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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

LRM NO: 225

FILE NO: 286

2/8/95

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): 34

TO: Legislative Liaison Officer - See Distribution below:  
FROM: James JUKES (for)  
Assistant Director for Legislative Reference  
OMB CONTACT: Ronald JONES 385-3386  
Legislative Assistant's line (for simple responses): 385-3454  
  
SUBJECT: JUSTICE Proposed Statement of Administration Policy RE: HR728, Local Government Law Enforcement Block Grants

**DEADLINE:** 5:00 PM Thursday, February 09, 1995

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Justice advises HR 728 could be on the floor tomorrow or Monday.

Attached are copies of the introduced bill and amendments approved in Judiciary Committee markup.

PART 2 -

Bill & Amendments ~~to follow~~ (31 pp)

**LEGISLATIVE REFERRAL MEMORANDUM**  
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**LRM NO: 225**

**FILE NO: 286**

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*Jeremy Be - Am*

**RESPONSE TO  
LEGISLATIVE REFERRAL MEMORANDUM**

**LRM NO: 225**

**FILE NO: 286**

If your response to this request for views is simple (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

If the response is simple and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter.

Please include the LRM number shown above, and the subject shown below.

**TO:** Ronald JONES 395-3386  
Office of Management and Budget  
Fax Number: 395-3109  
Branch-Wide Line (to reach legislative assistant): 395-3454

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**(Name)**  
**(Agency)**  
**(Telephone)**

**SUBJECT: JUSTICE Proposed Statement of Administration Policy RE: HR728, Local Government Law Enforcement Block Grants**

The following is the response of our agency to your request for views on the above-captioned subject:

- Concur  
 No Objection  
 No Comment  
 See proposed edits on pages \_\_\_\_\_  
 Other: \_\_\_\_\_  
 FAX RETURN of \_\_\_\_\_ pages, attached to this response sheet

February 2, 1995  
(House)

DRAFT

H.R. 728 - Local Government Block Grants Act of 1995  
(McCollum (R) FL)

The Administration strongly opposes passage of H.R. 728.

This bill would abolish the President's program to put an additional 100,000 police officers on the street, and replace it with a program of block grants to be used by local governments for any "crime reduction" purpose. In the absence of any meaningful definition concerning purposes or uses of funding, it is likely that the \$10 billion authorized for the proposed block grant program will have little real effect on reducing crime. The proposed block grants also fail to further the critical objective of promoting community policing -- "coops on the beat" -- and increased police presence in the community.

The Administration also strongly opposes H.R. 728's proposal to indiscriminately eliminate crime prevention programs enacted by the Violent Crime Control and Law Enforcement Act of 1994. The programs scheduled for elimination under this proposal include, for example, establishing evening, weekend, and summer programs in schools to provide "safe havens" and alternatives to gang-involvement and criminality for children in high crime areas; professionals to deal with violent incidents involving children.

It is ~~foolish~~ to slash support for programs that work and that assure cost-effective use of federal assistance as an investment in the future of the nation's youth and the security of the public against crime.

\* \* \* \*

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Original signature of Member

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 728

IN THE HOUSE OF REPRESENTATIVES

Mr. McCOLLUM introduced the following bill, which was referred to the Committee on \_\_\_\_\_

A BILL

To control crime by providing law enforcement block grants.

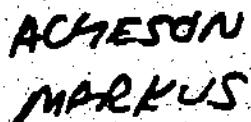
1 Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE

4 This Act may be cited as the "Local Government Law  
5 Enforcement Block Grants Act of 1995".

6 SEC. 2. BLOCK GRANT PROGRAM.

7 (a) IN GENERAL.—Title I of the Violent Crime Con-  
8 trol and Law Enforcement Act of 1994 is amended to read  
9 as follows:

  
ACHESON  
MARKUS

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## 1 "TITLE I--LAW ENFORCEMENT 2 BLOCK GRANTS

### 3 SEC. 101. PAYMENTS TO LOCAL GOVERNMENT.

#### 4 "(a) PAYMENT AND USE.—

5 "(1) PAYMENT.—The Director of the Bureau of  
6 Justice Assistance shall pay to each unit of local  
7 government which qualifies for a payment under this  
8 title an amount equal to the sum of any amounts al-  
9 located to such unit under this title for each pay-  
10 ment period. The Director shall pay such amount  
11 from amounts appropriated to carry out this title.

12 "(2) Use.—Amounts paid to an unit of local  
13 government under this section shall be used by the  
14 unit for reducing crime and improving public safety,  
15 including but not limited to, 1 or more of the follow-  
16 ing purposes:

17 " (A)(i) hiring, training, and employing on  
18 a continuing basis new, additional law enforce-  
19 ment officers and necessary support personnel;

20 " (ii) paying overtime to presently employed  
21 law enforcement officers and necessary support  
22 personnel for the purpose of increasing the  
23 number of hours worked by such personnel; and

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1                 "(iii) procuring equipment, technology, and  
2                 other material directly related to basic law en-  
3                 forcement functions.

4                 "(B) Enhancing school security measures

5                 6                 "(i) providing increased law enforce-  
6                 7                 ment patrols in and around schools, whether  
7                 8                 through the hiring of additional law en-  
8                 9                 forcement officers or paying overtime to  
9                 10                 presently employed officers;

10                 11                 "(ii) purchasing law enforcement  
11                 12                 equipment necessary to carry out normal  
12                 13                 law enforcement functions in and around  
13                 14                 schools;

14                 15                 "(iii) equipping schools with metal de-  
15                 16                 tectors, fences, closed circuit cameras, and  
16                 17                 other physical safety measures;

17                 18                 "(iv) gun hotlines designed to facil-  
18                 19                 itate the reporting of weapons possession  
19                 20                 by students and other individuals in and  
20                 21                 around schools; and

21                 22                 "(v) preventing and suppressing vio-  
22                 23                 lent youth gang activity.

23                 24                 "(C) Establishing crime prevention pro-  
24                 25                 grams that substantially involve law enforce-

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(D) Eligibility  
 Drug court  
 Supporting

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ment officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, and programs intended to prevent juvenile crime.

"(b) **TIMING OF PAYMENTS.**—The Director shall pay each unit of local government that has submitted an application under this title not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the unit of local government has provided the Director with the assurances required by section 103(d),

whichever is later.

"(c) **ADJUSTMENTS.**—

"(1) **IN GENERAL.**—Subject to paragraph (2), the Director shall adjust a payment under this title to an unit of local government to the extent that a prior payment to the unit of local government was more or less than the amount required to be paid.

"(2) **CONSIDERATIONS.**—The Director may increase or decrease under this subsection a payment to an unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not

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1 later than 1 year after the end of the payment pe-  
2 riod for which a payment was made.

3        "(d) RESERVATION FOR ADJUSTMENT.—The Direc-  
4 tor may reserve a percentage of not more than 3 percent  
5 of the amount under this section for a payment period  
6 for all units of local government in a State if the Director  
7 considers the reserve is necessary to ensure the availability  
8 of sufficient amounts to pay adjustments after the final  
9 allocation of amounts among the units of local government  
10 in the State.

11        "(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

12            "(1) REPAYMENT REQUIRED.—An unit of local  
13 government shall repay to the Director, by not later  
14 than 27 months after receipt of funds from the Di-  
15 rector, any amount that is—

16            "(A) paid to the unit from amounts appro-  
17 priated under the authority of this section; and

18            "(B) not expended by the unit within 2  
19 years after receipt of such funds from the Di-  
20 rector.

21            "(2) PENALTY FOR FAILURE TO REPAY.—If the  
22 amount required to be repaid is not repaid, the Di-  
23 rector shall reduce payment in future payment peri-  
24 ods accordingly.

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1        "(3) DEPOSIT OF AMOUNTS REPAYED.—Amounts  
2        received by the Director as repayments under this  
3        subsection shall be deposited in a designated fund  
4        for future payments to units of local government.

5        "(d) NONSUPPLANTING REQUIREMENT.—Funds  
6        made available under this title to units of local government  
7        shall not be used to supplant State or local funds, but  
8        shall be used to increase the amount of funds that would,  
9        in the absence of funds made available under this title,  
10      be made available from State or local sources.

11      SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

12      "(a) AUTHORIZATION OF APPROPRIATIONS.—There  
13      are authorized to be appropriated to carry out this title—

14            "(1) \$2,000,000,000 for fiscal year 1996;  
15            "(2) \$2,000,000,000 for fiscal year 1997;  
16            "(3) \$2,000,000,000 for fiscal year 1998;  
17            "(4) \$2,000,000,000 for fiscal year 1999; and  
18            "(5) \$2,000,000,000 for fiscal year 2000.

19      "(b) ADMINISTRATIVE COSTS.—Not more than 2.5  
20      percent of the amount authorized to be appropriated  
21      under subsection (a) for each of the fiscal years 1996  
22      through 2000 shall be available to the Director for admin-  
23      istrative costs to carry out the purposes of this title. Such  
24      sums are to remain available until expended.

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1        "(c) AVAILABILITY.—The amounts authorized to be  
2 appropriated under subsection (a) shall remain available  
3 until expended.

4        "(d) QUALIFICATION FOR PAYMENT.

5        "(e) IN GENERAL.—The Director shall issue regula-  
6 tions establishing procedures under which an unit of local  
7 government is required to provide notice to the Director  
8 regarding the proposed use of funds made available under  
9 this title.

10       "(f) PROGRAM REVIEW.—The Director shall estab-  
11 lish a process for the ongoing evaluation of projects devel-  
12 oped with funds made available under this title.

13       "(g) GENERAL REQUIREMENTS FOR QUALIFIICA-  
14 TION.—An unit of local government qualifies for a pay-  
15 ment under this title for a payment period only if the unit  
16 of local government submits an application to the Director  
17 and establishes, to the satisfaction of the Director, that—

18               "(i) the unit of local government has estab-  
19 lished a local advisory board that—

20                       "(A) includes a representative from—

21                                 "(i) the local police department;

22                                 "(ii) the local sheriff's department;

23                                 "(iii) the local prosecutor's office;

24                                 "(iv) the local court system; and

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1                 "(v) a local nonprofit, educational, re-  
2                 ligious, or community group; and  
3                 "(B) has reviewed the application:

4                 "(2) the chief executive officer of the State has  
5                 had not less than 45 days to review and comment  
6                 on the application prior to submission to the Director;

7                 "(3) the unit of local government will establish  
8                 a trust fund in which the government will deposit all  
9                 payments received under this title;

10                 "(4) the unit of local government will use  
11                 amounts in the trust fund (including interest) dur-  
12                 ing a period not to exceed 2 years from the date the  
13                 first grant payment is made to the unit of local gov-  
14                 ernment;

15                 "(5) the unit of local government will expend  
16                 the payments received in accordance with the laws  
17                 and procedures that are applicable to the expendi-  
18                 ture of revenues of the unit of local government;

19                 "(6) the unit of local government will use ac-  
20                 counting, audit, and fiscal procedures that conform  
21                 to guidelines which shall be prescribed by the Director  
22                 after consultation with the Comptroller General  
23                 and as applicable, amounts received under this title

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1 shall be audited in compliance with the Single Audit  
2 Act of 1984;

3 "(7) after reasonable notice from the Director  
4 or the Comptroller General to the unit of local govern-  
5 ment, the unit of local government will make  
6 available to the Director and the Comptroller Gen-  
7 eral, with the right to inspect, records that the Di-  
8 rector reasonably requires to review compliance with  
9 this title or that the Comptroller General reasonably  
10 requires to review compliance and operation;

11 "(8) a designated official of the unit of local  
12 government shall make reports the Director reason-  
13 ably requires, in addition to the annual reports re-  
14 quired under this title;

15 "(9) the unit of local government will spend the  
16 funds made available under this title only for the  
17 purposes set forth in section 101(a)(3).

18 "(d) SANCTIONS FOR NONCOMPLIANCE—

19 "(1) IN GENERAL.—If the Director determines  
20 that an unit of local government has not complied  
21 substantially with the requirements or regulations  
22 prescribed under subsection (b), the Director shall  
23 notify the unit of local government that if the unit  
24 of local government does not take corrective action  
25 within 60 days of such notice, the Director will with-

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1 hold additional payments to the unit of local govern-  
2 ment for the current and future payment periods  
3 until the Director is satisfied that the unit of local  
4 government—

5 "(A) has taken the appropriate corrective  
6 action; and

7 "(B) will comply with the requirements  
8 and regulations prescribed under subsection (b).

9 "(2) Notice.—Before giving notice under para-  
10 graph (1), the Director shall give the chief executive  
11 officer of the unit of local government reasonable no-  
12 tice and an opportunity for comment.

13 -SEC. 104. ALLOCATION AND DISTRIBUTION OF FUNDS.

14 "(a) STATE SET-ASIDE.—

15 "(1) IN GENERAL.—(f) the total amounts ap-  
16 propriated for this title for each payment period, the  
17 Director shall allocate for units of local government  
18 in each State an amount that bears the same ratio  
19 to such total as the average annual number of part  
20 I violent crimes reported by such State to the Fed-  
21 eral Bureau of Investigation for the 3 most recent  
22 calendar years for which such data is available,  
23 bears to the number of part I violent crimes re-  
24 ported by all States to the Federal Bureau of Inves-  
25 tigation for such years.

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1                  "(2) MINIMUM REQUIREMENT.—Each State  
2 shall receive not less than .25 percent of the total  
3 amounts appropriated under section 102 under this  
4 subsection for each payment period.

5                  "(3) PROPORTIONAL REDUCTION.—If amounts  
6 available to carry out paragraph (2) for any pay-  
7 ment period are insufficient to pay in full the total  
8 payment that any State is otherwise eligible to re-  
9 ceive under paragraph (1) for such period, then the  
10 Director shall reduce payments under paragraph (1)  
11 for such payment period to the extent of such insuf-  
12 ficiency. Reductions under the preceding sentence  
13 shall be allocated among the States (other than  
14 States whose payment is determined under para-  
15 graph (2)), in the same proportion as amounts  
16 would be allocated under paragraph (1) without re-  
17 gard to paragraph (2).

18                  "(b) LOCAL DISTRIBUTION.—

19                  "(1) IN GENERAL.—From the amount reserved  
20 for each State under subsection (a), the Director  
21 shall allocate—

22                  "(A) among reporting units of local gov-  
23 ernment the reporting units' share of such re-  
24 served amount, and

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1                         "(B) among nonreporting units of local  
2                         government the nonreporting units' share of the  
3                         reserved amount.

4                         "(2) AMOUNTS.—

5                         "(A) The reporting units' share of the re-  
6                         served amount is the amount equal to the prod-  
7                         uct of such reserved amount multiplied by the  
8                         percentage which the population living in re-  
9                         porting units of local government in the State  
10                         bears to the population of all units of local gov-  
11                         ernment in the State.

12                         "(B) The nonreporting units' share of the  
13                         reserved amount is the reserved amount re-  
14                         duced by the reporting units' share of the re-  
15                         served amount.

16                         "(3) ALLOCATION TO EACH REPORTING

17                         UNIT.—From the reporting units' share of the re-  
18                         served amount for each State under subsection (a),  
19                         the Director shall allocate to each reporting unit of  
20                         local government an amount which bears the same  
21                         ratio to such share as the average annual number of  
22                         part I violent crimes reported by such unit to the  
23                         Federal Bureau of Investigation for the 3 most re-  
24                         cent calendar years for which such data is available  
25                         bears to the number of part I violent crimes re-

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1 ported by all units of local government in the State  
2 in which the unit is located to the Federal Bureau  
3 of Investigation for such years.

4 "(4) ALLOCATION TO EACH NONREPORTING  
5 UNIT.—From the nonreporting units' share of the  
6 reserved amount for each State under subsection  
7 (a), the Director shall allocate to each nonreporting  
8 unit of local government an amount which bears the  
9 same ratio to such share as the average number of  
10 part I violent crimes of like governmental units in  
11 the same population class as such unit bears to the  
12 average number of part I violent crimes of all units  
13 in the State.

14 "(5) LIMITATION ON ALLOCATIONS.—An unit  
15 of local government shall not receive an allocation  
16 which exceeds 100 percent of such unit's expendi-  
17 tures on law enforcement services as reported by the  
18 Bureau of the Census for the most recent fiscal  
19 year. Any amount in excess of 100 percent of such  
20 unit's expenditures on law enforcement services shall  
21 be distributed proportionally among units of local  
22 government whose allocation does not exceed 100  
23 percent of expenditures on law enforcement services.

24 "(6) DEFINITIONS.—For purposes of this sub-  
25 section—

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1                 "(A) The term 'reporting unit of local government' means any unit of local government  
2                 that reported part I violent crimes to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

7                 "(B) The term 'nonreporting unit of local government' means any unit of local government which is not a reporting unit of local government.

11                 "(C)(i) The term 'like governmental units' means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes and means—

15                 "(I) all counties are treated as like governmental units;

17                 "(II) all cities are treated as like governmental units;

19                 "(III) all townships are treated as like governmental units.

21                 "(ii) Similar rules shall apply to other types of governmental units.

23                 "(D) The term 'same population class' means a like unit within the same population

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category as another like unit with the categories determined as follows:

"(i) 0 through 9,999.

"(ii) 10,000 through 49,999.

"(iii) 50,000 through 149,999.

"(iv) 150,000 through 399,999.

"(v) 300,000 or more.

"(7) LOCAL GOVERNMENTS WITH ALLOCATIONS

OF LESS THAN \$10,000.—If under paragraph (3) or (4) a unit of local government is allotted less than \$10,000 for the payment period, the amount allotted shall be transferred to the chief executive officer of the State who shall distribute such funds among units of local government whose allotment is less than such amount in a manner which reduces crime and improves public safety.

"(8) SPECIAL RULES.—

"(A) If a unit of local government is a State that has been incorporated since the date of the collection of the data used by the Director in making allocations pursuant to this section, such unit shall be treated as a non-reporting unit of local government for purposes of this subsection.

1                 4.(A) If a unit of local government in the  
2 State has been annexed since the date of the  
3 collection of the data used by the Director in  
4 making allocations pursuant to this section, the  
5 Director shall pay the amount that would have  
6 been allocated to such unit of local government  
7 to the unit of local government that annexed it.

8                 "(c) UNAVAILABILITY OF INFORMATION.—For pur-  
9 poses of this section, if data regarding part I violent  
10 crimes in any State for the 3 most recent calendar years  
11 is unavailable or substantially inaccurate, the Director  
12 shall utilize the best available comparable data regarding  
13 the number of violent crimes for such years for such State  
14 for the purposes of allocation of any funds under this title.

15                 SEC. 108. UTILIZATION OF PRIVATE SECTOR.

16                 " Funds or a portion of funds allocated under this  
17 title may be utilized to contract with private, nonprofit en-  
18 tities or community-based organizations to carry out the  
19 purposes specified under section 101(a)(2).

20                 SEC. 109. PUBLIC PARTICIPATION.

21                 "(a) IN GENERAL.—An unit of local government ex-  
22 pending payments under this title shall hold not less than  
23 1 public hearing on the proposed use of the payment from  
24 the Director in relation to its entire budget.

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1        "(b) VIEWS.—At the hearing, persons shall be given  
2        an opportunity to provide written and oral views to the  
3        unit of local government authority responsible for crafting  
4        the budget and to ask questions about the entire budget  
5        and the relation of the payment from the Director to the  
6        entire budget.

7        "(c) TIME AND PLACE.—The unit of local govern-  
8        ment shall hold the hearing at a time and place that allows  
9        and encourages public attendance and participation.

10 SEC. 107. ADMINISTRATIVE PROVISIONS.

11        "The administrative provisions of part H of the Om-  
12        nibus Crime Control and Safe Streets Act of 1968, shall  
13        apply to this title and for purposes of this section any ref-  
14        erence in such provisions to title I of the Omnibus Crime  
15        Control and Safe Streets Act of 1968 shall be deemed to  
16        be a reference to this title.

17 SEC. 108. DEFINITIONS.

18        "For the purposes of this title:

19            "(1) The term 'unit of local government'  
20        means—

21            "(A) a county, township, city, or political  
22        subdivision of a county, township, or city, that  
23        is an unit of local government as determined by  
24        the Secretary of Commerce for general statistic-  
25        al purposes; and

1                     "(B) the District of Columbia and the rec-  
2                     ognized governing body of an Indian tribe or  
3                     Alaskan Native village that carries out substanti-  
4                     tial governmental duties and powers.

5                     "(2) The term 'payment period' means each 1-  
6                     year period beginning on October 1 of any year in  
7                     which a grant under this title is awarded.

8                     "(3) The term 'State' means any State of the  
9                     United States, the District of Columbia, the Com-  
10                     monwealth of Puerto Rico, the Virgin Islands, Amer-  
11                     ican Samoa, Guam, and the Northern Mariana Is-  
12                     lands except that American Samoa, Guam, and the  
13                     Northern Mariana Islands shall be considered as 1  
14                     State and that, for purposes of section 104(a), 33  
15                     percent of the amounts allocated shall be allocated  
16                     to American Samoa, 30 percent to Guam, and 17  
17                     percent to the Northern Mariana Islands.

18                     "(4) The term 'juvenile' means an individual  
19                     who is 17 years of age or younger.

20                     "(5) The term 'part 1 violent crimes' means  
21                     murder and nonnegligent manslaughter, forcible  
22                     rape, robbery, and aggravated assault as reported to  
23                     the Federal Bureau of Investigation for purposes of  
24                     the Uniform Crime Reports.

F: MDS:MRJ:004B

MLC

19

1                 1 "(6) The term 'Director' means the Director of  
 2                 2 the Bureau of Justice Assistance."

3                 3 (b) CONFORMING AMENDMENTS.—

4                 4 (1) Part Q of the Omnibus Crime Control and  
 5                 5 Safe Streets Act of 1984 is repealed effective on  
 6                 6 September 30, 1985.

7                 7 (2) Effective on the date of the enactment of  
 8                 8 this Act, section 1001(a) of the Omnibus Crime  
 9                 9 Control and Safe Streets Act is amended—

- 10                 10                 (A) in paragraph (3), by striking "Q"; and  
 11                 11                 (B) by striking paragraph (1).

12                 12 SEC. 2. CONFORMING AMENDMENTS.

13                 13 (a) OFFICE OF PREVENTION COUNCIL.—

14                 14 (1) IN GENERAL.—Subtitle A of title III of the  
 15                 15 Violent Crime Control and Law Enforcement Act of  
 16                 16 1984 is repealed.

17                 17 (2) FINDING.—Notwithstanding the provisions  
 18                 18 of paragraph (1), any funds that remain available to  
 19                 19 an applicant under subtitle A of title III of the Vi-  
 20                 20 olent Crime Control and Law Enforcement Act of  
 21                 21 1984 shall be used in accordance with such subtitle  
 22                 22 as in effect on the day preceding the date of enact-  
 23                 23 ment of this Act.

F:MDB:HRS:004B

H.L.C.

20

1       (b) LOCAL CRIME PREVENTION BLOCK GRANT PRO-

2 gram.—Subtitle B of title III of the Violent Crime Con-

3 trol and Law Enforcement Act of 1994 is repealed.

4       (c) MODEL INTELLIGENT BLOCK GRANT PROGRAMS.—

5 Subtitle C of title III of the Violent Crime Control and

6 Law Enforcement Act of 1994 is repealed.

7       (d) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS

8 GRANT PROGRAM.—

9           (1) IN GENERAL.—Subtitle D of title III of the

10 Violent Crime Control and Law Enforcement Act of

11 1994 is repealed.

12           (2) FUNDING.—Notwithstanding the provisions

13 of paragraph (1), any funds that remain available to

14 an applicant under subtitle D of title III of the Vi-

15 olent Crime Control and Law Enforcement Act of

16 1994 shall be used in accordance such subtitle as in

17 effect on the day preceding the date of enactment of

18 this Act.

19       (e) ASSISTANCE FOR DELINQUENT AND AT-RISK

20 YOUTH.—Subtitle E of title III of the Violent Crime Con-

21 trol and Law Enforcement Act of 1994 is repealed.

22       (f) PUBLIC RETIREMENT.—Subtitle H of title III of

23 the Violent Crime Control and Law Enforcement Act of

24 1994 is repealed.

25       (g) LOCAL PARTNERSHIP ACT.—

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21

1                             (1) SUBTITLE J.—Sections 31001 and 31002 of  
2 title III of the Violent Crime Control and Law En-  
3 forcement Act of 1994 are repealed.

4                             (2) FEDERAL PAYMENTS.—Chapter 67 of title  
5 31, United States Code is repealed.

6                             (3) TABLE OF CHAPTERS.—The title of chap-  
7 ters at the beginning of subtitle V of title 31, United  
8 States Code, is amended by striking the matter re-  
9 lating to chapter 67.

10                            (4) FUNDING.—Notwithstanding the provisions  
11 of paragraph (2), any funds that remain available to  
12 an applicant under chapter 67 of title 31, United  
13 States Code, shall be used in accordance with such  
14 chapter as in effect on the day preceding the date  
15 of enactment of this Act.

16                            (b) NATIONAL COMMUNITY ENTITLED  
17 PARTNERSHIP.—Subtitle K of title III of the Violent  
18 Crime Control and Law Enforcement Act of 1994 is re-  
19 pealed.

20                            (i) CRIMINAL REINTEGRATION AND AT-RISK YOUTH.—

21                            (ii) REINTEGRATION.—Subtitle O of title III of  
22 the Violent Crime Control and Law Enforcement  
23 Act of 1994 is repealed.

1                             (i) URBAN PARK AND RECREATION EXECU-  
2                             TIVE.—(A) Section 1004 of the Urban Park and  
3                             Recreation Recovery Act of 1978 is amended—

4                                 (i) by striking subsection (d); and  
5                                 (ii) by redesignating subsections (e)  
6                                 through (k) as (d) through (j), respectively;

7                             (B) Section 1005 of the Urban Park and Recre-  
8                             ation Recovery Act of 1978 is amended by inserting  
9                             “and” at the end of paragraph (6), by inserting a  
10                            period at the end of paragraph (7), and by striking  
11                            paragraph (8).

12                             (C) Section 1007(b) of the Urban Park and  
13                             Recreation Recovery Act of 1978 is amended by  
14                             striking the last 2 sentences.

15                             (D) Section 1013 of the Urban Park and  
16                             Recreation Recovery Act of 1978 is amended by  
17                             striking “(a) IN GENERAL.—” after “1013” and by  
18                             striking subsection (b).

19                             (j) CRIMINITY-BASED JUSTICE GRANTS FROM PENSION  
20                             FUND.—Subtitle Q of title III of the Violent Crime  
21                             Control and Law Enforcement Act of 1994 is repealed.

22                             (k) FAMILY UNITY DEMONSTRATION PROJECT.—  
23                             Subtitle S of title III of the Violent Crime Control and  
24                             Law Enforcement Act of 1994 is repealed.

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SLC

23

- 1        (I) GANG RESISTANCE AND EDUCATION TRAINING.—  
2        (A) Subtitle X of title III of the Violent Crime Control  
3        and Law Enforcement Act of 1994 is repealed.  
4        (B) Notwithstanding the provisions of subparagraph  
5        (A), any funds that remain available to an applicant under  
6        subtitle X of title III of the Violent Crime Control and  
7        Law Enforcement Act of 1994 shall be used in accordance  
8        with such subtitle as in effect on the day preceding the  
9        date of enactment of this Act.

Comparison of H.R. 728 and Corresponding Provisions of H.R. 3

Section 2 of H.R. 728 repeals the COPS program and replaces it with a new block grant program which is generally similar to that proposed in title IV of H.R. 3. As in H.R. 3, the block grants proposed in H.R. 728 could be used for any crime reduction and public safety purpose, and would generally be disbursed to local governments in proportion to their shares of reported part I violent crimes.

The main changes from the earlier version of this block grant program in H.R. 3 are as follows: (1) Some references to preventing violent youth gang activity and juvenile crime are inserted in the illustrative list of permitted funding objectives, (2) the Director of BJA is directed to establish a process for ongoing evaluation of projects developed with funds made available under the program, (3) a local government must establish an advisory board -- including representatives from the local police department, the local sheriff's department, the local prosecutor's office, the local court system, and a local nonprofit, educational, religious, or community group -- to review its application, and (4) it is stated more clearly than in H.R. 3 that the governor must be given an opportunity to review a local application prior to submission.

In addition, section 2 of H.R. 728 makes some changes in the distribution provisions, including (1) directing use of a three-year basis in determining the level of reported part I violent crimes, (2) providing for distribution of funds to local governments that do not do crime reporting in proportion to the level of part I violent crimes reported by other comparable units of local government, rather than in proportion to population, and (3) pooling funds for local governments that would receive less than \$10,000 (rather than \$5,000) for distribution by the governor.

Section 3 of H.R. 728 repeals the prevention programs in subtitles A through G and title I of the 1994 Crime Act. This is substantially the same as section 902 of H.R. 3. The difference in formulation is that H.R. 728 repeals the prevention programs one-by-one rather than through a global reference, and provides in relation to some of the programs that funds remaining available to an applicant under the program shall be used in accordance with the program notwithstanding its prospective repeal.

(9) *Voice Pass*

AMENDMENT TO THE H.R. 728  
OFFERED BY MR. HEINEMAN

Page 4, after line 5, insert the following:

1                 "(D) Establishing or supporting drug courts."

19                 - Line 2

Page 18, after line 9, insert the following:

2                 "(7) The term 'drug courts' means a program that  
3                 involves--

4                 (A) continuing judicial supervision over offenders  
5                 with substance abuse problems who are not violent  
6                 offenders; and

7                 (B) the integrated administration of other  
8                 sanctions and services, which shall include--

9                 (i) mandatory periodic testing for the use of  
10                 controlled substances or other addictive  
11                 substances during any period of supervised release  
12                 or probation for each participant;

13                 (ii) substance abuse treatment for each  
14                 participant;

15                 (iii) probation, or other supervised release  
16                 involving the possibility of prosecution,  
17                 confinement, or incarceration based on  
18                 noncompliance with program requirements or failure  
19                 to show satisfactory progress; and

20                 (iv) programmatic, offender management, and  
21                 aftercare services such as relapse prevention,  
22                 vocational job training, job placement, and  
23                 housing placement."

(1)

*Vice Pass*

#2

**AMENDMENT TO H.R. 728  
OFFERED BY MR. SCHIFF**

Page 4, after line 5, insert the following:

- (D) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.
- (3) DEFINITION--In this subsection, the term 'violent offender' means a person charged with committing a Part I violent crime.

(6)

Voice Pass

#3

**AMENDMENT TO H.R. 728**

**OFFERED BY MR. SCHIFF**

Page 4, Line 4, after "citizen patrol programs," insert  
the following:

"sexual assault and domestic violence programs,"

(15)

#3

**Voice Pass****AMENDMENT TO H.R. 728  
OFFERED BY MS. LONGGREEN**

On p. 4, after line 5, insert the following:

"(D) Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime."

Voice Pass

#1

AMENDMENT TO H.R. 728

OFFERED BY MS. JACKSON LEE

(20) Page 3, line 25, strike the word "substantially" and add the  
following:

"may, though not exclusively,"

F:MRM/MCCOLLUM/DOJ/L-006

RLC

(25)

Voice Recs

AMENDMENT TO H.R. 798

OFFERED BY MR. MCCOLLUM

Page 7, strike line 21 and all that follows through page 8, line 3, and insert the following:

- 1                     “(i) the local police department or local sheriff's department;
- 2                     “(ii) the local prosecutor's office;
- 3                     “(iii) the local court system;
- 4                     “(iv) the local public school system;
- 5                     and
- 6                     “(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;
- 7                     “(B) has reviewed the application; and
- 8                     “(C) is designated to make nonbinding recommendations to the unit of local government
- 9                     for the use of funds received under this Act;

Page 9, line 22, strike “subsection (b)” and insert “subsections (a) and (c)”.

Page 10, line 8, strike “subsection (b)” and insert “subsections (a) and (c)”.

P7, line 20: insert “but not limited to,” after “includes”.

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HLC.

2

Page 12, line 12, strike "number" and all that follows through "State" on line 18 and insert "annual impacted number of part I violent crimes of all nonreporting units in the State for the 3 most recent calendar years".

Page 19, after line 6, insert the following (and redesignate any subsequent paragraphs accordingly):

1                 (2) Notwithstanding the provisions of para-  
2                 graph (1), any funds that remain available to an ap-  
3                 plicant under part Q of title I of the Omnibus Crime  
4                 Control and Safe Streets Act of 1968 shall be used  
5                 in accordance with such part as is effect on the day  
6                 preceding the date of the enactment of this Act.