

1 “(II) the term ‘units of general local gov-
2 ernment of the same type’ means all townships
3 if the unit of general local government is a
4 township, all municipalities if the unit of gen-
5 eral local government is a municipality, all
6 counties if the unit of general local government
7 is a county, or all unified city/county govern-
8 ments if the unit of general local government is
9 a unified city/county government.

10 “(4) INCOME GAP.—(A) Except as provided in
11 subparagraph (B), the income gap of a unit of gen-
12 eral local government is—

13 “(i) the number which applies under sec-
14 tion 6706, multiplied by the per capita income
15 of the State in which the unit is located; minus

16 “(ii) the per capita income of the geo-
17 graphic area of the unit.

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

22 “(d) SMALL GOVERNMENT ALLOCATIONS.—If the
23 Secretary decides that information available for a unit of
24 general local government with a population below a num-
25 ber (of not more than 500) prescribed by the Secretary

1 is inadequate, the Secretary may allocate to the unit, in
2 lieu of any allocation under subsection (b) for a payment
3 period, an amount bearing the same ratio to the total
4 amount to be allocated under subsection (b) for the period
5 for all units of general local government in the State as
6 the population of the unit bears to the population of all
7 units in the State.

8 **“§ 6706. Income gap multiplier**

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

12 “(1) 1.6, with respect to $\frac{1}{2}$ of any amount allo-
13 cated under section 6704 to the State in which the
14 unit is located; and

15 “(2) 1.2, with respect to the remainder of such
16 amount.

17 **“§ 6707. State variation of local government alloca-**
18 **tions**

19 “(a) STATE FORMULA.—A State government may
20 provide by law for the allocation of amounts among units
21 of general local government in the State on the basis of
22 population multiplied by the general tax effort factors or
23 income gaps of the units of general local government de-
24 termined under sections 6705 (a) and (b) or a combination
25 of those factors. A State government providing for a vari-

1 ation of an allocation formula provided under sections
2 6705 (a) and (b) shall notify the Secretary of the variation
3 by the 30th day before the beginning of the first payment
4 period in which the variation applies. A variation shall—

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

7 “(2) apply uniformly in the State.

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

14 **“§ 6708. Adjustments of local government allocations**

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

22 “(b) DE MINIMIS ALLOCATIONS TO UNITS OF GEN-
23 ERAL LOCAL GOVERNMENT.—If the amount allocated to
24 a unit of general local government (except an Indian tribe
25 or an Alaskan native village) for a payment period would

1 be less than \$5,000 but for this subsection or is waived
2 by the governing authority of the unit of general local gov-
3 ernment, the Secretary shall pay the amount to the Gov-
4 ernor of the State in which the unit is located.

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

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

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

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

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

24 “(2) USE OF AGGREGATED AMOUNTS.—
25 Amounts aggregated under paragraph (1) for a pay-

1 ment period shall be available for use by the Attor-
2 ney General to make grants in the payment period
3 on a competitive basis to Indian Tribes and Alaskan
4 native village for—

5 “(A) programs described in section
6 6701(a)(2); or

7 “(B) renovating or building prisons or
8 other correctional facilities.

9 **“§ 6709. Information used in allocation formulas**

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

22 “(b) DATA FOR PAYMENT PERIODS BEGINNING
23 AFTER SEPTEMBER 30, 1995.—For any payment period
24 beginning after September 30, 1995, the Secretary, in
25 making allocations pursuant to sections 6704 through

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

10 **“§ 6710. Public participation**

11 “(a) HEARINGS.—

12 “(1) IN GENERAL.—A unit of general local gov-
13 ernment expending payments under this chapter
14 shall hold at least one public hearing on the pro-
15 posed use of the payment in relation to its entire
16 budget. At the hearing, persons shall be given an op-
17 portunity to provide written and oral views to the
18 governmental authority responsible for enacting the
19 budget and to ask questions about the entire budget
20 and the relation of the payment to the entire budget.
21 The government shall hold the hearing at a time and
22 a place that allows and encourages public attendance
23 and participation.

24 “(2) SENIOR CITIZENS.—A unit of general local
25 government holding a hearing required under this

1 subsection or by the budget process of the govern-
2 ment shall try to provide senior citizens and senior
3 citizen organizations with an opportunity to present
4 views at the hearing before the government makes a
5 final decision on the use of the payment.

6 “(b) DISCLOSURE OF INFORMATION.—

7 “(1) IN GENERAL.—By the 10th day before a
8 hearing required under subsection (a)(1) is held, a
9 unit of general local government shall—

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

15 “(B) publish in at least one newspaper of
16 general circulation the proposed use of the pay-
17 ment with the summary of the proposed budget
18 and a notice of the time and place of the hear-
19 ing.

20 “(2) AVAILABILITY.—By the 30th day after
21 adoption of the budget under State or local law, the
22 government shall—

23 “(A) make available for inspection by the
24 public at the principal office of the government

1 a summary of the adopted budget, including the
2 proposed use of the payment; and

3 “(B) publish in at least one newspaper of
4 general circulation a notice that the information
5 referred to in subparagraph (A) is available for
6 inspection.

7 “(c) WAIVERS OF REQUIREMENTS.—A
8 requirement—

9 “(1) under subsection (a)(1) may be waived if
10 the budget process required under the applicable
11 State or local law or charter provisions—

12 “(A) ensures the opportunity for public at-
13 tendance and participation contemplated by
14 subsection (a); and

15 “(B) includes a hearing on the proposed
16 use of a payment received under this chapter in
17 relation to the entire budget of the government;
18 and

19 “(2) under subsection (b)(1)(B) and paragraph
20 (2)(B) may be waived if the cost of publishing the
21 information would be unreasonably burdensome in
22 relation to the amount allocated to the government
23 from amounts available for payment under this
24 chapter, or if publication is otherwise impracticable.

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

7 “§ 6711. Prohibited discrimination

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

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

18 “(1) A prohibition against discrimination be-
19 cause of age under the Age Discrimination Act of
20 1975.

21 “(2) A prohibition against discrimination
22 against an otherwise qualified handicapped individ-
23 ual under section 504 of the Rehabilitation Act of
24 1973.

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

6 “(c) LIMITATIONS ON APPLICABILITY OF PROHIBI-
7 TIONS.—Subsections (a) and (b) do not apply if the gov-
8 ernment shows, by clear and convincing evidence, that a
9 payment received under this chapter is not used to pay
10 for any part of the program or activity with respect to
11 which the allegation of discrimination is made.

12 “(d) INVESTIGATION AGREEMENTS.—The Secretary
13 shall try to make agreements with heads of agencies of
14 the United States Government and State agencies to in-
15 vestigate noncompliance with this section. An agreement
16 shall—

17 “(1) describe the cooperative efforts to be taken
18 (including sharing civil rights enforcement personnel
19 and resources) to obtain compliance with this sec-
20 tion; and

21 “(2) provide for notifying immediately the Sec-
22 retary of actions brought by the United States Gov-
23 ernment or State agencies against a unit of general
24 local government alleging a violation of a civil rights

1 law or a regulation prescribed under a civil rights
2 law.

3 **“§ 6712. Discrimination proceedings**

4 “(a) NOTICE OF NONCOMPLIANCE.—By the 10th day
5 after the Secretary makes a finding of discrimination or
6 receives a holding of discrimination about a unit of general
7 local government, the Secretary shall submit a notice of
8 noncompliance to the government. The notice shall state
9 the basis of the finding or holding.

10 “(b) INFORMAL PRESENTATION OF EVIDENCE.—A
11 unit of general local government may present evidence in-
12 formally to the Secretary within 30 days after the govern-
13 ment receives a notice of noncompliance from the Sec-
14 retary. Except as provided in subsection (e), the govern-
15 ment may present evidence on whether—

16 “(1) a person in the United States has been ex-
17 cluded or denied benefits of, or discriminated against
18 under, the program or activity of the government, in
19 violation of section 6711(a);

20 “(2) the program or activity of the government
21 violated a prohibition described in section 6711(b);
22 and

23 “(3) any part of that program or activity has
24 been paid for with a payment received under this
25 chapter.

1 “(c) TEMPORARY SUSPENSION OF PAYMENTS.—By
2 the end of the 30-day period under subsection (b), the Sec-
3 retary shall decide whether the unit of general local gov-
4 ernment has not complied with section 6711 (a) or (b),
5 unless the government has entered into a compliance
6 agreement under section 6714. If the Secretary decides
7 that the government has not complied, the Secretary shall
8 notify the government of the decision and shall suspend
9 payments to the government under this chapter unless,
10 within 10 days after the government receives notice of the
11 decision, the government—

12 “(1) enters into a compliance agreement under
13 section 6714; or

14 “(2) requests a proceeding under subsection
15 (d)(1).

16 “(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

17 “(1) PROCEEDING.—A proceeding requested
18 under subsection (c)(2) shall begin by the 30th day
19 after the Secretary receives a request for the pro-
20 ceeding. The proceeding shall be before an adminis-
21 trative law judge appointed under section 3105 of
22 title 5, United States Code. By the 30th day after
23 the beginning of the proceeding, the judge shall
24 issue a preliminary decision based on the record at
25 the time on whether the unit of general local govern-

1 ment is likely to prevail in showing compliance with
2 section 6711 (a) or (b).

3 “(2) DECISION.—If the administrative law
4 judge decides at the end of a proceeding under para-
5 graph (1) that the unit of general local government
6 has—

7 “(A) not complied with section 6711 (a) or
8 (b), the judge may order payments to the gov-
9 ernment under this chapter terminated; or

10 “(B) complied with section 6711 (a) or (b),
11 a suspension under section 6713(a)(1)(A) shall
12 be discontinued promptly.

13 “(3) LIKELIHOOD OF PREVAILING.—An admin-
14 istrative law judge may not issue a preliminary deci-
15 sion that the government is not likely to prevail if
16 the judge has issued a decision described in para-
17 graph (2)(A).

18 “(e) BASIS FOR REVIEW.—In a proceeding under
19 subsections (b) through (d) on a program or activity of
20 a unit of general local government about which a holding
21 of discrimination has been made, the Secretary or admin-
22 istrative law judge may consider only whether a payment
23 under this chapter was used to pay for any part of the
24 program or activity. The holding of discrimination is con-

1 clusive. If the holding is reversed by an appellate court,
2 the Secretary or judge shall end the proceeding.

3 **“§ 6713. Suspension and termination of payments in**
4 **discrimination proceedings**

5 **“(a) IMPOSITION AND CONTINUATION OF SUSPEN-**
6 **SIONS.—**

7 **“(1) IN GENERAL.—**The Secretary shall sus-
8 pend payment under this chapter to a unit of gen-
9 eral local government—

10 **“(A)** if an administrative law judge ap-
11 pointed under section 3105 of title 5, United
12 States Code, issues a preliminary decision in a
13 proceeding under section 6712(d)(1) that the
14 government is not likely to prevail in showing
15 compliance with section 6711 (a) and (b);

16 **“(B)** if the administrative law judge de-
17 cides at the end of the proceeding that the gov-
18 ernment has not complied with section 6711 (a)
19 or (b), unless the government makes a compli-
20 ance agreement under section 6714 by the 30th
21 day after the decision; or

22 **“(C)** if required under section 6712(c).

23 **“(2) EFFECTIVENESS.—**A suspension already
24 ordered under paragraph (1)(A) continues in effect

1 if the administrative law judge makes a decision
2 under paragraph (1)(B).

3 “(b) LIFTING OF SUSPENSIONS AND TERMI-
4 NATIONS.—If a holding of discrimination is reversed by
5 an appellate court, a suspension or termination of pay-
6 ments in a proceeding based on the holding shall be dis-
7 continued.

8 “(c) RESUMPTION OF PAYMENTS UPON ATTAINING
9 COMPLIANCE.—The Secretary may resume payment to a
10 unit of general local government of payments suspended
11 by the Secretary only—

12 “(1) as of the time of, and under the conditions
13 stated in—

14 “(A) the approval by the Secretary of a
15 compliance agreement under section
16 6714(a)(1); or

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

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

24 “(3) if a United States court, a State court, or
25 an administrative law judge decides (including a

1 judge in a proceeding under section 6712(d)(1)),
2 that the government has complied with sections
3 6711 (a) and (b); or

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

6 “(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For
7 purposes of subsection (c)(2), compliance by a government
8 may consist of the payment of restitution to a person in-
9 jured because the government did not comply with section
10 6711 (a) or (b).

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

16 **“§ 6714. Compliance agreements**

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

19 “(1) approved by the Secretary, between the
20 governmental authority responsible for prosecuting a
21 claim or complaint that is the basis of a holding of
22 discrimination and the chief executive officer of the
23 unit of general local government that has not com-
24 plied with section 6711 (a) or (b); or

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

3 “(b) CONTENTS OF AGREEMENTS.—A compliance
4 agreement—

5 “(1) shall state the conditions the unit of gen-
6 eral local government has agreed to comply with
7 that would satisfy the obligations of the government
8 under sections 6711 (a) and (b);

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

12 “(3) may be a series of agreements that dispose
13 of those matters.

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

15 The Secretary shall submit a copy of a compliance agree-
16 ment to each person who filed a complaint referred to in
17 section 6716(b), or, if an agreement under subsection
18 (a)(1), each person who filed a complaint with a govern-
19 mental authority, about a failure to comply with section
20 6711 (a) or (b). The Secretary shall submit the copy by
21 the 15th day after an agreement is made. However, if the
22 Secretary approves an agreement under subsection (a)(1)
23 after the agreement is made, the Secretary may submit
24 the copy by the 15th day after approval of the agreement.

1 **“§ 6715. Enforcement by the Attorney General of pro-**
2 **hibitions on discrimination**

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

9 “(1) a temporary restraining order;

10 “(2) an injunction; or

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

17 **“§ 6716. Civil action by a person adversely affected**

18 “(a) **AUTHORITY FOR PRIVATE SUITS IN FEDERAL**
19 **OR STATE COURT.**—If a unit of general local government,
20 or an officer or employee of a unit of general local govern-
21 ment acting in an official capacity, engages in a practice
22 prohibited by this chapter, a person adversely affected by
23 the practice may bring a civil action in an appropriate dis-
24 trict court of the United States or a State court of general
25 jurisdiction. Before bringing an action under this section,

1 the person must exhaust administrative remedies under
2 subsection (b).

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

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

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

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

17 “(1) may grant—

18 “(A) a temporary restraining order;

19 “(B) an injunction; or

20 “(C) another order, including suspension,
21 termination; or repayment of, payments under
22 this chapter or placement of additional pay-
23 ments under this chapter in escrow pending the
24 outcome of the action; and

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

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

13 “§ 6717. Judicial review

14 “(a) APPEALS IN FEDERAL COURT OF APPEALS.—
15 A unit of general local government which receives notice
16 from the Secretary about withholding payments under sec-
17 tion 6703(f), suspending payments under section
18 6713(a)(1)(B), or terminating payments under section
19 6712(d)(2)(A), may apply for review of the action of the
20 Secretary by filing a petition for review with the court of
21 appeals of the United States for the circuit in which the
22 government is located. The petition shall be filed by the
23 60th day after the date the notice is received. The clerk
24 of the court shall immediately send a copy of the petition
25 to the Secretary.

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

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

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

20 “§ 6718. Investigations and reviews

21 “(a) INVESTIGATIONS BY SECRETARY.—

22 “(1) IN GENERAL.—The Secretary shall within
23 a reasonable time limit—

24 “(A) carry out an investigation and make
25 a finding after receiving a complaint referred to

1 in section 6716(b), a determination by a State
2 or local administrative agency, or other infor-
3 mation about a possible violation of this chap-
4 ter;

5 “(B) carry out audits and reviews (includ-
6 ing investigations of allegations) about possible
7 violations of this chapter; and

8 “(C) advise a complainant of the status of
9 an audit, investigation, or review of an allega-
10 tion by the complainant of a violation of section
11 6711 (a) or (b) or other provision of this chap-
12 ter.

13 “(2) TIME LIMIT.—The maximum time limit
14 under paragraph (1)(A) is 120 days.

15 “(b) REVIEWS BY COMPTROLLER GENERAL.—The
16 Comptroller General of the United States shall carry out
17 reviews of the activities of the Secretary, State govern-
18 ments, and units of general local government necessary
19 for the Congress to evaluate compliance and operations
20 under this chapter. These reviews shall include a compari-
21 son of the waste and inefficiency of local governments
22 using funds under this chapter compared to waste and in-
23 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 “(1) IN GENERAL.—At the end of each fiscal
2 year, each unit of general local government which re-
3 ceived a payment under this chapter for the fiscal
4 year shall submit a report to the Secretary. The re-
5 port shall be submitted in the form and at a time
6 prescribed by the Secretary and shall be available to
7 the public for inspection. The report shall state—

8 “(A) the amounts and purposes for which
9 the payment has been appropriated, expended,
10 or obligated in the fiscal year;

11 “(B) the relationship of the payment to the
12 relevant functional items in the budget of the
13 government; and

14 “(C) the differences between the actual
15 and proposed use of the payment.

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

23 **“§ 6720. Definitions, application, and administration**

24 “(a) DEFINITIONS.—In this chapter—

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

1 “(A) a county, township, city, or political
2 subdivision of a county, township, or city, that
3 is a unit of general local government as deter-
4 mined by the Secretary of Commerce for gen-
5 eral statistical purposes; and

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

10 “(2) ‘payment period’ means each 1-year period
11 beginning on October 1 of the years 1994 through
12 2000;

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

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

24 “(5) ‘income’ means the total money income re-
25 ceived from all sources as determined by the Sec-

1 retary of Commerce for general statistical purposes,
2 which for units of general local government is re-
3 ported by the Bureau of the Census for 1990 in the
4 publication Summary Social, Economic, and Hous-
5 ing Characteristics;

6 “(6) ‘per capita income’ means—

7 “(A) in the case of the United States, the
8 income of the United States divided by the pop-
9 ulation of the United States;

10 “(B) in the case of a State, the income of
11 that State, divided by the population of that
12 State; and

13 “(C) in the case of a unit of general local
14 government, the income of that unit of general
15 local government divided by the population of
16 the unit of general local government;

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

1 “(8) ‘holding of discrimination’ means a holding
2 by a United States court, a State court, or an ad-
3 ministrative law judge appointed under section 3105
4 of title 5, United States Code, that a unit of general
5 local government expending amounts received under
6 this chapter has—

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

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

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

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

21 “(c) TREATMENT OF SUBSUMED AREAS.—If the en-
22 tire geographic area of a unit of general local government
23 is located in a larger entity, the unit of general local gov-
24 ernment is deemed to be located in the larger entity. If
25 only part of the geographic area of a unit is located in

1 a larger entity, each part is deemed to be located in the
2 larger entity and to be a separate unit of general local
3 government in determining allocations under this chapter.
4 Except as provided in regulations prescribed by the Sec-
5 retary, the Secretary shall make all data computations
6 based on the ratio of the estimated population of the part
7 to the population of the entire unit of general local govern-
8 ment.

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

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

1 (c) DEFICIT NEUTRALITY.—Any appropriation to
2 carry out the amendment made by this subtitle to title
3 31, United States Code, for fiscal year 1995 or 1996 shall
4 be offset by cuts elsewhere in appropriations for that fiscal
5 year.

6 **SEC. 31002. TECHNICAL AMENDMENT.**

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

“67. Federal payments 6701”.

10 **Subtitle K—National Community**
11 **Economic Partnership**

12 **SEC. 31101. SHORT TITLE.**

13 This subtitle may be cited as the “National Commu-
14 nity Economic Partnership Act of 1994”.

15 **CHAPTER 1—COMMUNITY ECONOMIC**
16 **PARTNERSHIP INVESTMENT FUNDS**

17 **SEC. 31111. PURPOSE.**

18 It is the purpose of this chapter to increase private
19 investment in distressed local communities and to build
20 and expand the capacity of local institutions to better
21 serve the economic needs of local residents through the
22 provision of financial and technical assistance to commu-
23 nity development corporations.

1 **SEC. 31112. PROVISION OF ASSISTANCE.**

2 (a) **AUTHORITY.**—The Secretary of Health and
3 Human Services (referred to in this subtitle as the “Sec-
4 retary”) may, in accordance with this chapter, provide
5 nonrefundable lines of credit to community development
6 corporations for the establishment, maintenance or expan-
7 sion of revolving loan funds to be utilized to finance
8 projects intended to provide business and employment op-
9 portunities for low-income, unemployed, or underemployed
10 individuals and to improve the quality of life in urban and
11 rural areas.

12 (b) **REVOLVING LOAN FUNDS.**—

13 (1) **COMPETITIVE ASSESSMENT OF APPLICA-**
14 **TIONS.**—In providing assistance under subsection
15 (a), the Secretary shall establish and implement a
16 competitive process for the solicitation and consider-
17 ation of applications from eligible entities for lines of
18 credit for the capitalization of revolving funds.

19 (2) **ELIGIBLE ENTITIES.**—To be eligible to re-
20 ceive a line of credit under this chapter an applicant
21 shall—

22 (A) be a community development corpora-
23 tion;

24 (B) prepare and submit an application to
25 the Secretary that shall include a strategic in-
26 vestment plan that identifies and describes the

1 economic characteristics of the target area to be
2 served, the types of business to be assisted and
3 the impact of such assistance on low-income,
4 underemployed, and unemployed individuals in
5 the target area;

6 (C) demonstrate previous experience in the
7 development of low-income housing or commu-
8 nity or business development projects in a low-
9 income community and provide a record of
10 achievement with respect to such projects; and

11 (D) have secured one or more commit-
12 ments from local sources for contributions (ei-
13 ther in cash or in kind, letters of credit or let-
14 ters of commitment) in an amount that is at
15 least equal to the amount requested in the ap-
16 plication submitted under subparagraph (B).

17 (3) EXCEPTION.—Notwithstanding the provi-
18 sions of paragraph (2)(D), the Secretary may reduce
19 local contributions to not less than 25 percent of the
20 amount of the line of credit requested by the com-
21 munity development corporation if the Secretary de-
22 termines such to be appropriate in accordance with
23 section 31116.

1 **SEC. 31113. APPROVAL OF APPLICATIONS.**

2 (a) **IN GENERAL.**—In evaluating applications submit-
3 ted under section 31112(b)(2)(B), the Secretary shall en-
4 sure that—

5 (1) the residents of the target area to be served
6 (as identified under the strategic development plan)
7 would have an income that is less than the median
8 income for the area (as determined by the Sec-
9 retary);

10 (2) the applicant community development cor-
11 poration possesses the technical and managerial ca-
12 pability necessary to administer a revolving loan
13 fund and has past experience in the development
14 and management of housing, community and eco-
15 nomic development programs;

16 (3) the applicant community development cor-
17 poration has provided sufficient evidence of the ex-
18 istence of good working relationships with—

19 (A) local businesses and financial institu-
20 tions, as well as with the community the cor-
21 poration proposes to serve; and

22 (B) local and regional job training pro-
23 grams;

24 (4) the applicant community development cor-
25 poration will target job opportunities that arise from
26 revolving loan fund investments under this chapter

1 so that 75 percent of the jobs retained or created
2 under such investments are provided to—

3 (A) individuals with—

4 (i) incomes that do not exceed the
5 Federal poverty line; or

6 (ii) incomes that do not exceed 80
7 percent of the median income of the area;

8 (B) individuals who are unemployed or un-
9 deremployed;

10 (C) individuals who are participating or
11 have participated in job training programs au-
12 thorized under the Job Training Partnership
13 Act (29 U.S.C. 1501 et seq.) or the Family
14 Support Act of 1988 (Public Law 100-485);

15 (D) individuals whose jobs may be retained
16 as a result of the provision of financing avail-
17 able under this chapter; or

18 (E) individuals who have historically been
19 underrepresented in the local economy; and

20 (5) a representative cross section of applicants
21 are approved, including large and small community
22 development corporations, urban and rural commu-
23 nity development corporations and community devel-
24 opment corporations representing diverse popu-
25 lations.

1 (b) PRIORITY.—In determining which application to
2 approve under this chapter the Secretary shall give prior-
3 ity to those applicants proposing to serve a target area—

4 (1) with a median income that does not exceed
5 80 percent of the median for the area (as deter-
6 mined by the Secretary); and

7 (2) with a high rate of unemployment, as deter-
8 mined by the Secretary or in which the population
9 loss is at least 7 percent from April 1, 1980, to
10 April 1, 1990, as reported by the Bureau of the
11 Census.

12 **SEC. 31114. AVAILABILITY OF LINES OF CREDIT AND USE.**

13 (a) APPROVAL OF APPLICATION.—The Secretary
14 shall provide a community development corporation that
15 has an application approved under section 31113 with a
16 line of credit in an amount determined appropriate by the
17 Secretary, subject to the limitations contained in sub-
18 section (b).

19 (b) LIMITATIONS ON AVAILABILITY OF AMOUNTS.—

20 (1) MAXIMUM AMOUNT.—The Secretary shall
21 not provide in excess of \$2,000,000 in lines of credit
22 under this chapter to a single applicant.

23 (2) PERIOD OF AVAILABILITY.—A line of credit
24 provided under this chapter shall remain available
25 over a period of time established by the Secretary,

1 but in no event shall any such period of time be in
2 excess of 3 years from the date on which such line
3 of credit is made available.

4 (3) EXCEPTION.—Notwithstanding paragraphs
5 (1) and (2), if a recipient of a line of credit under
6 this chapter has made full and productive use of
7 such line of credit, can demonstrate the need and
8 demand for additional assistance, and can meet the
9 requirements of section 31112(b)(2), the amount of
10 such line of credit may be increased by not more
11 than \$1,500,000.

12 (c) AMOUNTS DRAWN FROM LINE OF CREDIT.—
13 Amounts drawn from each line of credit under this chapter
14 shall be used solely for the purposes described in section
15 31111 and shall only be drawn down as needed to provide
16 loans, investments, or to defray administrative costs relat-
17 ed to the establishment of a revolving loan fund.

18 (d) USE OF REVOLVING LOAN FUNDS.—Revolving
19 loan funds established with lines of credit provided under
20 this chapter may be used to provide technical assistance
21 to private business enterprises and to provide financial as-
22 sistance in the form of loans, loan guarantees, interest re-
23 duction assistance, equity shares, and other such forms
24 of assistance to business enterprises in target areas and
25 who are in compliance with section 31113(a)(4).

1 **SEC. 31115. LIMITATIONS ON USE OF FUNDS.**

2 (a) **MATCHING REQUIREMENT.**—Not to exceed 50
3 percent of the total amount to be invested by an entity
4 under this chapter may be derived from funds made avail-
5 able from a line of credit under this chapter.

6 (b) **TECHNICAL ASSISTANCE AND ADMINISTRA-**
7 **TION.**—Not to exceed 10 percent of the amounts available
8 from a line of credit under this chapter shall be used for
9 the provision of training or technical assistance and for
10 the planning, development, and management of economic
11 development projects. Community development corpora-
12 tions shall be encouraged by the Secretary to seek tech-
13 nical assistance from other community development cor-
14 porations, with expertise in the planning, development and
15 management of economic development projects. The Sec-
16 retary shall assist in the identification and facilitation of
17 such technical assistance.

18 (c) **LOCAL AND PRIVATE SECTOR CONTRIBUTIONS.**—
19 To receive funds available under a line of credit provided
20 under this chapter, an entity, using procedures established
21 by the Secretary, shall demonstrate to the community de-
22 velopment corporation that such entity agrees to provide
23 local and private sector contributions in accordance with
24 section 31112(b)(2)(D), will participate with such commu-
25 nity development corporation in a loan, guarantee or in-
26 vestment program for a designated business enterprise,

1 and that the total financial commitment to be provided
2 by such entity is at least equal to the amount to be drawn
3 from the line of credit.

4 (d) USE OF PROCEEDS FROM INVESTMENTS.—Pro-
5 ceeds derived from investments made using funds made
6 available under this chapter may be used only for the pur-
7 poses described in section 31111 and shall be reinvested
8 in the community in which they were generated.

9 **SEC. 31116. PROGRAM PRIORITY FOR SPECIAL EMPHASIS**
10 **PROGRAMS.**

11 (a) IN GENERAL.—The Secretary shall give priority
12 in providing lines of credit under this chapter to commu-
13 nity development corporations that propose to undertake
14 economic development activities in distressed communities
15 that target women, Native Americans, at risk youth, farm-
16 workers, population-losing communities, very low-income
17 communities, single mothers, veterans, and refugees; or
18 that expand employee ownership of private enterprises and
19 small businesses, and to programs providing loans of not
20 more than \$35,000 to very small business enterprises.

21 (b) RESERVATION OF FUNDS.—Not less than 5 per-
22 cent of the amounts made available under section
23 31112(a)(2)(A) may be reserved to carry out the activities
24 described in subsection (a).

1 **CHAPTER 2—EMERGING COMMUNITY**
2 **DEVELOPMENT CORPORATIONS**
3 **SEC. 31121. COMMUNITY DEVELOPMENT CORPORATION**
4 **IMPROVEMENT GRANTS.**

5 (a) **PURPOSE.**—It is the purpose of this section to
6 provide assistance to community development corporations
7 to upgrade the management and operating capacity of
8 such corporations and to enhance the resources available
9 to enable such corporations to increase their community
10 economic development activities.

11 (b) **SKILL ENHANCEMENT GRANTS.**—

12 (1) **IN GENERAL.**—The Secretary shall award
13 grants to community development corporations to
14 enable such corporations to attain or enhance the
15 business management and development skills of the
16 individuals that manage such corporations to enable
17 such corporations to seek the public and private re-
18 sources necessary to develop community economic
19 development projects.

20 (2) **USE OF FUNDS.**—A recipient of a grant
21 under paragraph (1) may use amounts received
22 under such grant—

23 (A) to acquire training and technical as-
24 sistance from agencies or institutions that have
25 extensive experience in the development and

1 management of low-income community eco-
2 nomic development projects; or

3 (B) to acquire such assistance from other
4 highly successful community development cor-
5 porations.

6 (c) OPERATING GRANTS.—

7 (1) IN GENERAL.—The Secretary shall award
8 grants to community development corporations to
9 enable such corporations to support an administra-
10 tive capacity for the planning, development, and
11 management of low-income community economic de-
12 velopment projects.

13 (2) USE OF FUNDS.—A recipient of a grant
14 under paragraph (1) may use amounts received
15 under such grant—

16 (A) to conduct evaluations of the feasibility
17 of potential low-income community economic de-
18 velopment projects that address identified needs
19 in the low-income community and that conform
20 to those projects and activities permitted under
21 subtitle A;

22 (B) to develop a business plan related to
23 such a potential project; or

1 (C) to mobilize resources to be contributed
2 to a planned low-income community economic
3 development project or strategy.

4 (d) APPLICATIONS.—A community development cor-
5 poration that desires to receive a grant under this section
6 shall prepare and submit to the Secretary an application
7 at such time, in such manner, and containing such infor-
8 mation as the Secretary may require.

9 (e) AMOUNT AVAILABLE FOR A COMMUNITY DEVEL-
10 OPMENT CORPORATION.—Amounts provided under this
11 section to a community development corporation shall not
12 exceed \$75,000 per year. Such corporations may apply for
13 grants under this section for up to 3 consecutive years,
14 except that such corporations shall be required to submit
15 a new application for each grant for which such corpora-
16 tion desires to receive and compete on the basis of such
17 applications in the selection process.

18 **SEC. 31122. EMERGING COMMUNITY DEVELOPMENT COR-**
19 **PORATION REVOLVING LOAN FUNDS.**

20 (a) AUTHORITY.—The Secretary may award grants
21 to emerging community development corporations to en-
22 able such corporations to establish, maintain or expand
23 revolving loan funds, to make or guarantee loans, or to
24 make capital investments in new or expanding local busi-
25 nesses.

1 (b) ELIGIBILITY.—To be eligible to receive a grant
2 under subsection (a), an entity shall—

3 (1) be a community development corporation;

4 (2) have completed not less than one nor more
5 than two community economic development projects
6 or related projects that improve or provide job and
7 employment opportunities to low-income individuals;

8 (3) prepare and submit to the Secretary an ap-
9 plication at such time, in such manner, and contain-
10 ing such information as the Secretary may require,
11 including a strategic investment plan that identifies
12 and describes the economic characteristics of the
13 target area to be served, the types of business to be
14 assisted using amounts received under the grant and
15 the impact of such assistance on low-income individ-
16 uals; and

17 (4) have secured one or more commitments
18 from local sources for contributions (either in cash
19 or in kind, letters of credit, or letters of commit-
20 ment) in an amount that is equal to at least 10 per-
21 cent of the amounts requested in the application
22 submitted under paragraph (2).

23 (c) USE OF THE REVOLVING LOAN FUND.—

24 (1) IN GENERAL.—A revolving loan fund estab-
25 lished or maintained with amounts received under

1 this section may be utilized to provide financial and
2 technical assistance, loans, loan guarantees or in-
3 vestments to private business enterprises to—

4 (A) finance projects intended to provide
5 business and employment opportunities for low-
6 income individuals and to improve the quality of
7 life in urban and rural areas; and

8 (B) build and expand the capacity of
9 emerging community development corporations
10 and serve the economic needs of local residents.

11 (2) TECHNICAL ASSISTANCE.—The Secretary
12 shall encourage emerging community development
13 corporations that receive grants under this section to
14 seek technical assistance from established commu-
15 nity development corporations, with expertise in the
16 planning, development and management of economic
17 development projects and shall facilitate the receipt
18 of such assistance.

19 (3) LIMITATION.—Not to exceed 10 percent of
20 the amounts received under this section by a grantee
21 shall be used for training, technical assistance and
22 administrative purposes.

23 (d) USE OF PROCEEDS FROM INVESTMENTS.—Pro-
24 ceeds derived from investments made with amounts pro-
25 vided under this section may be utilized only for the pur-

1 poses described in this subtitle and shall be reinvested in
2 the community in which they were generated.

3 (e) AMOUNTS AVAILABLE.—Amounts provided under
4 this section to a community development corporation shall
5 not exceed \$500,000 per year.

6 CHAPTER 3—MISCELLANEOUS

7 PROVISIONS

8 SEC. 31131. DEFINITIONS.

9 As used in this subtitle:

10 (1) COMMUNITY DEVELOPMENT CORPORA-
11 TION.—The term “community development corpora-
12 tion” means a private, nonprofit corporation whose
13 board of directors is comprised of business, civic and
14 community leaders, and whose principal purpose in-
15 cludes the provision of low-income housing or com-
16 munity economic development projects that primarily
17 benefit low-income individuals and communities.

18 (2) LOCAL AND PRIVATE SECTOR CONTRIBU-
19 TION.—The term “local and private sector contribu-
20 tion” means the funds available at the local level (by
21 private financial institutions, State and local govern-
22 ments) or by any private philanthropic organization
23 and private, nonprofit organizations that will be
24 committed and used solely for the purpose of financ-

1 ing private business enterprises in conjunction with
2 amounts provided under this subtitle.

3 (3) POPULATION-LOSING COMMUNITY.—The
4 term “population-losing community” means any
5 county in which the net population loss is at least
6 7 percent from April 1, 1980 to April 1, 1990, as
7 reported by the Bureau of the Census.

8 (4) PRIVATE BUSINESS ENTERPRISE.—The
9 term “private business enterprise” means any busi-
10 ness enterprise that is engaged in the manufacture
11 of a product, provision of a service, construction or
12 development of a facility, or that is involved in some
13 other commercial, manufacturing or industrial activ-
14 ity, and that agrees to target job opportunities stem-
15 ming from investments authorized under this sub-
16 title to certain individuals.

17 (5) TARGET AREA.—The term “target area”
18 means any area defined in an application for assist-
19 ance under this subtitle that has a population whose
20 income does not exceed the median for the area
21 within which the target area is located.

22 (6) VERY LOW-INCOME COMMUNITY.—The term
23 “very low-income community” means a community
24 in which the median income of the residents of such

1 community does not exceed 50 percent of the median
2 income of the area.

3 **SEC. 31132. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to carry out chapters 1 and 2—

6 ~~(1) \$ _____ for fiscal~~
7 ~~year 1995.~~

8 (1) ~~(2)~~ \$ _____ for fiscal
9 year 1996;

10 (2) ~~(3)~~ \$ _____ for fiscal
11 year 1997;

12 (3) ~~(4)~~ \$ _____ for fiscal
13 year 1998;

14 (4) ~~(5)~~ \$ _____ for fiscal
15 year 1999; and

16 (5) ~~(6)~~ \$ _____ for fiscal
17 year 2000.

18 (b) EARMARKS.—Of the aggregate amount appro-
19 priated under subsection (a) for each fiscal year—

20 (1) 60 percent shall be available to carry out
21 chapter 1; and

22 (2) 40 percent shall be available to carry out
23 chapter 2.

1 (c) AMOUNTS.—Amounts appropriated under sub-
2 section (a) shall remain available for expenditure without
3 fiscal year limitation.

4 **SEC. 31133. PROHIBITION.**

5 None of the funds authorized under this subtitle shall
6 be used to finance the construction of housing.

7 **Subtitle L—Gang Prevention**
8 **Services for Boys and Girls**

9 **SEC. 31201. PROGRAM AUTHORITY.**

10 (a) IN GENERAL.—The Attorney General, in con-
11 sultation with the Secretary of Education and Secretary
12 of Health and Human Services, may make grants to eligi-
13 ble service providers to carry out programs that prevent
14 young children from becoming gang involved. In making
15 such grants, the Attorney General shall give priority to
16 eligible service providers that have a proven track record
17 of serving young children and have an overall budget of
18 not more than \$750,000 per program per fiscal year, prior
19 to receiving a grant under this section.

20 (b) CONSULTATION WITH OUNCE OF PREVENTION
21 COUNCIL.—The Attorney General may consult with the
22 Ounce of Prevention Council in making grants under sub-
23 section (a).

1 **SEC. 31202. PROGRAM REQUIREMENTS.**

2 The eligible service providers receiving a grant under
3 section 31201 shall—

4 (1) provide a comprehensive array of support
5 services to assist the participants to reach their full
6 potential as contributing law-abiding citizens (which
7 support services may include education and health
8 services; career development training; music, art,
9 and drama activities; physical fitness training; life
10 skills training; mental health counseling; and job
11 placement counseling);

12 (2) to the extent practicable, involve the parents
13 and other family members of participating children,
14 and the members of local organizations that support
15 the educational and law enforcement institutions of
16 the community, as is appropriate, in the administra-
17 tion and operation of the gang prevention program;

18 (3) utilize community resources and related
19 support services as needed in the operation of the
20 program;

21 (4) accept referrals from public institutions, as
22 is appropriate, such as law enforcement, mental
23 health, local school systems, and other entities of
24 local government; and

25 (5) utilize volunteer staff, including participants
26 in programs funded under the National and Commu-

1 nity Service Program, Public Law 103-62, to the
2 maximum extent practicable in the operation of the
3 program.

4 **SEC. 31203. ELIGIBLE PROVIDERS.**

5 Community-based service providers, as defined in the
6 Juvenile Justice and Delinquency Prevention Act of 1974,
7 that have a proven track record of providing services to
8 children ages 5 to 18 shall be eligible to apply for funds
9 under this subtitle. A priority shall be given to service pro-
0 viders that have a history of providing services uniquely
1 designed to meet the needs of young children such as the
2 Boys and Girls Clubs of America or service providers that
3 display the potential for providing such targeted services.

4 **SEC. 31204. ELIGIBLE PARTICIPANTS.**

5 Children that have the potential, because of commu-
6 nity composition and other factors, to come into contact
7 with gangs, or who have a family member that has come
8 into contact with a gang, and are not more than 18 years
9 old at the time of entry into the program, shall be eligible
0 to receive services provided by programs receiving assist-
1 ance under this subtitle.

2 **SEC. 31205. APPLICATIONS PROCESS.**

3 Eligible service providers may submit to the Attorney
4 General, for approval, an application in such form at such
5 time as the Attorney General deems appropriate.

1 SEC. 31206. EVALUATION.

2 The Attorney General shall conduct an evaluation of
3 the effectiveness of the program model grants authorized
4 under this subtitle, and the extent to which it can be rep-
5 licated by other local communities. The Attorney General
6 shall report to the Congress no later than January 1,
7 1999, on the details of such evaluations.

8 SEC. 31207. AUTHORIZATION OF APPROPRIATIONS.

9 There are authorized to be appropriated to carry out
10 this subtitle—

11 ~~(1) \$ _____ for fiscal~~

12 ~~year 1995;~~

13 (1) (2) \$ _____ for fiscal

14 year 1996;

15 (2) (3) \$ _____ for fiscal

16 year 1997;

17 (3) (4) \$ _____ for fiscal

18 year 1998;

19 (4) (5) \$ _____ for fiscal

20 year 1999; and

21 (5) (6) \$ _____ for fiscal

22 year 2000.

23 Subtitle M—Olympic Youth
24 Development Centers

25 SEC. 31301. OLYMPIC YOUTH DEVELOPMENT CENTERS.

26 (a) DEFINITIONS.—In this section—

1 “child” means an individual who is not younger
2 than 8 and not older than 18.

3 “Committee” means the United States Olympic
4 Committee.

5 “Council” means the Ounce of Prevention
6 Council.

7 “State” means a State, the District of Colum-
8 bia, the Commonwealth of Puerto Rico, the United
9 States Virgin Islands, American Samoa, Guam, and
10 the Northern Mariana Islands.

11 (b) GRANT.—The Council may make a grant to Unit-
12 ed States Olympic Committee for the purpose of establish-
13 ing Olympic Youth Development Centers and carrying out
14 programs through such centers.

15 (c) PROGRAM REQUIREMENTS.—

16 (1) LOCATION.—The Committee, on receiving a
17 grant under this section to establish such a center
18 shall ensure that the center is established in an ap-
19 propriate facility in a State, such as a college or uni-
20 versity, a local or State park or recreation center,
21 church, or military base, that is—

22 (A) in a location that is easily accessible to
23 children in the community; and

24 (B) in compliance with all applicable local
25 ordinances.

1 (2) CENTERS.—The Committee shall, subject to
2 the availability of appropriations, not later than 1
3 year after the date of enactment of this Act, estab-
4 lish not fewer than 6 such centers, and shall, subject
5 to the availability of appropriations, to the extent
6 possible, establish not less than 1 such center in
7 each State by fiscal year 1997. In selecting locations
8 for such centers, the Committee shall consider the
9 need to maintain geographic diversity, and to main-
10 tain a balance of urban and rural locations for such
11 centers.

12 (3) USE OF FUNDS.—The Committee—

13 (A) may use funds made available through
14 the grant to provide supervised sports and
15 recreation programs that are offered—

16 (i) after school and on weekends and
17 holidays, during the school year; and

18 (ii) as daily (or weeklong) full-day
19 programs (to the extent available resources
20 permit) or as part-day programs, during
21 the summer months;

22 (B) may use—

23 (i) such funds for the minor renova-
24 tion of facilities that are in existence prior
25 to the operation of the program and nec-

1 essary for the operation of the program for
2 which the Committee receives the grant,
3 purchase of sporting and recreational
4 equipment and supplies, reasonable cost
5 for transportation of participants in the
6 program, hiring of staff, provision of meals
7 for such participants, provision of health
8 services consisting of an initial basic phys-
9 ical examination, and provision of first aid
10 and nutrition guidance; and

11 (ii) not more than 5 percent of such
12 funds to pay for the administrative costs of
13 the program; and

14 (C) may not use such funds to provide sec-
15 tarian worship or sectarian instruction.

16 (4) EXECUTIVE DIRECTOR.—The Committee
17 shall appoint an Executive Director to coordinate
18 the centers and programs described in subsection
19 (b), and shall appoint a Director for each such cen-
20 ter to carry out such programs at the center.

21 (d) APPLICATION.—

22 (1) IN GENERAL.—To be eligible to receive a
23 grant under this section, the Committee shall submit
24 an application to the Council at such time, in such
25 manner, and accompanied by such information, as

1 the Council may reasonably require, and obtain ap-
2 proval of such application.

3 (2) CONTENTS OF APPLICATION.—The applica-
4 tion submitted pursuant to paragraph (1) shall—

5 (A) contain an assurance that the program
6 to be carried out through the center for which
7 the grant is sought will maintain an average at-
8 tendance rate of not less than 75 percent of the
9 participants enrolled in the program, or will en-
10 roll additional participants in the program;

11 (B) contain an assurance that the Commit-
12 tee will comply with any evaluation under sub-
13 section (i), any research effort authorized under
14 Federal law, and any investigation by the Ad-
15 ministrator;

16 (C) contain an assurance that the Commit-
17 tee shall prepare and submit to the Adminis-
18 trator an annual report regarding any program
19 conducted under this section;

20 (D) contain an assurance that the program
21 for which the grant is sought will, to the maxi-
22 mum extent possible, incorporate services that
23 are provided solely through non-Federal private
24 or nonprofit sources;

1 (E) contain an assurance that the Commit-
2 tee will maintain separate accounting records
3 for the program; and

4 (F) contain an assurance that the program
5 will include outreach efforts in order to encour-
6 age participation in the program.

7 (e) ELIGIBILITY OF PARTICIPANTS.—

8 (1) IN GENERAL.—The Committee shall select
9 children to participate in programs that receive as-
10 sistance under this section without regard to the
11 athletic ability of the children. In selecting children
12 to participate in programs that receive assistance
13 under this section, the Committee shall give priority
14 to children from low-income communities and high-
15 crime areas with demonstrated gang activity as de-
16 termined by the Council.

17 (2) PARENTAL APPROVAL.—To be eligible to
18 participate in a program that receives assistance
19 under this section, a child shall provide the express
20 written approval of a parent or guardian, and shall
21 submit an official application and agree to the terms
22 and conditions of participation in the program.

23 (3) NONDISCRIMINATION.—In selecting children
24 to participate in a program that receives assistance
25 under this section, the Committee shall not discrimi-

1 nate on the basis of race, color, religion, sex, na-
2 tional origin, or disability.

3 (4) BEHAVIOR PROBLEMS.—The Committee
4 may find a child ineligible to participate in such a
5 program if the Committee determines that the child
6 has behavior problems that pose an unacceptable
7 risk of injury or illness to other participants or has
8 a physical or mental disability so serious that the
9 child would be unable to participate in the program
10 with reasonable accommodation.

11 (f) INVESTIGATIONS AND INSPECTIONS.—The Coun-
12 cil may conduct such investigations and inspections as
13 may be necessary to ensure compliance with the provisions
14 of this section.

15 (g) FEDERAL SHARE.—

16 (1) PAYMENTS; FEDERAL SHARE; NON-FED-
17 ERAL SHARE.—

18 (A) PAYMENTS.—On approval of an appli-
19 cation under subsection (d), the Council shall,
20 subject to the availability of appropriations pay
21 to the Committee the Federal share of the costs
22 of establishing the centers and carrying out the
23 programs described in subsection (b).

24 (B) FEDERAL SHARE.—The Federal share
25 of such costs shall be not more than—

- 1 (i) 75 percent for fiscal years 1995
2 and 1996;
3 (ii) 70 percent for fiscal year 1997;
4 and
5 (iii) 60 percent for fiscal year 1998.

6 (2) NON-FEDERAL SHARE.—

7 (A) IN GENERAL.—The non-Federal share
8 of such costs may be in cash or in kind, fairly
9 evaluated, including plant, equipment, and serv-
10 ices (including the services described in sub-
11 section (d)(2)(D)).

12 (B) SPECIAL RULE.—The Committee may
13 not charge fees for the participation of children
14 in programs carried out under this section.

15 (h) REPORTS.—At the end of each fiscal year, the
16 Council shall submit to Congress a report on the activities
17 conducted under this section, including a summary of the
18 information in the report submitted under subsection
19 (d)(2)(C).

20 (i) EVALUATION.—The Council shall conduct a thor-
21 ough evaluation of the programs assisted under this sec-
22 tion, which shall include an assessment of—

23 (1) the number of children participating in each
24 program assisted under this section;

25 (2) the academic achievement of such children;

1 (3) school attendance and graduation rates of
2 such children; and

3 (4) the number of such children being processed
4 by the juvenile justice system.

5 (j) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated to carry out this section—

8 ~~(A) \$ _____ for fis-~~
9 ~~cal year 1996;~~

10 (A) ~~(B)~~ \$ _____ for fis-
11 cal year 1996;

12 (B) ~~(C)~~ \$ _____ for fis-
13 cal year 1997;

14 (C) ~~(D)~~ \$ _____ for fis-
15 cal year 1998;

16 (D) ~~(E)~~ \$ _____ for fis-
17 cal year 1999; and

18 (E) ~~(F)~~ \$ _____ for fis-
19 cal year 2000.

20 (2) AVAILABILITY.—Amounts appropriated to
21 carry out this section shall remain available until ex-
22 pended.

1 **SEC. 31403. APPLICATIONS FOR GRANTS.**

2 To request a grant under section 31402, a public and
3 nonprofit community-based organization shall submit to
4 the Attorney General an application in such form and con-
5 taining such information as the Attorney General may re-
6 quire by rule, including assurances that—

7 (1) the anticrime youth council with respect to
8 which such grant is requested will be—

9 (A) selected by a teacher or administrator
10 of an intermediate or secondary school in the
11 congressional district involved, in consultation
12 with teachers and administrators of other inter-
13 mediate and secondary schools in such district,

14 (B) composed of not more than 5 students
15 from each of the intermediate and secondary
16 schools in such district, selected as described in
17 subparagraph (A) from among individuals who
18 have first-hand knowledge of issues and prob-
19 lems relating to students who attend schools in
20 such district,

21 (C) supervised by an individual who—

22 (i) is familiar with issues regarding
23 youth violence,

24 (ii) has strong ties to the communities
25 in such district and to the organizations
26 with which such council will interact, and

1 (iii) will be responsible for coordinat-
2 ing the dissemination of information to
3 such council, supervising council meetings,
4 and acting as a liaison between such coun-
5 cil and communities in such district, and

6 (D) meet not less frequently than
7 monthly—

8 (i) to discuss issues of concern, in-
9 cluding youth crime, school violence, job
10 creation, and recreation, and

11 (ii) to develop creative solutions for
12 assisting community organizations, law en-
13 forcement officials, school officials, govern-
14 ment officials, and others to address such
15 issues, and

16 (2) the applicant will submit to the Attorney
17 General a report, not later than 180 days after the
18 first year for which such applicant receives a grant
19 under section 31402, that—

20 (A) specifies the number of students and
21 schools involved and represented on such coun-
22 cil,

23 (B) specifies the number of organizations
24 and individuals that council and its subcommit-
25 tees met with,

1 (C) specifies the number of grants, poli-
2 cies, and programs submitted to the youth
3 council for review and recommendation,

4 (D) contains evidence that—

5 (i) the community has consulted such
6 council and adopted its recommendations,
7 and

8 (ii) a grant review process has been
9 established within a school system or police
10 department that includes an evaluation by
11 the youth council,

12 (E) describes the effect that participation
13 on such council has had on the student rep-
14 resentatives, (such as improved school attend-
15 ance and academic performance, and decreased
16 criminal involvement),

17 (F) describes the effect that participation
18 on such council has had on the participating
19 schools (such as decrease in incidence of school
20 violence),

21 (G) describes the extent to which other
22 students attended council and subcommittee
23 meetings, and participated as members of the
24 audience in such council's activities,

(H) describes the extent to which family service, youth service, and the education, police, health, and judicial departments within such district coordinate anticrime efforts as a result of the recommendations and programs of such council, and

(I) describes the extent to which such council raises public awareness and knowledge, via the media, about youth violence and such council's efforts to help prevent it.

3. 31404. SELECTION OF GRANT RECIPIENTS.

For the purpose of selecting eligible applicants to receive grants under section 31402, the Attorney General shall take into consideration—

(1) the extent to which all schools in a congressional district are represented on the proposed youth anticrime council,

(2) the extent to which youth crime and violence are an issue of concern in such district,

(3) the extent to which the community is committed to coordinating and meeting with the youth councils, and

(4) the extent to which the students selected to serve on such council are representative of the geo-

1 graphical area and knowledgeable about the issues
2 that such council will consider.

3 **SEC. 31405. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
5 this subtitle—

6 ~~(1) \$ _____ for fiscal~~

7 ~~year 1995;~~

8 (1) ~~(2)~~ \$ _____ for fiscal

9 year 1996;

10 (2) ~~(3)~~ \$ _____ for fiscal

11 year 1997;

12 (3) ~~(4)~~ \$ _____ for fiscal

13 year 1998;

14 (4) ~~(5)~~ \$ _____ for fiscal

15 year 1999; and

16 (5) ~~(6)~~ \$ _____ for fiscal

17 year 2000.

18 **Subtitle O—Urban Recreation and**
19 **At-Risk Youth**

20 **SEC. 31501. PURPOSE OF ASSISTANCE.**

21 Section 1003 of the Urban Park and Recreation Re-
22 covery Act of 1978 is amended by adding the following
23 at the end: "It is further the purpose of this title to im-
24 prove recreation facilities and expand recreation services
25 in urban areas with a high incidence of crime and to help

1 deter crime through the expansion of recreation opportuni-
2 ties for at-risk youth. It is the further purpose of this sec-
3 tion to increase the security of urban parks and to pro-
4 mote collaboration between local agencies involved in
5 parks and recreation, law enforcement, youth social serv-
6 ices, and juvenile justice system.”.

7 **SEC. 31502. DEFINITIONS.**

8 Section 1004 of the Urban Park and Recreation Re-
9 covery Act of 1978 is amended by inserting the following
10 new subsection after subsection (c) and by redesignating
11 subsections (d) through (j) as (e) through (k), respectively:

12 “(d) ‘at-risk youth recreation grants’ means—

13 “(1) rehabilitation grants,

14 “(2) innovation grants, or

15 “(3) matching grants for continuing program
16 support for programs of demonstrated value or suc-
17 cess in providing constructive alternatives to youth
18 at risk for engaging in criminal behavior, including
19 grants for operating, or coordinating recreation pro-
20 grams and services;

21 in neighborhoods and communities with a high prevalence
22 of crime, particularly violent crime or crime committed by
23 youthful offenders; in addition to the purposes specified
24 in subsection (b), rehabilitation grants referred to in para-
25 graph (1) of this subsection may be used for the provision

1 of lighting, emergency phones or other capital improve-
2 ments which will improve the security of urban parks;”

3 **SEC. 31503. CRITERIA FOR SELECTION.**

4 Section 1005 of the Urban Park and Recreation Re-
5 covery Act of 1978 is amended by striking “and” at the
6 end of paragraph (6), by striking the period at the end
7 of paragraph (7) and inserting “; and” and by adding the
8 following at the end:

9 “(8) in the case of at-risk youth recreation
10 grants, the Secretary shall give a priority to each of
11 the following criteria:

12 “(A) Programs which are targeted to
13 youth who are at the greatest risk of becoming
14 involved in violence and crime.

15 “(B) Programs which teach important val-
16 ues and life skills, including teamwork, respect,
17 leadership, and self-esteem.

18 “(C) Programs which offer tutoring, reme-
19 dial education, mentoring, and counseling in ad-
20 dition to recreation opportunities.

21 “(D) Programs which offer services during
22 late night or other nonschool hours.

23 “(E) Programs which demonstrate collabo-
24 ration between local park and recreation, juve-
25 nile justice, law enforcement, and youth social

1 service agencies and nongovernmental entities,
2 including the private sector and community and
3 nonprofit organizations.

4 “(F) Programs which leverage public or
5 private recreation investments in the form of
6 services, materials, or cash.

7 “(G) Programs which show the greatest
8 potential of being continued with non-Federal
9 funds or which can serve as models for other
10 communities.”

11 **SEC. 31504. PARK AND RECREATION ACTION RECOVERY**
12 **PROGRAMS.**

13 Section 1007(b) of the Urban Park and Recreation
14 Recovery Act of 1978 is amended by adding the following
15 at the end: “In order to be eligible to receive ‘at-risk youth
16 recreation grants’ a local government shall amend its 5-
17 year action program to incorporate the goal of reducing
18 crime and juvenile delinquency and to provide a descrip-
19 tion of the implementation strategies to achieve this goal.
20 The plan shall also address how the local government is
21 coordinating its recreation programs with crime preven-
22 tion efforts of law enforcement, juvenile corrections, and
23 youth social service agencies.”

1 SEC. 31505. MISCELLANEOUS AND TECHNICAL AMEND-
2 MENTS.

3 (a) PROGRAM SUPPORT.—Section 1013 of the Urban
4 Park and Recreation Recovery Act of 1978 is amended
5 by inserting “(a) IN GENERAL.—” after “1013” and by
6 adding the following new subsection at the end:

7 “(b) PROGRAM SUPPORT.—Not more than 25 per-
8 cent of the amounts made available under this title to any
9 local government may be used for program support.”.

10 (b) EXTENSION.—Section 1003 of the Urban Park
11 and Recreation Recovery Act of 1978 is amended by strik-
12 ing “for a period of five years” and by striking “short-
13 term”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this
16 subtitle—

17 ~~(1) \$ _____ for fiscal~~
18 ~~year 1995;~~

19 (1) ~~(2)~~ \$ _____ for fiscal
20 year 1996;

21 (2) ~~(3)~~ \$ _____ for fiscal
22 year 1997;

23 (3) ~~(4)~~ \$ _____ for fiscal
24 year 1998;

25 (4) ~~(5)~~ \$ _____ for fiscal
26 year 1999; and

1 (6) \$ _____ for fiscal
2 year 2000.

3 **Subtitle P—Boys and Girls Clubs in**
4 **Public Housing**

5 **SEC. 31601. ESTABLISHMENT.**

6 (a) IN GENERAL.—The Secretary of Housing and
7 Urban Development, in consultation with the Attorney
8 General, shall enter into contracts with the Boys and Girls
9 Clubs of America, a national nonprofit youth organization
10 to establish Boys and Girls Clubs in public housing.

11 (b) CONSULTATION.—The Secretary of Housing and
12 Urban Development may consult with the Ounce of Pre-
13 vention Council in making grants under subsection (a).

14 **SEC. 31602. REPORT.**

15 By May 1 of each fiscal year for which funds for this
16 section are provided, the Secretary of Housing and Urban
17 Development shall submit a report to the Committee on
18 Banking, Housing, and Urban Affairs of the Senate and
19 the Committee on Banking, Finance and Urban Affairs
20 of the House of Representatives that details the progress
21 of establishing boys and girls clubs in public housing and
22 the effectiveness of the programs in reducing drug abuse
23 and gang violence.

1 **SEC. 31603. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this subtitle—

4 ~~(1) \$ _____ for fiscal~~

5 ~~year 1995;~~

6 **(1)** ~~(2)~~ \$ _____ for fiscal

7 year 1996;

8 **(2)** ~~(3)~~ \$ _____ for fiscal

9 year 1997;

10 **(3)** ~~(4)~~ \$ _____ for fiscal

11 year 1998;

12 **(4)** ~~(5)~~ \$ _____ for fiscal

13 year 1999; and

14 **(5)** ~~(6)~~ \$ _____ for fiscal

15 year 2000.

16 **Subtitle Q—Community-Based**
17 **Justice Grants for Prosecutors**

18 **SEC. 31701. GRANT AUTHORIZATION.**

19 (a) **IN GENERAL.**—The Attorney General may make
20 grants to State, Indian tribal, or local prosecutors for the
21 purpose of supporting the creation or expansion of com-
22 munity-based justice programs.

23 (b) **CONSULTATION.**—The Attorney General may
24 consult with the Ounce of Prevention Council in making
25 grants under subsection (a).

1 SEC. 31702. USE OF FUNDS.

2 Grants made by the Attorney General under this sec-
3 tion shall be used—

4 (1) to fund programs that require the coopera-
5 tion and coordination of prosecutors, school officials,
6 police, probation officers, youth and social service
7 professionals, and community members in the effort
8 to reduce the incidence of, and increase the success-
9 ful identification and speed of prosecution of, young
10 violent offenders;

11 (2) to fund programs in which prosecutors
12 focus on the offender, not simply the specific of-
13 fense, and impose individualized sanctions, designed
14 to deter that offender from further antisocial con-
15 duct, and impose increasingly serious sanctions on a
16 young offender who continues to commit offenses;

17 (3) to fund programs that coordinate criminal
18 justice resources with educational, social service, and
19 community resources to develop and deliver violence
20 prevention programs, including mediation and other
21 conflict resolution methods, treatment, counselling,
22 educational, and recreational programs that create
23 alternatives to criminal activity; and

24 (4) in rural States (as defined in section
25 1501(b) of title I of the Omnibus Crime Control and
26 Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)), to

1 fund cooperative efforts between State and local
2 prosecutors, victim advocacy and assistance groups,
3 social and community service providers, and law en-
4 forcement agencies to investigate and prosecute child
5 abuse cases, treat youthful victims of child abuse,
6 and work in cooperation with the community to de-
7 velop education and prevention strategies directed
8 toward the issues with which such entities are con-
9 cerned.

10 **SEC. 31703. APPLICATIONS.**

11 (a) **ELIGIBILITY.**—In order to be eligible to receive
12 a grant under this part for any fiscal year, a State, Indian
13 tribal, or local prosecutor, in conjunction with the chief
14 executive officer of the jurisdiction in which the program
15 will be placed, shall submit an application to the Attorney
16 General in such form and containing such information as
17 the Attorney General may reasonably require.

18 (b) **REQUIREMENTS.**—Each applicant shall include—

19 (1) a request for funds for the purposes de-
20 scribed in section 31702;

21 (2) a description of the communities to be
22 served by the grant, including the nature of the
23 youth crime, youth violence, and child abuse prob-
24 lems within such communities;

1 (3) assurances that Federal funds received
2 under this part shall be used to supplement, not
3 supplant, non-Federal funds that would otherwise be
4 available for activities funded under this section; and

5 (4) statistical information in such form and
6 containing such information that the Attorney Gen-
7 eral may require.

8 (c) **COMPREHENSIVE PLAN.**—Each applicant shall
9 include a comprehensive plan that shall contain—

10 (1) a description of the youth violence or child
11 abuse crime problem;

12 (2) an action plan outlining how the applicant
13 will achieve the purposes as described in section
14 31702;

15 (3) a description of the resources available in
16 the community to implement the plan together with
17 a description of the gaps in the plan that cannot be
18 filled with existing resources; and

19 (4) a description of how the requested grant
20 will be used to fill gaps.

21 **SEC. 31704. ALLOCATION OF FUNDS; LIMITATIONS ON**
22 **GRANTS.**

23 (a) **ADMINISTRATIVE COST LIMITATION.**—The Attor-
24 ney General shall use not more than 5 percent of the funds

1 available under this program for the purposes of adminis-
2 tration and technical assistance.

3 (b) RENEWAL OF GRANTS.—A grant under this part
4 may be renewed for up to 2 additional years after the first
5 fiscal year during which the recipient receives its initial
6 grant under this part, subject to the availability of funds,
7 if—

8 (1) the Attorney General determines that the
9 funds made available to the recipient during the pre-
10 vious years were used in a manner required under
11 the approved application; and

12 (2) the Attorney General determines that an
13 additional grant is necessary to implement the com-
14 munity prosecution program described in the com-
15 prehensive plan required by section 31703.

16 **SEC. 31705. AWARD OF GRANTS.**

17 The Attorney General shall consider the following
18 facts in awarding grants:

19 (1) Demonstrated need and evidence of the abil-
20 ity to provide the services described in the plan re-
21 quired under section 31703.

22 (2) The Attorney General shall attempt, to the
23 extent practicable, to achieve an equitable geo-
24 graphic distribution of grant awards.

1 SEC. 31706. REPORTS.

2 (a) REPORT TO ATTORNEY GENERAL.—State and
3 local prosecutors that receive funds under this subtitle
4 shall submit to the Attorney General a report not later
5 than March 1 of each year that describes progress
6 achieved in carrying out the plan described under section
7 31703(c).

8 (b) REPORT TO CONGRESS.—The Attorney General
9 shall submit to the Congress a report by October 1 of each
10 year in which grants are made available under this subtitle
11 which shall contain a detailed statement regarding grant
12 awards, activities of grant recipients, a compilation of sta-
13 tistical information submitted by applicants, and an eval-
14 uation of programs established under this subtitle.

15 SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

16 There are authorized to be appropriated to carry out
17 this subtitle—

18 ~~(1) \$ _____ for fiscal~~

19 ~~year 1995;~~

20 (1) ~~(2)~~ \$ _____ for fiscal

21 year 1996;

22 (2) ~~(3)~~ \$ _____ for fiscal

23 year 1997;

24 (3) ~~(4)~~ \$ _____ for fiscal

25 year 1998;

1 (4) ~~(5)~~ \$ _____ for fiscal
2 year 1999; and

3 (5) ~~(6)~~ \$ _____ for fiscal
4 year 2000.

5 **SEC. 31708. DEFINITIONS.**

6 In this subtitle—

7 “Indian tribe” means a tribe, band, pueblo, na-
8 tion, or other organized group or community of Indi-
9 ans, including an Alaska Native village (as defined
10 in or established under the Alaska Native Claims
11 Settlement Act (43 U.S.C. 1601 et seq.), that is rec-
12 ognized as eligible for the special programs and serv-
13 ices provided by the United States to Indians be-
14 cause of their status as Indians.

15 “State” means a State, the District of Colum-
16 bia, the Commonwealth of Puerto Rico, the Com-
17 monwealth of the Northern Mariana Islands, Amer-
18 ican Samoa, Guam, and the United States Virgin Is-
19 lands.

20 “young violent offender” means individuals,
21 ages 7 through 22, who have committed crimes of vi-
22 olence, weapons offenses, drug distribution, hate
23 crimes and civil rights violations, and offenses
24 against personal property of another.

Subtitle R—Child Safety

SEC. 31801. SHORT TITLE.

This subtitle may be cited as the “Child Safety Act”.

SEC. 31802. PURPOSE.

The purpose of this subtitle is to authorize funding to enable supervised visitation centers and programs to provide the following:

(1) Supervised visitation for children whose parents are separated or divorced and the children are at risk because—

(A) there is documented sexual, physical, or emotional abuse as determined by the a court of competent jurisdiction;

(B) there is suspected or elevated risk of sexual, physical, or emotional abuse, or there have been threats of parental abduction of the child;

(C) due to domestic violence, there is an ongoing risk of harm to a parent or child;

(D) a parent is impaired because of substance abuse or mental illness;

(E) there are allegations that a child is at risk for any of the reasons stated in subparagraphs (A), (B), (C), and (D), pending an investigation of the allegations; or

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. §1803. DEMONSTRATION GRANTS FOR SUPERVISED**
10 **VISITATION 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
11 31802. In using such amounts, grantees shall target
12 the 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. 31804. 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. 31805. 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 (9) the type of service provided, including—

4 (A) supervision of exchange only;

5 (B) supervision of visits occurring on site;

6 and

7 (C) supervision of visits occurring off site;

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

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

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

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

6 **SEC. 31806. SPECIAL GRANTS TO STUDY THE EFFECT OF**
7 **SUPERVISED VISITATION ON SEXUALLY**
8 **ABUSED OR SEVERELY PHYSICALLY ABUSED**
9 **CHILDREN.**

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

15 (1) the performances of the supervised visita-
16 tion centers and programs receiving grants, making
17 use of the data reported under section 31805 where
18 possible;

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

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

24 (B) whether the effect on such children is
25 different if contact is allowed only when the

1 abusive parent has completed a certified course
2 for such abusers; or

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

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

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

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

18 (6) such other issues as determined by the Sec-
19 retary.

20 (b) APPLICATION.—To be eligible to receive a grant
21 under this section an entity shall prepare and submit to
22 the Secretary an application at such time, in such manner
23 and containing such information as the Secretary may re-
24 quire, including documentary evidence to demonstrate that
25 the entity possesses significant experience in social science

1 research with particular experience in research concerning
 2 clinical issues involving children, abuse, and visitation.
 3 The level of clinical expertise and experience required will
 4 be determined by the Secretary.

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

9 **SEC. 31807. REPORTING.**

10 Not later than 18 months after the date of enactment
 11 of this Act, and annually thereafter, the Secretary shall
 12 prepare and submit to the appropriate committees of Con-
 13 gress a report containing the information collected under
 14 the reports received under sections 31805 and 31806, in-
 15 cluding recommendations made by the Secretary concern-
 16 ing whether or not the supervised visitation center dem-
 17 onstration and research programs should be reauthorized.

18 **SEC. 31808. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There are authorized to be appro-
 20 priated for the purpose of awarding grants, contracts, and
 21 cooperative agreements under this Act—

22 (1) \$ _____ for fiscal

23 ~~year 1995;~~

24 (1) (2) \$ _____ for fiscal

25 year 1996;

1 ~~(2)~~ ~~(8)~~ \$ _____ for fiscal

2 year 1997;

3 ~~(3)~~ ~~(4)~~ \$ _____ for fiscal

4 year 1998;

5 ~~(4)~~ ~~(5)~~ \$ _____ for fiscal

6 year 1999; and

7 ~~(5)~~ ~~(6)~~ \$ _____ for fiscal

8 year 2000.

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

11 (1) not less than 90 percent shall be used to
12 award grants, contracts, or cooperative agreements
13 under section 31804; and

14 (2) not more than 10 percent shall be used to
15 award grants under section 31806.

16 **Subtitle S—Family Unity**
17 **Demonstration Project**

18 SEC. 31901. SHORT TITLE.

19 This subtitle may be cited as the “Family Unity
20 Demonstration Project Act”.

21 SEC. 31902. PURPOSE.

22 The purpose of this subtitle is to evaluate the effec-
23 tiveness of certain demonstration projects in helping to—

1 (1) alleviate the harm to children and primary
2 caretaker parents caused by separation due to the
3 incarceration of the parents;

4 (2) reduce recidivism rates of prisoners by en-
5 couraging strong and supportive family relation-
6 ships; and

7 (3) explore the cost effectiveness of community
8 correctional facilities.

9 **SEC. 31903. DEFINITIONS.**

10 In this subtitle—

11 “child” means a person who is less than 7 years
12 of age.

13 “community correctional facility” means a resi-
14 dential facility that—

15 (A) is used only for eligible offenders and
16 their children under 7 years of age;

17 (B) is not within the confines of a jail or
18 prison;

19 (C) houses no more than 50 prisoners in
20 addition to their children; and

21 (D) provides to inmates and their
22 children—

23 (i) a safe, stable, environment for chil-
24 dren;

1 (ii) pediatric and adult medical care
2 consistent with medical standards for cor-
3 rectional facilities;

4 (iii) programs to improve the stability
5 of the parent-child relationship, including
6 educating parents regarding—

7 (I) child development; and

8 (II) household management;

9 (iv) alcoholism and drug addiction
10 treatment for prisoners; and

11 (v) programs and support services to
12 help inmates—

13 (I) to improve and maintain men-
14 tal and physical health, including ac-
15 cess to counseling;

16 (II) to obtain adequate housing
17 upon release from State incarceration;

18 (III) to obtain suitable education,
19 employment, or training for employ-
20 ment; and

21 (IV) to obtain suitable child care.

22 “eligible offender” means a primary caretaker
23 parent who—

24 (A) has been sentenced to a term of im-
25 prisonment of not more than 7 years or is

1 awaiting sentencing for a conviction punishable
2 by such a term of imprisonment; and

3 (B) has not engaged in conduct that—

4 (i) knowingly resulted in death or se-
5 rious bodily injury;

6 (ii) is a felony for a crime of violence
7 against a person; or

8 (iii) constitutes child neglect or men-
9 tal, physical, or sexual abuse of a child.

10 “primary caretaker parent” means—

11 (A) a parent who has consistently assumed
12 responsibility for the housing, health, and safe-
13 ty of a child prior to incarceration; or

14 (B) a woman who has given birth to a
15 child after or while awaiting her sentencing
16 hearing and who expresses a willingness to as-
17 sume responsibility for the housing, health, and
18 safety of that child,

19 a parent who, in the best interest of a child, has ar-
20 ranged for the temporary care of the child in the
21 home of a relative or other responsible adult shall
22 not for that reason be excluded from the category
23 “primary caretaker”.

24 “State” means a State, the District of Colum-
25 bia, the Commonwealth of Puerto Rico, the United

1 States Virgin Islands, American Samoa, Guam, and
2 the Northern Mariana Islands.

3 **SEC. 31904. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) **AUTHORIZATION.**—There are authorized to be ap-
5 propriated to carry out this subtitle—

6 (1) \$ _____ for fiscal
7 year 1995;

8 (2) \$ _____ for fiscal
9 year 1996;

10 (3) \$ _____ for fiscal
11 year 1997;

12 (4) \$ _____ for fiscal
13 year 1998;

14 (5) \$ _____ for fiscal
15 year 1999; and

16 (6) \$ _____ for fiscal
17 year 2000.

18 (b) **AVAILABILITY OF APPROPRIATIONS.**—Of the
19 amount appropriated under subsection (a) for any fiscal
20 year—

21 (1) 90 percent shall be available to carry out
22 chapter 1; and

23 (2) 10 percent shall be available to carry out
24 chapter 2.

1 **CHAPTER 1—GRANTS TO STATES**

2 **SEC. 31911. AUTHORITY TO MAKE GRANTS.**

3 (a) **GENERAL AUTHORITY.**—The Attorney General
4 may make grants, on a competitive basis, to States to
5 carry out in accordance with this subtitle family unity
6 demonstration projects that enable eligible offenders to
7 live in community correctional facilities with their chil-
8 dren.

9 (b) **PREFERENCES.**—For the purpose of making
10 grants under subsection (a), the Attorney General shall
11 give preference to a State that includes in the application
12 required by section 31912 assurances that if the State re-
13 ceives a grant—

14 (1) both the State corrections agency and the
15 State health and human services agency will partici-
16 pate substantially in, and cooperate closely in all as-
17 pects of, the development and operation of the fam-
18 ily unity demonstration project for which such a
19 grant is requested;

20 (2) boards made up of community members, in-
21 cluding residents, local businesses, corrections offi-
22 cials, former prisoners, child development profes-
23 sionals, educators, and maternal and child health
24 professionals will be established to advise the State
25 regarding the operation of such project;

1 (3) the State has in effect a policy that provides
2 for the placement of all prisoners, whenever possible,
3 in correctional facilities for which they qualify that
4 are located closest to their respective family homes;

5 (4) unless the Attorney General determines that
6 a longer timeline is appropriate in a particular case,
7 the State will implement the project not later than
8 180 days after receiving a grant under subsection
9 (a) and will expend all of the grant during a 1-year
10 period;

11 (5) the State has the capacity to continue im-
12 plementing a community correctional facility beyond
13 the funding period to ensure the continuity of the
14 work;

15 (6) unless the Attorney General determines that
16 a different process for selecting participants in a
17 project is desirable, the State will—

18 (A) give written notice to a prisoner, not
19 later than 30 days after the State first receives
20 a grant under subsection (a) or 30 days after
21 the prisoner is sentenced to a term of imprison-
22 ment of not more than 7 years (whichever is
23 later), of the proposed or current operation of
24 the project;

1 (B) accept at any time at which the project
2 is in operation an application by a prisoner to
3 participate in the project if, at the time of ap-
4 plication, the remainder of the prisoner's sen-
5 tence exceeds 180 days;

6 (C) review applications by prisoners in the
7 sequence in which the State receives such appli-
8 cations; and

9 (D) not more than 50 days after reviewing
10 such applications approve or disapprove the ap-
11 plication; and

12 (7) for the purposes of selecting eligible offend-
13 ers to participate in such project, the State has au-
14 thorized State courts to sentence an eligible offender
15 directly to a community correctional facility, pro-
16 vided that the court gives assurances that the of-
17 fender would have otherwise served a term of impris-
18 onment.

19 (c) SELECTION OF GRANTEEES.—The Attorney Gen-
20 eral shall make grants under subsection (a) on a competi-
21 tive basis, based on such criteria as the Attorney General
22 shall issue by rule and taking into account the preferences
23 described in subsection (b).

1 **SEC. 31912. ELIGIBILITY TO RECEIVE GRANTS.**

2 To be eligible to receive a grant under section 31911,
3 a State shall submit to the Attorney General an applica-
4 tion at such time, in such form, and containing such infor-
5 mation as the Attorney General reasonably may require
6 by rule.

7 **SEC. 31913. REPORT.**

8 (a) **IN GENERAL.**—A State that receives a grant
9 under this title shall, not later than 90 days after the 1-
10 year period in which the grant is required to be expended,
11 submit a report to the Attorney General regarding the
12 family unity demonstration project for which the grant
13 was expended.

14 (b) **CONTENTS.**—A report under subsection (a)
15 shall—

16 (1) state the number of prisoners who submit-
17 ted applications to participate in the project and the
18 number of prisoners who were placed in community
19 correctional facilities;

20 (2) state, with respect to prisoners placed in the
21 project, the number of prisoners who are returned to
22 that jurisdiction and custody and the reasons for
23 such return;

24 (3) describe the nature and scope of educational
25 and training activities provided to prisoners partici-
26 pating in the project;

1 (4) state the number, and describe the scope of,
2 contracts made with public and nonprofit private
3 community-based organizations to carry out such
4 project; and

5 (5) evaluate the effectiveness of the project in
6 accomplishing the purposes described in section
7 31902.

8 **CHAPTER 2—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRISONERS**

11 **SEC. 31921. AUTHORITY OF THE ATTORNEY GENERAL.**

12 (a) **IN GENERAL.**—With the funds available to carry
13 out this subtitle for the benefit of Federal prisoners, the
14 Attorney General, acting through the Director of the Bureau of Prisons, shall select eligible prisoners to live in
15 community correctional facilities with their children.

17 (b) **GENERAL CONTRACTING AUTHORITY.**—In implementing this title, the Attorney General may enter into
18 contracts with appropriate public or private agencies to
19 provide housing, sustenance, services, and supervision of
20 inmates eligible for placement in community correctional
21 facilities under this title.

23 (c) **USE OF STATE FACILITIES.**—At the discretion of
24 the Attorney General, Federal participants may be placed
25 in State projects as defined in chapter 1. For such partici-

1 pants, the Attorney General shall, with funds available
2 under section 31904(b)(2), reimburse the State for all
3 project costs related to the Federal participant's place-
4 ment, including administrative costs.

5 **SEC. 31922. REQUIREMENTS.**

6 For the purpose of placing Federal participants in
7 a family unity demonstration project under section 31921,
8 the Attorney General shall consult with the Secretary of
9 Health and Human Services regarding the development
10 and operation of the project.

11 **Subtitle T—Substance Abuse**
12 **Treatment in Federal Prisons**

13 **SEC. 32001. SUBSTANCE ABUSE TREATMENT IN FEDERAL**
14 **PRISONS.**

15 Section 3621 of title 18, United States Code, is
16 amended—

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

19 (2) by adding at the end the following new sub-
20 section:

21 “(e) **SUBSTANCE ABUSE TREATMENT.**—

22 “(1) **PHASE-IN.**—In order to carry out the re-
23 quirement of the last sentence of subsection (b) of
24 this section, that every prisoner with a substance
25 abuse problem have the opportunity to participate in

1 appropriate substance abuse treatment, the Bureau
2 of Prisons shall, subject to the availability of appro-
3 priations, provide residential substance abuse treat-
4 ment (and make arrangements for appropriate
5 aftercare)—

6 “(A) for not less than 50 percent of eligi-
7 ble prisoners by the end of fiscal year 1995,
8 with priority for such treatment accorded based
9 on an eligible prisoner’s proximity to release
10 date;

11 “(B) for not less than 75 percent of eligi-
12 ble prisoners by the end of fiscal year 1996,
13 with priority for such treatment accorded based
14 on an eligible prisoner’s proximity to release
15 date; and

16 “(C) for all eligible prisoners by the end of
17 fiscal year 1997 and thereafter, with priority
18 for such treatment accorded based on an eligi-
19 ble prisoner’s proximity to release date.

20 “(2) INCENTIVE FOR PRISONERS’ SUCCESSFUL
21 COMPLETION OF TREATMENT PROGRAM.—

22 “(A) GENERALLY.—Any prisoner who, in
23 the judgment of the Director of the Bureau of
24 Prisons, has successfully completed a program
25 of residential substance abuse treatment pro-

1 vided under paragraph (1) of this subsection,
2 shall remain in the custody of the Bureau
3 under such conditions as the Bureau deems ap-
4 propriate. If the conditions of confinement are
5 different from those the prisoner would have ex-
6 perienced absent the successful completion of
7 the treatment, the Bureau shall periodically test
8 the prisoner for substance abuse and dis-
9 continue such conditions on determining that
10 substance abuse has recurred.

11 “(B) PERIOD OF CUSTODY.—The period a
12 prisoner convicted of a nonviolent offense re-
13 mains in custody after successfully completing a
14 treatment program may be reduced by the Bu-
15 reau of Prisons, but such reduction may not be
16 more than one year from the term the prisoner
17 must otherwise serve.

18 “(3) REPORT.—The Bureau of Prisons shall
19 transmit to the Committees on the Judiciary of the
20 Senate and the House of Representatives on Janu-
21 ary 1, 1995, and on January 1 of each year there-
22 after, a report. Such report shall contain—

23 “(A) a detailed quantitative and qualitative
24 description of each substance abuse treatment

1 program, residential or not, operated by the
2 Bureau;

3 “(B) a full explanation of how eligibility
4 for such programs is determined, with complete
5 information on what proportion of prisoners
6 with substance abuse problems are eligible; and

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

10 “(4) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to carry out
12 this subsection—

13 “(A) \$ _____ for fis-
14 cal year 1995;

15 “(B) \$ _____ for fis-
16 cal year 1996;

17 “(C) \$ _____ for fis-
18 cal year 1997;

19 “(D) \$ _____ for fis-
20 cal year 1998;

21 “(E) \$ _____ for fis-
22 cal year 1999; and

23 “(F) \$ _____ for fis-
24 cal year 2000.

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

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

8 “(i) directed at the substance abuse
9 problems of the prisoner; and

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

15 “(B) the term ‘eligible prisoner’ means a
16 prisoner who is—

17 “(i) determined by the Bureau of
18 Prisons to have a substance abuse prob-
19 lem; and

20 “(ii) willing to participate in a resi-
21 dential substance abuse treatment pro-
22 gram; and

23 “(C) the term ‘aftercare’ means placement,
24 case management and monitoring of the partici-
25 pant in a community-based substance abuse

1 treatment program when the participant leaves
2 the custody of the Bureau of Prisons.

3 “(6) COORDINATION OF FEDERAL ASSIST-
4 ANCE.—The Bureau of Prisons shall consult with
5 the Department of Health and Human Services con-
6 cerning substance abuse treatment and related serv-
7 ices and the incorporation of applicable components
8 of existing comprehensive approaches including re-
9 lapse prevention and aftercare services.”

10 **Subtitle U—Residential Substance**
11 **Abuse Treatment for State Pris-**
12 **oners**

13 **SEC. 32101. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
14 **FOR STATE PRISONERS.**

15 (a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT
16 FOR PRISONERS.—Title I of the Omnibus Crime Control
17 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
18 as amended by section 20201(a), is amended—

19 (1) by redesignating part S as part T;

20 (2) by redesignating section 1901 as section
21 2001; and

22 (3) by inserting after part R the following new
23 part:

1 **"PART S—RESIDENTIAL SUBSTANCE ABUSE**
2 **TREATMENT FOR STATE PRISONERS**

3 **"SEC. 1901. GRANT AUTHORIZATION.**

4 "The Attorney General may make grants under this
5 part to States, for use by States and units of local govern-
6 ment for the purpose of developing and implementing resi-
7 dential substance abuse treatment programs within State
8 correctional facilities, as well as within local correctional
9 and detention facilities in which inmates are incarcerated
10 for a period of time sufficient to permit substance abuse
11 treatment.

12 **"SEC. 1902. STATE APPLICATIONS.**

13 "(a) IN GENERAL.—(1) To request a grant under
14 this part the chief executive of a State shall submit an
15 application to the Attorney General in such form and con-
16 taining such information as the Attorney General may rea-
17 sonably require.

18 "(2) Such application shall include assurances that
19 Federal funds received under this part shall be used to
20 supplement, not supplant, non-Federal funds that would
21 otherwise be available for activities funded under this part.

22 "(3) Such application shall coordinate the design and
23 implementation of treatment programs between State cor-
24 rectional representatives and the State Alcohol and Drug
25 Abuse agency (and, if appropriate, between representa-
26 tives of local correctional agencies and representatives of

1 either the State alcohol and drug abuse agency or any ap-
2 propriate local alcohol and drug abuse agency).

3 “(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—

4 To be eligible to receive funds under this part, a State
5 must agree to implement or continue to require urinalysis
6 or other proven reliable forms of testing of individuals in
7 correctional residential substance abuse treatment pro-
8 grams. Such testing shall include individuals released from
9 residential substance abuse treatment programs who re-
10 main in the custody of the State.

11 “(c) ELIGIBILITY FOR PREFERENCE WITH AFTER
12 CARE COMPONENT.—

13 “(1) To be eligible for a preference under this
14 part, a State must ensure that individuals who par-
15 ticipate in the substance abuse treatment program
16 established or implemented with assistance provided
17 under this part will be provided with aftercare
18 services.

19 “(2) State aftercare services must involve the
20 coordination of the correctional facility treatment
21 program with other human service and rehabilitation
22 programs, such as educational and job training pro-
23 grams, parole supervision programs, half-way house
24 programs, and participation in self-help and peer
25 group programs, that may aid in the rehabilitation

1 of individuals in the substance abuse treatment
2 program.

3 “(3) To qualify as an aftercare program, the
4 head of the substance abuse treatment program, in
5 conjunction with State and local authorities and or-
6 ganizations involved in substance abuse treatment,
7 shall assist in placement of substance abuse treat-
8 ment program participants with appropriate commu-
9 nity substance abuse treatment facilities when such
10 individuals leave the correctional facility at the end
11 of a sentence or on parole.

12 “(d) STATE OFFICE.—The Office designated under
13 section 507—

14 “(1) shall prepare the application as required
15 under this section; and

16 “(2) shall administer grant funds received
17 under this part, including review of spending, proc-
18 essing, progress, financial reporting, technical assist-
19 ance, grant adjustments, accounting, auditing, and
20 fund disbursement.

21 **“SEC. 1903. REVIEW OF STATE APPLICATIONS.**

22 “(a) IN GENERAL.—The Attorney General shall
23 make a grant under section 1901 to carry out the projects
24 described in the application submitted under section 1902
25 upon determining that—

1 “(1) the application is consistent with the re-
2 quirements of this part; and

3 “(2) before the approval of the application the
4 Attorney General has made an affirmative finding in
5 writing that the proposed project has been reviewed
6 in accordance with this part.

7 “(b) APPROVAL.—Each application submitted under
8 section 1902 shall be considered approved, in whole or in
9 part, by the Attorney General not later than 90 days after
10 first received unless the Attorney General informs the ap-
11 plicant of specific reasons for disapproval.

12 “(c) RESTRICTION.—Grant funds received under this
13 part shall not be used for land acquisition or construction
14 projects.

15 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
16 ATION.—The Attorney General shall not disapprove any
17 application without first affording the applicant reason-
18 able notice and an opportunity for reconsideration.

19 “SEC. 1904. ALLOCATION AND DISTRIBUTION OF FUNDS.

20 “(a) ALLOCATION.—Of the total amount appro-
21 priated under this part in any fiscal year—

22 “(1) 0.4 percent shall be allocated to each of
23 the participating States; and

24 “(2) of the total funds remaining after the allo-
25 cation under paragraph (1), there shall be allocated

1 to each of the participating States an amount which
2 bears the same ratio to the amount of remaining
3 funds described in this paragraph as the State pris-
4 on population of such State bears to the total prison
5 population of all the participating States.

6 “(b) FEDERAL SHARE.—The Federal share of a
7 grant made under this part may not exceed 75 percent
8 of the total costs of the projects described in the applica-
9 tion submitted under section 1902 for the fiscal year for
10 which the projects receive assistance under this part.

11 “SEC. 1905. EVALUATION.

12 “Each State that receives a grant under this part
13 shall submit to the Attorney General an evaluation not
14 later than March 1 of each year in such form and contain-
15 ing such information as the Attorney General may reason-
16 ably require.”

17 (b) TECHNICAL AMENDMENT.—The table of contents
18 of title I of the Omnibus Crime Control and Safe Streets
19 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
20 tion 20201(b), is amended by inserting after the matter
21 relating to part R the following new part:

“PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE
PRISONERS

- “Sec. 1901. Grant authorization.
- “Sec. 1902. State applications.
- “Sec. 1903. Review of State applications.
- “Sec. 1904. Allocation and distribution of funds.
- “Sec. 1905. Evaluation.

“PART T—TRANSITION-EFFECTIVE DATE-REPEALER

“Sec. 2001. Confirmation of rules, authorities, and proceedings.”

1 (c) DEFINITIONS.—Section 901(a) of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3 3791(a)), (as amended by section 20201(c), is amended—

4 (1) by striking “and” at the end of paragraph
5 (23);

6 (2) by striking the period at the end of para-
7 graph (24) and inserting “; and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(25) the term ‘residential substance abuse
11 treatment program’ means a course of individual
12 and group activities, lasting between 6 and 12
13 months, in residential treatment facilities set apart
14 from the general prison population—

15 “(A) directed at the substance abuse prob-
16 lems of the prisoner; and

17 “(B) intended to develop the prisoner’s
18 cognitive, behavioral, social, vocational, and
19 other skills so as to solve the prisoner’s sub-
20 stance abuse and related problems.”

21 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
22 1001(a) of title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
24 tion 20201(d), is amended—

1 (1) in paragraph (3) by striking "and R" and
2 inserting "R, or S"; and

3 (2) by adding at the end the following new
4 paragraph:

5 "(17) There are authorized to be appropriated to
6 carry out the projects under part S—

7 "(A) \$ _____ for fiscal
8 year 1995;

9 "(B) \$ _____ for fiscal
10 year 1996;

11 "(C) \$ _____ for fiscal
12 year 1997;

13 "(D) \$ _____ for fiscal
14 year 1998;

15 "(E) \$ _____ for fiscal
16 year 1999; and

17 "(F) \$ _____ for fiscal
18 year 2000."

1 **Subtitle V—Prevention, Diagnosis,**
2 **and Treatment of Tuberculosis**
3 **in Correctional Institutions**

4 **SEC. §2201. PREVENTION, DIAGNOSIS, AND TREATMENT OF**
5 **TUBERCULOSIS IN CORRECTIONAL INSTITU-**
6 **TIONS.**

7 (a) **GUIDELINES.**—The Attorney General, in con-
8 sultation with the Secretary of Health and Human Serv-
9 ices and the Director of the National Institute of Correc-
10 tions, shall develop and disseminate to appropriate enti-
11 ties, including State, Indian tribal, and local correctional
12 institutions and the Immigration and Naturalization Serv-
13 ice, guidelines for the prevention, diagnosis, treatment,
14 and followup care of tuberculosis among inmates of correc-
15 tional institutions and persons held in holding facilities op-
16 erated by or under contract with the Immigration and
17 Naturalization Service.

18 (b) **COMPLIANCE.**—The Attorney General shall en-
19 sure that prisons in the Federal prison system and holding
20 facilities operated by or under contract with the Immigra-
21 tion and Naturalization Service comply with the guidelines
22 described in subsection (a).

23 (c) **GRANTS.**—

24 (1) **IN GENERAL.**—The Attorney General shall
25 make grants to State, Indian tribal, and local correc-

1 tion authorities and public health authorities to as-
 2 sist in establishing and operating programs for the
 3 prevention, diagnosis, treatment, and followup care
 4 of tuberculosis among inmates of correctional insti-
 5 tutions.

6 (2) FEDERAL SHARE.—The Federal share of
 7 funding of a program funded with a grant under
 8 paragraph (1) shall not exceed 50 percent.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—
 10 There are authorized to be appropriated to carry out
 11 this section—

12 (A) \$ _____ for fis-
 13 cal year 1995;

14 (B) \$ _____ for fis-
 15 cal year 1996;

16 (C) \$ _____ for fis-
 17 cal year 1997;

18 (D) \$ _____ for fis-
 19 cal year 1998;

20 (E) \$ _____ for fis-
 21 cal year 1999; and

22 (F) \$ _____ for fis-
 23 cal year 2000.

24 (d) DEFINITIONS.—In this section—

1 “Indian tribe” means a tribe, band, pueblo, na-
2 tion, or other organized group or community of Indi-
3 ans, including an Alaska Native village (as defined
4 in or established under the Alaska Native Claims
5 Settlement Act (43 U.S.C. 1601 et seq.), that is rec-
6 ognized as eligible for the special programs and serv-
7 ices provided by the United States to Indians be-
8 cause of their status as Indians.

9 “State” means a State, the District of Colum-
10 bia, the Commonwealth of Puerto Rico, the Com-
11 monwealth of the Northern Mariana Islands, Amer-
12 ican Samoa, Guam, and the United States Virgin Is-
13 lands.

14 **Subtitle W—Hope in Youth** 15 **Program**

16 **SEC. 32301. PROGRAM AUTHORITY.**

17 (a) IN GENERAL.—The Secretary of Health and
18 Human Services (referred to in this subtitle as the “Sec-
19 retary”) may make grants to eligible service providers in
20 one or more political subdivisions of a State containing
21 an area designated as an empowerment zone or enterprise
22 community, as authorized under the Omnibus Budget
23 Reconciliation Act of 1993 (Public Law 103-66), that
24 have submitted an approved plan to establish advisory or-
25 ganizations in low-income communities within the political

1 subdivision containing an empowerment zone which will
2 serve as umbrella agencies for strategic planning and eval-
3 uation of service programs serving the low-income commu-
4 nities in which the advisory organization operates.

5 (b) COORDINATION WITH THE OUNCE OF PREVEN-
6 TION COUNCIL.—The Secretary may coordinate with the
7 Ounce of Prevention Council in making grants under sub-
8 section (a).

9 **SEC. 32302. PROGRAM REQUIREMENTS.**

10 Each advisory organization established as described
11 in section 32301 shall—

12 (1) provide a permanent multi-issue forum for
13 public policy discussion which will serve as part of
14 a stable infrastructure of community outreach and
15 support,

16 (2) develop a mechanism by which local support
17 service providers may be evaluated and assessed in
18 the level of service they provide to the community,
19 and which establishes a method for advisory organi-
20 zation participants to review and participate in ef-
21 forts to maintain or increase the quality of services
22 provided by such providers,

23 (3) create a Family Outreach Team approach
24 which provides a youth worker, a parent worker, and
25 a school-parent organizer to provide training in out-

1 reach, mentoring, community organizing and peer
2 counseling and mentoring to locally recruited volun-
3 teers in a particular area. The Family Outreach
4 Team assists such volunteers in outreach, develop-
5 ment and coordination of service delivery from
6 among the service providers in the area, including
7 the schools,

8 (4) establish processes by which local public
9 agencies can effectively involve the private sector in
10 the provision of services that meet the needs of local
11 communities,

12 (5) establish processes of coalition building in
13 which diverse groups within low-income communities
14 attempt to work cooperatively to meet the collective
15 needs of low-income communities, and

16 (6) create a training program to foster commu-
17 nity-based leadership in low-income communities.

18 **SEC. 32303. ELIGIBLE PROVIDERS.**

19 Consortia of public and private nonprofit local social
20 service organizations that have a proven ability to involve
21 disparate populations of low-income citizens and compet-
22 ing service providers are eligible to receive grants under
23 section 32301.

1 **SEC. 32304. APPLICATIONS.**

2 Applications may be submitted, for approval by the
3 Secretary, by eligible service providers at such time and
4 in such manner as the Secretary may reasonably require.

5 Such applications shall contain—

6 (1) assurances that selection of participants, or-
7 ganizations, and citizens will not be on the basis of
8 religious preference or affiliation,

9 (2) assurances that participating organizations
10 and citizens will not offer services based on any reli-
11 gious preference or affiliation, and

12 (3) assurances that such service providers will,
13 to the extent practicable, involve participation by
14 citizens not traditionally involved in such activities,
15 including homeless individuals, alcohol- and drug-ad-
16 dicted individuals, and gang involved or violent
17 youth.

18 **SEC. 32305. EVALUATION.**

19 The Secretary shall commence a program to evaluate
20 the success and effectiveness of this program 2 years after
21 the program has received an appropriation, and such eval-
22 uation shall be completed no later than 1 year after the
23 second program year has been completed. A report thereon
24 shall be submitted to the Congress within 60 days of the
25 completion of the evaluation.

1 SEC. 32306. DEFINITION.

2 As used in this subtitle, the term "State" means a
3 State, the District of Columbia, the Commonwealth of
4 Puerto Rico, the United States Virgin Islands, American
5 Samoa, Guam, and the Northern Mariana Islands.

6 SEC. 32307. AUTHORIZATION OF APPROPRIATIONS.

7 There are authorized to be appropriated to carry out
8 this subtitle—

- 9 ~~(1)~~ \$ _____ for fiscal
- 10 ~~year 1995;~~
- 11 (1) ~~(2)~~ \$ _____ for fiscal
- 12 year 1996;
- 13 (2) ~~(3)~~ \$ _____ for fiscal
- 14 year 1997;
- 15 (3) ~~(4)~~ \$ _____ for fiscal
- 16 year 1998;
- 17 (4) ~~(5)~~ \$ _____ for fiscal
- 18 year 1999; and
- 19 (5) ~~(6)~~ \$ _____ for fiscal
- 20 year 2000.

21 Subtitle X—Gang Resistance
22 Education and Training

23 SEC. 32401. GANG RESISTANCE EDUCATION AND TRAINING
24 PROJECTS.

25 (a) ESTABLISHMENT OF PROJECTS.—

1 (1) IN GENERAL.—The Secretary of the Treas-
2 ury shall establish not less than 50 Gang Resistance
3 Education and Training (GREAT) projects, to be lo-
4 cated in communities across the country, in addition
5 to the number of projects currently funded.

6 (2) SELECTION OF COMMUNITIES.—Communi-
7 ties identified for such GREAT projects shall be
8 selected by the Director of the Bureau of Alcohol,
9 Tobacco and Firearms, acting through the Secretary
10 of the Treasury, on the basis of gang-related activity
11 in that particular community.

12 (3) AMOUNT OF ASSISTANCE PER PROJECT; AL-
13 LOCATION.—The Secretary of the Treasury shall
14 make available not less than \$800,000 per project,
15 subject to appropriation, and such funds shall be
16 allocated—

17 (A) 50 percent to the affected State and
18 local law enforcement and prevention organiza-
19 tions participating in such projects; and

20 (B) 50 percent to the Bureau of Alcohol,
21 Tobacco and Firearms for salaries, expenses,
22 and associated administrative costs for operat-
23 ing and overseeing such projects.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) BUREAU OF ALCOHOL, TOBACCO, AND FIRE-
 2 ARMS.—There is authorized to be appropriated for
 3 salaries and expenses of the Bureau of Alcohol, To-
 4 bacco, and Firearms for the hiring, training, and
 5 equipping of no less than 200 full-time equivalent
 6 agent positions for the investigation of the traffick-
 7 ing of guns to juveniles and gangs, and the tracing
 8 of firearms used in the commission of violent crimes,
 9 and no less than 100 full-time equivalent inspector
 10 positions for the Firearms Compliance program and
 11 dealer policing activities—

12 ~~(A) \$ _____ for fis-~~

13 ~~cal year 1995.~~

14 (A) ~~(B)~~ \$ _____ for fis-
 15 cal year 1996;

16 (B) ~~(C)~~ \$ _____ for fis-
 17 cal year 1997;

18 (C) ~~(D)~~ \$ _____ for fis-
 19 cal year 1998;

20 (D) ~~(E)~~ \$ _____ for fis-
 21 cal year 1999; and

22 (E) ~~(F)~~ \$ _____ for fis-
 23 cal year 2000.

24 (2) UNITED STATES SECRET SERVICE.—There
 25 is authorized to be appropriated for the salaries and

1. expenses of the United States Secret Service for the
 2. hiring, training and equipping of additional full-time
 3. equivalent positions to supplement current investiga-
 4. tive authorities—

5. ~~(A) \$ _____ for fis-~~
 6. ~~cal year 1995;~~

7. (A) ~~(B)~~ \$ _____ for fis-
 8. cal year 1996;

9. (B) ~~(C)~~ \$ _____ for fis-
 10. cal year 1997;

11. (C) ~~(D)~~ \$ _____ for fis-
 12. cal year 1998;

13. (D) ~~(E)~~ \$ _____ for fis-
 14. cal year 1999; and

15. (E) ~~(F)~~ \$ _____ for fis-
 16. cal year 2000.

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

3 **SEC. 10001. SHORT TITLE.**

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

6 **SEC. 10002. 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

1 the emphasis of their activities from reacting to
2 crime to preventing crime,
3 by establishing a program of grants and assistance in fur-
4 therance of these objectives, including the authorization
5 for a period of 6 years of grants for the hiring and rehiring
6 of additional career law enforcement officers.

7 **SEC. 10003. COMMUNITY POLICING; "COPS ON THE BEAT".**

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

11 (1) by redesignating part Q as part R;

12 (2) by redesignating section 1701 as section
13 1801; and

14 (3) by inserting after part P the following new
15 part:

16 **"PART Q—PUBLIC SAFETY AND COMMUNITY**
17 **POLICING; 'COPS ON THE BEAT'**

18 **"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND**
19 **COMMUNITY POLICING GRANTS.**

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

1 bers of the community to address crime and disorder prob-
2 lems, and otherwise to enhance public safety.

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

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

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

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

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

1 “(c) TROOPS-TO-COPS PROGRAMS.—

2 “(1) IN GENERAL.—Grants made under sub-
3 section (a) may be used to hire former members of
4 the Armed Forces to serve as career law enforce-
5 ment officers for deployment in community-oriented
6 policing, particularly in communities that are ad-
7 versely affected by a recent military base closing.

8 “(2) DEFINITION.—In this subsection, ‘former
9 member of the Armed Forces’ means a member of
10 the Armed Forces of the United States who is invol-
11 untarily separated from the Armed Forces within
12 the meaning of section 1141 of title 10, United
13 States Code.

14 “(d) ADDITIONAL GRANT PROJECTS.—Grants made
15 under subsection (a) may include programs, projects, and
16 other activities to—

17 “(1) increase the number of law enforcement
18 officers involved in activities that are focused on
19 interaction with members of the community on
20 proactive crime control and prevention by redeploy-
21 ing officers to such activities;

22 “(2) provide specialized training to law enforce-
23 ment officers to enhance their conflict resolution,
24 mediation, problem solving, service, and other skills

1 needed to work in partnership with members of the
2 community;

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

5 “(4) develop new technologies to assist State
6 and local law enforcement agencies in reorienting
7 the emphasis of their activities from reacting to
8 crime to preventing crime;

9 “(5) develop and implement innovative pro-
10 grams to permit members of the community to assist
11 State and local law enforcement agencies in the pre-
12 vention of crime in the community, such as a citi-
13 zens’ police academy, including programs designed
14 to increase the level of access to the criminal justice
15 system enjoyed by victims, witnesses, and ordinary
16 citizens by establishing decentralized satellite offices
17 (including video facilities) of principal criminal
18 courts buildings;

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

23 “(7) establish and implement innovative pro-
24 grams to increase and enhance proactive crime con-

1 trol and prevention programs involving law enforce-
2 ment officers and young persons in the community;

3 “(8) develop and establish new administrative
4 and managerial systems to facilitate the adoption of
5 community-oriented policing as an organization-wide
6 philosophy;

7 “(9) establish, implement, and coordinate crime
8 prevention and control programs (involving law en-
9 forcement officers working with community mem-
10 bers) with other Federal programs that serve the
11 community and community members to better ad-
12 dress the comprehensive needs of the community and
13 its members; and

14 “(10) support the purchase by a law enforce-
15 ment agency of no more than 1 service weapon per
16 officer, upon hiring for deployment in community-
17 oriented policing or, if necessary, upon existing offi-
18 cers' initial redeployment to community-oriented po-
19 licing.

20 “(e) PREFERENTIAL CONSIDERATION OF APPLICA-
21 TIONS FOR CERTAIN GRANTS.—In awarding grants under
22 this part, the Attorney General may give preferential con-
23 sideration, where feasible, to applications for hiring and
24 rehiring additional career law enforcement officers that in-

1 involve a non-Federal contribution exceeding the 25 percent
2 minimum under subsection (i).

3 “(f) TECHNICAL ASSISTANCE.—

4 “(1) IN GENERAL.—The Attorney General may
5 provide technical assistance to States, units of local
6 government, Indian tribal governments, and to other
7 public and private entities, in furtherance of the pur-
8 poses of the Public Safety Partnership and Commu-
9 nity Policing Act of 1994.

10 “(2) MODEL.—The technical assistance pro-
11 vided by the Attorney General may include the de-
12 velopment of a flexible model that will define for
13 State and local governments, and other public and
14 private entities, definitions and strategies associated
15 with community or problem-oriented policing and
16 methodologies for its implementation.

17 “(3) TRAINING CENTERS AND FACILITIES.—
18 The technical assistance provided by the Attorney
19 General may include the establishment and oper-
20 ation of training centers or facilities, either directly
21 or by contracting or cooperative arrangements. The
22 functions of the centers or facilities established
23 under this paragraph may include instruction and
24 seminars for police executives, managers, trainers,
25 supervisors, and such others as the Attorney General

1 considers to be appropriate concerning community or
2 problem-oriented policing and improvements in po-
3 lice-community interaction and cooperation that fur-
4 ther the purposes of the Public Safety Partnership
5 and Community Policing Act of 1994.

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

9 “(h) MINIMUM AMOUNT.—Unless all applications
10 submitted by any State and grantee within the State pur-
11 suant to subsection (a) have been funded, each qualifying
12 State, together with grantees within the State, shall re-
13 ceive in each fiscal year pursuant to subsection (a) not
14 less than 0.5 percent of the total amount appropriated in
15 the fiscal year for grants pursuant to that subsection. In
16 this subsection, ‘qualifying State’ means any State which
17 has submitted an application for a grant, or in which an
18 eligible entity has submitted an application for a grant,
19 which meets the requirements prescribed by the Attorney
20 General and the conditions set out in this part.

21 “(i) MATCHING FUNDS.—The portion of the costs of
22 a program, project, or activity provided by a grant under
23 subsection (a) may not exceed 75 percent, unless the At-
24 torney General waives, wholly or in part, the requirement
25 under this subsection of a non-Federal contribution to the

1 costs of a program, project, or activity. In relation to a
2 grant for a period exceeding 1 year for hiring or rehiring
3 career law enforcement officers, the Federal share shall
4 decrease from year to year for up to 5 years, looking to-
5 ward the continuation of the increased hiring level using
6 State or local sources of funding following the conclusion
7 of Federal support, as provided in an approved plan pur-
8 suant to section 1702(c)(8).

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

12 “(k) TERMINATION OF GRANTS FOR HIRING OFFI-
13 CERS.—The authority under subsection (a) of this section
14 to make grants for the hiring and rehiring of additional
15 career law enforcement officers shall lapse at the conclu-
16 sion of 6 years from the date of enactment of this part.
17 Prior to the expiration of this grant authority, the Attor-
18 ney General shall submit a report to Congress concerning
19 the experience with and effects of such grants. The report
20 may include any recommendations the Attorney General
21 may have for amendments to this part and related provi-
22 sions of law in light of the termination of the authority
23 to make grants for the hiring and rehiring of additional
24 career law enforcement officers.

1 "SEC. 1702. APPLICATIONS.

2 "(a) IN GENERAL.—No grant may be made under
3 this part unless an application has been submitted to, and
4 approved by, the Attorney General.

5 "(b) APPLICATION.—An application for a grant
6 under this part shall be submitted in such form, and con-
7 tain such information, as the Attorney General may pre-
8 scribe by regulation or guidelines.

9 "(c) CONTENTS.—In accordance with the regulations
10 or guidelines established by the Attorney General, each ap-
11 plication for a grant under this part shall—

12 "(1) include a long-term strategy and detailed
13 implementation plan that reflects consultation with
14 community groups and appropriate private and pub-
15 lic agencies and reflects consideration of the state-
16 wide strategy under section 503(a)(1);

17 "(2) demonstrate a specific public safety need;

18 "(3) explain the applicant's inability to address
19 the need without Federal assistance;

20 "(4) identify related governmental and commu-
21 nity initiatives which complement or will be coordi-
22 nated with the proposal;

23 "(5) certify that there has been appropriate co-
24 ordination with all affected agencies;

25 "(6) outline the initial and ongoing level of
26 community support for implementing the proposal

1 including financial and in-kind contributions or
2 other tangible commitments;

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

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

15 “(9) assess the impact, if any, of the increase
16 in police resources on other components of the crimi-
17 nal justice system;

18 “(10) explain how the grant will be utilized to
19 reorient the affected law enforcement agency's mis-
20 sion toward community-oriented policing or enhance
21 its involvement in or commitment to community-ori-
22 ented policing; and

23 “(11) provide assurances that the applicant
24 will, to the extent practicable, seek, recruit, and hire
25 members of racial and ethnic minority groups and

1 women in order to increase their ranks within the
2 sworn positions in the law enforcement agency.

3 “(d) SPECIAL PROVISIONS.—

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

13 “(2) SMALL GRANT AMOUNT.—Notwithstanding
14 any other provision of this part, in relation to appli-
15 cations under section 1701(d) for grants of less than
16 \$1,000,000, the Attorney General may waive 1 or
17 more of the requirements of subsection (c) and may
18 otherwise make special provisions to facilitate the ex-
19 pedited submission, processing, and approval of such
20 applications.

21 “SEC. 1703. RENEWAL OF GRANTS.

22 “(a) IN GENERAL.—Except for grants made for hir-
23 ing or rehiring additional career law enforcement officers,
24 a grant under this part may be renewed for up to 2 addi-
25 tional years after the first fiscal year during which a recip-

1 ient receives its initial grant, if the Attorney General de-
2 termines that the funds made available to the recipient
3 were used in a manner required under an approved appli-
4 cation and if the recipient can demonstrate significant
5 progress in achieving the objectives of the initial applica-
6 tion.

7 “(b) GRANTS FOR HIRING.—Grants made for hiring
8 or rehiring additional career law enforcement officers may
9 be renewed for up to 5 years, subject to the requirements
10 of subsection (a), but notwithstanding the limitation in
11 that subsection concerning the number of years for which
12 grants may be renewed.

13 “(c) MULTIYEAR GRANTS.—A grant for a period ex-
14 ceeding 1 year may be renewed as provided in this section,
15 except that the total duration of such a grant including
16 any renewals may not exceed 3 years, or 5 years if it is
17 a grant made for hiring or rehiring additional career law
18 enforcement officers.

19 “SEC. 1704. LIMITATION ON USE OF FUNDS.

20 “(a) NONSUPPLANTING REQUIREMENT.—Funds
21 made available under this part to States or units of local
22 government shall not be used to supplant State or local
23 funds, or, in the case of Indian tribal governments, funds
24 supplied by the Bureau of Indian Affairs, but shall be used
25 to increase the amount of funds that would, in the absence

1 of Federal funds received under this part, be made avail-
2 able from State or local sources, or in the case of Indian
3 tribal governments, from funds supplied by the Bureau of
4 Indian Affairs.

5 “(b) NON-FEDERAL COSTS.—

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

11 “(2) INDIAN TRIBAL GOVERNMENTS.—Funds
12 appropriated by the Congress for the activities of
13 any agency of an Indian tribal government or the
14 Bureau of Indian Affairs performing law enforce-
15 ment functions on any Indian lands may be used to
16 provide the non-Federal share of the cost of pro-
17 grams or projects funded under this part.

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

22 “SEC. 1705. PERFORMANCE EVALUATION.

23 “(a) MONITORING COMPONENTS.—Each program,
24 project, or activity funded under this part shall contain
25 a monitoring component, developed pursuant to guidelines

1 established by the Attorney General. The monitoring re-
2 quired by this subsection shall include systematic identi-
3 fication and collection of data about activities, accomplish-
4 ments, and programs throughout the life of the program,
5 project, or activity and presentation of such data in a usa-
6 ble form.

7 “(b) EVALUATION COMPONENTS.—Selected grant re-
8 cipients shall be evaluated on the local level or as part
9 of a national evaluation, pursuant to guidelines established
10 by the Attorney General. Such evaluations may include as-
11 sessments of individual program implementations. In se-
12 lected jurisdictions that are able to support outcome eval-
13 uations, the effectiveness of funded programs, projects,
14 and activities may be required. Outcome measures may
15 include crime and victimization indicators, quality or life
16 measures, community perceptions, and police perceptions
17 of their own work.

18 “(c) PERIODIC REVIEW AND REPORTS.—The Attor-
19 ney General may require a grant recipient to submit to
20 the Attorney General the results of the monitoring and
21 evaluations required under subsections (a) and (b) and
22 such other data and information as the Attorney General
23 deems reasonably necessary.

1 **“SEC. 1706. REVOCATION OR SUSPENSION OF FUNDING.**

2 “If the Attorney General determines, as a result of
3 the reviews required by section 1705, or otherwise, that
4 a grant recipient under this part is not in substantial com-
5 pliance with the terms and requirements of an approved
6 grant application submitted under section 1702, the Attor-
7 ney General may revoke or suspend funding of that grant,
8 in whole or in part.

9 **“SEC. 1707. ACCESS TO DOCUMENTS.**

10 “(a) **BY THE ATTORNEY GENERAL.**—The Attorney
11 General shall have access for the purpose of audit and ex-
12 amination to any pertinent books, documents, papers, or
13 records of a grant recipient under this part and to the
14 pertinent books, documents, papers, or records of State
15 and local governments, persons, businesses, and other en-
16 tities that are involved in programs, projects, or activities
17 for which assistance is provided under this part.

18 “(b) **BY THE COMPTROLLER GENERAL.**—Subsection
19 (a) shall apply with respect to audits and examinations
20 conducted by the Comptroller General of the United
21 States or by an authorized representative of the Comptrol-
22 ler General.

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

24 “The Attorney General may promulgate regulations
25 and guidelines to carry out this part.

1 "SEC. 1709. DEFINITIONS.

2 "In this part—

3 " 'career law enforcement officer' means a per-
4 son hired on a permanent basis who is authorized by
5 law or by a State or local public agency to engage
6 in or supervise the prevention, detection, or inves-
7 tigation of violations of criminal laws.

8 " 'citizens' police academy' means a program
9 by local law enforcement agencies or private non
10 profit organizations in which citizens, especially
11 those who participate in neighborhood watch pro-
12 grams, are trained in ways of facilitating commu-
13 nication between the community and local law en-
14 forcement in the prevention of crime.

15 " 'Indian tribe' means a tribe, band, pueblo,
16 nation, or other organized group or community of
17 Indians, including an Alaska Native village (as de-
18 fined in or established under the Alaska Native
19 Claims Settlement Act (43 U.S.C. 1601 et seq.)),
20 that is recognized as eligible for the special pro-
21 grams and services provided by the United States to
22 Indians because of their status as Indians."

23 (b) TECHNICAL AMENDMENT.—The table of contents
24 of title I of the Omnibus Crime Control and Safe Streets
25 Act of 1968 (42 U.S.C. 3711, et seq.) is amended by strik-
26 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."

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3793) is amended—

4 (1) in paragraph (3) by striking "and O" and
5 inserting "O, P, and Q"; and

6 (2) by adding at the end the following new
7 paragraph:

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

10 “(i) \$ _____ for fiscal
11 year 1995;

12 “(ii) \$ _____ for fiscal
13 year 1996;

14 “(iii) \$ _____ for fiscal
15 year 1997;

16 “(iv) \$ _____ for fiscal
17 year 1998;

1 “(v) \$ _____ for fiscal
2 year 1999; and

3 “(vi) \$ _____ for fiscal
4 year 2000.

5 “(B) Of funds available under part Q in any fiscal
6 year, up to 3 percent may be used for technical assistance
7 under section 1701(f) or for evaluations or studies carried
8 out or commissioned by the Attorney General in further-
9 ance of the purposes of part Q. Of the remaining funds,
10 50 percent shall be allocated for grants pursuant to appli-
11 cations submitted by units of local government or law en-
12 forcement agencies having jurisdiction over areas with
13 populations exceeding 150,000 or by public and private
14 entities that serve areas with populations exceeding
15 150,000, and 50 percent shall be allocated for grants pur-
16 suant to applications submitted by units of local govern-
17 ment or law enforcement agencies having jurisdiction over
18 areas with populations 150,000 or less or by public and
19 private entities that serve areas with populations 150,000
20 or less. Of the funds available in relation to grants under
21 part Q, at least 85 percent shall be applied to grants for
22 the purposes specified in section 1701(b), and no more
23 than 15 percent may be applied to other grants in further-
24 ance of the purposes of part Q. In view of the extraor-
25 dinary need for law enforcement assistance in Indian

1 country, an appropriate amount of funds available under
2 part Q shall be made available for grants to Indian tribal
3 governments or tribal law enforcement agencies.”.

4 **TITLE II—PRISONS**

5 **Subtitle A—Violent Offender Incar-** 6 **ceration and Truth in Sentenc-** 7 **ing Incentive Grants**

8 **SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.**

9 (a) **GRANT AUTHORIZATION.**—The Attorney General
10 may make grants to individual States and to States orga-
11 nized as multi-State compacts, to develop, expand, modify,
12 operate, or improve correctional facilities and programs,
13 including boot camp facilities and programs and other al-
14 ternative confinement facilities and programs that can free
15 conventional prison space for the confinement of violent
16 offenders, to ensure that prison cell space is available for
17 the confinement of violent offenders and to implement
18 truth in sentencing laws for sentencing violent offenders.

19 (b) **ELIGIBILITY.**—To be eligible to receive a grant
20 under this subtitle, a State or States organized as multi-
21 State compacts shall submit an application to the Attorney
22 General which includes—

23 (1) assurances that the State or States have
24 implemented, or will implement, correctional policies
25 and programs, including truth in sentencing laws

1 that ensure that violent offenders serve a substantial
2 portion of the sentences imposed, that are designed
3 to provide sufficiently severe punishment for violent
4 offenders, including violent juvenile offenders, and
5 that the prison time served is appropriately related
6 to the determination that the inmate is a violent of-
7 fender and for a period of time deemed necessary to
8 protect the public;

9 (2) assurances that the State or States have
10 implemented policies that provide for the recognition
11 of the rights and needs of crime victims;

12 (3) assurances that funds received under this
13 section will be used to develop, expand, modify, oper-
14 ate, or improve correctional facilities and programs
15 to ensure that prison cell space is available for the
16 confinement of violent offenders;

17 (4) assurances that the State or States have a
18 comprehensive correctional plan which represents an
19 integrated approach to the management and oper-
20 ation of correctional facilities and programs and
21 which includes diversion programs, particularly drug
22 diversion programs, community corrections pro-
23 grams, a prisoner screening and security classifica-
24 tion system, appropriate professional training for
25 corrections officers in dealing with violent offenders,

1 prisoner rehabilitation and treatment programs,
2 prisoner work activities (including, to the extent
3 practicable, activities relating to the development,
4 expansion, modification, or improvement of correc-
5 tional facilities) and job skills programs, educational
6 programs, a pre-release prisoner assessment to pro-
7 vide risk reduction management, post-release assist-
8 ance, and an assessment of recidivism rates;

9 (5) assurances that the State or States have in-
10 volved counties and other units of local government,
11 when appropriate, in the development, expansion,
12 modification, operation or improvement of correc-
13 tional facilities and programs designed to ensure the
14 incarceration of violent offenders, and that the State
15 or States will share funds received under this section
16 with counties and other units of local government,
17 taking into account the burden placed on these units
18 of government when they are required to confine
19 sentenced prisoners because of overcrowding in State
20 prison facilities;

21 (6) assurances that funds received under this
22 section will be used to supplement, not supplant,
23 other Federal, State, and local funds;

24 (7) assurances that the State or States have
25 implemented, or will implement within 18 months

1 after the date of the enactment of this Act, policies
2 to determine the veteran status of inmates and to
3 ensure that incarcerated veterans receive the veter-
4 ans benefits to which they are entitled;

5 (8) if applicable, documentation of the multi-
6 State compact agreement that specifies the develop-
7 ment, expansion, modification, operation, or im-
8 provement of correctional facilities and programs;
9 and

10 (9) if applicable, a description of the eligibility
11 criteria for prisoner participation in any boot camp
12 that is to be funded.

13 (c) CONSIDERATION.—The Attorney General, in
14 making such grants, shall give consideration to the special
15 burden placed on States which incarcerate a substantial
16 number of inmates who are in the United States illegally.

17 **SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.**

18 (a) TRUTH IN SENTENCING GRANT PROGRAM.—
19 Forty percent of the total amount of funds appropriated
20 to carry out this subtitle for each of fiscal years 1995,
21 1996, 1997, 1998, 1999, and 2000 shall be made available
22 for Truth in Sentencing Incentive Grants. To be eligible
23 to receive such a grant, a State must meet the require-
24 ments of section 20101(b) and shall demonstrate that the
25 State—

1 (1) has in effect laws which require that per-
2 sons convicted of violent crimes serve not less than
3 85 percent of the sentence imposed; or

4 (2) since 1993—

5 (A) has increased the percentage of con-
6 victed violent offenders sentenced to prison;

7 (B) has increased the average prison time
8 which will be served in prison by convicted vio-
9 lent offenders sentenced to prison;

10 (C) has increased the percentage of sen-
11 tence which will be served in prison by violent
12 offenders sentenced to prison; and

13 (D) has in effect at the time of application
14 laws requiring that a person who is convicted of
15 a violent crime shall serve not less than 85 per-
16 cent of the sentence imposed if—

17 (i) the person has been convicted on 1
18 or more prior occasions in a court of the
19 United States or of a State of a violent
20 crime or a serious drug offense; and

21 (ii) each violent crime or serious drug
22 offense was committed after the defend-
23 ant's conviction of the preceding violent
24 crime or serious drug offense.

1 (b) ALLOCATION OF TRUTH IN SENTENCING INCEN-
2 TIVE FUNDS.—

3 (1) FORMULA ALLOCATION.—The amount avail-
4 able to carry out this section for any fiscal year
5 under subsection (a) shall be allocated to each eligi-
6 ble State in the ratio that the number of part 1 vio-
7 lent crimes reported by such State to the Federal
8 Bureau of Investigation for 1993 bears to the num-
9 ber of part 1 violent crimes reported by all States
10 to the Federal Bureau of Investigation for 1993.

11 (2) TRANSFER OF UNUSED FUNDS.—On Sep-
12 tember 30 of each of fiscal years 1996, 1998, 1999,
13 and 2000, the Attorney General shall transfer to the
14 funds to be allocated under section 20103(b)(1) any
15 funds made available to carry out this section that
16 are not allocated to an eligible State under para-
17 graph (1).

18 **SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.**

19 (a) VIOLENT OFFENDER INCARCERATION GRANT
20 PROGRAM.—Sixty percent of the total amount of funds
21 appropriated to carry out this subtitle for each of fiscal
22 years 1995, 1996, 1997, 1998, 1999, and 2000 shall be
23 made available for Violent Offender Incarceration Grants.
24 To be eligible to receive such a grant, a State must meet
25 the requirements of section 20101(b).

1 (b) ALLOCATION OF VIOLENT OFFENDER INCARCER-
2 ATION FUNDS.—

3 (1) FORMULA ALLOCATION.—Eighty-five per-
4 cent of the sum of the amount available for Violent
5 Offender Incarceration Grants for any fiscal year
6 under subsection (a) and any amount transferred
7 under section 20102(b)(2) for that fiscal year shall
8 be allocated as follows:

9 (A) 0.25 percent shall be allocated to each
10 eligible State except that the United States Vir-
11 gin Islands, American Samoa, Guam and the
12 Northern Mariana Islands each shall be allo-
13 cated 0.05 percent.

14 (B) The amount remaining after applica-
15 tion of subparagraph (A) shall be allocated to
16 each eligible State in the ratio that the number
17 of part 1 violent crimes reported by such State
18 to the Federal Bureau of Investigation for 1993
19 bears to the number of part 1 violent crimes re-
20 ported by all States to the Federal Bureau of
21 Investigation for 1993.

22 (2) DISCRETIONARY ALLOCATION.—Fifteen per-
23 cent of the sum of the amount available for Violent
24 Offender Incarceration Grants for any fiscal year
25 under subsection (a) and any amount transferred

1 under section 20103(b)(3) for that fiscal year shall
2 be allocated at the discretion of the Attorney Gen-
3 eral to States that have demonstrated the greatest
4 need for such grants and the ability to best utilize
5 the funds to meet the objectives of the grant pro-
6 gram and ensure that prison cell space is available
7 for the confinement of violent offenders.

8 (3) **TRANSFER OF UNUSED FORMULA FUNDS.—**
9 On September 30 of each of fiscal years 1996, 1997,
10 1998, 1999, and 2000, the Attorney General shall
11 transfer to the discretionary program under para-
12 graph (2) any funds made available for allocation
13 under paragraph (1) that are not allocated to an eli-
14 gible State under paragraph (1).

15 **SEC. 20104. MATCHING REQUIREMENT.**

16 The Federal share of a grant received under this sub-
17 title may not exceed 75 percent of the costs of a proposal
18 described in an application approved under this subtitle.

19 **SEC. 20105. RULES AND REGULATIONS.**

20 (a) The Attorney General shall issue rules and regu-
21 lations regarding the uses of grant funds received under
22 this subtitle not later than 90 days after the date of enact-
23 ment of this Act.

24 (b) If data regarding part 1 violent crimes in any
25 State for 1993 is unavailable or substantially inaccurate,

1 the Attorney General shall utilize the best available com-
2 parable data regarding the number of violent crimes for
3 1993 for that State for the purposes of allocation of any
4 funds under this subtitle.

5 **SEC. 20106. TECHNICAL ASSISTANCE AND TRAINING.**

6 The Attorney General may request that the Director
7 of the National Institute of Corrections and the Director
8 of the Federal Bureau of Prisons provide technical assist-
9 ance and training to a State or States that receive a grant
10 under this subtitle to achieve the purposes of this subtitle.

11 **SEC. 20107. EVALUATION.**

12 The Attorney General may request the Director of
13 the National Institute of Corrections to assist with an
14 evaluation of programs established with funds under this
15 subtitle.

16 **SEC. 20108. DEFINITIONS.**

17 In this subtitle—

18 “boot camp” means a correctional program of
19 not more than 6 months’ incarceration involving—

20 (A) assignment for participation in the
21 program, in conformity with State law, by pris-
22 oners other than prisoners who have been con-
23 victed at any time of a violent felony;

1 (B) adherence by inmates to a highly
2 regimented schedule that involves strict dis-
3 cipline, physical training, and work;

4 (C) participation by inmates in appropriate
5 education, job training, and substance abuse
6 counseling or treatment; and

7 (D) post-incarceration aftercare services
8 for participants that are coordinated with the
9 program carried out during the period of im-
10 prisonment.

11 "part 1 violent crimes" means murder and non-
12 negligent manslaughter, forcible rape, robbery, and
13 aggravated assault as reported to the Federal Bu-
14 reau of Investigation for purposes of the Uniform
15 Crime Reports.

16 "State" means a State, the District of Colum-
17 bia, the Commonwealth of Puerto Rico, the United
18 States Virgin Islands, American Samoa, Guam, and
19 the Northern Mariana Islands.

20 **SEC. 20109. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out
22 this section—

23 (1) \$ _____ for fiscal
24 year 1995;

1 **“PART R—CERTAIN PUNISHMENTS FOR YOUNG**
2 **OFFENDERS**

3 **“SEC. 1801. GRANT AUTHORIZATION.**

4 **“(a) IN GENERAL.—**The Attorney General may make
5 grants under this part to States, for the use by States
6 and units of local government, for the purpose of develop-
7 ing alternative methods of punishment for young offenders
8 to traditional forms of incarceration and probation.

9 **“(b) ALTERNATIVE METHODS.—**The alternative
10 methods of punishment referred to in subsection (a)
11 should ensure certainty of punishment for young offenders
12 and promote reduced recidivism, crime prevention, and as-
13 sistance to victims, particularly for young offenders who
14 can be punished more effectively in an environment other
15 than a traditional correctional facility, including—

16 **“(1) alternative sanctions that create account-**
17 **ability and certainty of punishment for young of-**
18 **fenders;**

19 **“(2) restitution programs for young offenders;**

20 **“(3) innovative projects, such as projects con-**
21 **sisting of education and job training activities for in-**
22 **carcerated young offenders, modeled, to the extent**
23 **practicable, after activities carried out under part B**
24 **of title IV of the Job Training Partnership Act (re-**
25 **lating to Job Corps) (29 U.S.C. 1691 et seq.) and**
26 **projects that provide family counseling;**

1 “(4) correctional options, such as community-
2 based incarceration, weekend incarceration, and elec-
3 tronic monitoring of offenders;

4 “(5) community service programs that provide
5 work service placement for young offenders at non-
6 profit, private organizations and community organi-
7 zations;

8 “(6) innovative methods that address the prob-
9 lems of young offenders convicted of serious sub-
10 stance abuse (including alcohol abuse) and gang-re-
11 lated offenses; and

12 “(7) adequate and appropriate after care pro-
13 grams for young offenders, such as substance abuse
14 treatment, education programs, vocational training,
15 job placement counseling, and other support pro-
16 grams upon release.

17 **“SEC. 1802. STATE APPLICATIONS.**

18 “(a) IN GENERAL.—

19 “(1) SUBMISSION OF APPLICATION.—To re-
20 quest a grant under this part, the chief executive of
21 a State shall submit an application to the Attorney
22 General in such form and containing such informa-
23 tion as the Attorney General may reasonably re-
24 quire.

1 “(2) ASSURANCES.—An application under para-
2 graph (1) shall include assurances that Federal
3 funds received under this part shall be used to sup-
4 plement, not supplant, non-Federal funds that would
5 otherwise be available for activities funded under
6 this part.

7 “(b) STATE OFFICE.—The office designated under
8 section 507—

9 “(1) shall prepare the application as required
10 under subsection (a); and

11 “(2) shall administer grant funds received
12 under this part, including review of spending, proc-
13 essing, progress, financial reporting, technical assist-
14 ance, grant adjustments, accounting, auditing, and
15 fund disbursement.

16 **“SEC. 1803. REVIEW OF STATE APPLICATIONS.**

17 “(a) IN GENERAL.—The Attorney General shall
18 make a grant under section 1801(a) to carry out the
19 projects described in the application submitted by such ap-
20 plicant under section 1802 upon determining that—

21 “(1) the application is consistent with the re-
22 quirements of this part; and

23 “(2) before the approval of the application, the
24 Attorney General has made an affirmative finding in

1 writing that the proposed project has been reviewed
2 in accordance with this part.

3 “(b) APPROVAL.—Each application submitted under
4 section 1802 shall be considered approved, in whole or in
5 part, by the Attorney General not later than 45 days after
6 first received unless the Attorney General informs the ap-
7 plicant of specific reasons for disapproval.

8 “(c) RESTRICTION.—Grant funds received under this
9 part shall not be used for land acquisition or construction
10 projects, other than alternative facilities described in sec-
11 tion 1801(b).

12 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
13 ATION.—The Attorney General shall not disapprove any
14 application without first affording the applicant reason-
15 able notice and an opportunity for reconsideration.

16 **“SEC. 1804. LOCAL APPLICATIONS.**

17 “(a) IN GENERAL.—

18 “(1) SUBMISSION OF APPLICATION.—To re-
19 quest funds under this part from a State, the chief
20 executive of a unit of local government shall submit
21 an application to the office designated under section
22 1802(b).

23 “(2) APPROVAL.—An application under para-
24 graph (1) shall be considered to have been approved,
25 in whole or in part, by the State not later than 45

1 days after such application is first received unless
2 the State informs the applicant in writing of specific
3 reasons for disapproval.

4 “(3) DISAPPROVAL.—The State shall not dis-
5 approve any application submitted to the State with-
6 out first affording the applicant reasonable notice
7 and an opportunity for reconsideration.

8 “(4) EFFECT OF APPROVAL.—If an application
9 under subsection (a) is approved, the unit of local
10 government is eligible to receive funds under this
11 part.

12 “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-
13 MENT.—A State that receives funds under section 1801
14 in a fiscal year shall make such funds available to units
15 of local government with an application that has been sub-
16 mitted and approved by the State within 45 days after
17 the Attorney General has approved the application submit-
18 ted by the State and has made funds available to the
19 State. The Attorney General may waive the 45-day re-
20 quirement in this section upon a finding that the State
21 is unable to satisfy such requirement under State statutes.

22 “SEC. 1805. ALLOCATION AND DISTRIBUTION OF FUNDS.

23 “(a) STATE DISTRIBUTION.—Of the total amount ap-
24 propriated under this part in any fiscal year—

1 “(1) 0.4 percent shall be allocated to each of
2 the participating States; and

3 “(2) of the total funds remaining after the allo-
4 cation under paragraph (1), there shall be allocated
5 to each of the participating States an amount which
6 bears the same ratio to the amount of remaining
7 funds described in this paragraph as the number of
8 young offenders of such State bears to the number
9 of young offenders in all the participating States.

10 “(b) LOCAL DISTRIBUTION.—

11 “(1) IN GENERAL.—A State that receives funds
12 under this part in a fiscal year shall distribute to
13 units of local government in such State for the pur-
14 poses specified under section 1801 that portion of
15 such funds which bears the same ratio to the aggre-
16 gate amount of such funds as the amount of funds
17 expended by all units of local government for correc-
18 tional programs in the preceding fiscal year bears to
19 the aggregate amount of funds expended by the
20 State and all units of local government in such State
21 for correctional programs in such preceding fiscal
22 year.

23 “(2) UNDISTRIBUTED FUNDS.—Any funds not
24 distributed to units of local government under para-

1 graph (1) shall be available for expenditure by such
2 State for purposes specified under section 1801.

3 “(3) UNUSED FUNDS.— If the Attorney Gen-
4 eral determines, on the basis of information available
5 during any fiscal year, that a portion of the funds
6 allocated to a State for such fiscal year will not be
7 used by such State or that a State is not eligible to
8 receive funds under section 1801, the Attorney Gen-
9 eral shall award such funds to units of local govern-
10 ment in such State giving priority to the units of
11 local government that the Attorney General consid-
12 ers to have the greatest need.

13 “(c) GENERAL REQUIREMENT.—Notwithstanding
14 subsections (a) and (b), not less than two-thirds of funds
15 received by a State under this part shall be distributed
16 to units of local government unless the State applies for
17 and receives a waiver from the Attorney General.

18 “(d) FEDERAL SHARE.—The Federal share of a
19 grant made under this part may not exceed 75 percent
20 of the total costs of the projects described in the applica-
21 tion submitted under section 1802(a) for the fiscal year
22 for which the projects receive assistance under this part.

23 “(e) CONSIDERATION.—Notwithstanding subsections
24 (a) and (b), in awarding grants under this part, the Attor-
25 ney General shall consider as a factor whether a State has

1 in effect throughout such State a law or policy that re-
2 quires that a juvenile who is in possession of a firearm
3 or other weapon on school property or convicted of a crime
4 involving the use of a firearm or weapon on school
5 property—

6 “(1) be suspended from school for a reasonable
7 period of time; and

8 “(2) lose driving license privileges for a reason-
9 able period of time.

10 “(f) DEFINITION.—For purposes of this part, ‘juve-
11 nile’ means a person 18 years of age or younger.

12 “SEC. 1806. EVALUATION.

13 “(a) IN GENERAL.—

14 “(1) SUBMISSION TO THE DIRECTOR.—Each
15 State and unit of local government that receives a
16 grant under this part shall submit to the Attorney
17 General an evaluation not later than March 1 of
18 each year in accordance with guidelines issued by
19 the Attorney General.

20 “(2) WAIVER.—The Attorney General may
21 waive the requirement specified in paragraph (1) if
22 the Attorney General determines that such evalua-
23 tion is not warranted in the case of the State or unit
24 of local government involved.

1 “(b) DISTRIBUTION.—The Attorney General shall
2 make available to the public on a timely basis evaluations
3 received under subsection (a).

4 “(c) ADMINISTRATIVE COSTS.—A State or unit of
5 local government may use not more than 5 percent of
6 funds it receives under this part to develop an evaluation
7 program under this section.”

8 (b) TECHNICAL AMENDMENT.—The table of contents
9 of title I of the Omnibus Crime Control and Safe Streets
10 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
11 tion 10003(a), is amended by inserting after the matter
12 relating to part Q the following new part:

“PART R—CERTAIN PUNISHMENTS FOR YOUNG OFFENDERS

- “Sec. 1801. Grant authorization.
- “Sec. 1802. State applications.
- “Sec. 1803. Review of State applications.
- “Sec. 1804. Local applications.
- “Sec. 1805. Allocation and distribution of funds.
- “Sec. 1806. Evaluation.

“PART S—TRANSITION—EFFECTIVE DATE—REPEALER

- “Sec. 1901. Continuation of rules, authorities, and proceedings.”

13 (c) DEFINITION.—Section 901(a) of the Omnibus
14 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
15 3791(a)), is amended—

16 (1) by adding a semicolon at the end of para-
17 graph (21);

18 (2) by striking “and” at the end of paragraph

19 (22);

1 (3) by striking the period at the end of para-
2 graph (23) and inserting a semicolon; and

3 (4) by adding after paragraph (23) the follow-
4 ing:

5 “(24) the term ‘young offender’ means an indi-
6 vidual, convicted of a crime, 22 years of age or
7 younger—

8 “(A) who has not been convicted of—

9 “(i) a crime of sexual assault; or

10 “(ii) a crime involving the use of a
11 firearm in the commission of the crime;
12 and

13 “(B) who has no prior convictions for a
14 crime of violence (as defined by section 16 of
15 title 18, United States Code) punishable by a
16 period of 1 or more years of imprisonment;
17 and”.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
19 1001(a) of title I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
21 tion 10003(c), is amended—

22 (1) in paragraph (3) by striking “and Q” and
23 inserting “Q, or R”; and

24 (2) by adding at the end the following new
25 paragraph:

~~XXXXXXXXXX~~

1 “(16) There are authorized to be appropriated to
2 carry out projects under part R—

3 “(A) \$ _____ for fiscal
4 year 1995;

5 “(B) \$ _____ for fiscal
6 year 1996;

7 “(C) \$ _____ for fiscal
8 year 1997;

9 “(D) \$ _____ for fiscal
10 year 1998;

11 “(E) \$ _____ for fiscal
12 year 1999; and

13 “(F) \$ _____ for fiscal
14 year 2000.”

15 ~~SEC. 20202. GRANTS FOR COMMUNITY-BASED VIOLENT JU-~~

16 ~~VENILE FACILITIES.~~

17 (a) GRANTS.—The Attorney General may make
18 grants to States and units of local government or combina-
19 tions thereof to assist them in planning, establishing, and
20 operating secure facilities for violent and chronic juvenile
21 offenders.

22 (b) ELIGIBILITY.—The mandates required by the Ju-
23 venile Justice and Delinquency Act (42 U.S.C. 5601 et
24 seq.) shall apply to grants under this section.

25 (c) APPLICATIONS.—

1 (1) IN GENERAL.—The chief executive officer of
2 a State or unit of local government that desires to
3 receive a grant under this section shall submit to the
4 Attorney General an application, in such form and
5 in such manner as the Attorney General may pre-
6 scribe.

7 (2) CONTENTS.—An application under para-
8 graph (1) shall—

9 (A) provide assurances that each facility
10 that is funded with a grant under this section
11 will provide appropriate educational, vocational,
12 and lifeskills training and substance abuse
13 treatment for incarcerated juveniles; and

14 (B) provide assurances that juveniles in-
15 carcerated in a facility that is funded with a
16 grant under this section will be provided with
17 intensive post-release supervision and services.

18 (d) PERFORMANCE EVALUATION.—

19 (1) EVALUATION COMPONENTS.—

20 (A) IN GENERAL.—Each facility funded
21 under this section shall contain an evaluation
22 component developed pursuant to guidelines es-
23 tablished by the Attorney General.

24 (B) OUTCOME MEASURES.—The evalua-
25 tions required by this subsection shall include

1 outcome measures that can be used to deter-
2 mine the effectiveness of the funded programs,
3 including the effectiveness of such programs in
4 comparison with other correctional programs or
5 dispositions in reducing the incidence of recidi-
6 vism.

7 (2) PERIODIC REVIEW AND REPORTS.—

8 (A) REVIEW.—The Attorney General shall
9 review the performance of each grant recipient
10 under this section.

11 (B) REPORTS.—The Attorney General may
12 require a grant recipient to submit to the Attor-
13 ney General the results of the evaluations re-
14 quired under paragraph (1) and such other
15 data and information as the Attorney General
16 deems reasonably necessary to carry out the At-
17 torney General's responsibilities under this sec-
18 tion.

19 (3) REPORT TO CONGRESS.—The Attorney
20 General shall submit an annual report to Congress
21 describing the grants awarded under this section
22 and providing an assessment of the operations and
23 effectiveness of the facilities receiving grants, includ-
24 ing the effectiveness of such facilities in comparison

1 with other juvenile correctional programs or disposi-
2 tions in reducing the incidence of recidivism.

3 (e) TECHNICAL ASSISTANCE AND TRAINING.—The
4 Attorney General may request that the Director of the Na-
5 tional Institute of Corrections and the Director of the Fed-
6 eral Bureau of Prisons provide technical assistance and
7 training to a State or States that receive a grant under
8 this section to achieve the purposes of this section.

9 (f) DEFINITION.—In this section, "State" means a
10 State, the District of Columbia, the Commonwealth of
11 Puerto Rico, the United States Virgin Islands, American
12 Samoa, Guam, and the Northern Mariana Islands.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this
15 section—

16 (1) \$ _____ for fiscal
17 year 1995;

18 (2) \$ _____ for fiscal
19 year 1996;

20 (3) \$ _____ for fiscal
21 year 1997;

22 (4) \$ _____ for fiscal
23 year 1998;

24 (5) \$ _____ for fiscal
25 year 1999; and