

COPS IMPROVEMENTS ACT OF 2007

MAY 14, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1700]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1700) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “COPS Improvements Act of 2007”.

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

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

(2) in subsection (b)—

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

(B) in paragraph (3), by striking “, to increase the number of officers deployed in community-oriented policing”;

(C) by amending paragraph (4) to read as follows:

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

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

“(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.”;

(E) by striking paragraph (9);

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

(G) by striking paragraph (13);

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

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

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

(K) by adding at the end the following:

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

“(17) establish criminal gang enforcement task forces, consisting of members of Federal, State, and local law enforcement authorities (including Federal, State, and local prosecutors), for the coordinated investigation, disruption, apprehension, and prosecution of criminal gangs and offenders involved in local or multi-jurisdictional gang activities; and

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

(3) by striking subsection (c);

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

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

(6) by inserting after subsection (b) the following:

“(c) TROOPS-TO-COPS PROGRAMS.—

“(1) IN GENERAL.—Grants made under subsection (a) 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 has been honorably discharged from the Armed Forces of the United States.

“(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

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

“(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life ini-

tiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

“(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) 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.”;

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

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

(B) in paragraph (2), by striking “define for State and local governments, and other public and private entities,” and inserting “establish”;

(C) in the first sentence of paragraph (3), by inserting “(including regional community policing institutes)” after “training centers or facilities”; and

(D) by adding at the end the following:

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

(8) in subsection (g), as so redesignated, by striking “may utilize any component”, and all that follows and inserting “shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.”;

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

(A) by striking “subsection (a)” the first place that term appears and inserting “paragraphs (1) and (2) of subsection (b)”;

(B) by striking “in each fiscal year pursuant to subsection (a)” and inserting “in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)”;

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

(A) by striking “the Federal share shall decrease from year to year for up to 5 years” and inserting “unless the Attorney General waives the non-Federal contribution requirement as described in the preceding sentence, the non-Federal share of the costs of hiring or rehiring such officers may be less than 25 percent of such costs for any year during the grant period, provided that the non-Federal share of such costs shall not be less than 25 percent in the aggregate for the entire grant period, but the State or local government should make an effort to increase the non-Federal share of such costs during the grant period”; and

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

(11) by adding at the end the following:

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

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

(1) in subsection (c)—

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

(B) in paragraph (8), by striking “share of the cost” and all that follows and inserting “share of the costs during the grant period, how the applicant will maintain the increased hiring level of the law enforcement officers, and how the applicant will eventually assume responsibility for all of the costs for such officers”; and

(2) by striking subsection (d).

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

“SEC. 1703. RENEWAL OF GRANTS.

“(a) IN GENERAL.—Except as provided in subsection (b), a grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional 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 purpose of the grant under this part from State or local sources”; and

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

(2) by striking subsection (c).

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

“(d) STUDY OF PROGRAM EFFECTIVENESS.—

“(1) IN GENERAL.—The Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this part in reducing crime.

“(2) STUDY.—The Attorney General shall select one or more institutions of higher education, including 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 Improvements Act of 2007, the institution or institutions selected under paragraph (2) shall report the findings of the study described in paragraph (1) to the Attorney General. Not later than 30 days after the receipt of such report, the Attorney General shall report such findings to the appropriate committees of Congress, 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 “revocation or suspension of funding” and inserting “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. 3796dd–8(1)) is amended by inserting “who is a sworn law enforcement officer” after “permanent basis”.

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

(1) in subparagraph (A), by striking “1,047,119,000 for each of fiscal years 2006 through 2009” and inserting “1,150,000,000 for each of fiscal years 2008 through 2013”; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking “3 percent may be used for technical assistance under section 1701(d)” and inserting “5 percent may be used for technical assistance under section 1701(f)”; and

(B) by striking the second sentence and inserting the following: “Of the funds available for grants under part Q, not less than \$600,000,000 shall be used for 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).”

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

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

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

(j) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

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

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

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

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

SEC. 3. REPORT BY INSPECTOR GENERAL REQUIRED.

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

(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following, with respect to the grant program described in such subsection:

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

(2) The degree to which State and local governments awarded a grant under the program contribute State and local funds, respectively, for law enforcement programs and activities.

(3) Any waste, fraud, or abuse within the program.

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

(1) law enforcement agencies of various sizes;

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

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

PURPOSE AND SUMMARY

The Justice Department’s Office of Community Oriented Policing Services (“COPS Office”) promotes community policing by funding efforts by State and local authorities intended to put law enforcement professionals where they are most needed—on the streets—so they can build mutually beneficial relationships with the people they serve. COPS helps communities better utilize their law enforcement professionals to make our Nation safer.

H.R. 1700, the “COPS Improvements Act of 2007,” reauthorizes the COPS Office and reinvigorates its ability to accomplish its critical mission by establishing three grant programs: (1) the Troops-to-Cops Program, (2) the Community Prosecutors Program, and (3) the Technology Grants Program. The Troops-to-Cops Program would fund the hiring of former members of the Armed Forces to serve as law enforcement officers in community-oriented policing, particularly in communities adversely affected by recent military base closings. The Community Prosecutors Program would authorize the Attorney General to make grants for additional community prosecuting programs that would, for example, assign prosecutors to pursue cases from specific geographic areas and to deal with localized violent crime, among other crimes. The Technology Grants Program would authorize the Attorney General to make grants to develop and use new technologies to assist State and local law enforcement agencies reorient some of their efforts from reacting to crime to preventing crime.

BACKGROUND AND NEED FOR THE LEGISLATION

ESTABLISHMENT OF THE COPS OFFICE

A component of the Department of Justice, the COPS Office was established pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (Crime Control Act)¹ and was thereafter reauthorized as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA Reauthorization Act).²

The COPS Office's mission is to "[a]dvance the practice of community policing as an effective strategy in communities' efforts to improve public safety."³ It accomplishes this critical objective by awarding grants to State, local, and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test innovative policing strategies. Since 1995, the COPS Office has awarded more than \$11.4 billion to approximately 13,000 law enforcement agencies across the United States. As of the end of fiscal year 2004, the COPS Office has funded more than 118,000 community policing programs.

In 1995, the first fiscal year of its operation, the COPS Office was appropriated \$1.3 billion. In the next few years, the agency received modest increases. In fiscal year 2000, however, its funding was dramatically reduced by more than half to \$595 million. The Administration's current funding request for fiscal year 2008 (in the approximate amount of \$38 million) represents a further drastic reduction.

VIOLENT CRIME TRENDS

During the 1990's, the crime rate for all categories of crime and in all parts of the United States dropped dramatically. For example, homicide rates in 2001 had plunged 43% from their peak in 1991, reaching their lowest level in 35 years. The same trend was seen in every major crime category.

After a decade of decline, however, violent crime is now increasing in many cities across the Nation. According to the Federal Bureau of Investigation (FBI), crime in the United States increased in the first half of 2006 by 3.7% compared to the previous year. During this period, murder increased by 1.4%, and robbery increased by 9.7%. In addition, a report released by the Police Executive Research Forum earlier this year identified a dramatic increase in violent crime among 56 jurisdictions surveyed. The Forum survey reported a 12.27% increase in robberies and a 10.21% increase in homicides.

Although national crime rates are rising, the FBI is in the process of re-directing its agents to focus more on pursuing counterterrorism efforts rather than investigating local crimes. Local law enforcement officials have been left to their own devices to fill the gaps that have been created as a result of the FBI's reassignment of these agents.

¹Pub. L. No. 103-322 (1994).

²Pub. L. No. 109-162 (2006).

³U.S. Dep't of Justice—Office of Community Oriented Policing Services, Mission, at <http://www.cops.usdoj.gov/Default.asp?Item=35>.

H.R. 1700 addresses the escalation in violent crime and increasing void in law enforcement resources created by the FBI's realignment of its priorities in several respects. First, it 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 also provides incentives for local law enforcement agencies to establish and implement innovative programs to reduce and prevent the manufacturing, distribution, and use of illegal drugs, including methamphetamine.

Second, H.R. 1700 re-authorizes the Troops-to-COPS Program, which awards grants designed to hire former members of the Armed Forces as career law enforcement officers. Initially authorized as part of the Crime Control Act in 1994, this Program was eliminated in the VAWA Reauthorization Act in 2005.

Third, H.R. 1700 establishes a Community Prosecutors Program to pay for additional community programs to assist prosecutors in pursuing cases from specific geographic areas and address counter-terror matters, specific violent crime problems, and localized violent crimes, as well as other crimes.

Fourth, H.R. 1700 creates a Technology Grants Program to award grants for the purpose of developing and using new technologies, including interoperable communications technologies, modernized criminal records technology, and forensic technology, to assist State and local law enforcement agencies in reorienting more of the emphasis of their activities from reacting to crime to preventing crime. The grants would also be used to train law enforcement officers in how to use such technologies.

Finally, to implement these reforms, the bill authorizes \$1.15 billion per year in grants over the course of the next five fiscal years. It also increases the portion available for training and technical assistance from 3% to 5%, and specifies certain amounts to be made available for hiring officers (\$600 million), hiring prosecutors (\$200 million), and technology grants (\$350 million).

HEARINGS

The Committee's Subcommittee on Crime, Terrorism, and Homeland Security held 1 day of hearings on H.R. 1700 on April 24, 2007. Testimony was received from Laurie Robinson, Director, Master of Science Program, Department of Criminology at the University of Pennsylvania; Douglas H. Palmer, Mayor of Trenton, New Jersey and President of the United States Conference of Mayors; Edmund H. Mosca, Chief of Police, Old Saybrook Department of Police Services, Old Saybrook, Connecticut; Kamala D. Harris, District Attorney, City of San Francisco, California; Mark Epley, Senior Counsel, Office of the Deputy Attorney General, United States Department of Justice; and John Monaghan, Consultant, New York City Law Department.

COMMITTEE CONSIDERATION

On April 26, 2007, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill, H.R. 1700, favorably reported by voice vote, a quorum being present. On May 2, 2007, the Committee met in open session and ordered the

bill, H.R. 1700, favorably reported with an amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 1700.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1700, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 4, 2007.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1700, 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, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

H.R. 1700—COPS Improvements Act of 2007.

SUMMARY

H.R. 1700 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 2013 (funding for this program is currently authorized through 2009). Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1700 would cost \$1.5 billion over the 2008–2012 period, with additional amounts spent after 2012. Enacting the bill would not affect direct spending or receipts.

H.R. 1700 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 H.R. 1700 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, starting with fiscal year 2008, 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 for COPS Grants | | | | | | |
| 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 | 1,150 | 1,150 | 1,150 |
| Estimated Outlays | 0 | 12 | 41 | 193 | 506 | 784 |
| Spending Under H.R. 1700 for COPS Grants | | | | | | |
| Budget Authority/Authorization Level | 542 | 1,150 | 1,150 | 1,150 | 1,150 | 1,150 |
| Estimated Outlays | 749 | 656 | 758 | 914 | 1,059 | 1,150 |

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

H.R. 1700 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. It would alter a program available to those governments for buying equipment, using law enforcement technology, and hiring more police officers. It also would increase the authorization level for fiscal years 2008 and 2009 and would authorize funding for fiscal years 2010 through 2013. Assuming the appropriation of authorized amounts, those governments would receive about \$4.5 billion over the 2008–2012 period. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

PREVIOUS CBO ESTIMATE

On March 21, 2007, CBO transmitted a cost estimate for S. 368, the COPS Improvements Act of 2007, as ordered reported by the Senate Committee on the Judiciary on March 15, 2007. That bill

would increase the authorization level for the COPS program to \$1.15 billion annually through 2009, and we estimated that implementing S. 368 would cost \$190 million over the 2007–2012 period.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220)
Impact on the Private Sector: Amy Petz (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis
[insert CBO estimate]

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 1700 is to lower national crime rates by expanding the authority of the Attorney General to make grants for public safety and community policing.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1700 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section 1 sets forth the short title of the bill as the “COPS Improvements Act of 2007.”

Sec. 2. Cops Grants Improvements. Section 2 makes several amendments to the Omnibus Crime Control and Safe Streets Act of 1968 regarding public safety and community policing grants and authorizes the Attorney General to carry out the grant programs through fiscal year 2013.

It establishes hiring grants for community policing officers, anti-terror officers and school resource officers, as well as other public safety grants. It also provides incentives for local law enforcement agencies to establish and implement innovative programs to reduce and prevent the manufacture, distribution, and use of illegal drugs, including methamphetamine.

Section 2 also establishes the Troops-to-COPS Program, which awards grants designed to hire former members of the Armed Forces as career law enforcement officers. In addition, section 2 establishes a Community Prosecutors Program to pay for additional

community programs to assist prosecutors in pursuing cases from specific geographic areas and address counter-terror matters, specific violent crime problems, and localized violent crimes, as well as other crimes. Section 2 further creates a Technology Grants Program to award grants for the purpose of developing and using new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting more of the emphasis of their activities from reacting to crime to preventing crime. The grants would also be used to train law enforcement officers in how to use such technologies.

To implement these reforms, section 2 authorizes \$1.15 billion per year in grants over the course of the next five fiscal years. It also increases the portion available for training and technical assistance from 3% to 5%, and specifies certain amounts to be made available for hiring officers (\$600 million), hiring prosecutors (\$200 million), and technology grants (\$350 million).

Sec. 3. Report by DOJ Inspector General Required. Section 3 requires the Department of Justice's Inspector General to submit a report to Congress within 180 days of the date of enactment of the Act on the effect of the COPS program in reducing the rate of violent crime.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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 italics, existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

PART A—OFFICE OF JUSTICE PROGRAMS

* * * * *

SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) * * *

* * * * *

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

* * * * *

SEC. 109. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) * * *

(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

[(1) The program under part Q of this title.]

[(2)] (1) Any grant program carried out by the Office of Justice Programs.

[(3)] (2) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate, *except for the program under part Q of this title.*

* * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * *

(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended **[\$1,047,119,000 for each of fiscal years 2006 through 2009]** *\$1,150,000,000 for each of fiscal years 2008 through 2013.*

(B) Of funds available under part Q in any fiscal year, up to **[3 percent may be used for technical assistance under section 1701(d)]** *5 percent may be used for technical assistance under section 1701(f) 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 populations 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 for grants under part Q, not less than \$600,000,000 shall be used for 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.

* * * * *

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 program 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 for the purposes described in subsection (b).**]**

(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments,

other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).

(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) * * *

* * * * *

(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 offices hired to perform intelligence, anti-terror, or homeland security duties;]

(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;*

* * * * *

[(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;]

[(10)] (9) 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 community, 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;

[(11)] (10) 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;

[(12)] (11) 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;]

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

[(15)] (13) 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;

[(16)] (14) 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]

[(17)] (15) 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;*

(17) *establish criminal gang enforcement task forces, consisting of members of Federal, State, and local law enforcement authorities (including Federal, State, and local prosecutors), for the coordinated investigation, disruption, apprehension, and prosecution of criminal gangs and offenders involved in local or multi-jurisdictional gang activities; and*

(18) *award enhancing community policing and crime prevention grants that meet 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 (a) 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 has been honorably discharged from the Armed Forces of the United States.*

(d) COMMUNITY PROSECUTORS PROGRAM.—*The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—*

(1) handle cases from specific geographic areas; and

(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

(e) TECHNOLOGY GRANTS.—*The Attorney General may make grants under subsection (a) to develop and use new technologies (in-*

cluding 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.

[(d)] (f) 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 component of the Department of Justice to perform the functions and activities specified in this paragraph.*

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

[(f)] (h) 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 part.

[(g)] (i) 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** *unless the Attorney General waives the non-Federal contribution requirement as described in the preceding sentence, the non-Federal share of the costs of hiring or rehiring such officers may be less than 25 percent of such costs for any year during the grant period, provided that the non-Federal share of such costs shall not be less than 25 percent in the aggregate for the entire grant period, but the State or local government should make an effort to increase the non-Federal share of such costs during the grant period,* 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 1702(c)(8). *The preceding sentences shall not apply with respect to any program, project, or activity provided by a grant made pursuant to subsection (b)(4).*

[(h) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(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 the date of enactment of this part. 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.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.

SEC. 1702. APPLICATIONS.

(a) * * *

* * * * *

(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) * * *

* * * * *

(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;]** *share of the costs during the grant period, how the applicant will main-*

tain the increased hiring level of the law enforcement officers, and how the applicant will eventually assume responsibility for all of the costs for such officers;

* * * * *

[(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 grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives 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.】

SEC. 1703. RENEWAL OF GRANTS.

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

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 would, in the absence of Federal funds received under this part, be made available from State or local sources** *that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs. The preceding sentence shall not apply with respect to funds made available under this part by a grant made pursuant to subsection (a) for the purposes described in subsection (b)(4).*

* * * * *

[(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) * * *

* * * * *

(d) **STUDY OF PROGRAM EFFECTIVENESS.**—

(1) **IN GENERAL.**—*The Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this part in reducing crime.*

(2) **STUDY.**—*The Attorney General shall select one or more institutions of higher education, including 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 Improvements Act of 2007, the institution or institutions selected under paragraph (2) shall report the findings of the study described in paragraph (1) to the Attorney General. Not later than 30 days after the receipt of such report, the Attorney General shall report such findings to the appropriate committees of Congress, 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.*

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 **revoke or suspend funding**

of that grant, in whole or in part.】 *take any enforcement action available to the Department of Justice.*

* * * * *

SEC. 1709. DEFINITIONS.

In this part—

(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.

* * * * *

**SECTION 10002 OF THE PUBLIC SAFETY PARTNERSHIP
AND COMMUNITY POLICING ACT OF 1994**

SEC. 10002. PURPOSES.

The purposes of this title are to—

(1) * * *

* * * * *

(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.

ADDITIONAL VIEWS

We support H.R. 1700, the “COPS Improvements Act of 2007” as amended by the substitute. The bill as introduced, however, raises several concerns. We also have continuing concerns about the effectiveness of the COPS program in reducing the crime rate.

The COPS program was created in Title I of the 1994 Crime Act. The COPS program awards grants to State, local, and tribal law enforcement agencies throughout the U.S. so they can hire new police officers, rehire officers who have been laid off because of local budget cuts, and procure new crime-fighting technology so that more officers can be deployed in the community. Since its inception, the COPS office has awarded more than \$11.4 billion to over 13,000 law enforcement agencies.

Congress appropriated more than \$1 billion annually for the COPS program from FY 1995–2002 (with the exception of \$595 million in FY 2000). Although the Administration’s budget since FY 2004 requested \$100–\$200 million, Congress has continued to appropriate higher levels of funding, albeit at decreasing amounts. From 1994–1998, most of the program’s budget was aimed at hiring more police officers. As the crime rate began to decline in the late 1990s, the emphasis of COPS funding shifted away from hiring and towards funding technology programs to help respond to crime and terrorism.

The actual number of officers put on the street under this program is in dispute. The COPS Office within the Department of Justice reported that it had “funded” 118,000 new police positions by the end of FY 2004. A review of the program by the White House’s Office of Management and Budget, however, said that the COPS program has put “fewer than 90,000” officers on the street. A University of Pennsylvania study in 2002 found that the number probably would wind up closer to 82,000—or 30% fewer cops than Department’s estimate. The Inspector General of the Department of Justice and the Government Accountability Office note that thousands of hires funded by the COPS program never materialized because law enforcement agencies used COPS funding to cover their own budget shortfalls. Looking at just 3% of all COPS grants, federal audits have alleged \$277 million in misspent funds.

The program’s effectiveness in reducing crime is also disputed. A 2005 GAO report concluded that although “COPS expenditures led to increases in sworn police officers above levels that would have been expected without these expenditures and through the increases in sworn officers led to declines in crime, we conclude that COPS grants were not the major cause of the decline in crime from 1994 through 2001.” The report estimates that the program contributed to only a 1.3 % decline in the overall crime rate and a 2.5 % decline in the violent crime rate for the years 1993 to 2000.

The majority touts this modest decrease in crime as a success, despite the fact that it came at a cost of \$11 billion. However, a May 2006 Heritage Foundation study concluded that the COPS program has lead only to small reductions in crime, the benefits of which do not outweigh the cost of the COPS program. A Report of the Heritage Center for Data Analysis, *Impact Evaluation of COPS Grants in Large Cities*, at 13–15 (2006).

H.R. 1700

As introduced, H.R. 1700 eliminated permanently any hope that community policing would, in fact, someday be funded by America’s communities. The bill stripped several provisions from current law regarding State, local or tribal government contributions to COPS programs and the duration of COPS grants.

First, current law requires applicants to specify in their grant applications plans for assuming a progressively larger share of the cost of a COPS-funded program, “looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support.” 42 U.S.C. § 3796dd-1(b)(13). Current law also directs that the federal share of a grant for hiring or rehiring career law enforcement officers shall decrease from year to year, again with the intent that the State or local governments assume a larger share of the grant in anticipation of the conclusion of federal support.

H.R. 1700 also stripped from current law a provision limiting the duration of COPS grants and replaced it with a provision allowing unlimited grant renewal. This too is directly contrary to the original intent of the COPS program—to provide short-term assistance to State, local and tribal governments to hire additional police officers.

Finally, despite inconsistent reports on the effectiveness of the COPS program, H.R. 1700 reauthorizes the program at \$1.15 billion a year through 2013.

AMENDMENT IN THE NATURE OF A SUBSTITUTE

We commend the majority for working with us to create a bipartisan substitute amendment that restores several critical and fiscally responsible provisions that H.R. 1700 stripped from current law. For instance, the substitute reinstates a renewal period for hiring and rehiring grants. Under current law, hiring and rehiring grants are initially awarded for one year and may be renewed for up to five years. H.R. 1700 replaced this with an unlimited renewal period. The substitute amendment included a compromise by which hiring grants may be awarded for up to five years but no renewal restriction is placed on non-hiring grants, such as technology grants.

MULTI-JURISDICTIONAL GANG TASK FORCES

Mr. Forbes offered an amendment to add multi-jurisdictional gang task forces as a permissible purpose for COPS funding. The problem of gang violence in America is not a new one. Nor is it a problem that is limited to major urban areas. Once thought to be only a problem in our Nation's largest cities, gangs have invaded smaller communities. According to the Department of Justice, there are currently over 25,000 gangs who are active in more than 3,000 jurisdictions in the United States. Based on the latest available National Youth Gang Survey, it is now estimated that there are approximately 850,000 gang members.

To put this in perspective, consider the following: the total number of active duty Navy and Army personnel is approximately 859,000. This is virtually a one-on-one ratio to gang members in the United States. In fact, if the criminal gang members in the United States were a military force located in another country, they would comprise the 6th largest military in the world in terms of soldiers.

The Forbes amendment helps State and local governments leverage their resources into task forces that can address the gang problem in a local community, a county, a State, across several States, or even nationwide. Community policing can be an effective program that tackles gang violence in each community, gathers important intelligence, and leads to information sharing and participation in a Federal, State and local task force.

Gangs now resemble organized crime syndicates who commit gun violence, illegal gun trafficking, illegal drug trafficking and other serious crimes. More and more communities are suffering from gang violence, rival gang battles, innocent bystanders are tragically shot and law-abiding members of communities are prisoners in their own homes in fear of being caught in the cross-fire of gang violence.

Some national-level street gangs are highly organized, with as many as 100,000 members and associates. The most highly organized, such as Latin Kings, Gangster Disciples, and Vice Lords, have centralized leadership cores that conspire to transport and distribute drugs throughout the country. Some prison gangs have evolved from ethnic-based protection gangs within the prison sys-

tem to organized criminal enterprises that use their connections with Mexican drug trafficking organizations to traffic drugs throughout the country, particularly the West and Southwest Regions.

The Committee adopted the amendment by voice vote.

AMTRAK POLICE

Mr. Forbes offered an amendment to delete a provision from the bill that adds the Amtrak Police Department to the definition of “career law enforcement officer.” The COPS program provides funding to State, local, and tribal governments to hire additional police officers, to implement new technologies, or to fund other community policing programs. The Amtrak Police serve an important function in protecting our railways. But a bill reauthorizing the COPS program is not the proper vehicle to address whatever additional funding the Amtrak Police may need. Expanding community policing grants to the Amtrak Police Department will open up the floodgates of demands from other federal law enforcement seeking to be included in the COPS program.

The Committee adopted the amendment by voice vote.

INSPECTOR GENERAL AUDIT

Mr. Forbes offered an amendment to direct the Inspector General of the Department of Justice to conduct an audit of the COPS program to review three areas: (1) the effect of the program on the rate of violent crime, (2) the degree to which COPS funding recipients contribute State or local funding to law enforcement programs and activities, and (3) any waste, fraud, or abuse within the COPS program.

H.R. 1700 increases the authorization for the COPS program to \$1.15 billion a year through 2013. The few studies that have been conducted in recent years have reach conflicting results on the effectiveness of the program in reducing the rate of violent crime. It is our duty to ensure that taxpayer dollars are spent on the most cost effective and successful programs. Surely, any program authorized at over a billion dollars a year warrants such a review.

The Committee adopted the amendment by voice vote.

PRESERVING STATE PARTICIPATION

Mr. Chabot offered an amendment to preserve two provisions in the current law that encourage State and local governments to contribute funding to community policing programs.

The COPS program is intended to compliment State and local funding sources for hiring and rehiring police officers. It represents a partnership between the Federal Government and State, local, and tribal governments. The COPS program was not intended to supplant State and local funding of police officers and community policing programs. To be sure, section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796dd-3) States that

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 would, in the absence of Federal funds received under this part, be made available from State or local sources or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs. (Emphasis added).

Unfortunately, the Heritage Foundation study concluded that “COPS grants awarded to large cities did not stimulate local spending and that the cities may have used the grants to supplant local police expenditures. This finding is supported by U.S. Department of Justice Office of Inspector General audits of COPS grants.” *See, supra*, A Report of the Heritage Center for Data Analysis at 19.

As noted above, H.R. 1700, as introduced, stripped two provisions from current law that encourage State and local governments to contribute non-federal resources to hiring and rehiring grants. Removing these provisions only exacerbates an already disconcerting problem of COPS funds supplanting rather than complimenting State and local resources. Mr. Chabot’s amendment restores these important provisions.

The Committee adopted the amendment by voice vote.

LAMAR SMITH.
J. RANDY FORBES.

