

115TH CONGRESS  
2D SESSION

# S. 2763

To provide grants to State, local, territorial, and tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to enhance law enforcement efficiency and protect law enforcement officers.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Mr. BROWN (for himself, Mr. MARKEY, Mr. RUBIO, Mr. PORTMAN, Mr. SCHUMER, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide grants to State, local, territorial, and tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to enhance law enforcement efficiency and protect law enforcement officers.

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 “Providing Officers  
5 With Electronic Resources Act” or the “POWER Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1           (1) chemical screening devices enhance the abil-  
2           ity of law enforcement agencies to identify unknown  
3           chemical substances seized or otherwise encountered  
4           by law enforcement officers; and

5           (2) equipping law enforcement agencies with  
6           technology that can more efficiently identify sub-  
7           stances, such as heroin, fentanyl, methamphetamine,  
8           and other narcotics, will ensure that law enforce-  
9           ment agencies can—

10           (A) investigate cases more quickly and  
11           safely;

12           (B) better deploy resources and strategies  
13           to combat illegal substances from entering and  
14           harming communities throughout the United  
15           States; and

16           (C) share spectral data with other law en-  
17           forcement agencies and State and local fusion  
18           centers.

19           (b) PURPOSE.—The purpose of this Act is to provide  
20           grants to State, local, and tribal law enforcement agencies  
21           to purchase chemical screening devices and train personnel  
22           to use chemical screening devices in order to—

23           (1) enhance law enforcement efficiency; and

24           (2) protect law enforcement officers.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **APPLICANT.**—The term “applicant” means  
4 a law enforcement agency that applies for a grant  
5 under section 4.

6 (2) **ATTORNEY GENERAL.**—The term “Attorney  
7 General” means the Attorney General, acting  
8 through the Director of the Office of Community  
9 Oriented Policing Services.

10 (3) **CHEMICAL SCREENING DEVICE.**—The term  
11 “chemical screening device” means an infrared spec-  
12 trophotometer, mass spectrometer, nuclear magnetic  
13 resonance spectrometer, Raman spectrophotometer,  
14 ion mobility spectrometer, or any other scientific in-  
15 strumentation that is able to collect data that can be  
16 interpreted to determine the presence and identity of  
17 a covered substance.

18 (4) **CHIEF LAW ENFORCEMENT OFFICER.**—The  
19 term “chief law enforcement officer” has the mean-  
20 ing given the term in section 922(s) of title 18,  
21 United States Code.

22 (5) **COVERED SUBSTANCE.**—The term “covered  
23 substance” means—

24 (A) fentanyl;

25 (B) any other synthetic opioid; and

1 (C) any other narcotic or psychoactive sub-  
2 stance.

3 (6) GRANT FUNDS.—The term “grant funds”  
4 means funds from a grant awarded under section 4.

5 (7) INDIAN TRIBE.—The term “Indian tribe”  
6 has the meaning given the term in section 4 of the  
7 Indian Self-Determination and Education Assistance  
8 Act (25 U.S.C. 5304).

9 (8) LAW ENFORCEMENT AGENCY.—The term  
10 “law enforcement agency” means an agency of a  
11 State, unit of local government, or Indian tribe that  
12 is authorized by law or by a government agency to  
13 engage in or supervise the prevention, detection, in-  
14 vestigation, or prosecution of any violation of crimi-  
15 nal law.

16 (9) PERSONNEL.—The term “personnel”—

17 (A) means employees of a law enforcement  
18 agency; and

19 (B) includes scientists and law enforce-  
20 ment officers.

21 (10) RECIPIENT.—The term “recipient” means  
22 an applicant that receives a grant under section 4.

23 (11) STATE.—The term “State” has the mean-  
24 ing given the term in section 901 of title I of the

1 Omnibus Crime Control and Safe Streets Act of  
2 1968 (34 U.S.C. 10251).

3 **SEC. 4. GRANTS.**

4 (a) GRANTS AUTHORIZED.—The Attorney General  
5 may award grants to applicants to—

- 6 (1) purchase a chemical screening device; and  
7 (2) train personnel to use, and interpret data  
8 collected by, a chemical screening device.

9 (b) APPLICATIONS.—

10 (1) IN GENERAL.—The chief law enforcement  
11 officer of an applicant shall submit to the Attorney  
12 General an application that—

13 (A) shall include—

14 (i) a statement describing the need for  
15 a chemical screening device in the jurisdic-  
16 tion of the applicant; and

17 (ii) a certification—

18 (I) of the number of chemical  
19 screening devices the applicant owns  
20 or possesses;

21 (II) that not less than 1 em-  
22 ployee of the applicant will be trained  
23 to—

1 (aa) use any chemical  
2 screening device purchased using  
3 grant funds; and

4 (bb) interpret data collected  
5 by any chemical screening device  
6 purchased using grant funds; and

7 (III) that the applicant will make  
8 any chemical screening device pur-  
9 chased using grant funds reasonably  
10 available to test a covered substance  
11 seized by a law enforcement agency  
12 near the jurisdiction of the applicant;  
13 and

14 (B) in addition to the information required  
15 under subparagraph (A), may, at the option of  
16 the applicant, include—

17 (i) information relating to—

18 (I) the process used by the appli-  
19 cant to identify a covered substance  
20 seized by the applicant, including—

21 (aa) the approximate aver-  
22 age amount of time required for  
23 the applicant to identify a cov-  
24 ered substance; and

1 (bb) as of the date of the  
2 application, the number of cases  
3 in which the applicant is awaiting  
4 identification of a covered sub-  
5 stance;

6 (II) any documented case of a  
7 law enforcement officer, first re-  
8 sponder, or treating medical personnel  
9 in the jurisdiction of the applicant  
10 who has suffered an accidental drug  
11 overdose caused by exposure to a cov-  
12 ered substance while in the line of  
13 duty;

14 (III) any chemical screening de-  
15 vice the applicant will purchase using  
16 grant funds, including the estimated  
17 cost of the chemical screening device;  
18 and

19 (IV) any estimated costs relating  
20 to training personnel of the applicant  
21 to use a chemical screening device  
22 purchased using grant funds; and

23 (ii) data relating to—

24 (I) the approximate amount of  
25 covered substances seized by the ap-

1           plicant during the 2-year period end-  
2           ing on the date of the application, cat-  
3           egorized by the type of covered sub-  
4           stance seized; and

5                   (II) the approximate number of  
6           covered substance overdoses in the ju-  
7           risdiction of the applicant that the ap-  
8           plicant investigated or responded to  
9           during the 2-year period ending on  
10          the date of the application, catego-  
11          rized by fatal and nonfatal overdoses.

12           (2) JOINT APPLICATIONS.—

13                   (A) IN GENERAL.—Two or more law en-  
14          forcement agencies, including law enforcement  
15          agencies located in different States, that have  
16          jurisdiction over areas that are geographically  
17          contiguous may submit a joint application for a  
18          grant under this section that includes—

19                   (i) for each law enforcement agency—

20                           (I) all information required under  
21                           paragraph (1)(A); and

22                           (II) any optional information de-  
23                           scribed in paragraph (1)(B) that each  
24                           law enforcement agency chooses to in-  
25                           clude;



1 (ii) a plan for the sharing of any  
2 chemical screening devices purchased or  
3 training provided using grant funds; and

4 (iii) a certification that not less than  
5 1 employee of each law enforcement agency  
6 will be trained to—

7 (I) use any chemical screening  
8 device purchased using grant funds;  
9 and

10 (II) interpret data collected by  
11 any chemical screening device pur-  
12 chased using grant funds.

13 (B) SUBMISSION.—Law enforcement agen-  
14 cies submitting a joint application under sub-  
15 paragraph (A) shall—

16 (i) be considered as 1 applicant; and

17 (ii) select the chief law enforcement  
18 officer of one of the law enforcement agen-  
19 cies to submit the joint application.

20 (c) RESTRICTIONS.—

21 (1) SUPPLEMENTAL FUNDS.—Grant funds shall  
22 be used to supplement, and not supplant, State,  
23 local, and tribal funds made available to any appli-  
24 cant for any of the purposes described in subsection  
25 (a).

1           (2) ADMINISTRATIVE COSTS.—Not more than 3  
2           percent of any grant made under this section may  
3           be used for administrative costs.

4           (d) REPORTS AND RECORDS.—

5           (1) REPORTS.—For each year during which  
6           grant funds are used, the recipient shall submit to  
7           the Attorney General a report containing—

8                   (A) a summary of any activity carried out  
9                   using grant funds;

10                   (B) an assessment of whether each activity  
11                   described in subparagraph (A) is meeting the  
12                   needs described in subsection (b)(1)(A)(i) that  
13                   the applicant identified in the application sub-  
14                   mitted under subsection (b); and

15                   (C) any other information relevant to the  
16                   purpose of this Act that the Attorney General  
17                   may determine appropriate.

18           (2) RECORDS.—For the purpose of an audit by  
19           the Attorney General of the receipt and use of grant  
20           funds, a recipient shall—

21                   (A) keep—

22                           (i) any record relating to the receipt  
23                           and use of grant funds; and

24                           (ii) any other record as the Attorney  
25                           General may require; and

1 (B) make the records described in subpara-  
2 graph (A) available to the Attorney General  
3 upon request by the Attorney General.

4 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Attor-  
6 ney General \$20,000,000 for fiscal year 2019 to carry out  
7 section 4.

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