

RECRUIT AND RETAIN ACT OF 2024

MAY 6, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3325]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3325) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize law enforcement agencies to use COPS grants for recruitment activities, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

Purpose and Summary	Page 3
Background and Need for the Legislation	3
Hearings	6
Committee Consideration	7
Committee Votes	7
Committee Oversight Findings	7
New Budget Authority and Tax Expenditures	7
Congressional Budget Office Cost Estimate	8
Committee Estimate of Budgetary Effects	8
Duplication of Federal Programs	8
Performance Goals and Objectives	8
Advisory on Earmarks	8
Federal Mandates Statement	8
Advisory Committee Statement	9
Applicability to Legislative Branch	9
Section-by-Section Analysis	9
Changes in Existing Law Made by the Bill, as Reported	9

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 “Recruit and Retain Act of 2024”.

SEC. 2. IMPROVING COPS GRANTS FOR POLICE HIRING PURPOSES.

(a) GRANT USE EXPANSION.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(b)) is amended—

(1) by redesignating paragraphs (22) through (23) as paragraphs (23) through (24), respectively; and

(2) by inserting after paragraph (21) the following:

“(22) to support hiring activities by law enforcement agencies experiencing declines in officer recruitment applications by reducing application-related fees, such as fees for background checks, psychological evaluations, and testing;”.

(b) TECHNICAL AMENDMENT.—Section 1701(b)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(b)(23)), as so redesignated, is amended by striking “(21)” and inserting “(22)”.

SEC. 3. ADMINISTRATIVE COSTS; PIPELINE PARTNERSHIP PROGRAM.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended by adding at the end the following:

“(o) ADMINISTRATIVE COSTS.—Not more than 2 percent of a grant made for the hiring or rehiring of additional career law enforcement officers may be used for costs incurred to administer such grant.

“(p) COPS PIPELINE PARTNERSHIP PROGRAM.—

“(1) ELIGIBLE ENTITY DEFINED.—In this subsection, the term ‘eligible entity’ means a law enforcement agency in partnership with not less than 1 educational institution, which may include 1 or any combination of the following:

“(A) An elementary school.

“(B) A secondary school.

“(C) An institution of higher education.

“(D) A Hispanic-serving institution.

“(E) A historically Black college or university.

“(F) A Tribal college.

“(2) GRANTS.—The Attorney General shall award competitive grants to eligible entities for recruiting activities that—

“(A) support substantial student engagement for the exploration of potential future career opportunities in law enforcement;

“(B) strengthen recruitment by law enforcement agencies experiencing a decline in recruits, or high rates of resignations or retirements;

“(C) enhance community interactions between local youth and law enforcement agencies that are designed to increase recruiting; and

“(D) otherwise improve the outcomes of local law enforcement recruitment through activities such as dedicated programming for students, work-based learning opportunities, project-based learning, mentoring, community liaisons, career or job fairs, work site visits, job shadowing, apprenticeships, or skills-based internships.

“(3) FUNDING.—Of the amounts made available to carry out this part for a fiscal year, the Attorney General may use not more than \$3,000,000 to carry out this subsection.”.

SEC. 4. COPS GRANT GUIDANCE FOR AGENCIES OPERATING BELOW BUDGETED STRENGTH.

Section 1704 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10384) is amended by adding at the end the following:

“(d) GUIDANCE FOR UNDERSTAFFED LAW ENFORCEMENT AGENCIES.—

“(1) DEFINITIONS.—In this subsection:

“(A) COVERED APPLICANT.—The term ‘covered applicant’ means an applicant for a hiring grant under this part seeking funding for a law enforcement agency operating below the budgeted strength of the law enforcement agency.

“(B) BUDGETED STRENGTH.—The term ‘budgeted strength’ means the employment of the maximum number of sworn law enforcement officers the budget of a law enforcement agency allows the agency to employ.

“(2) PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish consistent procedures for covered applicants, including guidance that—

“(A) clarifies that covered applicants remain eligible for funding under this part; and

“(B) enables covered applicants to attest that the funding from a grant awarded under this part is not being used by the law enforcement agency to supplant State or local funds, as described in subsection (a).

“(3) PAPERWORK REDUCTION.—In developing the procedures and guidance under paragraph (2), the Attorney General shall take measures to reduce paperwork requirements for grants to covered applicants.”.

SEC. 5. STUDY ON POLICE RECRUITMENT.**(a) STUDY.—**

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study to consider the comprehensive effects of recruitment and attrition rates on Federal, State, Tribal, and local law enforcement agencies in the United States, to identify—

(A) the primary reasons that law enforcement officers—

- (i) join law enforcement agencies; and
- (ii) resign or retire from law enforcement agencies;

(B) how the reasons described in subparagraph (A) may have changed over time;

(C) the effects of recruitment and attrition on public safety;

(D) the effects of electronic media on recruitment efforts;

(E) barriers to the recruitment and retention of Federal, State, and local law enforcement officers; and

(F) recommendations for potential ways to address barriers to the recruitment and retention of law enforcement officers, including the barriers identified in subparagraph (E).

(2) REPRESENTATIVE CROSS-SECTION.—

(A) **IN GENERAL.**—The Comptroller General of the United States shall endeavor to ensure accurate representation of law enforcement agencies in the study conducted pursuant to paragraph (1) by surveying a broad cross-section of law enforcement agencies—

- (i) from various regions of the United States;
- (ii) of different sizes; and
- (iii) from rural, suburban, and urban jurisdictions.

(B) **METHODS DESCRIPTION.**—The study conducted pursuant to paragraph

(1) shall include in the report under subsection (b) a description of the methods used to identify a representative sample of law enforcement agencies.

(b) **REPORT.**—Not later than 540 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the study conducted under subsection (a); and

(2) make the report submitted under paragraph (1) publicly available online.

(c) **CONFIDENTIALITY.**—The Comptroller General of the United States shall ensure that the study conducted under subsection (a) protects the privacy of participating law enforcement agencies.

Purpose and Summary

H.R. 3325, the Recruit and Retain Act, introduced by Rep. Wesley Hunt (R-TX), will expand the Community Oriented Policing Services (COPS) grant program to support recruitment efforts by law enforcement agencies. The bill also limits the amount of a grant that may be used for costs to administer the grant, clarifies that law enforcement agencies operating below their budgeted strength remain eligible for COPS grants with certain conditions, and requires a study by the U.S. Government Accountability Office (GAO) on police recruitment.

Background and Need for the Legislation

Due to the radical left’s “defund the police” movement, Democrat-run cities across the United States reduced funding for police departments, which left cities without an adequate law enforcement presence to address the surge in violent crime.¹ Los Angeles reduced its police department’s budget by \$150 million.² New York City made cuts amounting to \$1 billion from the New York Police

¹ Rep. Clay Higgins, *Democrats’ push to defund police caused crime to spike*, WASH. EXAMINER (Jun. 22, 2022).

² Audrey Conklin, *LA ‘Defund’ Police Budget Cuts Force Department to Dissolve Sexual Assault Unit that Investigated Weinstein*, FOX NEWS (Nov. 12, 2020).

Department (NYPD).³ Chicago’s then-Mayor Lori Lightfoot approved a decrease of approximately \$80 million for the Chicago Police Department budget.⁴ In 2021, Washington, D.C., slashed the Metropolitan Police Department (MPD) budget by roughly \$15 million.⁵ The subsequent years unsurprisingly saw a significant uptick in violent crime in these cities, which can be attributed to these decisions to defund law enforcement.⁶

According to the Major City Chiefs Association (MCCA), the spike in violent crime in 2020 worsened in 2021. The MCCA reported that violent crime in the majority of big cities across the U.S. remains high compared to 2019, with homicides in the U.S. increasing by over 36 percent.⁷ Out of the 70 cities included in MCCA’s data, 69 cities saw increases in at least one category of violent crimes in 2021, which include homicide, rape, robbery, and aggravated assault.⁸

After this spike in crime, some Democrats refused to acknowledge their own policy failures and instead blamed firearms, economic downturns, and perceived deficiencies in federal law enforcement support.⁹ For example, Chicago Mayor Lightfoot reached out to Attorney General Merrick Garland, pushing for an increase in Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) agents in Chicago to address illegal firearms.¹⁰ The CPD would have been best situated to address elevated levels of violent crime in Chicago if Mayor Lightfoot had worked to increase funding for the department instead of cutting its funding by approximately \$80 million.

However, some Democrats realized the effects of their catastrophic decisions and reversed course. For example, San Francisco Mayor London Breed initially diverted \$120 million from the police budget towards social initiatives, only to recalibrate her approach in light of rising crime and committed to strengthen the police force and counter the criminal elements in the city.¹¹ Within three years, almost all large Democrat-led cities reversed course on the decision to defund law enforcement and augmented police department budgets, with many Democrats stepping away from the “defund the police” narrative altogether.¹² In 2023, after Washington, D.C., experienced its deadliest year in more than 20 years,¹³ Mayor Muriel Bowser proposed legislation to reverse many of the anti-police reforms.¹⁴ The legislation also sought to target organized retail crime

³Scottie Andrew and Kristina Sgueglia, *New York Police Department’s budget has been slashed by \$1 billion*, CNN (July 1, 2020).

⁴*After caving to the defund movement in 2020, Chicago Mayor Lightfoot proposes more police funding as crime continues to spiral*, THE NATIONAL POLICE SUPPORT FUND (Oct. 21, 2021).

⁵Eric Flack, *Verify: Did DC ‘Defund the Police?’*, WASH. POST (Apr. 20, 2021).

⁶Higgins, *supra* note 1.

⁷Press Release, Major Cities Chiefs Association, MCCA Releases Violent Crime Report (Feb. 10, 2022).

⁸Major Cities Chiefs Association, *Violent Crime Survey—Agency Totals (2020–2021)*, <https://majorcitieschiefs.com/wp-content/uploads/2022/02/MCCA-Violent-Crime-Report-2021-and-2020-Year-End.pdf>.

⁹Alec Schemmel, *Mayor who pushed to defund police by \$80M pleads with feds to help with rampant crime*, FOX 17 NASHVILLE (Dec. 22, 2021).

¹⁰*Id.*

¹¹*Id.*

¹²*Id.*

¹³Emily Davies, John D. Harden and Peter Hermann, *2023 was District’s deadliest year in more than two decades* WASH. POST (Jan. 1, 2024), <https://www.washingtonpost.com/dc-md-va/interactive/2024/dc-crime-homicide-victims-shooting-violence/>.

¹⁴Melissa Koenig, *DC mayor proposes rolling back progressive police reforms amid spike in violent crimes* N.Y. POST (Oct. 24, 2023), <https://nypost.com/2023/10/24/news/dc-mayor-proposes-rolling-back-progressive-police-reforms/>.

as well as the issue of open-air drug markets in the District.¹⁵ Mayor Bowser admitted the original police reform legislation did not “match the daily practice of safe and effective policing.”¹⁶

POLICE RECRUITMENT CRISIS

Police departments across the country are experiencing significant recruitment challenges, as officers have been leaving the force in droves. In 2023, the San Francisco Police Department was down over 600 officers compared to 2020—approximately thirty percent of the department.¹⁷ The MPD in Washington, D.C., has the lowest number of officers it has had in the past fifty years.¹⁸ Since 2019, the Chicago Police Department has lost 3,300 officers, and, as of October 2022, it had only replaced roughly half of those departures.¹⁹ As of March 2023, there were 1,500 vacancies within the department.²⁰ During a forum convened by the Committee on the Judiciary in Chicago, Illinois in September 2023, retired Chicago Police Department Detective John Garrido highlighted many of the challenges that police officers face while stating that, “officers are retiring and resigning at alarming rates.”²¹

These challenges are not limited to large cities, as small towns are also experiencing challenges with officer recruitment and retention. For example, Goodhue, Minnesota—population 1,300—was forced to shutter its police department last August after the city council did not provide more resources for pay and benefits.²² In many cases, these small towns have to turn police work over to the county sheriff’s office.²³ Even Attorney General Garland seems to have admitted that the left’s anti-police rhetoric has hurt police recruitment, stating: “Law enforcement officers across the country are facing unprecedented challenges at a time when they are already being stretched thin”²⁴

In an effort to hire more law enforcement officers, police departments have “expanded the geographic area from which they draw recruits, offered hiring bonuses and multiyear contracts, strengthening recruiting efforts, decreased onboarding obstacles and adjusted admission requirements.”²⁵ For example, the MPD in Washington, D.C., is offering a \$25,000 hiring bonuses for new re-

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Robert Klemko, *Police agencies are desperate to hire. But they say few want the job.*, WASH. POST (May 27, 2023), <https://www.washingtonpost.com/national-security/2023/05/27/police-vacancies-hiring-recruiting-reform/>.

¹⁸ *Id.*

¹⁹ Elliott Ramos et al., *Chicago Police Department Struggles as Burnt-Out Cops Quit, With Some Heading to Suburbs*, CBS NEWS CHI. (Oct. 11, 2022).

²⁰ Glenn Minnis, *With 1,500 Vacancies, Chicago Police Ramp Up Recruiting Efforts*, THE CENTER SQUARE (Mar. 28, 2023).

²¹ *Victims of Violent Crime in Chicago: Hearing Before the H. Comm. On the Judiciary*, 118th Cong. 20 (2023) (statement by John Garrido, retired detective from the Chicago Police Department).

²² The Associated Press, *The U.S. is experiencing a police hiring crisis*, THE ASSOC. PRESS (Sep. 6, 2023), <https://www.nbcnews.com/news/us-news/us-experiencing-police-hiring-crisis-rcna103600>.

²³ *Id.*

²⁴ Bart Jansen, *Police departments facing ‘historic crisis’ in finding, keeping officers should make changes: DOJ report* USA TODAY (Oct. 17, 2023), <https://www.usatoday.com/story/news/politics/2023/10/17/police-recruitment-retention-justice-department-report/71216818007/>.

²⁵ Robert Klemko, *Police agencies are desperate to hire. But they say few want the job.*, WASH. POST (May 27, 2023), <https://www.washingtonpost.com/national-security/2023/05/27/police-vacancies-hiring-recruiting-reform/>.

cruits.²⁶ In March 2024, the City of Dunwoody, Georgia, announced it is increasing hiring bonuses for new recruits to \$15,000.²⁷ Alameda County, California is offering a \$75,000 recruitment bonus that will be paid out installments over several years.²⁸

COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANTS

The DOJ provides grants to state, local, and tribal governments to hire law enforcement officers (LEOs) under the COPS Hiring Program (CHP).²⁹ Congress first authorized the CHP in the Violent Crime Control and Law Enforcement Act of 1994.³⁰ The CHP remains a crucial federal resource to help law enforcement agencies hire new officers. However, according to a 2023 report published by the COPS Office and the Bureau of Justice Statistics (BJA), recruitment and retention for law enforcement organizations across the country still remains an issue.³¹ The report also recommended examining ways to accelerate and streamline the hiring process.³²

RECRUIT AND RETAIN ACT

The Recruit and Retain Act would ensure that the CHP is responsive to the hiring challenges that law enforcement agencies are experiencing nationwide. Specifically, the bill will help to reduce the costs of onboarding new hires, especially for requirements such as background checks. It will also work to alleviate administrative burdens and clarify CHP application guidance with the goal of making grants more accessible to agencies across the country. Finally, the Recruit and Retain Act will require additional research into the latest data to uncover additional insights into recruitment and retention trends for law enforcement across the United States.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 3325: “Victims of Violent Crime in Manhattan” a hearing held on Monday, April 17, 2023, before the Committee on the Judiciary. The Committee heard from the following witnesses:

- Jose Alba, former Manhattan bodega clerk;
- Madeline Brame, Chairwoman of the Victims Rights Reform Council and mother of a homicide victim;
- Jennifer Harrison, Founder of Victims Rights NY;
- Paul DiGiacomo, President of the New York City’s Detectives’ Endowment Association;
- Robert F. Holden, New York City Council (D–District 30);

²⁶ Press Release, Government of the District of Columbia, Mayor Bowser Announces Increase in Hiring Bonuses for New MPD Recruits, <https://mayor.dc.gov/release/mayor-bowser-announces-increase-hiring-bonuses-new-mpd-recruits> (last visited Mar. 7, 2024).

²⁷ WSB Staff, *Dunwoody increases hiring bonuses for new police recruits to \$15,000*, WSB ATLANTA (Mar. 2, 2024), <https://www.msn.com/en-us/news/crime/dunwoody-increases-hiring-bonuses-for-new-police-recruits-to-15000/ar-BB1jbUxq>.

²⁸ CBS Staff, Police departments offering bonuses, incentives to new recruits and experienced officers to fill Bay Area openings, CBS NEWS (Sep. 26, 2023), <https://www.cbsnews.com/sanfrancisco/essentials/police-recruiting-bonuses-bay-area-officers-incentives/>.

²⁹ See Community Oriented Policing Services (COPS), *About the COPS Office*, U.S. DEPT OF JUSTICE (last accessed April 24, 2024), <https://cops.usdoj.gov/aboutcops>.

³⁰ Pub. L. 103–322 (1994).

³¹ Bureau of Justice Statistics and Community Oriented Policing Services, *Recruitment and Retention for the Modern Law Enforcement Agency*, BUREAU OF JUSTICE STATISTICS (last accessed April 24, 2024), <https://bja.ojp.gov/doc/recruitment-retention-modern-le-agency.pdf>.

³² *Id.*

- Barry Borgen, father of a victim of antisemitic hate crime;
- Jim Kessler, Co-Founder and Senior Vice President for Policy of Third Way; and
- Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence.

The hearing examined how a decrease in funding for law enforcement and the imposition of left-wing criminal justice policies have led to an increase in violent crime and a dangerous community for New York City residents.

The Subcommittee on Crime and Federal Government Surveillance of the Committee on the Judiciary held a related hearing titled “Victims of Violent Crime in the District of Columbia on October 12, 2023. The Subcommittee heard from the following witnesses:

- Gaynor Jablonski, Washington, D.C. business owner attacked on June 29, 2023, inside of his business in front of his four-year-old son;
- Charles Stimson, crime control, national security, homeland security, and drug policy expert at the Heritage Foundation, Deputy Director of the Edwin Meese III Center for Legal and Judicial Studies;
- Mitchell Sobolevsky, victim of robbery at gunpoint in Washington, D.C.;
- Greg Pemberton, Metropolitan Police Department Detective, Chairman of the D.C. Police Union;
- Lindsey Appiah, Deputy Mayor for Public Safety and Justice; and
- Myisha Richards, firefighter paramedic, District of Columbia Fire and Emergency Medical Services Department.

The hearing examined the rise of violent crime in Washington, D.C., the lack of adequate funding for the police department, and the lack of prosecutions and prosecutorial accountability.

Committee Consideration

On May 1, 2024, the Committee met in open session and ordered the bill, H.R. 3325, favorably reported with an amendment in the nature of a substitute, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the Committee states that no recorded votes were taken during the consideration of H.R. 3325.

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, 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

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the

Congressional Budget Act of 1974 and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 3325 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 3325 will expand the Community Oriented Policing Services (COPS) grant program to support recruitment efforts by law enforcement agencies.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 3325 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

Federal Mandates Statement

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

Section-by-Section Analysis

Section 1. Short Title. This section sets forth the short title of the bill as “The Recruit and Retain Act of 2024.”

Section 2. Improving COPS Grants for Police Hiring Purposes. For law enforcement agencies experiencing declines in law enforcement officer recruitment, this section allows COPS Office grants to be used to reduce application-related fees, such as fees for background checks, psychological evaluations, and testing.

Section 3. Administrative Costs. This section allows up to 2% of grants to cover administrative costs associated with implementing COPS hiring grants. This section would also authorize a new grant program, using existing funds, within the DOJ COPS Office to support partnerships between law enforcement agencies and local educational institutions, which could include elementary schools, secondary schools, or institutions of higher education. Competitive grants would be awarded for workforce investment activities that support substantial student engagement for the exploration of potential future career opportunities in law enforcement.

Section 4. COPS Grant Guidance for Agencies Operating Below Budgeted Strength. This section would create new COPS grant guidance for understaffed law enforcement agencies.

Section 5. Study on Police Recruitment. This section would require a Government Accountability Office study on recruitment and retention trends and challenges law enforcement agencies in the United States. The study would also evaluate the effects these latest trends have on public safety, current barriers to recruitment and retention, and the effects of electronic media on recruitment efforts.

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, and 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 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).

(b) **USES OF GRANT AMOUNTS.**—The purposes for which grants made under subsection (a) may be made are—

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

(2) to hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation, including by prioritizing the hiring and training of veterans (as defined in section 101 of title 38, United States Code);

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

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

(5) to 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;

(6) to 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;

(7) to increase police participation in multidisciplinary early intervention teams;

(8) to develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State, tribal, 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) to develop and implement innovative programs to permit members of the community to assist State, tribal, 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;

(10) to 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) to 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;

(12) to 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, including the training of school resource officers in the prevention of human trafficking offenses;

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

(14) to assist a State or Indian tribe in enforcing a law throughout the State or tribal community that requires that a convicted sex offender register his or her address with a State, tribal, or local law enforcement agency and be subject to criminal prosecution for failure to comply;

(15) to 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;

(16) to 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;

(17) to participate in nationally recognized active shooter training programs that offer scenario-based, integrated response courses designed to counter active shooter threats or acts of terrorism against individuals or facilities;

(18) to provide specialized training to law enforcement officers to—

(A) recognize individuals who have a mental illness; and

(B) properly interact with individuals who have a mental illness, including strategies for verbal de-escalation of crises;

(19) to establish collaborative programs that enhance the ability of law enforcement agencies to address the mental health, behavioral, and substance abuse problems of individuals encountered by law enforcement officers in the line of duty;

(20) to provide specialized training to corrections officers to recognize individuals who have a mental illness;

(21) to enhance the ability of corrections officers to address the mental health of individuals under the care and custody of jails and prisons, including specialized training and strategies for verbal de-escalation of crises;

(22) to support hiring activities by law enforcement agencies experiencing declines in officer recruitment applications by reducing application-related fees, such as fees for background checks, psychological evaluations, and testing;

[(22)] (23) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through [(21)] (22); and

[(23)] (24) to establish peer mentoring mental health and wellness pilot programs within State, tribal, and local law enforcement agencies.

(c) **PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.**—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to an application—

(1) for hiring and rehiring additional career law enforcement officers that involves a non-Federal contribution exceeding the 25 percent minimum under subsection (g);

(2) from an applicant in a State that has in effect a law that—

(A) treats a minor who has engaged in, or has attempted to engage in, a commercial sex act as a victim of a severe form of trafficking in persons;

(B) discourages or prohibits the charging or prosecution of an individual described in subparagraph (A) for a prostitution or sex trafficking offense, based on the conduct described in subparagraph (A); and

(C) encourages the diversion of an individual described in subparagraph (A) to appropriate service providers, including child welfare services, victim treatment programs, child advocacy centers, rape crisis centers, or other social services; or

(3) from an applicant in a State that has in effect a law—
(A) that—

(i) provides a process by which an individual who is a human trafficking survivor can move to vacate any arrest or conviction records for a non-violent offense committed as a direct result of human trafficking, including prostitution or lewdness;

(ii) establishes a rebuttable presumption that any arrest or conviction of an individual for an offense associated with human trafficking is a result of being trafficked, if the individual—

(I) is a person granted nonimmigrant status pursuant to section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i));

(II) is the subject of a certification by the Secretary of Health and Human Services under section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)); or

(III) has other similar documentation of trafficking, which has been issued by a Federal, State, or local agency; and

(iii) protects the identity of individuals who are human trafficking survivors in public and court records; and

(B) that does not require an individual who is a human trafficking survivor to provide official documentation as described in subclause (I), (II), or (III) of subparagraph (A)(ii) in order to receive protection under the law.

(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, 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, 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.

(e) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

(f) MINIMUM AMOUNT.—Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) 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) 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 1702(c)(8).

(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.—Except as provided in subsection (j), 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) GRANTS TO INDIAN TRIBES.—

(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

(A) shall be 100 percent; and

(B) may be used to cover indirect costs.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2011 through 2015.

(k) COPS ANTI-METH PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section for a fiscal year (beginning with fiscal year 2019) to make competitive grants, in amounts of not less than \$1,000,000 for such fiscal year, to State law enforcement agencies with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating or investigating illicit activities, such as precursor diversion, laboratories, or methamphetamine traffickers.

(l) COPS ANTI-HEROIN TASK FORCE PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section, or other amounts as appropriated, for a fiscal year (beginning with fiscal year 2019) to make competitive grants to State law enforcement agencies in States with high per capita rates of primary treatment admissions, for the purpose of locating or inves-

tigating illicit activities, through Statewide collaboration, relating to the distribution of heroin, fentanyl, or carfentanil or relating to the unlawful distribution of prescription opioids.

(m) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

- (1) the problem of intermittent funding;
- (2) the integration of COPS personnel with existing law enforcement authorities; and
- (3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.

(n) TRAINING IN ALTERNATIVES TO USE OF FORCE, DE-ESCALATION TECHNIQUES, AND MENTAL AND BEHAVIORAL HEALTH CRISES.—

(1) TRAINING CURRICULA.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall develop training curricula or identify effective existing training curricula for law enforcement officers and for covered mental health professionals regarding—

- (i) de-escalation tactics and alternatives to use of force;
- (ii) safely responding to an individual experiencing a mental or behavioral health or suicidal crisis or an individual with a disability, including techniques and strategies that are designed to protect the safety of that individual, law enforcement officers, mental health professionals, and the public;
- (iii) successfully participating on a crisis intervention team; and
- (iv) making referrals to community-based mental and behavioral health services and support, housing assistance programs, public benefits programs, the National Suicide Prevention Lifeline, and other services.

(B) REQUIREMENTS.—The training curricula developed or identified under this paragraph shall include—

- (i) scenario-based exercises;
- (ii) pre-training and post-training tests to assess relevant knowledge and skills covered in the training curricula; and
- (iii) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training.

(C) CONSULTATION.—The Attorney General shall develop and identify training curricula under this paragraph in consultation with relevant law enforcement agencies of States and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, professional law enforcement organizations, local law enforcement labor and representative organizations,

law enforcement trade associations, mental health and suicide prevention organizations, family advocacy organizations, and civil rights and civil liberties groups.

(2) CERTIFIED PROGRAMS AND COURSES.—

(A) IN GENERAL.—Not later than 180 days after the date on which training curricula are developed or identified under paragraph (1)(A), the Attorney General shall establish a process to—

(i) certify training programs and courses offered by public and private entities to law enforcement officers or covered mental health professionals using 1 or more of the training curricula developed or identified under paragraph (1), or equivalents to such training curricula, which may include certifying a training program or course that an entity began offering on or before the date on which the Attorney General establishes the process; and

(ii) terminate the certification of a training program or course if the program or course fails to continue to meet the standards under the training curricula developed or identified under paragraph (1).

(B) PARTNERSHIPS WITH MENTAL HEALTH ORGANIZATIONS AND EDUCATIONAL INSTITUTIONS.—Not later than 180 days after the date on which training curricula are developed or identified under paragraph (1)(A), the Attorney General shall develop criteria to ensure that public and private entities that offer training programs or courses that are certified under subparagraph (A) collaborate with local mental health organizations to—

(i) enhance the training experience of law enforcement officers through consultation with and the participation of individuals with mental or behavioral health diagnoses or disabilities, particularly such individuals who have interacted with law enforcement officers; and

(ii) strengthen relationships between health care services and law enforcement agencies.

(3) TRANSITIONAL REGIONAL TRAINING PROGRAMS FOR STATE AND LOCAL AGENCY PERSONNEL.—

(A) IN GENERAL.—During the period beginning on the date on which the Attorney General establishes the process required under paragraph (2)(A) and ending on the date that is 18 months after that date, the Attorney General shall, and thereafter the Attorney General may, provide, in collaboration with law enforcement training academies of States and units of local government as appropriate, regional training to equip personnel from law enforcement agencies of States and units of local government in a State to offer training programs or courses certified under paragraph (2)(A).

(B) CONTINUING EDUCATION.—The Attorney General shall develop and implement continuing education requirements for personnel from law enforcement agencies of States and units of local government who receive training

to offer training programs or courses under subparagraph (A).

(4) LIST.—Not later than 1 year after the Attorney General completes the activities described in paragraphs (1) and (2), the Attorney General shall publish a list of law enforcement agencies of States and units of local government employing law enforcement officers or using covered mental health professionals who have successfully completed a course using 1 or more of the training curricula developed or identified under paragraph (1), or equivalents to such training curricula, which shall include—

(A) the total number of law enforcement officers that are employed by the agency;

(B) the number of such law enforcement officers who have completed such a course;

(C) whether personnel from the law enforcement agency have been trained to offer training programs or courses under paragraph (3);

(D) the total number of covered mental health professionals who work with the agency; and

(E) the number of such covered mental health professionals who have completed such a course.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

(A) \$3,000,000 for fiscal year 2023;

(B) \$20,000,000 for fiscal year 2024;

(C) \$10,000,000 for fiscal year 2025; and

(D) \$1,000,000 for fiscal year 2026.

(o) ADMINISTRATIVE COSTS.—*Not more than 2 percent of a grant made for the hiring or rehiring of additional career law enforcement officers may be used for costs incurred to administer such grant.*

(p) COPS PIPELINE PARTNERSHIP PROGRAM.—

(1) ELIGIBLE ENTITY DEFINED.—*In this subsection, the term “eligible entity” means a law enforcement agency in partnership with not less than 1 educational institution, which may include 1 or any combination of the following:*

(A) *An elementary school.*

(B) *A secondary school.*

(C) *An institution of higher education.*

(D) *A Hispanic-serving institution.*

(E) *A historically Black college or university.*

(F) *A Tribal college.*

(2) GRANTS.—*The Attorney General shall award competitive grants to eligible entities for recruiting activities that—*

(A) *support substantial student engagement for the exploration of potential future career opportunities in law enforcement;*

(B) *strengthen recruitment by law enforcement agencies experiencing a decline in recruits, or high rates of resignations or retirements;*

(C) *enhance community interactions between local youth and law enforcement agencies that are designed to increase recruiting; and*

(D) *otherwise improve the outcomes of local law enforcement recruitment through activities such as dedicated pro-*

gramming for students, work-based learning opportunities, project-based learning, mentoring, community liaisons, career or job fairs, work site visits, job shadowing, apprenticeships, or skills-based internships.

(3) *FUNDING.—Of the amounts made available to carry out this part for a fiscal year, the Attorney General may use not more than \$3,000,000 to carry out this subsection.*

* * * * *

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, 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.

(d) **GUIDANCE FOR UNDERSTAFFED LAW ENFORCEMENT AGENCIES.**—

(1) **DEFINITIONS.**—*In this subsection:*

(A) **COVERED APPLICANT.**—*The term “covered applicant” means an applicant for a hiring grant under this part seeking funding for a law enforcement agency operating below the budgeted strength of the law enforcement agency.*

(B) **BUDGETED STRENGTH.**—*The term “budgeted strength” means the employment of the maximum number of sworn law enforcement officers the budget of a law enforcement agency allows the agency to employ.*

(2) **PROCEDURES.**—*Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish consistent procedures for covered applicants, including guidance that—*

(A) *clarifies that covered applicants remain eligible for funding under this part; and*

(B) *enables covered applicants to attest that the funding from a grant awarded under this part is not being used by the law enforcement agency to supplant State or local funds, as described in subsection (a).*

(3) PAPERWORK REDUCTION.—In developing the procedures and guidance under paragraph (2), the Attorney General shall take measures to reduce paperwork requirements for grants to covered applicants.

* * * * *

