

CRS Report for Congress

Community Oriented Policing Services (COPS): Background, Legislation, and Issues

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Summary

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). The Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) reauthorized the COPS program through FY2009 and changed the COPS program from a multi-grant program to a single-grant program. Three bills were introduced in the 110th Congress, H.R. 1700, S. 368, and Subtitle A of Title I of S. 2237, would have, among other things, expanded the scope of COPS grant programs, made COPS an exclusive component of the Department of Justice (DOJ), and authorized additional funding for COPS.

Appropriations for the COPS program were more than \$1 billion for each fiscal year (FY) FY1995-FY2002, with the exception of FY2000 (\$595 million). Appropriations for the COPS program decreased each fiscal year for FY2002-FY2006, but funding for COPS increased since FY2006.

According to the DOJ, by 2000, the COPS program funded 105,000 police officers. The Government Accountability Office (GAO) estimates that COPS funding paid for a total of about 88,000 additional officer years from 1994 to 2001. In its 2005 evaluation of the COPS program, the GAO estimated that COPS funding contributed to a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate between 1993 and 2000.

An audit by DOJ's Inspector General (OIG) found problems with DOJ's COPS Office and the COPS grant programs. In its 2003 report, the OIG noted that there was a structural overlap between Office of Justice Programs (OJP) and the COPS Office and a duplication in some of OJP's and COPS' grant programs. A 2000 evaluation, sponsored by the National Institute of Justice (NIJ), suggested that, in general, the COPS program was able to meet its goal of promoting community policing by providing hiring and technology grants to local law enforcement agencies.

As the COPS program continues to evolve, several questions may concern lawmakers, including (1) will COPS become a program that solely funds technology efforts for state and local law enforcement, (2) is providing funding to state and local law enforcement agencies for hiring community policing officers a cost-effective way to fight crime, and (3) in order to prevent an overlap in the structure of the programs administered by the COPS Office and OJP, should the COPS Office be responsible for managing all of the funding appropriated to it rather than transferring some of its activities to OJP? This report will be updated as warranted.

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Community Oriented Policing Services (COPS): Background, Legislation, and Issues

Introduction

The COPS program was last reauthorized in the 109th Congress in the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162). As a part of the reauthorization, Congress consolidated the COPS program into a single-grant program, discussed below. Legislation was introduced in the 110th Congress that would have restructured and reauthorized funding for the COPS program.

Background

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994¹ (the ‘94 Crime Act). The mission of the COPS program is to advance community policing in all jurisdictions across the United States. The COPS program awards 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 new and innovative policing strategies.²

According to the COPS Office, it has awarded more than \$11.4 billion to over 13,000 law enforcement agencies across the United States since it started awarding grants in 1994.³ The COPS Office also reported that it has funded more than 118,000 community policing officers throughout the United States as of the end of FY2004.⁴

Under Title I of the ‘94 Crime Act, the Attorney General is authorized to make grants to states, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia to increase the

¹ P.L. 103-322; 42 U.S.C. §3796dd.

² DOJ COPS Office, “About Community Oriented Policing Services Office,” at [<http://www.cops.usdoj.gov/Default.asp?Item=35>].

³ Carl Peed, “Message from the Director,” at [<http://www.cops.usdoj.gov/Default.asp?Item=37>].

⁴ Community Oriented Policing Services Office, “About Community Oriented Policing Services Office, at [<http://www.cops.usdoj.gov/Default.asp?Item=35>].

number of police officers and to focus the officers' efforts on community policing. Grant funds awarded under this title can be used to

- hire new police officers;
- rehire police officers who have been laid off; and
- obtain equipment or support systems and provide overtime pay, if it results in an increase of the number of officers deployed in community-oriented policing.

Funds can also be used for other non-hiring purposes such as

- training law enforcement officers in crime prevention and community policing techniques;
- developing technologies that emphasize crime prevention;
- linking community organizations and residents with law enforcement;
- supporting the purchase of weapons for police officers;
- decreasing the amount of time police must spend away from the community while awaiting court appearances; and
- facilitating the establishment of community-oriented policing as an organization-wide philosophy.⁵

Amendments to the '94 Crime Act

In 1998, P.L. 105-302 amended the '94 Crime Act to allow COPS funding to be used for school resource officers. In 2003, P.L. 108-21⁶ also amended the '94 Crime Act to allow COPS funding to be used for assisting states to enforce sex offender registration laws.⁷

COPS Reauthorization

The '94 Crime Act authorized funding for the COPS program through FY2000. Debate on Title I of the '94 Crime Act focused on whether the COPS program would be able to meet its goal of putting 100,000 new police officers on the beat by the end of FY2000.⁸ Starting in 1999, Congress turned its attention to reauthorizing the

⁵ These bullets represent the types of activities that were originally authorized in P.L. 103-322, which included (1) hiring programs such as Universal Hiring Program and Making Officer Redeployment Effective (MORE), and (2) other activities such as Police Corps, meth "hot spot" clean-up, law enforcement technology, and tribal law enforcement grants.

⁶ See §341 of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act (PROTECT) of 2003 (P.L. 108-21).

⁷ For additional information on sex offender registering laws, see CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Enforcement and Other Issues*, by Garrine P. Laney.

⁸ See Senate debate, "Violent Crime Control and Law Enforcement Act of 1994 — (continued...)"

COPS program. There was support from some Members of Congress for continuing the COPS program.⁹ During this period, Congress discussed using COPS hiring programs to put another 50,000 police officers on the streets.¹⁰ After COPS initial authorization expired, several pieces of legislation were introduced in Congress that would have reauthorized the COPS program; however, no legislation was enacted until 2006 (see discussion below). Despite the expiration of the COPS program in 2000, however, Congress continued to appropriate funding for it.

The Violence Against Women and Department of Justice Reauthorization Act of 2005

On January 5, 2006, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) was signed into law. The act reauthorized the COPS program through FY2009. Along with reauthorizing the

⁸ (...continued)

Conference Report,” *Congressional Record*, vol. 140 (August 25, 1994), pp. S12496-S12557; Rep. Manzullo, “Examining the Centerpiece of the Crime Bill,” *Congressional Record*, vol. 140 (August 18, 1994), pp. H8691-H8694; Sen. Orrin Hatch, “The Signing of the Crime Bill,” *Congressional Record*, vol. 140 (September 13, 1994), p. S12799; Rep. William J. Coyne, “The Right Tools for Fighting Crime — Extension of Remarks,” *Congressional Record*, vol. 140 (August 26, 1994), p. E1808; Senate debate, “The Crime Bill,” *Congressional Record*, vol. 140 (August 22, 1994), pp. S12285-S12288; Senate debate, “Violent Crime Control and Law Enforcement Act of 1994,” *Congressional Record*, vol. 140 (August 22, 1994), pp. S12250-S12284.

⁹ See Senate debate, “Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act,” *Congressional Record*, vol. 145 (July 22, 1999), pp. S8988-S9014; Rep. Bart Stupak, “COPS Program Good for Communities,” *Congressional Record*, vol. 145 (May 12, 1999), p. H3070; Rep. Rush Holt, “Reauthorize COPS Program,” *Congressional Record*, vol. 145 (May 12, 1999), p. H3003; Senate debate, “Concurrent Resolution on the Budget for Fiscal Year 2000,” *Congressional Record*, vol. 145 (March 24, 1999) pp. S3301-3308; Senate debate, “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000,” *Congressional Record*, vol. 145 (July 21, 1999), pp. S8940-S8947.

¹⁰ See U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Making America’s Streets Safer: The Future of the COPS Program*, 170th Cong., 1st sess., December 5, 2001 (Washington: GPO, 2002); Senate debate, “Statement on Introduced Bills and Joint Resolutions,” *Congressional Record*, vol. 145 (January 19, 1999), pp. S345-S470; House debate, “Democratic Legislative Agenda Held Hostage by Doing Nothing/Do-wrong Republican Congress,” *Congressional Record*, vol. 145 (November 3, 1999) pp. H11452-H11459; U.S. Congress, House Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2001*, report to accompany H.R. 4690, 106th Cong., 2nd sess., H.Rept. 106-680 (Washington, GPO, 2000), p. 8; House debate, “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002,” *Congressional Record*, vol. 147 (July 18, 2001), pp. H4167-H4202; Senate debate, “Statement on Introduced Bills and Joint Resolutions,” *Congressional Record*, vol. 145 (March 25, 1999), pp. S3440-S3457; Sen. Orrin Hatch, “Hatch Amendment No. 246,” *Congressional Record*, vol. 145 (April 12, 1999), p. S3600.

COPS program, the act amended current law¹¹ to change the COPS program into a single-grant program. Prior to the enactment of P.L. 109-162, the COPS program consisted of several different subgrant programs that required applicants to apply for funding under each program. Funds awarded to state or local law enforcement can now be used to hire community policing officers or fund non-hiring programs.

Legislation in the 110th Congress

Three bills introduced in the 110th Congress, H.R. 1700 and S. 368 (both titled the “COPS Improvement Act of 2007”) and Subtitle A of Title I of S. 2237 (titled the “COPS Improvement Act”), would have, among other things

- changed COPS from a single-grant program to a multi-grant program;
- established three new grant programs within COPS (a Troops-to-Cops program, a Community Prosecutors program, and a Technology Grants program);
- made the COPS Office the exclusive component of DOJ to award and monitor COPS grants and to provide training and technical assistance to further community-oriented policing; and
- reauthorized funding for COPS.

COPS Appropriations

The final funding levels for FY2009 for COPS have not been determined. Division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) funded COPS at FY2008 levels until either March 6, 2009, or until a final appropriations bill is enacted. However, section 109 of Division A prevents COPS from making any grant awards until final funding for COPS is enacted. Section 109 reads, “... for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2009 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.”

Congress first appropriated funding for the COPS program in 1995 at \$1.3 billion (see **Figure 1** and the **Appendix**). As illustrated in **Figure 1**, in FY1996, the total amount appropriated increased 7.7% (\$1.4 billion), and in FY1997, appropriations increased by 1.2% (\$1.42 billion). Appropriations for the COPS program in FY1998 decreased 1.2% from FY1997 to almost the same level of

¹¹ 42 U.S.C. §3796dd(d).

appropriations it received in FY1996 (\$1.4 billion). Appropriations for the COPS program remained constant at about \$1.4 billion, until FY2000, when appropriations decreased 57.5% (\$595 million) from the previous fiscal year. Appropriations for the COPS program began to increase again in FY2001. In FY2001, Congress increased the COPS appropriation by 73.5%, to slightly over \$1 billion. In FY2002, COPS appropriations increased 1.7% from the previous fiscal year. In FY2003, COPS appropriations decreased by 6.3% (\$984 million) from FY2002, and in FY2004, the program's appropriations decreased by 23.2% (\$756 million)¹² from the previous year. In FY2005, appropriations for the COPS program decreased 19.8% (\$606 million)¹³ from FY2004, and in FY2006, the COPS program saw another 21.1% (\$478 million)¹⁴ reduction. Appropriations for COPS increased 13.4% (\$542 million)¹⁵ in FY2007 compared with FY2006, and in FY2008, COPS appropriations increased another 8.4% (\$587 million).¹⁶

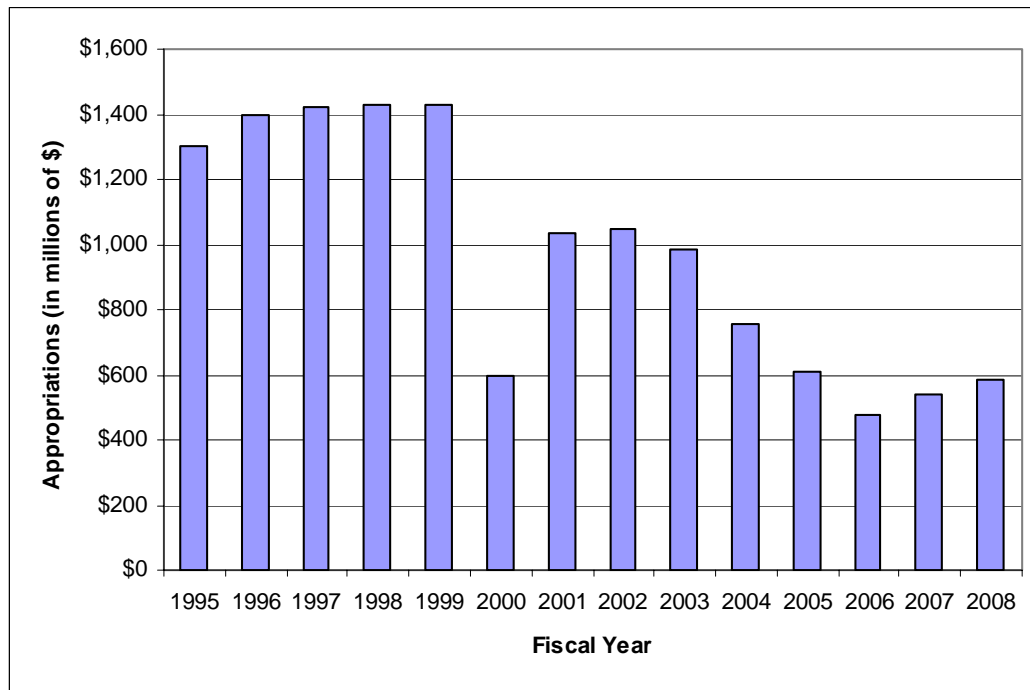
¹² This amount does not reflect a \$6.378 million rescission imposed by Congress on all COPS unobligated balances. Rescission amounts specific to the COPS program are rescinded from recoveries of prior year de-obligation and not from enacted appropriations. Recoveries are previously obligated funds from prior year appropriations that have been de-obligated. De-obligations can result from events such as a grantee withdrawing from a grant or modifying a grant. During the closeout phase of a grant, any unused funds by grantees are also typically de-obligated (i.e., returned to DOJ). E-mail correspondence with Congressional Affairs Office, Community Oriented Policing Services Office on April 30, 2007.

¹³ This amount does not reflect a \$99 million rescission imposed by Congress on all COPS unobligated balances.

¹⁴ This amount does not reflect a \$86.5 million rescission imposed by Congress on all COPS unobligated balances.

¹⁵ This amount does not include an across-the-board rescission of 0.5% to OJP and COPS programs to fund the Office of Audit, Assessment and Management (OAAM). Email correspondence with Congressional Affairs Office, Community Oriented Policing Services Office on April 30, 2007.

¹⁶ This amount does not reflect a \$87.5 million rescission imposed by Congress on all COPS unobligated balances, nor does it reflect a \$10.3 million rescission imposed by Congress on appropriations for the COPS program that were appropriated from the Violent Crime Reduction Trust Fund.

Figure 1. COPS Appropriations, FY1995-FY2008

Source: FY1995 appropriations taken from H.Rept. 103-708; FY1996 appropriations taken from H.Rept. 104-537; FY1997 appropriations taken from H.Rept. 104-863; FY1998 appropriations taken from H.Rept. 105-405; FY1999 appropriations taken from H.Rept. 105-825; FY2000 appropriations taken from H.Rept. 106-479; FY2001 appropriations taken from H.Rept. 106-1005; FY2002 appropriations taken from H.Rept. 107-278; FY2003 appropriations taken from H.Rept. 108-10; FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations taken from P.L. 110-5; and FY2008 appropriations taken from P.L. 110-161.

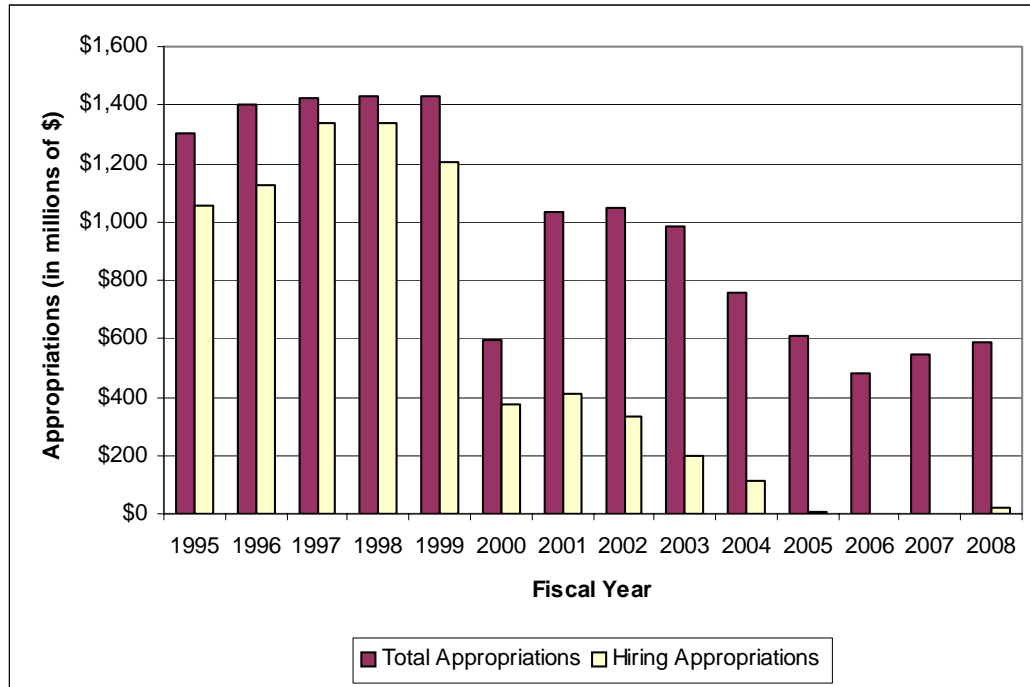
In the early years of the COPS program, a majority of the program's enacted appropriations went to grant programs specifically aimed at hiring more police officers (see **Figure 2**).¹⁷ Beginning in FY1998, however, enacted appropriations for COPS hiring programs began to decline, whereas non-hiring grant programs started to see an increase in appropriations.¹⁸ Congress has traditionally specified what amounts of the COPS appropriation each fiscal year are to be used for hiring

¹⁷ Hiring grant programs include COPS Universal Hiring Program, COPS Making Officer Re-deployment Effective, COPS in Schools and Homeland Security Overtime (FY2003 only).

¹⁸ Non-hiring grant programs include Community Policing Development (T&TA), Police Integrity, Tribal Resource Grant program, Methamphetamine Initiative, Safe Schools, Law Enforcement Technology, Interoperable Communications program, DC Offender Services program (FY1999 only), OIG Audit (FY1999 only), COPS Domestic Violence program, Police Recruitment program (FY1998 only), Small Communities Grant program (FY1998 only), Police Corps, Innovative Programs, Bulletproof Vest program, Crime ID Tech Assistance Act, DNA Backlog Elimination program, Crime Lab Improvement, Paul Coverdell Forensic Science Grants, Criminal Record Upgrades, Offender Re-entry, Project Sentry, and Community Prosecutors Grant program.

programs and non-hiring programs. In FY2008, Congress appropriated \$20 million for hiring programs, the first time Congress has appropriated funding for hiring programs since FY2005.

Figure 2. COPS Total Appropriations and Appropriations for Hiring Programs, FY1995-FY2008



Source: COPS total appropriations taken from H.Rept. 103-708, H.Rept. 104-537, H.Rept. 104-863, H.Rept. 105-405, H.Rept. 105-825, H.Rept. 106-479, H.Rept. 106-1005, H.Rept. 107-278, H.Rept. 108-10, H.Rept. 108-401, H.Rept. 108-792, H.Rept. 109-272, P.L. 110-5, and P.L. 110-161. Hiring appropriation amounts were provided by U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office.

COPS Evaluation and Audit Findings

GAO Report

According to the Department of Justice (DOJ), by 2000, the COPS program funded 105,000 police officers.¹⁹ The Government Accountability Office (GAO), found that COPS funding paid for a total of about 88,000 additional *officer-years* from 1994 to 2001.²⁰ Even though COPS may not have put 100,000 officers on the

¹⁹ U.S. Attorney General's Office, *Attorney General's Report to Congress: Office of Community Oriented Policing Services*, September 2000, p. iii, at [<http://www.cops.usdoj.gov/mime/open.pdf?Item=289>].

²⁰ An officer-year refers to the number of officers in a given year the GAO could attribute to COPS expenditures, and the additional officers in a given year attributable to COPS (continued...)

street, the GAO noted that COPS funding did result in more police officers being hired than would have been expected if COPS did not provide the hiring grants. Moreover, the GAO estimated that COPS funding contributed to a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate for the years 1993 to 2000.²¹

DOJ OIG Report

A 2003 DOJ Office of the Inspector General (OIG) audit of the COPS program noted that there is a *structural* overlap between Office of Justice Programs (OJP) and COPS and there is a duplication in some of OJP's and COPS' grant program.²² According to the OIG, COPS entered into a series of reimbursable agreements each year with OJP to have OJP provide services to help COPS carry out its mission. The OIG also found that an increasing percentage of COPS funding was being administered by OJP.²³

NIJ Report

In 2000, the National Institute of Justice (NIJ) published the findings of an evaluation of the COPS program it sponsored through a grant to the Urban Institute.²⁴ The evaluation focused on COPS grants enabling law enforcement agencies (1) to hire police officers to engage in community policing activities, and (2) to redeploy existing officers to community policing by increasing officer productivity through the acquisition of technology or by freeing up officers for community policing by filling some officer-held positions with civilians. Some of the findings that NIJ reported included

²⁰ (...continued)

expenditures represents a net addition to the stock of sworn officers. An officer-year is not equivalent to the total number of officers or full-time officer equivalents hired as a result of COPS grant funds; nor is it equivalent to the total number officers funded by COPS grants. U.S. Government Accountability Office, *Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s*, GAO-06-104, October 2005, p. 12.

²¹ *Ibid.*, p. 14.

²² U.S. Department of Justice, Office of the Inspector General, *Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services*, Audit Report 03-27, August 2003, at [<http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf>].

²³ The OIG noted that the COPS Office transferred a significant amount of its appropriated funding to OJP because it was mandated by Congress in appropriations language. COPS has also transferred funds to OJP through discretionary pass-throughs when OJP and COPS agree that a program would be best administered either by OJP or by OJP and COPS.

²⁴ Jeffery A. Roth and Joseph F. Ryan, *The COPS Program After 4 Years — National Evaluation*, National Institute of Justice, Research in Brief, August 2000, at [<http://www.ojp.usdoj.gov/nij/pubs-sum/183644.htm>]. The full report can be found at [<http://www.ojp.usdoj.gov/nij/pubs-sum/183643.htm>].

- Of the 105,000 officer and officer equivalents funded by the COPS program by May 1999, the Urban Institute estimated that between 84,700 and 89,400 of the funded police officers would have been deployed by 2003.²⁵
- COPS funding helped promote the adoption of community policing by local law enforcement agencies, but in most cases, COPS funding furthered community policing efforts that had already started. Also, local law enforcement agencies adopted programs that fit their definition of “community policing.”
- Building partnerships between COPS grantees and the community was commonplace, but all too often, the partnerships were in name only or were simply temporary working relationships.
- One percent of COPS grantees with the largest 1997 murder counts received 31% of all COPS funds awarded through 1997, and 10% of COPS grantees with the largest 1997 murder counts received 50% of all COPS funds awarded through 1997.
- The COPS program facilitated the efforts of agency chief executives who were inclined towards innovation and represented perhaps the largest effort to bolster development of law enforcement technology since the 1967 President’s Commission on Law Enforcement and Administration of Justice.

Conclusion

In 2006, the COPS program was reauthorized through FY2009. The level of funding appropriated to the overall COPS program decreased from FY2002 to FY2006, but it increased in each of FY2007 and FY2008. In recent years, COPS appropriations have increasingly gone to funding technology programs. As the COPS program continues to evolve, several questions may concern lawmakers, including

- Will COPS become a program that solely funds technology efforts for state and local law enforcement?

²⁵ The researchers noted that 39,600 of the 105,000 funded officers reported by the COPS Office were funded through MORE grants. The researchers also noted that local law enforcement agencies sometimes overestimated the number of officer FTEs that they would be able to re-deploy as a result of purchasing new technology or hiring civilians for some positions. Also, in the case of hiring grants, the researchers noted that local law enforcement agencies had to hire and train officers after they received their hiring grant; hence, an officer was not immediately put on the beat after the hiring grant was awarded to the agency.

- If Congress chooses to provide funding for COPS' hiring program, it might want to consider whether providing funding to state and local law enforcement agencies for hiring community policing officers is an cost-effective way to fight crime.
- To prevent overlap in the structure of the programs administered by the COPS Office and OJP, should COPS be responsible for managing all of the funding appropriated to it rather than transferring some of its activities to OJP? Should Congress move funding for programs that have traditionally been transferred from COPS to OJP from the COPS account to the State and Local Law Enforcement Assistance account in the Commerce, Justice, Science, and Related Agencies appropriations bill?

**Appendix. Administration's Requested Funding
for COPS, Enacted Appropriations, Enacted
Appropriations for Hiring Programs,
FY1995-FY2008**

Fiscal Year	Administration's Requested Funding (in millions of \$)	Total Appropriations (in millions of \$)	Appropriations for Hiring Programs (in millions of \$)
1995	\$1,720	\$1,300	\$1,057
1996	1,903	1,400	1,128
1997	1,976	1,420	1,339
1998	1,545	1,430	1,338
1999	1,420	1,430	1,201
2000	1,275	595	373
2001	1,335	1,037	408
2002	855	1,050	330
2003	1,382	984 ^a	199
2004	164 ^b	756 ^c	144
2005	97 ^d	606 ^e	10
2006	118 ^f	478 ^g	—
2007	102 ^h	542 ⁱ	—
2008	32 ^j	587 ^k	20

Source: CRS presentation of the Administration's budget requests for the respective years and data provided by the U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office.

- a. Includes a \$929 million appropriation and a \$55 million supplemental appropriation.
- b. The Administration proposed a \$6,378,000 rescission of unobligated balances.
- c. Does not include a \$6.378 million rescission imposed by Congress on all COPS unobligated balances.
- d. The Administration proposed a \$53,471,000 rescission of unobligated balances.
- e. Does not include a \$99 million rescission imposed by Congress on all COPS unobligated balances.
- f. The Administration request proposed a \$99,500,000 rescission of unobligated balances.
- g. Does not include a \$86.5 million rescission imposed by Congress on all COPS unobligated balances.
- h. The Administration proposed a \$127,500,000 rescission of unobligated balances.
- i. Does not include an across-the-board rescission of 0.5% to OJP and COPS programs to fund the Office of Audit, Assessment and Management (OAAM).
- j. The Administration proposed a \$87,500,000 rescission of unobligated balances.
- k. Does not include a \$87.5 million rescission imposed by Congress on all COPS unobligated balances, or a \$10.3 million rescission imposed by Congress on appropriations for the COPS program that were appropriated from the Violent Crime Reduction Trust Fund.