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THE CRIME ^{OL 95}
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²⁰⁰²
^{7/17/02}
BILL ^{DRAFT} & CONF.
REPORTS -

ARCHIVE

CHAIRMEN'S MARK -- 7/25/1994 SUPPLEMENT

INSERT AS SUBSTITUTE TITLES OR SECTIONS FOR PREVIOUS CIRCULATED MARK:

substitute: TITLE I--PUBLIC SAFETY AND POLICING

Section 1001--Short Title

Section 1002--Purposes

Section 1003--Community Policing, "Cops on the Beat"

TITLE II--PRISONS

Subtitle ___--Miscellaneous

substitute: Section 2011--Awards of Pell Grants to Prisoners Prohibited

TITLE III -- PREVENTION

substitute: Subtitle A--Ounce of Prevention Council

Section ___.01--Ounce of Prevention Council

Section ___.02--Ounce of Prevention Grant Program

Section ___.03--Definition

Section ___.04--Authorization of Appropriations

substitute: Subtitle B--Youth Employment and Skills Crime Prevention

substitute: Subtitle J--Local Partnership Act

substitute: Subtitle R--Child Safety

Section 4001--Short Title

Section 4002--Purpose

Section 4003--Demonstration Grants for Supervised Visitation Centers

Section 4004--Demonstration Grant Application

Section 4005--Evaluation of Demonstration Projects

Section 4006--Special Grants to Study the Effect of Supervised Visitation on Sexually Abused or Severely Physically Abused Children

Section 4007--Reporting

Section 4008--Authorization of Appropriations

substitute: Subtitle T--Substance Abuse Treatment in Federal Prisons

Section 2001--Substance Abuse Treatment in Federal Prisons

TITLE IV--VIOLENCE AGAINST WOMEN

Chapter 3--Safety for Women in Public Transit and Public Parks

Substitute: Section 3215--Grants for Capital Improvements to Prevent Crime in Public Transportation

Subtitle E--Violence Against Women Act Improvements

Substitute: Section 3285--Enforcement of Restitution Orders through suspension of Federal Benefits

substitute: TITLE V--DRUG COURTS

substitute: TITLE XIII -- CRIMINAL ALIENS AND IMMIGRATION ENFORCEMENT

Section 1301--Enhancement of Penalties for Failing to Depart, or Reentering, After Final Order of Deportation

Section 1303--Criminal Alien Tracking Center

Section 1304--Alien Witness Cooperation and Counterterrorism Information

Section 5002--Deportation Procedures for Certain Criminal Aliens Who Are Not Permanent Residents

Section 1322--Expedited Deportation for Denied Asylum Applicants

Section 1323--Improving Border Controls

Section 1324--Expanded Special Deportation Proceedings

Section 1326--Authority to Accept Certain Assistance

Section 2431--Passport and VISA Offenses Penalties Improvement

Section 1321--Asylum

substitute: TITLE XXVI--COMMISSION MEMBERSHIP AND APPOINTMENT

Section 3026--Commission Membership and Appointment

Section 3027--Conforming Amendment

TITLE XXIX--SENTENCING PROVISIONS

Substitute: Section 5152--Extension of Full-Time Status of Members of the United States Sentencing Commission with Section ____--Full-Time Vice Chairs of the United States Sentencing Commission

TITLE XXXI--VIOLENT CRIME REDUCTION TRUST FUND

substitute: Section--____ Creation of Violent Crime Reduction Trust Fund

Section--____ Conforming Reduction in Discretionary Spending Limits

add: Section ____--Extension of Authorizations of Appropriations for Fiscal Years for which the Full Amount Authorized is not Appropriated

TITLE XXXII--MISCELLANEOUS

Subtitle A--Increases in Penalties

Substitute: Section 2906--Increased Penalties for Arson

ADD AS NEW SECTIONS OR TITLES TO PREVIOUSLY CIRCULATED MARK:

TITLE II--PRISONS

Subtitle ____--Miscellaneous Provisions

add: Section 4702--Correctional Job Training and Placement

TITLE IV--VIOLENCE AGAINST WOMEN

add: Subtitle F--National Stalker and Domestic Violence Reduction

add: Subtitle G--Protections for Battered Immigrant Women and Children

TITLE IX--DRUG CONTROL

add: Section 5118--Violent Crime and Drug Emergency Areas

TITLE XII--TERRORISM

add: Section 726--Providing Material Support to Terrorists

TITLE XVIII--RURAL CRIME

add: Subtitle C--Sense of Congress Regarding Funding for Rural Areas

Section 2531--Funding for Rural Areas

TITLE XXII--STATE AND LOCAL LAW ENFORCEMENT

add: Subtitle D--Police Pattern or Practice

Section 1111--Cause of Action

add: Subtitle E--Reauthorization of Office of Justice Programs

TITLE XXIII--VICTIMS OF CRIME

add: Section ____--VOCA Amendments

add: TITLE XXXI--Protection of Privacy of Information in State Motor Vehicle Records

TITLE XXXII--MISCELLANEOUS

Subtitle F--White Collar Crime Amendments

Insurance Fraud:

add: Section 401--Crimes by or Affecting Persons
Engaged in the Business of Insurance Whose
Activities Affect Interstate Commerce

Section 402--Miscellaneous Amendments to Title 18,
United States Code

Financial Institution Fraud Prosecutions:

add: Section 2201--Short Title

Section 2202--Federal Deposit Insurance Act
Amendment

Section 2203--Federal Credit Union Amendments

add: Section 2944--Addition of Predicate Offenses to
Financial Institutions Rewards Statute

Section 2945--Definition of "Savings and Loan
Association" for Purposes of the Offense of Bank
Robbery and Related Offenses.

Section 2946--Definition of "1-Year Period" for
Purposes of the Offense of Obstruction of a Federal
Audit

Subtitle H--Other Provisions

add: Section 5114--Definition of "Parent" for the Purposes
of the Offense of Kidnapping

Section 5123--Hate Crime Statistics Act

add: TITLE XXXIV--TECHNICAL CORRECTIONS

Section 3101--Amendments Relating to Federal Financial
Assistance for Law Enforcement

Section 3102--General Title 18 Corrections

Section 3103--Corrections of Erroneous Cross References
and Misdesignations

Section 3104--Repeal of Obsolete Provisions in Title 18

Section 3105--Correction of Drafting Error in the
Foreign Corrupt Practices Act

Section 3106--Elimination of Redundant Penalty Provisions in 18 U.S.C. 1116

Section 3107--Elimination of Redundant Penalty

Section 3108--Corrections of Misspellings and Grammatical Errors

Section 3109--Other Technical Amendments

Section 3110--Correction of Errors Found During Codification

Section 3111--Problems Related to Execution of Prior Amendments

Section 3112--Amendment to Section 1956 of Title 18 to Eliminate Duplicate Predicate Crimes

Section 3113--Amendments to Part V of Title 18

Section 3114--Update of Cross Reference

Section 3115--Correction of Error in Amendatory Language

Section 3116--Correction of Misleading and Outmoded Fine Amounts in Offenses Under Title 18

Section 3117--Technical Correction to Title 31 Crimes

Section 3118--Repeal of Superfluous Statute of Limitation and Transfer of child Abuse Statute of Limitations

Section 3119--Technical Errors in Section 1956

Section 3120--Technical Error

Section 3121--Conforming Spelling of Variants of "Kidnap"

Section 3122--Margin Error

Section 3123--Technical Corrections Relating to Section 248 of Title 18, United States Code

Section 3124--Technical Amendments Necessitated by the Enactment of the Domestic Chemical Diversion Control Act of 1993

Section 3125--Victims of Crime Act

1 **TITLE I—PUBLIC SAFETY AND**
2 **POLICING**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Public Safety Partner-
5 ship and Community Policing Act of 1994”.

6 **SEC. 1002. PURPOSES.**

7 The purposes of this title are to—

8 (1) substantially increase the number of law en-
9 forcement officers interacting directly with members
10 of the community (“cops on the beat”);

11 (2) provide additional and more effective train-
12 ing to law enforcement officers to enhance their
13 problem solving, service, and other skills needed in
14 interacting with members of the community;

15 (3) encourage the development and implementa-
16 tion of innovative programs to permit members of
17 the community to assist State, Indian tribal govern-
18 ment, and local law enforcement agencies in the pre-
19 vention of crime in the community; and

20 (4) encourage the development of new tech-
21 nologies to assist State, Indian tribal government,
22 and local law enforcement agencies in reorienting
23 the emphasis of their activities from reacting to
24 crime to preventing crime,

1 by establishing a program of grants and assistance in fur-
2 therance of these objectives, including the authorization
3 for a period of 6 years of grants for the hiring and rehiring
4 of additional career law enforcement officers.

5 **SEC. 1003. COMMUNITY POLICING; "COPS ON THE BEAT".**

6 (a) IN GENERAL.—Title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
8 et seq.) is amended—

- 9 (1) by redesignating part Q as part R;
10 (2) by redesignating section 1701 as section
11 1801; and
12 (3) by inserting after part P the following new
13 part:

14 **"PART Q—PUBLIC SAFETY AND CITY POLICING;**
15 **'COPS ON THE BEAT'**

16 **"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND**
17 **COMMUNITY POLICING GRANTS.**

18 "(a) GRANT AUTHORIZATION.—The Attorney Gen-
19 eral may make grants to States, units of local government,
20 Indian tribal governments, other public and private enti-
21 ties, and multi-jurisdictional or regional consortia thereof
22 to increase police presence, to expand and improve cooper-
23 ative efforts between law enforcement agencies and mem-
24 bers of the community to address crime and disorder prob-
25 lems, and otherwise to enhance public safety.

1 “(b) REHIRING, HIRING, AND INITIAL REDEPLOY-
2 MENT GRANT PROJECTS.—

3 “(1) IN GENERAL.—Grants made under sub-
4 section (a) may be used for programs, projects, and
5 other activities to—

6 “(A) rehire law enforcement officers who
7 have been laid off as a result of State and local
8 budget reductions for deployment in commu-
9 nity-oriented policing;

10 “(B) hire and train new, additional career
11 law enforcement officers for deployment in com-
12 munity-oriented policing across the Nation; and

13 “(C) procure equipment, technology, or
14 support systems, or pay overtime, if the appli-
15 cant for such a grant demonstrates to the satis-
16 faction of the Attorney General that expendi-
17 tures for such purposes would result in an in-
18 crease in the number of officers deployed in
19 community-oriented policing equal to or greater
20 than the increase in the number of officers that
21 would result from a grant for a like amount for
22 the purposes specified in subparagraph (A) or
23 (B).

1 “(2) GRANTS FOR EQUIPMENT, TECHNOLOGY,
2 AND SUPPORT SYSTEMS.—Grants pursuant to para-
3 graph (1)(C)—

4 “(A) may be awarded only in fiscal years
5 1995, 1996, and 1997; and

6 “(B) may not exceed—

7 “(i) the funds available for grants
8 pursuant to this subsection in fiscal year
9 1995;

10 “(ii) the funds available for grants
11 pursuant to this subsection in fiscal year
12 1996; or

13 “(iii) the funds available for grants
14 pursuant to this subsection in fiscal year
15 1997.

16 “(c) TROOPS-TO-COPS PROGRAMS.—(1) Grants made
17 under subsection (a) may be used to hire former members
18 of the Armed Forces to serve as career law enforcement
19 officers for deployment in community-oriented policing,
20 particularly in communities that are adversely affected by
21 a recent military base closing.

22 “(2) In this subsection, ‘former member of the Armed
23 Forces’ means a member of the Armed Forces of the Unit-
24 ed States who is involuntarily separated from the Armed

1 Forces within the meaning of section 1141 of title 10,
2 United States Code.

3 “(d) ADDITIONAL GRANT PROJECTS.—Grants made
4 under subsection (a) may include programs, projects, and
5 other activities to—

6 “(1) increase the number of law enforcement
7 officers involved in activities that are focused on
8 interaction with members of the community on
9 proactive crime control and prevention by redeploy-
10 ing officers to such activities;

11 “(2) provide specialized training to law enforce-
12 ment officers to enhance their conflict resolution,
13 mediation, problem solving, service, and other skills
14 needed to work in partnership with members of the
15 community;

16 “(3) increase police participation in multidisci-
17 plinary early intervention teams;

18 “(4) develop new technologies to assist State
19 and local law enforcement agencies in reorienting
20 the emphasis of their activities from reacting to
21 crime to preventing crime;

22 “(5) develop and implement innovative pro-
23 grams to permit members of the community to assist
24 State and local law enforcement agencies in the pre-
25 vention of crime in the community, such as a citi-

1 zens' police academy, including programs designed
2 to increase the level of access to the criminal justice
3 system enjoyed by victims, witnesses, and ordinary
4 citizens by establishing decentralized satellite offices
5 (including video facilities) of principal criminal
6 courts buildings;

7 “(6) establish innovative programs to reduce,
8 and keep to a minimum, the amount of time that
9 law enforcement officers must be away from the
10 community while awaiting court appearances;

11 “(7) establish and implement innovative pro-
12 grams to increase and enhance proactive crime con-
13 trol and prevention programs involving law enforce-
14 ment officers and young persons in the community;

15 “(8) develop and establish new administrative
16 and managerial systems to facilitate the adoption of
17 community-oriented policing as an organization-wide
18 philosophy;

19 “(9) establish, implement, and coordinate crime
20 prevention and control programs (involving law en-
21 forcement officers working with community mem-
22 bers) with other Federal programs that serve the
23 community and community members to better ad-
24 dress the comprehensive needs of the community and
25 its members; and

1 “(10) support the purchase by a law enforce-
2 ment agency of no more than 1 service weapon per
3 officer, upon hiring for deployment in community-
4 oriented policing or, if necessary, upon existing offi-
5 cers’ initial redeployment to community-oriented po-
6 licing.

7 “(e) PREFERENTIAL CONSIDERATION OF APPLICA-
8 TIONS FOR CERTAIN GRANTS.—In awarding grants under
9 this part, the Attorney General may give preferential con-
10 sideration, where feasible, to applications for hiring and
11 rehiring additional career law enforcement officers that in-
12 volve a non-Federal contribution exceeding the 25 percent
13 minimum under subsection (i).

14 “(f) TECHNICAL ASSISTANCE.—(1) The Attorney
15 General may provide technical assistance to States, units
16 of local government, Indian tribal governments, and to
17 other public and private entities, in furtherance of the pur-
18 poses of the Public Safety Partnership and Community
19 Policing Act of 1994.

20 “(2) The technical assistance provided by the Attor-
21 ney General may include the development of a flexible
22 model that will define for State and local governments,
23 and other public and private entities, definitions and strat-
24 egies associated with community or problem-oriented po-
25 licing and methodologies for its implementation.

1 “(3) The technical assistance provided by the Attor-
2 ney General may include the establishment and operation
3 of training centers or facilities, either directly or by con-
4 tracting or cooperative arrangements. The functions of the
5 centers or facilities established under this paragraph may
6 include instruction and seminars for police executives,
7 managers, trainers, supervisors, and such others as the
8 Attorney General considers to be appropriate concerning
9 community or problem-oriented policing and improve-
10 ments in police-community interaction and cooperation
11 that further the purposes of the Public Safety Partnership
12 and Community Policing Act of 1994.

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

16 “(h) MINIMUM AMOUNT.—Unless all applications
17 submitted by any State and grantee within the State pur-
18 suant to subsection (a) have been funded, each qualifying
19 State, together with grantees within the State, shall re-
20 ceive in each fiscal year pursuant to subsection (a) not
21 less than 0.5 percent of the total amount appropriated in
22 the fiscal year for grants pursuant to that subsection. In
23 this subsection, ‘qualifying State’ means any State which
24 has submitted an application for a grant, or in which an
25 eligible entity has submitted an application for a grant,

1 which meets the requirements prescribed by the Attorney
2 General and the conditions set out in this part.

3 “(i) MATCHING FUNDS.—The portion of the costs of
4 a program, project, or activity provided by a grant under
5 subsection (a) may not exceed 75 percent, unless the At-
6 torney General waives, wholly or in part, the requirement
7 under this subsection of a non-Federal contribution to the
8 costs of a program, project, or activity. In relation to a
9 grant for a period exceeding 1 year for hiring or rehiring
10 career law enforcement officers, the Federal share shall
11 decrease from year to year for up to 5 years, looking to-
12 ward the continuation of the increased hiring level using
13 State or local sources of funding following the conclusion
14 of Federal support, as provided in an approved plan pur-
15 suant to section 1702(c)(8).

16 “(j) ALLOCATION OF FUNDS.—The funds available
17 under this part shall be allocated as provided in section
18 1001(a)(11)(B).

19 “(k) TERMINATION OF GRANTS FOR HIRING OFFI-
20 CERS.—The authority under subsection (a) of this section
21 to make grants for the hiring and rehiring of additional
22 career law enforcement officers shall lapse at the conclu-
23 sion of 6 years from the date of enactment of this part.
24 Prior to the expiration of this grant authority, the Attor-
25 ney General shall submit a report to Congress concerning

1 the experience with and effects of such grants. The report
2 may include any recommendations the Attorney General
3 may have for amendments to this part and related provi-
4 sions of law in light of the termination of the authority
5 to make grants for the hiring and rehiring of additional
6 career law enforcement officers.

7 **"SEC. 1702. APPLICATIONS.**

8 “(a) IN GENERAL.—No grant may be made under
9 this part unless an application has been submitted to, and
10 approved by, the Attorney General.

11 “(b) APPLICATION.—An application for a grant
12 under this part shall be submitted in such form, and con-
13 tain such information, as the Attorney General may pre-
14 scribe by regulation or guidelines.

15 “(c) CONTENTS.—In accordance with the regulations
16 or guidelines established by the Attorney General, each ap-
17 plication for a grant under this part shall—

18 “(1) include a long-term strategy and detailed
19 implementation plan that reflects consultation with
20 community groups and appropriate private and pub-
21 lic agencies and reflects consideration of the state-
22 wide strategy under section 503(a)(1);

23 “(2) demonstrate a specific public safety need;

24 “(3) explain the applicant’s inability to address
25 the need without Federal assistance;

1 “(4) identify related governmental and commu-
2 nity initiatives which complement or will be coordi-
3 nated with the proposal;

4 “(5) certify that there has been appropriate co-
5 ordination with all affected agencies;

6 “(6) outline the initial and ongoing level of
7 community support for implementing the proposal
8 including financial and in-kind contributions or
9 other tangible commitments;

10 “(7) specify plans for obtaining necessary sup-
11 port and continuing the proposed program, project,
12 or activity following the conclusion of Federal sup-
13 port;

14 “(8) if the application is for a grant for hiring
15 or rehiring additional career law enforcement offi-
16 cers, specify plans for the assumption by the appli-
17 cant of a progressively larger share of the cost in the
18 course of time, looking toward the continuation of
19 the increased hiring level using State or local
20 sources of funding following the conclusion of Fed-
21 eral support;

22 “(9) assess the impact, if any, of the increase
23 in police resources on other components of the crimi-
24 nal justice system; and

1 “(10) explain how the grant will be utilized to
2 reorient the affected law enforcement agency’s mis-
3 sion toward community-oriented policing or enhance
4 its involvement in or commitment to community-ori-
5 ented policing; and

6 “(11) provide assurances that the applicant
7 will, to the extent practicable, seek, recruit, and hire
8 members of racial and ethnic minority groups and
9 women in order to increase their ranks within the
10 sworn positions in the law enforcement agency.

11 “(d) SPECIAL PROVISIONS.—

12 “(1) SMALL JURISDICTIONS.—Notwithstanding
13 any other provision of this part, in relation to appli-
14 cations under this part of units of local government
15 or law enforcement agencies having jurisdiction over
16 areas with population of less than 50,000, the Attor-
17 ney General may waive 1 or more of the require-
18 ments of subsection (c) and may otherwise make
19 special provisions to facilitate the expedited submis-
20 sion, processing, and approval of such applications.

21 “(2) SMALL GRANT AMOUNT.—Notwithstanding
22 any other provision of this part, in relation to appli-
23 cations under section 1701(d) for grants of less than
24 \$1,000,000, the Attorney General may waive 1 or
25 more of the requirements of subsection (c) and may

1 otherwise make special provisions to facilitate the ex-
2 pedited submission, processing, and approval of such
3 applications.

4 **"SEC. 1703. RENEWAL OF GRANTS.**

5 "(a) IN GENERAL.—Except for grants made for hir-
6 ing or rehiring additional career law enforcement officers,
7 a grant under this part may be renewed for up to 2 addi-
8 tional years after the first fiscal year during which a recip-
9 ient receives its initial grant, if the Attorney General de-
10 termines that the funds made available to the recipient
11 were used in a manner required under an approved appli-
12 cation and if the recipient can demonstrate significant
13 progress in achieving the objectives of the initial applica-
14 tion.

15 "(b) GRANTS FOR HIRING.—Grants made for hiring
16 or rehiring additional career law enforcement officers may
17 be renewed for up to 5 years, subject to the requirements
18 of subsection (a), but notwithstanding the limitation in
19 that subsection concerning the number of years for which
20 grants may be renewed.

21 "(c) MULTIYEAR GRANTS.—A grant for a period ex-
22 ceeding 1 year may be renewed as provided in this section,
23 except that the total duration of such a grant including
24 any renewals may not exceed 3 years, or 5 years if it is

1 a grant made for hiring or rehiring additional career law
2 enforcement officers.

3 **"SEC. 1704. LIMITATION ON USE OF FUNDS.**

4 “(a) NONSUPPLANTING REQUIREMENT.—Funds
5 made available under this part to States or units of local
6 government shall not be used to supplant State or local
7 funds, or, in the case of Indian tribal governments, funds
8 supplied by the Bureau of Indian Affairs, but shall be used
9 to increase the amount of funds that would, in the absence
10 of Federal funds received under this part, be made avail-
11 able from State or local sources, or in the case of Indian
12 tribal governments, from funds supplied by the Bureau of
13 Indian Affairs.

14 “(b) NON-FEDERAL COSTS.—

15 “(1) IN GENERAL.—States and units of local
16 government may use assets received through the As-
17 sets Forfeiture equitable sharing program to provide
18 the non-Federal share of the cost of programs,
19 projects, and activities funded under this part.

20 “(2) INDIAN TRIBAL GOVERNMENTS.—Funds
21 appropriated by the Congress for the activities of
22 any agency of an Indian tribal government or the
23 Bureau of Indian Affairs performing law enforce-
24 ment functions on any Indian lands may be used to

1 provide the non-Federal share of the cost of pro-
2 grams or projects funded under this part.

3 “(c) **HIRING COSTS.**—Funding provided under this
4 part for hiring or rehiring a career law enforcement officer
5 may not exceed \$75,000, unless the Attorney General
6 grants a waiver from this limitation.

7 **“SEC. 1705. PERFORMANCE EVALUATION.**

8 “(a) **MONITORING COMPONENTS.**—Each program,
9 project, or activity funded under this part shall contain
10 a monitoring component, developed pursuant to guidelines
11 established by the Attorney General. The monitoring re-
12 quired by this subsection shall include systematic identi-
13 fication and collection of data about activities, accomplish-
14 ments, and programs throughout the life of the program,
15 project, or activity and presentation of such data in a usa-
16 ble form.

17 “(b) **EVALUATION COMPONENTS.**—Selected grant re-
18 cipients shall be evaluated on the local level or as part
19 of a national evaluation, pursuant to guidelines established
20 by the Attorney General. Such evaluations may include as-
21 sessments of individual program implementations. In se-
22 lected jurisdictions that are able to support outcome eval-
23 uations, the effectiveness of funded programs, projects,
24 and activities may be required. Outcome measures may
25 include crime and victimization indicators, quality or life

1 measures, community perceptions, and police perceptions
2 of their own work.

3 “(c) PERIODIC REVIEW AND REPORTS.—The Attor-
4 ney General may require a grant recipient to submit to
5 the Attorney General the results of the monitoring and
6 evaluations required under subsections (a) and (b) and
7 such other data and information as the Attorney General
8 deems reasonably necessary.

9 “SEC. 1706. REVOCATION OR SUSPENSION OF FUNDING.

10 “If the Attorney General determines, as a result of
11 the reviews required by section 1705, or otherwise, that
12 a grant recipient under this part is not in substantial com-
13 pliance with the terms and requirements of an approved
14 grant application submitted under section 1702, the Attor-
15 ney General may revoke or suspend funding of that grant,
16 in whole or in part.

17 “SEC. 1707. ACCESS TO DOCUMENTS.

18 “(a) BY THE ATTORNEY GENERAL.—The Attorney
19 General shall have access for the purpose of audit and ex-
20 amination to any pertinent books, documents, papers, or
21 records of a grant recipient under this part and to the
22 pertinent books, documents, papers, or records of State
23 and local governments, persons, businesses, and other en-
24 tities that are involved in programs, projects, or activities
25 for which assistance is provided under this part.

1 “(b) BY THE COMPTROLLER GENERAL.—Subsection
2 (a) shall apply with respect to audits and examinations
3 conducted by the Comptroller General of the United
4 States or by an authorized representative of the Comptrol-
5 ler General.

6 **“SEC. 1708. GENERAL REGULATORY AUTHORITY.**

7 “The Attorney General may promulgate regulations
8 and guidelines to carry out this part.

9 **“SEC. 1709. DEFINITIONS.**

10 “In this part—

11 “ ‘career law enforcement officer’ means a per-
12 son hired on a permanent basis who is authorized by
13 law or by a State or local public agency to engage
14 in or supervise the prevention, detection, or inves-
15 tigation of violations of criminal laws.

16 “ ‘citizens’ police academy’ means a program
17 by local law enforcement agencies or private non
18 profit organizations in which citizens, especially
19 those who participate in neighborhood watch pro-
20 grams, are trained in ways of facilitating commu-
21 nication between the community and local law en-
22 forcement in the prevention of crime.’

23 “ ‘Indian tribe’ means a tribe, band, pueblo,
24 nation, or other organized group or community of
25 Indians, including an Alaska Native village (as de-

1 fined in or established under the Alaska Native
2 Claims Settlement Act (43 U.S.C. 1601 et seq.),
3 that is recognized as eligible for the special pro-
4 grams and services provided by the United States to
5 Indians because of their status as Indians.”.

6 (b) TECHNICAL AMENDMENT.—The table of contents
7 of title I of the Omnibus Crime Control and Safe Streets
8 Act of 1968 (42 U.S.C. 3711, et seq.) is amended by strik-
9 ing the item relating to part Q and inserting the following:

“PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; ‘COPS ON THE
BEAT’

- “Sec. 1701. Authority to make public safety and community policing grants.
- “Sec. 1702. Applications.
- “Sec. 1703. Renewal of grants.
- “Sec. 1704. Limitation on use of funds.
- “Sec. 1705. Performance evaluation.
- “Sec. 1706. Revocation or suspension of funding.
- “Sec. 1707. Access to documents.
- “Sec. 1708. General regulatory authority.
- “Sec. 1709. Definition.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

- “Sec. 1801. Continuation of rules, authorities, and proceedings.”.

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

13 (1) in paragraph (3) by striking “and O” and
14 inserting “O, P, and Q”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(11)(A) There are authorized to be appropriated to
18 carry out part Q, to remain available until expended—

- 1 “(i) \$ _____ for fiscal year 1995;
- 2 “(ii) \$ _____ for fiscal year
- 3 1996;
- 4 “(iii) \$ _____ for fiscal year
- 5 1997;
- 6 “(iv) \$ _____ for fiscal year
- 7 1998; and
- 8 “(v) \$ _____ for fiscal year
- 9 1999.

10 “(B) Of funds available under part Q in any fiscal
11 year, up to 5 percent may be used for technical assistance
12 under section 1701(f) or for evaluations or studies carried
13 out or commissioned by the Attorney General in further-
14 ance of the purposes of part Q, or for administrative costs
15 by the Attorney General in furtherance of the purposes
16 of part Q. Of the remaining funds, 50 percent shall be
17 allocated for grants pursuant to applications submitted by
18 units of local government or law enforcement agencies
19 having jurisdiction over areas with populations exceeding
20 150,000 or by public and private entities that serve areas
21 with populations exceeding 150,000, and 50 percent shall
22 be allocated for grants pursuant to applications submitted
23 by units of local government or law enforcement agencies
24 having jurisdiction over areas with populations 150,000
25 or less or by public and private entities that serve areas

1 with populations 150,000 or less. Of the funds available
2 in relation to grants under part Q, at least 85 percent
3 shall be applied to grants for the purposes specified in sec-
4 tion 1701(b), and no more than 15 percent may be applied
5 to other grants in furtherance of the purposes of part Q.
6 In view of the extraordinary need for law enforcement as-
7 sistance in Indian country, an appropriate amount of
8 funds available under part Q shall be made available for
9 grants to Indian tribal governments or tribal law enforce-
10 ment agencies.



1 **SEC. 2011. AWARDS OF PELL GRANTS TO PRISONERS PRO-**
2 **HIBITED.**

3 (a) **IN GENERAL.**—Section 401(b)(8) of the Higher
4 Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amend-
5 ed to read as follows:

6 “(8) No basic grant shall be awarded under this sub-
7 part to any individual who is incarcerated in any Federal
8 or State penal institution.”

9 (b) **APPLICATION OF AMENDMENT.**—The amendment
10 made by this section shall apply with respect to periods
11 of enrollment beginning on or after the date of enactment
12 of this Act.



1 **Subtitle A—Ounce of Prevention**
2 **Council**

3 **SEC. ___01. OUNCE OF PREVENTION COUNCIL.**

4 (a) **ESTABLISHMENT.—**

5 (1) **IN GENERAL.—**There is established an
6 Ounce of Prevention Council (referred to in this title
7 as the “Council”), the members of which—

8 (A) shall include the Attorney General, the
9 Secretary of Education, the Secretary of Health
10 and Human Services, the Secretary of Housing
11 and Urban Development, the Secretary of
12 Labor, the Secretary of Agriculture, the Sec-
13 retary of the Treasury, the Secretary of the In-
14 terior, and the Director of the Office of Na-
15 tional Drug Control Policy; and

16 (B) may include other officials of the execu-
17 tive branch as directed by the President.

18 (2) **CHAIR.—**The President shall designate the
19 Chair of the Council from among its members (re-
20 ferred to in this title as the “Chair”).

21 (3) **STAFF.—**The Council may employ any nec-
22 essary staff to carry out its functions, and may dele-
23 gate any of its functions or powers to a member or
24 members of the Council.

1 (b) PROGRAM COORDINATION.—For any program au-
2 thorized under the Violent Crime Control and Law En-
3 forcement Act of 1994, the Ounce of Prevention Council
4 Chair, only at the request of the Council member with ju-
5 risdiction over that program, may coordinate that pro-
6 gram, in whole or in part, through the Council.

7 (c) ADMINISTRATIVE RESPONSIBILITIES AND POW-
8 ERS.—In addition to the program coordination provided
9 in subsection (b), the Council shall be responsible for such
10 functions as coordinated planning, development of a com-
11 prehensive crime prevention program catalogue, provision
12 of assistance to communities and community-based orga-
13 nizations seeking information regarding crime prevention
14 programs and integrated program service delivery, and de-
15 velopment of strategies for program integration and grant
16 simplification. The Council shall have the authority to
17 audit the expenditure of funds received by grantees under
18 programs administered by or coordinated through the
19 Council. In consultation with the Council, the Chair may
20 issue regulations and guidelines to carry out this subtitle
21 and programs administered by or coordinated through the
22 Council.

23 **SEC. ___02. OUNCE OF PREVENTION GRANT PROGRAM.**

24 (a) IN GENERAL.—The Council may make grants
25 for—

1 (1) summer and after-school (including weekend
2 and holiday) education and recreation programs;

3 (2) mentoring, tutoring, and other programs in-
4 volving participation by adult role models (such as
5 D.A.R.E. America);

6 (3) programs assisting and promoting employ-
7 ability and job placement; and

8 (4) prevention and treatment programs to re-
9 duce substance abuse, child abuse, and adolescent
10 pregnancy, including outreach programs for at-risk
11 families.

12 (b) APPLICANTS.—Applicants may be Indian tribal
13 governments, cities, counties, or other municipalities,
14 school boards, colleges and universities, private nonprofit
15 entities, or consortia of eligible applicants. Applicants
16 must show that a planning process has occurred that has
17 involved organizations, institutions, and residents of tar-
18 get areas, including young people, and that there has been
19 cooperation between neighborhood-based entities, munic-
20 ipality-wide bodies, and local private-sector representatives.
21 Applicants must demonstrate the substantial involvement
22 of neighborhood-based entities in the carrying out of the
23 proposed activities. Proposals must demonstrate that a
24 broad base of collaboration and coordination will occur in
25 the implementation of the proposed activities, involving co-

1 operation among youth-serving organizations, schools,
2 health and social service providers, employers, law enforce-
3 ment professionals, local government, and residents of tar-
4 get areas, including young people. Applications shall be
5 geographically based in particular neighborhood or sec-
6 tions of municipalities or particular segments of rural
7 areas, and applications shall demonstrate how programs
8 will serve substantial proportions of children and youth
9 resident in the target area with activities designed to have
10 substantial impact on their lives.

11 (c) FEDERAL SHARE.—

12 (1) IN GENERAL.—The Federal share of a
13 grant made under this part may not exceed 75 per-
14 cent of the total costs of the projects described in
15 the applications submitted under subsection (b) for
16 the fiscal year for which the projects receive assist-
17 ance under this title.

18 (2) WAIVER.—The Council may waive the 25
19 percent matching requirement under paragraph (1)
20 upon making a determination that a waiver is equi-
21 table in view of the financial circumstances affecting
22 the ability of the applicant to meet that requirement.

23 (3) NON-FEDERAL SHARE.—The non-Federal
24 share of such costs may be in cash or in kind, fairly
25 evaluated, including plant, equipment, and services.

1 (4) NONSUPPLANTING REQUIREMENT.—Funds
2 made available under this title to a governmental en-
3 tity shall not be used to supplant State or local
4 funds, or in the case of Indian tribal governments,
5 funds supplied by the Bureau of Indian Affairs, but
6 shall be used to increase the amount of funds that
7 would, in the absence of Federal funds received
8 under this title, be made available from State or
9 local sources, or in the case of Indian tribal govern-
10 ments, from funds supplied by the Bureau of Indian
11 Affairs.

12 (5) EVALUATION.—The Council shall conduct a
13 thorough evaluation of the programs assisted under
14 this title.

15 **SEC. ___03. DEFINITION.**

16 In this subtitle, “Indian tribe” means a tribe, band,
17 pueblo, nation, or other organized group or community of
18 Indians, including an Alaska Native village (as defined in
19 or established under the Alaska Native Claims Settlement
20 Act (43 U.S.C. 1601 et seq.), that is recognized as eligible
21 for the special programs and services provided by the
22 United States to Indians because of their status as Indi-
23 ans.

1 SEC. ____04. AUTHORIZATION OF APPROPRIATIONS.

2 There are authorized to be appropriated to carry out
3 this subtitle _____ for each of fiscal years 1995,
4 1996, 1997, 1998, 1999, and 2000.



1 **Subtitle B—Youth Employment and**
2 **Skills Crime Prevention**

3 **SEC. ____ . YOUTH EMPLOYMENT AND SKILLS CRIME PRE-**
4 **VENTION GRANTS.**

5 (a) IN GENERAL.—Part H of title IV of the Job
6 Training Partnership Act (29 U.S.C. 1782 et seq.) is
7 amended—

8 (1) by striking section 495;

9 (2) by redesignating sections 496, 497, 498,
10 and 498A as sections 495, 496, 497, and 497A, re-
11 spectively;

12 (3) by striking “this part” each place it appears
13 and inserting “the provisions of this part other than
14 section 498”; and

15 (4) by adding at the end the following new sec-
16 tion:

17 **“SEC. 498. YOUTH EMPLOYMENT AND SKILLS CRIME PRE-**
18 **VENTION GRANTS.**

19 “(a) STATEMENT OF PURPOSE.—The purpose of this
20 section is to test the proposition that crime can be reduced
21 in neighborhoods with high incidences of crime and pov-
22 erty through a saturation jobs program, offered either sep-
23 arately or in conjunction with the services provided for
24 under other sections of the Youth Fair Chance Program,
25 that provides employment opportunities leading to perma-

1 nent unsubsidized employment for disadvantaged young
2 adults in those neighborhoods.

3 “(b) PROGRAM AUTHORIZATION.—The Secretary, in
4 conjunction with the Attorney General, Secretary of
5 Health and Human Services, and Secretary of Housing
6 and Urban Development and in consultation with other
7 appropriate Federal officials, including the Ounce of Pre-
8 vention Council and the Community Empowerment Board,
9 may make Youth Employment and Skills Crime Preven-
10 tion grants authorized under this section to eligible enti-
11 ties for the purpose of providing a job saturation program
12 for youth in target areas, as determined under subsection
13 (c), to reduce crime.

14 “(c) PROGRAM TARGET AREA.—The target area of
15 each grant shall be a neighborhood that—

16 “(1) is an area with severe crime problems, in-
17 cluding a high incidence of violent crime or drug
18 trafficking or a history of street gang activity;

19 “(2) is a high poverty area (as defined in sec-
20 tion 497A(2)) or set of contiguous high poverty
21 areas;

22 “(3) is an area with a population consistent
23 with the requirements of section 494(b)(1)(B), ex-
24 cept that in appropriate circumstances, the Sec-
25 retary, in conjunction with the Attorney General and

1 the Secretary of Housing and Urban Development,
2 may waive this limitation; and

3 “(4) is located in an area that meets the re-
4 quirements of a participating community under sec-
5 tion 497A(1).

6 “(d) PARTICIPANTS.—

7 “(1) ELIGIBLE POPULATION.—Young adults re-
8 siding or attending school in a target area shall be
9 eligible to participate in programs under this section
10 if such individuals are 16 through 25 years of age.
11 In certain circumstances, as determined by the Sec-
12 retary in conjunction with the Attorney General and
13 Secretary of Housing and Urban Development,
14 youths aged 14 or 15 may also be eligible to partici-
15 pate.

16 “(2) RESPONSIBLE BEHAVIOR BY PARTICI-
17 PANTS.—Continued participation in a program
18 under this section shall be conditioned, during par-
19 ticipation in the program, on—

20 “(A) avoiding crime, including illegal drug
21 use;

22 “(B) regular attendance and satisfactory
23 performance at work;

1 “(C) paying child support when paternity
2 has been established and the participant has an
3 income;

4 “(D) in-school participants, who are under
5 the age of 18 remaining in school until gradua-
6 tion; and

7 “(E) encouraging eligible participants who
8 have dropped out of high school and who have
9 not obtained a General Equivalency Diploma
10 (GED) to return to school or an alternative
11 education program.

12 “(e) APPLICATION FOR GRANTS.—

13 “(1) IN GENERAL.—To be eligible to receive a
14 grant under this section, a chief elected official (as
15 described in section 493(c)), on behalf of a target
16 area meeting the criteria set forth in subsection (c),
17 shall apply to the Secretary of Labor for a Youth
18 Employment and Skills Crime Prevention grant by
19 submitting an application that contains a plan for
20 reducing crime by substantially increasing employ-
21 ment levels of young adults in the area.

22 “(2) CONTENTS.—A plan under paragraph (1)
23 shall—

24 “(A) describe the private sector, nonprofit,
25 and public sector components of the target

1 area's job saturation strategy to reduce crime
2 by substantially increasing the employment lev-
3 els of young adults in that area, and describe,
4 to the extent practicable, the nature of the em-
5 ployment opportunities that will be generated
6 for young adults residing or attending school in
7 the target areas;

8 “(B) describe the outcomes that will be
9 used to evaluate the local success of the pro-
10 gram, including reducing crime and substance
11 abuse and increasing employment for young
12 adults in the target area;

13 “(C) specify the organization that shall ad-
14 minister the program;

15 “(D) describe the public/private partner-
16 ship that will promote collaboration between the
17 State and local governments; local job training,
18 education, and employment; public housing
19 agencies and authorities; local residents, com-
20 munity-based organizations, and nonprofit orga-
21 nizations; and local community policing, gang
22 prevention activities, substance abuse treatment
23 and prevention programs, and juvenile justice
24 or delinquency prevention initiatives;

1 “(E) describe how the public and private
2 sectors will work together to assist young adults
3 to make the transition from subsidized to
4 unsubsidized jobs;

5 “(F) describe the extent of the local com-
6 mitment of resources to the program, including
7 the commitment of substantial resources by the
8 last year of the program; and

9 “(G) provide such other information as the
10 Secretary, in conjunction with the Attorney
11 General and the Secretary of Housing and
12 Urban Development, may require.

13 “(f) AWARD PRIORITIES.—In evaluating the applica-
14 tions submitted for Youth Employment and Skills Crime
15 Prevention grants, the Secretary and the Attorney General
16 and Secretary of Housing and Urban Development shall
17 give priority to applications that—

18 “(1) demonstrate extensive community support,
19 linkages among the local education authority, the
20 service delivery area, and local and Federal law en-
21 forcement agencies, and linkages to crime prevention
22 and substance abuse programs;

23 “(2) target areas that include public and as-
24 sisted housing projects and their residents;

1 “(3) demonstrate that the target area has de-
2 veloped a comprehensive strategy to integrate pro-
3 grams funded under this section with other federally
4 funded youth employment and training programs, as
5 well as education programs, operating in the same
6 area;

7 “(4) demonstrate that the target area has de-
8 veloped a comprehensive strategy to integrate activi-
9 ties funded under this section with community polic-
10 ing and gang violence prevention programs operating
11 in the same area;

12 “(5) demonstrate a sufficient commitment on
13 the part of employers to provide jobs for youth as
14 specified in subsection (g) to qualify that area as a
15 site that will test the proposition that a saturation
16 jobs program, provided either separately or in con-
17 junction with the education and training services
18 provided for under other sections of the Youth Fair
19 Chance Program, would have a significant effect on
20 decreasing crime in the target area; and

21 “(6) target areas with the highest crime, unem-
22 ployment, and poverty rates.

23 “(g) JOB SATURATION AGREEMENTS.—A grant re-
24 cipient receiving funds under the Youth Employment and
25 Skills Crime Prevention Program shall enter into a job

1 saturation agreement with the Secretary, which agreement
2 shall—

3 “(1) require the grant recipient to saturate the
4 targeted areas with employment opportunities with
5 for-profit, nonprofit, and public employers that are
6 likely to lead to permanent, unsubsidized employ-
7 ment for youths who agree to condition their partici-
8 pation on the criteria established in subsection
9 (d)(2);

10 “(2) specify the conditions under which funds
11 provided under this section will be used to provide
12 wage subsidies to employers, which conditions
13 shall—

14 “(A) encourage private sector employers to
15 employ participants, with an emphasis on op-
16 portunities that provide advanced or specialized
17 training;

18 “(B) require private employers, under con-
19 ditions specified by the Secretary, during the
20 course of a participant’s subsidized employ-
21 ment, to gradually increase such employer’s
22 share of the funding of that participant’s
23 wages;

24 “(C) encourage, if practicable, the provi-
25 sion of a structured and integrated work and

1 learning experience, which may include compo-
2 nents of the School-to-Work Opportunities Act
3 of 1994;

4 “(D) encourage assistance to nonprofit em-
5 ployers and public agencies to employ partici-
6 pants in projects designed to address commu-
7 nity needs, such as projects to enhance neigh-
8 borhood infrastructure, to modernize public
9 housing, and to provide other community serv-
10 ices;

11 “(E) limit the duration of all subsidized
12 employment for a participant to not more than
13 2,080 hours;

14 “(F) require that the subsidized employ-
15 ment provided to any such youth who is still en-
16 rolled in high school shall not exceed 20 hours
17 per week during the school year; and

18 “(G) contain such other terms and condi-
19 tions as the Secretary in conjunction with the
20 Attorney General and the Secretary of Housing
21 and Urban Development require; and

22 “(3) provide that the grant recipient will make
23 additional services available, including counseling,
24 job development and placement, followup, and sup-
25 portive services, to facilitate the transition of partici-

1 pating youth and young adults to permanent
2 unsubsidized employment.

3 “(h) GRANT RECIPIENT, DURATION AND NUMBER.—

4 “(1) GRANT RECIPIENT.—Grants under this
5 section may be awarded only to the service delivery
6 area in which the target area is located.

7 “(2) DURATION OF GRANTS.—Grants under
8 this section shall be awarded for 1 year, and be re-
9 newable for each of the 4 succeeding years based on
10 conditions established by the Secretary in conjunc-
11 tion with the Attorney General and the Secretary of
12 Housing and Urban Development.

13 “(3) NUMBER OF GRANTS.—There shall be no
14 more than 20 grants awarded under this section. At
15 least 2 of, and not less than 20 percent of the num-
16 ber of, the grants awarded under the Youth Employ-
17 ment and Skills Crime Prevention Program shall be
18 in target areas that are also receiving funding under
19 other provisions of this part.

20 “(i) FEDERAL RESPONSIBILITIES.—

21 “(1) PERFORMANCE MEASURES.—The Sec-
22 retary, in conjunction with the Attorney General and
23 the Secretary of Housing and Urban Development,
24 shall establish a system of performance measures for

1 assessing programs established pursuant to this sec-
2 tion.

3 “(2) EVALUATION.—

4 “(A) IN GENERAL.—The Secretary, in con-
5 junction with the Attorney General and the Sec-
6 retary of Housing and Urban Development,
7 shall conduct a rigorous national evaluation of
8 Youth Employment and Skills Crime Preven-
9 tion grants funded under this section that will
10 track and assess the effectiveness of those pro-
11 grams and include an evaluation of the extent
12 to which such grants reduced crime and sub-
13 stance abuse and increased employment and
14 earnings.

15 “(B) OUTCOME COMPARISON.—The eval-
16 uation under subparagraph (A) shall compare
17 outcomes for participating youth in areas re-
18 ceiving grants under the Youth Employment
19 and Skills Crime Prevention program with—

20 “(i) outcomes for participating youth
21 in areas receiving grants under both the
22 Youth Employment Skills Crime Preven-
23 tion Program and the Youth Fair Chance
24 program; and

1 “(ii) outcomes for participating youth
2 in areas receiving grants under the Youth
3 Fair Chance Program only,
4 in order to determine which programs and
5 which activities under those programs were
6 most effective in reducing crime and substance
7 abuse and increasing employment and earnings.

8 “(C) COST-BENEFIT ANALYSES; STATIS-
9 TICAL METHODS AND TECHNIQUES.— The eval-
10 uation under subparagraph (A) may include
11 cost-benefit analyses and shall utilize sound sta-
12 tistical methods and techniques.

13 “(D) TRANSMITTAL.—The evaluation
14 under subparagraph (A) and any interim re-
15 ports that may be prepared shall be transmitted
16 to the President and to the Congress, the eval-
17 uation to be transmitted not later than Decem-
18 ber 31, 1999.

19 “(3) TECHNICAL ASSISTANCE.—The Secretary,
20 in conjunction with the Attorney General and the
21 Secretary of Housing and Urban Development, may
22 provide appropriate technical assistance to carry out
23 Youth Employment and Skills Crime Prevention
24 grants under this section.

1 “(4) ADMINISTRATION.—The technical assist-
2 ance, administration, and evaluations authorized by
3 this section may be carried out directly by the Sec-
4 retary or through grants, contracts, or other cooper-
5 ative arrangements with the Attorney General, the
6 Secretary of Housing and Urban Development, or
7 other entities or agencies.”.

8 (b) TECHNICAL AMENDMENTS.—

9 (1) EXCEPTION FROM LIMITATION ON SUB-
10 SIDIZED EMPLOYMENT.—Section 141(k) of the Job
11 Training Partnership Act (29 U.S.C. 1551(a)) is
12 amended by inserting “, or the individual employed
13 is a participant in a program under part H of title
14 IV” before the period.

15 (2) CLARIFICATION OF AUTHORIZATION OF AP-
16 PROPRIATIONS.—Section 3(c)(3) of the Job Training
17 Partnership Act (29 U.S.C. 1502(c)(3)) is amended
18 to read as follows:

19 “(3) There are authorized to be appropriated to
20 carry out part H of title IV (other than section 498)
21 such sums as may be necessary for each of the fiscal
22 years 1994 through 1997.”

23 (c) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There are authorized to be
25 appropriated to carry out section 498 of the Job

1 Training Partnership Act, as added by subsection
2 (a), \$_____ for fiscal year 1995, \$_____
3 for fiscal year 1996, \$_____ for fiscal year
4 1997, \$_____ for fiscal year 1998,
5 \$_____ for fiscal year 1999, and \$_____
6 for fiscal year 2000.

7 (2) AVAILABILITY OF FUNDS.—Funds appro-
8 priated pursuant to this subsection shall remain
9 available for obligation until expended.

10 (3) EVALUATIONS AND TECHNICAL ASSIST-
11 ANCE.—Of the amounts appropriated under para-
12 graph (1) for a fiscal year, the Secretary of Labor,
13 in conjunction with the Attorney General and the
14 Secretary of Housing and Urban Development, may
15 reserve not more than 5 percent of such amounts for
16 the fiscal year to carry out section 498(i) of the Job
17 Training Partnership Act as added by subsection
18 (a).



1 **Subtitle J—Local Partnership Act**

2 **SEC. 1075. ESTABLISHMENT OF PAYMENT PROGRAM.**

3 (a) ESTABLISHMENT OF PROGRAM.—Title 31,
4 United States Code, is amended by inserting after chapter
5 65 the following:

6 **“CHAPTER 67—FEDERAL PAYMENTS**

“Sec.

“6701. Payments to local governments.

“6702. Local Government Fiscal Assistance Fund.

“6703. Qualification for payment.

“6704. State area allocations; allocations and payments to territorial govern-
ments.

“6705. Local government allocations.

“6706. Income gap multiplier.

“6707. State variation of local government allocations.

“6708. Adjustments of local government allocations.

“6709. Information used in allocation formulas.

“6710. Public participation.

“6711. Prohibited discrimination.

“6712. Discrimination proceedings.

“6713. Suspension and termination of payments in discrimination proceedings.

“6714. Compliance agreements.

“6715. Enforcement by the Attorney General of prohibitions on discrimination.

“6716. Civil action by a person adversely affected.

“6717. Judicial review.

“6718. Investigations and reviews.

“6719. Reports.

“6720. Definitions, application, and administration.

7 **“§ 6701. Payments to local governments**

8 **“(a) PAYMENT AND USE.—**

9 **“(1) PAYMENT.—**The Secretary shall pay to
10 each unit of general local government which qualifies
11 for a payment under this chapter an amount equal
12 to the sum of any amounts allocated to the govern-
13 ment under this chapter for each payment period.
14 The Secretary shall pay such amount out of the

1 Local Government Fiscal Assistance Fund under
2 section 6702.

3 “(2) USE.—Amounts paid to a unit of general
4 local government under this section shall be used by
5 that unit for carrying out one or more programs of
6 the unit related to—

7 “(A) education to prevent crime;

8 “(B) substance abuse treatment to prevent
9 crime; or

10 “(C) job programs to prevent crime.

11 “(3) COORDINATION.—Programs funded under
12 this title shall be coordinated with other existing
13 Federal programs to meet the overall needs of com-
14 munities that benefit from funds received under this
15 section.

16 “(b) TIMING OF PAYMENTS.—The Secretary shall
17 pay each amount allocated under this chapter to a unit
18 of general local government for a payment period by the
19 later of 90 days after the date the amount is available
20 or the first day of the payment period provided that the
21 unit of general local government has provided the Sec-
22 retary with the assurances required by section 6703(a).

23 “(c) ADJUSTMENTS.—(1) Subject to paragraph (2),
24 the Secretary shall adjust a payment under this chapter
25 to a unit of general local government to the extent that

1 a prior payment to the government was more or less than
2 the amount required to be paid.

3 “(2) The Secretary may increase or decrease under
4 this subsection a payment to a unit of local government
5 only if the Secretary determines the need for the increase
6 or decrease, or the unit requests the increase or decrease,
7 within one year after the end of the payment period for
8 which the payment was made.

9 “(d) RESERVATION FOR ADJUSTMENTS.—The Sec-
10 retary may reserve a percentage of not more than 2 per-
11 cent of the amount under this section for a payment pe-
12 riod for all units of general local government in a State
13 if the Secretary considers the reserve is necessary to en-
14 sure the availability of sufficient amounts to pay adjust-
15 ments after the final allocation of amounts among the
16 units of general local government in the State.

17 “(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

18 “(1) REPAYMENT REQUIRED.—A unit of gen-
19 eral local government shall repay to the Secretary,
20 by not later than 15 months after receipt from the
21 Secretary, any amount that is—

22 “(A) paid to the unit from amounts appro-
23 priated under the authority of this section; and

24 “(B) not expended by the unit within one
25 year after receipt from the Secretary.

1 “(2) PENALTY FOR FAILURE TO REPAY.—If the
2 amount required to be repaid is not repaid, the Sec-
3 retary shall reduce payments in future payment peri-
4 ods accordingly.

5 “(3) DEPOSIT OF AMOUNTS REPAID.—Amounts
6 received by the Secretary as repayments under this
7 subsection shall be deposited in the Local Govern-
8 ment Fiscal Assistance Fund for future payments to
9 units of general local government.

10 “(f) EXPENDITURE WITH DISADVANTAGED BUSI-
11 NESS ENTERPRISES.—

12 “(1) GENERAL RULE.—Of amounts paid to a
13 unit of general local government under this chapter
14 for a payment period, not less than 10 percent of
15 the total combined amounts obligated by the unit for
16 contracts and subcontracts shall be expended with—

17 “(A) small business concerns controlled by
18 socially and economically disadvantaged individ-
19 uals and women; and

20 “(B) historically Black colleges and univer-
21 sities and colleges and universities having a stu-
22 dent body in which more than 20 percent of the
23 students are Hispanic Americans or Native
24 Americans.

1 “(2) EXCEPTION.—Paragraph (1) shall not
2 apply to amounts paid to a unit of general local gov-
3 ernment to the extent the unit determines that the
4 paragraph does not apply through a process that
5 provides for public participation.

6 “(3) DEFINITIONS.—For purposes of this
7 subsection—

8 “(A) the term ‘small business concern’ has
9 the meaning such term has under section 3 of
10 the Small Business Act; and

11 “(B) the term ‘socially and economically
12 disadvantaged individuals’ has the meaning
13 such term has under section 8(d) of the Small
14 Business Act and relevant subcontracting regu-
15 lations promulgated pursuant to that section.

16 “(g) NONSUPPLANTING REQUIREMENT.—(1) Funds
17 made available under this chapter to units of local govern-
18 ment shall not be used to supplant State or local funds,
19 but will be used to increase the amount of funds that
20 would, in the absence of funds under this chapter, be made
21 available from State or local sources.

22 “(2) The total level of funding available to a unit of
23 local government for accounts serving eligible purposes
24 under this chapter in the fiscal year immediately preceding
25 receipt of a grant under this chapter shall be designated

1 the 'base level account' for the fiscal year in which grant
2 is received. Grants under this chapter in a given fiscal year
3 shall be reduced on a dollar for dollar basis to the extent
4 that a unit of local government reduces its base level ac-
5 count in that fiscal year.

6 **“§ 6702. Local Government Fiscal Assistance Fund**

7 “(a) ADMINISTRATION OF FUND.—The Department
8 of the Treasury has a Local Government Fiscal Assistance
9 Fund, which consists of amounts appropriated to the
10 Fund.

11 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Fund \$ _____
13 for fiscal years 1995 through 2000. Such sums are to re-
14 main available until expended.

15 “(c) Up to 2.5 percent of the amount authorized to
16 be appropriated under subsection (b) is authorized to be
17 appropriated for the period fiscal year 1995 through fiscal
18 year 2000 to be available for administrative costs by the
19 Secretary in furtherance of the purposes of the program.
20 Such sums are to remain available until expended.

21 **“§ 6703. Qualification for payment**

22 “(a) IN GENERAL.—A unit of general local govern-
23 ment qualifies for a payment under this chapter for a pay-
24 ment period only after establishing to the satisfaction of
25 the Secretary that—

1 “(1) the government will establish a trust fund
2 in which the government will deposit all payments
3 received under this chapter;

4 “(2) the government will use amounts in the
5 trust fund (including interest) during a reasonable
6 period;

7 “(3) the government will expend the payments
8 so received, in accordance with the laws and proce-
9 dures that are applicable to the expenditure of reve-
10 nues of the government;

11 “(4) if at least 25 percent of the pay of individ-
12 uals employed by the government in a public em-
13 ployee occupation is paid out of the trust fund, indi-
14 viduals in the occupation any part of whose pay is
15 paid out of the trust fund will receive pay at least
16 equal to the prevailing rate of pay for individuals
17 employed in similar public employee occupations by
18 the government;

19 “(5) if at least 25 percent of the costs of a con-
20 struction project are paid out of the trust fund, la-
21 borers and mechanics employed by contractors or
22 subcontractors on the project will receive pay at
23 least equal to the prevailing rate of pay for similar
24 construction in the locality as determined by the
25 Secretary of Labor under the Act of March 3, 1931

1 (46 Stat. 1494 et seq.; popularly known as the
2 Davis-Bacon Act), and the Secretary of Labor shall
3 act on labor standards under this paragraph in a
4 manner that is in accordance with Reorganization
5 Plan No. 14 of 1950 (64 Stat. 1267) and section 2
6 of the Act of June 13, 1934 (48 Stat. 948);

7 “(6) the government will use accounting, audit,
8 and fiscal procedures that conform to guidelines
9 which shall be prescribed by the Secretary after con-
10 sultation with the Comptroller General of the United
11 States. As applicable, amounts received under this
12 chapter shall be audited in compliance with the Sin-
13 gle Audit Act of 1984;

14 “(7) after reasonable notice to the government,
15 the government will make available to the Secretary
16 and the Comptroller General of the United States,
17 with the right to inspect, records the Secretary rea-
18 sonably requires to review compliance with this
19 chapter or the Comptroller General of the United
20 States reasonably requires to review compliance and
21 operations under section 6718(b);

22 “(8) the government will make reports the Sec-
23 retary reasonably requires, in addition to the annual
24 reports required under section 6719(b); and

1 “(9) the government will spend the funds only
2 for the purposes set forth in section 6701(a)(2).

3 “(b) REVIEW BY GOVERNORS.—A unit of general
4 local government shall give the chief executive officer of
5 the State in which the government is located an oppor-
6 tunity for review and comment before establishing compli-
7 ance with subsection (a).

8 “(c) SANCTIONS FOR NONCOMPLIANCE.—(1) If the
9 Secretary decides that a unit of general local government
10 has not complied substantially with subsection (a) or regu-
11 lations prescribed under subsection (a), the Secretary shall
12 notify the government. The notice shall state that if the
13 government does not take corrective action by the 60th
14 day after the date the government receives the notice, the
15 Secretary will withhold additional payments to the govern-
16 ment for the current payment period and later payment
17 periods until the Secretary is satisfied that the
18 government—

19 “(A) has taken the appropriate corrective ac-
20 tion; and

21 “(B) will comply with subsection (a) and regu-
22 lations prescribed under subsection (a).

23 “(2) Before giving notice under paragraph (1), the
24 Secretary shall give the chief executive officer of the unit

1 of general local government reasonable notice and an op-
2 portunity for comment.

3 “(3) The Secretary may make a payment to a unit
4 of general local government notified under paragraph (1)
5 only if the Secretary is satisfied that the government—

6 “(A) has taken the appropriate corrective ac-
7 tion; and

8 “(B) will comply with subsection (a) and regu-
9 lations prescribed under subsection (a).

10 **“§ 6704. State area allocations; allocations and pay-**
11 **ments to territorial governments**

12 “(a) FORMULA ALLOCATION BY STATE.—For each
13 payment period, the Secretary shall allocate to each State
14 out of the amount appropriated for the period under the
15 authority of section 6702(b) (minus the amounts allocated
16 to territorial governments under subsection (e) for the
17 payment period) an amount bearing the same ratio to the
18 amount appropriated (minus such amounts allocated
19 under subsection (e)) as the amount allocated to the State
20 under this section bears to the total amount allocated to
21 all States under this section. The Secretary shall—

22 “(1) determine the amount allocated to the
23 State under subsection (b) or (c) of this section and
24 allocate the larger amount to the State; and

1 “(2) allocate the amount allocated to the State
2 to units of general local government in the State
3 under sections 6705 and 6706.

4 “(b) GENERAL FORMULA.—(1) For the payment pe-
5 riod beginning October 1, 1994, the amount allocated to
6 a State under this subsection for a payment period is the
7 amount bearing the same ratio to \$5,300,000,000 as—

8 “(A) the population of the State, multiplied by
9 the general tax effort factor of the State (deter-
10 mined under paragraph (2)), multiplied by the rel-
11 ative income factor of the State (determined under
12 paragraph (3)), multiplied by the relative rate of the
13 labor force unemployed in the State (determined
14 under paragraph (4)); bears to

15 “(B) the sum of the products determined under
16 subparagraph (A) of this paragraph for all States.

17 “(2) The general tax effort factor of a State for a
18 payment period is—

19 “(A) the net amount of State and local taxes of
20 the State collected during the year 1991 as reported
21 by the Bureau of the Census in the publication Gov-
22 ernment Finances 1990–1991; divided by

23 “(B) the total income of individuals, as deter-
24 mined by the Secretary of Commerce for national
25 accounts purposes for 1992 as reported in the publi-

1 cation Survey of Current Business (August 1993),
2 attributed to the State for the same year.

3 “(3) The relative income factor of a State is a frac-
4 tion in which—

5 “(A) the numerator is the per capita income of
6 the United States; and

7 “(B) the denominator is the per capita income
8 of the State.

9 “(4) The relative rate of the labor force unemployed
10 in a State is a fraction in which—

11 “(A) the numerator is the percentage of
12 the labor force of the State that is unemployed
13 in the calendar year preceding the payment pe-
14 riod (as determined by the Secretary of Labor
15 for general statistical purposes).

16 “(B) the denominator is the percentage of the
17 labor force of the United States that is unemployed
18 in the calendar year preceding the payment period
19 (as determined by the Secretary of Labor for general
20 statistical purposes).

21 “(c) ALTERNATIVE FORMULA.—For the payment pe-
22 riod beginning October 1, 1994, the amount allocated to
23 a State under this subsection for a payment period is the
24 total amount the State would receive if—

1 “(1) \$1,166,666,667 were allocated among the
2 States on the basis of population by allocating to
3 each State an amount bearing the same ratio to the
4 total amount to be allocated under this paragraph as
5 the population of the State bears to the population
6 of all States;

7 “(2) \$1,166,666,667 were allocated among the
8 States on the basis of population inversely weighted
9 for per capita income, by allocating to each State an
10 amount bearing the same ratio to the total amount
11 to be allocated under this paragraph as—

12 “(A) the population of the State, multi-
13 plied by a fraction in which—

14 “(i) the numerator is the per capita
15 income of all States; and

16 “(ii) the denominator is the per capita
17 income of the State; bears to

18 “(B) the sum of the products determined
19 under subparagraph (A) for all States;

20 “(3) \$600,000,000 were allocated among the
21 States on the basis of income tax collections by allo-
22 cating to each State an amount bearing the same
23 ratio to the total amount to be allocated under this
24 paragraph as the income tax amount of the State

1 (determined under subsection (d)(1)) bears to the
2 sum of the income tax amounts of all States;

3 “(4) \$600,000,000 were allocated among the
4 States on the basis of general tax effort by allocat-
5 ing to each State an amount bearing the same ratio
6 to the total amount to be allocated under this para-
7 graph as the general tax effort amount of the State
8 (determined under subsection (d)(2)) bears to the
9 sum of the general tax effort amounts of all States;

10 “(5) \$600,000,000 were allocated among the
11 States on the basis of unemployment by allocating to
12 each State an amount bearing the same ratio to the
13 total amount to be allocated under this paragraph
14 as—

15 “(A) the labor force of the State, multi-
16 plied by a fraction in which—

17 “(i) the numerator is the percentage
18 of the labor force of the State that is un-
19 employed in the calendar year preceding
20 the payment period (as determined by the
21 Secretary of Labor for general statistical
22 purposes).

23 “(ii) the denominator is the percent-
24 age of the labor force of the United States
25 that is unemployed in the calendar year

1 preceding the payment period (as deter-
2 mined by the Secretary of Labor for gen-
3 eral statistical purposes).

4 bears to

5 “(B) the sum of the products determined
6 under subparagraph (A) for all States; and

7 “(6) \$1,166,666,667 were allocated among the
8 States on the basis of urbanized population by allo-
9 cating to each State an amount bearing the same
10 ratio to the total amount to be allocated under this
11 paragraph as the urbanized population of the State
12 bears to the urbanized population of all States. In
13 this paragraph, the term ‘urbanized population’
14 means the population of an area consisting of a
15 central city or cities of at least 50,000 inhabitants
16 and the surrounding closely settled area for the city
17 or cities considered as an urbanized area as pub-
18 lished by the Bureau of the Census for 1990 in the
19 publication General Population Characteristics for
20 Urbanized Areas.

21 “(d) INCOME TAX AMOUNT AND TAX EFFORT
22 AMOUNT.—(1) The income tax amount of a State for a
23 payment period is 15 percent of the net amount collected
24 during the calendar year ending before the beginning of
25 the payment period from the tax imposed on the income

1 of individuals by the State and described as a State in-
2 come tax under section 164(a)(3) of the Internal Revenue
3 Code of 1986 (26 U.S.C. 164(a)(3)). The income tax
4 amount for a payment period shall be at least 1 percent
5 but not more than 6 percent of the United States Govern-
6 ment individual income tax liability attributed to the State
7 for the taxable year ending during the last calendar year
8 ending before the beginning of the payment period. The
9 Secretary shall determine the Government income tax li-
10 ability attributed to the State by using the data published
11 by the Secretary for 1991 in the publication Statistics of
12 Income Bulletin (Winter 1993-1994).

13 “(2) The general tax effort amount of a State for
14 a payment period is the amount determined by
15 multiplying—

16 “(A) the net amount of State and local taxes of
17 the State collected during the year 1991 as reported
18 in the Bureau of Census in the publication Govern-
19 ment Finances 1990-1991.

20 “(B) the general tax effort factor of the State
21 determined under subsection (b)(2).

22 “(e) ALLOCATION FOR PUERTO RICO, GUAM, AMER-
23 ICAN SAMOA, AND THE VIRGIN ISLANDS.—(1)(A) For
24 each payment period for which funds are available for allo-
25 cation under this chapter, the Secretary shall allocate to

1 each territorial government an amount equal to the prod-
2 uct of 1 percent of the amount of funds available for allo-
3 cation multiplied by the applicable territorial percentage.

4 “(B) For the purposes of this paragraph, the applica-
5 ble territorial percentage of a territory is equal to the
6 quotient resulting from the division of the territorial popu-
7 lation of such territory by the sum of the territorial popu-
8 lation for all territories.

9 “(2) The governments of the territories shall make
10 payments to local governments within their jurisdiction
11 from sums received under this subsection as they consider
12 appropriate.

13 “(3) For purposes of this subsection—

14 “(A) the term ‘territorial government’ means
15 the government of a territory;

16 “(B) the term ‘territory’ means Puerto Rico,
17 Guam, American Samoa, and the Virgin Islands;
18 and

19 “(C) the term ‘territorial population’ means the
20 most recent population for each territory as deter-
21 mined by the Bureau of Census.

22 **“§ 6705. Local government allocations**

23 “(a) INDIAN TRIBES AND ALASKAN NATIVES VIL-
24 LAGES.—If there is in a State an Indian tribe or Alaskan
25 native village having a recognized governing body carrying

1 out substantial governmental duties and powers, the Sec-
2 retary shall allocate to the tribe or village, out of the
3 amount allocated to the State under section 6704, an
4 amount bearing the same ratio to the amount allocated
5 to the State as the population of the tribe or village bears
6 to the population of the State. The Secretary shall allocate
7 amounts under this subsection to Indian tribes and Alas-
8 kan native villages in a State before allocating amounts
9 to units of general local government in the State under
10 subsection (c). For the payment period beginning October
11 1, 1994, the Secretary shall use as the population of each
12 Indian tribe or Alaskan native village the population for
13 1991 as reported by the Bureau of Indian Affairs in the
14 publication Indian Service Population and Labor Force
15 Estimates (January 1991). In addition to uses authorized
16 under section 6701(a)(2), amounts allocated under this
17 subsection and paid to an Indian tribe or Alaskan native
18 village under this chapter may be used for renovating or
19 building prisons or other correctional facilities.

20 “(b) NEWLY INCORPORATED LOCAL GOVERNMENTS
21 AND ANNEXED GOVERNMENTS.—If there is in a State a
22 unit of general local government that has been incor-
23 porated since the date of the collection of the data used
24 by the Secretary in making allocations pursuant to sec-
25 tions 6704 through 6706 and 6708, the Secretary shall

1 allocate to this newly incorporated local government, out
2 of the amount allocated to the State under section 6704,
3 an amount bearing the same ratio to the amount allocated
4 to the State as the population of the newly incorporated
5 local government bears to the population of the State. If
6 there is in the State a unit of general local government
7 that has been annexed since the date of the collection of
8 the data used by the Secretary in making allocations pur-
9 suant to sections 6704 through 6706 and 6708, the Sec-
10 retary shall pay the amount that would have been allo-
11 cated to this local government to the unit of general local
12 government that annexed it.

13 “(c) OTHER LOCAL GOVERNMENT ALLOCATIONS.—
14 (1) The Secretary shall allocate among the units of general
15 local government in a State (other than units receiving
16 allocations under subsection (a)) the amount allocated to
17 the State under section 6704 (as that amount is reduced
18 by allocations under subsection (a)). Of the amount to be
19 allocated, the Secretary shall allocate a portion equal to
20 $\frac{1}{2}$ of such amount in accordance with section 6706(1),
21 and shall allocate a portion equal to $\frac{1}{2}$ of such amount
22 in accordance with section 6706(2). A unit of general local
23 government shall receive an amount equal to the sum of
24 amounts allocated to the unit from each portion.

1 “(2) From each portion to be allocated to units of
2 local government in a State under paragraph (1), the Sec-
3 retary shall allocate to a unit an amount bearing the same
4 ratio to the funds to be allocated as—

5 “(A) the population of the unit, multiplied by
6 the general tax effort factor of the unit (determined
7 under paragraph (3)), multiplied by the income gap
8 of the unit (determined under paragraph (4)), bears
9 to

10 “(B) the sum of the products determined under
11 subparagraph (A) for all units in the State for which
12 the income gap for that portion under paragraph (4)
13 is greater than zero.

14 “(3)(A) Except as provided in subparagraph (C), the
15 general tax effort factor of a unit of general local govern-
16 ment for a payment period is—

17 “(i) the adjusted taxes of the unit; divided by

18 “(ii) the total income attributed to the unit.

19 “(B) If the amount determined under subparagraphs
20 (A) (i) and (ii) for a unit of general local government is
21 less than zero, the general tax effort factor of the unit
22 is deemed to be zero.

23 “(C)(i) Except as otherwise provided in this subpara-
24 graph, for the payment period beginning October 1, 1994,
25 the adjusted taxes of a unit of general local government

1 are the taxes imposed by the unit for public purposes (ex-
2 cept employee and employer assessments and contribu-
3 tions to finance retirement and social insurance systems
4 and other special assessments for capital outlay), as deter-
5 mined by the Bureau of the Census for the 1987 Census
6 of Governments and adjusted in the following way:

7 “(I) Adjusted taxes equals total taxes times a
8 fraction in which the numerator is the sum of unre-
9 stricted revenues and revenues dedicated for spend-
10 ing on education minus total education spending and
11 the denominator is total unrestricted revenues.

12 “(II) Total taxes is the sum of property tax;
13 general sales tax; alcoholic beverage tax; amusement
14 tax; insurance premium tax; motor fuels tax; pari-
15 mutuels tax; public utilities tax; tobacco tax; other
16 selective sales tax; alcoholic beverage licenses,
17 amusement licenses; corporation licenses, hunting
18 and fishing licenses; motor vehicle licenses; motor
19 vehicle operator licenses; public utility licenses; occu-
20 pation and business licenses, not elsewhere classi-
21 fied; other licenses, individual income tax; corpora-
22 tion net income tax; death and gift tax; documentary
23 and stock transfer tax; severance tax; and taxes not
24 elsewhere classified.

1 “(III) Unrestricted revenues is the sum of total
2 taxes and intergovernmental revenue from Federal
3 Government, general revenue sharing; intergovern-
4 mental revenue from Federal Government, other
5 general support; intergovernmental revenue from
6 Federal Government, other; intergovernmental reve-
7 nue from State government, other general support;
8 intergovernmental revenue from State government,
9 other; intergovernmental revenue from local govern-
10 ments, other general support; intergovernmental rev-
11 enue from local governments, other; miscellaneous
12 general revenue, property sale-housing and commu-
13 nity development; miscellaneous general revenue,
14 property sale-other property; miscellaneous general
15 revenue, interest earnings on investments; mis-
16 cellaneous general revenue, fines and forfeits; mis-
17 cellaneous general revenue, rents; miscellaneous gen-
18 eral revenues, royalties; miscellaneous general reve-
19 nue, donations from private sources; miscellaneous
20 general revenue, net lottery revenue (after prizes and
21 administrative expenses); miscellaneous general reve-
22 nue, other miscellaneous general revenue; and all
23 other general charges, not elsewhere classified.

24 “(IV) Revenues dedicated for spending on edu-
25 cation is the sum of elementary and secondary edu-

1 cation, school lunch; elementary and secondary edu-
2 cation, tuition; elementary and secondary education,
3 other; higher education, auxiliary enterprises; higher
4 education, other; other education, not elsewhere clas-
5 sified; intergovernmental revenue from Federal Gov-
6 ernment, education; intergovernmental revenue from
7 State government, education; intergovernmental rev-
8 enue from local governments, interschool system rev-
9 enue; intergovernmental revenue from local govern-
10 ments, education; interest earnings, higher edu-
11 cation; interest earnings, elementary and secondary
12 education; miscellaneous revenues, higher education;
13 and miscellaneous revenues, elementary and second-
14 ary education.

15 “(V) Total education spending is the sum of el-
16 ementary and secondary education, current oper-
17 ations; elementary and secondary education, con-
18 struction; elementary and secondary education, other
19 capital outlays; elementary and secondary education,
20 to State governments; elementary and secondary
21 education, to local governments, not elsewhere classi-
22 fied; elementary and secondary education, to coun-
23 ties; elementary and secondary education, to munici-
24 palities; elementary and secondary education, to
25 townships; elementary and secondary education, to

1 school districts; elementary and secondary education,
2 to special districts; higher education-auxiliary enter-
3 prises, current operations; higher education-auxiliary
4 enterprises, construction; higher education, auxiliary
5 enterprises, other capital outlays; other higher edu-
6 cation, current operations; other higher education,
7 construction; other higher education, other capital
8 outlays; other higher education, to State govern-
9 ment; other higher education, to local governments,
10 not elsewhere classified; other higher education, to
11 counties; other higher education, to municipalities;
12 other higher education, to townships; other higher
13 education, to school districts; other higher education,
14 to special districts; education assistance and sub-
15 sidies; education, not elsewhere classified, current
16 operations; education, not elsewhere classified, con-
17 struction education, not elsewhere classified, other
18 capital outlays; education, not elsewhere classified,
19 to State government; education, not elsewhere classi-
20 fied, to local governments, not elsewhere classified;
21 education, not elsewhere classified, to counties; edu-
22 cation, not elsewhere classified, to municipalities;
23 education, not elsewhere classified, to townships;
24 education, not elsewhere classified, to school dis-
25 tricts; education, not elsewhere classified, to special

1 districts; and education, not elsewhere classified, to
2 Federal Government.

3 “(VI) If the amount of adjusted taxes is less
4 than zero, the amount of adjusted tax shall be
5 deemed to be zero.

6 “(VII) If the amount of adjusted taxes exceeds
7 the amount of total taxes, the amount of adjusted
8 taxes is deemed to equal the amount of total taxes.

9 “(ii) The Secretary shall, for purposes of clause (i),
10 include that part of sales taxes transferred to a unit of
11 general local government that are imposed by a county
12 government in the geographic area of which is located the
13 unit of general local government as taxes imposed by the
14 unit for public purposes if—

15 “(I) the county government transfers any part
16 of the revenue from the taxes to the unit of general
17 local government without specifying the purpose for
18 which the unit of general local government may ex-
19 pend the revenue; and

20 “(II) the chief executive officer of the State no-
21 tifies the Secretary that the taxes satisfy the re-
22 quirements of this clause.

23 “(iii) The adjusted taxes of a unit of general local
24 government shall not exceed the maximum allowable ad-
25 justed taxes for that unit.

1 “(iv) The maximum allowable adjusted taxes for a
2 unit of general local government is the allowable adjusted
3 taxes of the unit minus the excess adjusted taxes of the
4 unit.

5 “(v) The allowable adjusted taxes of a unit of general
6 government is the greater of—

7 “(I) the amount equal to 2.5, multiplied by the
8 per capita adjusted taxes of all units of general local
9 government of the same type in the State, multiplied
10 by the population of the unit; or

11 “(II) the amount equal to the population of the
12 unit, multiplied by the sum of the adjusted taxes of
13 all units of municipal local government in the State,
14 divided by the sum of the populations of all the units
15 of municipal local government in the State.

16 “(vi) The excess adjusted taxes of a unit of general
17 local government is the amount equal to—

18 “(I) the adjusted taxes of the unit, minus

19 “(II) 1.5 multiplied by the allowable adjusted
20 taxes of the unit;

21 except that if this amount is less than zero then the excess
22 adjusted taxes of the unit is deemed to be zero.

23 “(vii) For purposes of this subparagraph—

24 “(I) the term ‘per capita adjusted taxes of all
25 units of general local government of the same type’

1 means the sum of the adjusted taxes of all units of
2 general local government of the same type divided by
3 the sum of the populations of all units of general
4 local government of the same type; and

5 “(II) the term ‘units of general local govern-
6 ment of the same type’ means all townships if the
7 unit of general local government is a township, all
8 municipalities if the unit of general local government
9 is a municipality, all counties if the unit of general
10 local government is a county, or all unified city/
11 county governments if the unit of general local gov-
12 ernment is a unified city/county government.

13 “(4)(A) Except as provided in subparagraph (B), the
14 income gap of a unit of general local government is—

15 “(i) the number which applies under section
16 6706, multiplied by the per capita income of the
17 State in which the unit is located; minus

18 “(ii) the per capita income of the geographic
19 area of the unit.

20 “(B) If the amount determined under subparagraph
21 (A) for a unit of general local government is less than
22 zero, then the relative income factor of the unit is deemed
23 to be zero.

24 “(d) SMALL GOVERNMENT ALLOCATIONS.—If the
25 Secretary decides that information available for a unit of

1 general local government with a population below a num-
2 ber (of not more than 500) prescribed by the Secretary
3 is inadequate, the Secretary may allocate to the unit, in
4 lieu of any allocation under subsection (b) for a payment
5 period, an amount bearing the same ratio to the total
6 amount to be allocated under subsection (b) for the period
7 for all units of general local government in the State as
8 the population of the unit bears to the population of all
9 units in the State.

10 **“§ 6706. Income gap multiplier**

11 “For purposes of determining the income gap of a
12 unit of general local government under section
13 6705(b)(4)(A), the number which applies is—

14 “(1) 1.6, with respect to $\frac{1}{2}$ of any amount allo-
15 cated under section 6704 to the State in which the
16 unit is located; and

17 “(2) 1.2, with respect to the remainder of such
18 amount.

19 **“§ 6707. State variation of local government alloca-**
20 **tions**

21 “(a) STATE FORMULA.—A State government may
22 provide by law for the allocation of amounts among units
23 of general local government in the State on the basis of
24 population multiplied by the general tax effort factors or
25 income gaps of the units of general local government de-

1 terminated under sections 6705 (a) and (b) or a combination
2 of those factors. A State government providing for a vari-
3 ation of an allocation formula provided under sections
4 6705 (a) and (b) shall notify the Secretary of the variation
5 by the 30th day before the beginning of the first payment
6 period in which the variation applies. A variation shall—

7 “(1) provide for allocating the total amount al-
8 located under sections 6705 (a) and (b); and

9 “(2) apply uniformly in the State.

10 “(b) CERTIFICATION.—A variation by a State govern-
11 ment under this section may apply only if the Secretary
12 certifies that the variation complies with this section. The
13 Secretary may certify a variation only if the Secretary is
14 notified of the variation at least 30 days before the first
15 payment period in which the variation applies.

16 **“§ 6708. Adjustments of local government allocations**

17 “(a) MAXIMUM AMOUNT.—The amount allocated to
18 a unit of general local government for a payment period
19 may not exceed the adjusted taxes imposed by the unit
20 of general local government as determined under section
21 6705(b)(3). Amounts in excess of adjusted taxes shall be
22 paid to the Governor of the State in which the unit of
23 local government is located.

24 “(b) DE MINIMIS ALLOCATIONS TO UNITS OF GEN-
25 ERAL LOCAL GOVERNMENT.—If the amount allocated to

1 a unit of general local government (except an Indian tribe
2 or an Alaskan native village) for a payment period would
3 be less than \$5,000 but for this subsection or is waived
4 by the governing authority of the unit of general local gov-
5 ernment, the Secretary shall pay the amount to the Gov-
6 ernor of the State in which the unit is located.

7 “(c) USE OF PAYMENTS TO STATES.—The Governor
8 of a State shall use all amounts paid to the Governor
9 under subsections (a) and (b) for programs described in
10 section 6701(a)(2) in areas of the State where are located
11 the units of general local government with respect to which
12 amounts are paid under subsection (b).

13 “(d) DE MINIMIS ALLOCATIONS TO INDIAN TRIBES
14 AND ALASKAN NATIVE VILLAGES.—

15 “(1) AGGREGATION OF DE MINIMIS ALLOCA-
16 TIONS.—If the amount allocated to an Indian tribe
17 or an Alaskan native village for a payment period
18 would be less than \$5,000 but for this subsection or
19 is waived by the chief elected official of the tribe or
20 village, the amount—

21 “(A) shall not be paid to the tribe or vil-
22 lage (except under paragraph (2)); and

23 “(B) shall be aggregated with other such
24 amounts and available for use by the Attorney
25 General under paragraph (2).

1 “(2) USE OF AGGREGATED AMOUNTS.—
2 Amounts aggregated under paragraph (1) for a pay-
3 ment period shall be available for use by the Attor-
4 ney General to make grants in the payment period
5 on a competitive basis to Indian Tribes and Alaskan
6 native village for—

7 “(A) programs described in section
8 6701(a)(2); or

9 “(B) renovating or building prisons or
10 other correctional facilities.

11 **“§ 6709. Information used in allocation formulas**

12 “(a) POPULATION DATA FOR PAYMENT PERIOD BE-
13 GINNING OCTOBER 1, 1994.—For the payment period be-
14 ginning October 1, 1994, the Secretary, in making alloca-
15 tions pursuant to sections 6704 through 6706 and 6708,
16 shall use for the population of the States the population
17 for 1992 as reported by the Bureau of the Census in the
18 publication Current Population Reports, Series P-25, No.
19 1045 (July 1992) and for the population of units of gen-
20 eral local government the Secretary shall use the popu-
21 lation for 1990 as reported by the Bureau of the Census
22 in the publication Summary Social, Economic, and Hous-
23 ing Characteristics.

24 “(b) DATA FOR PAYMENT PERIODS BEGINNING
25 AFTER SEPTEMBER 30, 1995.—For any payment period

1 beginning after September 30, 1995, the Secretary, in
2 making allocations pursuant to sections 6704 through
3 6706 and 6708, shall use information more recent than
4 the information used for the payment period beginning
5 October 1, 1994, provided the Secretary notifies the Com-
6 mittee on Government Operations of the House of Rep-
7 resentatives at least 90 days prior to the beginning of the
8 payment period that the Secretary has determined that
9 the more recent information is more reliable than the in-
10 formation used for the payment period beginning October
11 1, 1994.

12 **“§ 6710. Public participation**

13 “(a) HEARINGS.—(1) A unit of general local govern-
14 ment expending payments under this chapter shall hold
15 at least one public hearing on the proposed use of the pay-
16 ment in relation to its entire budget. At the hearing, per-
17 sons shall be given an opportunity to provide written and
18 oral views to the governmental authority responsible for
19 enacting the budget and to ask questions about the entire
20 budget and the relation of the payment to the entire budg-
21 et. The government shall hold the hearing at a time and
22 a place that allows and encourages public attendance and
23 participation.

24 “(2) A unit of general local government holding a
25 hearing required under this subsection or by the budget

1 process of the government shall try to provide senior citi-
2 zens and senior citizen organizations with an opportunity
3 to present views at the hearing before the government
4 makes a final decision on the use of the payment.

5 “(b) DISCLOSURE OF INFORMATION.—(1) By the
6 10th day before a hearing required under subsection
7 (a)(1) is held, a unit of general local government shall—

8 “(A) make available for inspection by the public
9 at the principal office of the government a statement
10 of the proposed use of the payment and a summary
11 of the proposed budget of the government; and

12 “(B) publish in at least one newspaper of gen-
13 eral circulation the proposed use of the payment
14 with the summary of the proposed budget and a no-
15 tice of the time and place of the hearing.

16 “(2) By the 30th day after adoption of the budget
17 under State or local law, the government shall—

18 “(A) make available for inspection by the public
19 at the principal office of the government a summary
20 of the adopted budget, including the proposed use of
21 the payment; and

22 “(B) publish in at least one newspaper of gen-
23 eral circulation a notice that the information re-
24 ferred to in subparagraph (A) is available for inspec-
25 tion.

1 “(c) WAIVERS OF REQUIREMENTS.—A
2 requirement—

3 “(1) under subsection (a)(1) may be waived if
4 the budget process required under the applicable
5 State or local law or charter provisions—

6 “(A) ensures the opportunity for public at-
7 tendance and participation contemplated by
8 subsection (a); and

9 “(B) includes a hearing on the proposed
10 use of a payment received under this chapter in
11 relation to the entire budget of the government;
12 and

13 “(2) under subsection (b)(1)(B) and paragraph
14 (2)(B) may be waived if the cost of publishing the
15 information would be unreasonably burdensome in
16 relation to the amount allocated to the government
17 from amounts available for payment under this
18 chapter, or if publication is otherwise impracticable.

19 “(d) EXCEPTION TO 10-DAY LIMITATION.—If the
20 Secretary is satisfied that a unit of general local govern-
21 ment will provide adequate notice of the proposed use of
22 a payment received under this chapter, the 10-day period
23 under subsection (b)(1) may be changed to the extent nec-
24 essary to comply with applicable State or local law.

1 **“§ 6711. Prohibited discrimination**

2 “(a) GENERAL PROHIBITION.—No person in the
3 United States shall be excluded from participating in, be
4 denied the benefits of, or be subject to discrimination
5 under, a program or activity of a unit of general local gov-
6 ernment because of race, color, national origin, or sex if
7 the government receives a payment under this chapter.

8 “(b) ADDITIONAL PROHIBITIONS.—The following
9 prohibitions and exemptions also apply to a program or
10 activity of a unit of general local government if the govern-
11 ment receives a payment under this chapter:

12 “(1) A prohibition against discrimination be-
13 cause of age under the Age Discrimination Act of
14 1975.

15 “(2) A prohibition against discrimination
16 against an otherwise qualified handicapped individ-
17 ual under section 504 of the Rehabilitation Act of
18 1973.

19 “(3) A prohibition against discrimination be-
20 cause of religion, or an exemption from that prohibi-
21 tion, under the Civil Rights Act of 1964 or title VIII
22 of the Act of April 11, 1968 (popularly known as the
23 Civil Rights Act of 1968).

24 “(c) LIMITATIONS ON APPLICABILITY OF PROHIBI-
25 TIONS.—Subsections (a) and (b) do not apply if the gov-
26 ernment shows, by clear and convincing evidence, that a

1 payment received under this chapter is not used to pay
2 for any part of the program or activity with respect to
3 which the allegation of discrimination is made.

4 “(d) INVESTIGATION AGREEMENTS.—The Secretary
5 shall try to make agreements with heads of agencies of
6 the United States Government and State agencies to in-
7 vestigate noncompliance with this section. An agreement
8 shall—

9 “(1) describe the cooperative efforts to be taken
10 (including sharing civil rights enforcement personnel
11 and resources) to obtain compliance with this sec-
12 tion; and

13 “(2) provide for notifying immediately the Sec-
14 retary of actions brought by the United States Gov-
15 ernment or State agencies against a unit of general
16 local government alleging a violation of a civil rights
17 law or a regulation prescribed under a civil rights
18 law.

19 **“§ 6712. Discrimination proceedings**

20 “(a) NOTICE OF NONCOMPLIANCE.—By the 10th day
21 after the Secretary makes a finding of discrimination or
22 receives a holding of discrimination about a unit of general
23 local government, the Secretary shall submit a notice of
24 noncompliance to the government. The notice shall state
25 the basis of the finding or holding.

1 “(b) INFORMAL PRESENTATION OF EVIDENCE.—A
2 unit of general local government may present evidence in-
3 formally to the Secretary within 30 days after the govern-
4 ment receives a notice of noncompliance from the Sec-
5 retary. Except as provided in subsection (e), the govern-
6 ment may present evidence on whether—

7 “(1) a person in the United States has been ex-
8 cluded or denied benefits of, or discriminated against
9 under, the program or activity of the government, in
10 violation of section 6711(a);

11 “(2) the program or activity of the government
12 violated a prohibition described in section 6711(b);
13 and

14 “(3) any part of that program or activity has
15 been paid for with a payment received under this
16 chapter.

17 “(c) TEMPORARY SUSPENSION OF PAYMENTS.—By
18 the end of the 30-day period under subsection (b), the Sec-
19 retary shall decide whether the unit of general local gov-
20 ernment has not complied with section 6711 (a) or (b),
21 unless the government has entered into a compliance
22 agreement under section 6714. If the Secretary decides
23 that the government has not complied, the Secretary shall
24 notify the government of the decision and shall suspend
25 payments to the government under this chapter unless,

1 within 10 days after the government receives notice of the
2 decision, the government—

3 “(1) enters into a compliance agreement under
4 section 6714; or

5 “(2) requests a proceeding under subsection
6 (d)(1).

7 “(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

8 (1) A proceeding requested under subsection (c)(2) shall
9 begin by the 30th day after the Secretary receives a re-
10 quest for the proceeding. The proceeding shall be before
11 an administrative law judge appointed under section 3105
12 of title 5, United States Code. By the 30th day after the
13 beginning of the proceeding, the judge shall issue a pre-
14 liminary decision based on the record at the time on
15 whether the unit of general local government is likely to
16 prevail in showing compliance with section 6711 (a) or (b).

17 “(2) If the administrative law judge decides at the
18 end of a proceeding under paragraph (1) that the unit
19 of general local government has—

20 “(A) not complied with section 6711 (a) or (b),
21 the judge may order payments to the government
22 under this chapter terminated; or

23 “(B) complied with section 6711 (a) or (b), a
24 suspension under section 6713(a)(1)(A) shall be dis-
25 continued promptly.

1 **SEC. 5118. VIOLENT CRIME AND DRUG EMERGENCY AREAS.**

2 (a) **DEFINITIONS.**—In this section—

3 “major violent crime or drug-related emer-
4 gency” means an occasion or instance in which vio-
5 lent crime, drug smuggling, drug trafficking, or drug
6 abuse violence reaches such levels, as determined by
7 the President, that Federal assistance is needed to
8 supplement State and local efforts and capabilities
9 to save lives, and to protect property and public
10 health and safety.

11 “State” means a State, the District of Colum-
12 bia, the Commonwealth of Puerto Rico, the United
13 States Virgin Islands, American Samoa, Guam, and
14 the Northern Mariana Islands.

15 (b) **DECLARATION OF VIOLENT CRIME AND DRUG**
16 **EMERGENCY AREAS.**—If a major violent crime or drug-
17 related emergency exists throughout a State or a part of
18 a State, the President may declare the State or part of
19 a State to be a violent crime or drug emergency area and
20 may take appropriate actions authorized by this section.

21 (c) **PROCEDURE.**—

22 (1) **IN GENERAL.**—A request for a declaration
23 designating an area to be a violent crime or drug
24 emergency area shall be made, in writing, by the
25 chief executive officer of a State or local govern-
26 ment, respectively (or in the case of the District of

1 “(3) An administrative law judge may not issue a
2 preliminary decision that the government is not likely to
3 prevail if the judge has issued a decision described in para-
4 graph (2)(A).

5 “(e) BASIS FOR REVIEW.—In a proceeding under
6 subsections (b) through (d) on a program or activity of
7 a unit of general local government about which a holding
8 of discrimination has been made, the Secretary or admin-
9 istrative law judge may consider only whether a payment
10 under this chapter was used to pay for any part of the
11 program or activity. The holding of discrimination is con-
12 clusive. If the holding is reversed by an appellate court,
13 the Secretary or judge shall end the proceeding.

14 **“§ 6713. Suspension and termination of payments in**
15 **discrimination proceedings**

16 “(a) IMPOSITION AND CONTINUATION OF SUSPEN-
17 SIONS.—(1) The Secretary shall suspend payment under
18 this chapter to a unit of general local government—

19 “(A) if an administrative law judge appointed
20 under section 3105 of title 5, United States Code,
21 issues a preliminary decision in a proceeding under
22 section 6712(d)(1) that the government is not likely
23 to prevail in showing compliance with section 6711
24 (a) and (b);

1 “(B) if the administrative law judge decides at
2 the end of the proceeding that the government has
3 not complied with section 6711 (a) or (b), unless the
4 government makes a compliance agreement under
5 section 6714 by the 30th day after the decision; or

6 “(C) if required under section 6712(c).

7 “(2) A suspension already ordered under paragraph
8 (1)(A) continues in effect if the administrative law judge
9 makes a decision under paragraph (1)(B).

10 “(b) LIFTING OF SUSPENSIONS AND TERMI-
11 NATIONS.—If a holding of discrimination is reversed by
12 an appellate court, a suspension or termination of pay-
13 ments in a proceeding based on the holding shall be dis-
14 continued.

15 “(c) RESUMPTION OF PAYMENTS UPON ATTAINING
16 COMPLIANCE.—The Secretary may resume payment to a
17 unit of general local government of payments suspended
18 by the Secretary only—

19 “(1) as of the time of, and under the conditions
20 stated in—

21 “(A) the approval by the Secretary of a
22 compliance agreement under section
23 6714(a)(1); or

24 “(B) a compliance agreement entered into
25 by the Secretary under section 6714(a)(2);

1 “(2) if the government complies completely with
2 an order of a United States court, a State court, or
3 administrative law judge that covers all matters
4 raised in a notice of noncompliance submitted by the
5 Secretary under section 6712(a);

6 “(3) if a United States court, a State court, or
7 an administrative law judge decides (including a
8 judge in a proceeding under section 6712(d)(1)),
9 that the government has complied with sections
10 6711 (a) and (b); or

11 “(4) if a suspension is discontinued under sub-
12 section (b).

13 “(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For
14 purposes of subsection (c)(2), compliance by a government
15 may consist of the payment of restitution to a person in-
16 jured because the government did not comply with section
17 6711 (a) or (b).

18 “(e) RESUMPTION OF PAYMENTS UPON REVERSAL
19 BY COURT.—The Secretary may resume payment to a unit
20 of general local government of payments terminated under
21 section 6712(d)(2)(A) only if the decision resulting in the
22 termination is reversed by an appellate court.

23 **“§ 6714. Compliance agreements**

24 “(a) TYPES OF COMPLIANCE AGREEMENTS.—A com-
25 pliance agreement is an agreement—

1 “(1) approved by the Secretary, between the
2 governmental authority responsible for prosecuting a
3 claim or complaint that is the basis of a holding of
4 discrimination and the chief executive officer of the
5 unit of general local government that has not com-
6 plied with section 6711 (a) or (b); or

7 “(2) between the Secretary and the chief execu-
8 tive officer.

9 “(b) CONTENTS OF AGREEMENTS.—A compliance
10 agreement—

11 “(1) shall state the conditions the unit of gen-
12 eral local government has agreed to comply with
13 that would satisfy the obligations of the government
14 under sections 6711 (a) and (b);

15 “(2) shall cover each matter that has been
16 found not to comply, or would not comply, with sec-
17 tion 6711 (a) or (b); and

18 “(3) may be a series of agreements that dispose
19 of those matters.

20 “(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—

21 The Secretary shall submit a copy of a compliance agree-
22 ment to each person who filed a complaint referred to in
23 section 6716(b), or, if an agreement under subsection
24 (a)(1), each person who filed a complaint with a govern-
25 mental authority, about a failure to comply with section

1 6711 (a) or (b). The Secretary shall submit the copy by
2 the 15th day after an agreement is made. However, if the
3 Secretary approves an agreement under subsection (a)(1)
4 after the agreement is made, the Secretary may submit
5 the copy by the 15th day after approval of the agreement.

6 **“§ 6715. Enforcement by the Attorney General of pro-**
7 **hibitions on discrimination**

8 “The Attorney General may bring a civil action in
9 an appropriate district court of the United States against
10 a unit of general local government that the Attorney Gen-
11 eral has reason to believe has engaged or is engaging in
12 a pattern or practice in violation of section 6711 (a) or
13 (b). The court may grant—

14 “(1) a temporary restraining order;

15 “(2) an injunction; or

16 “(3) an appropriate order to ensure enjoyment
17 of rights under section 6711 (a) or (b), including an
18 order suspending, terminating, or requiring repay-
19 ment of, payments under this chapter or placing ad-
20 ditional payments under this chapter in escrow
21 pending the outcome of the action.

22 **“§ 6716. Civil action by a person adversely affected**

23 “(a) **AUTHORITY FOR PRIVATE SUITS IN FEDERAL**
24 **OR STATE COURT.**—If a unit of general local government,
25 or an officer or employee of a unit of general local govern-

1 ment acting in an official capacity, engages in a practice
2 prohibited by this chapter, a person adversely affected by
3 the practice may bring a civil action in an appropriate dis-
4 trict court of the United States or a State court of general
5 jurisdiction. Before bringing an action under this section,
6 the person must exhaust administrative remedies under
7 subsection (b).

8 “(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE
9 EXHAUSTED.—A person adversely affected shall file an
10 administrative complaint with the Secretary or the head
11 of another agency of the United States Government or the
12 State agency with which the Secretary has an agreement
13 under section 6711(d). Administrative remedies are
14 deemed to be exhausted by the person after the 90th day
15 after the complaint was filed if the Secretary, the head
16 of the Government agency, or the State agency—

17 “(1) issues a decision that the government has
18 not failed to comply with this chapter; or

19 “(2) does not issue a decision on the complaint.

20 “(c) AUTHORITY OF COURT.—In an action under this
21 section, the court—

22 “(1) may grant—

23 “(A) a temporary restraining order;

24 “(B) an injunction; or

1 “(C) another order, including suspension,
2 termination, or repayment of, payments under
3 this chapter or placement of additional pay-
4 ments under this chapter in escrow pending the
5 outcome of the action; and

6 “(2) to enforce compliance with section 6711
7 (a) or (b), may allow a prevailing party (except the
8 United States Government) a reasonable attorney’s
9 fee.

10 “(d) INTERVENTION BY ATTORNEY GENERAL.—In
11 an action under this section to enforce compliance with
12 section 6711 (a) or (b), the Attorney General may inter-
13 vene in the action if the Attorney General certifies that
14 the action is of general public importance. The United
15 States Government is entitled to the same relief as if the
16 Government had brought the action and is liable for the
17 same fees and costs as a private person.

18 “§ 6717. **Judicial review**

19 “(a) APPEALS IN FEDERAL COURT OF APPEALS.—
20 A unit of general local government which receives notice
21 from the Secretary about withholding payments under sec-
22 tion 6703(c), suspending payments under section
23 6713(a)(1)(B), or terminating payments under section
24 6712(d)(2)(A), may apply for review of the action of the
25 Secretary by filing a petition for review with the court of

1 appeals of the United States for the circuit in which the
2 government is located. The petition shall be filed by the
3 60th day after the date the notice is received. The clerk
4 of the court shall immediately send a copy of the petition
5 to the Secretary.

6 “(b) FILING OF RECORD OF ADMINISTRATIVE PRO-
7 CEEDING.—The Secretary shall file with the court a
8 record of the proceeding on which the Secretary based the
9 action. The court may consider only objections to the ac-
10 tion of the Secretary that were presented before the Sec-
11 retary.

12 “(c) COURT ACTION.—The court may affirm, change,
13 or set aside any part of the action of the Secretary. The
14 findings of fact by the Secretary are conclusive if sup-
15 ported by substantial evidence in the record. If a finding
16 is not supported by substantial evidence in the record, the
17 court may remand the case to the Secretary to take addi-
18 tional evidence. Upon such a remand, the Secretary may
19 make new or modified findings and shall certify additional
20 proceedings to the court.

21 “(d) REVIEW ONLY BY SUPREME COURT.—A judg-
22 ment of a court under this section may be reviewed only
23 by the Supreme Court under section 1254 of title 28,
24 United States Code.

1 **“§ 6718. Investigations and reviews**

2 “(a) INVESTIGATIONS BY SECRETARY.—(1) The Sec-
3 retary shall within a reasonable time limit—

4 “(A) carry out an investigation and make a
5 finding after receiving a complaint referred to in sec-
6 tion 6716(b), a determination by a State or local ad-
7 ministrative agency, or other information about a
8 possible violation of this chapter;

9 “(B) carry out audits and reviews (including in-
10 vestigations of allegations) about possible violations
11 of this chapter; and

12 “(C) advise a complainant of the status of an
13 audit, investigation, or review of an allegation by the
14 complainant of a violation of section 6711 (a) or (b)
15 or other provision of this chapter.

16 “(2) The maximum time limit under paragraph
17 (1)(A) is 120 days.

18 “(b) REVIEWS BY COMPTROLLER GENERAL.—The
19 Comptroller General of the United States shall carry out
20 reviews of the activities of the Secretary, State govern-
21 ments, and units of general local government necessary
22 for the Congress to evaluate compliance and operations
23 under this chapter. These reviews shall include a compari-
24 son of the waste and inefficiency of local governments
25 using funds under this chapter compared to waste and in-
26 efficiency with other comparable Federal programs.

1 **“§ 6719. Reports**

2 “(a) REPORTS BY SECRETARY TO CONGRESS.—Be-
3 fore June 2 of each year prior to 2002, the Secretary per-
4 sonally shall report to the Congress on—

5 “(1) the status and operation of the Local Gov-
6 ernment Fiscal Assistance Fund during the prior fis-
7 cal year; and

8 “(2) the administration of this chapter, includ-
9 ing a complete and detailed analysis of—

10 “(A) actions taken to comply with sections
11 6711 through 6715, including a description of
12 the kind and extent of noncompliance and the
13 status of pending complaints;

14 “(B) the extent to which units of general
15 local government receiving payments under this
16 chapter have complied with the requirements of
17 this chapter;

18 “(C) the way in which payments under this
19 chapter have been distributed in the jurisdic-
20 tions receiving payments; and

21 “(D) significant problems in carrying out
22 this chapter and recommendations for legisla-
23 tion to remedy the problems.

24 “(b) REPORTS BY UNITS OF GENERAL LOCAL GOV-
25 ERNMENT TO SECRETARY.—(1) At the end of each fiscal
26 year, each unit of general local government which received

1 a payment under this chapter for the fiscal year shall sub-
2 mit a report to the Secretary. The report shall be submit-
3 ted in the form and at a time prescribed by the Secretary
4 and shall be available to the public for inspection. The re-
5 port shall state—

6 “(A) the amounts and purposes for which the
7 payment has been appropriated, expended, or obli-
8 gated in the fiscal year;

9 “(B) the relationship of the payment to the rel-
10 evant functional items in the budget of the govern-
11 ment; and

12 “(C) the differences between the actual and
13 proposed use of the payment.

14 “(2) The Secretary shall provide a copy of a report
15 submitted under paragraph (1) by a unit of general local
16 government to the chief executive officer of the State in
17 which the government is located. The Secretary shall pro-
18 vide the report in the manner and form prescribed by the
19 Secretary.

20 **“§ 6720. Definitions, application, and administration**

21 “(a) DEFINITIONS.—In this chapter—

22 “(1) ‘unit of general local government’ means—

23 “(A) a county, township, city, or political
24 subdivision of a county, township, or city, that
25 is a unit of general local government as deter-

1 mined by the Secretary of Commerce for gen-
2 eral statistical purposes; and

3 “(B) the District of Columbia and the rec-
4 ognized governing body of an Indian tribe or
5 Alaskan Native village that carries out substan-
6 tial governmental duties and powers;

7 “(2) ‘payment period’ means each 1-year period
8 beginning on October 1 of the years 1994 through
9 2000;

10 “(3) ‘State and local taxes’ means taxes im-
11 posed by a State government or unit of general local
12 government or other political subdivision of a State
13 government for public purposes (except employee
14 and employer assessments and contributions to fi-
15 nance retirement and social insurance systems and
16 other special assessments for capital outlay) as de-
17 termined by the Secretary of Commerce for general
18 statistical purposes;

19 “(4) ‘State’ means any of the several States
20 and the District of Columbia;

21 “(5) ‘income’ means the total money income re-
22 ceived from all sources as determined by the Sec-
23 retary of Commerce for general statistical purposes,
24 which for units of general local government is re-
25 ported by the Bureau of the Census for 1990 in the

1 publication Summary Social, Economic, and Hous-
2 ing Characteristics;

3 “(6) ‘per capita income’ means—

4 “(A) in the case of the United States, the
5 income of the United States divided by the pop-
6 ulation of the United States;

7 “(B) in the case of a State, the income of
8 that State, divided by the population of that
9 State; and

10 “(C) in the case of a unit of general local
11 government, the income of that unit of general
12 local government divided by the population of
13 the unit of general local government;

14 “(7) ‘finding of discrimination’ means a deci-
15 sion by the Secretary about a complaint described in
16 section 6716(b), a decision by a State or local ad-
17 ministrative agency, or other information (under
18 regulations prescribed by the Secretary) that it is
19 more likely than not that a unit of general local gov-
20 ernment has not complied with section 6711 (a) or
21 (b);

22 “(8) ‘holding of discrimination’ means a holding
23 by a United States court, a State court, or an ad-
24 ministrative law judge appointed under section 3105
25 of title 5, United States Code, that a unit of general

1 local government expending amounts received under
2 this chapter has—

3 “(A) excluded a person in the United
4 States from participating in, denied the person
5 the benefits of, or subjected the person to dis-
6 crimination under, a program or activity be-
7 cause of race, color, national origin, or sex; or

8 “(B) violated a prohibition against dis-
9 crimination described in section 6711(b); and

10 “(9) ‘Secretary’ means the Secretary of Hous-
11 ing and Urban Development.

12 “(b) DELEGATION OF ADMINISTRATION.—The Sec-
13 retary may enter into agreements with other executive
14 branch departments and agencies to delegate to that de-
15 partment or agency all or part of the Secretary’s respon-
16 sibility for administering this chapter.

17 “(c) TREATMENT OF SUBSUMED AREAS.—If the en-
18 tire geographic area of a unit of general local government
19 is located in a larger entity, the unit of general local gov-
20 ernment is deemed to be located in the larger entity. If
21 only part of the geographic area of a unit is located in
22 a larger entity, each part is deemed to be located in the
23 larger entity and to be a separate unit of general local
24 government in determining allocations under this chapter.
25 Except as provided in regulations prescribed by the Sec-

1 retary, the Secretary shall make all data computations
2 based on the ratio of the estimated population of the part
3 to the population of the entire unit of general local govern-
4 ment.

5 “(d) BOUNDARY AND OTHER CHANGES.—If a bound-
6 ary line change, a State statutory or constitutional change,
7 annexation, a governmental reorganization, or other cir-
8 cumstance results in the application of sections 6704
9 through 6708 in a way that does not carry out the pur-
10 poses of sections 6701 through 6708, the Secretary shall
11 apply sections 6701 through 6708 under regulations of the
12 Secretary in a way that is consistent with those pur-
13 poses.”.

14 (b) ISSUANCE OF REGULATIONS.—Within 90 days of
15 the date of enactment of this Act the Secretary shall issue
16 regulations, which may be interim regulations, to imple-
17 ment subsection (a), modifying the regulations for carry-
18 ing into effect the Revenue Sharing Act that were in effect
19 as of July 1, 1987, and that were published in 31 C.F.R.
20 part 51. The Secretary need not hold a public hearing be-
21 fore issuing these regulations.

22 (c) DEFICIT NEUTRALITY.—Any appropriation to
23 carry out the amendment made by this subtitle to title
24 31, United States Code, for fiscal year 1995 or 1996 shall

1 be offset by cuts elsewhere in appropriations for that fiscal
2 year.

3 **SEC. 1076. CLERICAL AMENDMENT.**

4 The table of chapters at the beginning of subtitle V
5 of title 31, United States Code, is amended by adding
6 after the item relating to chapter 65 the following:

“67. federal payments 6701”.



1 (F) other circumstances, as determined by
2 a court of competent jurisdiction, point to the
3 existence of such a risk.

4 (2) Supervised visitation for children who have
5 been removed from their parents and placed outside
6 the home as a result of abuse or neglect or other
7 risk of harm to them.

8 (3) An evaluation of visitation within the center
9 or program, or contracted out to appropriately
10 trained professionals, to assist in making determina-
11 tions of future placement of children or access to the
12 parents.

13 (4) A safe location for custodial parents to tem-
14 porarily transfer custody of their children to
15 noncustodial parents, or where a parent or child is
16 at risk for any of the reasons stated in paragraph
17 (1).

18 (5) An additional safeguard against the child
19 witnessing abuse or a safeguard against the injury
20 or death of a child or parent.

21 (6) An environment for families to have positive
22 interaction activities, quality time, non-violent mem-
23 ory building experiences during visitation to help
24 build the parent/child relationship.

1 (7) Parent and child education and support
2 groups to help parents heal and learn new skills, and
3 to help children heal from past abuse or family con-
4 flict.

5 (8) Documentation of visitation for use by child
6 protective services, court-ordered evaluators, individ-
7 uals or entities treating a family member, or a court
8 of competent jurisdiction.

9 **SEC. 4003. DEMONSTRATION GRANTS FOR SUPERVISED VIS-**
10 **ITATION CENTERS.**

11 (a) IN GENERAL.—The Secretary of Health and
12 Human Services (hereafter referred to in this subtitle as
13 the “Secretary”) is authorized to award grants to and
14 enter into contracts and cooperative agreements with new
15 or existing public or nonprofit private entities to assist
16 such entities in the establishment or operation of super-
17 vised visitation centers.

18 (b) CONSIDERATIONS.—In awarding grants, con-
19 tracts and agreements under subsection (a), the Secretary
20 shall take into account—

21 (1) the number of families to be served by the
22 existing or proposed visitation center to be funded
23 under the grant, contract, or agreement;

24 (2) the extent to which supervised visitation
25 centers are needed locally;

1 (3) the relative need of the applicant; and

2 (4) the capacity of the applicant to make rapid
3 and effective use of assistance provided under the
4 grant, contract, or agreement.

5 (c) USE OF FUNDS.—

6 (1) IN GENERAL.—Amounts provided under a
7 grant, contract or cooperative agreement awarded
8 under this section shall be used to support existing
9 programs or establish new supervised visitation cen-
10 ters and for the purposes described in section 4002.
11 In using such amounts, grantees shall target the
12 economically disadvantaged and those individuals
13 who could not otherwise afford such visitation serv-
14 ices. Other individuals may be permitted to utilize
15 the services provided by the center on a fee basis.

16 (2) PROHIBITION.—No visitation center funded
17 under this title shall permit participation of any per-
18 son denied visitation rights by a court of law.

19 **SEC. 4004. DEMONSTRATION GRANT APPLICATION.**

20 (a) IN GENERAL.—A grant, contract, or cooperative
21 agreement may not be made or entered into under this
22 Act unless an application for such grant, contract or coop-
23 erative agreement has been submitted to and approved by
24 the Secretary.

1 (b) APPROVAL.—Grants, contracts, and cooperative
2 agreements under this Act shall be awarded in accordance
3 with such regulations as the Secretary may promulgate.
4 At a minimum, to be approved by the Secretary under this
5 section an application shall—

6 (1) demonstrate that the applicant has recog-
7 nized expertise in the area of family violence, and a
8 record of high-quality service to victims of family vi-
9 olence; and

10 (2) include specific procedures to minimize risk
11 of harm to any client during services at the center
12 or program.

13 **SEC. 4005. EVALUATION OF DEMONSTRATION PROJECTS.**

14 (a) IN GENERAL.—Not later than 30 days after the
15 end of each fiscal year, a recipient of a grant, contract
16 or cooperative agreement under this Act shall prepare and
17 submit to the Secretary a report that contains information
18 concerning—

19 (1) the number of families served per year;

20 (2) the number of families and the number of
21 visits per family served per year categorized by—

22 (A) origin of referral, if any;

23 (B) all reasons for use of center or pro-
24 gram, including—

25 (i) child abuse or neglect;

- 1 (ii) child sexual abuse;
- 2 (iii) domestic violence;
- 3 (iv) substance abuse;
- 4 (v) mental illness;
- 5 (vi) risk of parental abduction;
- 6 (vii) interference with visitation;
- 7 (viii) foster care arrangement; and
- 8 (ix) order of protection; and

9 (C) length of visits in hours;

10 (3) the number of supervised visitation arrange-
11 ments terminated because of violations of visitation
12 terms, including violence;

13 (4) the number of protective temporary trans-
14 fers of custody during the report year;

15 (5) the number of parental abduction cases in
16 a judicial district using supervised visitation services,
17 both as identified in criminal prosecution and cus-
18 tody violations;

19 (6) the number of safety and security problems
20 that occur during the report year;

21 (7) the number of families who are turned away
22 because the center cannot accommodate the demand
23 for services;

24 (8) the process by which children or abused
25 partners will be protected during visitations, tem-

1 porary custody transfers and other activities for
2 which the supervised visitation centers are created;
3 and

4 (9) the type of service provided, including—

5 (A) supervision of exchange only;

6 (B) supervision of visits occurring on site;

7 and

8 (C) supervision of visits occurring off site;

9 (10) other services provided, such as parent and
10 child education and support groups; and

11 (11) any other information determined appro-
12 priate in regulations promulgated by the Secretary.

13 (b) EVALUATION.—The Secretary shall designate an
14 appropriate agency to conduct or coordinate an evaluation
15 of the supervised visitation center or program operated
16 under the grant, contract, or agreement. The selected
17 agency shall make agreements with the court and the child
18 protection social services division of the State to partici-
19 pate in the evaluation of the center or program, and shall
20 ensure that local domestic violence agencies or State and
21 local domestic violence coalitions are solicited and their
22 evaluations and opinions are included in the evaluation.
23 The entities conducting such evaluations, separately or in
24 combination, shall submit a narrative evaluation of the

1 center or program to the center or program, the coordinat-
2 ing State agency, and the Secretary.

3 (c) DEMONSTRATION OF NEED.—The recipient of a
4 grant, contract or cooperative agreement under this Act
5 shall demonstrate, during the first 3 years of the project
6 operated under the grant, contract or agreement, the need
7 for continued funding.

8 **SEC. 4006. SPECIAL GRANTS TO STUDY THE EFFECT OF SU-**
9 **PERVISED VISITATION ON SEXUALLY ABUSED**
10 **OR SEVERELY PHYSICALLY ABUSED CHIL-**
11 **DREN.**

12 (a) AUTHORIZATION.—The Secretary may award spe-
13 cial grants to public or nonprofit private entities to assist
14 such entities in designing and implementing research on
15 supervised visitation centers or programs established
16 under this Act to determine—

17 (1) the performances of the supervised visita-
18 tion centers and programs receiving grants, making
19 use of the data reported under section 4005 where
20 possible;

21 (2) the effect of supervised visitation on chil-
22 dren, including in particular—

23 (A) the effect on children who have been
24 sexually abused or severely physically abused by
25 a parent;

1 (B) whether the effect on such children is
2 different if contact is allowed only when the
3 abusive parent has completed a certified course
4 for such abusers; or

5 (C) whether the effect on such children is
6 different if contact is allowed only where the
7 child expresses a positive wish for contact;

8 (3) the effect of the families' use of supervised
9 visitation services on their use of the court system,
10 including in particular, the number and nature of
11 subsequent returns to court;

12 (4) the relationship between the type of abuse
13 or neglect experienced by the child and the use of
14 supervised visitation centers by the maltreating par-
15 ent;

16 (5) in cases of spouse or partner abuse only,
17 the extent to which supervised visitation should be
18 predicated on participation by the abusive spouse in
19 a specialized treatment program; and

20 (6) such other issues as determined by the Sec-
21 retary.

22 (b) APPLICATION.—To be eligible to receive a grant
23 under this section an entity shall prepare and submit to
24 the Secretary an application at such time, in such manner
25 and containing such information as the Secretary may re-

1 quire, including documentary evidence to demonstrate that
2 the entity possesses significant experience in social science
3 research with particular experience in research concerning
4 clinical issues involving children, abuse, and visitation.
5 The level of clinical expertise and experience required will
6 be determined by the Secretary.

7 (c) REPORT.—For the duration of the grant, the
8 grantee shall prepare and submit to the Secretary a report
9 of the research and data collected, at such times as the
10 Secretary may require.

11 **SEC. 4007. REPORTING.**

12 Not later than 18 months after the date of enactment
13 of this Act, and annually thereafter, the Secretary shall
14 prepare and submit to the appropriate committees of Con-
15 gress a report containing the information collected under
16 the reports received under sections 4005 and 4006, includ-
17 ing recommendations made by the Secretary concerning
18 whether or not the supervised visitation center demonstra-
19 tion and research programs should be reauthorized.

20 **SEC. 4008. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—For the purpose of awarding
22 grants, contracts and cooperative agreements under this
23 Act, there are authorized to be appropriated \$_____
24 for fiscal year 1995, \$_____ for fiscal year 1996, and
25 \$_____ for fiscal year 1997.

1 (b) DISTRIBUTION.—Of the amounts appropriated
2 under subsection (a) for each fiscal year—

3 (1) not less than 90 percent shall be used to
4 award grants, contracts, or cooperative agreements
5 under section 4004; and

6 (2) not more than 10 percent shall be used to
7 award grants under section 4006.



~~1 the Attorney General shall consult with the Secretary of
2 Health and Human Services regarding the development
3 and operation of the project.~~

4 **Subtitle T—Substance Abuse**
5 **Treatment in Federal Prisons**

6 **SEC. 2001. SUBSTANCE ABUSE TREATMENT IN FEDERAL**
7 **PRISONS.**

8 Section 3621 of title 18, United States Code, is
9 amended—

10 (1) in the last sentence of subsection (b), by
11 striking “, to the extent practicable,”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(e) SUBSTANCE ABUSE TREATMENT.—

15 “(1) PHASE-IN.—In order to carry out the re-
16 quirement of the last sentence of subsection (b) of
17 this section, that every prisoner with a substance
18 abuse problem have the opportunity to participate in
19 appropriate substance abuse treatment, the Bureau
20 of Prisons shall, subject to the availability of appro-
21 priations, provide residential substance abuse
22 treatment—

23 “(A) for not less than 50 percent of eligi-
24 ble prisoners by the end of fiscal year 1995,
25 with priority for such treatment accorded based

1 on an eligible prisoner's proximity to release
2 date;

3 "(B) for not less than 75 percent of eligi-
4 ble prisoners by the end of fiscal year 1996,
5 with priority for such treatment accorded based
6 on an eligible prisoner's proximity to release
7 date; and

8 "(C) for all eligible prisoners by the end of
9 fiscal year 1997 and thereafter, with priority
10 for such treatment accorded based on an eligi-
11 ble prisoner's proximity to release date.

12 "(2) INCENTIVE FOR PRISONERS' SUCCESSFUL
13 COMPLETION OF TREATMENT PROGRAM.—

14 "(A) GENERALLY.—Any prisoner who, in
15 the judgment of the Director of the Bureau of
16 Prisons, has successfully completed a program
17 of residential substance abuse treatment pro-
18 vided under paragraph (1) of this subsection,
19 shall remain in the custody of the Bureau for
20 ~~such time (as limited by subparagraph (B) of~~
21 ~~this paragraph) and under such conditions~~ as
22 the Bureau deems appropriate. If the conditions
23 of confinement are different from those the
24 prisoner would have experienced absent the suc-
25 cessful completion of the treatment, the Bureau

1 shall periodically test the prisoner for substance
2 abuse and discontinue such conditions on deter-
3 mining that substance abuse has recurred.

4 “(B) PERIOD OF CUSTODY.—The period
5 *a prisoner convicted of a nonviolent offense*
6 ~~the prisoner~~ remains in custody after success-
7 fully completing a treatment program shall not
8 exceed the prison term the law would otherwise
9 require such prisoner to serve, but may not be
10 less than such term minus one year.

11 “(3) REPORT.—The Bureau of Prisons shall
12 transmit to the Committees on the Judiciary of the
13 Senate and the House of Representatives on Janu-
14 ary 1, 1995, and on January 1 of each year there-
15 after, a report. Such report shall contain—

16 “(A) a detailed quantitative and qualitative
17 description of each substance abuse treatment
18 program, residential or not, operated by the
19 Bureau;

20 “(B) a full explanation of how eligibility
21 for such programs is determined, with complete
22 information on what proportion of prisoners
23 with substance abuse problems are eligible; and

24 “(C) a complete statement of to what ex-
25 tent the Bureau has achieved compliance with
the requirements of this title.

1 “(4) AUTHORIZATION OF APPROPRIATIONS.—
2 There are authorized to be appropriated to carry out
3 this subsection \$_____.

4 “(5) DEFINITIONS.—As used in this
5 subsection—

6 “(A) the term ‘residential substance abuse
7 treatment’ means a course of individual and
8 group activities, lasting between 6 and 12
9 months, in residential treatment facilities set
10 apart from the general prison population—

11 “(i) directed at the substance abuse
12 problems of the prisoner; and

13 “(ii) intended to develop the pris-
14 oner’s cognitive, behavioral, social, voca-
15 tional, and other skills so as to solve the
16 prisoner’s substance abuse and related
17 problems; and

18 “(B) the term ‘eligible prisoner’ means a
19 prisoner who is—

20 “(i) determined by the Bureau of
21 Prisons to have a substance abuse prob-
22 lem; and

23 “(ii) willing to participate in a resi-
24 dential substance abuse treatment pro-
25 gram.”.



1 **CHAPTER 3—SAFETY FOR WOMEN IN**
2 **PUBLIC TRANSIT AND PUBLIC PARKS**

3 **SEC. 3215. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
4 **VENT CRIME IN PUBLIC TRANSPORTATION.**

5 (a) **GENERAL PURPOSE.**—There are authorized to be
6 appropriated out of the general fund of the Treasury not
7 to exceed \$10,000,000, for the Secretary of Transpor-
8 tation (referred to in this section as the “Secretary”) to
9 make capital grants for the prevention of crime and to
10 increase security in existing and future public transpor-
11 tation systems. None of the provisions of title ~~XXXII~~ of
12 the Violent Crime Control and Law Enforcement Act of
13 1994 may be construed to prohibit the financing of
14 projects under this section where law enforcement respon-
15 sibilities are vested in a local public body other than the
16 grant applicant.

17 (b) **GRANTS FOR LIGHTING, CAMERA SURVEIL-**
18 **LANCE, AND SECURITY PHONES.**—

19 (1) From the sums authorized for expenditure
20 under this section for crime prevention, the Sec-
21 retary is authorized to make grants and loans to
22 States and local public bodies or agencies for the
23 purpose of increasing the safety of public transpor-
24 tation by—

1 (A) increasing lighting within or adjacent
2 to public transportation systems, including bus
3 stops, subway stations, parking lots, or garages;

4 (B) increasing camera surveillance of areas
5 within and adjacent to public transportation
6 systems, including bus stops, subway stations,
7 parking lots, or garages;

8 (C) providing emergency phone lines to
9 contact law enforcement or security personnel
10 in areas within or adjacent to public transpor-
11 tation systems, including bus stops, subway sta-
12 tions, parking lots, or garages; or

13 (D) any other project intended to increase
14 the security and safety of existing or planned
15 public transportation systems.

16 (2) From the sums authorized under this sec-
17 tion, at least 75 percent shall be expended on
18 projects of the type described in subsection (b)(1)
19 (A) and (B).

20 (c) REPORTING.—All grants under this section are
21 contingent upon the filing of a report with the Secretary
22 and the Department of Justice, Office of Victims of
23 Crime, showing crime rates in or adjacent to public trans-
24 portation before, and for a 1-year period after, the capital
25 improvement. Statistics shall compiled on the basis of the

1 type of crime, sex, race, ethnicity, language, and relation-
2 ship of victim to the offender.

3 (d) INCREASED FEDERAL SHARE.—Notwithstanding
4 any other provision of law, the Federal share under this
5 section for each capital improvement project that enhances
6 the safety and security of public transportation systems
7 and that is not required by law (including any other provi-
8 sion of this Act) shall be 90 percent of the net project
9 cost of the project.

10 (e) SPECIAL GRANTS FOR PROJECTS TO STUDY IN-
11 CREASING SECURITY FOR WOMEN.—From the sums au-
12 thorized under this section, the Secretary shall provide
13 grants and loans for the purpose of studying ways to re-
14 duce violent crimes against women in public transit
15 through better design or operation of public transit sys-
16 tems.

17 (f) GENERAL REQUIREMENTS.—All grants or loans
18 provided under this section shall be subject to the same
19 terms, conditions, requirements, and provisions applicable
20 to grants and loans as specified in section 2(a) of the Fed-
21 eral Transit Act (49 U.S.C. App. 1620).

22 **SEC. 3216. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
23 **VENT CRIME IN NATIONAL PARKS.**

24 Public Law 91-383 (commonly known as the "Na-
25 tional Park System Improvements in Administration

1 Act”) (16 U.S.C. 1a-1 et seq.) is amended by adding at
2 the end the following new section:

3 **“SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION AS-**
4 **SISTANCE.**

5 “(a) AVAILABILITY OF FUND.—From the sums au-
6 thorized pursuant to section 7 of the Land and Water
7 Conservation Act of 1965 (16 U.S.C. 460l-9) and appro-
8 priated out of the general fund of the Treasury, not to
9 exceed \$10,000,000, the Secretary of the Interior may
10 provide Federal assistance to reduce the incidence of vio-
11 lent crime in the National Park System.

12 “(b) RECOMMENDATIONS FOR IMPROVEMENT.—The
13 Secretary shall direct the chief official responsible for law
14 enforcement within the National Park Services to—

15 “(1) compile a list of areas within the National
16 Park System with the highest rates of violent crime;

17 “(2) make recommendations concerning capital
18 improvements, and other measures, needed within
19 the National Park System to reduce the rates of vio-
20 lent crime, including the rate of sexual assault; and

21 “(3) publish the information required by para-
22 graphs (1) and (2) in the Federal Register.

23 “(c) DISTRIBUTION OF FUNDS.—Not later than 180
24 days after the date of enactment of this section, and based
25 on the recommendations and list issued pursuant to sub-

1 section (b), the Secretary shall distribute funds through-
2 out the National Park Service. Priority shall be given to
3 those areas with the highest rates of sexual assault.

4 “(d) USE OF FUNDS.—Funds provided under this
5 section may be used—

6 “(1) to increase lighting within or adjacent to
7 public parks and recreation areas;

8 “(2) to provide emergency phone lines to con-
9 tact law enforcement or security personnel in areas
10 within or adjacent to public parks and recreation
11 areas;

12 “(3) to increase security or law enforcement
13 personnel within or adjacent to public parks and
14 recreation areas; or

15 “(4) for any other project intended to increase
16 the security and safety of public parks and recre-
17 ation areas.”.

18 **SEC. 3217. GRANTS FOR CAPITAL IMPROVEMENTS TO PRE-**
19 **VENT CRIME IN PUBLIC PARKS.**

20 Section 6 of the Land and Water Conservation Fund
21 Act of 1965 (16 U.S.C. 460l-8) is amended by adding
22 at the end the following new subsection:

23 “(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS
24 TO REDUCE CRIME.—

1 “(1) AVAILABILITY OF FUNDING.—In addition
2 to assistance for planning projects, and in addition
3 to the projects identified in subsection (e), and from
4 amounts appropriated out of the general fund of the
5 Treasury, the Secretary shall provide financial as-
6 sistance to the States, not to exceed \$15,000,000,
7 for projects or combinations thereof for the purpose
8 of making capital improvements and other measures
9 to increase safety in urban parks and recreation
10 areas, including funds to—

11 “(A) increase lighting within or adjacent to
12 public parks and recreation areas;

13 “(B) provide emergency phone lines to con-
14 tact law enforcement or security personnel in
15 areas within or adjacent to public parks and
16 recreation areas;

17 “(C) increase security personnel within or
18 adjacent to public parks and recreation areas;
19 and

20 “(D) fund any other project intended to in-
21 crease the security and safety of public parks
22 and recreation areas.

23 “(2) ELIGIBILITY.—In addition to the require-
24 ments for project approval imposed by this section,
25 eligibility for assistance under this subsection is de-

1 pendent upon a showing of need. In providing funds
2 under this subsection, the Secretary shall give prior-
3 ity to projects proposed for urban parks and recre-
4 ation areas with the highest rates of crime and, in
5 particular, to urban parks and recreation areas with
6 the highest rates of sexual assault.

7 “(3) FEDERAL SHARE.—Notwithstanding sub-
8 section (c), the Secretary may provide 70 percent
9 improvement grants for projects undertaken by any
10 State for the purposes described in this subsection,
11 and the remaining share of the cost shall be borne
12 by the State.”



1 SEC. 3285. ENFORCEMENT OF RESTITUTION ORDERS
2 THROUGH SUSPENSION OF FEDERAL BENE-
3 FITS.

4 Section 3663 of title 18, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(i)(1) A Federal agency shall immediately suspend
8 all Federal benefits provided by the agency to the defend-
9 ant, and shall terminate the defendant’s eligibility for Fed-
10 eral benefits administered by that agency, upon receipt of
11 a certified copy of a written judicial finding that the de-
12 fendant is delinquent in making restitution in accordance
13 with any schedule of payments or any requirement of im-
14 mediate payment imposed under this section.

15 “(2) ^{Any} ~~A~~ written finding of delinquency described in
16 paragraph (1) shall be made by ^a ~~the~~ court, after a hearing,
17 upon motion of the victim named in the order to receive
18 the restitution or upon motion of the United States.

19 “(3) A defendant found to be delinquent may subse-
20 quently seek a written finding from the court that the de-
21 fendant has rectified the delinquency or that the defendant
22 has made and will make good faith efforts to rectify the
23 delinquency. The defendant’s eligibility for Federal bene-
24 fits shall be reinstated upon receipt by the agency of a
25 certified copy of such a finding.

1 “(4) In this subsection, “Federal benefit” means a
2 grant, contract, loan, professional license, or commercial
3 license provided by an agency of the United States .”.



1 **TITLE V—DRUG COURTS**

2 **SEC. 1041. DRUG COURTS.**

3 (a) IN GENERAL.—Title I of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
5 et seq.), as amended by section ____ (a), is amended—

6 (1) by redesignating part ____ as part ____;

7 (2) by redesignating section ____101 as section
8 ____201; and

9 (3) by inserting after part ____ the following
10 new part:

11 **“PART ____—DRUG COURTS**

12 **“SEC. ____101. GRANT AUTHORITY.**

13 “The Attorney General may make grants to States,
14 State courts, local courts, units of local government, and
15 Indian tribal governments, acting directly or through
16 agreements with other public or private entities, for pro-
17 grams that involve—

18 “(1) continuing judicial supervision over offend-
19 ers with substance abuse problems who are not vio-
20 lent offenders; and

21 “(2) the integrated administration of other
22 sanctions and services, which shall include—

23 “(A) mandatory periodic testing for the
24 use of controlled substances or other addictive

1 substances during any period of supervised re-
2 lease or probation for each participant;

3 “(B) substance abuse treatment for each
4 participant;

5 “(C) diversion, probation, or other super-
6 vised release involving the possibility of prosecu-
7 tion, confinement, or incarceration based on
8 noncompliance with program requirements or
9 failure to show satisfactory progress; and

10 “(D) programmatic, offender management,
11 and aftercare services such as relapse preven-
12 tion, health care, education, vocational training,
13 job placement, housing placement, and child
14 care or other family support services for each
15 participant who requires such services.

16 **“SEC. ___102. PROHIBITION OF PARTICIPATION BY VIO-**
17 **LENT OFFENDERS.**

18 “The Attorney General shall—

19 “(1) issue regulations and guidelines to ensure
20 that the programs authorized in this part do not
21 permit participation by violent offenders; and

22 “(2) immediately suspend funding for any grant
23 under this part, pending compliance, if the Attorney
24 General finds that violent offenders are participating
25 in any program funded under this part.

1 "SEC. ___103. DEFINITION.

2 "In this part, 'violent offender' means a person
3 who—

4 "(1) is charged with or convicted of an offense,
5 during the course of which offense or conduct—

6 "(A) the person carried, possessed, or used
7 a firearm or dangerous weapon;

8 "(B) there occurred the death of or serious
9 bodily injury to any person; or

10 "(C) there occurred the use of force
11 against the person of another,

12 without regard to whether any of the circumstances
13 described in subparagraph (A), (B), or (C) is an ele-
14 ment of the offense or conduct of which or for which
15 the person is charged or convicted; or

16 "(2)^{has} one or more ~~had~~ prior convictions for a fel-
17 ony crime of violence involving the use or attempted
18 use of force against a person with the intent to
19 cause death or serious bodily harm.

20 "SEC. ___104. ADMINISTRATION.

21 "(a) CONSULTATION.—The Attorney General shall
22 consult with the Secretary of Health and Human Services
23 and any other appropriate officials in carrying out this
24 part.

1 “(b) USE OF COMPONENTS.—The Attorney General
2 may utilize any component or components of the Depart-
3 ment of Justice in carrying out this part.

4 “(c) REGULATORY AUTHORITY.—The Attorney Gen-
5 eral may issue regulations and guidelines necessary to
6 carry out this part.

7 “(d) APPLICATIONS.—In addition to any other re-
8 quirements that may be specified by the Attorney General,
9 an application for a grant under this part shall—

10 “(1) include a long-term strategy and detailed
11 implementation plan;

12 “(2) explain the applicant’s inability to fund the
13 program adequately without Federal assistance;

14 “(3) certify that the Federal support provided
15 will be used to supplement, and not supplant, State,
16 Indian tribal, and local sources of funding that
17 would otherwise be available;

18 “(4) identify related governmental or commu-
19 nity initiatives which complement or will be coordi-
20 nated with the proposal;

21 “(5) certify that there has been appropriate
22 consultation with all affected agencies and that there
23 will be appropriate coordination with all affected
24 agencies in the implementation of the program;

1 “(6) certify that participating offenders will be
2 supervised by one or more designated judges with re-
3 sponsibility for the drug court program;

4 “(7) specify plans for obtaining necessary sup-
5 port and continuing the proposed program following
6 the conclusion of Federal support; and

7 “(8) describe the methodology that will be used
8 in evaluating the program.

9 **“SEC. ___105. APPLICATIONS.**

10 “To request funds under this part, the chief executive
11 or the chief justice of a State or the chief executive or
12 chief judge of a unit of local government or Indian tribal
13 government shall submit an application to the Attorney
14 General in such form and containing such information as
15 the Attorney General may reasonably require.

16 **“SEC. ___106. FEDERAL SHARE.**

17 “The Federal share of a grant made under this part
18 may not exceed 75 percent of the total costs of the pro-
19 gram described in the application submitted under section
20 ___105 for the fiscal year for which the program receives
21 assistance under this part, unless the Attorney General
22 waives, wholly or in part, the requirement of a matching
23 contribution under this section. In-kind contributions may
24 constitute a portion of the non-Federal share of a grant.

1 **"SEC. ___107. GEOGRAPHIC DISTRIBUTION.**

2 "The Attorney General shall ensure that, to the ex-
3 tent practicable, an equitable geographic distribution of
4 grant awards is made.

5 **"SEC. ___108. REPORT.**

6 "A State, Indian tribal government, or unit of local
7 government that receives funds under this part during a
8 fiscal year shall submit to the Attorney General a report
9 in March of the following year regarding the effectiveness
10 of this part.

11 **"SEC. ___109. TECHNICAL ASSISTANCE, TRAINING, AND**
12 **EVALUATION.**

13 **"(a) TECHNICAL ASSISTANCE AND TRAINING.—**The
14 Attorney General may provide technical assistance and
15 training in furtherance of the purposes of this part.

16 **"(b) EVALUATIONS.—**In addition to any evaluation
17 requirements that may be prescribed for grantees, the At-
18 torney General may carry out or make arrangements for
19 evaluations of programs that receive support under this
20 part.

21 **"(c) ADMINISTRATION.—**The technical assistance,
22 training, and evaluations authorized by this section may
23 be carried out directly by the Attorney General, in collabo-
24 ration with the Secretary of Health and Human Services,
25 or through grants, contracts, or other cooperative arrange-
26 ments with other entities."

1 (b) TECHNICAL AMENDMENT.—The table of contents
 2 of title I of the Omnibus Crime Control and Safe Streets
 3 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
 4 tion ____ (b), is amended by striking the matter relating
 5 to part ____ and inserting the following:

“PART ____—DRUG COURTS

- “Sec. ____101. Grant authority.
- “Sec. ____102. Prohibition of participation by violent offenders.
- “Sec. ____103. Definition.
- “Sec. ____104. Administration.
- “Sec. ____105. State applications.
- “Sec. ____106. Local applications and distribution of funds.
- “Sec. ____107. Allocation and distribution of funds.
- “Sec. ____108. Report.
- “Sec. ____109. Technical assistance, training, and evaluation.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 7 1001(a) of title I of the Omnibus Crime Control and Safe
 8 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
 9 tion ____ (c), is amended—

10 (1) in paragraph (3) by striking “and ____”
 11 and inserting “____, and ____”; and

12 (2) by adding at the end the following new
 13 paragraph:

14 “(____) There are authorized to be appropriated to
 15 carry out part _____ for each of fiscal
 16 years 1995, 1996, 1997, 1998, and 1999.”.

17 **SEC. 1042. STUDY BY THE GENERAL ACCOUNTING OFFICE.**

18 (a) IN GENERAL.—The Comptroller General of the
 19 United States shall study and assess the effectiveness and
 20 impact of grants authorized by part ____ of title I of the

1 Omnibus Crime Control and Safe Streets Act of 1968 as
2 added by section 1041, and report to Congress the results
3 of the study on or before January 1, 1997.

4 (b) DOCUMENTS AND INFORMATION.—The Attorney
5 General and grant recipients shall provide the Comptroller
6 General with all relevant documents and information that
7 the Comptroller General deems necessary to conduct the
8 study under subsection (a), including the identities and
9 criminal records of program participants.

10 (c) CRITERIA.—In assessing the effectiveness of the
11 grants made under programs authorized by part ____ of
12 the Omnibus Crime Control and Safe Streets Act of 1968,
13 the Comptroller General shall consider, among other
14 things—

- 15 (1) recidivism rates of program participants;
16 (2) completion rates among program partici-
17 pants;
18 (3) drug use by program participants; and
19 (4) the costs of the program to the criminal jus-
20 tice system.



1 **TITLE XIII—CRIMINAL ALIENS**
2 **AND IMMIGRATION ENFORCE-**
3 **MENT**

4 **SEC. 1301. ENHANCEMENT OF PENALTIES FOR FAILING TO**
5 **DEPART, OR REENTERING, AFTER FINAL**
6 **ORDER OF DEPORTATION.**

7 (a) **FAILURE TO DEPART.**—Section 242(e) of the Im-
8 migration and Nationality Act (8 U.S.C. 1252(e)) is
9 amended—

10 (1) by striking “paragraph (2), (3), or (4) of”
11 the first time it appears; and

12 (2) by striking “shall be imprisoned not more
13 than ten years” and inserting “shall be imprisoned
14 not more than four years, or shall be imprisoned not
15 more than ten years if the alien is a member of any
16 of the classes described in paragraph (1)(E), (2),
17 (3), or (4) of section 241(a).”.

18 (b) **REENTRY.**—Section 276(b) of the Immigration
19 and Nationality Act (8 U.S.C. 1326(b)) is amended—

20 (1) in paragraph (1)—

21 (A) by inserting after “commission of” the
22 following: “three or more misdemeanors involv-
23 ing drugs, crimes against the person, or both,
24 or”; and

25 (B) by striking “5” and inserting “10”;

1 (2) in paragraph (2), by striking "15" and in-
2 serting "20"; and

3 (3) by adding at the end the following sentence:
4 "For the purposes of this subsection, the term 'deporta-
5 tion' includes any agreement in which an alien stipulates
6 to deportation during a criminal trial under either Federal
7 or State law."

8 **SEC. 1303. CRIMINAL ALIEN TRACKING CENTER.**

9 (a) OPERATION.—The Attorney General shall, under
10 the authority of section 242(a)(3)(A) of the Immigration
11 and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a
12 criminal alien tracking center.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$_____ for fiscal year 1995 and \$_____ for each
16 of fiscal years 1996, 1997, 1998, and 1999.

17 **SEC. 1304. ALIEN WITNESS COOPERATION AND**
18 **COUNTERTERRORISM INFORMATION.**

19 (a) ESTABLISHMENT OF NEW NONIMMIGRANT CLAS-
20 SIFICATION.—Section 101(a)(15) of the Immigration and
21 Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

22 (1) by striking "or" at the end of subparagraph
23 (Q),

24 (2) by striking the period at the end of sub-
25 paragraph (R) and inserting "; or", and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(S) subject to section 214(j), an alien—

4 “(i) who the Attorney General
5 determines—

6 “(I) is in possession of critical reliable
7 information concerning a criminal organi-
8 zation or enterprise;

9 “(II) is willing to supply or has sup-
10 plied such information to Federal or State
11 law enforcement authorities or a Federal
12 or State court; and

13 “(III) whose presence in the United
14 States the Attorney General determines is
15 essential to the success of an authorized
16 criminal investigation or the successful
17 prosecution of an individual involved in the
18 criminal organization or enterprise; or

19 “(ii) who the Secretary of State and the
20 Attorney General jointly determine—

21 “(I) is in possession of critical reliable
22 information concerning a terrorist organi-
23 zation, enterprise, or operation;

1 “(II) is willing to supply or has sup-
2 plied such information to Federal law en-
3 forcement authorities or a Federal court;

4 “(III) will be or has been placed in
5 danger as a result of providing such infor-
6 mation; and

7 “(IV) is eligible to receive a reward
8 under section 36(a) of the State Depart-
9 ment Basic Authorities Act of 1956,

10 and, if the Attorney General (or with respect to
11 clause (ii), the Secretary of State and the Attorney
12 General jointly) considers it to be appropriate, the
13 spouse, married and unmarried sons and daughters,
14 and parents of an alien described in clause (i) or (ii)
15 if accompanying, or following to join, the alien.”.

16 (b) CONDITIONS OF ENTRY.—

17 (1) WAIVER OF GROUNDS FOR EXCLUSION.—

18 Section 212(d) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(d)) is amended by inserting at
20 the beginning the following new paragraph:

21 “(1) The Attorney General shall determine whether
22 a ground for exclusion exists with respect to a non-
23 immigrant described in section 101(a)(15)(S). The Attor-
24 ney General, in the Attorney General’s discretion, may
25 waive the application of subsection (a) (other than para-

1 graph (3)(E)) in the case of a nonimmigrant described in
2 section 101(a)(15)(S), if the Attorney General considers
3 it to be in the national interest to do so. Nothing in this
4 section shall be regarded as prohibiting the Immigration
5 and Naturalization Service from instituting deportation
6 proceedings against an alien admitted as a nonimmigrant
7 under section 101(a)(15)(S) for conduct committed after
8 the alien's admission into the United States, or for con-
9 duct or a condition that was not disclosed to the Attorney
10 General prior to the alien's admission as a nonimmigrant
11 under section 101(a)(15)(S)".

12 (2) NUMERICAL LIMITATIONS; PERIOD OF AD-
13 MISSION; ETC.—Section 214 of the Immigration and
14 Nationality Act (8 U.S.C. 1184) is amended by add-
15 ing at the end the following new subsection:

16 "(j)(1) The number of aliens who may be provided
17 a visa as nonimmigrants under section 101(a)(15)(S)(i)
18 in any fiscal year may not exceed 100. The number of
19 aliens who may be provided a visa as nonimmigrants
20 under section 101(a)(15)(S)(ii) in any fiscal year may not
21 exceed 25.

22 "(2) No alien may be admitted into the United States
23 as such a nonimmigrant more than 5 years after the date
24 of the enactment of this subsection.

1 “(3) The period of admission of an alien as such a
2 nonimmigrant may not exceed 3 years. Such period may
3 not be extended by the Attorney General.

4 “(4) As a condition for the admission, and continued
5 stay in lawful status, of such a nonimmigrant, the
6 nonimmigrant—

7 “(A) shall report not less often than quarterly
8 to the Attorney General such information concerning
9 the alien’s whereabouts and activities as the Attor-
10 ney General may require;

11 “(B) may not be convicted of any criminal of-
12 fense punishable by a term of imprisonment of 1
13 year or more after the date of such admission;

14 “(C) must have executed a form that waives the
15 nonimmigrant’s right to contest, other than on the
16 basis of an application for withholding of deporta-
17 tion, any action for deportation of the alien insti-
18 tuted before the alien obtains lawful permanent resi-
19 dent status; and

20 “(D) shall abide by any other condition, limita-
21 tion, or restriction imposed by the Attorney General.

22 “(5) The Attorney General shall submit a report an-
23 nually to the Committee on the Judiciary of the House
24 of Representatives and the Committee on the Judiciary
25 of the Senate concerning—

1 “(A) the number of such nonimmigrants admit-
2 ted;

3 “(B) the number of successful criminal prosecu-
4 tions or investigations resulting from cooperation of
5 such aliens;

6 “(C) the number of terrorist acts prevented or
7 frustrated resulting from cooperation of such aliens;

8 “(D) the number of such nonimmigrants whose
9 admission or cooperation has not resulted in success-
10 ful criminal prosecution or investigation or the pre-
11 vention or frustration of a terrorist act; and

12 “(E) the number of such nonimmigrants who
13 have failed to report quarterly (as required under
14 paragraph (4)) or who have been convicted of crimes
15 in the United States after the date of their admis-
16 sion as such a nonimmigrant.”.

17 (3) PROHIBITION OF CHANGE OF STATUS.—
18 Section 248(1) of the Immigration and Naturaliza-
19 tion Act (8 U.S.C. 1258(1)) is amended by striking
20 “or (K)” and inserting “(K), or (S)”.

21 (c) ADJUSTMENT TO PERMANENT RESIDENT STA-
22 TUS.—

23 (1) IN GENERAL.—Section 245 of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1255) is amend-

1 ed by adding at the end the following new sub-
2 section:

3 “(i)(1) If, in the opinion of the Attorney General—

4 “(A) a nonimmigrant admitted into the United
5 States under section 101(a)(15)(S)(i) has supplied
6 information described in subclause (I) of such sec-
7 tion; and

8 “(B) the provision of such information has sub-
9 stantially contributed to the success of an authorized
10 criminal investigation or the prosecution of an indi-
11 vidual described in subclause (III) of that section,

12 the Attorney General may adjust the status of the alien
13 (and the spouse, married and unmarried sons and daugh-
14 ters, and parents of the alien if admitted under that sec-
15 tion) to that of an alien lawfully admitted for permanent
16 residence if the alien is not described in section
17 212(a)(3)(E).

18 “(2) If, in the sole discretion of the Attorney
19 General—

20 “(A) a nonimmigrant admitted into the United
21 States under section 101(a)(15)(S)(ii) has supplied
22 information described in subclause (I) of such sec-
23 tion, and

24 “(B) the provision of such information has sub-
25 stantially contributed to—

1 “(i) the prevention or frustration of an act
2 of terrorism against a United States person or
3 United States property, or

4 “(ii) the success of an authorized criminal
5 investigation of, or the prosecution of, an indi-
6 vidual involved in such an act of terrorism, and

7 “(C) the nonimmigrant has received a reward
8 under section 36(a) of the State Department Basic
9 Authorities Act of 1956,

10 the Attorney General may adjust the status of the alien
11 (and the spouse, married and unmarried sons and daugh-
12 ters, and parents of the alien if admitted under such sec-
13 tion) to that of an alien lawfully admitted for permanent
14 residence if the alien is not described in section
15 212(a)(3)(E).

16 “(3) Upon the approval of adjustment of status under
17 paragraphs (1) or (2), the Attorney General shall record
18 the alien’s lawful admission for permanent residence as
19 of the date of such approval and the Secretary of State
20 shall reduce by one the number of visas authorized to be
21 issued under sections 201(d) and 203(b)(4) for the fiscal
22 year then current.”.

23 (2) EXCLUSIVE MEANS OF ADJUSTMENT.—Sec-
24 tion 245(c) of the Immigration and Nationality Act
25 (8 U.S.C. 1255(c)) is amended by striking “or” be-

1 fore “(4)” and by inserting before the period at the
2 end the following: “; or (5) an alien who was admit-
3 ted as a nonimmigrant described in section
4 101(a)(15)(S)”.

5 (d) EXTENSION OF PERIOD OF DEPORTATION FOR
6 CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1251(a)(2)(A)(i)(I)) is amended by inserting “(or 10
9 years in the case of an alien provided lawful permanent
10 resident status under section 245(i))” after “five years”.

11 **SEC. 5002. DEPORTATION PROCEDURES FOR CERTAIN**
12 **CRIMINAL ALIENS WHO ARE NOT PERMA-**
13 **NENT RESIDENTS.**

14 (a) ELIMINATION OF ADMINISTRATIVE HEARING FOR
15 CERTAIN CRIMINAL ALIENS.—Section 242A of the Immi-
16 gration and Nationality Act (8 U.S.C. 1252a) is amended
17 by adding at the end the following new subsection:

18 “(b) DEPORTATION OF ALIENS WHO ARE NOT PER-
19 MANENT RESIDENTS.—

20 “(1) The Attorney General may, in the case of
21 an alien described in paragraph (2), determine the
22 deportability of such alien under section
23 241(a)(2)(A)(iii) (relating to conviction of an aggra-
24 vated felony) and issue an order of deportation pur-

1 suant to the procedures set forth in this subsection
2 or section 242(b).

3 “(2) An alien is described in this paragraph if
4 the alien—

5 “(A) was not lawfully admitted for perma-
6 nent residence at the time at which proceedings
7 under this section commenced; and

8 “(B) is not eligible for any relief from de-
9 portation under this Act.

10 “(3) The Attorney General may not execute any
11 order described in paragraph (1) until 30 calendar
12 days have passed from the date that such order was
13 issued, unless waived by the alien, in order that the
14 alien has an opportunity to apply for judicial review
15 under section 106.

16 “(4) Proceedings before the Attorney General
17 under this subsection shall be in accordance with
18 such regulations as the Attorney General shall pre-
19 scribe. The Attorney General shall provide that—

20 “(A) the alien is given reasonable notice of
21 the charges and of the opportunity described in
22 subparagraph (C);

23 “(B) the alien shall have the privilege of
24 being represented (at no expense to the govern-

1 ment) by such counsel, authorized to practice in
2 such proceedings, as the alien shall choose;

3 “(C) the alien has a reasonable oppor-
4 tunity to inspect the evidence and rebut the
5 charges;

6 “(D) the determination of deportability is
7 supported by clear, convincing, and unequivocal
8 evidence and a record is maintained for judicial
9 review; and

10 “(E) the final order of deportation is not
11 entered by the same person who issues the
12 charges.”.

13 (b) LIMITED JUDICIAL REVIEW.—Section 106 of the
14 Immigration and Nationality Act (8 U.S.C. 1105a) is
15 amended—

16 (1) in the first sentence of subsection (a), by in-
17 serting “or pursuant to section 242A” after “under
18 section 242(b)”;

19 (2) in subsection (a)(1) and subsection (a)(3),
20 by inserting “(including an alien described in section
21 242A)” after “aggravated felony”; and

22 (3) by adding at the end the following new sub-
23 section:

24 “(d)(1) A petition for review or for habeas corpus on
25 behalf of an alien against whom a final order of deporta-

1 tion has been issued pursuant to section 242A(b) may
2 challenge only—

3 “(A) whether the alien is in fact the alien de-
4 scribed in the order;

5 “(B) whether the alien is in fact an alien de-
6 scribed in section 242A(b)(2);

7 “(C) whether the alien has been convicted of an
8 aggravated felony and such conviction has become
9 final; and

10 “(D) whether the alien was afforded the proce-
11 dures required by section 242A(b)(5).

12 “(2) No court shall have jurisdiction to review any
13 issue other than an issue described in paragraph (1).”.

14 (c) TECHNICAL AMENDMENTS.—Section 242A of the
15 Immigration and Nationality Act (8 U.S.C. 1252a) is
16 amended—

17 (1) by amending the heading to read as follows:

18 “EXPEDITED DEPORTATION OF ALIENS CONVICTED OF
19 COMMITTING AGGRAVATED FELONIES”;

20 (2) in subsection (a), as designated prior to en-
21 actment of this Act, by striking “(a) IN GENERAL.—
22 ” and inserting the following:

23 “(a) DEPORTATION OF CRIMINAL ALIENS.—

24 “(1) IN GENERAL.—”;

1 (3) in subsection (b), as designated prior to en-
2 actment of this Act, by striking “(b) IMPLEMENTA-
3 TION.—” and inserting “(2) IMPLEMENTATION.—”;
4 (4) by striking subsection (c);
5 (5) in subsection (d)—
6 (A) by striking “(d) EXPEDITED PRO-
7 CEEDINGS.—(1)” and inserting “(3) EXPE-
8 DITED PROCEEDINGS.—(A)”; and
9 (B) by striking “(2)” and inserting “(B)”;
10 and
11 (6) in subsection (e)—
12 (A) by striking “(e) REVIEW.—(1)” and
13 inserting “(4) REVIEW.—(A)”;
14 (B) by striking the second sentence; and
15 (C) by striking “(2)” and inserting “(B)”.
16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to all aliens against whom deporta-
18 tion proceedings are initiated after the date of enactment
19 of this Act.

20 **SEC. 1322. EXPEDITED DEPORTATION FOR DENIED ASYLUM**
21 **APPLICANTS.**

22 (a) IN GENERAL.—The Attorney General may pro-
23 vide for the expeditious adjudication of asylum claims and
24 the expeditious deportation of asylum applicants whose

1 applications have been finally denied, unless the applicant
2 remains in an otherwise valid nonimmigrant status.

3 (b) EMPLOYMENT AUTHORIZATION.—Section 208 of
4 the Immigration and Nationality Act (8 U.S.C. 1158) is
5 amended by adding at the end the following new sub-
6 section:

7 “(e) An applicant for asylum is not entitled to em-
8 ployment authorization except as may be provided by regu-
9 lation in the discretion of the Attorney General.”.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$_____ for fiscal years 1995, 1996, 1997, 1998, and
13 1999.

14 **SEC. 1323. IMPROVING BORDER CONTROLS.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated \$_____ for the Immi-
17 gration and Naturalization Service to increase the number
18 of agent positions (and necessary support personnel posi-
19 tions) in the Border Patrol and to increase the resources
20 for the Border Patrol, the Inspections Program, and the
21 Deportation Branch to apprehend illegal aliens who at-
22 tempt clandestine entry into the United States or entry
23 into the United States with fraudulent documents or who
24 remain in the country after their nonimmigrant visas ex-
25 pire.

1 (b) REPORT.—~~On or about~~^{By} September 30, 1996 and
2 September 30, 1998, the Attorney General shall report to
3 the Congress on the programs described in this section.
4 The report shall include an evaluation of the programs,
5 an outcome-based measurement of performance, and an
6 analysis of the cost effectiveness of the additional re-
7 sources provided under this Act.

8 **SEC. 1324. EXPANDED SPECIAL DEPORTATION PROCEED-**
9 **INGS.**

10 (a) IN GENERAL.—Subject to the availability of ap-
11 propriations, the Attorney General may expand the pro-
12 gram authorized by section 242A(d) and 242(i) of the Im-
13 migration and Nationality Act to ensure that such aliens
14 are immediately deportable upon their release from incar-
15 ceration.

16 (b) CONSTRUCTION OF INS PROCESSING CENTERS
17 TO DETAIN CRIMINAL ALIENS.—Subject to the availabil-
18 ity of appropriations, the Attorney General may—

19 (1) construct or contract for the construction of
20 2 Immigration and Naturalization Service Process-
21 ing Centers to detain criminal aliens; and

22 (2) provide for the detention and removal of
23 such aliens.

24 (c) REPORT.—~~Not later than~~^{By} September 30, 1996, *and September*
25 the Attorney General shall report to the Congress on the

30, 1998

1 programs referred to in subsections (a) and (b). The re-
2 port shall include an evaluation of the programs, an out-
3 come-based measurement of performance, and an analysis
4 of the cost effectiveness of the additional resources pro-
5 vided under this Act.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated \$_____ to carry out
8 this section for fiscal years 1995, 1996, 1997, and 1998.

9 **SEC. 1326. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.**

10 (a) IN GENERAL.—Subject to subsection (b) and not-
11 withstanding any other provision of law, the Attorney Gen-
12 eral, in the discretion of the Attorney General, may accept,
13 hold, administer, and utilize gifts of property and services
14 (which may not include cash assistance) from State and
15 local governments for the purpose of assisting the Immi-
16 gration and Naturalization Service in the transportation
17 of deportable aliens who are arrested for misdemeanor or
18 felony crimes under State or Federal law and who are ei-
19 ther unlawfully within the United States or willing to sub-
20 mit to voluntary departure under safeguards. Any prop-
21 erty acquired pursuant to this section shall be acquired
22 in the name of the United States.

23 (b) LIMITATION.—The Attorney General shall termi-
24 nate or rescind the exercise of the authority under sub-
25 section (a) if the Attorney General determines that the

1 exercise of such authority has resulted in discrimination
2 by law enforcement officials on the basis of race, color,
3 or national origin.

4 **SEC. 2431. PASSPORT AND VISA OFFENSES PENALTIES IM-**
5 **PROVEMENT.**

6 (a) IN GENERAL.—Chapter 75 of title 18, United
7 States Code, is amended—

8 (1) in section 1541 by striking “not more than
9 \$500 or imprisoned not more than one year” and in-
10 sserting “under this title, imprisoned not more than
11 10 years”;

12 (2) in each of sections 1542, 1543, and 1544
13 by striking “not more than \$2,000 or imprisoned
14 not more than five years” and inserting “under this
15 title, imprisoned not more than 10 years”;

16 (3) in section 1545 by striking “not more than
17 \$2,000 or imprisoned not more than three years”
18 and inserting “under this title, imprisoned not more
19 than 10 years”;

20 (4) in section 1546(a) by striking “five years”
21 and inserting “10 years”;

22 (5) in section 1546(b) by striking “in accord-
23 ance with this title, or imprisoned not more than two
24 years” and inserting “under this title, imprisoned
25 not more than 5 years”; and

1 (6) by adding at the end the following new sec-
2 tion:

3 **“§ 1547. Alternative imprisonment maximum for cer-
4 tain offenses**

5 “Notwithstanding any other provision of this title,
6 the maximum term of imprisonment that may be imposed
7 for an offense under this chapter (other than an offense
8 under section 1545)—

9 “(1) if committed to facilitate a drug traffick-
10 ing crime (as defined in 929(a)) is 15 years; and

11 “(2) if committed to facilitate an act of inter-
12 national terrorism (as defined in section 2331) is 20
13 years.”.

14 (b) **TECHNICAL AMENDMENT.**—The chapter analysis
15 for chapter 75 of title 18, United States Code, is amended
16 by adding at the end the following new item:

“1547. Alternative imprisonment maximum for certain offenses.”.

17 **SEC. 1321. ASYLUM.**

18 (a) **FINDINGS.**—The Senate finds that—

19 (1) in the last decade applications for asylum
20 have greatly exceeded the original 5,000 annual limit
21 provided in the Refugee Act of 1980, with more than
22 150,000 asylum applications filed in fiscal year
23 1993, and the backlog of cases growing to 340,000;

1 (2) this flood of asylum claims has swamped
2 the system, creating delays in the processing of ap-
3 plications of up to several years;

4 (3) the delay in processing asylum claims due
5 to the overwhelming numbers has contributed to nu-
6 merous problems, including—

7 (A) an abuse of the asylum laws by fraud-
8 ulent applicants whose primary interest is ob-
9 taining work authority in the United States
10 while their claim languishes in the backlogged
11 asylum processing system;

12 (B) the growth of alien smuggling oper-
13 ations, often involving organized crime;

14 (C) a drain on limited resources resulting
15 from the high cost of processing frivolous asy-
16 lum claims through our multilayered system;
17 and

18 (D) an erosion of public support for asy-
19 lum, which is a treaty obligation.

20 (4) asylum, a safe haven protection for aliens
21 abroad who cannot return home, has been perverted
22 by some aliens who use asylum claims to circumvent
23 our immigration and refugee laws and procedures;
24 and