

Calendar No. 175

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 110-73

COPS IMPROVEMENT ACT OF 2007

MAY 24, 2007.—Ordered to be printed

Mr. LEAHY, from the Committee on Judiciary,
submitted the following

R E P O R T

[To accompany S. 368]

The Committee on the Judiciary, to which was referred the bill (S. 368) 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, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE OF THE COPS IMPROVEMENT ACT OF 2007

The COPS Improvement Act of 2007 reauthorizes and makes critical improvements to the Department of Justice's community policing program. Created after passage of the 1994 Crime Bill, the Office of Community Oriented Policing Services has funded over 118,000 community police officers in over 12,900 law enforcement agencies around the nation. Many law enforcement experts and criminologists have credited this program as an important factor in driving down crime rates in the 1990s. In addition to anecdotal evidence from Chiefs of Police and Sheriffs around the nation, Attorney General Ashcroft testified that the COPS program was a "miraculous success." Numerous statistical studies have also concluded

that the COPS program is effective in reducing crime. These studies include:

- In July 2004, criminologists from the University of Nebraska and Texas State University released a comprehensive report concluding that “COPS hiring and innovative grant programs are related to significant reductions in local crime rates in cities with population greater than 10,000 for both violent and non-violent offenses.”

- On June 3, 2005, the Government Accountability Office released a report that found that “using COPS hiring grants as a statistical link between the change in the numbers of sworn officers and the change in crime, we estimated that COPS-funded increases in sworn officers per capita were associated with declines in the rates of total index crimes, violent crime and property crimes * * * These effects held after we controlled for the effects of other federal law enforcement grant program expenditures by agencies, local socio-economic and demographic changes that could affect crime, and state level factors—such as increases in incarceration, changes in sentencing practice, and state-level changes in other programs such as welfare—that could also effect crime.”

- In March 2007, the Brookings Institute released Policy Brief # 158, entitled, “MORE COPS” concluding that:

The COPS program contributed to the drop in crime observed in the 1990s, and it appears that COPS is one of the most cost effective options for fighting crime;

Each \$1.4 billion invested in the COPS program is likely to generate a benefit to society from \$6 billion to \$12 billion.

The COPS Office was reauthorized as part of the Department of Justice reauthorization in the 109th Congress. Regrettably, in order to be reauthorized, the COPS program was forced to combine and collapse all of its purposes together and undercut its original intent. The successful cornerstone of COPS has been the hiring program, but funding for hiring local officers was eliminated in the reauthorization. The COPS Improvement Act of 2007 restores the Federal Government’s commitment to helping local law enforcement hire officers. It reestablishes the Office of Community Oriented Policing Services as a distinct office within the Department of Justice and prioritizes hiring for three specific purposes—general community policing, local counter-terrorism officers, and school resource officers. The bill also reauthorizes funds for technology grants and community prosecutors, and makes critical improvements to ensure efficient grant management and to eliminate waste.

Specifically, the legislation will authorize \$1.15 billion per year for:

- **Police Hiring Grants**—The legislation authorizes \$600 million per year for local agencies to hire officers to engage in general community policing efforts, counter-terrorism and intelligence gathering efforts, and school resource officers to combat school violence, depending on the needs of the applicant community. These resources can also be used to help communities retain officers, pay overtime costs, and reimburse officers for training costs.

- **Law Enforcement Technology Grants**—The legislation authorizes \$350 million per year for police departments to acquire new technology and equipment for uses such as analyzing real-time

crime data and incident reports to anticipate trends in crime, mapping crime “hot spots,” examining DNA evidence, or purchasing cameras for squad cars to keep records of police encounters.

- **Community Prosecutor Grants**—The legislation authorizes \$200 million per year to help local district attorneys hire community prosecutors trained to work in and around neighborhoods to prevent crime, build relationships in the community, and use the authority of the prosecutor’s office to improve the quality of life in the area.

As crime rates have started to rise again, and as the FBI reprograms field agents from crime to terrorism, the COPS Improvement Act will help ensure that state and local law enforcement have the personnel and equipment to combat and respond to crime and terrorism.

II. HISTORY OF THE BILL AND COMMITTEE CONSIDERATION

Senator Biden introduced the bipartisan COPS Improvement Act on January 28, 2007. The legislation has 35 cosponsors including Judiciary Chairman Leahy and Ranking Member Specter. Other cosponsors include Senators Baucus, Boxer, Brown, Byrd, Cantwell, Cardin, Clinton, Dodd, Durbin, Feinstein, Harkin, Kennedy, Kerry, Klobuchar, Kohl, Landrieu, Lautenberg, Levin, Lieberman, McCaskill, Menendez, Mikulski, Murray, Nelson, Obama, Reed, Reid, Rockefeller, Salazar, Sanders, Schumer, Smith, and Stabenow.

The Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Association of Chiefs of Police, the Major Cities Chiefs, and the International Union of Police Associations have endorsed this legislation.

The bill was listed on the Judiciary Committee agenda on March 1, 2007, and was considered by the Committee on March 14, 2007, at which time the Committee agreed to report it favorably.

III. SECTION-BY-SECTION SUMMARY OF THE BILL

Section 1. Short title

This section entitles the bill as the “COPS Improvements Act of 2007.”

Section 2. COPS grant improvements

(a)(1) **Amendments to COPS Programs**.—This section modifies provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (“the Act”) regarding public safety and community policing to authorize the Attorney General to carry out grant programs and ensure individuals are included among the entities eligible for funding.

(a)(2) **Community Policing and Crime Prevention Grants**.—This section establishes hiring grants, for community policing officers, anti-terror officers and school resource officers, as well as other public safety grants that may be awarded. It establishes a new program to establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including of methamphetamine.

(a)(3) This section eliminates the preferential treatment of certain grants where the non-federal contribution exceeds the 25 percent minimum under hiring grants.

(a)(4) and (5) These sections redesignate subsections.

(a)(6) This section reauthorizes the “Troops-to-COPS” program. This program awards grants to hire former members of the Armed Forces as career law enforcement officers. (This program was initially authorized in the 1994 Crime Act, but was eliminated in the 2005 Violence Against Women Act Authorization.)

This section also authorizes a “Community Prosecutors Program” to pay for additional community prosecuting programs, including programs that assign prosecutors to (1) handle cases from specific geographic areas; and (2) address counter-terror problems, specific violent crime problems, and localized violent and other crime problems.

This section also authorizes a “Technology Grants” program. This program will award grants to develop and use new technologies, including interoperable communications technologies, modernized criminal record technologies, and forensic technologies, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.

(a)(7) This section clarifies and expands the entities that may receive technical assistance or model technical assistance. It also identifies “regional community policing institutes” as those entities that may be established and operated, and makes the COPS Office the exclusive entity to perform the functions in this section.

(a)(8) The section delineates that the COPS Office is the entity of the Department of Justice to carry out the programs in the bill.

(a)(9) This section clarifies that the minimum amounts available to grantees in States apply to the rehiring or hiring of law enforcement officers deployed in community policing.

(a)(10) This section eliminates the requirement that the federal share of hiring grants decrease during the course of the grant.

(a)(11) This section clarifies the requirement that officer positions shall be retained for 12 months after the end of the grant period.

(b) Applications.—This section modifies provisions of the Omnibus Crime Control and Safe Streets Act of 1968 regarding applications.

(b)(1) This section gives the Attorney General the authority to waive the application requirements delineated in this section. It also eliminates the requirement that applications include a plan for progressively increasing non-federal payments.

(b)(2) This section strikes the SPECIAL PROVISIONS sections. Eliminated is the section providing special application provisions for jurisdictions with populations under 50,000. It also eliminates the section providing special provisions for applications for small grant amounts (grants under \$1,000,000.)

(c) Renewal of Grants.—this section clarifies that grants may be renewed, without limitations on their duration to provide additional funds, and eliminates the duration to which they may be renewed. It also establishes the definition for “No Cost Extensions” of grants, to provide more time to complete the objectives of the award.

(d) Limitations on Use of Funds.—

(d)(1) This section clarifies the “non supplanting requirement” to provide that the Attorney General has the authority to determine when supplanting has occurred.

(d)(2) This section eliminates the \$75,000 cap for hiring officers.

(e) Enforcement Actions.—

(e)(1) This section renames the title of the section “Enforcement Actions” from “Revocation or Suspension of Funding.” This section also allows the Attorney General to take any enforcement actions available to the Department of Justice.

(f) Definitions.—

(f)(1) This section amends the definition of a “career law enforcement officer” to include the requirement that the officer be a “sworn law enforcement officer.”

(f)(2) This section clarifies that officers for the Amtrak Police Department are included in the definition of “career law enforcement officer.”

(g) Authorization of Appropriations—This section authorizes \$1.150 billion for the programs under this part. It amends the amount available for training and technical assistance to be 5%, not 3%. It delineates the amounts available for hiring officers (\$600M), hiring prosecutors (\$200M) and technology grants (\$350M). Finally, this section eliminates the amounts of grant funds dedicated to applicants from populations greater than 150,000, and those applications from jurisdictions with populations less than 150,000.

(h) Purposes.—

(h)(1) This section clarifies that the purpose of the technology grants is to encourage the “use” of new technologies.

(h)(2) This section eliminates the previous 6 year authorization of hiring grants.

(i) COPS Program Improvements.—

(i)(1) This section removes COPS from the list of agencies that are required to participate in the Office of Audit, Assessment, and Management and the Community Capacity and Development Office established by the Violence Against Women Act Authorization of 2005. This will clarify that the COPS Office will administer its own monitoring and training and technical assistance for its unique grants and grantees.

(i)(2) This section states that the new Office of Law Enforcement Technology established by the Violence Against Women Act Authorization of 2005 shall not apply to COPS grants.

IV. COST ESTIMATE

MARCH 21, 2007.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 368, the COPS Improvements Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 368—COPS Improvements Act of 2007

Summary: S. 368 would make many changes to the laws relating to the distribution and permitted uses of Community Oriented Policing Services (COPS) grants and would increase the authorization level for this program from \$1.047 billion annually to \$1.15 billion annually through fiscal year 2009. CBO estimates that implementing S. 368 would cost \$190 million over the 2007–2012 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts.

S. 368 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 368 is shown in the following table. For this estimate, CBO assumes that the authorized amounts will be appropriated by the beginning of each fiscal year and that outlays will follow the historical spending rates for these activities. We also assume that there will be no additional appropriations enacted for fiscal year 2007 for the COPS program. The cost of this legislation falls within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority/Authorization Level/1/	542	1,047	1,047	0	0	0
Estimated Outlays	749	644	717	721	553	366
Proposed Changes:						
Authorization Level	0	103	103	0	0	0
Estimated Outlays	0	12	41	55	46	36
Spending Under S. 368:						
Budget Authority/Authorization Level	542	1,150	1,150	0	0	0
Estimated Outlays	749	656	758	776	599	402

/1/The 2007 level is the amount appropriated for that year for COPS grants. The levels shown for 2008 and 2009 are the amounts authorized by current law.

Intergovernmental and private-sector impact: S. 368 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. It would make several changes to a program for those governments to buy equipment, use law enforcement technology, and hire more police officers. It would also increase the authorization level for fiscal years 2008 and 2009. Assuming the appropriation of authorized amounts, those governments would receive additional funding of nearly \$200 million over the 2008–2012 period. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal costs: Mark Grabowicz; impact on state, local, and tribal governments: Melissa Merrell; impact on the private sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 368.

VI. CONCLUSION

The COPS Improvement Act of 2007 will restore Congress's commitment to State and local law enforcement by reaffirming the cornerstone of the COPS program—federal assistance for hiring, training, and equipping local officers. In addition, the COPS Improvement Act of 2007 will capitalize on the strong relationships the COPS Office has built with State and local law enforcement by reestablishing the COPS Office as the entity within the Department of Justice to conduct the activities authorized in this act. The bill will also make critical improvements to ensure efficient grant management and eliminate waste.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE I—PUBLIC SAFETY AND POLICING

SEC. 10001. SHORT TITLE.

This title may be cited as the “Public Safety Partnership and Community Policing Act of 1994”.

SEC. 10002. PURPOSES.

The purposes of this title are to—

(1) substantially increase the number of law enforcement officers interacting directly with members of the community (“cops on the beat”);

(2) provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;

(3) encourage the development and implementation of innovative programs to permit members of the community to assist State, Indian tribal government, and local law enforcement agencies in the prevention of crime in the community; and

(4) encourage the **[development]** *use* of new technologies to assist State, Indian tribal government, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime,

by establishing a program of grants and assistance in furtherance of these objectives, including the authorization for **[a period of 6 years of]** grants for the hiring and rehiring of additional career law enforcement officers.

SEC. 10003. COMMUNITY POLICING; “COPS ON THE BEAT”.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

- (1) by redesignating part Q as part R;
- (2) by redesignating section 1701 as section 1801; and
- (3) by inserting after part P the following new part:

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

“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

“(a) GRANT AUTHORIZATION.—The Attorney General shall carry out **[a single]** grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, **[and]** multi-jurisdictional or regional consortia, *and individuals* for the purposes described in subsection (b).

“(b) **[USES OF GRANT AMOUNTS.]** *COMMUNITY POLICING AND CRIME PREVENTION GRANTS.*—The purposes for which grants made under subsection (a) may be made are—

“(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

“(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

“(3) procure equipment, technology, or support systems, or pay overtime**[, to increase the number of officers deployed in community-oriented policing]**;

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

“(5) *award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;*

(6) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

“(7) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

“(8) increase police participation in multidisciplinary early intervention teams;

[“(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;]

“(9 **[10]**) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the commu-

nity, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

“(10 [11]) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

“(11 [12]) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

“[(13) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;”]

“(12 [14]) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

“(13 [15]) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;

“(14 [16]) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; [and]

“(15 [17]) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing;

“(16) *establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and*

“(17) *award enhancing community policing and crime prevention grants that meet the emerging law enforcement needs, as warranted.*”

“(c) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (g).”]

“(c) TROOPS-TO-COPS PROGRAMS.—

“(1) *IN GENERAL.*—Grants made under subsection (b) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

“(2) *DEFINITION.*—*In this subsection, ‘former member of the Armed Forces’ means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.*

“(d) *COMMUNITY PROSECUTORS PROGRAM.*—

“(1) *award grants to pay for additional community prosecuting programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives) and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;*

“(e) *TECHNOLOGY GRANTS.*—

“(1) *award grants to develop and use new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;*

“(f[d]) *TECHNICAL ASSISTANCE.*—

“(1) *IN GENERAL.*—*The Attorney General may provide technical assistance [to States, units of local government, Indian tribal governments, and to other public and private entities,] in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.*

“(2) *MODEL.*—*The technical assistance provided by the Attorney General may include the development of a flexible model that will [define for State and local governments, and other public and private entities,] establish definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.*

“(3) *TRAINING CENTERS AND FACILITIES.*—*The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, including regional community policing institutes, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.*

“(4) *EXCLUSIVITY.*—*The Office of Community Oriented Policing Services shall be the exclusive element of the Department of Justice to perform the functions and activities specified in this paragraph.*

“(g[e]) *UTILIZATION OF COMPONENTS.*—*The Attorney General [may] shall utilize the Office of Community Oriented Policing Services [any component or components] of the Department of Justice in carrying out this part.*

“(h[f]) MINIMUM AMOUNT.—Unless all applications submitted by any State and grantee within the State pursuant to [subsection (a)] *paragraphs (1) and (2) of subsection (b)* have been funded, each qualifying State, together with grantees within the State, shall receive [in each fiscal year pursuant to subsection (a)] *in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)* not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, ‘qualifying State’ means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this subchapter.

“(i[g]) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. [In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 3796dd–1(c)(8) of this title.

[(h) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 3793(a)(11)(B).

[(i) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from September 13, 1994. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.]

“(j) *RETENTION OF ADDITIONAL OFFICER POSITIONS.*—*In relation to a grant under subsection (b)(1) or (b)(2) for hiring or rehiring career law enforcement officers, grant recipients shall retain each additional officer position for 12 months following the grant funding period, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.*

“SEC. 1702. APPLICATIONS.

“(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

“(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

“(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall, *unless waived by the Attorney General*—

“(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies;

“(2) demonstrate a specific public safety need;

“(3) explain the applicant’s inability to address the need without Federal assistance;

“(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

“(5) certify that there has been appropriate coordination with all affected agencies;

“(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

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

【“(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers, specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;】

“(8【9】) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

“(9【10】) explain how the grant will be utilized to reorient the affected law enforcement agency’s mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

“(10【11】) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in the law enforcement agency.

【“(d) SPECIAL PROVISIONS.—

【“(1) SMALL JURISDICTIONS.—Notwithstanding any other provision of this part, in relation to applications under this part of units of local government or law enforcement agencies having jurisdiction over areas with populations of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

【“(2) SMALL GRANT AMOUNT.—Notwithstanding any other provision of this part, in relation to applications under section 1701(b) for grants of less than \$1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.】

“SEC. 1703. RENEWAL OF GRANTS.

“(a) IN GENERAL.—【Except for grants made for hiring or rehiring additional career law enforcement officers, a】 A grant【s】 made under this part may be renewed *without limitations on the duration of such renewal, to provide additional funds*, 【for up to 2 additional years after the first fiscal year during which a recipient re-

ceives its initial grant,] 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 for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a), but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

["(c) MULTIYEAR GRANTS.—A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.】

“(b) NO COST EXTENSION.—Notwithstanding subsection (a), 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.

“SEC. 1704. LIMITATION ON USE OF FUNDS.

“(a) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that *the Attorney General determines* would, in the absence of Federal funds received under this part, be made available *for the grant purpose* from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

“(b) NON-FEDERAL COSTS.—

“(1) IN GENERAL.—States and units of local government may use assets received through the Assets Forfeiture equitable sharing program to provide the non-Federal share of the cost of programs, projects, and activities funded under this part.

“(2) INDIAN TRIBAL GOVERNMENTS.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

["(c) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed \$75,000, unless the Attorney General grants a waiver from this limitation.】

“SEC. 1705. PERFORMANCE EVALUATION.

“(a) MONITORING COMPONENTS.—Each program, project, or activity funded under this part shall contain a monitoring component, developed pursuant to guidelines established by the Attorney General. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

“(b) EVALUATION COMPONENTS.—Selected grant recipients shall be evaluated on the local level or as part of a national evaluation,

pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

“(c) PERIODIC REVIEW AND REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the monitoring and evaluations required under subsections (a) and (b) and such other data and information as the Attorney General deems reasonably necessary.

“SEC. 1706. [REVOCAION OR SUSPENSION OF FUNDING] ENFORCEMENT ACTIONS.

“If the Attorney General determines, as a result of the reviews required by section 1705, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may *take any enforcement action or actions available to the Department of Justice* [revoke or suspend funding of that grant, in whole or in part].

“SEC. 1707. ACCESS TO DOCUMENTS.

“(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this subchapter.

“(b) BY THE COMPTROLLER GENERAL.—Subsection (a) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

“SEC. 1708. GENERAL REGULATORY AUTHORITY.

“The Attorney General may promulgate regulations and guidelines to carry out this subchapter.

“SEC. 1709. DEFINITIONS.

“In this subchapter

(1) “‘career law enforcement officer’ means a person hired on a permanent basis *who is a sworn law enforcement officer* who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, *including officers for the Amtrak Police Department*.

(2) “‘citizens’ police academy’ means a program by local law enforcement agencies or private non profit organizations in which citizens, especially those who participate in neighborhood watch programs, are trained in ways of facilitating communication between the community and local law enforcement in the prevention of crime.

(3) “‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)),

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

“(4) ‘school resource officer’ means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

“(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

“(B) to develop or expand crime prevention efforts for students;

“(C) to educate likely school-age victims in crime prevention and safety;

“(D) to develop or expand community justice initiatives for students;

“(E) to train students in conflict resolution of physical changes in the environment that may reduce crime in or around the school; and

“(F[G]) to assist in developing school policy that addresses crime and to recommend procedural changes.”

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by striking the item 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. Renewal of grants.

“Sec. 1704. Limitation on use of funds.

“Sec. 1705. Performance evaluation.

“Sec. 1706. Revocation or suspension of funding.

“Sec. 1707. Access to documents.

“Sec. 1708. General regulatory authority.

“Sec. 1709. Definition.

“Part R—Transition; Effective Date; Repealer

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

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

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

(2) by adding at the end the following new paragraph:

“(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended **[\$1,047,119,000]** **\$1,150,000,000** for each fiscal years 2006 through 2009.

“(B) Of funds available under part Q in any fiscal year, up to **[3]** 5 percent may be used for technical assistance under section 1701(d) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. **[Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with popu-**

lations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less.】 *Of the funds available in relation to grants under part Q, at least \$600,000,000 shall be applied to grants for the purposes specified in section 1701(b), not more than \$200,000,000 shall be used for grants under section 1701 (d) and not more than \$350,000,000 shall be used for grants under section 1701 (e).* In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

