

#### 116TH CONGRESS 1ST SESSION

# H. R. 2070

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

#### IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2019

Mr. Lamb (for himself, Mr. Joyce of Ohio, and Mr. Trone) introduced the following bill; which was referred to the Committee on the Judiciary

## A BILL

- To provide grants to State, local, territorial, and tribal law enforcement agencies to purchase chemical screening devices and train personnel to use chemical screening devices in order to enhance law enforcement efficiency and protect law enforcement officers.
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,
  - 3 SECTION 1. SHORT TITLE.
  - 4 This Act may be cited as the "Providing Officers
  - 5 With Electronic Resources Act" or the "POWER Act".
  - 6 SEC. 2. FINDINGS; PURPOSE.
  - 7 (a) FINDINGS.—Congress finds that—

1	(1) chemical screening devices enhance the abil-
2	ity of law enforcement agencies to identify unknown
3	chemical substances seized or otherwise encountered
4	by law enforcement officers; and
5	(2) equipping law enforcement agencies with
6	technology that can more efficiently identify sub-
7	stances, such as heroin, fentanyl, methamphetamine
8	and other narcotics, will ensure that law enforce-
9	ment agencies can—
10	(A) investigate cases more quickly and
11	safely;
12	(B) better deploy resources and strategies
13	to combat illegal substances from entering and
14	harming communities throughout the United
15	States; and
16	(C) share spectral data with other law en-
17	forcement agencies and State and local fusion
18	centers.
19	(b) Purpose.—The purpose of this Act is to provide
20	grants to State, local, and tribal law enforcement agencies
21	to purchase chemical screening devices and train personnel
22	to use chemical screening devices in order to—
23	(1) enhance law enforcement efficiency; and
24	(2) protect law enforcement officers.

### 1 SEC. 3. DEFINITIONS.

2	In this Act:
3	(1) Applicant.—The term "applicant" means
4	a law enforcement agency that applies for a grant
5	under section 4.
6	(2) Attorney general.—The term "Attorney
7	General" means the Attorney General, acting
8	through the Director of the Office of Community
9	Oriented Policing Services.
10	(3) Chemical screening device.—The term
11	"chemical screening device" means an infrared spec-
12	trophotometer, mass spectrometer, nuclear magnetic
13	resonance spectrometer, Raman spectrophotometer,
14	ion mobility spectrometer, or any other scientific in-
15	strumentation that is able to collect data that can be
16	interpreted to determine the presence and identity of
17	a covered substance.
18	(4) CHIEF LAW ENFORCEMENT OFFICER.—The
19	term "chief law enforcement officer" has the mean-
20	ing given the term in section 922(s) of title 18,
21	United States Code.
22	(5) COVERED SUBSTANCE.—The term "covered
23	substance" means—
24	(A) fentanyl;
25	(B) any other synthetic opioid: and

1	(C) any other narcotic or psychoactive sub-
2	stance.
3	(6) Grant funds.—The term "grant funds"
4	means funds from a grant awarded under section 4.
5	(7) Indian tribe.—The term "Indian tribe"
6	has the meaning given the term in section 4 of the
7	Indian Self-Determination and Education Assistance
8	Act (25 U.S.C. 5304).
9	(8) Law enforcement agency.—The term
10	"law enforcement agency" means an agency of a
11	State, unit of local government, or Indian tribe that
12	is authorized by law or by a government agency to
13	engage in or supervise the prevention, detection, in-
14	vestigation, or prosecution of any violation of crimi-
15	nal law.
16	(9) Personnel.—The term "personnel"—
17	(A) means employees of a law enforcement
18	agency; and
19	(B) includes scientists and law enforce-
20	ment officers.
21	(10) Recipient.—The term "recipient" means
22	an applicant that receives a grant under section 4.
23	(11) State.—The term "State" has the mean-
24	ing given the term in section 901 of title I of the

1	Omnibus Crime Control and Safe Streets Act of
2	1968 (34 U.S.C. 10251).
3	SEC. 4. GRANTS.
4	(a) Grants Authorized.—The Attorney General
5	may award grants to applicants to—
6	(1) purchase a chemical screening device; and
7	(2) train personnel to use, and interpret data
8	collected by, a chemical screening device.
9	(b) Applications.—
10	(1) In general.—The chief law enforcement
11	officer of an applicant shall submit to the Attorney
12	General an application that—
13	(A) shall include—
14	(i) a statement describing the need for
15	a chemical screening device in the jurisdic-
16	tion of the applicant; and
17	(ii) a certification—
18	(I) of the number of chemical
19	screening devices the applicant owns
20	or possesses;
21	(II) that not less than 1 em-
22	ployee of the applicant will be trained
23	to—

1	(aa) use any chemical
2	screening device purchased using
3	grant funds; and
4	(bb) interpret data collected
5	by any chemical screening device
6	purchased using grant funds; and
7	(III) that the applicant will make
8	any chemical screening device pur-
9	chased using grant funds reasonably
10	available to test a covered substance
11	seized by a law enforcement agency
12	near the jurisdiction of the applicant;
13	and
14	(B) in addition to the information required
15	under subparagraph (A), may, at the option of
16	the applicant, include—
17	(i) information relating to—
18	(I) the process used by the appli-
19	cant to identify a covered substance
20	seized by the applicant, including—
21	(aa) the approximate aver-
22	age amount of time required for
23	the applicant to identify a cov-
24	ered substance; and

1	(bb) as of the date of the
2	application, the number of cases
3	in which the applicant is awaiting
4	identification of a covered sub-
5	stance;
6	(II) any documented case of a
7	law enforcement officer, first re-
8	sponder, or treating medical personnel
9	in the jurisdiction of the applicant
10	who has suffered an accidental drug
11	overdose caused by exposure to a cov-
12	ered substance while in the line of
13	duty;
14	(III) any chemical screening de-
15	vice the applicant will purchase using
16	grant funds, including the estimated
17	cost of the chemical screening device;
18	and
19	(IV) any estimated costs relating
20	to training personnel of the applicant
21	to use a chemical screening device
22	purchased using grant funds; and
23	(ii) data relating to—
24	(I) the approximate amount of
25	covered substances seized by the ap-

1	plicant during the 2-year period end-
2	ing on the date of the application, cat-
3	egorized by the type of covered sub-
4	stance seized; and
5	(II) the approximate number of
6	covered substance overdoses in the ju-
7	risdiction of the applicant that the ap-
8	plicant investigated or responded to
9	during the 2-year period ending on
10	the date of the application, cat-
11	egorized by fatal and nonfatal
12	overdoses.
13	(2) Joint applications.—
14	(A) In general.—Two or more law en-
15	forcement agencies, including law enforcement
16	agencies located in different States, that have
17	jurisdiction over areas that are geographically
18	contiguous may submit a joint application for a
19	grant under this section that includes—
20	(i) for each law enforcement agency—
21	(I) all information required under
22	paragraph (1)(A); and
23	(II) any optional information de-
24	scribed in paragraph (1)(B) that each

1	law enforcement agency chooses to in-
2	clude;
3	(ii) a plan for the sharing of any
4	chemical screening devices purchased or
5	training provided using grant funds; and
6	(iii) a certification that not less than
7	1 employee of each law enforcement agency
8	will be trained to—
9	(I) use any chemical screening
10	device purchased using grant funds;
11	and
12	(II) interpret data collected by
13	any chemical screening device pur-
14	chased using grant funds.
15	(B) Submission.—Law enforcement agen-
16	cies submitting a joint application under sub-
17	paragraph (A) shall—
18	(i) be considered as 1 applicant; and
19	(ii) select the chief law enforcement
20	officer of one of the law enforcement agen-
21	cies to submit the joint application.
22	(c) Restrictions.—
23	(1) Supplemental funds.—Grant funds shall
24	be used to supplement, and not supplant, State,
25	local, and tribal funds made available to any appli-

1	cant for any of the purposes described in subsection
2	(a).
3	(2) Administrative costs.—Not more than 3
4	percent of any grant made under this section may
5	be used for administrative costs.
6	(d) Reports and Records.—
7	(1) Reports.—For each year during which
8	grant funds are used, the recipient shall submit to
9	the Attorney General a report containing—
10	(A) a summary of any activity carried out
11	using grant funds;
12	(B) an assessment of whether each activity
13	described in subparagraph (A) is meeting the
14	needs described in subsection $(b)(1)(A)(i)$ that
15	the applicant identified in the application sub-
16	mitted under subsection (b); and
17	(C) any other information relevant to the
18	purpose of this Act that the Attorney General
19	may determine appropriate.
20	(2) Records.—For the purpose of an audit by
21	the Attorney General of the receipt and use of grant
22	funds, a recipient shall—
23	(A) keep—
24	(i) any record relating to the receipt
25	and use of grant funds: and

I	(11) any other record as the Attorney
2	General may require; and
3	(B) make the records described in subpara-
4	graph (A) available to the Attorney General
5	upon request by the Attorney General.
6	SEC. 5. AUTHORIZATION OF APPROPRIATIONS.
7	There are authorized to be appropriated to the Attor-
8	ney General $\$20,000,000$ for fiscal year $2020$ to carry out
9	section 4.

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