

105TH CONGRESS
2D SESSION

S. 1893

To establish a law enforcement block grant program.

IN THE SENATE OF THE UNITED STATES

MARCH 31, 1998

Mr. DEWINE (for himself, Mr. HATCH, Mr. LEAHY, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a law enforcement block grant program.

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

3 **SECTION 1. SHORT TITLE; DEFINITIONS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Local Government Law Enforcement Block Grant Act of
6 1998”.

7 (b) **DEFINITIONS.**—In this Act:

8 (1) **DIRECTOR.**—The term “Director” means
9 the Director of the Bureau of Justice Assistance of
10 the Department of Justice.

1 (2) JUVENILE.—The term “juvenile” means an
2 individual who is 17 years of age or younger.

3 (3) LAW ENFORCEMENT EXPENDITURES.—The
4 term “law enforcement expenditures” means the
5 current operation expenditures associated with po-
6 lice, prosecutorial, legal, and judicial services, and
7 corrections as reported to the Bureau of the Census.

8 (4) PART 1 VIOLENT CRIMES.—The term “part
9 1 violent crimes” means murder and nonnegligent
10 manslaughter, forcible rape, robbery, and aggravated
11 assault as reported to the Federal Bureau of Inves-
12 tigation for purposes of the Uniform Crime Reports.

13 (5) PAYMENT PERIOD.—The term “payment
14 period” means each 1-year period beginning on Oc-
15 tober 1 of any year in which a grant under this Act
16 is awarded.

17 (6) STATE.—The term “State” means any
18 State of the United States, the District of Columbia,
19 the Commonwealth of Puerto Rico, the Virgin Is-
20 lands, American Samoa, Guam, and the Northern
21 Mariana Islands, except that American Samoa,
22 Guam, and the Northern Mariana Islands shall be
23 considered as 1 State and that, for purposes of sec-
24 tion 5(a), 33 percent of the amounts allocated shall
25 be allocated to American Samoa, 50 percent to

1 Guam, and 17 percent to the Northern Mariana Is-
 2 lands.

3 (7) UNIT OF LOCAL GOVERNMENT.—The term
 4 “unit of local government” means—

5 (A) a county, township, city, or political
 6 subdivision of a county, township, or city, that
 7 is a general purpose unit of local government,
 8 as determined by the Secretary of Commerce
 9 for general statistical purposes, including a par-
 10 ish sheriff in the State of Louisiana;

11 (B) the District of Columbia and the rec-
 12 ognized governing body of an Indian tribe or
 13 Alaska Native village that carries out substan-
 14 tial governmental duties and powers; and

15 (C) the Commonwealth of Puerto Rico, in
 16 addition to being considered a State, for the
 17 purposes set forth in section 2(a)(2).

18 **SEC. 2. PAYMENTS TO LOCAL GOVERNMENTS.**

19 (a) PAYMENT AND USE.—

20 (1) PAYMENT.—The Director shall pay to each
 21 unit of local government that qualifies for a payment
 22 under this Act an amount equal to the sum of any
 23 amounts allocated to such unit under this Act for
 24 each payment period. The Director shall pay such

1 amount from amounts appropriated to carry out this
2 Act.

3 (2) USE.—Amounts paid to a unit of local gov-
4 ernment under this section shall be used by the unit
5 for reducing crime and improving public safety, in-
6 cluding but not limited to, 1 or more of the following
7 purposes:

8 (A)(i) Hiring, training, and employing on a
9 continuing basis new, additional law enforce-
10 ment officers and necessary support personnel.

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

15 (iii) Procuring equipment, technology, and
16 other material directly related to basic law en-
17 forcement functions.

18 (B) Enhancing security measures—

19 (i) in and around schools; and

20 (ii) in and around any other facility or
21 location that is considered by the unit of
22 local government to have a special risk for
23 incidents of crime.

24 (C) Establishing crime prevention pro-
25 grams that may, though not exclusively, involve

1 law enforcement officials and that are intended
2 to discourage, disrupt, or interfere with the
3 commission of criminal activity, including
4 neighborhood watch and citizen patrol pro-
5 grams, sexual assault and domestic violence
6 programs, and programs intended to prevent ju-
7 venile crime.

8 (D) Establishing or supporting drug
9 courts.

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

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

17 (G) Enhancing programs under subpart 1
18 of part E of the Omnibus Crime Control and
19 Safe Streets Act of 1968.

20 (H) Establishing cooperative task forces
21 between adjoining units of local government to
22 work cooperatively to prevent and combat crimi-
23 nal activity, particularly criminal activity that is
24 exacerbated by drug or gang-related involve-
25 ment.

1 (I) Establishing a multijurisdictional task
2 force, particularly in rural areas, composed of
3 law enforcement officials representing units of
4 local government, that works with Federal law
5 enforcement officials to prevent and control
6 crime.

7 (J) Establishing or supporting programs
8 designed to collect, record, retain, and dissemi-
9 nate information useful in the identification,
10 prosecution, and sentencing of offenders, such
11 as criminal history information, fingerprints,
12 DNA tests, and ballistics tests.

13 (3) DEFINITIONS.—In this subsection—

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

17 (B) the term “drug courts” means a pro-
18 gram that involves—

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

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

1 (I) mandatory periodic testing for
2 the use of controlled substances or
3 other addictive substances during any
4 period of supervised release or proba-
5 tion for each participant;

6 (II) substance abuse treatment
7 for each participant;

8 (III) probation, or other super-
9 vised release involving the possibility
10 of prosecution, confinement, or incar-
11 ceration based on noncompliance with
12 program requirements or failure to
13 show satisfactory progress; and

14 (IV) programmatic, offender
15 management, and aftercare services
16 such as relapse prevention, vocational
17 job training, job placement, and hous-
18 ing placement.

19 (b) PROHIBITED USES.—Notwithstanding any other
20 provision of this Act, a unit of local government may not
21 expend any of the funds provided under this Act to pur-
22 chase, lease, rent, or otherwise acquire—

23 (1) tanks or armored personnel carriers;

24 (2) fixed wing aircraft;

25 (3) limousines;

1 (4) real estate;

2 (5) yachts;

3 (6) consultants; or

4 (7) vehicles not primarily used for law enforce-
5 ment;

6 unless the Attorney General certifies that extraordinary
7 and exigent circumstances exist that make the use of
8 funds for such purposes essential to the maintenance of
9 public safety and good order in such unit of local govern-
10 ment. With regard to paragraph (2), such circumstances
11 shall be deemed to exist with respect to a unit of local
12 government in a rural State, as defined in section 1501
13 of the Omnibus Crime Control and Safe Streets Act of
14 1968 (42 U.S.C. 3796bb), upon certification by the chief
15 law enforcement officer of the unit of local government
16 that the unit of local government is experiencing an in-
17 crease in production or cultivation of a controlled sub-
18 stance or listed chemical (as defined in section 102 of the
19 Controlled Substances Act), and that the fixed wing air-
20 craft will be used in the detection, disruption, or abate-
21 ment of such production or cultivation.

22 (c) TIMING OF PAYMENTS.—The Director shall pay
23 each unit of local government that has submitted an appli-
24 cation under this Act not later than the later of—

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

3 (2) the first day of the payment period if the
4 unit of local government has provided the Director
5 with the assurances required by section 4(c).

6 (d) ADJUSTMENTS.—

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

12 (2) CONSIDERATIONS.—The Director may in-
13 crease or decrease under this subsection a payment
14 to a unit of local government only if the Director de-
15 termines the need for the increase or decrease, or if
16 the unit requests the increase or decrease, not later
17 than 1 year after the end of the payment period for
18 which a payment was made.

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

1 allocation of amounts among the units of local government
2 in the State.

3 (f) REPAYMENT OF UNEXPENDED AMOUNTS.—

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

8 (A) paid to the unit from amounts appro-
9 priated under the authority of this section; and

10 (B) not expended by the unit within 2
11 years after receipt of such funds from the Di-
12 rector.

13 (2) PENALTY FOR FAILURE TO REPAY.—If the
14 amount required to be repaid is not repaid, the Di-
15 rector shall reduce payment in future payment peri-
16 ods accordingly.

17 (3) DEPOSIT OF AMOUNTS REPAID.—Amounts
18 received by the Director as repayments under this
19 subsection shall be deposited in a designated fund
20 for future payments to units of local government.
21 Any amounts remaining in such designated fund
22 after 5 years following the date of enactment of this
23 Act shall be applied to the Federal deficit or, if there
24 is no Federal deficit, to reducing the Federal debt.

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

7 (h) MATCHING FUNDS.—The Federal share of a
8 grant received under this Act may not exceed 90 percent
9 of the costs of a program or proposal funded under this
10 Act. No funds provided under this Act may be used as
11 matching funds for any other Federal grant program.

12 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this Act
15 \$750,000,000 for each of fiscal years 1998 through 2003.

16 (b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRA-
17 TION.—Not more than 3 percent of the amount authorized
18 to be appropriated under subsection (a) for each of the
19 fiscal years 1998 through 2003 shall be available to the
20 Attorney General for studying the overall effectiveness and
21 efficiency of the provisions of this Act, and assuring com-
22 pliance with the provisions of this Act and for administra-
23 tive costs to carry out the purposes of this Act. From the
24 amount described in the preceding sentence, the Bureau
25 of Justice Assistance shall receive such sums as may be

1 necessary for the actual costs of administration and mon-
2 itoring. The Attorney General shall establish and execute
3 an oversight plan for monitoring the activities of grant re-
4 cipients. Such sums are to remain available until ex-
5 pended.

6 (c) FUNDING SOURCE.—Appropriations for activities
7 authorized in this Act may be made from the Violent
8 Crime Reduction Trust Fund.

9 (d) TECHNOLOGY ASSISTANCE.—Of the amount ap-
10 propriated under subsection (a) for each of fiscal years
11 1998 through 2003, the Attorney General shall reserve—

12 (1) 3 percent for use by the Bureau of Justice
13 Assistance, in coordination with the Bureau of Jus-
14 tice Statistics, for the State Identification Systems
15 (SIS) Grant Program for information and identifica-
16 tion technology, including the Integrated Automated
17 Fingerprint Identification System (IAFIS), DNA,
18 and ballistics systems; and

19 (2) 3 percent for use by the National Institute
20 of Justice in assisting units of local government to
21 identify, select, develop, modernize, and purchase
22 new technologies for use by law enforcement.

23 (e) AVAILABILITY.—The amounts appropriated
24 under subsection (a) shall remain available until expended.

1 **SEC. 4. QUALIFICATION FOR PAYMENT.**

2 (a) IN GENERAL.—The Director shall issue regula-
3 tions establishing procedures under which a unit of local
4 government is required to provide notice to the Director
5 regarding the proposed use of funds made available under
6 this Act.

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

10 (c) GENERAL REQUIREMENTS FOR QUALIFICA-
11 TION.—A unit of local government qualifies for a payment
12 under this Act for a payment period only if the unit of
13 local government submits an application to the Director
14 and establishes, to the satisfaction of the Director, that—

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

17 (A) includes, but is not limited to, a rep-
18 resentative from—

19 (i) the local police department or local
20 sheriff's department;

21 (ii) the local prosecutor's office;

22 (iii) the local court system;

23 (iv) the local public school system;

24 and

25 (v) a local nonprofit, educational, reli-
26 gious, or community group active in crime

1 prevention or drug use prevention or treat-
2 ment;

3 (B) has reviewed the application; and

4 (C) is designated to make nonbinding rec-
5 ommendations to the unit of local government
6 for the use of funds received under this Act;

7 (2) the chief executive officer of the State has
8 had not less than 20 days to review and comment
9 on the application prior to submission to the Direc-
10 tor;

11 (3)(A) the unit of local government will estab-
12 lish a trust fund in which the government will de-
13 posit all payments received under this Act; and

14 (B) the unit of local government will use
15 amounts in the trust fund (including interest) dur-
16 ing a period not to exceed 2 years from the date the
17 first grant payment is made to the unit of local gov-
18 ernment;

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

23 (5) the unit of local government will use ac-
24 counting, audit, and fiscal procedures that conform
25 to guidelines, which shall be prescribed by the Direc-

1 tor after consultation with the Comptroller General
2 of the United States and as applicable, amounts re-
3 ceived under this Act shall be audited in compliance
4 with the Single Audit Act of 1984;

5 (6) after reasonable notice from the Director or
6 the Comptroller General of the United States to the
7 unit of local government, the unit of local govern-
8 ment will make available to the Director and the
9 Comptroller General of the United States, with the
10 right to inspect, records that the Director reasonably
11 requires to review compliance with this Act or that
12 the Comptroller General of the United States rea-
13 sonably requires to review compliance and operation;

14 (7) a designated official of the unit of local gov-
15 ernment shall make reports the Director reasonably
16 requires, in addition to the annual reports required
17 under this Act;

18 (8) the unit of local government will spend the
19 funds made available under this Act only for the
20 purposes set forth in section 2(a)(2);

21 (9) the unit of local government will achieve a
22 net gain in the number of law enforcement officers
23 who perform nonadministrative public safety service
24 if such unit uses funds received under this Act to in-

1 crease the number of law enforcement officers as de-
2 scribed under section 2(a)(2)(A);

3 (10) the unit of local government—

4 (A) has an adequate process to assess the
5 impact of any enhancement of a school security
6 measure that is undertaken under section
7 2(a)(2)(B), or any crime prevention programs
8 that are established under subparagraphs (C)
9 and (E) of section 2(a)(2), on the incidence of
10 crime in the geographic area where the en-
11 hancement is undertaken or the program is es-
12 tablished;

13 (B) will conduct such an assessment with
14 respect to each such enhancement or program;
15 and

16 (C) will submit an annual written assess-
17 ment report to the Director; and

18 (11) the unit of local government has estab-
19 lished procedures to give members of the Armed
20 Forces who, on or after October 1, 1990, were or
21 are selected for involuntary separation (as described
22 in section 1141 of title 10, United States Code), ap-
23 proved for separation under section 1174a or 1175
24 of such title, or retired pursuant to the authority
25 provided under section 4403 of the Defense Conver-

1 sion, Reinvestment, and Transition Assistance Act of
2 1992 (division D of Public Law 102–484; 10 U.S.C.
3 1293 note), a suitable preference in the employment
4 of persons as additional law enforcement officers or
5 support personnel using funds made available under
6 this Act. The nature and extent of such employment
7 preference shall be jointly established by the Attor-
8 ney General and the Secretary of Defense. To the
9 extent practicable, the Director shall endeavor to in-
10 form members who were separated between October
11 1, 1990, and the date of enactment of this Act of
12 their eligibility for the employment preference.

13 (d) SANCTIONS FOR NONCOMPLIANCE.—

14 (1) IN GENERAL.—If the Director determines
15 that a unit of local government has not complied
16 substantially with the requirements or regulations
17 prescribed under subsections (a) and (c), the Direc-
18 tor shall notify the unit of local government that if
19 the unit of local government does not take corrective
20 action within 60 days of such notice, the Director
21 will withhold additional payments to the unit of local
22 government for the current and future payment peri-
23 ods until the Director is satisfied that the unit of
24 local government—

1 (A) has taken the appropriate corrective
2 action; and

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

6 (2) NOTICE.—Before giving notice under para-
7 graph (1), the Director shall give the chief executive
8 officer of the unit of local government reasonable no-
9 tice and an opportunity for comment.

10 (e) MAINTENANCE OF EFFORT REQUIREMENT.—A
11 unit of local government qualifies for a payment under this
12 Act for a payment period only if the unit's expenditures
13 on law enforcement services (as reported by the Bureau
14 of the Census) for the fiscal year preceding the fiscal year
15 in which the payment period occurs were not less than
16 90 percent of the unit's expenditures on such services for
17 the second fiscal year preceding the fiscal year in which
18 the payment period occurs.

19 **SEC. 5. ALLOCATION AND DISTRIBUTION OF FUNDS.**

20 (a) STATE SET-ASIDE.—

21 (1) IN GENERAL.—Of the total amounts appro-
22 priated for this Act for each payment period, the Di-
23 rector shall allocate for units of local government in
24 each State an amount that bears the same ratio to
25 such total as the average annual number of part 1

1 violent crimes reported by such State to the Federal
2 Bureau of Investigation for the 3 most recent cal-
3 endar years for which such data is available, bears
4 to the number of part 1 violent crimes reported by
5 all States to the Federal Bureau of Investigation for
6 such years.

7 (2) MINIMUM REQUIREMENT.—Each State shall
8 receive not less than 0.5 percent of the total
9 amounts appropriated under section 3 under this
10 subsection for each payment period.

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

24 (b) LOCAL DISTRIBUTION.—

1 (1) IN GENERAL.—From the amount reserved
2 for each State under subsection (a), the Director
3 shall allocate among units of local government an
4 amount that bears the same ratio to the aggregate
5 amount of such funds as

6 (A) the product of—

7 (i) two-thirds; multiplied by

8 (ii) the ratio of the average annual
9 number of part 1 violent crimes in such
10 unit of local government for the 3 most re-
11 cent calendar years for which such data is
12 available, to the sum of such violent crime
13 in all units of local government in the
14 State; and

15 (B) the product of—

16 (i) one-third; multiplied by

17 (ii) the ratio of the law enforcement
18 expenditure, for such unit of local govern-
19 ment for the most recent year for which
20 such data are available, to such expendi-
21 tures for all units of local government in
22 the State.

23 (2) EXPENDITURES.—The allocation any unit
24 of local government shall receive under paragraph
25 (1) for a payment period shall not exceed 100 per-

1 cent of law enforcement expenditures of the unit for
2 such payment period.

3 (3) REALLOCATION.—The amount of any unit
4 of local government's allocation that is not available
5 to such unit by operation of paragraph (2) shall be
6 available to other units of local government that are
7 not affected by such operation in accordance with
8 this subsection.

9 (4) LOCAL GOVERNMENTS WITH ALLOCATIONS
10 OF LESS THAN \$10,000.—If under paragraph (1) a
11 unit of local government is allotted less than
12 \$10,000 for the payment period, the amount allotted
13 shall be transferred to the chief executive officer of
14 the State who shall distribute such funds among
15 State police departments that provide law enforce-
16 ment services to units of local government and units
17 of local government whose allotment is less than
18 such amount in a manner that reduces crime and
19 improves public safety.

20 (5) SPECIAL RULE.—If a unit of local govern-
21 ment in the State has been annexed since the date
22 of the collection of the data used by the Director in
23 making allocations pursuant to this section, the Di-
24 rector shall pay the amount that would have been al-

1 located to such unit of local government to the unit
2 of local government that annexed it.

3 (c) GRANTS TO INDIAN TRIBES.—Notwithstanding
4 subsections (a) and (b), of the amount appropriated under
5 section 3(a) in each of fiscal years 1998 through 2003,
6 the Attorney General shall reserve 0.3 percent for grants
7 to Indian tribal governments performing law enforcement
8 functions, to be used for the purposes described in section
9 2. To be eligible to receive a grant with amounts set aside
10 under this subsection, an Indian tribal government shall
11 submit to the Attorney General an application in such
12 form and containing such information as the Attorney
13 General may by regulation require.

14 (d) UNAVAILABILITY AND INACCURACY OF INFORMA-
15 TION.—

16 (1) DATA FOR STATES.—For purposes of this
17 section, if data regarding part 1 violent crimes in
18 any State for the 3 most recent calendar years is
19 unavailable, insufficient, or substantially inaccurate,
20 the Director shall utilize the best available com-
21 parable data regarding the number of violent crimes
22 for such years for such State for the purposes of al-
23 location of any funds under this Act.

24 (2) POSSIBLE INACCURACY OF DATA FOR UNITS
25 OF LOCAL GOVERNMENT.—In addition to the provi-

1 sions of paragraph (1), if the Director believes that
 2 the reported rate of part 1 violent crimes or legal ex-
 3 penditure information for a unit of local government
 4 is insufficient or inaccurate, the Director shall—

5 (A) investigate the methodology used by
 6 such unit to determine the accuracy of the sub-
 7 mitted data; and

8 (B) when necessary, use the best available
 9 comparable data regarding the number of vio-
 10 lent crimes or legal expenditure information for
 11 such years for such unit of local government.

12 **SEC. 6. UTILIZATION OF PRIVATE SECTOR.**

13 Funds or a portion of funds allocated under this Act
 14 may be utilized to contract with private, nonprofit entities
 15 or community-based organizations to carry out the pur-
 16 poses specified under section 2(a)(2).

17 **SEC. 7. PUBLIC PARTICIPATION.**

18 (a) IN GENERAL.—A unit of local government ex-
 19 pending payments under this Act shall hold not less than
 20 1 public hearing on the proposed use of the payment from
 21 the Director in relation to its entire budget.

22 (b) VIEWS.—At the hearing, persons shall be given
 23 an opportunity to provide written and oral views to the
 24 unit of local government authority responsible for enacting
 25 the budget.

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

4 **SEC. 8. ADMINISTRATIVE PROVISIONS.**

5 The administrative provisions of part H of the Omni-
6 bus Crime Control and Safe Streets Act of 1968 (42
7 U.S.C. 3782 et seq.), shall apply to this Act and for pur-
8 poses of this section any reference in such provisions to
9 title I of the Omnibus Crime Control and Safe Streets Act
10 of 1968 (42 U.S.C. 3711 et seq.) shall be deemed to be
11 a reference to this Act.

○