat-  
17 ing to section 1706 and inserting the following:

“Sec. 1706. Enforcement actions.”.

18 (f) DEFINITIONS.—Section 1709(1) of the Omnibus  
19 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
20 3796dd–8(1)) is amended—

21 (1) by inserting “who is a sworn law enforce-  
22 ment officer” after “permanent basis”; and

23 (2) by inserting “, including officers for the  
24 Amtrak Police Department” before the period at the  
25 end.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 1001(11) of the Omnibus Crime Control and Safe Streets  
3 Act of 1968 (42 U.S.C. 3793(11)) is amended—

4 (1) in subparagraph (A), by striking  
5 “\$1,047,119,000 for each of fiscal years 2006  
6 through 2009” and inserting “\$1,150,000,000 for  
7 each of fiscal years 2009 through 2014”; and

8 (2) in subparagraph (B)—

9 (A) in the first sentence, by striking “3  
10 percent” and inserting “5 percent”; and

11 (B) by striking the second sentence and in-  
12 serting the following: “Of the funds available  
13 for grants under part Q, not less than  
14 \$600,000,000 shall be used for grants for the  
15 purposes specified in section 1701(b), not more  
16 than \$200,000,000 shall be used for grants  
17 under section 1701(d), and not more than  
18 \$350,000,000 shall be used for grants under  
19 section 1701(e).”.

20 (h) PURPOSES.—Section 10002 of the Public Safety  
21 Partnership and Community Policing Act of 1994 (42  
22 U.S.C. 3796dd note) is amended—

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

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

3           (i) COPS PROGRAM IMPROVEMENTS.—

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

7                   (A) by striking paragraph (1);

8                   (B) by redesignating paragraphs (2) and  
9                   (3) as paragraphs (1) and (2), respectively; and

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

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

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

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