

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK  
GRANTS ACT OF 1995

FEBRUARY 8, 1995.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. McCOLLUM, from the Committee on the Judiciary,  
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 728]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill  
(H.R. 728) to control crime by providing law enforcement block  
grants, having considered the same, reports favorably thereon with  
an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

**"TITLE I—LAW ENFORCEMENT BLOCK GRANTS**

**"SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.**

"(a) PAYMENT AND USE.—

"(1) PAYMENT.—The Director of the Bureau of Justice Assistance, shall pay to each unit of local government which qualifies for a payment under this title an amount equal to the sum of any amounts allocated to such unit under this title for each payment period. The Director shall pay such amount from amounts appropriated to carry out this title.

"(2) USE.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:

"(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

"(ii) Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.

"(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.

"(B) Enhancing school security measures by—

"(i) providing increased law enforcement patrols in and around schools, whether through the hiring of additional law enforcement officers or paying overtime to presently employed officers;

"(ii) purchasing law enforcement equipment necessary to carry out normal law enforcement functions in and around schools;

"(iii) equipping schools with metal detectors, fences, closed circuit cameras, and other physical safety measures;

"(iv) gun hotlines designed to facilitate the reporting of weapons possession by students and other individuals in and around schools; and

"(v) preventing and suppressing violent youth gang activity.

"(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime.

"(D) Establishing or supporting drug courts.

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

"(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'violent offender' means a person charged with committing a part I violent crime; and

"(B) the term 'drug courts' means a program that involves—

"(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

"(ii) the integrated administration of other sanctions and services, which shall include—

"(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(II) substance abuse treatment for each participant;

"(III) probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on non-

compliance with program requirements or failure to show satisfactory progress; and

“(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, job placement, and housing placement.

“(b) PROHIBITED USES.—Notwithstanding any other provision of this Act, a unit of local government may not expend any of the funds provided under this title to purchase, lease, rent, or otherwise acquire—

“(1) tanks or armored personnel carriers;

“(2) fixed wing aircraft;

“(3) limousines;

“(4) real estate; or

“(5) yachts;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

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

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

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

whichever is later.

“(d) ADJUSTMENTS.—

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

“(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.

“(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.

“(f) REPAYMENT OF UNEXPENDED AMOUNTS.—

“(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

“(A) paid to the unit from amounts appropriated under the authority of this section; and

“(B) not expended by the unit within 2 years after receipt of such funds from the Director.

“(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

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

“(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this title, be made available from State or local sources.

**“SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

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

“(1) \$2,000,000,000 for fiscal year 1996;

“(2) \$2,000,000,000 for fiscal year 1997;

“(3) \$2,000,000,000 for fiscal year 1998;

“(4) \$2,000,000,000 for fiscal year 1999; and

“(5) \$2,000,000,000 for fiscal year 2000.

“(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Director for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

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

**“SEC. 103. QUALIFICATION FOR PAYMENT.**

“(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this title.

“(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this title.

“(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this title for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

“(1) the unit of local government has established a local advisory board that—

“(A) includes, but is not limited to, a representative from—

“(i) the local police department or local sheriff’s department;

“(ii) the local prosecutor’s office;

“(iii) the local court system;

“(iv) the local public school system; and

“(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

“(B) has reviewed the application; and

“(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this title;

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

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

“(4) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

“(5) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

“(6) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

“(7) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation;

“(8) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this title; and

“(9) the unit of local government will spend the funds made available under this title only for the purposes set forth in section 101(a)(2).

“(d) SANCTIONS FOR NONCOMPLIANCE.—

“(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

“(A) has taken the appropriate corrective action; and

“(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

“(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

**“SEC. 104. ALLOCATION AND DISTRIBUTION OF FUNDS.**

“(a) STATE SET-ASIDE.—

“(1) IN GENERAL.—Of the total amounts appropriated for this title for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual

number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

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

“(3) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (2) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1) for such period, then the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

“(b) LOCAL DISTRIBUTION.—

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

“(A) among reporting units of local government the reporting units’ share of such reserved amount, and

“(B) among nonreporting units of local government the nonreporting units’ share of the reserved amount.

“(2) AMOUNTS.—

“(A) The reporting units’ share of the reserved amount is the amount equal to the product of such reserved amount multiplied by the percentage which the population living in reporting units of local government in the State bears to the population of all units of local government in the State.

“(B) The nonreporting units’ share of the reserved amount is the reserved amount reduced by the reporting units’ share of the reserved amount.

“(3) ALLOCATION TO EACH REPORTING UNIT.—From the reporting units’ share of the reserved amount for each State under subsection (a), the Director shall allocate to each reporting unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

“(4) ALLOCATION TO EACH NONREPORTING UNIT.—From the nonreporting units’ share of the reserved amount for each State under subsection (a), the Director shall allocate to each nonreporting unit of local government an amount which bears the same ratio to such share as the average number of part 1 violent crimes of like governmental units in the same population class as such unit bears to the average annual imputed number of part 1 violent crimes of all nonreporting units in the State for the 3 most recent calendar years.

“(5) LIMITATION ON ALLOCATIONS.—A unit of local government shall not receive an allocation which exceeds 100 percent of such unit’s expenditures on law enforcement services as reported by the Bureau of the Census for the most recent fiscal year. Any amount in excess of 100 percent of such unit’s expenditures on law enforcement services shall be distributed proportionally among units of local government whose allocation does not exceed 100 percent of expenditures on law enforcement services.

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

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

“(B) The term ‘nonreporting unit of local government’ means any unit of local government which is not a reporting unit of local government.

“(C)(i) The term ‘like governmental units’ means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes, and means—

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

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

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

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

“(D) The term ‘same population class’ means a like unit within the same population category as another like unit with the categories determined as follows:

- “(i) 0 through 9,999.
- “(ii) 10,000 through 49,999.
- “(iii) 50,000 through 149,999.
- “(iv) 150,000 through 299,999.
- “(v) 300,000 or more.

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

“(8) SPECIAL RULES.—

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

“(B) If a unit of local government in the State has been annexed since the date of the collection of the data used by the Director in making allocations pursuant to this section, the Director shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

“(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this title.

**“SEC. 105. UTILIZATION OF PRIVATE SECTOR.**

“Funds or a portion of funds allocated under this title may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 101(a)(2).

**“SEC. 106. PUBLIC PARTICIPATION.**

“(a) IN GENERAL.—A unit of local government expending payments under this title shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

“(b) VIEWS.—At the hearing, persons shall be given an opportunity to provide written and oral views to the unit of local government authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment from the Director to the entire budget.

“(c) TIME AND PLACE.—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

**“SEC. 107. ADMINISTRATIVE PROVISIONS.**

“The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to this title and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to this title.

**“SEC. 108. DEFINITIONS.**

“For the purposes of this title:

“(1) The term ‘unit of local government’ means—

“(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

“(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

“(2) The term ‘payment period’ means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

“(3) The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

“(4) The term ‘juvenile’ means an individual who is 17 years of age or younger.

“(5) The term ‘part 1 violent crimes’ means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

“(6) The term ‘Director’ means the Director of the Bureau of Justice Assistance.”.

(b) CONFORMING AMENDMENTS.—

(1) Part Q of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed effective on September 30, 1995.

(2) Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with such part as in effect on the day preceding the date of the enactment of this Act.

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

(A) in paragraph (3), by striking “Q.”; and

(B) by striking paragraph (11).

**SEC. 3. CONFORMING AMENDMENTS.**

(a) OUNCE OF PREVENTION COUNCIL.—

(1) IN GENERAL.—Subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(b) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(c) MODEL INTENSIVE BLOCK GRANT PROGRAMS.—Subtitle C of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(d) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM.—

(1) IN GENERAL.—Subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(e) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(f) POLICE RETIREMENT.—Subtitle H of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(g) LOCAL PARTNERSHIP ACT.—

(1) SUBTITLE J.—Subtitle J of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

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

(3) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by striking the matter relating to chapter 67.

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

(h) NATIONAL COMMUNITY ECONOMIC PARTNERSHIP.—Subtitle K of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(i) URBAN RECREATION AND AT-RISK YOUTH.—

(1) RECREATION.—Subtitle O of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) URBAN PARK AND RECREATION RECOVERY.—(A) Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) through (k) as (d) through (j), respectively.

(B) Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting “and” at the end of paragraph (6), by striking “; and” and inserting a period at the end of paragraph (7), and by striking paragraph (8).

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

- (D) Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking “(a) IN GENERAL.—” after “1013” and by striking subsection (b).
- (j) COMMUNITY-BASED JUSTICE GRANTS FOR PROSECUTORS.—Subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.
- (k) FAMILY UNITY DEMONSTRATION PROJECT.—Subtitle S of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.
- (l) GANG RESISTANCE AND EDUCATION TRAINING.—(1) Subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.  
 (2) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.
- (m) CLERICAL AMENDMENTS.—  
 (1) The matter relating to title I in the table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

“TITLE I—LAW ENFORCEMENT BLOCK GRANTS

- “Sec. 101. Payments to local governments.  
 “Sec. 102. Authorization of appropriations.  
 “Sec. 103. Qualification for payment.  
 “Sec. 104. Allocation and distribution of funds.  
 “Sec. 105. Utilization of private sector.  
 “Sec. 106. Public participation.  
 “Sec. 107. Administrative provisions.  
 “Sec. 108. Definitions.”

- (2) The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitles A, B, C, D, G, H, J, K, O, Q, S, and X of title III.  
 (3) The table of contents of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the matter relating to part Q of title I.

PURPOSE AND SUMMARY

The Local Government Law Enforcement Block Grants Act of 1995 represents an important step by this Congress to assist local governments throughout the country confront crime. And—in stark contrast to the Violent Crime Control and Law Enforcement Act of 1994—it does so without prescribing the specific programs that localities must implement in order to receive funding. H.R. 728 provides resources for localities to respond to their unique crime problems with their own solutions. It represents more funds and greater flexibility for the vast majority of localities throughout America than was provided by last year’s crime bill.

The Federal government does have a role in assisting the states fight crime. But such assistance must appreciate that the problems vary from state to state and community to community. This Act avoids a one-size-fits-all approach, even as it refrains from micro-management.

Many have argued that community policing should be a primary tool for combatting crime. Others disagree with them. Under H.R. 728, communities are free to make that decision for themselves. The Act leaves to local governments the decision regarding what their funding priorities should be. It neither requires that funds be spent on police officers, nor on prevention programs. It leaves that decision to local government officials, who best understand their own communities’ crime problems. The Act simply requires that grant funds be used to reduce crime and improve public safety.

At the same time, H.R. 728 ensures that there is fiscal and programmatic accountability as grant funds are utilized. It requires units of local government to establish a local advisory board to make non-binding recommendations to units for the use of funds

received under this Act. The advisory board's membership must include a representative from the local police department or sheriff's office, the local prosecutor's office, the court system, the local public school system, and a local community group active in crime prevention. The advisory board provision ensures that a range of views will be considered as localities' apply for grant funds, and that public scrutiny will be directed at each localities' application as it is being completed.

H.R. 728 repeals title I of the 1994 Crime Act—the “Public Safety and Policing” section—and replaces it with a block grant program to provide funds directly to units of local government to assist them in their efforts to improve public safety. The grant funds may be used by localities for any purpose that reduces crime and improves public safety, and that is otherwise consistent with the Act's provisions. H.R. 728 provides maximum flexibility to localities while ensuring that funds are used to fight crime.

The Act requires that grant funds supplement and not supplant state or local funds. It does not, however, require that units of local government provide matching funds.

H.R. 728 authorizes a total of \$10 billion for block grants over five years, with \$2 billion to be distributed in each of fiscal years 1996 through 2000. Each year \$2 billion is divided among the fifty states and territories for distribution directly to units of local government, which can apply for funds each fiscal year. The formula for determining grant amounts is based on the severity of crime and the population of a locality.

H.R. 728 represents a commitment by the Federal government to assist localities in dealing with crime, without getting in their way. It provides resources for the counties, cities and towns of America to develop local solutions to their unique crime problems.

#### BACKGROUND AND NEED FOR THE LEGISLATION

The overwhelming majority of crime falls within state and local jurisdictions. As a result, it falls preeminently to states and localities to combat crime.

The federal government's challenge, therefore, is to assist localities fight crime without getting in their way. And any support from Washington must appreciate that communities face many different types of crime.

While community policing is now utilized in a number of cities, it is not the general practice. Many localities are unprepared financially and logistically to initiate such an approach to policing. As a result, the community policing program in Title I of the Violent Crime Control and Law Enforcement Act of 1994 was only an option for a limited number of localities. Many were unable to meet the 25 percent matching requirement, and were left watching more affluent communities benefit. H.R. 728 repeals the community policing program in the 1994 Crime Act, making resources available to all localities to fight crime based on their own program priorities.

While there is general agreement that crime prevention must be a vital part of any comprehensive response to crime, there is little agreement about what crime prevention programs actually work.

There remains little systematic evidence that any particular prevention program can be widely replicated with success.

In stark contrast to the 1994 Crime Act, H.R. 728 does not limit the assistance available to communities to federally-specified prevention programs. It repudiates the "Washington knows best" mindset that has too often characterized federal efforts to assist localities.

#### HEARINGS

The Committee's Subcommittee on Crime held two days of hearings on H.R. 3 on January 19 and 20, 1995. The Act is nearly identical to Title IV in H.R. 3.

On the issue of local government block grants, testimony was received from three witnesses: The Honorable Victor Ashe, Mayor of Knoxville, Tennessee, and President of the U.S. Council of Mayors; The Honorable Robert H. Macy, District Attorney of Oklahoma City, Oklahoma; The Honorable Carl Peed, Sheriff of Fairfax County, Virginia.

On the issue of crime prevention, testimony was received from Professor John DiIulio, Professor at Princeton University and Senior Fellow at the Brookings Institution; Lynn A. Curtis, President of the Milton S. Eisenhower Foundation; Bennie R. Click, Chief of Police, Dallas Police Department; and The Honorable Richard Gebelein, Judge, Superior Court, State of Delaware, and former Attorney General of Delaware.

#### COMMITTEE CONSIDERATION

On February 2, 1995 the Committee met in open session and ordered reported the bill H.R. 728, as amended, by a vote of 21 to 13, a quorum being present.

#### VOTE OF THE COMMITTEE

The committee then considered the following amendments with recorded votes:

Mr. Schumer offered an amendment to require local governments to spend funds under this title on the 1994 Crime Bill's Cops on the Beat program. The Schumer amendment was defeated 13-19.

#### ROLL CALL 1

AYES	NAYS
Mr. Conyers	Mr. Hyde
Mrs. Schroeder	Mr. Moorhead
Mr. Frank	Mr. Sensenbrenner
Mr. Schumer	Mr. McCollum
Mr. Berman	Mr. Coble
Mr. Bryant (TX)	Mr. Schiff
Mr. Reed	Mr. Gallegly
Mr. Nadler	Mr. Canady
Mr. Scott	Mr. Inglis
Mr. Watt	Mr. Goodlatte
Mr. Serrano	Mr. Buyer
Ms. Lofgren	Mr. Hoke

Ms. Jackson-Lee

Mr. Bono  
 Mr. Heineman  
 Mr. Bryant (TN)  
 Mr. Chabot  
 Mr. Flanagan  
 Mr. Barr  
 Mr. Boucher

Mr. Conyers and Mr. Schumer offered an amendment to require units of local governments to spend block grant funds on prevention programs. The amendment was defeated 13–21.

ROLL CALL 2

AYES

Mr. Conyers  
 Mrs. Schroeder  
 Mr. Frank  
 Mr. Schumer  
 Mr. Berman  
 Mr. Bryant (TX)  
 Mr. Reed  
 Mr. Nadler  
 Mr. Scott  
 Mr. Watt  
 Mr. Serrano  
 Ms. Lofgren  
 Ms. Jackson-Lee

NAYS

Mr. Hyde  
 Mr. Moorhead  
 Mr. Sensenbrenner  
 Mr. McCollum  
 Mr. Gekas  
 Mr. Coble  
 Mr. Smith (TX)  
 Mr. Schiff  
 Mr. Gallegly  
 Mr. Canady  
 Mr. Inglis  
 Mr. Goodlatte  
 Mr. Buyer  
 Mr. Hoke  
 Mr. Bono  
 Mr. Heineman  
 Mr. Bryant (TN)  
 Mr. Chabot  
 Mr. Flanagan  
 Mr. Barr  
 Mr. Boucher

Mr. Schumer offered an amendment to establish a drug court program and authorize for appropriation \$1 billion to fund the program. The amendment was defeated 14–20.

ROLL CALL 3

AYES

Mr. Conyers  
 Mrs. Schroeder  
 Mr. Frank  
 Mr. Schumer  
 Mr. Berman  
 Mr. Boucher  
 Mr. Bryant (TX)  
 Mr. Reed  
 Mr. Nadler  
 Mr. Scott  
 Mr. Watt  
 Mr. Serrano

NAYS

Mr. Hyde  
 Mr. Moorhead  
 Mr. Sensenbrenner  
 Mr. McCollum  
 Mr. Gekas  
 Mr. Coble  
 Mr. Smith (TX)  
 Mr. Schiff  
 Mr. Gallegly  
 Mr. Canady  
 Mr. Inglis  
 Mr. Goodlatte

Ms. Lofgren  
Ms. Jackson-Lee

Mr. Buyer  
Mr. Hoke  
Mr. Bono  
Mr. Heineman  
Mr. Bryant (TN)  
Mr. Chabot  
Mr. Flanagan  
Mr. Barr

Mr. Conyers and Mr. Schumer offered an amendment to require local units of government to spend \$5 billion in block grant funds on prevention programs and \$7.5 on police. The amendment was defeated 13–19.

## ROLL CALL 4

## AYES

Mr. Conyers  
Mrs. Schroeder  
Mr. Frank  
Mr. Schumer  
Mr. Berman  
Mr. Bryant (TX)  
Mr. Reed  
Mr. Nadler  
Mr. Scott  
Mr. Watt  
Mr. Serrano  
Ms. Lofgren  
Ms. Jackson-Lee

## NAYS

Mr. Hyde  
Mr. Moorhead  
Mr. Sensenbrenner  
Mr. McCollum  
Mr. Coble  
Mr. Smith (TX)  
Mr. Schiff  
Mr. Gallegly  
Mr. Canady  
Mr. Inglis  
Mr. Goodlatte  
Mr. Buyer  
Mr. Hoke  
Mr. Bono  
Mr. Heineman  
Mr. Bryant (TN)  
Mr. Chabot  
Mr. Flanagan  
Mr. Barr

Mrs. Schroeder offered an amendment to explicitly encourage local governments to direct resources to women's health clinics and allow funds to be used by those clinics to enhance security (e.g., bulletproof glass). The amendment was defeated 13–19.

## ROLL CALL 5

## AYES

Mr. Conyers  
Mrs. Schroeder  
Mr. Frank  
Mr. Schumer  
Mr. Boucher  
Mr. Bryant (TX)  
Mr. Reed  
Mr. Nadler  
Mr. Scott  
Mr. Watt  
Mr. Serrano

## NAYS

Mr. Hyde  
Mr. Moorhead  
Mr. Sensenbrenner  
Mr. Gekas  
Mr. McCollum  
Mr. Coble  
Mr. Schiff  
Mr. Gallegly  
Mr. Canady  
Mr. Inglis  
Mr. Goodlatte

Ms. Lofgren  
Ms. Jackson-Lee

Mr. Buyer  
Mr. Hoke  
Mr. Bono  
Mr. Heineman  
Mr. Bryant (TN)  
Mr. Chabot  
Mr. Flanagan  
Mr. Barr

Mr. Heineman offered an amendment to explicitly allow the use of block grant funds for drug court programs. The Heineman amendment was agreed to by voice vote. Mr. Watt motioned to reconsider the vote by which the Heineman amendment passed. The motion was defeated 14–19.

## ROLL CALL 6

## AYES

Mr. Conyers  
Mrs. Schroeder  
Mr. Frank  
Mr. Schumer  
Mr. Berman  
Mr. Boucher  
Mr. Bryant (TX)  
Mr. Reed  
Mr. Nadler  
Mr. Scott  
Mr. Watt  
Mr. Serrano  
Ms. Lofgren  
Ms. Jackson-Lee

## NAYS

Mr. Hyde  
Mr. Moorhead  
Mr. Sensenbrenner  
Mr. Gekas  
Mr. McCollum  
Mr. Coble  
Mr. Schiff  
Mr. Gallegly  
Mr. Canady  
Mr. Inglis  
Mr. Goodlatte  
Mr. Buyer  
Mr. Hoke  
Mr. Bono  
Mr. Heineman  
Mr. Bryant (TN)  
Mr. Chabot  
Mr. Flanagan  
Mr. Barr

Mr. Schiff offered an amendment to explicitly allow the use of block grant funds for sexual assault and domestic violence programs. Mr. Watt moved to reconsider the vote by which the Schiff amendment passed. The motion was defeated 14–18.

## ROLL CALL 7

## AYES

Mr. Conyers  
Mrs. Schroeder  
Mr. Schumer  
Mr. Berman  
Mr. Boucher  
Mr. Bryant (TX)  
Mr. Reed  
Mr. Nadler  
Mr. Scott  
Mr. Watt

## NAYES

Mr. Hyde  
Mr. Moorhead  
Mr. Sensenbrenner  
Mr. Gekas  
Mr. McCollum  
Mr. Coble  
Mr. Schiff  
Mr. Gallegly  
Mr. Canady  
Mr. Inglis

Mr. Serrano  
 Ms. Lofgren  
 Ms. Jackson-Lee  
 Mr. Buyer

Mr. Goodlatte  
 Mr. Hoke  
 Mr. Bono  
 Mr. Heineman  
 Mr. Bryant (TN)  
 Mr. Chabot  
 Mr. Flanagan  
 Mr. Barr

Mr. Frank offered an amendment to strike non-supplanting requirements in the block grant program. The amendment was defeated 3–29.

## ROLL CALL 8

AYES  
 Mrs. Schroeder  
 Mr. Frank  
 Mr. Serrano

NAYS  
 Mr. Hyde  
 Mr. Moorhead  
 Mr. Sensenbrenner  
 Mr. McCollum  
 Mr. Coble  
 Mr. Schiff  
 Mr. Gallegly  
 Mr. Canady  
 Mr. Inglis  
 Mr. Goodlatte  
 Mr. Buyer  
 Mr. Hoke  
 Mr. Bono  
 Mr. Heineman  
 Mr. Bryant (TN)  
 Mr. Chabot  
 Mr. Flanagan  
 Mr. Barr  
 Mr. Conyers  
 Mr. Schumer  
 Mr. Berman  
 Mr. Boucher  
 Mr. Bryant (TX)  
 Mr. Reed  
 Mr. Nadler  
 Mr. Scott  
 Mr. Watt  
 Ms. Lofgren  
 Ms. Jackson-Lee

Mr. Schumer introduced an amendment to prohibit the use of block grant funds for certain specified purposes (e.g., renting limousines). The Schumer amendment passed 20–13.

## ROLL CALL 9

AYES  
 Mr. Sensenbrenner  
 Mr. Schiff  
 Mr. Canady

NAYS  
 Mr. Hyde  
 Mr. Moorhead  
 Mr. McCollum

Mr. Inglis	Mr. Gekas
Mr. Goodlatte	Mr. Coble
Mr. Buyer	Mr. Smith (TX)
Mr. Bono	Mr. Gallegly
Mr. Conyers	Mr. Hoke
Mrs. Schroeder	Mr. Heineman
Mr. Schumer	Mr. Bryant (TN)
Mr. Berman	Mr. Chabot
Mr. Boucher	Mr. Flanagan
Mr. Bryant (TX)	Mr. Barr
Mr. Reed	
Mr. Nadler	
Mr. Scott	
Mr. Watt	
Mr. Serrano	
Ms. Lofgren	
Ms. Jackson-Lee	

Mr. Serrano offered an amendment to explicitly allow the use of block grant funds for community and after-school crime prevention activities programs. The amendment also requires that not less than 10 percent of block grant funds be distributed to non-profit, community based organizations. The amendment was defeated 10-18.

## ROLL CALL 10

AYES	NAYS
Mr. Conyers	Mr. Hyde
Mrs. Schroeder	Mr. Moorhead
Mr. Schumer	Mr. Sensenbrenner
Mr. Bryant (TX)	Mr. McCollum
Mr. Nadler	Mr. Coble
Mr. Scott	Mr. Smith (TX)
Mr. Watt	Mr. Schiff
Mr. Serrano	Mr. Gallegly
Ms. Lofgren	Mr. Canady
Ms. Jackson-Lee	Mr. Goodlatte
	Mr. Buyer
	Mr. Hoke
	Mr. Bono
	Mr. Heineman
	Mr. Bryant (TN)
	Mr. Chabot
	Mr. Flanagan
	Mr. Boucher

Mr. Scott offered an amendment to provide 1 percent of the block grant funds to the National Institute of Justice (beyond the Institute's current funding levels) to evaluate the effectiveness of programs established under the Act. The amendment was defeated 12-20.

## ROLL CALL 11

AYES	NAYS
Mr. Conyers	Mr. Hyde
Mrs. Schroeder	Mr. Moorhead
Mr. Schumer	Mr. Sensenbrenner
Mr. Boucher	Mr. McCollum
Mr. Bryant (TX)	Mr. Gekas
Mr. Reed	Mr. Coble
Mr. Nadler	Mr. Smith (TX)
Mr. Scott	Mr. Schiff
Mr. Watt	Mr. Gallegly
Mr. Serrano	Mr. Canady
Ms. Lofgren	Mr. Inglis
Ms. Jackson-Lee	Mr. Goodlatte
	Mr. Buyer
	Mr. Hoke
	Mr. Bono
	Mr. Heineman
	Mr. Bryant (TN)
	Mr. Chabot
	Mr. Flanagan
	Mr. Barr

Ms. Jackson-Lee offered an amendment to establish programs for delinquent at-risk youth, including three programs repealed by the 1994 Crime Bill. The amendment also requires that \$500 million of the block grant funds be used for these programs. The amendment was defeated 11–20

## ROLL CALL 12

AYES	NAYS
Mr. Conyers	Mr. Hyde
Mrs. Schroeder	Mr. Moorhead
Mr. Schumer	Mr. Sensenbrenner
Mr. Bryant (TX)	Mr. McCollum
Mr. Reed	Mr. Gekas
Mr. Nadler	Mr. Coble
Mr. Scott	Mr. Schiff
Mr. Watt	Mr. Gallegly
Mr. Serrano	Mr. Canady
Ms. Lofgren	Mr. Inglis
Ms. Jackson-Lee	Mr. Goodlatte
	Mr. Buyer
	Mr. Hoke
	Mr. Bono
	Mr. Heineman
	Mr. Bryant (TN)
	Mr. Chabot
	Mr. Flanagan
	Mr. Barr
	Mr. Boucher

Mr. Watt offered an amendment to establish prevention programs repealed by the 1994 Crime Bill. The amendment also re-

quires that \$5 billion of the block grant funds be used for such programs. The amendment was defeated 11–19.

## ROLL CALL 13

AYES	NAYS
Mr. Conyers	Mr. Hyde
Mrs. Schroeder	Mr. Sensenbrenner
Mr. Schumer	Mr. McCollum
Mr. Bryant (TX)	Mr. Gekas
Mr. Reed	Mr. Coble
Mr. Nadler	Mr. Schiff
Mr. Scott	Mr. Gallegly
Mr. Watt	Mr. Canady
Mr. Serrano	Mr. Inglis
Mr. Lofgren	Mr. Goodlatte
Ms. Jackson-Lee	Mr. Buyer
	Mr. Hoke
	Mr. Bono
	Mr. Heineman
	Mr. Bryant (TN)
	Mr. Chabot
	Mr. Flanagan
	Mr. Barr
	Mr. Boucher

Final Passage Motion to report H.R. 728 favorably, as amended.  
The motion passed 21–13.

## ROLL CALL 14

AYES	NAYS
Mr. Hyde	Mr. Conyers
Mr. Moorhead	Mrs. Schroeder
Mr. Sensenbrenner	Mr. Frank
Mr. McCollum	Mr. Schumer
Mr. Gekas	Mr. Berman
Mr. Coble	Mr. Bryant (TX)
Mr. Smith (TX)	Mr. Reed
Mr. Schiff	Mr. Nadler
Mr. Gallegly	Mr. Scott
Mr. Canady	Mr. Watt
Mr. Inglis	Mr. Serrano
Mr. Goodlatte	Ms. Lofgren
Mr. Buyer	Ms. Jackson-Lee
Mr. Hoke	
Mr. Bono	
Mr. Heineman	
Mr. Bryant (TN)	
Mr. Chabot	
Mr. Flanagan	
Mr. Barr	
Mr. Boucher	

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 667, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, February 8, 1995.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 728, the Local Government Law Enforcement Block Grants Act of 1995.

Enactment of H.R. 728 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM  
(For Robert D. Reischauer).

Enclosure.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 728.
2. Bill title: Local Government Law Enforcement Block Grants Act of 1995.
3. Bill status: As ordered reported by the House Committee on the Judiciary on February 2, 1995.
4. Bill purpose: H.R. 728 would authorize appropriations of \$2 billion for each of fiscal years 1996 through 2000 for grants to state

and local governments to reduce crime and improve public safety. Grants could be used in a variety of ways, including hiring more police officers, improving school security, and establishing local crime prevention programs. This legislation would replace Title I of the Violent Crime Control and Law Enforcement Act of 1994 (the 1994 crime bill). Title I of the 1994 crime bill authorized funds mostly for hiring more police. H.R. 728 also would repeal 12 programs of the 1994 crime bill, most of which provided funding for education and treatment programs.

5. Estimated cost to the Federal Government: H.R. 728 would increase the authorization of appropriations for public safety and policing grants in the 1994 crime bill from \$7.5 billion to \$10 billion over the 1996–2000 period. At the same time, H.R. 728 would repeal existing authorizations of \$3.9 billion for a variety of other crime bill programs. Thus, H.R. 728 would result in a net decrease in authorizations of appropriations of \$1.4 billion dollars over the 1996–2000 period. The following table provides year-by-year authorization estimates.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Authorizations of appropriations:					
New authorization level .....	2,000	2,000	2,000	2,000	2,000
Repeal of existing authorization .....	-2,488	-2,678	-2,538	-2,582	-1,108
Net change in authorization level .....	-488	-678	-538	-582	892
Change in estimated outlays .....	-353	-492	-638	-627	-191

The costs of this bill fall within budget function 750.

For purposes of this estimate, CBO assumes that the amounts authorized by the bill would be appropriated for each fiscal year and that outlays would reflect the historical spending patterns of similar grant programs.

6. Comparison with spending under current law: Fiscal year 1995 appropriations for public safety and policing grants authorized in the 1994 crime bill total \$1.3 billion, and appropriations for treatment-related programs total \$48 million. H.R. 728 would authorize larger aggregate amounts in subsequent years for grant programs in these areas. The following table provides a comparison of the current-year appropriation with the gross authorizations contained in H.R. 728.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
H.R. 728 Authorizations Level .....	2,000	2,000	2,000	2,000	2,000
Current-Year Appropriation .....	1,348	1,348	1,348	1,348	1,348
Difference .....	652	652	652	652	652

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: Recipients of some of the grants authorized in the 1994 crime bill were required to fund a certain percentage, usually 25 percent, of the cost of the projects for which the grants were intended. Assuming that all amounts authorized in the 1994 crime bill were appropriated for each year, CBO estimates that the resulting costs to State and

local governments would be about \$2.4 billion over the 1996–2000 period. This figure represents a potential savings to State and local governments if H.R. 728 were enacted, since this bill contains no State or local match requirements.

9. Cost comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Mark Grabowicz.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

#### INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.J. Res. 1 will have no significant inflationary impact on prices and costs in the national economy.

#### SECTION-BY-SECTION ANALYSIS

*Section 1. Short Title.*—Section 1 of the bill states the short title as the “Local Government Law Enforcement Block Grants Act of 1995.”

*Section 2. Block Grant Program.*—This section repeals Title I—“Public Safety and Policing”—of the Violent Crime Control and Law Enforcement Act of 1994.

#### TITLE I—LAW ENFORCEMENT BLOCK GRANTS

*Sec. 101. Payments to Local Governments.*—This section requires the Director of the Bureau of Justice Assistance (BJA) to make grants directly to units of local government for reducing crime and improving public safety. The use of grant funds includes, but is not limited to, various purposes identified in subsection (a)(2). Such purposes include: equipping and paying law enforcement officers and support personnel; enhancing school security measures; enhancing the adjudication process of cases involving violent offenders; establishing and supporting drug courts; and establishing crime prevention programs.

It is important to note that units of local government may use funds awarded under this title for purposes other than those explicitly described, so long as they are used to reduce crime and improve public safety, and meet the other requirements of this title.

Subsection 101(b) prohibits a unit of local government from expending funds awarded under this title on purchasing, leasing, renting, or otherwise acquiring: tanks or armored personnel carriers; fixed wing aircraft; limousines; real estate; or yachts. An exception to this general prohibition is provided where there are extraordinary and exigent circumstances, as certified by the U.S. Attorney General, which make the use of funds for such purposes essential to public safety. It must be noted that the provision requires the U.S. Attorney General to certify the use of funds under this title for the rental of a limousine for purposes of an undercover drug operation.

Subsection (c) requires the Director of BJA to make awards to localities that submit applications under this title, either: (1) within 90 days after the date that the amount is available; or (2) by the

first day of the payment period if the locality has met all the application requirements listed in section 103(d), whichever date is later.

Subsection (e) authorizes the Director of BJA to withhold in reserve up to 2 percent of a state set-aside to ensure the availability of funds after any adjustments in unit allocations have been made.

Subsection (f) requires units to repay to the Director of BJA any funds awarded under this title which are not used within 27 months after the receipt of such funds.

Subsection (g) requires that grant funds supplement and not supplant state or local funds.

*Sec. 102. Authorization of Appropriations.*—This section authorizes \$10 billion to be appropriated for law enforcement block grants over five years, \$2 billion in each of fiscal years 1996 through 2000. Subsection (b) permits up to 2.5 percent of the total appropriation under section 102 to be available to the Director of BJA for carrying out the purposes of this title.

*Sec. 103. Qualification For Payment.*—Under this section, in order to qualify for payments, units of local government must submit an application to BJA which satisfies the Director of the following: (1) The unit has established a local advisory board that includes representation from the local police department or sheriff's office, the local prosecutor's office, the local court system, the local public school system, and a local nonprofit, educational, religious, or community group; the board has reviewed the application and has made non-binding recommendations to the unit for the use of funds received under this title; (2) the chief executive officer of the state has had not less than 45 days to review and comment on the application; (3) A trust fund will be established for the deposit of grant funds; (4) Funds will be used within two years of receipt; (5) Funds will be expended consistent with applicable revenue laws and procedures; (6) Approved accounting and audit procedures will be used; (7) Records will be available for review; (8) Progress reports will be made; and (9) Funds will be used consistent with the purposes of this title.

Subsection (d) provides noncompliant units an opportunity to take corrective action.

*Sec. 104. Allocation and Distribution of Funds.*—Under subsection (a)(1), the funding amount set aside for a state's units of local government is determined by the number of violent crimes in that state compared to the rest of the country.

The number of violent crimes is based on part 1 violent crimes reported by the states to the Federal Bureau of Investigations. The number used to compute the state set-aside is the average annual number of such crimes for the 3 most recent calendar years for which the data is available.

Under subsection (a)(2), no state's set-aside is to be less than .25 percent of the total appropriation (i.e., \$5,000,000 if the appropriation is \$2 billion). Under subsection (a)(3), all state set-asides which are above the .25 percent minimum are reduced proportionately to ensure that all states receive the minimum funding.

Subsection (b) provides the method by which funds are to be distributed directly to the units of local government. Most but not all units of local government report crime. The smaller the unit, the

greater the probability that it does not report crime. The challenge when making a grant on the basis of crime is to accurately impute a crime number to a non-reporting unit. The formula by which this is done is described in subsections (b)(2) through (b)(4).

Subsection (b)(1) provides that the state set-aside is divided into two categories of funds: (A) The category for reporting units; and (B) The category for non-reporting units. Subsection (b)(2) provides that the total amount allocated for the reporting units category is based on the ratio of the population living in all reporting units to the population of all units in the state. The total amount allocated for the non-reporting units category is the balance of the state set-aside.

Subsection (b)(3) provides that each reporting unit receives an amount from the reporting units category which bears the ratio of its number of violent crimes to the number of all violent crimes in all the reporting units in the state. Subsection (b)(4) provides that each non-reporting unit receives an amount from the non-reporting units category which bears the ratio of the average number of violent crimes of "like governmental units" in the same "population class" to the average imputed number of violent crimes in all non-reporting units in the state. A "like governmental unit" is any like unit of local government as defined by the Secretary of Commerce for general statistical purposes (i.e., all counties are like governmental units; all cities are like governmental units; all townships are treated as like governmental units.) The term "same population class" refers to a unit within the same population category as another unit.

By imputing a crime number based on the average of "like units" in the "same population class" rather than just on the average of all units, the likelihood is much higher that the imputed number will be closer to the actual number of crimes.

Again, the number of violent crimes is based on part 1 violent crimes reported by the units to the Federal Bureau of Investigations, and is the average annual number of such crimes for the 3 most recent calendar years for which the data is available.

Subsection (B)(5) provides a constraint on awards so as to avoid certain funding anomalies. So as to avoid the result of a very small unit—which spends little addressing crime—receiving an excessively large award, that it would be ill-equipped to manage, no allocation to any unit can exceed 100 percent of such unit's law enforcement expenditures.

Subsection (b)(7) provides that if a unit of local government would have received less than \$10,000 for the one year payment period, those funds are transferred to the state's chief executive who is to distribute them among those units within the state that would have received less than \$10,000, and in a manner which improves public safety.

Subsection (b)(8) makes provision for units which are incorporated or annexed since the date of collection of data.

Subsection (c) requires the Director of BJA, in cases where data regarding part 1 violent crimes is unavailable, to use the best available comparable data.

*Sec. 105. Utilization of Private Sector.*—This section allows funds received under this title to be used to contract with private non-

profit entities or community-based organizations to carry out the purposes of this title.

*Sec. 106. Public Participation.*—This section requires units receiving grant funds under this title to hold at least one public hearing on the proposed use of such funds.

*Sec. 107. Administrative Provisions.*—This section makes applicable to this title all of the administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968.

*Sec. 108. Definitions.*—This section defines terms used throughout this title. It further provides conforming amendments. Subsection (b)(1) provides for the repeal of part Q of title I of the Omnibus Crime Control and Safe Streets Act—the 1994 Crime Act’s “Public Safety and Community Policing” program. But subsection (b)(2) provides that any funds that remain available to an applicant under the 1994 Crime Act’s “Public Safety and Community Policing” program are to be used consistent with the statutory provision under which such funds were awarded, and that were in effect prior to this title being enacted.

*Sec. 3. Conforming Amendments.*—This section includes additional conforming amendments, and explicitly repeals a range of programs from title III of the 1994 Crime Act, while providing that any funds under such programs that remain available to an applicant are to be used consistent with the statutory provision under which such funds were awarded, and that were in effect prior to this title being enacted. Such programs include: the “Ounce of Prevention Council” program; the “Family and Community Endeavor Schools Grant Program;” the “Local Partnership Act” program; and the “Gang Resistance and Education Training” program.

#### AGENCY VIEWS

The Committee received a letter from the U.S. Department of Justice providing Administration views on H.R. 3, the Taking Back Our Streets Act of 1995. This letter addressed the issues presented in H.R. 728 in pertinent as follows:

While the administration supports efforts to advance our federal attack on crime, we strongly oppose efforts to undo or repeal the important gains made in last year’s bill. In other words, while we support efforts to enhance, supplement, and carry further the important reforms achieved in the 1994 Act, we vigorously oppose efforts to take us back or reverse the gains that have already been made. Proposals to reverse the progress started by the bipartisan efforts of the Congress and the President threaten to undermine the ongoing work of federal, state, and local law enforcement agencies to make our streets and neighborhoods safer.

Specifically, we strenuously oppose provisions of H.R. 3 that would fundamentally alter the Public Safety Partnership and Community Policing Act (“COPS”) program and the prison funding program, and that indiscriminately repeal most of the crime prevention programs in the 1994 Act. It would be a tragic mistake to repeal a program to put 100,000 new police officers on the streets, and replace it with a plan to pass out \$10 billion of taxpayers’ funds

with no assurance that any specific improvement in public safety will result. To draw upon a phrase too often misused during last year's debates, the proposal to replace the 100,000 cops program with a fuzzy plan that authorizes spending \$10 billion for any purported "crime reduction" purpose is a plan for "super pork" of the first order.

Similarly, it would be foolish to slash virtually all of the bipartisan crime prevention programs included in the 1994 Act. It is mystifying why anyone would advance an ill-advised proposal to repeal wholesale programs supported by police, prosecutors, and parents that implement common sense measures to protect our children from crime—such as keeping schools open after hours and on weekends as safe havens, or getting tough on drug abusing offenders through coerced abstinence and mandatory drug-testing. While these programs account for about one-fifth of the Act's funding, in the view of police officers around the country, they are a critical aspect of the Act's comprehensive attack on crime.

The proposals to repeal or fundamentally revise these programs in H.R. 3 are in many respects illogical and ineffective, and would disserve anti-crime objectives. Passage of these aspects of H.R. 3 would mean fewer police officers on the streets, fewer violent criminals behind bars, and significantly less assistance to state and local governments that are trying to take proactive measures to prevent crime.

In sum, while there are some aspects of H.R. 3 that would be helpful to law enforcement and our anti-crime efforts, too much of the bill would undermine the work of our police and our communities who are fighting so hard to combat violent crime. It reopens settled issues and revisits for no good reason areas that are more effectively addressed under current law.

Finally, we are concerned by reports that some members of the House of Representatives are intent on repealing the ban on semi-automatic assault weapons that was enacted last year. Such a repeal would put in danger countless police officers and innocent civilians, and put back in production new weapons of choice for drug dealers and gang-affiliated criminals. To repeal this crime-fighting law is to break a solemn contract between the Congress and America's law enforcement agents and officers merely to appease the demands of a special interest group. \* \* \*

\* \* \* \* \*

#### IV. LAW ENFORCEMENT BLOCK GRANTS

Title IV would repeal the Public Safety Partnership and Community Policing Act ("COPS") program enacted by title I of the Violent Crime Control and Law Enforcement Act of 1994, and replace it with a formula grant program supporting *any* crime reduction purpose, including but not limited to police staffing, overtime, equipment, school secu-

rity measures, and neighborhood watch programs. The *only* limitation on the expenditure of these funds would be a local governments creativity in labelling a particular expenditure as serving the purpose of “reducing crime” or “improving public safety”—in short, no limitation at all. This formula grant program would be administered by the Bureau of Justice Assistance. Funding would generally be disbursed directly and exclusively to local governments, primarily in proportion to their respective shares of reported part I violent crimes. The aggregate funding authorization for the new program would be \$10 billion over five years.

The administration strongly opposes this change, which would effectively destroy the highly successful COPS program that we have already begun to implement, and replace it with a poorly conceived and designed program that would not guarantee *any* specific gains in public safety. Our larger concerns about this ill-advised proposal include the following:

First and foremost, we are very concerned that the proposed law enforcement block grant program design proposes to turn the clock back by ignoring almost everything learned from the Law Enforcement Assistance Administration (LEAA) experience. Money alone—not even \$10 billion dollars—will not result in an improvement in public safety without accountability measures to assure results. In fact, a key lesson of the LEAA experience was that although more resources may be needed by criminal justice agencies and communities, too often unrestricted funds such as the proposed block grant, will be dissipated by scattering them widely or applying them to unwise, frivolous, or routine expenditures, with the result that their impact was scatter-shot, short-term and diluted. Another critical lesson of LEAA was, that absent clear specific statutory guidance about priorities, programs and policies that work, shifting priorities and untargeted block grant funding resulted in many dollars spent—including much wasted on hardware—with no discernible impact on crime or the administration of justice.

Second, the proposed replacement fails to achieve the existing program’s critical objective of promoting community policing (“cops on the beat”). Limited federal resources should be targeted on what works. Under the existing program, the vast majority of the grant funds are employed to put 100,000 new police officers on the street, with the remainder of the grant funds designed to promote and strengthen police presence in the community and the ability of police officers to work effectively with their communities to stop crime. The existing COPS program is an example of applying the lessons learned from LEAA to help implement a proven program nationwide while assuring accountability, flexibility, and results.

This is an absolutely fundamental feature of the existing program. Crime cannot be effectively abated if the nation’s

communities view the police at best as outsiders who appear briefly in the aftermath of particular criminal incidents, or at worst as an occupying army that becomes the target of racial, ethnic, and class antagonisms.

The experience of community policing—stationing police in the communities they serve, on the beat—offers enormous benefits from every perspective. On the side of the community, it enables citizens to learn to know and trust the police, to assist them in carrying out their mission, and to acquire the sense of security that comes from the regular presence of familiar officers in their neighborhoods and the knowledge that those officers are personally committed to protecting them and their families from crime. Similarly, it enables police officers to know the members of the communities they serve as human beings, to obtain specific intelligence from their community contacts concerning criminal activities, and to develop an understanding of the general nature and causes of a community's crime problems and the ability to devise proactive strategies to mitigate or eliminate these causes.

Third, the formulaic approach to the distribution of funds under this proposal will produce misallocations of resources, both because the incidence of reported part I violent crimes is an imperfect measure of the overall crime problem in local areas and, more importantly, because the proposed formula takes no account of the adequacy or inadequacy of existing police staffing levels in particular areas, or the ability or inability of such areas to effectively utilize additional police resources. Hence, the proposal will deny needed funds to hard-pressed areas that would receive greater funding under the existing program, and will wastefully confer unneeded windfalls on other areas.

In light of these considerations, the alternative program proposed in this bill is fundamentally deficient. It does not guarantee that a single new police officer would be put on our streets—or any other specific improvement in public safety would be made. Instead, it potentially spends billions of dollars on wasteful programs or unfocused initiatives—or any use, no matter how frivolous—of federal taxpayers dollars that can be claimed to “reduc[e] crime.” Local officials would be free to engage in a 100% federally-funded “spending spree,” with no guidance as to how these funds should be spent—or what results that spending should achieve.

In sum, the Congress is faced with a very clear choice: continue with the President's plan to put 100,000 more police on our streets, or replace that program with a \$10 billion handout of taxpayer funds. It is a choice between making every American safer by putting 20% more police on our streets—or putting every American's pocketbook at risk with a 100% federally-funded giveaway of \$10 billion.

It is a choice between what experience tells us will make citizens more secure—an increase of cops-on-the-beat—and what experience tells us will make taxpayers more en-

raged—the use of federal funds to purchase tanks, to lease needless aircraft, and to support *any* far-fetched pet projects that can be called “crime reduction.”

For these reason, we strongly oppose Title IV of H.R. 3.

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#### IX. AMENDMENTS TO VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT

Section 901 in this title repeals the prison grants program in title II.A of the Violent Crime Control and Law Enforcement Act of 1994. As noted earlier, title V of H.R. 3 proposes a defective substitute for that program, and also covertly repeals the drug courts funding program enacted by title V of the 1994 Act. Section 902 repeals the funding programs enacted by subtitles A through S and subtitle X of title III of that Act. \* \* \*

\* \* \* \* \*

Section 902. Section 902 would repeal all of the funding programs enacted by subtitles A through S and subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994. The rationale for this proposal is apparently that these are all “prevention” programs—and hence bad—which justifies abolishing them across the board.

However, sound policy cannot be made by a sloganistic approach that indiscriminately equates all crime prevention efforts with “pork.” The programs that would be eliminated by this provision include, for example, direct grants to local prosecutors for the more effective prosecution of violent juvenile offenders. As a second example, this provision would also eliminate the local crime punishment block grants program, a bipartisan program and funding efforts to prevent crimes against the elderly, response teams including both police officers and child or family services professionals to deal with violent incidents involving children, and support for police residences to high crime areas. Whatever views one may hold concerning the proper emphasis on “enforcement” versus “prevention,” it is hard to see the sense in eliminating any possibility of support for worthwhile programs of these types.

The community Schools and “FACES” programs are examples of well conceived and coordinated initiatives which should not be repealed or consolidated into a block grant. In a few places around the country, schools are becoming centers of community life—safe, visible places where children and their families come after school, in the evening, on weekends, and during the summer to participate in academic enrichment, all kinds of recreation, and mentoring as well as to access other resources and services. Although these community schools are beginning in a number of places, there are many more communities where a outside support is needed to get things started. The Community Schools program would provide at least one grant in each

state, thereby serving as a catalyst for encouraging states, towns, and cities to invest their own resources. The "FACES" program provides an opportunity for schools and communities to develop neighborhood strategies to curb violence and promote positive academic and social achievement. A systematic national demonstration with rigorous evaluation could help us develop a strong research base that shows which program designs in which setting best improve outcomes for children, families and communities.

The bill's proposal to eliminate these and other prevention programs as well as the President's Prevention Council raises equally serious concerns. These programs are largely targeted on the underlying causes of criminal activity, and particularly the burgeoning problem of youth crime and violence. If young people in distressed communities have no hope for the future and nothing to do but hang out on the street, increases in gang activity, drug trafficking and drug abuse, random violence, and all other forms of criminality and deviance are the inevitable consequence.

The crime prevention provisions of the 1994 Crime Act will support programs that directly address these problems, including after-school and summer programs, academic enrichment, and recreation. The President's Prevention Council helps to assure coordinated and cost-effective administration of these and other prevention programs. When the great majority of funding under the Act is already committed to police, prisons, and other straight-forward enforcement assistance, it is penny-wise and pound-foolish to begrudge the more limited sums that a bipartisan majority in Congress approved only a few months ago as an investment in the future of the nation's youth and the security of the public against crime.

America's police, parents, and prosecutors fought hard to win enactment of a balanced attack on crime last year. The 1994 Crime Act devotes about half of its resources to supporting law enforcement, just under a third to expanding state and local prisons, and the smallest share—about one-fifth—to funding crime prevention programs. Title IX indiscriminately obliterates this final aspect of the 1994 Act.

In communities across this country, a variety of crime prevention efforts are underway—efforts that could be expanded tremendously with more resources. In some places, schools, churches, public buildings, and other facilities are being kept open in the afternoons, evenings and on weekends to give kids a safe place to go. In others, police are coming into the classroom to teach kids about the dangers of drugs, gangs, and gun violence. In still other places, Boys and Girls Clubs, little leagues, and other activities are being expanded in areas hardest hit by crime—giving kids something to belong to, other than gangs. And finally, other programs are providing job training and job skills to teens, getting them prepared for careers on the right side of the law—in the face of pervasive opportunities on the wrong side.

Though these programs differ in many respects, three common observations are true about all of them. First, they have the support of police, parents, and public officials because these officials—on the front lines, away from the hot rhetoric of Washington—know that they work in reducing crime. Second, the relatively small investment in these programs—just one dollar out of five in the crime Act—is likely to save the taxpayers billions in lower police, prosecutorial, and prison costs in the future. And third, the federal role in supporting these efforts is just as necessary—as just as proper—as its role in funding local police and local prisons, found elsewhere in the Crime Act.

In addition to wiping out these programs, H.R. 3 takes the largest share of the “savings” from these reductions, and vastly expands the as-yet unfunded prison grant programs. Congress had, in 1994, provided \$2 for prisons for every \$1 for prevention; H.R. 3 changes that ratio to \$6 to \$1.

Even if one accepts the assumption that \$2 billion more should ultimately be moved from prisons to prevention—an assumption we doubt, given the Act’s pre-existing tilt toward the former over the latter—it would make more sense to do this after several years of experience in funding both of these efforts under the Crime Bill—and after an assessment can be made of the effectiveness of the prison and prevention programs. There is simply no reason why any reallocation needs to be made now—or why it would not be sounder to allow both the prison and the prevention programs to get off the ground and then determine if some reallocation between them seems wise.

In sum, in 1994, after six years of wrangling, gridlock, and debate, the Congress finally passed—and the President signed—a balanced and comprehensive attack on violent crime. Now, the American people want to see their officials in Washington working in the same bipartisan fashion to implement that Bill, rather than wasting time and energy prematurely reexamining it.

Consequently, we strongly oppose Title IX’s proposal repeal of the Act’s crime prevention programs.

In sum, we support those proposals in H.R. 3 that will strengthen law enforcement. We also recommend that the pending legislation be expanded to include a wider range of criminal law reform measures that we have proposed or endorsed.

However, we strongly oppose, as currently formulated, several provisions in H.R. 3 that would undermine our comprehensive attack on crime by reversing last year’s historic achievements in increasing and strengthening police, prisons, and crime prevention. At a time when significant progress in reducing crime can be made, these aspects of H.R. 3 would set us back and potentially squander billions of taxpayers’ dollars in the process.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

**VIOLENT CRIME CONTROL AND LAW ENFORCEMENT  
ACT OF 1994**

\* \* \* \* \*

**SEC. 2. TABLE OF CONTENTS.**

The following is the table of contents for this Act:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

**【TITLE I—PUBLIC SAFETY AND POLICING**

- 【Sec. 10001. Short title.**
- 【Sec. 10002. Purposes.**
- 【Sec. 10003. Community policing; “Cops on the Beat”.】**

*TITLE I—LAW ENFORCEMENT BLOCK GRANTS*

- Sec. 101. Payments to local governments.*
- Sec. 102. Authorization of appropriations.*
- Sec. 103. Qualification for payment.*
- Sec. 104. Allocation and distribution of funds.*
- Sec. 105. Utilization of private sector.*
- Sec. 106. Public participation.*
- Sec. 107. Administrative provisions.*
- Sec. 108. Definitions.*

\* \* \* \* \*

**TITLE III—CRIME PREVENTION**

**【Subtitle A—Ounce of Prevention Council**

- 【Sec. 30101. Ounce of Prevention Council.**
- 【Sec. 30102. Ounce of prevention grant program.**
- 【Sec. 30103. Definition.**
- 【Sec. 30104. Authorization of appropriations.**

**【Subtitle B—Local Crime Prevention Block Grant Program**

- 【Sec. 30201. Payments to local governments.**
- 【Sec. 30202. Authorization of appropriations.**
- 【Sec. 30203. Qualification for payment.**
- 【Sec. 30204. Allocation and distribution of funds.**
- 【Sec. 30205. Utilization of private sector.**
- 【Sec. 30206. Public participation.**
- 【Sec. 30207. Administrative provisions.**
- 【Sec. 30208. Definitions.**

**【Subtitle C—Model Intensive Grant Programs**

- 【Sec. 30301. Grant authorization.**
- 【Sec. 30302. Uses of funds.**
- 【Sec. 30303. Program requirements.**
- 【Sec. 30304. Applications.**
- 【Sec. 30305. Reports.**
- 【Sec. 30306. Definitions.**
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**【Subtitle D—Family and Community Endeavor Schools Grant Program**

- 【Sec. 30401. Community schools youth services and supervision grant program.**
- 【Sec. 30402. Family and community endeavor schools grant program.**
- 【Sec. 30403. Authorization of appropriations.**

**【Subtitle G—Assistance for Delinquent and At-Risk Youth**

- 【Sec. 30701. Grant authority.**
- 【Sec. 30702. Authorization of appropriations.**

**【Subtitle H—Police Recruitment**

- 【Sec. 30801. Grant authority.**
- 【Sec. 30802. Authorization of appropriations.**

**【Subtitle J—Local Partnership Act**

- 【Sec. 31001. Establishment of payment program.**
- 【Sec. 31002. Technical amendment.**

**【Subtitle K—National Community Economic Partnership**

- 【Sec. 31101. Short title.**

**【CHAPTER 1—COMMUNITY ECONOMIC PARTNERSHIP INVESTMENT FUNDS**

- 【Sec. 31111. Purpose.**
- 【Sec. 31112. Provision of assistance.**
- 【Sec. 31113. Approval of applications.**
- 【Sec. 31114. Availability of lines of credit and use.**
- 【Sec. 31115. Limitations on use of funds.**
- 【Sec. 31116. Program priority for special emphasis programs.**

**【CHAPTER 2—EMERGING COMMUNITY DEVELOPMENT CORPORATIONS**

- 【Sec. 31121. Community development corporation improvement grants.**
- 【Sec. 31122. Emerging community development corporation revolving loan funds.**

**【CHAPTER 3—MISCELLANEOUS PROVISIONS**

- 【Sec. 31131. Definitions.**
- 【Sec. 31132. Authorization of appropriations.**
- 【Sec. 31133. Prohibition.**

**【Subtitle O—Urban Recreation and At-Risk Youth**

- 【Sec. 31501. Purpose of assistance.**
- 【Sec. 31502. Definitions.**
- 【Sec. 31503. Criteria for selection.**
- 【Sec. 31504. Park and recreation action recovery programs.**
- 【Sec. 31505. Miscellaneous and technical amendments.**

**【Subtitle Q—Community-Based Justice Grants for Prosecutors**

- 【Sec. 31701. Grant authorization.**
- 【Sec. 31702. Use of funds.**
- 【Sec. 31703. Applications.**
- 【Sec. 31704. Allocation of funds; limitations on grants.**
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- 【Sec. 31708. Definitions.**

**【Subtitle S—Family Unity Demonstration Project**

- 【Sec. 31901. Short title.**
- 【Sec. 31902. Purpose.**
- 【Sec. 31903. Definitions.**
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**【CHAPTER 1—GRANTS TO STATES**

- 【Sec. 31911. Authority to make grants.**
- 【Sec. 31912. Eligibility to receive grants.**
- 【Sec. 31913. Reports.**

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

- 【Sec. 31921. Authority of the Attorney General.**
- 【Sec. 31922. Requirements.】**

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**【Subtitle X—Gang Resistance Education and Training**

- 【Sec. 32401. Gang resistance education and training projects.】**

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## **[TITLE I—PUBLIC SAFETY AND POLICING**

### **[SEC. 10001. SHORT TITLE.**

[This title may be cited as the “Public Safety Partnership and Community Policing Act of 1994”.

### **[SEC. 10002. PURPOSES.**

[The purposes of this title are to—

[(1) substantially increase the number of law enforcement officers interacting directly with members of the community (“cops on the beat”);

[(2) provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;

[(3) encourage the development and implementation of innovative programs to permit members of the community to assist State, Indian tribal government, and local law enforcement agencies in the prevention of crime in the community; and

[(4) encourage the development of new technologies to assist State, Indian tribal government, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime,

by establishing a program of grants and assistance in furtherance of these objectives, including the authorization for a period of 6 years of grants for the hiring and rehiring of additional career law enforcement officers.

### **[SEC. 10003. COMMUNITY POLICING; “COPS ON THE BEAT”.**

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

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

[(2) by redesignating section 1701 as section 1801; and

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

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

### **[“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.**

[(a) GRANT AUTHORIZATION.—The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

[(b) REHIRING, HIRING, AND INITIAL REDEPLOYMENT GRANT PROJECTS.—

[(1) IN GENERAL.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

[(A) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

[(B) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation; and

[(C) procure equipment, technology, or support systems, or pay overtime, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that would result from a grant for a like amount for the purposes specified in subparagraph (A) or (B).

[(2) GRANTS FOR EQUIPMENT, TECHNOLOGY, AND SUPPORT SYSTEMS.—Grants pursuant to paragraph (1)(C)—

[(A) may not exceed—

[(i) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1995;

[(ii) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1996; or

[(iii) 10 percent of the funds available for grants pursuant to this subsection in fiscal years 1997, 1998, 1999, and 2000; and

[(B) may not be awarded in fiscal years 1998, 1999, or 2000 unless the Attorney General has certified that grants awarded in fiscal years 1995, 1996, and 1997 pursuant to subparagraph (1)(C) have resulted in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that have resulted from the grants in like amounts awarded in fiscal years 1995, 1996, and 1997 pursuant to paragraph (1) (A) and (B).

[(c) TROOPS-TO-COPS PROGRAMS.—

[(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

[(2) DEFINITION.—In this subsection, ‘former member of the Armed Forces’ means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

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

[(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

[(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solv-

ing, service, and other skills needed to work in partnership with members of the community;

【“(3) increase police participation in multidisciplinary early intervention teams;

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

【“(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community, such as a citizens’ police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

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

【“(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

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

【“(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; and

【“(10) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers’ initial redeployment to community-oriented policing.

【“(e) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (i).

【“(f) TECHNICAL ASSISTANCE.—

【“(1) IN GENERAL.—The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

【“(2) MODEL.—The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies as-

sociated with community or problem-oriented policing and methodologies for its implementation.

[(3) TRAINING CENTERS AND FACILITIES.—The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

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

[(h) MINIMUM AMOUNT.—Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, ‘qualifying State’ means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

[(i) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

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

[(k) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

**["SEC. 1702. APPLICATIONS.**

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

["(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

["(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

["(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1);

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

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

["(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

["(5) certify that there has been appropriate coordination with all affected agencies;

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

["(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support;

["(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers, specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

["(9) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

["(10) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

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

["(d) SPECIAL PROVISIONS.—

["(1) SMALL JURISDICTIONS.—Notwithstanding any other provision of this part, in relation to applications under this part of units of local government or law enforcement agencies having jurisdiction over areas with populations of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

["(2) SMALL GRANT AMOUNT.—Notwithstanding any other provision of this part, in relation to applications under section 1701(d) for grants of less than \$1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

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

["(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

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

["(c) MULTIYEAR GRANTS.—A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

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

["(a) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

**["(b) NON-FEDERAL COSTS.—**

["(1) IN GENERAL.—States and units of local government may use assets received through the Assets Forfeiture equitable sharing program to provide the non-Federal share of the cost of programs, projects, and activities funded under this part.

["(2) INDIAN TRIBAL GOVERNMENTS.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

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

**["SEC. 1705. PERFORMANCE EVALUATION.**

["(a) MONITORING COMPONENTS.—Each program, project, or activity funded under this part shall contain a monitoring component,

developed pursuant to guidelines established by the Attorney General. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

["(b) EVALUATION COMPONENTS.—Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

["(c) PERIODIC REVIEW AND REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the monitoring and evaluations required under subsections (a) and (b) and such other data and information as the Attorney General deems reasonably necessary.

**["SEC. 1706. REVOCATION OR SUSPENSION OF FUNDING.**

["If the Attorney General determines, as a result of the reviews required by section 1705, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

**["SEC. 1707. ACCESS TO DOCUMENTS.**

["(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

["(b) BY THE COMPTROLLER GENERAL.—Subsection (a) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

**["SEC. 1708. GENERAL REGULATORY AUTHORITY.**

["The Attorney General may promulgate regulations and guidelines to carry out this part.

**["SEC. 1709. DEFINITIONS.**

["In this part—

["‘career law enforcement officer’ means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.

["‘citizens’ police academy’ means a program by local law enforcement agencies or private nonprofit organizations in which citizens, especially those who participate in neighborhood watch programs, are trained in ways of facilitating communica-

tion between the community and local law enforcement in the prevention of crime.

["'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".]

[(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by striking 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. Definitions.

["PART R—TRANSITION; EFFECTIVE DATE; REPEALER

- ["Sec. 1801. Continuation of rules, authorities, and proceedings.".]

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

[(1) in paragraph (3) by striking "and O" and inserting "O, P, and Q"; and

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

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

- ["(i) \$1,332,000,000 for fiscal year 1995;
- ["(ii) \$1,850,000,000 for fiscal year 1996;
- ["(iii) \$1,950,000,000 for fiscal year 1997;
- ["(iv) \$1,700,000,000 for fiscal year 1998;
- ["(v) \$1,700,000,000 for fiscal year 1999; and
- ["(vi) \$268,000,000 for fiscal year 2000.

["(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section 1701(f) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. Of the funds available in relation to grants under part Q, at least 85 percent shall be applied to grants for the purposes specified in

section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.”.]

## **TITLE I—LAW ENFORCEMENT BLOCK GRANTS**

### **SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.**

*(a) PAYMENT AND USE.—*

*(1) PAYMENT.—The Director of the Bureau of Justice Assistance, shall pay to each unit of local government which qualifies for a payment under this title an amount equal to the sum of any amounts allocated to such unit under this title for each payment period. The Director shall pay such amount from amounts appropriated to carry out this title.*

*(2) USE.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:*

*(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.*

*(ii) Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.*

*(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.*

*(B) Enhancing school security measures by—*

*(i) providing increased law enforcement patrols in and around schools, whether through the hiring of additional law enforcement officers or paying overtime to presently employed officers;*

*(ii) purchasing law enforcement equipment necessary to carry out normal law enforcement functions in and around schools;*

*(iii) equipping schools with metal detectors, fences, closed circuit cameras, and other physical safety measures;*

*(iv) gun hotlines designed to facilitate the reporting of weapons possession by students and other individuals in and around schools; and*

*(v) preventing and suppressing violent youth gang activity.*

*(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault*

and domestic violence programs, and programs intended to prevent juvenile crime.

(D) Establishing or supporting drug courts.

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

(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term “violent offender” means a person charged with committing a part I violent crime; and

(B) the term “drug courts” means a program that involves—

(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

(ii) the integrated administration of other sanctions and services, which shall include—

(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(II) substance abuse treatment for each participant;

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

(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, job placement, and housing placement.

(b) PROHIBITED USES.—Notwithstanding any other provision of this Act, a unit of local government may not expend any of the funds provided under this title to purchase, lease, rent, or otherwise acquire—

(1) tanks or armored personnel carriers;

(2) fixed wing aircraft;

(3) limousines;

(4) real estate; or

(5) yachts;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

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

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

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

whichever is later.

*(d) ADJUSTMENTS.—*

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

*(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.*

*(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.*

*(f) REPAYMENT OF UNEXPENDED AMOUNTS.—*

*(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—*

*(A) paid to the unit from amounts appropriated under the authority of this section; and*

*(B) not expended by the unit within 2 years after receipt of such funds from the Director.*

*(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.*

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

*(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this title, be made available from State or local sources.*

**SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

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

*(1) \$2,000,000,000 for fiscal year 1996;*

*(2) \$2,000,000,000 for fiscal year 1997;*

*(3) \$2,000,000,000 for fiscal year 1998;*

*(4) \$2,000,000,000 for fiscal year 1999; and*

*(5) \$2,000,000,000 for fiscal year 2000.*

*(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Director for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.*

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

**SEC. 103. QUALIFICATION FOR PAYMENT.**

(a) *IN GENERAL.*—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this title.

(b) *PROGRAM REVIEW.*—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this title.

(c) *GENERAL REQUIREMENTS FOR QUALIFICATION.*—A unit of local government qualifies for a payment under this title for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

(1) the unit of local government has established a local advisory board that—

(A) includes, but is not limited to, a representative from—  
(i) the local police department or local sheriff's department;

(ii) the local prosecutor's office;

(iii) the local court system;

(iv) the local public school system; and

(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

(B) has reviewed the application; and

(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this title;

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

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

(4) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

(5) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

(6) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

(7) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this title or

that the Comptroller General reasonably requires to review compliance and operation;

(8) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this title; and

(9) the unit of local government will spend the funds made available under this title only for the purposes set forth in section 101(a)(2).

(d) **SANCTIONS FOR NONCOMPLIANCE.**—

(1) **IN GENERAL.**—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

(A) has taken the appropriate corrective action; and

(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

(2) **NOTICE.**—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

**SEC. 104. ALLOCATION AND DISTRIBUTION OF FUNDS.**

(a) **STATE SET-ASIDE.**—

(1) **IN GENERAL.**—Of the total amounts appropriated for this title for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

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

(3) **PROPORTIONAL REDUCTION.**—If amounts available to carry out paragraph (2) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1) for such period, then the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

(b) **LOCAL DISTRIBUTION.**—

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

(A) among reporting units of local government the reporting units' share of such reserved amount, and

(B) among nonreporting units of local government the nonreporting units' share of the reserved amount.

(2) AMOUNTS.—

(A) The reporting units' share of the reserved amount is the amount equal to the product of such reserved amount multiplied by the percentage which the population living in reporting units of local government in the State bears to the population of all units of local government in the State.

(B) The nonreporting units' share of the reserved amount is the reserved amount reduced by the reporting units' share of the reserved amount.

(3) ALLOCATION TO EACH REPORTING UNIT.—From the reporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each reporting unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

(4) ALLOCATION TO EACH NONREPORTING UNIT.—From the nonreporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each nonreporting unit of local government an amount which bears the same ratio to such share as the average number of part 1 violent crimes of like governmental units in the same population class as such unit bears to the average annual imputed number of part 1 violent crimes of all nonreporting units in the State for the 3 most recent calendar years.

(5) LIMITATION ON ALLOCATIONS.—A unit of local government shall not receive an allocation which exceeds 100 percent of such unit's expenditures on law enforcement services as reported by the Bureau of the Census for the most recent fiscal year. Any amount in excess of 100 percent of such unit's expenditures on law enforcement services shall be distributed proportionally among units of local government whose allocation does not exceed 100 percent of expenditures on law enforcement services.

(6) DEFINITIONS.—For purposes of this subsection—

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

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

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

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

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

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

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

(D) The term "same population class" means a like unit within the same population category as another like unit with the categories determined as follows:

(i) 0 through 9,999.

(ii) 10,000 through 49,999.

(iii) 50,000 through 149,999.

(iv) 150,000 through 299,999.

(v) 300,000 or more.

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

(8) SPECIAL RULES.—

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

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

(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this title.

**SEC. 105. UTILIZATION OF PRIVATE SECTOR.**

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

**SEC. 106. PUBLIC PARTICIPATION.**

(a) IN GENERAL.—A unit of local government expending payments under this title shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

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

(c) *TIME AND PLACE.*—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

**SEC. 107. ADMINISTRATIVE PROVISIONS.**

The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to this title and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to this title.

**SEC. 108. DEFINITIONS.**

For the purposes of this title:

(1) The term “unit of local government” means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

(2) The term “payment period” means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

(3) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

(4) The term “juvenile” means an individual who is 17 years of age or younger.

(5) The term “part 1 violent crimes” means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

(6) The term “Director” means the Director of the Bureau of Justice Assistance.

\* \* \* \* \*

## **[TITLE III—CRIME PREVENTION**

### **[Subtitle A—Ounce of Prevention Council**

**[SEC. 30101. OUNCE OF PREVENTION COUNCIL.**

**[(a) ESTABLISHMENT.—**

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

**[(A) shall include the Attorney General, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Sec-**

retary of Labor, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of the Interior, and the Director of the Office of National Drug Control Policy; and

[(B) may include other officials of the executive branch as directed by the President.

[(2) CHAIR.—The President shall designate the Chair of the Council from among its members (referred to in this title as the “Chair”).

[(3) STAFF.—The Council may employ any necessary staff to carry out its functions, and may delegate any of its functions or powers to a member or members of the Council.

[(b) PROGRAM COORDINATION.—For any program authorized under the Violent Crime Control and Law Enforcement Act of 1994, the Ounce of Prevention Council Chair, only at the request of the Council member with jurisdiction over that program, may coordinate that program, in whole or in part, through the Council.

[(c) ADMINISTRATIVE RESPONSIBILITIES AND POWERS.—In addition to the program coordination provided in subsection (b), the Council shall be responsible for such functions as coordinated planning, development of a comprehensive crime prevention program catalogue, provision of assistance to communities and community-based organizations seeking information regarding crime prevention programs and integrated program service delivery, and development of strategies for program integration and grant simplification. The Council shall have the authority to audit the expenditure of funds received by grantees under programs administered by or coordinated through the Council. In consultation with the Council, the Chair may issue regulations and guidelines to carry out this subtitle and programs administered by or coordinated through the Council.

**[SEC. 30102. OUNCE OF PREVENTION GRANT PROGRAM.**

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

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

[(2) mentoring, tutoring, and other programs involving participation by adult role models (such as D.A.R.E. America);

[(3) programs assisting and promoting employability and job placement; and

[(4) prevention and treatment programs to reduce substance abuse, child abuse, and adolescent pregnancy, including outreach programs for at-risk families.

[(b) APPLICANTS.—Applicants may be Indian tribal governments, cities, counties, or other municipalities, school boards, colleges and universities, private nonprofit entities, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, and that there has been cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement profes-

sionals, local government, and residents of target areas, including young people. Applications shall be geographically based in particular neighborhoods or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on their lives.

[(c) PRIORITY.—In making such grants, the Council shall give preference to coalitions consisting of a broad spectrum of community-based and social service organizations that have a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youth.

[(d) FEDERAL SHARE.—

[(1) IN GENERAL.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the applications submitted under subsection (b) for the fiscal year for which the projects receive assistance under this title.

[(2) WAIVER.—The Council may waive the 25 percent matching requirement under paragraph (1) upon making a determination that a waiver is equitable in view of the financial circumstances affecting the ability of the applicant to meet that requirement.

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

[(4) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to a governmental entity shall not be used to supplant State or local funds, or in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this title, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

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

**[SEC. 30103. DEFINITION.**

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

**[SEC. 30104. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this subtitle—

- [(1) \$1,500,000 for fiscal year 1995;
- [(2) \$14,700,000 for fiscal year 1996;
- [(3) \$18,000,000 for fiscal year 1997;
- [(4) \$18,000,000 for fiscal year 1998;
- [(5) \$18,900,000 for fiscal year 1999; and

[(6) \$18,900,000 for fiscal year 2000.

## **[Subtitle B—Local Crime Prevention Block Grant Program**

### **[SEC. 30201. PAYMENTS TO LOCAL GOVERNMENTS.**

#### **[(a) PAYMENT AND USE.—**

[(1) PAYMENT.—The Attorney General, shall pay to each unit of general local government which qualifies for a payment under this subtitle an amount equal to the sum of any amounts allocated to the government under this subtitle for each payment period. The Attorney General shall pay such amount from amounts appropriated under section 30202.

[(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more of the following purposes:

[(A) Education, training, research, prevention, diversion, treatment, and rehabilitation programs to prevent juvenile violence, juvenile gangs, and the use and sale of illegal drugs by juveniles.

[(B) Programs to prevent crimes against the elderly based on the concepts of the Triad model.

[(C) Programs that prevent young children from becoming gang involved, including the award of grants or contracts to community-based service providers that have a proven track record of providing services to children ages 5 to 18.

[(D) Saturation jobs programs, offered either separately or in conjunction with the services provided for under the Youth Fair Chance Program, that provide employment opportunities leading to permanent unsubsidized employment for disadvantaged young adults 16 through 25 years of age.

[(E) Midnight sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

[(F) Supervised sports and recreation programs, including Olympic Youth Development Centers established in cooperation with the United States Olympic Committee, that are offered—

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

[(ii) as daily (or weeklong) full-day programs (to the extent available resources permit) or as part-day programs, during the summer months.

[(G) Prevention and enforcement programs to reduce—

[(i) the formation or continuation of juvenile gangs; and

[(ii) the use and sale of illegal drugs by juveniles.

[(H) Youth anticrime councils to give intermediate and secondary school students a structured forum through

which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence.

[(I) Award of grants or contracts to the Boys and Girls Clubs of America, a national nonprofit youth organization, to establish Boys and Girls Clubs in public housing.

[(J) Supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them and for children whose parents are separated or divorced and the children are at risk because—

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

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

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

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

[(v) there are allegations that a child is at risk for any of the reasons stated in clauses (i), (ii), (iii), and (iv), pending an investigation of the allegations; or

[(vi) other circumstances, as determined by a court of competent jurisdiction, point to the existence of such a risk.

[(K) Family Outreach Teams which provide a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community organizing and peer counseling and mentoring to locally recruited volunteers in a particular area.

[(L) To establish corridors of safety for senior citizens by increasing the numbers, presence, and watchfulness of law enforcement officers, community groups, and business owners and employees.

[(M) Teams or units involving both specially trained law enforcement professionals and child or family services professionals that on a 24-hour basis respond to or deal with violent incidents in which a child is involved as a perpetrator, witness, or victim.

[(N) Dwelling units to law enforcement officers without charge or at a substantially reduced rent for the purpose of providing greater security for residents of high crime areas.

[(b) TIMING OF PAYMENTS.—The Attorney General shall pay each amount allocated under this subtitle to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period if the unit of general local government has provided the Attorney General with the assurances required by section 30203(d).

[(c) ADJUSTMENTS.—

[(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this subtitle to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

[(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a unit of general local government only if the Attorney General determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

[(d) RESERVATION FOR ADJUSTMENTS.—The Attorney General may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Attorney General considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

[(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

[(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Attorney General, by not later than 15 months after receipt from the Attorney General, any amount that is—

[(A) paid to the unit from amounts appropriated under the authority of this section; and

[(B) not expended by the unit within one year after receipt from the Attorney General.

[(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payments in future payment periods accordingly.

[(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to units of general local government.

[(f) NONSUPPLANTING REQUIREMENT.—Funds made available under this subtitle to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this subtitle, be made available from State or local sources.

**[SEC. 30202. AUTHORIZATION OF APPROPRIATIONS.**

[(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

[(1) \$75,940,000 for fiscal year 1996;

[(2) \$75,940,000 for fiscal year 1997;

[(3) \$75,940,000 for fiscal year 1998;

[(4) \$75,940,000 for fiscal year 1999; and

[(5) \$73,240,000 for fiscal year 2000.

Such sums are to remain available until expended.

[(b) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Attorney General in furtherance of the purposes of the program. Such sums are to remain available until expended.

**[SEC. 30203. QUALIFICATION FOR PAYMENT.**

**[(a) IN GENERAL.—**The Attorney General shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Attorney General of the units' proposed use of assistance under this subtitle.

**[(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—**A unit of general local government qualifies for a payment under this subtitle for a payment period only after establishing to the satisfaction of the Attorney General that—

**[(1)** the government will establish a trust fund in which the government will deposit all payments received under this subtitle;

**[(2)** the government will use amounts in the trust fund (including interest) during a reasonable period;

**[(3)** the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

**[(4)** if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

**[(5)** the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General after consultation with the Comptroller General of the United States. As applicable, amounts received under this subtitle shall be audited in compliance with the Single Audit Act of 1984;

**[(6)** after reasonable notice to the government, the government will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records the Attorney General reasonably requires to review compliance with this subtitle or the Comptroller General of the United States reasonably requires to review compliance and operations;

**[(7)** the government will make reports the Attorney General reasonably requires, in addition to the annual reports required under this subtitle; and

**[(8)** the government will spend the funds only for the purposes set forth in section 30201(a)(2).

**[(c) REVIEW BY GOVERNORS.—**A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

**[(d) SANCTIONS FOR NONCOMPLIANCE.—**

**[(1) IN GENERAL.—**If the Attorney General decides that a unit of general local government has not complied substantially with subsection (b) or regulations prescribed under subsection (b), the Attorney General shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Attorney General will withhold additional payments to the government for the current payment pe-

riod and later payment periods until the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

[(2) NOTICE.—Before giving notice under paragraph (1), the Attorney General shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

[(3) PAYMENT CONDITIONS.—The Attorney General may make a payment to a unit of general local government notified under paragraph (1) only if the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

**[SEC. 30204. ALLOCATION AND DISTRIBUTION OF FUNDS.**

[(a) STATE DISTRIBUTION.—For each payment period, the Attorney General shall allocate out of the amount appropriated for the period under the authority of section 30202—

[(1) 0.25 percent to each State; and

[(2) of the total amount of funds remaining after allocation under paragraph (1), an amount that is equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

[(b) LOCAL DISTRIBUTION.—(1) The Attorney General shall allocate among the units of general local government in a State the amount allocated to the State under paragraphs (1) and (2) of subsection (a).

[(2) The Attorney General shall allocate to each unit of general local government an amount which bears the ratio that the number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all units in the State in which the unit is located to the Federal Bureau of Investigation for 1993 multiplied by the ratio of the population living in all units in the State in which the unit is located that reported part 1 violent crimes to the Federal Bureau of Investigation for 1993 bears to the population of the State; or if such data are not available for a unit, the ratio that the population of such unit bears to the population of all units in the State in which the unit is located for which data are not available multiplied by the ratio of the population living in units in the State in which the unit is located for which data are not available bears to the population of the State.

[(3) If under paragraph (2) a unit is allotted less than \$5,000 for the payment period, the amount allotted shall be transferred to the Governor of the State who shall equitably distribute the allocation to all such units or consortia thereof.

[(4) If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall allocate to this newly incor-

porated local government, out of the amount allocated to the State under this section, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

[(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this subtitle.

**[SEC. 30205. UTILIZATION OF PRIVATE SECTOR.**

[Funds or a portion of funds allocated under this subtitle may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the uses specified under section 30201(a)(2).

**[SEC. 30206. PUBLIC PARTICIPATION.**

[A unit of general local government expending payments under this subtitle shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

**[SEC. 30207. ADMINISTRATIVE PROVISIONS.**

[The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to the Attorney General for purposes of carrying out this subtitle.

**[SEC. 30208. DEFINITIONS.**

[For purposes of this subtitle:

[(1) The term “unit of general local government” means—

[(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

[(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

[(2) The term “payment period” means each 1-year period beginning on October 1 of the years 1995 through 2000.

[(3) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and

that, for purposes of section 30204(a), 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands.

[(4) The term “children” means persons who are not younger than 5 and not older than 18 years old.

[(5) The term “part 1 violent crimes” means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

## **[Subtitle C—Model Intensive Grant Programs**

### **[SEC. 30301. GRANT AUTHORIZATION.**

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—The Attorney General may award grants to not more than 15 chronic high intensive crime areas to develop comprehensive model crime prevention programs that—

[(A) involve and utilize a broad spectrum of community resources, including nonprofit community organizations, law enforcement organizations, and appropriate State and Federal agencies, including the State educational agencies;

[(B) attempt to relieve conditions that encourage crime; and

[(C) provide meaningful and lasting alternatives to involvement in crime.

[(2) CONSULTATION WITH THE OUNCE OF PREVENTION COUNCIL.—The Attorney General may consult with the Ounce of Prevention Council in awarding grants under paragraph (1).

[(b) PRIORITY.—In awarding grants under subsection (a), the Attorney General shall give priority to proposals that—

[(1) are innovative in approach to the prevention of crime in a specific area;

[(2) vary in approach to ensure that comparisons of different models may be made; and

[(3) coordinate crime prevention programs funded under this program with other existing Federal programs to address the overall needs of communities that benefit from grants received under this title.

### **[SEC. 30302. USES OF FUNDS.**

[(a) IN GENERAL.—Funds awarded under this subtitle may be used only for purposes described in an approved application. The intent of grants under this subtitle is to fund intensively comprehensive crime prevention programs in chronic high intensive crime areas.

[(b) GUIDELINES.—The Attorney General shall issue and publish in the Federal Register guidelines that describe suggested purposes for which funds under approved programs may be used.

[(c) EQUITABLE DISTRIBUTION OF FUNDS.—In disbursing funds under this subtitle, the Attorney General shall ensure the distribution of awards equitably on a geographic basis, including urban and rural areas of varying population and geographic size.

**[SEC. 30303. PROGRAM REQUIREMENTS.**

[(a) DESCRIPTION.—An applicant shall include a description of the distinctive factors that contribute to chronic violent crime within the area proposed to be served by the grant. Such factors may include lack of alternative activities and programs for youth, deterioration or lack of public facilities, inadequate public services such as public transportation, street lighting, community-based substance abuse treatment facilities, or employment services offices, and inadequate police or public safety services, equipment, or facilities.

[(b) COMPREHENSIVE PLAN.—An applicant shall include a comprehensive, community-based plan to attack intensively the principal factors identified in subsection (a). Such plans shall describe the specific purposes for which funds are proposed to be used and how each purpose will address specific factors. The plan also shall specify how local nonprofit organizations, government agencies, private businesses, citizens groups, volunteer organizations, and interested citizens will cooperate in carrying out the purposes of the grant.

[(c) EVALUATION.—An applicant shall include an evaluation plan by which the success of the plan will be measured, including the articulation of specific, objective indicia of performance, how the indicia will be evaluated, and a projected timetable for carrying out the evaluation.

**[SEC. 30304. APPLICATIONS.**

[To request a grant under this subtitle the chief local elected official of an area shall—

[(1) prepare and submit to the Attorney General an application in such form, at such time, and in accordance with such procedures, as the Attorney General shall establish; and

[(2) provide an assurance that funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs funded under this subtitle.

**[SEC. 30305. REPORTS.**

[Not later than December 31, 1998, the Attorney General shall prepare and submit to the Committees on the Judiciary of the House and Senate an evaluation of the model programs developed under this subtitle and make recommendations regarding the implementation of a national crime prevention program.

**[SEC. 30306. DEFINITIONS.**

[In this subtitle—

["chief local elected official" means an official designated under regulations issued by the Attorney General. The criteria used by the Attorney General in promulgating such regulations shall ensure administrative efficiency and accountability in the expenditure of funds and execution of funded projects under this subtitle.

["chronic high intensity crime area" means an area meeting criteria adopted by the Attorney General by regulation that, at a minimum, define areas with—

[(A) consistently high rates of violent crime as reported in the Federal Bureau of Investigation's "Uniform Crime Reports", and

[(B) chronically high rates of poverty as determined by the Bureau of the Census.

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

**[SEC. 30307. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this subtitle—

- [(1) \$100,000,000 for fiscal year 1996;
- [(2) \$125,100,000 for fiscal year 1997;
- [(3) \$125,100,000 for fiscal year 1998;
- [(4) \$125,100,000 for fiscal year 1999; and
- [(5) \$150,200,000 for fiscal year 2000.

## **[Subtitle D—Family and Community Endeavor Schools Grant Program**

**[SEC. 30401. COMMUNITY SCHOOLS YOUTH SERVICES AND SUPERVISION GRANT PROGRAM.**

[(a) **SHORT TITLE.**—This section may be cited as the "Community Schools Youth Services and Supervision Grant Program Act of 1994".

[(b) **DEFINITIONS.**—In this section—

["child" means a person who is not younger than 5 and not older than 18 years old.

["community-based organization" means a private, locally initiated, community-based organization that—

[(A) is a nonprofit organization, as defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

[(B) is operated by a consortium of service providers, consisting of representatives of 5 or more of the following categories of persons:

[(i) Residents of the community.

[(ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.

[(iii) Educators.

[(iv) Religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with an activity funded under this title).

[(v) Law enforcement agencies.

[(vi) Public housing agencies.

[(vii) Other public agencies.

[(viii) Other interested parties.

["eligible community" means an area identified pursuant to subsection (e).

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska

Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

["poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

["public school" means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of that Act.

["Secretary" means the Secretary of Health and Human Services, in consultation and coordination with the Attorney General.

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

**[(c) PROGRAM AUTHORITY.—**

**[(1) IN GENERAL.—**

**[(A) ALLOCATIONS FOR STATES AND INDIAN COUNTRY.—**

For any fiscal year in which the sums appropriated to carry out this section equal or exceed \$20,000,000, from the sums appropriated to carry out this subsection, the Secretary shall allocate, for grants under subparagraph (B) to community-based organizations in each State, an amount bearing the same ratio to such sums as the number of children in the State who are from families with incomes below the poverty line bears to the number of children in all States who are from families with incomes below the poverty line. In view of the extraordinary need for assistance in Indian country, an appropriate amount of funds available under this subtitle shall be made available for such grants in Indian country.

**[(B) GRANTS TO COMMUNITY-BASED ORGANIZATIONS FROM ALLOCATIONS.—**For such a fiscal year, the Secretary may award grants from the appropriate State or Indian country allocation determined under subparagraph (A) on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

**[(C) REALLOCATION.—**If, at the end of such a fiscal year, the Secretary determines that funds allocated for community-based organizations in a State or Indian country under subparagraph (B) remain unobligated, the Secretary may use such funds to award grants to eligible community-based organizations in another State or Indian country to pay for such Federal share. In awarding such grants, the Secretary shall consider the need to maintain geographic diversity among the recipients of such grants. Amounts

made available through such grants shall remain available until expended.

[(2) OTHER FISCAL YEARS.—For any fiscal year in which the sums appropriated to carry out this section are less than \$20,000,000, the Secretary may award grants on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

[(3) ADMINISTRATIVE COSTS.—The Secretary may use not more than 3 percent of the funds appropriated to carry out this section in any fiscal year for administrative costs.

[(d) PROGRAM REQUIREMENTS.—

[(1) LOCATION.—A community-based organization that receives a grant under this section to assist in carrying out such a program shall ensure that the program is carried out—

[(A) when appropriate, in the facilities of a public school during nonschool hours; or

[(B) in another appropriate local facility in a State or Indian country, such as a college or university, a local or State park or recreation center, church, or military base, that is—

[(i) in a location that is easily accessible to children in the community; and

[(ii) in compliance with all applicable local ordinances.

[(2) USE OF FUNDS.—Such community-based organization—

[(A) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that—

[(i) shall include supervised sports programs, and extracurricular and academic programs, that are offered—

[(I) after school and on weekends and holidays, during the school year; and

[(II) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

[(B) in providing such extracurricular and academic programs, shall provide programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities;

[(C) may use—

[(i) such funds for minor renovation of facilities that are in existence prior to the operation of the program and that are necessary for the operation of the program for which the organization receives the grant, purchase of sporting and recreational equipment and supplies, reasonable costs for the transportation of participants in the program, hiring of staff, provision of meals for such participants, provision of health services consisting of an initial basic physical examination, provision of first aid and nutrition guidance,

family counselling, parental training, and substance abuse treatment where appropriate; and

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

[(D) may not use such funds to provide sectarian worship or sectarian instruction.

[(e) ELIGIBLE COMMUNITY IDENTIFICATION.—

[(1) IDENTIFICATION.—To be eligible to receive a grant under this section, a community-based organization shall identify an eligible community to be assisted under this section.

[(2) CRITERIA.—Such eligible community shall be an area that meets such criteria with respect to significant poverty and significant juvenile delinquency, and such additional criteria, as the Secretary may by regulation require.

[(f) APPLICATIONS.—

[(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

[(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall—

[(A) describe the activities and services to be provided through the program for which the grant is sought;

[(B) contain an assurance that the community-based organization will spend grant funds received under this section in a manner that the community-based organization determines will best accomplish the objectives of this section;

[(C) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

[(D) set forth measurable goals and outcomes for the program that—

[(i) will—

[(I) where appropriate, make a public school the focal point of the eligible community; or

[(II) make a local facility described in subsection (d)(1)(B) such a focal point; and

[(ii) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

[(E) provide evidence of support for accomplishing such goals and outcomes from—

[(i) community leaders;

[(ii) businesses;

[(iii) local educational agencies;

[(iv) local officials;

[(v) State officials;

[(vi) Indian tribal government officials; and

[(vii) other organizations that the community-based organization determines to be appropriate;

[(F) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with subparagraphs (A) and (B) of subsection (d)(2);

[(G) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—

[(i) extracurricular and academic programs, such as programs described in subsection (d)(2)(B); and

[(ii) activities that address specific needs in the community;

[(H) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

[(I) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;

[(J) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

[(K) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;

[(L) contain an assurance that the program will maintain a staff-to-participant ratio (including volunteers) that is appropriate to the activity or services provided by the program;

[(M) contain an assurance that the program will maintain an average attendance rate of not less than 75 percent of the participants enrolled in the program, or will enroll additional participants in the program;

[(N) contain an assurance that the community-based organization will comply with any evaluation under subsection (m), any research effort authorized under Federal law, and any investigation by the Secretary;

[(O) contain an assurance that the community-based organization shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

[(P) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

- [(Q) contain an assurance that the community-based organization will maintain separate accounting records for the program.
- [(3) PRIORITY.—In awarding grants to carry out programs under this section, the Secretary shall give priority to community-based organizations who submit applications that demonstrate the greatest effort in generating local support for the programs.
- [(g) ELIGIBILITY OF PARTICIPANTS.—
- [(1) IN GENERAL.—To the extent possible, each child who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.
- [(2) ELIGIBILITY.—To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application and agree to the terms and conditions of participation in the program.
- [(3) NONDISCRIMINATION.—In selecting children to participate in a program that receives assistance under this section, a community-based organization shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.
- [(h) PEER REVIEW PANEL.—
- [(1) ESTABLISHMENT.—The Secretary may establish a peer review panel that shall be comprised of individuals with demonstrated experience in designing and implementing community-based programs.
- [(2) COMPOSITION.—A peer review panel shall include at least 1 representative from each of the following:
- [(A) A community-based organization.
  - [(B) A local government.
  - [(C) A school district.
  - [(D) The private sector.
  - [(E) A charitable organization.
  - [(F) A representative of the United States Olympic Committee, at the option of the Secretary.
- [(3) FUNCTIONS.—A peer review panel shall conduct the initial review of all grant applications received by the Secretary under subsection (f), make recommendations to the Secretary regarding—
- [(A) grant funding under this section; and
  - [(B) a design for the evaluation of programs assisted under this section.
- [(i) INVESTIGATIONS AND INSPECTIONS.—The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.
- [(j) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—
- [(1) PAYMENTS.—The Secretary shall, subject to the availability of appropriations, pay to each community-based organization having an application approved under subsection (f) the Federal share of the costs of developing and carrying out programs described in subsection (c).
- [(2) FEDERAL SHARE.—The Federal share of such costs shall be no more than—

- [(A) 75 percent for each of fiscal years 1995 and 1996;
- [(B) 70 percent for fiscal year 1997; and
- [(C) 60 percent for fiscal year 1998 and thereafter.

[(3) NON-FEDERAL SHARE.—

[(A) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in subsection (f)(2)(P)), and funds appropriated by the Congress for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this subtitle.

[(B) SPECIAL RULE.—At least 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

[(k) EVALUATION.—The Secretary shall conduct a thorough evaluation of the programs assisted under this section, which shall include an assessment of—

- [(1) the number of children participating in each program assisted under this section;
- [(2) the academic achievement of such children;
- [(3) school attendance and graduation rates of such children;
- and
- [(4) the number of such children being processed by the juvenile justice system.

**[SEC. 30402. FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM.**

[(a) SHORT TITLE.—This section may be cited as the “Family and Community Endeavor Schools Act”.

[(b) PURPOSE.—It is the purpose of this section to improve the overall development of at-risk children who reside in eligible communities as defined in subsection (l)(3).

[(c) PROGRAM AUTHORITY.—The Secretary may award grants on a competitive basis to eligible local entities to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section. No local entity shall receive a grant of less than \$250,000 in a fiscal year. Amounts made available through such grants shall remain available until expended.

[(d) PROGRAM REQUIREMENTS.—

[(1) IMPROVEMENT PROGRAMS.—A local entity that receives funds under this section shall develop or expand programs that are designed to improve academic and social development by instituting a collaborative structure that trains and coordinates the efforts of teachers, administrators, social workers, guidance counselors, parents, and school volunteers to provide concurrent social services for at-risk students at selected public schools in eligible communities.

[(2) OPTIONAL ACTIVITIES.—A local entity that receives funds under this section may develop a variety of programs to serve the comprehensive needs of students, including—

- [(A) homework assistance and after-school programs, including educational, social, and athletic activities;

- [(B) nutrition services;
- [(C) mentoring programs;
- [(D) family counseling; and
- [(E) parental training programs.

[(e) ELIGIBLE COMMUNITY IDENTIFICATION.—The Secretary through regulation shall define the criteria necessary to qualify as an eligible community as defined in subsection (l)(3).

[(f) GRANT ELIGIBILITY.—To be eligible to receive a grant under this section, a local entity shall—

- [(1) identify an eligible community to be assisted;
- [(2) develop a community planning process that includes—
  - [(A) parents and family members;
  - [(B) local school officials;
  - [(C) teachers employed at schools within the eligible community;
  - [(D) public housing resident organization members, where applicable; and
  - [(E) public and private nonprofit organizations that provide education, child protective services, or other human services to low-income, at-risk children and their families; and
- [(3) develop a concentrated strategy for implementation of the community planning process developed under paragraph (2) that targets clusters of at-risk children in the eligible community.

[(g) APPLICATIONS.—

[(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a local entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

[(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

- [(A) contain a comprehensive plan for the program that is designed to improve the academic and social development of at-risk children in schools in the eligible community;
- [(B) provide evidence of support for accomplishing the objectives of such plan from—
  - [(i) community leaders;
  - [(ii) a school district;
  - [(iii) local officials; and
  - [(iv) other organizations that the local entity determines to be appropriate;
- [(C) provide an assurance that the local entity will use grant funds received under this subsection to implement the program requirements listed in subsection (d);
- [(D) include an estimate of the number of children in the eligible community expected to be served under the program;
- [(E) provide an assurance that the local entity will comply with any evaluation requested under subsection (k), any research effort authorized under Federal law, and any investigation by the Secretary;

- [(F) provide an assurance that the local entity shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;
- [(G) provide an assurance that funds made available under this section shall be used to supplement, not supplant, other Federal funds that would otherwise be available for activities funded under this section; and
- [(H) provide an assurance that the local entity will maintain separate accounting records for the program.
- [(3) PRIORITY.—In awarding grants to carry out programs under this section, the Secretary shall give priority to local entities which submit applications that demonstrate the greatest effort in generating local support for the programs.
- [(h) PEER REVIEW PANEL.—
- [(1) ESTABLISHMENT.—The Secretary shall establish a peer review panel not to exceed 8 members that shall be comprised of individuals with demonstrated experience in designing and implementing programs to improve the academic and social development of at-risk children.
- [(2) FUNCTIONS.—Such panel shall make recommendations to the Secretary regarding—
- [(A) an illustrative model that effectively achieves the program requirements indicated in subsection (d) and a process whereby local entities can request such model; and
- [(B) a design for the evaluation of programs assisted under this section.
- [(i) INVESTIGATIONS AND INSPECTIONS.—The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.
- [(j) FEDERAL SHARE.—
- [(1) PAYMENTS.—The Secretary shall, subject to the availability of appropriations, pay to each local entity having an application approved under subsection (g) the Federal share of the costs of developing and carrying out programs referred to in subsection (d).
- [(2) FEDERAL SHARE.—The Federal share of such costs shall be 70 percent.
- [(3) NON-FEDERAL SHARE.—
- [(A) IN GENERAL.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including personnel, plant, equipment, and services.
- [(B) SPECIAL RULE.—Not less than 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.
- [(k) EVALUATION.—The Secretary shall require a thorough evaluation of the programs assisted under this section, which shall include an assessment of the academic and social achievement of children assisted with funds provided under this section.
- [(l) DEFINITIONS.—For purposes of this section—
- [(1) the term “Secretary” means the Secretary of the Department of Education;
- [(2) the term “local entity” means—
- [(A) a local educational agency, or

[(B) a community-based organization as defined in section 1471(3) of the Elementary and Secondary Education Act of 1965;

[(3) the term “eligible community” means an area which meets criteria with respect to significant poverty and significant violent crime, and such additional criteria, as the Secretary may by regulation require; and

[(4) the term “public school” means an elementary school (as defined in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))) and a secondary school (as defined in section 1471(21) of that Act).

**[SEC. 30403. AUTHORIZATION OF APPROPRIATIONS.**

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

[(1) \$37,000,000 for fiscal year 1995;

[(2) \$103,500,000 for fiscal year 1996;

[(3) \$121,500,000 for fiscal year 1997;

[(4) \$153,000,000 for fiscal year 1998;

[(5) \$193,500,000 for fiscal year 1999; and

[(6) \$201,500,000 for fiscal year 2000.

[(b) PROGRAMS.—Of the amounts appropriated under subsection (a) for any fiscal year—

[(1) 70 percent shall be made available to carry out section 30401; and

[(2) 30 percent shall be made available to carry out section 30402.

## **[Subtitle G—Assistance for Delinquent and At-Risk Youth**

**[SEC. 30701. GRANT AUTHORITY.**

[(a) GRANTS.—

[(1) IN GENERAL.—In order to prevent the commission of crimes or delinquent acts by juveniles, the Attorney General may make grants to public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who—

[(A) have dropped out of school;

[(B) have come into contact with the juvenile justice system; or

[(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

[(2) CONSULTATION WITH THE OUNCE OF PREVENTION COUNCIL.—The Attorney General may consult with the Ounce of Prevention Council in making grants under paragraph (1).

[(3) SERVICES.—Such services shall include activities designed to—

[(A) increase the self-esteem of such youth;

[(B) assist such youth in making healthy and responsible choices;

[(C) improve the academic performance of such youth pursuant to a plan jointly developed by the applicant and

the school which each such youth attends or should attend;  
and

[(D) provide such youth with vocational and life skills.

[(b) APPLICATIONS.—

[(1) IN GENERAL.—A public agency or private nonprofit organization which desires a grant under this section shall submit an application at such time and in such manner as the Attorney General may prescribe.

[(2) CONTENTS.—An application under paragraph (1) shall include—

[(A) a description of the program developed by the applicant, including the activities to be offered;

[(B) a detailed discussion of how such program will prevent youth from committing crimes or delinquent acts;

[(C) evidence that such program—

[(i) will be carried out in facilities which meet applicable State and local laws with regard to safety;

[(ii) will include academic instruction, approved by the State, Indian tribal government, or local educational agency, which meets or exceeds State, Indian tribal government, and local standards and curricular requirements; and

[(iii) will include instructors and other personnel who possess such qualifications as may be required by applicable State or local laws; and

[(D) specific, measurable outcomes for youth served by the program.

[(c) CONSIDERATION OF APPLICATIONS.—Not later than 60 days following the submission of applications, the Attorney General shall—

[(1) approve each application and disburse the funding for each such application; or

[(2) disapprove the application and inform the applicant of such disapproval and the reasons therefor.

[(d) REPORTS.—A grantee under this section shall annually submit a report to the Attorney General that describes the activities and accomplishments of such program, including the degree to which the specific youth outcomes are met.

[(e) DEFINITIONS.—In this subtitle—

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

**[SEC. 30702. AUTHORIZATION OF APPROPRIATIONS.**

[(There are authorized to be appropriated for grants under section 30701—

[(1) \$5,400,000 for fiscal year 1996;

[(2) \$6,300,000 for fiscal year 1997;

- [(3) \$7,200,000 for fiscal year 1998;
- [(4) \$8,100,000 for fiscal year 1999; and
- [(5) \$9,000,000 for fiscal year 2000.

## [Subtitle H—Police Recruitment

### [SEC. 30801. GRANT AUTHORITY.

#### [(a) GRANTS.—

[(1) IN GENERAL.—The Attorney General may make grants to qualified community organizations to assist in meeting the costs of qualified programs which are designed to recruit and retain applicants to police departments.

[(2) CONSULTATION WITH THE OUNCE OF PREVENTION COUNCIL.—The Attorney General may consult with the Ounce of Prevention Council in making grants under paragraph (1).

[(b) QUALIFIED COMMUNITY ORGANIZATIONS.—An organization is a qualified community organization which is eligible to receive a grant under subsection (a) if the organization—

[(1) is a nonprofit organization; and

[(2) has training and experience in—

[(A) working with a police department and with teachers, counselors, and similar personnel,

[(B) providing services to the community in which the organization is located,

[(C) developing and managing services and techniques to recruit individuals to become members of a police department and to assist such individuals in meeting the membership requirements of police departments,

[(D) developing and managing services and techniques to assist in the retention of applicants to police departments, and

[(E) developing other programs that contribute to the community.

[(c) QUALIFIED PROGRAMS.—A program is a qualified program for which a grant may be made under subsection (a) if the program is designed to recruit and train individuals from underrepresented neighborhoods and localities and if—

[(1) the overall design of the program is to recruit and retain applicants to a police department;

[(2) the program provides recruiting services which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations;

[(3) the program provides counseling to applicants to police departments who may encounter problems throughout the application process; and

[(4) the program provides retention services to assist in retaining individuals to stay in the application process of a police department.

[(d) APPLICATIONS.—To qualify for a grant under subsection (a), a qualified organization shall submit an application to the Attorney General in such form as the Attorney General may prescribe. Such application shall—

[(1) include documentation from the applicant showing—

[(A) the need for the grant;

[(B) the intended use of grant funds;

[(C) expected results from the use of grant funds; and

[(D) demographic characteristics of the population to be served, including age, disability, race, ethnicity, and languages used; and

[(2) contain assurances satisfactory to the Attorney General that the program for which a grant is made will meet the applicable requirements of the program guidelines prescribed by the Attorney General under subsection (i).

[(e) ACTION BY THE ATTORNEY GENERAL.—Not later than 60 days after the date that an application for a grant under subsection (a) is received, the Attorney General shall consult with the police department which will be involved with the applicant and shall—

[(1) approve the application and disburse the grant funds applied for; or

[(2) disapprove the application and inform the applicant that the application is not approved and provide the applicant with the reasons for the disapproval.

[(f) GRANT DISBURSEMENT.—The Attorney General shall disburse funds under a grant under subsection (a) in accordance with regulations of the Attorney General which shall ensure—

[(1) priority is given to applications for areas and organizations with the greatest showing of need;

[(2) that grant funds are equitably distributed on a geographic basis; and

[(3) the needs of underserved populations are recognized and addressed.

[(g) GRANT PERIOD.—A grant under subsection (a) shall be made for a period not longer than 3 years.

[(h) GRANTEE REPORTING.—(1) For each year of a grant period for a grant under subsection (a), the recipient of the grant shall file a performance report with the Attorney General explaining the activities carried out with the funds received and assessing the effectiveness of such activities in meeting the purpose of the recipient's qualified program.

[(2) If there was more than one recipient of a grant, each recipient shall file such report.

[(3) The Attorney General shall suspend the funding of a grant, pending compliance, if the recipient of the grant does not file the report required by this subsection or uses the grant for a purpose not authorized by this section.

[(i) GUIDELINES.—The Attorney General shall, by regulation, prescribe guidelines on content and results for programs receiving a grant under subsection (a). Such guidelines shall be designed to establish programs which will be effective in training individuals to enter instructional programs for police departments and shall include requirements for—

[(1) individuals providing recruiting services;

[(2) individuals providing tutorials and other academic assistance programs;

[(3) individuals providing retention services; and

[(4) the content and duration of recruitment, retention, and counseling programs and the means and devices used to publicize such programs.

**[SEC. 30802. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated for grants under section 30801—

- [(1) \$2,000,000 for fiscal year 1996;
- [(2) \$4,000,000 for fiscal year 1997;
- [(3) \$5,000,000 for fiscal year 1998;
- [(4) \$6,000,000 for fiscal year 1999; and
- [(5) \$7,000,000 for fiscal year 2000.

## **[Subtitle J—Local Partnership Act**

**[SEC. 31001. ESTABLISHMENT OF PAYMENT PROGRAM.**

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

### **[“CHAPTER 67—FEDERAL PAYMENTS**

[“Sec.

- [“6701. Payments to local governments.
- [“6702. Local Government Fiscal Assistance Fund.
- [“6703. Qualification for payment.
- [“6704. State area allocations; allocations and payments to territorial governments.
- [“6705. Local government allocations.
- [“6706. Income gap multiplier.
- [“6707. State variation of local government allocations.
- [“6708. Adjustments of local government allocations.
- [“6709. Information used in allocation formulas.
- [“6710. Public participation.
- [“6711. Prohibited discrimination.
- [“6712. Discrimination proceedings.
- [“6713. Suspension and termination of payments in discrimination proceedings.
- [“6714. Compliance agreements.
- [“6715. Enforcement by the Attorney General of prohibitions on discrimination.
- [“6716. Civil action by a person adversely affected.
- [“6717. Judicial review.
- [“6718. Investigations and reviews.
- [“6719. Reports.
- [“6720. Definitions, application, and administration.

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

[“(a) PAYMENT AND USE.—

[(1) PAYMENT.—The Secretary shall pay to each unit of general local government which qualifies for a payment under this chapter an amount equal to the sum of any amounts allocated to the government under this chapter for each payment period. The Secretary shall pay such amount out of the Local Government Fiscal Assistance Fund under section 6702.

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

- [(A) education to prevent crime;
- [(B) substance abuse treatment to prevent crime; or
- [(C) job programs to prevent crime.

["(3) COORDINATION.—Programs funded under this title shall be coordinated with other existing Federal programs to meet the overall needs of communities that benefit from funds received under this section.

["(b) TIMING OF PAYMENTS.—The Secretary shall pay each amount allocated under this chapter to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period provided that the unit of general local government has provided the Secretary with the assurances required by section 6703(d).

["(c) ADJUSTMENTS.—

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

["(2) CONSIDERATIONS.—The Secretary may increase or decrease under this subsection a payment to a unit of local government only if the Secretary determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

["(d) RESERVATION FOR ADJUSTMENTS.—The Secretary may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Secretary considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

["(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

["(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Secretary, by not later than 15 months after receipt from the Secretary, any amount that is—

["(A) paid to the unit from amounts appropriated under the authority of this section; and

["(B) not expended by the unit within one year after receipt from the Secretary.

["(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Secretary shall reduce payments in future payment periods accordingly.

["(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Secretary as repayments under this subsection shall be deposited in the Local Government Fiscal Assistance Fund for future payments to units of general local government.

["(f) EXPENDITURE WITH DISADVANTAGED BUSINESS ENTERPRISES.—

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

["(A) small business concerns controlled by socially and economically disadvantaged individuals and women; and

["(B) historically Black colleges and universities and colleges and universities having a student body in which

more than 20 percent of the students are Hispanic Americans or Native Americans.

[(2) EXCEPTION.—Paragraph (1) shall not apply to amounts paid to a unit of general local government to the extent the unit determines that the paragraph does not apply through a process that provides for public participation.

[(3) DEFINITIONS.—For purposes of this subsection—

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

[(B) the term ‘socially and economically disadvantaged individuals’ has the meaning such term has under section 8(d) of the Small Business Act and relevant subcontracting regulations promulgated pursuant to that section.

[(g) NONSUPPLANTING REQUIREMENT.—

[(1) IN GENERAL.—Funds made available under this chapter to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this chapter, be made available from State or local sources.

[(2) BASE LEVEL AMOUNT.—The total level of funding available to a unit of local government for accounts serving eligible purposes under this chapter in the fiscal year immediately preceding receipt of a grant under this chapter shall be designated the ‘base level account’ for the fiscal year in which a grant is received. Grants under this chapter in a given fiscal year shall be reduced on a dollar for dollar basis to the extent that a unit of local government reduces its base level account in that fiscal year.

#### **[(§ 6702. Local Government Fiscal Assistance Fund**

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

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

[(1) \$270,000,000 for fiscal year 1996;

[(2) \$283,500,000 for fiscal year 1997;

[(3) \$355,500,000 for fiscal year 1998;

[(4) \$355,500,000 for fiscal year 1999; and

[(5) \$355,500,000 for fiscal year 2000.

Such sums are to remain available until expended.

[(c) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Secretary in furtherance of the purposes of the program. Such sums are to remain available until expended.

#### **[(§ 6703. Qualification for payment**

[(a) IN GENERAL.—The Secretary shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Secretary of the units’ proposed use of assistance under this chapter. Subject to sub-

section (c), the assistance provided shall be used, in amounts determined by the unit, for activities under, or for activities that are substantially similar to an activity under, 1 or more of the following programs and the notice shall identify 1 or more of the following programs for each such use:

【“(1) The Drug Abuse Resistance Education Program under section 5122 of the Elementary and Secondary Education Act of 1965.

【“(2) The National Youth Sports Program under section 682 of the Community Services Block Grant Act (Public Law 97-35) as amended by section 205, Public Law 103-252.

【“(3) The Gang Resistance Education and Training Program under the Act entitled ‘An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes’, approved November 5, 1990 (Public Law 101-509).

【“(4) Programs under title II or IV of the Job Training Partnership Act (29 U.S.C. 1601 et seq.).

【“(5) Programs under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.), as amended.

【“(6) Programs under the School to Work Opportunities Act (Public Law 103-239).

【“(7) Substance Abuse Treatment and Prevention programs authorized under title V or XIX of the Public Health Services Act (43 U.S.C. 201 et seq.).

【“(8) Programs under the Head Start Act (42 U.S.C. 9831 et seq.).

【“(9) Programs under part A or B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

【“(10) The TRIO programs under part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

【“(11) Programs under the National Literacy Act of 1991.

【“(12) Programs under the Carl Perkins Vocational Educational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

【“(13) The demonstration partnership programs including the community initiative targeted to minority youth under section 203 of the Human Services Reauthorization Act of 1994 (Public Law 103-252).

【“(14) The runaway and homeless youth program and the transitional living program for homeless youth under title III of the Juvenile Justice and Delinquency Prevention Act (Public Law 102-586).

【“(15) The family support program under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1148 et seq.).

【“(16) After-school activities for school aged children under the Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

["(17) The community-based family resource programs under section 401 of the Human Services Reauthorization Act of 1994 (Public Law 103-252).

["(18) The family violence programs under the Child Abuse Prevention and Treatment Act Amendments of 1984.

["(19) Job training programs administered by the Department of Agriculture, the Department of Defense, or the Department of Housing and Urban Development.

["(b) NOTICE TO AGENCY.—Upon receipt of notice under subsection (a) from an eligible unit of general local government, the Secretary shall notify the head of the appropriate Federal agency for each program listed in subsection (a) that is identified in the notice as a program under which an activity will be conducted with assistance under this chapter. The notification shall state that the unit has elected to use some or all of its assistance under this chapter for activities under that program. The head of a Federal agency that receives such a notification shall ensure that such use is in compliance with the laws and regulations applicable to that program, except that any requirement to provide matching funds shall not apply to that use.

["(c) ALTERNATIVE USES OF FUNDS.—

["(1) ALTERNATIVE USES AUTHORIZED.—In lieu of, or in addition to, use for an activity described in subsection (a) and notice for that use under subsection (a), an eligible unit of general local government may use assistance under this chapter, and shall provide notice of that use to the Secretary under subsection (a), for any other activity that is consistent with 1 or more of the purposes described in section 6701(a)(2).

["(2) NOTICE DEEMED TO DESCRIBE CONSISTENT USE.—Notice by a unit of general local government that it intends to use assistance under this chapter for an activity other than an activity described in subsection (a) is deemed to describe an activity that is consistent with 1 or more of the purposes described in section 6701(a)(2) unless the Secretary provides to the unit, within 30 days after receipt of that notice of intent from the unit, written notice (including an explanation) that the use is not consistent with those purposes.

["(d) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of general local government qualifies for a payment under this chapter for a payment period only after establishing to the satisfaction of the Secretary that—

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

["(2) the government will use amounts in the trust fund (including interest) during a reasonable period;

["(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

["(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least

equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

["(5) all laborers and mechanics employed by contractors or subcontractors in the performance of any contract and sub-contract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act), as amended (40 U.S.C. 276c, 48 Stat. 948);

["(6) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Secretary after consultation with the Comptroller General of the United States. As applicable, amounts received under this chapter shall be audited in compliance with the Single Audit Act of 1984;

["(7) after reasonable notice to the government, the government will make available to the Secretary and the Comptroller General of the United States, with the right to inspect, records the Secretary reasonably requires to review compliance with this chapter or the Comptroller General of the United States reasonably requires to review compliance and operations under section 6718(b);

["(8) the government will make reports the Secretary reasonably requires, in addition to the annual reports required under section 6719(b); and

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

["(e) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

["(f) SANCTIONS FOR NONCOMPLIANCE.—

["(1) IN GENERAL.—If the Secretary decides that a unit of general local government has not complied substantially with subsection (d) or regulations prescribed under subsection (d), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current payment period and later payment periods until the Secretary is satisfied that the government—

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

["(B) will comply with subsection (d) and regulations prescribed under subsection (d).

["(2) NOTICE.—Before giving notice under paragraph (1), the Secretary shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

[(3) PAYMENT CONDITIONS.—The Secretary may make a payment to a unit of general local government notified under paragraph (1) only if the Secretary is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (d) and regulations prescribed under subsection (d).

**[\$ 6704. State area allocations; allocations and payments to territorial governments**

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

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

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

[(b) GENERAL FORMULA.—

[(1) IN GENERAL.—For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the amount bearing the same ratio to \$5,300,000,000 as—

[(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2)), multiplied by the relative income factor of the State (determined under paragraph (3)), multiplied by the relative rate of the labor force unemployed in the State (determined under paragraph (4)); bears to

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

[(2) GENERAL TAX EFFORT FACTOR.—The general tax effort factor of a State for a payment period is—

[(A) the net amount of State and local taxes of the State collected during the year 1991 as reported by the Bureau of the Census in the publication Government Finances 1990–1991; divided by

[(B) the total income of individuals, as determined by the Secretary of Commerce for national accounts purposes for 1992 as reported in the publication Survey of Current Business (August 1993), attributed to the State for the same year.

[(3) RELATIVE INCOME FACTOR.—The relative income factor of a State is a fraction in which—

[(A) the numerator is the per capita income of the United States; and

["(B) the denominator is the per capita income of the State.

["(4) RELATIVE RATE OF LABOR FORCE.—The relative rate of the labor force unemployed in a State is a fraction in which—

["(A) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes); and

["(B) the denominator is the percentage of the labor force of the United States that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes).

["(c) ALTERNATIVE FORMULA.—For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the total amount the State would receive if—

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

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

["(A) the population of the State, multiplied by a fraction in which—

["(i) the numerator is the per capita income of all States; and

["(ii) the denominator is the per capita income of the State; bears to

["(B) the sum of the products determined under subparagraph (A) for all States;

["(3) \$600,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the income tax amount of the State (determined under subsection (d)(1)) bears to the sum of the income tax amounts of all States;

["(4) \$600,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the general tax effort amount of the State (determined under subsection (d)(2)) bears to the sum of the general tax effort amounts of all States;

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

["(A) the labor force of the State, multiplied by a fraction in which—

["(i) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year preceding the payment period (as determined by

the Secretary of Labor for general statistical purposes); and

[(ii) the denominator is the percentage of the labor force of the United States that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes)

bears to

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

[(6) \$1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the urbanized population of the State bears to the urbanized population of all States. In this paragraph, the term 'urbanized population' means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area as published by the Bureau of the Census for 1990 in the publication General Population Characteristics for Urbanized Areas.

[(d) INCOME TAX AMOUNT AND TAX EFFORT AMOUNT.—

[(1) INCOME TAX AMOUNT.—The income tax amount of a State for a payment period is 15 percent of the net amount collected during the calendar year ending before the beginning of the payment period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 164(a)(3)). The income tax amount for a payment period shall be at least 1 percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable year ending during the last calendar year ending before the beginning of the payment period. The Secretary shall determine the Government income tax liability attributed to the State by using the data published by the Secretary for 1991 in the publication Statistics of Income Bulletin (Winter 1993–1994).

[(2) GENERAL TAX EFFORT AMOUNT.—The general tax effort amount of a State for a payment period is the amount determined by multiplying—

[(A) the net amount of State and local taxes of the State collected during the year 1991 as reported in the Bureau of Census in the publication Government Finances 1990–1991; and

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

[(e) ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.—

[(1) IN GENERAL.—(A) For each payment period for which funds are available for allocation under this chapter, the Secretary shall allocate to each territorial government an amount equal to the product of 1 percent of the amount of funds available for allocation multiplied by the applicable territorial percentage.

[(B) For the purposes of this paragraph, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

[(2) PAYMENTS TO LOCAL GOVERNMENTS.—The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this subsection as they consider appropriate.

[(3) DEFINITIONS.—For purposes of this subsection—

[(A) the term ‘territorial government’ means the government of a territory;

[(B) the term ‘territory’ means Puerto Rico, Guam, American Samoa, and the Virgin Islands; and

[(C) the term ‘territorial population’ means the most recent population for each territory as determined by the Bureau of Census.

#### **[(§ 6705. Local government allocations**

[(a) INDIAN TRIBES AND ALASKAN NATIVES VILLAGES.—If there is in a State an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the tribe or village bears to the population of the State. The Secretary shall allocate amounts under this subsection to Indian tribes and Alaskan native villages in a State before allocating amounts to units of general local government in the State under subsection (c). For the payment period beginning October 1, 1994, the Secretary shall use as the population of each Indian tribe or Alaskan native village the population for 1991 as reported by the Bureau of Indian Affairs in the publication Indian Service Population and Labor Force Estimates (January 1991). In addition to uses authorized under section 6701(a)(2), amounts allocated under this subsection and paid to an Indian tribe or Alaskan native village under this chapter may be used for renovating or building prisons or other correctional facilities.

[(b) NEWLY INCORPORATED LOCAL GOVERNMENTS AND ANNEXED GOVERNMENTS.—If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall allocate to this newly incorporated local government, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

[(c) OTHER LOCAL GOVERNMENT ALLOCATIONS.—

["(1) IN GENERAL.—The Secretary shall allocate among the units of general local government in a State (other than units receiving allocations under subsection (a)) the amount allocated to the State under section 6704 (as that amount is reduced by allocations under subsection (a)). Of the amount to be allocated, the Secretary shall allocate a portion equal to  $\frac{1}{2}$  of such amount in accordance with section 6706(1), and shall allocate a portion equal to  $\frac{1}{2}$  of such amount in accordance with section 6706(2). A unit of general local government shall receive an amount equal to the sum of amounts allocated to the unit from each portion.

["(2) RATIO.—From each portion to be allocated to units of local government in a State under paragraph (1), the Secretary shall allocate to a unit an amount bearing the same ratio to the funds to be allocated as—

["(A) the population of the unit, multiplied by the general tax effort factor of the unit (determined under paragraph (3)), multiplied by the income gap of the unit (determined under paragraph (4)), bears to

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

["(3) GENERAL TAX EFFORT FACTOR.—(A) Except as provided in subparagraph (C), the general tax effort factor of a unit of general local government for a payment period is—

["(i) the adjusted taxes of the unit; divided by

["(ii) the total income attributed to the unit.

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

["(C)(i) Except as otherwise provided in this subparagraph, for the payment period beginning October 1, 1994, the adjusted taxes of a unit of general local government are the taxes imposed by the unit for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay), as determined by the Bureau of the Census for the 1987 Census of Governments and adjusted as follows:

["(I) Adjusted taxes equals total taxes times a fraction in which the numerator is the sum of unrestricted revenues and revenues dedicated for spending on education minus total education spending and the denominator is total unrestricted revenues.

["(II) Total taxes is the sum of property tax; general sales tax; alcoholic beverage tax; amusement tax; insurance premium tax; motor fuels tax; parimutuels tax; public utilities tax; tobacco tax; other selective sales tax; alcoholic beverage licenses, amusement licenses; corporation licenses, hunting and fishing licenses; motor vehicle licenses; motor vehicle operator licenses; public utility licenses; occupation and business licenses, not elsewhere classified; other licenses, individual income tax; corporation net income tax; death and gift tax; documentary and

stock transfer tax; severance tax; and taxes not elsewhere classified.

["(III) Unrestricted revenues is the sum of total taxes and intergovernmental revenue from Federal Government, general revenue sharing; intergovernmental revenue from Federal Government, other general support; intergovernmental revenue from Federal Government, other; intergovernmental revenue from State government, other general support; intergovernmental revenue from State government, other; intergovernmental revenue from local governments, other general support; intergovernmental revenue from local governments, other; miscellaneous general revenue, property sale-housing and community development; miscellaneous general revenue, property sale-other property; miscellaneous general revenue, interest earnings on investments; miscellaneous general revenue, fines and forfeits; miscellaneous general revenue, rents; miscellaneous general revenues, royalties; miscellaneous general revenue, donations from private sources; miscellaneous general revenue, net lottery revenue (after prizes and administrative expenses); miscellaneous general revenue, other miscellaneous general revenue; and all other general charges, not elsewhere classified.

["(IV) Revenues dedicated for spending on education is the sum of elementary and secondary education, school lunch; elementary and secondary education, tuition; elementary and secondary education, other; higher education, auxiliary enterprises; higher education, other; other education, not elsewhere classified; intergovernmental revenue from Federal Government, education; intergovernmental revenue from State government, education; intergovernmental revenue from local governments, interschool system revenue; intergovernmental revenue from local governments, education; interest earnings, higher education; interest earnings, elementary and secondary education; miscellaneous revenues, higher education; and miscellaneous revenues, elementary and secondary education.

["(V) Total education spending is the sum of elementary and secondary education, current operations; elementary and secondary education, construction; elementary and secondary education, other capital outlays; elementary and secondary education, to State governments; elementary and secondary education, to local governments, not elsewhere classified; elementary and secondary education, to counties; elementary and secondary education, to municipalities; elementary and secondary education, to townships; elementary and secondary education, to school districts; elementary and secondary education, to special districts; higher education-auxiliary enterprises, current operations; higher education-auxiliary enterprises, construction; higher education, auxiliary enterprises, other capital outlays; other higher education, current operations; other higher education, construction; other higher education, other capital outlays; other higher education, to State gov-

ernment; other higher education, to local governments, not elsewhere classified; other higher education, to counties; other higher education, to municipalities; other higher education, to townships; other higher education, to school districts; other higher education, to special districts; education assistance and subsidies; education, not elsewhere classified, current operations; education, not elsewhere classified, construction education, not elsewhere classified, other capital outlays; education, not elsewhere classified, to State government; education, not elsewhere classified, to local governments, not elsewhere classified; education, not elsewhere classified, to counties; education, not elsewhere classified, to municipalities; education, not elsewhere classified, to townships; education, not elsewhere classified, to school districts; education, not elsewhere classified, to special districts; and education, not elsewhere classified, to Federal Government.

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

[(VII) If the amount of adjusted taxes exceeds the amount of total taxes, the amount of adjusted taxes is deemed to equal the amount of total taxes.

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

[(I) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

[(II) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this clause.

[(iii) The adjusted taxes of a unit of general local government shall not exceed the maximum allowable adjusted taxes for that unit.

[(iv) The maximum allowable adjusted taxes for a unit of general local government is the allowable adjusted taxes of the unit minus the excess adjusted taxes of the unit.

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

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

[(II) the amount equal to the population of the unit, multiplied by the sum of the adjusted taxes of all units of municipal local government in the State, divided by the sum of the populations of all the units of municipal local government in the State.

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

["(I) the adjusted taxes of the unit, minus  
 ["(II) 1.5 multiplied by the allowable adjusted taxes of the unit;  
 [except that if this amount is less than zero then the excess adjusted taxes of the unit is deemed to be zero.

["(vii) For purposes of this subparagraph—

["(I) the term 'per capita adjusted taxes of all units of general local government of the same type' means the sum of the adjusted taxes of all units of general local government of the same type divided by the sum of the populations of all units of general local government of the same type; and

["(II) the term 'units of general local government of the same type' means all townships if the unit of general local government is a township, all municipalities if the unit of general local government is a municipality, all counties if the unit of general local government is a county, or all unified city/county governments if the unit of general local government is a unified city/county government.

["(4) INCOME GAP.—(A) Except as provided in subparagraph (B), the income gap of a unit of general local government is—

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

["(ii) the per capita income of the geographic area of the unit.

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

["(d) SMALL GOVERNMENT ALLOCATIONS.—If the Secretary decides that information available for a unit of general local government with a population below a number (of not more than 500) prescribed by the Secretary is inadequate, the Secretary may allocate to the unit, in lieu of any allocation under subsection (b) for a payment period, an amount bearing the same ratio to the total amount to be allocated under subsection (b) for the period for all units of general local government in the State as the population of the unit bears to the population of all units in the State.

#### **["§ 6706. Income gap multiplier**

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

["(1) 1.6, with respect to  $\frac{1}{2}$  of any amount allocated under section 6704 to the State in which the unit is located; and

["(2) 1.2, with respect to the remainder of such amount.

#### **["§ 6707. State variation of local government allocations**

["(a) STATE FORMULA.—A State government may provide by law for the allocation of amounts among units of general local government in the State on the basis of population multiplied by the general tax effort factors or income gaps of the units of general local government determined under sections 6705 (a) and (b) or a combination of those factors. A State government providing for a vari-

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

    ["(1) provide for allocating the total amount allocated under sections 6705 (a) and (b); and

    ["(2) apply uniformly in the State.

    ["(b) CERTIFICATION.—A variation by a State government under this section may apply only if the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only if the Secretary is notified of the variation at least 30 days before the first payment period in which the variation applies.

**["§ 6708. Adjustments of local government allocations**

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

    ["(b) DE MINIMIS ALLOCATIONS TO UNITS OF GENERAL LOCAL GOVERNMENT.—If the amount allocated to a unit of general local government (except an Indian tribe or an Alaskan native village) for a payment period would be less than \$5,000 but for this subsection or is waived by the governing authority of the unit of general local government, the Secretary shall pay the amount to the Governor of the State in which the unit is located.

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

    ["(d) DE MINIMIS ALLOCATIONS TO INDIAN TRIBES AND ALASKAN NATIVE VILLAGES.—

        ["(1) AGGREGATION OF DE MINIMIS ALLOCATIONS.—If the amount allocated to an Indian tribe or an Alaskan native village for a payment period would be less than \$5,000 but for this subsection or is waived by the chief elected official of the tribe or village, the amount—

            ["(A) shall not be paid to the tribe or village (except under paragraph (2)); and

            ["(B) shall be aggregated with other such amounts and available for use by the Attorney General under paragraph (2).

        ["(2) USE OF AGGREGATED AMOUNTS.—Amounts aggregated under paragraph (1) for a payment period shall be available for use by the Attorney General to make grants in the payment period on a competitive basis to Indian Tribes and Alaskan native village for—

            ["(A) programs described in section 6701(a)(2); or

            ["(B) renovating or building prisons or other correctional facilities.

**["§ 6709. Information used in allocation formulas**

["(a) POPULATION DATA FOR PAYMENT PERIOD BEGINNING OCTOBER 1, 1994.—For the payment period beginning October 1, 1994, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use for the population of the States the population for 1992 as reported by the Bureau of the Census in the publication Current Population Reports, Series P-25, No. 1045 (July 1992) and for the population of units of general local government the Secretary shall use the population for 1990 as reported by the Bureau of the Census in the publication Summary Social, Economic, and Housing Characteristics.

["(b) DATA FOR PAYMENT PERIODS BEGINNING AFTER SEPTEMBER 30, 1995.—For any payment period beginning after September 30, 1995, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use information more recent than the information used for the payment period beginning October 1, 1994, provided the Secretary notifies the Committee on Government Operations of the House of Representatives at least 90 days prior to the beginning of the payment period that the Secretary has determined that the more recent information is more reliable than the information used for the payment period beginning October 1, 1994.

**["§ 6710. Public participation**

["(a) HEARINGS.—

["(1) IN GENERAL.—A unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

["(2) SENIOR CITIZENS.—A unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.

["(b) DISCLOSURE OF INFORMATION.—

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

["(A) make available for inspection by the public at the principal office of the government a statement of the proposed use of the payment and a summary of the proposed budget of the government; and

["(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.

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

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

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

[(c) WAIVERS OF REQUIREMENTS.—A requirement—

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

[(A) ensures the opportunity for public attendance and participation contemplated by subsection (a); and

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

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

[(d) EXCEPTION TO 10-DAY LIMITATION.—If the Secretary is satisfied that a unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) may be changed to the extent necessary to comply with applicable State or local law.

### **[(§ 6711. Prohibited discrimination**

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

[(b) ADDITIONAL PROHIBITIONS.—The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

[(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

[(2) A prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973.

[(3) A prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968 (popularly known as the Civil Rights Act of 1968).

[(c) LIMITATIONS ON APPLICABILITY OF PROHIBITIONS.—Subsections (a) and (b) do not apply if the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity with respect to which the allegation of discrimination is made.

[(d) INVESTIGATION AGREEMENTS.—The Secretary shall try to make agreements with heads of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

[(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

[(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agencies against a unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

### ["§ 6712. Discrimination proceedings

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

[(b) INFORMAL PRESENTATION OF EVIDENCE.—A unit of general local government may present evidence informally to the Secretary within 30 days after the government receives a notice of noncompliance from the Secretary. Except as provided in subsection (e), the government may present evidence on whether—

[(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6711(a);

[(2) the program or activity of the government violated a prohibition described in section 6711(b); and

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

[(c) TEMPORARY SUSPENSION OF PAYMENTS.—By the end of the 30-day period under subsection (b), the Secretary shall decide whether the unit of general local government has not complied with section 6711 (a) or (b), unless the government has entered into a compliance agreement under section 6714. If the Secretary decides that the government has not complied, the Secretary shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision, the government—

[(1) enters into a compliance agreement under section 6714;

or

[(2) requests a proceeding under subsection (d)(1).

[(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

[(1) PROCEEDING.—A proceeding requested under subsection (c)(2) shall begin by the 30th day after the Secretary receives a request for the proceeding. The proceeding shall be before an administrative law judge appointed under section 3105 of title 5, United States Code. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the unit of general local government is likely to prevail in showing compliance with section 6711 (a) or (b).

[(2) DECISION.—If the administrative law judge decides at the end of a proceeding under paragraph (1) that the unit of general local government has—

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

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

[(3) LIKELIHOOD OF PREVAILING.—An administrative law judge may not issue a preliminary decision that the government is not likely to prevail if the judge has issued a decision described in paragraph (2)(A).

[(e) BASIS FOR REVIEW.—In a proceeding under subsections (b) through (d) on a program or activity of a unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding of discrimination is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

**[(§ 6713. Suspension and termination of payments in discrimination proceedings**

[(a) IMPOSITION AND CONTINUATION OF SUSPENSIONS.—

[(1) IN GENERAL.—The Secretary shall suspend payment under this chapter to a unit of general local government—

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

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

[(C) if required under section 6712(c).

[(2) EFFECTIVENESS.—A suspension already ordered under paragraph (1)(A) continues in effect if the administrative law judge makes a decision under paragraph (1)(B).

[(b) LIFTING OF SUSPENSIONS AND TERMINATIONS.—If a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding based on the holding shall be discontinued.

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

[(1) as of the time of, and under the conditions stated in—

[(A) the approval by the Secretary of a compliance agreement under section 6714(a)(1); or

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

[(2) if the government complies completely with an order of a United States court, a State court, or administrative law

judge that covers all matters raised in a notice of noncompliance submitted by the Secretary under section 6712(a);

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

["(4) if a suspension is discontinued under subsection (b).

["(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For purposes of subsection (c)(2), compliance by a government may consist of the payment of restitution to a person injured because the government did not comply with section 6711 (a) or (b).

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

#### **["§ 6714. Compliance agreements**

["(a) TYPES OF COMPLIANCE AGREEMENTS.—A compliance agreement is an agreement—

["(1) approved by the Secretary, between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the unit of general local government that has not complied with section 6711 (a) or (b); or

["(2) between the Secretary and the chief executive officer.

["(b) CONTENTS OF AGREEMENTS.—A compliance agreement—

["(1) shall state the conditions the unit of general local government has agreed to comply with that would satisfy the obligations of the government under sections 6711 (a) and (b);

["(2) shall cover each matter that has been found not to comply, or would not comply, with section 6711 (a) or (b); and

["(3) may be a series of agreements that dispose of those matters.

["(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—The Secretary shall submit a copy of a compliance agreement to each person who filed a complaint referred to in section 6716(b), or, if an agreement under subsection (a)(1), each person who filed a complaint with a governmental authority, about a failure to comply with section 6711 (a) or (b). The Secretary shall submit the copy by the 15th day after an agreement is made. However, if the Secretary approves an agreement under subsection (a)(1) after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

#### **["§ 6715. Enforcement by the Attorney General of prohibitions on discrimination**

["The Attorney General may bring a civil action in an appropriate district court of the United States against a unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6711 (a) or (b). The court may grant—

["(1) a temporary restraining order;

["(2) an injunction; or

[(3) an appropriate order to ensure enjoyment of rights under section 6711 (a) or (b), including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

**["§ 6716. Civil action by a person adversely affected**

[(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR STATE COURT.—If a unit of general local government, or an officer or employee of a unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b).

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

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

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

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

[(1) may grant—

[(A) a temporary restraining order;

[(B) an injunction; or

[(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and

[(2) to enforce compliance with section 6711 (a) or (b), may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

[(d) INTERVENTION BY ATTORNEY GENERAL.—In an action under this section to enforce compliance with section 6711 (a) or (b), the Attorney General may intervene in the action if the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

**["§ 6717. Judicial review**

[(a) APPEALS IN FEDERAL COURT OF APPEALS.—A unit of general local government which receives notice from the Secretary about withholding payments under section 6703(f), suspending payments under section 6713(a)(1)(B), or terminating payments under section 6712(d)(2)(A), may apply for review of the action of the Secretary by filing a petition for review with the court of appeals of the United States for the circuit in which the government is located. The

petition shall be filed by the 60th day after the date the notice is received. The clerk of the court shall immediately send a copy of the petition to the Secretary.

["(b) FILING OF RECORD OF ADMINISTRATIVE PROCEEDING.—The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

["(c) COURT ACTION.—The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. If a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. Upon such a remand, the Secretary may make new or modified findings and shall certify additional proceedings to the court.

["(d) REVIEW ONLY BY SUPREME COURT.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.

#### **["§ 6718. Investigations and reviews**

["(a) INVESTIGATIONS BY SECRETARY.—

["(1) IN GENERAL.—The Secretary shall within a reasonable time limit—

["(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6716(b), a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

["(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

["(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant of a violation of section 6711 (a) or (b) or other provision of this chapter.

["(2) TIME LIMIT.—The maximum time limit under paragraph (1)(A) is 120 days.

["(b) REVIEWS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for the Congress to evaluate compliance and operations under this chapter. These reviews shall include a comparison of the waste and inefficiency of local governments using funds under this chapter compared to waste and inefficiency with other comparable Federal programs.

#### **["§ 6719. Reports**

["(a) REPORTS BY SECRETARY TO CONGRESS.—Before June 2 of each year prior to 2002, the Secretary personally shall report to the Congress on—

["(1) the status and operation of the Local Government Fiscal Assistance Fund during the prior fiscal year; and

[(2) the administration of this chapter, including a complete and detailed analysis of—

[(A) actions taken to comply with sections 6711 through 6715, including a description of the kind and extent of non-compliance and the status of pending complaints;

[(B) the extent to which units of general local government receiving payments under this chapter have complied with the requirements of this chapter;

[(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

[(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

[(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERNMENT TO SECRETARY.—

[(1) IN GENERAL.—At the end of each fiscal year, each unit of general local government which received a payment under this chapter for the fiscal year shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

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

[(B) the relationship of the payment to the relevant functional items in the budget of the government; and

[(C) the differences between the actual and proposed use of the payment.

[(2) AVAILABILITY OF REPORT.—The Secretary shall provide a copy of a report submitted under paragraph (1) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the manner and form prescribed by the Secretary.

#### **[(§ 6720. Definitions, application, and administration**

[(a) DEFINITIONS.—In this chapter—

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

[(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

[(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers;

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

[(3) ‘State and local taxes’ means taxes imposed by a State government or unit of general local government or other political subdivision of a State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other spe-

cial assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes;

["(4) 'State' means any of the several States and the District of Columbia;

["(5) 'income' means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes, which for units of general local government is reported by the Bureau of the Census for 1990 in the publication Summary Social, Economic, and Housing Characteristics;

["(6) 'per capita income' means—

["(A) in the case of the United States, the income of the United States divided by the population of the United States;

["(B) in the case of a State, the income of that State, divided by the population of that State; and

["(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

["(7) 'finding of discrimination' means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711 (a) or (b);

["(8) 'holding of discrimination' means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, United States Code, that a unit of general local government expending amounts received under this chapter has—

["(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

["(B) violated a prohibition against discrimination described in section 6711(b); and

["(9) 'Secretary' means the Secretary of Housing and Urban Development.

["(b) DELEGATION OF ADMINISTRATION.—The Secretary may enter into agreements with other executive branch departments and agencies to delegate to that department or agency all or part of the Secretary's responsibility for administering this chapter.

["(c) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

[(d) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.”.

[(b) ISSUANCE OF REGULATIONS.—Within 90 days of the date of enactment of this Act the Secretary shall issue regulations, which may be interim regulations, to implement subsection (a), modifying the regulations for carrying into effect the Revenue Sharing Act that were in effect as of July 1, 1987, and that were published in 31 C.F.R. part 51. The Secretary need not hold a public hearing before issuing these regulations.

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

**[SEC. 31002. TECHNICAL AMENDMENT.**

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

[“67. Federal payments ..... 6701”.

**[Subtitle K—National Community Economic Partnership**

**[SEC. 31101. SHORT TITLE.**

[This subtitle may be cited as the “National Community Economic Partnership Act of 1994”.

**[CHAPTER 1—COMMUNITY ECONOMIC PARTNERSHIP INVESTMENT FUNDS**

**[SEC. 31111. PURPOSE.**

[It is the purpose of this chapter to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to community development corporations.

**[SEC. 31112. PROVISION OF ASSISTANCE.**

[(a) AUTHORITY.—The Secretary of Health and Human Services (referred to in this subtitle as the “Secretary”) may, in accordance with this chapter, provide nonrefundable lines of credit to community development corporations for the establishment, maintenance or expansion of revolving loan funds to be utilized to finance projects intended to provide business and employment opportunities for low-income, unemployed, or underemployed individuals and to improve the quality of life in urban and rural areas.

[(b) REVOLVING LOAN FUNDS.—

[(1) COMPETITIVE ASSESSMENT OF APPLICATIONS.—In providing assistance under subsection (a), the Secretary shall estab-

lish and implement a competitive process for the solicitation and consideration of applications from eligible entities for lines of credit for the capitalization of revolving funds.

[(2) ELIGIBLE ENTITIES.—To be eligible to receive a line of credit under this chapter an applicant shall—

[(A) be a community development corporation;

[(B) prepare and submit an application to the Secretary that shall include a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted and the impact of such assistance on low-income, underemployed, and unemployed individuals in the target area;

[(C) demonstrate previous experience in the development of low-income housing or community or business development projects in a low-income community and provide a record of achievement with respect to such projects; and

[(D) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit or letters of commitment) in an amount that is at least equal to the amount requested in the application submitted under subparagraph (B).

[(3) EXCEPTION.—Notwithstanding the provisions of paragraph (2)(D), the Secretary may reduce local contributions to not less than 25 percent of the amount of the line of credit requested by the community development corporation if the Secretary determines such to be appropriate in accordance with section 31116.

**[SEC. 31113. APPROVAL OF APPLICATIONS.**

[(a) IN GENERAL.—In evaluating applications submitted under section 31112(b)(2)(B), the Secretary shall ensure that—

[(1) the residents of the target area to be served (as identified under the strategic development plan) would have an income that is less than the median income for the area (as determined by the Secretary);

[(2) the applicant community development corporation possesses the technical and managerial capability necessary to administer a revolving loan fund and has past experience in the development and management of housing, community and economic development programs;

[(3) the applicant community development corporation has provided sufficient evidence of the existence of good working relationships with—

[(A) local businesses and financial institutions, as well as with the community the corporation proposes to serve; and

[(B) local and regional job training programs;

[(4) the applicant community development corporation will target job opportunities that arise from revolving loan fund investments under this chapter so that 75 percent of the jobs retained or created under such investments are provided to—

[(A) individuals with—

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

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

[(B) individuals who are unemployed or underemployed;

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

[(D) individuals whose jobs may be retained as a result of the provision of financing available under this chapter; or

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

[(5) a representative cross section of applicants are approved, including large and small community development corporations, urban and rural community development corporations and community development corporations representing diverse populations.

[(b) PRIORITY.—In determining which application to approve under this chapter the Secretary shall give priority to those applicants proposing to serve a target area—

[(1) with a median income that does not exceed 80 percent of the median for the area (as determined by the Secretary); and

[(2) with a high rate of unemployment, as determined by the Secretary or in which the population loss is at least 7 percent from April 1, 1980, to April 1, 1990, as reported by the Bureau of the Census.

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

[(a) APPROVAL OF APPLICATION.—The Secretary shall provide a community development corporation that has an application approved under section 31113 with a line of credit in an amount determined appropriate by the Secretary, subject to the limitations contained in subsection (b).

[(b) LIMITATIONS ON AVAILABILITY OF AMOUNTS.—

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

[(2) PERIOD OF AVAILABILITY.—A line of credit provided under this chapter shall remain available over a period of time established by the Secretary, but in no event shall any such period of time be in excess of 3 years from the date on which such line of credit is made available.

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

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

[(d) USE OF REVOLVING LOAN FUNDS.—Revolving loan funds established with lines of credit provided under this chapter may be used to provide technical assistance to private business enterprises and to provide financial assistance in the form of loans, loan guarantees, interest reduction assistance, equity shares, and other such forms of assistance to business enterprises in target areas and who are in compliance with section 31113(a)(4).

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

[(a) MATCHING REQUIREMENT.—Not to exceed 50 percent of the total amount to be invested by an entity under this chapter may be derived from funds made available from a line of credit under this chapter.

[(b) TECHNICAL ASSISTANCE AND ADMINISTRATION.—Not to exceed 10 percent of the amounts available from a line of credit under this chapter shall be used for the provision of training or technical assistance and for the planning, development, and management of economic development projects. Community development corporations shall be encouraged by the Secretary to seek technical assistance from other community development corporations, with expertise in the planning, development and management of economic development projects. The Secretary shall assist in the identification and facilitation of such technical assistance.

[(c) LOCAL AND PRIVATE SECTOR CONTRIBUTIONS.—To receive funds available under a line of credit provided under this chapter, an entity, using procedures established by the Secretary, shall demonstrate to the community development corporation that such entity agrees to provide local and private sector contributions in accordance with section 31112(b)(2)(D), will participate with such community development corporation in a loan, guarantee or investment program for a designated business enterprise, and that the total financial commitment to be provided by such entity is at least equal to the amount to be drawn from the line of credit.

[(d) USE OF PROCEEDS FROM INVESTMENTS.—Proceeds derived from investments made using funds made available under this chapter may be used only for the purposes described in section 31111 and shall be reinvested in the community in which they were generated.

**[SEC. 31116. PROGRAM PRIORITY FOR SPECIAL EMPHASIS PROGRAMS.**

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

[(b) RESERVATION OF FUNDS.—Not less than 5 percent of the amounts made available under section 31112(a)(2)(A) may be reserved to carry out the activities described in subsection (a).

**[CHAPTER 2—EMERGING COMMUNITY DEVELOPMENT CORPORATIONS**

**[SEC. 31121. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.**

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

[(b) SKILL ENHANCEMENT GRANTS.—

[(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop community economic development projects.

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

[(A) to acquire training and technical assistance from agencies or institutions that have extensive experience in the development and management of low-income community economic development projects; or

[(B) to acquire such assistance from other highly successful community development corporations.

[(c) OPERATING GRANTS.—

[(1) IN GENERAL.—The Secretary shall award grants to community development corporations to enable such corporations to support an administrative capacity for the planning, development, and management of low-income community economic development projects.

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

[(A) to conduct evaluations of the feasibility of potential low-income community economic development projects that address identified needs in the low-income community and that conform to those projects and activities permitted under subtitle A;

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

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

[(d) APPLICATIONS.—A community development corporation that desires to receive a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

[(e) AMOUNT AVAILABLE FOR A COMMUNITY DEVELOPMENT CORPORATION.—Amounts provided under this section to a community development corporation shall not exceed \$75,000 per year. Such corporations may apply for grants under this section for up to 3 consecutive years, except that such corporations shall be required to submit a new application for each grant for which such corpora-

tion desires to receive and compete on the basis of such applications in the selection process.

**[SEC. 31122. EMERGING COMMUNITY DEVELOPMENT CORPORATION REVOLVING LOAN FUNDS.**

**[(a) AUTHORITY.—**The Secretary may award grants to emerging community development corporations to enable such corporations to establish, maintain or expand revolving loan funds, to make or guarantee loans, or to make capital investments in new or expanding local businesses.

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

**[(1)** be a community development corporation;

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

**[(3)** prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted using amounts received under the grant and the impact of such assistance on low-income individuals; and

**[(4)** have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit, or letters of commitment) in an amount that is equal to at least 10 percent of the amounts requested in the application submitted under paragraph (2).

**[(c) USE OF THE REVOLVING LOAN FUND.—**

**[(1) IN GENERAL.—**A revolving loan fund established or maintained with amounts received under this section may be utilized to provide financial and technical assistance, loans, loan guarantees or investments to private business enterprises to—

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

**[(B)** build and expand the capacity of emerging community development corporations and serve the economic needs of local residents.

**[(2) TECHNICAL ASSISTANCE.—**The Secretary shall encourage emerging community development corporations that receive grants under this section to seek technical assistance from established community development corporations, with expertise in the planning, development and management of economic development projects and shall facilitate the receipt of such assistance.

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

**[(d) USE OF PROCEEDS FROM INVESTMENTS.—**Proceeds derived from investments made with amounts provided under this section may be utilized only for the purposes described in this subtitle and

shall be reinvested in the community in which they were generated.

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

### [CHAPTER 3—MISCELLANEOUS PROVISIONS

#### [SEC. 31131. DEFINITIONS.

[As used in this subtitle:

[(1) COMMUNITY DEVELOPMENT CORPORATION.—The term “community development corporation” means a private, non-profit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of low-income housing or community economic development projects that primarily benefit low-income individuals and communities.

[(2) LOCAL AND PRIVATE SECTOR CONTRIBUTION.—The term “local and private sector contribution” means the funds available at the local level (by private financial institutions, State and local governments) or by any private philanthropic organization and private, nonprofit organizations that will be committed and used solely for the purpose of financing private business enterprises in conjunction with amounts provided under this subtitle.

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

[(4) PRIVATE BUSINESS ENTERPRISE.—The term “private business enterprise” means any business enterprise that is engaged in the manufacture of a product, provision of a service, construction or development of a facility, or that is involved in some other commercial, manufacturing or industrial activity, and that agrees to target job opportunities stemming from investments authorized under this subtitle to certain individuals.

[(5) TARGET AREA.—The term “target area” means any area defined in an application for assistance under this subtitle that has a population whose income does not exceed the median for the area within which the target area is located.

[(6) VERY LOW-INCOME COMMUNITY.—The term “very low-income community” means a community in which the median income of the residents of such community does not exceed 50 percent of the median income of the area.

#### [SEC. 31132. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out chapters 1 and 2—

[(1) \$45,000,000 for fiscal year 1996;

[(2) \$72,000,000 for fiscal year 1997;

[(3) \$76,500,000 for fiscal year 1998; and

[(4) \$76,500,000 for fiscal year 1999.

[(b) EARMARKS.—Of the aggregate amount appropriated under subsection (a) for each fiscal year—

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

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

[(c) AMOUNTS.—Amounts appropriated under subsection (a) shall remain available for expenditure without fiscal year limitation.

**[SEC. 31133. PROHIBITION.**

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

## **[Subtitle O—Urban Recreation and At-Risk Youth**

**[SEC. 31501. PURPOSE OF ASSISTANCE.**

[Section 1003 of the Urban Park and Recreation Recovery Act of 1978 is amended by adding the following at the end: “It is further the purpose of this title to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth. It is the further purpose of this section to increase the security of urban parks and to promote collaboration between local agencies involved in parks and recreation, law enforcement, youth social services, and juvenile justice system.”.

**[SEC. 31502. DEFINITIONS.**

[Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting the following new subsection after subsection (c) and by redesignating subsections (d) through (j) as (e) through (k), respectively:

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

[(1) rehabilitation grants,

[(2) innovation grants, or

[(3) matching grants for continuing program support for programs of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including grants for operating, or coordinating recreation programs and services;

in neighborhoods and communities with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders; in addition to the purposes specified in subsection (b), rehabilitation grants referred to in paragraph (1) of this subsection may be used for the provision of lighting, emergency phones or other capital improvements which will improve the security of urban parks;”.

**[SEC. 31503. CRITERIA FOR SELECTION.**

[Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking “and” at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “; and” and by adding the following at the end:

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

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

[(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

[(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

[(D) Programs which offer services during late night or other nonschool hours.

[(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and non-governmental entities, including the private sector and community and nonprofit organizations.

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

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

**[SEC. 31504. PARK AND RECREATION ACTION RECOVERY PROGRAMS.**

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

**[SEC. 31505. MISCELLANEOUS AND TECHNICAL AMENDMENTS.**

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

[(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.”.

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

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

- [(1) \$2,700,000 for fiscal year 1996;
- [(2) \$450,000 for fiscal year 1997;
- [(3) \$450,000 for fiscal year 1998;
- [(4) \$450,000 for fiscal year 1999; and
- [(5) \$450,000 for fiscal year 2000.

## **[Subtitle Q—Community-Based Justice Grants for Prosecutors**

**[SEC. 31701. GRANT AUTHORIZATION.**

[(a) IN GENERAL.—The Attorney General may make grants to State, Indian tribal, or local prosecutors for the purpose of supporting the creation or expansion of community-based justice programs.

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

**[SEC. 31702. USE OF FUNDS.**

[Grants made by the Attorney General under this section shall be used—

[(1) to fund programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of, and increase the successful identification and speed of prosecution of, young violent offenders;

[(2) to fund programs in which prosecutors focus on the offender, not simply the specific offense, and impose individualized sanctions, designed to deter that offender from further antisocial conduct, and impose increasingly serious sanctions on a young offender who continues to commit offenses;

[(3) to fund programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including mediation and other conflict resolution methods, treatment, counseling, educational, and recreational programs that create alternatives to criminal activity; and

[(4) in rural States (as defined in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B))), to fund cooperative efforts between State and local prosecutors, victim advocacy and assistance groups, social and community service providers, and law enforcement agencies to investigate and prosecute child abuse cases, treat youthful victims of child abuse, and work in cooperation with the community to develop education and prevention strategies directed toward the issues with which such entities are concerned.

**[SEC. 31703. APPLICATIONS.**

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

[(b) REQUIREMENTS.—Each applicant shall include—

[(1) a request for funds for the purposes described in section 31702;

[(2) a description of the communities to be served by the grant, including the nature of the youth crime, youth violence, and child abuse problems within such communities;

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

[(4) statistical information in such form and containing such information that the Attorney General may require.

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

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

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

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

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

**[SEC. 31704. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.**

[(a) ADMINISTRATIVE COST LIMITATION.—The Attorney General shall use not more than 5 percent of the funds available under this program for the purposes of administration and technical assistance.

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

[(1) the Attorney General determines that the funds made available to the recipient during the previous years were used in a manner required under the approved application; and

[(2) the Attorney General determines that an additional grant is necessary to implement the community prosecution program described in the comprehensive plan required by section 31703.

**[SEC. 31705. AWARD OF GRANTS.**

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

[(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section 31703.

[(2) The Attorney General shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

**[SEC. 31706. REPORTS.**

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

[(b) REPORT TO CONGRESS.—The Attorney General shall submit to the Congress a report by October 1 of each year in which grants are made available under this subtitle which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this subtitle.

**[SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this subtitle—

- [(1) \$7,000,000 for fiscal year 1996;
- [(2) \$10,000,000 for fiscal year 1997;
- [(3) \$10,000,000 for fiscal year 1998;
- [(4) \$11,000,000 for fiscal year 1999; and
- [(5) \$12,000,000 for fiscal year 2000.

**[SEC. 31708. DEFINITIONS.**

[In this subtitle—

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

["young violent offenders" means individuals, ages 7 through 22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

## **[Subtitle S—Family Unity Demonstration Project**

**[SEC. 31901. SHORT TITLE.**

[This subtitle may be cited as the "Family Unity Demonstration Project Act".

**[SEC. 31902. PURPOSE.**

[The purpose of this subtitle is to evaluate the effectiveness of certain demonstration projects in helping to—

- [(1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;
- [(2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and
- [(3) explore the cost effectiveness of community correctional facilities.

**[SEC. 31903. DEFINITIONS.**

[In this subtitle—

["child" means a person who is less than 7 years of age.

["community correctional facility" means a residential facility that—

- [(A) is used only for eligible offenders and their children under 7 years of age;
- [(B) is not within the confines of a jail or prison;
- [(C) houses no more than 50 prisoners in addition to their children; and

- [(D) provides to inmates and their children—
- [(i) a safe, stable, environment for children;
  - [(ii) pediatric and adult medical care consistent with medical standards for correctional facilities;
  - [(iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—
    - [(I) child development; and
    - [(II) household management;
  - [(iv) alcoholism and drug addiction treatment for prisoners; and
  - [(v) programs and support services to help inmates—
    - [(I) to improve and maintain mental and physical health, including access to counseling;
    - [(II) to obtain adequate housing upon release from State incarceration;
    - [(III) to obtain suitable education, employment, or training for employment; and
    - [(IV) to obtain suitable child care.

- ["eligible offender" means a primary caretaker parent who—
- [(A) has been sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment; and
  - [(B) has not engaged in conduct that—
    - [(i) knowingly resulted in death or serious bodily injury;
    - [(ii) is a felony for a crime of violence against a person; or
    - [(iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

- ["primary caretaker parent" means—
- [(A) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to incarceration; or
  - [(B) a woman who has given birth to a child after or while awaiting her sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child,

[a parent who, in the best interest of a child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category "primary caretaker".

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

**[SEC. 31904. AUTHORIZATION OF APPROPRIATIONS.**

[(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

- [(1) \$3,600,000 for fiscal year 1996;
- [(2) \$3,600,000 for fiscal year 1997;
- [(3) \$3,600,000 for fiscal year 1998;
- [(4) \$3,600,000 for fiscal year 1999; and
- [(5) \$5,400,000 for fiscal year 2000.

[(b) AVAILABILITY OF APPROPRIATIONS.—Of the amount appropriated under subsection (a) for any fiscal year—

- [(1) 90 percent shall be available to carry out chapter 1; and
- [(2) 10 percent shall be available to carry out chapter 2.

### **[CHAPTER 1—GRANTS TO STATES**

#### **[SEC. 31911. AUTHORITY TO MAKE GRANTS.**

[(a) GENERAL AUTHORITY.—The Attorney General may make grants, on a competitive basis, to States to carry out in accordance with this subtitle family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

[(b) PREFERENCES.—For the purpose of making grants under subsection (a), the Attorney General shall give preference to a State that includes in the application required by section 31912 assurances that if the State receives a grant—

[(1) both the State corrections agency and the State health and human services agency will participate substantially in, and cooperate closely in all aspects of, the development and operation of the family unity demonstration project for which such a grant is requested;

[(2) boards made up of community members, including residents, local businesses, corrections officials, former prisoners, child development professionals, educators, and maternal and child health professionals will be established to advise the State regarding the operation of such project;

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

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

[(5) the State has the capacity to continue implementing a community correctional facility beyond the funding period to ensure the continuity of the work;

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

[(A) give written notice to a prisoner, not later than 30 days after the State first receives a grant under subsection (a) or 30 days after the prisoner is sentenced to a term of imprisonment of not more than 7 years (whichever is later), of the proposed or current operation of the project;

[(B) accept at any time at which the project is in operation an application by a prisoner to participate in the project if, at the time of application, the remainder of the prisoner's sentence exceeds 180 days;

[(C) review applications by prisoners in the sequence in which the State receives such applications; and

[(D) not more than 50 days after reviewing such applications approve or disapprove the application; and

[(7) for the purposes of selecting eligible offenders to participate in such project, the State has authorized State courts to sentence an eligible offender directly to a community correctional facility, provided that the court gives assurances that the offender would have otherwise served a term of imprisonment.

[(c) SELECTION OF GRANTEEES.—The Attorney General shall make grants under subsection (a) on a competitive basis, based on such criteria as the Attorney General shall issue by rule and taking into account the preferences described in subsection (b).

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

[To be eligible to receive a grant under section 31911, a State shall submit to the Attorney General an application at such time, in such form, and containing such information as the Attorney General reasonably may require by rule.

**[SEC. 31913. REPORT.**

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

[(b) CONTENTS.—A report under subsection (a) shall—

[(1) state the number of prisoners who submitted applications to participate in the project and the number of prisoners who were placed in community correctional facilities;

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

[(3) describe the nature and scope of educational and training activities provided to prisoners participating in the project;

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

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

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

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

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

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

[(c) USE OF STATE FACILITIES.—At the discretion of the Attorney General, Federal participants may be placed in State projects as defined in chapter 1. For such participants, the Attorney General shall, with funds available under section 31904(b)(2), reimburse the

State for all project costs related to the Federal participant's placement, including administrative costs.

**[SEC. 31922. REQUIREMENTS.**

**[For the purpose of placing Federal participants in a family unity demonstration project under section 31921, the Attorney General shall consult with the Secretary of Health and Human Services regarding the development and operation of the project.]**

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**[Subtitle X—Gang Resistance Education and Training**

**[SEC. 32401. GANG RESISTANCE EDUCATION AND TRAINING PROJECTS.**

**[(a) ESTABLISHMENT OF PROJECTS.—**

**[(1) IN GENERAL.—The Secretary of the Treasury shall establish not less than 50 Gang Resistance Education and Training (GREAT) projects, to be located in communities across the country, in addition to the number of projects currently funded.**

**[(2) SELECTION OF COMMUNITIES.—Communities identified for such GREAT projects shall be selected by the Secretary of the Treasury on the basis of gang-related activity in that particular community.**

**[(3) AMOUNT OF ASSISTANCE PER PROJECT; ALLOCATION.—The Secretary of the Treasury shall make available not less than \$800,000 per project, subject to the availability of appropriations, and such funds shall be allocated—**

**[(A) 50 percent to the affected State and local law enforcement and prevention organizations participating in such projects; and**

**[(B) 50 percent to the Bureau of Alcohol, Tobacco and Firearms for salaries, expenses, and associated administrative costs for operating and overseeing such projects.**

**[(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—**

**[(1) \$9,000,000 for fiscal year 1995;**

**[(2) \$7,200,000 for fiscal year 1996;**

**[(3) \$7,200,000 for fiscal year 1997;**

**[(4) \$7,200,000 for fiscal year 1998;**

**[(5) \$7,200,000 for fiscal year 1999; and**

**[(6) \$7,720,000 for fiscal year 2000.]**

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**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**

**TITLE I—JUSTICE SYSTEM IMPROVEMENT**

\* \* \* \* \*

**[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. Definitions.】

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PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) \* \* \*

\* \* \* \* \*

(3) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$28,000,000 for each of the fiscal years 1994 and 1995 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under parts D, E, F, G, L, M, N, O, P, 【Q,】 or R.

\* \* \* \* \*

【(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—  
 【(i) \$1,332,000,000 for fiscal year 1995;  
 【(ii) \$1,850,000,000 for fiscal year 1996;  
 【(iii) \$1,950,000,000 for fiscal year 1997;  
 【(iv) \$1,700,000,000 for fiscal year 1998;  
 【(v) \$1,700,000,000 for fiscal year 1999; and  
 【(vi) \$268,000,000 for fiscal year 2000.

【(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section 1701(f) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. Of the funds available in relation to grants under part Q, at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.】

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**[PART Q—PUBLIC SAFETY AND COMMUNITY  
POLICING; “COPS ON THE BEAT”**

**[SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY  
POLICING GRANTS.**

**[(a) GRANT AUTHORIZATION.—**The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

**[(b) REHIRING, HIRING, AND INITIAL REDEPLOYMENT GRANT PROJECTS.—**

**[(1) IN GENERAL.—**Grants made under subsection (a) may be used for programs, projects, and other activities to—

**[(A) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;**

**[(B) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation; and**

**[(C) procure equipment, technology, or support systems, or pay overtime, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that would result from a grant for a like amount for the purposes specified in subparagraph (A) or (B).**

**[(2) GRANTS FOR EQUIPMENT, TECHNOLOGY, AND SUPPORT SYSTEMS.—**Grants pursuant to paragraph (1)(C)—

**[(A) may not exceed—**

**[(i) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1995;**

**[(ii) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1996; or**

**[(iii) 10 percent of the funds available for grants pursuant to this subsection in fiscal years 1997, 1998, 1999, and 2000; and**

**[(B) may not be awarded in fiscal years 1998, 1999, or 2000 unless the Attorney General has certified that grants awarded in fiscal years 1995, 1996, and 1997 pursuant to subparagraph (1)(C) have resulted in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that have resulted from the grants in like amounts awarded in fiscal years 1995, 1996, and 1997 pursuant to paragraph (1) (A) and (B).**

**[(c) TROOPS-TO-COPS PROGRAMS.—**

**[(1) IN GENERAL.—**Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-

oriented policing, particularly in communities that are adversely affected by a recent military base closing.

[(2) DEFINITION.—In this subsection, “former member of the Armed Forces” means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

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

[(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

[(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

[(3) increase police participation in multidisciplinary early intervention teams;

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

[(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community, such as a citizens’ police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

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

[(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

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

[(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; and

[(10) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers’ initial redeployment to community-oriented policing.

[(e) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney

General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (i).

**[(f) TECHNICAL ASSISTANCE.—**

**[(1) IN GENERAL.—**The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

**[(2) MODEL.—**The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

**[(3) TRAINING CENTERS AND FACILITIES.—**The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

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

**[(h) MINIMUM AMOUNT.—**Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, “qualifying State” means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

**[(i) MATCHING FUNDS.—**The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

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

[(k) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

**[SEC. 1702. APPLICATIONS.**

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

[(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

[(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

[(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1);

[(2) demonstrate a specific public safety need;

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

[(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

[(5) certify that there has been appropriate coordination with all affected agencies;

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

[(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support;

[(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers, specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

[(9) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

[(10) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

[(11) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and

ethnic minority groups and women in order to increase their ranks within the sworn positions in the law enforcement agency.

**[(d) SPECIAL PROVISIONS.—**

**[(1) SMALL JURISDICTIONS.—**Notwithstanding any other provision of this part, in relation to applications under this part of units of local government or law enforcement agencies having jurisdiction over areas with populations of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

**[(2) SMALL GRANT AMOUNT.—**Notwithstanding any other provision of this part, in relation to applications under section 1701(d) for grants of less than \$1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

**[SEC. 1703. RENEWAL OF GRANTS.**

**[(a) IN GENERAL.—**Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

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

**[(c) MULTIYEAR GRANTS.—**A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

**[SEC. 1704. LIMITATION ON USE OF FUNDS.**

**[(a) NONSUPPLANTING REQUIREMENT.—**Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

**[(b) NON-FEDERAL COSTS.—**

**[(1) IN GENERAL.—**States and units of local government may use assets received through the Assets Forfeiture equitable sharing program to provide the non-Federal share of the cost of programs, projects, and activities funded under this part.

[(2) INDIAN TRIBAL GOVERNMENTS.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

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

**[SEC. 1705. PERFORMANCE EVALUATION.**

[(a) MONITORING COMPONENTS.—Each program, project, or activity funded under this part shall contain a monitoring component, developed pursuant to guidelines established by the Attorney General. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

[(b) EVALUATION COMPONENTS.—Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

[(c) PERIODIC REVIEW AND REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the monitoring and evaluations required under subsections (a) and (b) and such other data and information as the Attorney General deems reasonably necessary.

**[SEC. 1706. REVOCATION OR SUSPENSION OF FUNDING.**

[If the Attorney General determines, as a result of the reviews required by section 1705, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

**[SEC. 1707. ACCESS TO DOCUMENTS.**

[(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

[(b) BY THE COMPTROLLER GENERAL.—Subsection (a) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

**[SEC. 1708. GENERAL REGULATORY AUTHORITY.**

[The Attorney General may promulgate regulations and guidelines to carry out this part.

**[SEC. 1709. DEFINITIONS.**

[In this part—

["career law enforcement officer" means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.

["citizens' police academy" means a program by local law enforcement agencies or private nonprofit organizations in which citizens, especially those who participate in neighborhood watch programs, are trained in ways of facilitating communication between the community and local law enforcement in the prevention of crime.

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.]

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**TITLE 31, UNITED STATES CODE**

\* \* \* \* \*

**SUBTITLE V—GENERAL ASSISTANCE ADMINISTRATION**

CHAPTER		Sec.
61. Program information .....		6101
* * * * *		
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**[CHAPTER 67—FEDERAL PAYMENTS**

- [Sec.
- [6701. Payments to local governments.
- [6702. Local Government Fiscal Assistance Fund.
- [6703. Qualification for payment.
- [6704. State area allocations; allocations and payments to territorial governments.
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- ¶6720. Definitions, application, and administration.

### **¶§6701. Payments to local governments**

#### **[(a) PAYMENT AND USE.—**

**[(1) PAYMENT.—**The Secretary shall pay to each unit of general local government which qualifies for a payment under this chapter an amount equal to the sum of any amounts allocated to the government under this chapter for each payment period. The Secretary shall pay such amount out of the Local Government Fiscal Assistance Fund under section 6702.

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

- [(A) education to prevent crime;**
- [(B) substance abuse treatment to prevent crime; or**
- [(C) job programs to prevent crime.**

**[(3) COORDINATION.—**Programs funded under this title shall be coordinated with other existing Federal programs to meet the overall needs of communities that benefit from funds received under this section.

**[(b) TIMING OF PAYMENTS.—**The Secretary shall pay each amount allocated under this chapter to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period provided that the unit of general local government has provided the Secretary with the assurances required by section 6703(d).

#### **[(c) ADJUSTMENTS.—**

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

**[(2) CONSIDERATIONS.—**The Secretary may increase or decrease under this subsection a payment to a unit of local government only if the Secretary determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

**[(d) RESERVATION FOR ADJUSTMENTS.—**The Secretary may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Secretary considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

#### **[(e) REPAYMENT OF UNEXPENDED AMOUNTS.—**

**[(1) REPAYMENT REQUIRED.—**A unit of general local government shall repay to the Secretary, by not later than 15 months after receipt from the Secretary, any amount that is—

- [(A) paid to the unit from amounts appropriated under the authority of this section; and**

- [(B) not expended by the unit within one year after receipt from the Secretary.
- [(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Secretary shall reduce payments in future payment periods accordingly.
- [(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Secretary as repayments under this subsection shall be deposited in the Local Government Fiscal Assistance Fund for future payments to units of general local government.
- [(f) EXPENDITURE WITH DISADVANTAGED BUSINESS ENTERPRISES.—
- [(1) GENERAL RULE.—Of amounts paid to a unit of general local government under this chapter for a payment period, not less than 10 percent of the total combined amounts obligated by the unit for contracts and subcontracts shall be expended with—
- [(A) small business concerns controlled by socially and economically disadvantaged individuals and women; and
- [(B) historically Black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.
- [(2) EXCEPTION.—Paragraph (1) shall not apply to amounts paid to a unit of general local government to the extent the unit determines that the paragraph does not apply through a process that provides for public participation.
- [(3) DEFINITIONS.—For purposes of this subsection—
- [(A) the term “small business concern” has the meaning such term has under section 3 of the Small Business Act; and
- [(B) the term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act and relevant subcontracting regulations promulgated pursuant to that section.
- [(g) NONSUPPLANTING REQUIREMENT.—
- [(1) IN GENERAL.—Funds made available under this chapter to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this chapter, be made available from State or local sources.
- [(2) BASE LEVEL AMOUNT.—The total level of funding available to a unit of local government for accounts serving eligible purposes under this chapter in the fiscal year immediately preceding receipt of a grant under this chapter shall be designated the “base level account” for the fiscal year in which a grant is received. Grants under this chapter in a given fiscal year shall be reduced on a dollar for dollar basis to the extent that a unit of local government reduces its base level account in that fiscal year.

### **[(§6702. Local Government Fiscal Assistance Fund**

- [(a) ADMINISTRATION OF FUND.—The Department of the Treasury has a Local Government Fiscal Assistance Fund, which consists of amounts appropriated to the Fund.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

- [(1) \$270,000,000 for fiscal year 1996;
- [(2) \$283,500,000 for fiscal year 1997;
- [(3) \$355,500,000 for fiscal year 1998;
- [(4) \$355,500,000 for fiscal year 1999; and
- [(5) \$355,500,000 for fiscal year 2000.

Such sums are to remain available until expended.

[(c) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Secretary in furtherance of the purposes of the program. Such sums are to remain available until expended.

### **[(§ 6703. Qualification for payment**

[(a) IN GENERAL.—The Secretary shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Secretary of the units' proposed use of assistance under this chapter. Subject to subsection (c), the assistance provided shall be used, in amounts determined by the unit, for activities under, or for activities that are substantially similar to an activity under, 1 or more of the following programs and the notice shall identify 1 or more of the following programs for each such use:

[(1) The Drug Abuse Resistance Education Program under section 5122 of the Elementary and Secondary Education Act of 1965.

[(2) The National Youth Sports Program under section 682 of the Community Services Block Grant Act (Public Law 97-35) as amended by section 205, Public Law 103-252.

[(3) The Gang Resistance Education and Training Program under the Act entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes", approved November 5, 1990 (Public Law 101-509).

[(4) Programs under title II or IV of the Job Training Partnership Act (29 U.S.C. 1601 et seq.).

[(5) Programs under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.), as amended.

[(6) Programs under the School to Work Opportunities Act (Public Law 103-239).

[(7) Substance Abuse Treatment and Prevention programs authorized under title V or XIX of the Public Health Services Act (43 U.S.C. 201 et seq.).

[(8) Programs under the Head Start Act (42 U.S.C. 9831 et seq.).

[(9) Programs under part A or B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

[(10) The TRIO programs under part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

[(11) Programs under the National Literacy Act of 1991.

[(12) Programs under the Carl Perkins Vocational Educational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

[(13) The demonstration partnership programs including the community initiative targeted to minority youth under section 203 of the Human Services Reauthorization Act of 1994 (Public Law 103-252).

[(14) The runaway and homeless youth program and the transitional living program for homeless youth under title III of the Juvenile Justice and Delinquency Prevention Act (Public Law 102-586).

[(15) The family support program under subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 1148 et seq.).

[(16) After-school activities for school aged children under the Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

[(17) The community-based family resource programs under section 401 of the Human Services Reauthorization Act of 1994 (Public Law 103-252).

[(18) The family violence programs under the Child Abuse Prevention and Treatment Act Amendments of 1984.

[(19) Job training programs administered by the Department of Agriculture, the Department of Defense, or the Department of Housing and Urban Development.

[(b) NOTICE TO AGENCY.—Upon receipt of notice under subsection (a) from an eligible unit of general local government, the Secretary shall notify the head of the appropriate Federal agency for each program listed in subsection (a) that is identified in the notice as a program under which an activity will be conducted with assistance under this chapter. The notification shall state that the unit has elected to use some or all of its assistance under this chapter for activities under that program. The head of a Federal agency that receives such a notification shall ensure that such use is in compliance with the laws and regulations applicable to that program, except that any requirement to provide matching funds shall not apply to that use.

[(c) ALTERNATIVE USES OF FUNDS.—

[(1) ALTERNATIVE USES AUTHORIZED.—In lieu of, or in addition to, use for an activity described in subsection (a) and notice for that use under subsection (a), an eligible unit of general local government may use assistance under this chapter, and shall provide notice of that use to the Secretary under subsection (a), for any other activity that is consistent with 1 or more of the purposes described in section 6701(a)(2).

[(2) NOTICE DEEMED TO DESCRIBE CONSISTENT USE.—Notice by a unit of general local government that it intends to use assistance under this chapter for an activity other than an activity described in subsection (a) is deemed to describe an activity that is consistent with 1 or more of the purposes described in section 6701(a)(2) unless the Secretary provides to the unit, within 30 days after receipt of that notice of intent from the

unit, written notice (including an explanation) that the use is not consistent with those purposes.

**[(d) GENERAL REQUIREMENTS FOR QUALIFICATION.—**A unit of general local government qualifies for a payment under this chapter for a payment period only after establishing to the satisfaction of the Secretary that—

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

**[(2)** the government will use amounts in the trust fund (including interest) during a reasonable period;

**[(3)** the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

**[(4)** if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

**[(5)** all laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act), as amended (40 U.S.C. 276c, 48 Stat. 948);

**[(6)** the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Secretary after consultation with the Comptroller General of the United States. As applicable, amounts received under this chapter shall be audited in compliance with the Single Audit Act of 1984;

**[(7)** after reasonable notice to the government, the government will make available to the Secretary and the Comptroller General of the United States, with the right to inspect, records the Secretary reasonably requires to review compliance with this chapter or the Comptroller General of the United States reasonably requires to review compliance and operations under section 6718(b);

**[(8)** the government will make reports the Secretary reasonably requires, in addition to the annual reports required under section 6719(b); and

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

**[(e) REVIEW BY GOVERNORS.—**A unit of general local government shall give the chief executive officer of the State in which the gov-

ernment is located an opportunity for review and comment before establishing compliance with subsection (d).

**[(f) SANCTIONS FOR NONCOMPLIANCE.—**

**[(1) IN GENERAL.—**If the Secretary decides that a unit of general local government has not complied substantially with subsection (d) or regulations prescribed under subsection (d), the Secretary shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Secretary will withhold additional payments to the government for the current payment period and later payment periods until the Secretary is satisfied that the government—

**[(A) has taken the appropriate corrective action; and**

**[(B) will comply with subsection (d) and regulations prescribed under subsection (d).**

**[(2) NOTICE.—**Before giving notice under paragraph (1), the Secretary shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

**[(3) PAYMENT CONDITIONS.—**The Secretary may make a payment to a unit of general local government notified under paragraph (1) only if the Secretary is satisfied that the government—

**[(A) has taken the appropriate corrective action; and**

**[(B) will comply with subsection (d) and regulations prescribed under subsection (d).**

**[(§6704. State area allocations; allocations and payments to territorial governments**

**[(a) FORMULA ALLOCATION BY STATE.—**For each payment period, the Secretary shall allocate to each State out of the amount appropriated for the period under the authority of section 6702(b) (minus the amounts allocated to territorial governments under subsection (e) for the payment period) an amount bearing the same ratio to the amount appropriated (minus such amounts allocated under subsection (e)) as the amount allocated to the State under this section bears to the total amount allocated to all States under this section. The Secretary shall—

**[(1) determine the amount allocated to the State under subsection (b) or (c) of this section and allocate the larger amount to the State; and**

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

**[(b) GENERAL FORMULA.—**

**[(1) IN GENERAL.—**For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the amount bearing the same ratio to \$5,300,000,000 as—

**[(A) the population of the State, multiplied by the general tax effort factor of the State (determined under paragraph (2)), multiplied by the relative income factor of the State (determined under paragraph (3)), multiplied by the**

relative rate of the labor force unemployed in the State (determined under paragraph (4)); bears to

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

[(2) GENERAL TAX EFFORT FACTOR.—The general tax effort factor of a State for a payment period is—

[(A) the net amount of State and local taxes of the State collected during the year 1991 as reported by the Bureau of the Census in the publication Government Finances 1990–1991; divided by

[(B) the total income of individuals, as determined by the Secretary of Commerce for national accounts purposes for 1992 as reported in the publication Survey of Current Business (August 1993), attributed to the State for the same year.

[(3) RELATIVE INCOME FACTOR.—The relative income factor of a State is a fraction in which—

[(A) the numerator is the per capita income of the United States; and

[(B) the denominator is the per capita income of the State.

[(4) RELATIVE RATE OF LABOR FORCE.—The relative rate of the labor force unemployed in a State is a fraction in which—

[(A) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes); and

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

[(c) ALTERNATIVE FORMULA.—For the payment period beginning October 1, 1994, the amount allocated to a State under this subsection for a payment period is the total amount the State would receive if—

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

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

[(A) the population of the State, multiplied by a fraction in which—

[(i) the numerator is the per capita income of all States; and

[(ii) the denominator is the per capita income of the State; bears to

[(B) the sum of the products determined under subparagraph (A) for all States;

[(3) \$600,000,000 were allocated among the States on the basis of income tax collections by allocating to each State an

amount bearing the same ratio to the total amount to be allocated under this paragraph as the income tax amount of the State (determined under subsection (d)(1)) bears to the sum of the income tax amounts of all States;

[(4) \$600,000,000 were allocated among the States on the basis of general tax effort by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the general tax effort amount of the State (determined under subsection (d)(2)) bears to the sum of the general tax effort amounts of all States;

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

[(A) the labor force of the State, multiplied by a fraction in which—

[(i) the numerator is the percentage of the labor force of the State that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes); and

[(ii) the denominator is the percentage of the labor force of the United States that is unemployed in the calendar year preceding the payment period (as determined by the Secretary of Labor for general statistical purposes)

bears to

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

[(6) \$1,166,666,667 were allocated among the States on the basis of urbanized population by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this paragraph as the urbanized population of the State bears to the urbanized population of all States. In this paragraph, the term “urbanized population” means the population of an area consisting of a central city or cities of at least 50,000 inhabitants and the surrounding closely settled area for the city or cities considered as an urbanized area as published by the Bureau of the Census for 1990 in the publication General Population Characteristics for Urbanized Areas.

[(d) INCOME TAX AMOUNT AND TAX EFFORT AMOUNT.—

[(1) INCOME TAX AMOUNT.—The income tax amount of a State for a payment period is 15 percent of the net amount collected during the calendar year ending before the beginning of the payment period from the tax imposed on the income of individuals by the State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 164(a)(3)). The income tax amount for a payment period shall be at least 1 percent but not more than 6 percent of the United States Government individual income tax liability attributed to the State for the taxable year ending during the last calendar year ending before the beginning of the payment period. The Secretary shall determine the Government income tax liability attributed to the State by using the data

published by the Secretary for 1991 in the publication *Statistics of Income Bulletin* (Winter 1993–1994).

[(2) GENERAL TAX EFFORT AMOUNT.—The general tax effort amount of a State for a payment period is the amount determined by multiplying—

[(A) the net amount of State and local taxes of the State collected during the year 1991 as reported in the Bureau of Census in the publication *Government Finances 1990–1991*; and

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

[(e) ALLOCATION FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS.—

[(1) IN GENERAL.—(A) For each payment period for which funds are available for allocation under this chapter, the Secretary shall allocate to each territorial government an amount equal to the product of 1 percent of the amount of funds available for allocation multiplied by the applicable territorial percentage.

[(B) For the purposes of this paragraph, the applicable territorial percentage of a territory is equal to the quotient resulting from the division of the territorial population of such territory by the sum of the territorial population for all territories.

[(2) PAYMENTS TO LOCAL GOVERNMENTS.—The governments of the territories shall make payments to local governments within their jurisdiction from sums received under this subsection as they consider appropriate.

[(3) DEFINITIONS.—For purposes of this subsection—

[(A) the term “territorial government” means the government of a territory;

[(B) the term “territory” means Puerto Rico, Guam, American Samoa, and the Virgin Islands; and

[(C) the term “territorial population” means the most recent population for each territory as determined by the Bureau of Census.

### **§6705. Local government allocations**

[(a) INDIAN TRIBES AND ALASKAN NATIVES VILLAGES.—If there is in a State an Indian tribe or Alaskan native village having a recognized governing body carrying out substantial governmental duties and powers, the Secretary shall allocate to the tribe or village, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the tribe or village bears to the population of the State. The Secretary shall allocate amounts under this subsection to Indian tribes and Alaskan native villages in a State before allocating amounts to units of general local government in the State under subsection (c). For the payment period beginning October 1, 1994, the Secretary shall use as the population of each Indian tribe or Alaskan native village the population for 1991 as reported by the Bureau of Indian Affairs in the publication *Indian Service Population and Labor Force Estimates* (January 1991). In addition to uses authorized under section 6701(a)(2), amounts allocated under this subsection and paid to an Indian tribe or Alaskan native vil-

lage under this chapter may be used for renovating or building prisons or other correctional facilities.

**[(b) NEWLY INCORPORATED LOCAL GOVERNMENTS AND ANNEXED GOVERNMENTS.—**If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall allocate to this newly incorporated local government, out of the amount allocated to the State under section 6704, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Secretary in making allocations pursuant to sections 6704 through 6706 and 6708, the Secretary shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

**[(c) OTHER LOCAL GOVERNMENT ALLOCATIONS.—**

**[(1) IN GENERAL.—**The Secretary shall allocate among the units of general local government in a State (other than units receiving allocations under subsection (a)) the amount allocated to the State under section 6704 (as that amount is reduced by allocations under subsection (a)). Of the amount to be allocated, the Secretary shall allocate a portion equal to  $\frac{1}{2}$  of such amount in accordance with section 6706(1), and shall allocate a portion equal to  $\frac{1}{2}$  of such amount in accordance with section 6706(2). A unit of general local government shall receive an amount equal to the sum of amounts allocated to the unit from each portion.

**[(2) RATIO.—**From each portion to be allocated to units of local government in a State under paragraph (1), the Secretary shall allocate to a unit an amount bearing the same ratio to the funds to be allocated as—

**[(A)** the population of the unit, multiplied by the general tax effort factor of the unit (determined under paragraph (3)), multiplied by the income gap of the unit (determined under paragraph (4)), bears to

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

**[(3) GENERAL TAX EFFORT FACTOR.—(A)** Except as provided in subparagraph (C), the general tax effort factor of a unit of general local government for a payment period is—

**[(i)** the adjusted taxes of the unit; divided by

**[(ii)** the total income attributed to the unit.

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

**[(C)(i)** Except as otherwise provided in this subparagraph, for the payment period beginning October 1, 1994, the adjusted taxes of a unit of general local government are the taxes imposed by the unit for public purposes (except employee and employer assessments and contributions to finance retirement

and social insurance systems and other special assessments for capital outlay), as determined by the Bureau of the Census for the 1987 Census of Governments and adjusted as follows:

[(I) Adjusted taxes equals total taxes times a fraction in which the numerator is the sum of unrestricted revenues and revenues dedicated for spending on education minus total education spending and the denominator is total unrestricted revenues.

[(II) Total taxes is the sum of property tax; general sales tax; alcoholic beverage tax; amusement tax; insurance premium tax; motor fuels tax; parimutuels tax; public utilities tax; tobacco tax; other selective sales tax; alcoholic beverage licenses, amusement licenses; corporation licenses, hunting and fishing licenses; motor vehicle licenses; motor vehicle operator licenses; public utility licenses; occupation and business licenses, not elsewhere classified; other licenses, individual income tax; corporation net income tax; death and gift tax; documentary and stock transfer tax; severance tax; and taxes not elsewhere classified.

[(III) Unrestricted revenues is the sum of total taxes and intergovernmental revenue from Federal Government, general revenue sharing; intergovernmental revenue from Federal Government, other general support; intergovernmental revenue from Federal Government, other; intergovernmental revenue from State government, other general support; intergovernmental revenue from State government, other; intergovernmental revenue from local governments, other general support; intergovernmental revenue from local governments, other; miscellaneous general revenue, property sale-housing and community development; miscellaneous general revenue, property sale-other property; miscellaneous general revenue, interest earnings on investments; miscellaneous general revenue, fines and forfeits; miscellaneous general revenue, rents; miscellaneous general revenues, royalties; miscellaneous general revenue, donations from private sources; miscellaneous general revenue, net lottery revenue (after prizes and administrative expenses); miscellaneous general revenue, other miscellaneous general revenue; and all other general charges, not elsewhere classified.

[(IV) Revenues dedicated for spending on education is the sum of elementary and secondary education, school lunch; elementary and secondary education, tuition; elementary and secondary education, other; higher education, auxiliary enterprises; higher education, other; other education, not elsewhere classified; intergovernmental revenue from Federal Government, education; intergovernmental revenue from State government, education; intergovernmental revenue from local governments, interschool system revenue; intergovernmental revenue from local governments, education; interest earnings, higher education; interest earnings, elementary and secondary education; miscellaneous revenues, higher education; and miscellaneous revenues, elementary and secondary education.

[(V) Total education spending is the sum of elementary and secondary education, current operations; elementary and secondary education, construction; elementary and secondary education, other capital outlays; elementary and secondary education, to State governments; elementary and secondary education, to local governments, not elsewhere classified; elementary and secondary education, to counties; elementary and secondary education, to municipalities; elementary and secondary education, to townships; elementary and secondary education, to school districts; elementary and secondary education, to special districts; higher education-auxiliary enterprises, current operations; higher education-auxiliary enterprises, construction; higher education, auxiliary enterprises, other capital outlays; other higher education, current operations; other higher education, construction; other higher education, other capital outlays; other higher education, to State government; other higher education, to local governments, not elsewhere classified; other higher education, to counties; other higher education, to municipalities; other higher education, to townships; other higher education, to school districts; other higher education, to special districts; education assistance and subsidies; education, not elsewhere classified, current operations; education, not elsewhere classified, construction education, not elsewhere classified, other capital outlays; education, not elsewhere classified, to State government; education, not elsewhere classified, to local governments, not elsewhere classified; education, not elsewhere classified, to counties; education, not elsewhere classified, to municipalities; education, not elsewhere classified, to townships; education, not elsewhere classified, to school districts; education, not elsewhere classified, to special districts; and education, not elsewhere classified, to Federal Government.

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

[(VII) If the amount of adjusted taxes exceeds the amount of total taxes, the amount of adjusted taxes is deemed to equal the amount of total taxes.

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

[(I) the county government transfers any part of the revenue from the taxes to the unit of general local government without specifying the purpose for which the unit of general local government may expend the revenue; and

[(II) the chief executive officer of the State notifies the Secretary that the taxes satisfy the requirements of this clause.

[(iii) The adjusted taxes of a unit of general local government shall not exceed the maximum allowable adjusted taxes for that unit.

[(iv) The maximum allowable adjusted taxes for a unit of general local government is the allowable adjusted taxes of the unit minus the excess adjusted taxes of the unit.

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

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

[(II) the amount equal to the population of the unit, multiplied by the sum of the adjusted taxes of all units of municipal local government in the State, divided by the sum of the populations of all the units of municipal local government in the State.

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

[(I) the adjusted taxes of the unit, minus

[(II) 1.5 multiplied by the allowable adjusted taxes of the unit;

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

[(vii) For purposes of this subparagraph—

[(I) the term “per capita adjusted taxes of all units of general local government of the same type” means the sum of the adjusted taxes of all units of general local government of the same type divided by the sum of the populations of all units of general local government of the same type; and

[(II) the term “units of general local government of the same type” means all townships if the unit of general local government is a township, all municipalities if the unit of general local government is a municipality, all counties if the unit of general local government is a county, or all unified city/county governments if the unit of general local government is a unified city/county government.

[(4) INCOME GAP.—(A) Except as provided in subparagraph (B), the income gap of a unit of general local government is—

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

[(ii) the per capita income of the geographic area of the unit.

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

[(d) SMALL GOVERNMENT ALLOCATIONS.—If the Secretary decides that information available for a unit of general local government with a population below a number (of not more than 500) prescribed by the Secretary is inadequate, the Secretary may allocate to the unit, in lieu of any allocation under subsection (b) for a payment period, an amount bearing the same ratio to the total amount

to be allocated under subsection (b) for the period for all units of general local government in the State as the population of the unit bears to the population of all units in the State.

**【§6706. Income gap multiplier**

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

【(1) 1.6, with respect to  $\frac{1}{2}$  of any amount allocated under section 6704 to the State in which the unit is located; and

【(2) 1.2, with respect to the remainder of such amount.

**【§6707. State variation of local government allocations**

【(a) STATE FORMULA.—A State government may provide by law for the allocation of amounts among units of general local government in the State on the basis of population multiplied by the general tax effort factors or income gaps of the units of general local government determined under sections 6705 (a) and (b) or a combination of those factors. A State government providing for a variation of an allocation formula provided under sections 6705 (a) and (b) shall notify the Secretary of the variation by the 30th day before the beginning of the first payment period in which the variation applies. A variation shall—

【(1) provide for allocating the total amount allocated under sections 6705 (a) and (b); and

【(2) apply uniformly in the State.

【(b) CERTIFICATION.—A variation by a State government under this section may apply only if the Secretary certifies that the variation complies with this section. The Secretary may certify a variation only if the Secretary is notified of the variation at least 30 days before the first payment period in which the variation applies.

**【§6708. Adjustments of local government allocations**

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

【(b) DE MINIMIS ALLOCATIONS TO UNITS OF GENERAL LOCAL GOVERNMENT.—If the amount allocated to a unit of general local government (except an Indian tribe or an Alaskan native village) for a payment period would be less than \$5,000 but for this subsection or is waived by the governing authority of the unit of general local government, the Secretary shall pay the amount to the Governor of the State in which the unit is located.

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

【(d) DE MINIMIS ALLOCATIONS TO INDIAN TRIBES AND ALASKAN NATIVE VILLAGES.—

[(1) AGGREGATION OF DE MINIMIS ALLOCATIONS.—If the amount allocated to an Indian tribe or an Alaskan native village for a payment period would be less than \$5,000 but for this subsection or is waived by the chief elected official of the tribe or village, the amount—

[(A) shall not be paid to the tribe or village (except under paragraph (2)); and

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

[(2) USE OF AGGREGATED AMOUNTS.—Amounts aggregated under paragraph (1) for a payment period shall be available for use by the Attorney General to make grants in the payment period on a competitive basis to Indian Tribes and Alaskan native village for—

[(A) programs described in section 6701(a)(2); or

[(B) renovating or building prisons or other correctional facilities.

#### **[(§ 6709. Information used in allocation formulas**

[(a) POPULATION DATA FOR PAYMENT PERIOD BEGINNING OCTOBER 1, 1994.—For the payment period beginning October 1, 1994, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use for the population of the States the population for 1992 as reported by the Bureau of the Census in the publication Current Population Reports, Series P-25, No. 1045 (July 1992) and for the population of units of general local government the Secretary shall use the population for 1990 as reported by the Bureau of the Census in the publication Summary Social, Economic, and Housing Characteristics.

[(b) DATA FOR PAYMENT PERIODS BEGINNING AFTER SEPTEMBER 30, 1995.—For any payment period beginning after September 30, 1995, the Secretary, in making allocations pursuant to sections 6704 through 6706 and 6708, shall use information more recent than the information used for the payment period beginning October 1, 1994, provided the Secretary notifies the Committee on Government Operations of the House of Representatives at least 90 days prior to the beginning of the payment period that the Secretary has determined that the more recent information is more reliable than the information used for the payment period beginning October 1, 1994.

#### **[(§ 6710. Public participation**

[(a) HEARINGS.—

[(1) IN GENERAL.—A unit of general local government expending payments under this chapter shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

[(2) SENIOR CITIZENS.—A unit of general local government holding a hearing required under this subsection or by the budget process of the government shall try to provide senior citizens and senior citizen organizations with an opportunity to present views at the hearing before the government makes a final decision on the use of the payment.

[(b) DISCLOSURE OF INFORMATION.—

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

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

[(B) publish in at least one newspaper of general circulation the proposed use of the payment with the summary of the proposed budget and a notice of the time and place of the hearing.

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

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

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

[(c) WAIVERS OF REQUIREMENTS.—A requirement—

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

[(A) ensures the opportunity for public attendance and participation contemplated by subsection (a); and

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

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

[(d) EXCEPTION TO 10-DAY LIMITATION.—If the Secretary is satisfied that a unit of general local government will provide adequate notice of the proposed use of a payment received under this chapter, the 10-day period under subsection (b)(1) may be changed to the extent necessary to comply with applicable State or local law.

### **[(§6711. Prohibited discrimination**

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

[(b) ADDITIONAL PROHIBITIONS.—The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

[(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

[(2) A prohibition against discrimination against an otherwise qualified handicapped individual under section 504 of the Rehabilitation Act of 1973.

[(3) A prohibition against discrimination because of religion, or an exemption from that prohibition, under the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968 (popularly known as the Civil Rights Act of 1968).

[(c) LIMITATIONS ON APPLICABILITY OF PROHIBITIONS.—Subsections (a) and (b) do not apply if the government shows, by clear and convincing evidence, that a payment received under this chapter is not used to pay for any part of the program or activity with respect to which the allegation of discrimination is made.

[(d) INVESTIGATION AGREEMENTS.—The Secretary shall try to make agreements with heads of agencies of the United States Government and State agencies to investigate noncompliance with this section. An agreement shall—

[(1) describe the cooperative efforts to be taken (including sharing civil rights enforcement personnel and resources) to obtain compliance with this section; and

[(2) provide for notifying immediately the Secretary of actions brought by the United States Government or State agencies against a unit of general local government alleging a violation of a civil rights law or a regulation prescribed under a civil rights law.

### **[§ 6712. Discrimination proceedings**

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

[(b) INFORMAL PRESENTATION OF EVIDENCE.—A unit of general local government may present evidence informally to the Secretary within 30 days after the government receives a notice of noncompliance from the Secretary. Except as provided in subsection (e), the government may present evidence on whether—

[(1) a person in the United States has been excluded or denied benefits of, or discriminated against under, the program or activity of the government, in violation of section 6711(a);

[(2) the program or activity of the government violated a prohibition described in section 6711(b); and

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

[(c) TEMPORARY SUSPENSION OF PAYMENTS.—By the end of the 30-day period under subsection (b), the Secretary shall decide whether the unit of general local government has not complied with section 6711 (a) or (b), unless the government has entered into a compliance agreement under section 6714. If the Secretary de-

cides that the government has not complied, the Secretary shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision, the government—

[(1) enters into a compliance agreement under section 6714;

or

[(2) requests a proceeding under subsection (d)(1).

[(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

[(1) PROCEEDING.—A proceeding requested under subsection (c)(2) shall begin by the 30th day after the Secretary receives a request for the proceeding. The proceeding shall be before an administrative law judge appointed under section 3105 of title 5, United States Code. By the 30th day after the beginning of the proceeding, the judge shall issue a preliminary decision based on the record at the time on whether the unit of general local government is likely to prevail in showing compliance with section 6711 (a) or (b).

[(2) DECISION.—If the administrative law judge decides at the end of a proceeding under paragraph (1) that the unit of general local government has—

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

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

[(3) LIKELIHOOD OF PREVAILING.—An administrative law judge may not issue a preliminary decision that the government is not likely to prevail if the judge has issued a decision described in paragraph (2)(A).

[(e) BASIS FOR REVIEW.—In a proceeding under subsections (b) through (d) on a program or activity of a unit of general local government about which a holding of discrimination has been made, the Secretary or administrative law judge may consider only whether a payment under this chapter was used to pay for any part of the program or activity. The holding of discrimination is conclusive. If the holding is reversed by an appellate court, the Secretary or judge shall end the proceeding.

### **§6713. Suspension and termination of payments in discrimination proceedings**

[(a) IMPOSITION AND CONTINUATION OF SUSPENSIONS.—

[(1) IN GENERAL.—The Secretary shall suspend payment under this chapter to a unit of general local government—

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

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

[(C) if required under section 6712(c).

[(2) EFFECTIVENESS.—A suspension already ordered under paragraph (1)(A) continues in effect if the administrative law judge makes a decision under paragraph (1)(B).

[(b) LIFTING OF SUSPENSIONS AND TERMINATIONS.—If a holding of discrimination is reversed by an appellate court, a suspension or termination of payments in a proceeding based on the holding shall be discontinued.

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

[(1) as of the time of, and under the conditions stated in—

[(A) the approval by the Secretary of a compliance agreement under section 6714(a)(1); or

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

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

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

[(4) if a suspension is discontinued under subsection (b).

[(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For purposes of subsection (c)(2), compliance by a government may consist of the payment of restitution to a person injured because the government did not comply with section 6711 (a) or (b).

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

### **[(§)6714. Compliance agreements**

[(a) TYPES OF COMPLIANCE AGREEMENTS.—A compliance agreement is an agreement—

[(1) approved by the Secretary, between the governmental authority responsible for prosecuting a claim or complaint that is the basis of a holding of discrimination and the chief executive officer of the unit of general local government that has not complied with section 6711 (a) or (b); or

[(2) between the Secretary and the chief executive officer.

[(b) CONTENTS OF AGREEMENTS.—A compliance agreement—

[(1) shall state the conditions the unit of general local government has agreed to comply with that would satisfy the obligations of the government under sections 6711 (a) and (b);

[(2) shall cover each matter that has been found not to comply, or would not comply, with section 6711 (a) or (b); and

[(3) may be a series of agreements that dispose of those matters.

[(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—The Secretary shall submit a copy of a compliance agreement to each person who filed a complaint referred to in section 6716(b), or, if an agreement

under subsection (a)(1), each person who filed a complaint with a governmental authority, about a failure to comply with section 6711 (a) or (b). The Secretary shall submit the copy by the 15th day after an agreement is made. However, if the Secretary approves an agreement under subsection (a)(1) after the agreement is made, the Secretary may submit the copy by the 15th day after approval of the agreement.

**§6715. Enforcement by the Attorney General of prohibitions on discrimination**

[(The Attorney General may bring a civil action in an appropriate district court of the United States against a unit of general local government that the Attorney General has reason to believe has engaged or is engaging in a pattern or practice in violation of section 6711 (a) or (b). The court may grant—

[(1) a temporary restraining order;

[(2) an injunction; or

[(3) an appropriate order to ensure enjoyment of rights under section 6711 (a) or (b), including an order suspending, terminating, or requiring repayment of, payments under this chapter or placing additional payments under this chapter in escrow pending the outcome of the action.

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

[(a) **AUTHORITY FOR PRIVATE SUITS IN FEDERAL OR STATE COURT.**—If a unit of general local government, or an officer or employee of a unit of general local government acting in an official capacity, engages in a practice prohibited by this chapter, a person adversely affected by the practice may bring a civil action in an appropriate district court of the United States or a State court of general jurisdiction. Before bringing an action under this section, the person must exhaust administrative remedies under subsection (b).

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

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

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

[(c) **AUTHORITY OF COURT.**—In an action under this section, the court—

[(1) may grant—

[(A) a temporary restraining order;

[(B) an injunction; or

[(C) another order, including suspension, termination, or repayment of, payments under this chapter or placement of additional payments under this chapter in escrow pending the outcome of the action; and

[(2) to enforce compliance with section 6711 (a) or (b), may allow a prevailing party (except the United States Government) a reasonable attorney's fee.

[(d) INTERVENTION BY ATTORNEY GENERAL.—In an action under this section to enforce compliance with section 6711 (a) or (b), the Attorney General may intervene in the action if the Attorney General certifies that the action is of general public importance. The United States Government is entitled to the same relief as if the Government had brought the action and is liable for the same fees and costs as a private person.

### **[(§6717. Judicial review**

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

[(b) FILING OF RECORD OF ADMINISTRATIVE PROCEEDING.—The Secretary shall file with the court a record of the proceeding on which the Secretary based the action. The court may consider only objections to the action of the Secretary that were presented before the Secretary.

[(c) COURT ACTION.—The court may affirm, change, or set aside any part of the action of the Secretary. The findings of fact by the Secretary are conclusive if supported by substantial evidence in the record. If a finding is not supported by substantial evidence in the record, the court may remand the case to the Secretary to take additional evidence. Upon such a remand, the Secretary may make new or modified findings and shall certify additional proceedings to the court.

[(d) REVIEW ONLY BY SUPREME COURT.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.

### **[(§6718. Investigations and reviews**

[(a) INVESTIGATIONS BY SECRETARY.—

[(1) IN GENERAL.—The Secretary shall within a reasonable time limit—

[(A) carry out an investigation and make a finding after receiving a complaint referred to in section 6716(b), a determination by a State or local administrative agency, or other information about a possible violation of this chapter;

[(B) carry out audits and reviews (including investigations of allegations) about possible violations of this chapter; and

[(C) advise a complainant of the status of an audit, investigation, or review of an allegation by the complainant

of a violation of section 6711 (a) or (b) or other provision of this chapter.

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

[(b) REVIEWS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall carry out reviews of the activities of the Secretary, State governments, and units of general local government necessary for the Congress to evaluate compliance and operations under this chapter. These reviews shall include a comparison of the waste and inefficiency of local governments using funds under this chapter compared to waste and inefficiency with other comparable Federal programs.

### **[(§6719. Reports**

[(a) REPORTS BY SECRETARY TO CONGRESS.—Before June 2 of each year prior to 2002, the Secretary personally shall report to the Congress on—

[(1) the status and operation of the Local Government Fiscal Assistance Fund during the prior fiscal year; and

[(2) the administration of this chapter, including a complete and detailed analysis of—

[(A) actions taken to comply with sections 6711 through 6715, including a description of the kind and extent of non-compliance and the status of pending complaints;

[(B) the extent to which units of general local government receiving payments under this chapter have complied with the requirements of this chapter;

[(C) the way in which payments under this chapter have been distributed in the jurisdictions receiving payments; and

[(D) significant problems in carrying out this chapter and recommendations for legislation to remedy the problems.

[(b) REPORTS BY UNITS OF GENERAL LOCAL GOVERNMENT TO SECRETARY.—

[(1) IN GENERAL.—At the end of each fiscal year, each unit of general local government which received a payment under this chapter for the fiscal year shall submit a report to the Secretary. The report shall be submitted in the form and at a time prescribed by the Secretary and shall be available to the public for inspection. The report shall state—

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

[(B) the relationship of the payment to the relevant functional items in the budget of the government; and

[(C) the differences between the actual and proposed use of the payment.

[(2) AVAILABILITY OF REPORT.—The Secretary shall provide a copy of a report submitted under paragraph (1) by a unit of general local government to the chief executive officer of the State in which the government is located. The Secretary shall provide the report in the manner and form prescribed by the Secretary.

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

(a) DEFINITIONS.—In this chapter—

(1) “unit of general local government” means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers;

(2) “payment period” means each 1-year period beginning on October 1 of the years 1994 through 2000;

(3) “State and local taxes” means taxes imposed by a State government or unit of general local government or other political subdivision of a State government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) as determined by the Secretary of Commerce for general statistical purposes;

(4) “State” means any of the several States and the District of Columbia;

(5) “income” means the total money income received from all sources as determined by the Secretary of Commerce for general statistical purposes, which for units of general local government is reported by the Bureau of the Census for 1990 in the publication Summary Social, Economic, and Housing Characteristics;

(6) “per capita income” means—

(A) in the case of the United States, the income of the United States divided by the population of the United States;

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

(C) in the case of a unit of general local government, the income of that unit of general local government divided by the population of the unit of general local government;

(7) “finding of discrimination” means a decision by the Secretary about a complaint described in section 6716(b), a decision by a State or local administrative agency, or other information (under regulations prescribed by the Secretary) that it is more likely than not that a unit of general local government has not complied with section 6711 (a) or (b);

(8) “holding of discrimination” means a holding by a United States court, a State court, or an administrative law judge appointed under section 3105 of title 5, United States Code, that a unit of general local government expending amounts received under this chapter has—

(A) excluded a person in the United States from participating in, denied the person the benefits of, or subjected the person to discrimination under, a program or activity because of race, color, national origin, or sex; or

(B) violated a prohibition against discrimination described in section 6711(b); and

[(9) "Secretary" means the Secretary of Housing and Urban Development.

[(b) DELEGATION OF ADMINISTRATION.—The Secretary may enter into agreements with other executive branch departments and agencies to delegate to that department or agency all or part of the Secretary's responsibility for administering this chapter.

[(c) TREATMENT OF SUBSUMED AREAS.—If the entire geographic area of a unit of general local government is located in a larger entity, the unit of general local government is deemed to be located in the larger entity. If only part of the geographic area of a unit is located in a larger entity, each part is deemed to be located in the larger entity and to be a separate unit of general local government in determining allocations under this chapter. Except as provided in regulations prescribed by the Secretary, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.

[(d) BOUNDARY AND OTHER CHANGES.—If a boundary line change, a State statutory or constitutional change, annexation, a governmental reorganization, or other circumstance results in the application of sections 6704 through 6708 in a way that does not carry out the purposes of sections 6701 through 6708, the Secretary shall apply sections 6701 through 6708 under regulations of the Secretary in a way that is consistent with those purposes.]

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**URBAN PARK AND RECREATION RECOVERY ACT OF 1978**

**TITLE X—URBAN PARK AND RECREATION RECOVERY PROGRAM**

**SHORT TITLE**

SEC. 1001. This title may be cited as the "Urban Park and Recreation Recovery Act of 1978".

\* \* \* \* \*

**DEFINITIONS**

SEC. 1004. When used in this title the term—

(a) \* \* \*

\* \* \* \* \*

(d) "at risk youth recreation grants" means—

[(1) rehabilitation grants,

[(2) innovation grants, or

[(3) matching grants for continuing program support for programs of demonstrated value or success in providing constructive alternatives to youth at risk for engaging in criminal behavior, including grants for operating, or coordinating recreation programs and services;

in neighborhoods and communities with a high prevalence of crime, particularly violent crime or crime committed by youthful offenders; in addition to the purposes specified in sub-

section (b), rehabilitation grants referred to in paragraph (1) of this subsection may be used for the provision of lighting, emergency phones or other capital improvements which will improve the security of urban parks;

[(e)] (d) "recovery action program grants" means matching grants to local governments for development of local park and recreation recovery action programs to meet the requirements of this title. Such grants will be for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to encourage public definition of goals, and develop priorities and strategies for overall recreation system recovery;

[(f)] (e) "maintenance" means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear;

[(g)] (f) "general purpose local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State, including the District of Columbia, and insular areas;

[(h)] (g) "special purpose local government" means any local or regional special district, public-purpose corporation or other limited political subdivision of a State, including but not limited to park authorities; park, conservation, water or sanitary districts; and school districts;

[(i)] (h) "private, nonprofit agency" means a community-based, non-profit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on either a neighborhood or communitywide basis through voluntary donations, voluntary labor, or public or private grants;

[(j)] (i) "State" means any State of the United States or any instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico, and insular areas; and

[(k)] (j) "insular areas" means Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

SEC. 1005. (a) \* \* \*

\* \* \* \* \*

(c) The Secretary shall also establish priority criteria for project selection and approval which consider such factors as—

(1) \* \* \*

\* \* \* \* \*

(6) the extent to which a proposed project would provide employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood and/or would provide for participation of neighborhood, nonprofit or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities *and*

(7) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation[; and].

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

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

[(B) Programs which teach important values and life skills, including teamwork, respect, leadership, and self-esteem.

[(C) Programs which offer tutoring, remedial education, mentoring, and counseling in addition to recreation opportunities.

[(D) Programs which offer services during late night or other nonschool hours.

[(E) Programs which demonstrate collaboration between local park and recreation, juvenile justice, law enforcement, and youth social service agencies and non-governmental entities, including the private sector and community and nonprofit organizations.

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

[(G) Programs which show the greatest potential of being continued with non-Federal funds or which can serve as models for other communities.]

\* \* \* \* \*

LOCAL COMMITMENTS TO SYSTEM RECOVERY AND MAINTENANCE

SEC. 1007. (a) \* \* \*

(b) Action programs shall address, but are not limited to the following considerations:

(1) Rehabilitation of existing recreational sites and facilities, including general systemwide renovation; special rehabilitation requirements for recreational sites and facilities in areas of high population concentration and economic distress; and restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance.

(2) Local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including but not limited to recycling of abandoned schools and other public buildings for recreational purposes; multiple use of operating educational and other public buildings; purchase of recreation services on a contractual basis; use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents; integration of recovery program with federally assisted projects to maximize recreational opportunities through conversion of abandoned railroad and highway rights-of-way, waterfront, and other redevelopment efforts and such other federally assisted projects as may be appropriate; conversion of recreation use of street space, derelict land, and other public lands not now designated for neighborhood recreational use; and use

of various forms of compensated and uncompensated land regulation, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs. [In order to be eligible to receive "at-risk youth recreation grants" a local government shall amend its 5-year action program to incorporate the goal of reducing crime and juvenile delinquency and to provide a description of the implementation strategies to achieve this goal. The plan shall also address how the local government is coordinating its recreation programs with crime prevention efforts of law enforcement, juvenile corrections, and youth social service agencies.]

\* \* \* \* \*

AUTHORIZATION OF APPROPRIATIONS

SEC. 1013 [(a) IN GENERAL.—]. There are hereby authorized to be appropriated for the purposes of this title, not to exceed \$150,000,000 for each of the fiscal years 1979 through 1982, and \$125,000,000 in fiscal year 1983, such sums to remain available until expended. Not more than 3 per centum of the funds authorized in any fiscal year may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c), and not more than 10 per centum may be used for innovation grants pursuant to section 6 of this title. Grants made under this title for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated in any fiscal year. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

Notwithstanding any other provision of this Act, or any other law, or regulation, there is further authorized to be appropriated \$250,000 for each of the fiscal years 1979 through 1983, such sums to remain available until expended, to each of the insular areas. Such sums will not be subject to the matching provisions of this section, and may only be subject to such conditions, reports, plans, and agreements, if any, as determined by the Secretary.

[(b) PROGRAM SUPPORT.—Not more than 25 percent of the amounts made available under this title to any local government may be used for program support.]

\* \* \* \* \*

## DISSENTING VIEWS

We take strong exception to the contents of this bill.

It breaks the promise Congress made last year to the American people that we would put 100,000 *new* police on the streets to fight violent crime.

It eviscerates the promise of hope Congress made to our young people in a panoply of carefully targeted crime prevention programs.

And it destroys the overall balance among tough police, punishment and prisons programs and smart crime prevention programs that was achieved after long bipartisan negotiation in last year's crime bill, the Violent Crime Control and Law Enforcement Act of 1994.

For all of that good work—good work that is even now helping fight crime in communities all over America—this bill substitutes an elusive, chameleon-like block grant program. That block grant program purports to be all things to all people. But in the final analysis, it turns out to be nothing to anyone.

The \$10 billion this bill authorizes come from two sources: the approximately \$7.5 billion of funds authorized in the “out years” (fiscal year 1996 and beyond) for the “Cops on the Beat” program in the 1994 Crime Bill, and the approximately \$5.0 billion authorized in the “out years” for prevention programs in the same bill. Of that total of \$12.5 billion, approximately \$2.5 billion were allocated by a companion bill (H.R. 729) to building prisons.

So, let it be clear. This bill cuts funding for both cops and prevention.

But, it does more than that. It destroys these programs as concepts.

It virtually eliminates any standards to which local officials will be held in the expenditure of that diminished pool of funds, beyond the vague requirement that they be used “for reducing crime and improving public safety.”

In short, these funds can—and no doubt will in too many cases—be used by local officials for ill-advised, wasteful and even counter-productive uses.

There is absolutely no assurance whatever that a single new cop will be hired or that any prevention program that works will be funded.

We say that with no joy, but with sad recognition of the history of another failed program hauntingly similar to this one—the block grants program of the Law Enforcement Assistance Administration, a Nixon administration “crime fighting” initiative.

That program also showered block grants on local officials, supposedly to be used for fighting crime. But in less than three years it was denounced by the Alabama State Attorney General as “a politician's dream for the biggest pork barrel of them all.”

Funds under the LEAA program were thrown away on airplanes that were used for the private purposes of State officials, Army combat tanks, limousines, radio equipment that didn't work and computers that were left to rot in warehouses, employment of politician's friends and relatives, and foolish "consulting" fees.

There is nothing whatever within this bill to prevent similar horror stories from happening again.

Proponents of this bill argue that these federal dollars, taken from the taxes of hard-working Americans all over the land, should be showered back without meaningful guidelines, all in the name of "local control." We say that mindlessly obstinate and ideologically-inspired mantra will result at the end of five years in billions of dollars being thrown down a rat-hole, with no evidence of what they were used for or whether any results were obtained.

Our point of view is this—we want to keep last year's promise to the American people of 100,000 new cops on the streets. We want to keep last year's promise to America's youth that they will be given meaningful alternatives to guns, drugs, and gangs.

Our position is simple: keep the real cops and real prevention in the 1994 Crime BILL. Don't repeat "the biggest pork barrel of them all," which is what this bill will do.

JOHN CONYERS.  
PATRICIA SCHROEDER.  
JACK REED.  
JERROLD NADLER.  
XAVIER BECERRA.  
MELVIN L. WATT.  
CHARLES SCHUMER.  
SHEILA JACKSON-LEE  
ROBERT C. SCOTT.

