

Calendar No. 579

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4051**

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IN THE SENATE OF THE UNITED STATES

APRIL 12, 2000

Received

MAY 24, 2000

Read the first time

MAY 25, 2000

Read the second time and placed on the calendar

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**AN ACT**

To establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Project Exile: The Safe  
3 Streets and Neighborhoods Act of 2000”.

4 **SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.**

5 (a) PROGRAM ESTABLISHED.—Title II of the Violent  
6 Crime Control and Law Enforcement Act of 1994 is  
7 amended—

8 (1) by redesignating subtitle D as subtitle E;  
9 and

10 (2) by inserting after subtitle C the following  
11 new subtitle:

12 **“Subtitle D—Firearms Sentencing**  
13 **Incentive Grants**

14 **“SEC. 20351. DEFINITIONS.**

15 “For purposes of this subtitle:

16 “(1) The term ‘violent crime’ means murder  
17 and nonnegligent manslaughter, forcible rape, rob-  
18 bery, and aggravated assault, or a crime in a reason-  
19 ably comparable class of serious violent crimes as  
20 approved by the Attorney General.

21 “(2) The term ‘serious drug trafficking crime’  
22 means an offense under State law for the manufac-  
23 ture or distribution of a controlled substance, for  
24 which State law authorizes to be imposed a sentence  
25 to a term of imprisonment of 10 years or more.

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

6           “(4) The term ‘State’ means a State of the  
7 United States, the District of Columbia, the Com-  
8 monwealth of Puerto Rico, the United States Virgin  
9 Islands, American Samoa, Guam, and the Northern  
10 Mariana Islands.

11 **“SEC. 20352. AUTHORIZATION OF GRANTS.**

12           “(a) IN GENERAL.—From amounts made available to  
13 carry out this subtitle, the Attorney General shall provide  
14 Firearms Sentencing Incentive grants under section  
15 20353 to eligible States.

16           “(b) ALLOWABLE USES.—Such grants may be used  
17 by a State only for the following purposes:

18           “(1) To support—

19                   “(A) law enforcement agencies;

20                   “(B) prosecutors;

21                   “(C) courts;

22                   “(D) probation officers;

23                   “(E) correctional officers;

24                   “(F) the juvenile justice system;

1           “(G) the expansion, improvement, and co-  
2           ordination of criminal history records; or

3           “(H) case management programs involving  
4           the sharing of information about serious offend-  
5           ers.

6           “(2) To carry out a public awareness and com-  
7           munity support program described in section  
8           20353(a)(2).

9           “(3) To build or expand correctional facilities.

10          “(c) SUBGRANTS.—A State may use such grants di-  
11          rectly or by making subgrants to units of local government  
12          within that State.

13          **“SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.**

14          “(a) ELIGIBILITY.—Except as provided in subsection  
15          (b), to be eligible to receive a grant award under this sec-  
16          tion, a State shall submit an application to the Attorney  
17          General that complies with the following:

18                 “(1) The application shall demonstrate that  
19                 such State has implemented firearms sentencing  
20                 laws requiring one or more of the following:

21                         “(A) Any person who, during and in rela-  
22                         tion to any violent crime or serious drug traf-  
23                         ficking crime, uses or carries a firearm, shall,  
24                         in addition to the punishment provided for such  
25                         crime of violence or serious drug trafficking

1 crime, be sentenced to a term of imprisonment  
2 of not less than 5 years (without the possibility  
3 of parole during that term).

4 “(B) Any person who, having at least one  
5 prior conviction for a violent crime, possesses a  
6 firearm, shall, for such possession, be sentenced  
7 to a term of imprisonment of not less than 5  
8 years (without the possibility of parole during  
9 that term).

10 “(2) The application shall demonstrate that  
11 such State has implemented, or will implement not  
12 later than 6 months after receiving a grant under  
13 this subtitle, a public awareness and community sup-  
14 port program that seeks to build support for, and  
15 warns potential violators of, the firearms sentencing  
16 laws implemented under paragraph (1).

17 “(3) The application shall provide assurances  
18 that such State—

19 “(A) will coordinate with Federal prosecu-  
20 tors and Federal law enforcement agencies  
21 whose jurisdictions include such State, so as to  
22 promote Federal involvement and cooperation in  
23 the enforcement of laws within that State; and

1           “(B) will allocate its resources in a manner  
2           calculated to reduce crime in the high-crime  
3           areas of the State.

4           “(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

5           “(1) IN GENERAL.—A State that is unable to  
6           demonstrate in its application that such State meets  
7           the requirement of subsection (a)(1) shall be eligible  
8           to receive a grant award under this section notwith-  
9           standing that inability if that State, in such applica-  
10          tion, provides assurances that such State has in ef-  
11          fect an equivalent Federal prosecution agreement.

12          “(2) EQUIVALENT FEDERAL PROSECUTION  
13          AGREEMENT.—For purposes of paragraph (1), an  
14          equivalent Federal prosecution agreement is an  
15          agreement with appropriate Federal authorities that  
16          ensures one or more of the following:

17                 “(A) If a person engages in the conduct  
18                 specified in subsection (a)(1)(A), but the con-  
19                 viction of that person under State law for that  
20                 conduct is not certain to result in the imposi-  
21                 tion of an additional sentence as specified in  
22                 that subsection, that person is referred for  
23                 prosecution for such conduct under Federal  
24                 law.

1           “(B) If a person engages in the conduct  
2           specified in subsection (a)(1)(B), but the con-  
3           viction of that person under State law for that  
4           conduct is not certain to result in the imposi-  
5           tion of a sentence as specified in that sub-  
6           section, that person is referred for prosecution  
7           for such conduct under Federal law.

8   **“SEC. 20354. FORMULA FOR GRANTS.**

9           “(a) IN GENERAL.—The amount available for grants  
10          under section 20353 for any fiscal year shall be allocated  
11          to each eligible State, in the ratio that the number of part  
12          1 violent crimes reported by such State to the Federal Bu-  
13          reau of Investigation for the 3 years preceding the year  
14          in which the determination is made, bears to the average  
15          annual number of part 1 violent crimes reported by all  
16          eligible States to the Federal Bureau of Investigation for  
17          the 3 years preceding the year in which the determination  
18          is made.

19          “(b) UNAVAILABLE DATA.—If data regarding part 1  
20          violent crimes in any State is substantially inaccurate or  
21          is unavailable for the 3 years preceding the year in which  
22          the determination is made, the Attorney General shall uti-  
23          lize the best available comparable data regarding the num-  
24          ber of violent crimes for the previous year for the State  
25          for the purposes of allocation of funds under this subtitle.

1 **“SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) **AUTHORIZATIONS.**—There are authorized to be  
3 appropriated to carry out this subtitle—

4 “(1) \$10,000,000 for fiscal year 2001;

5 “(2) \$15,000,000 for fiscal year 2002;

6 “(3) \$20,000,000 for fiscal year 2003;

7 “(4) \$25,000,000 for fiscal year 2004; and

8 “(5) \$30,000,000 for fiscal year 2005.

9 “(b) **LIMITATIONS ON FUNDS.**—

10 “(1) **USES OF FUNDS.**—Funds made available  
11 pursuant to this subtitle shall be used only to carry  
12 out the purposes described in section 20352(b).

13 “(2) **NONSUPPLANTING REQUIREMENT.**—Funds  
14 made available pursuant to this section shall not be  
15 used to supplant State funds, but shall be used to  
16 increase the amount of funds that would, in the ab-  
17 sence of Federal funds, be made available from  
18 State sources.

19 “(3) **ADMINISTRATIVE COSTS.**—Not more than  
20 3 percent of the funds made available pursuant to  
21 this section shall be available to the Attorney Gen-  
22 eral for purposes of administration, research and  
23 evaluation, technical assistance, and data collection.

24 “(4) **CARRYOVER OF APPROPRIATIONS.**—Funds  
25 appropriated pursuant to this section during any fis-  
26 cal year shall remain available until expended.



1           “(5) MATCHING FUNDS.—The Federal share of  
2           a grant received under this subtitle may not exceed  
3           90 percent of the costs of a proposal as described in  
4           an application approved under this subtitle.

5   **“SEC. 20356. REPORT BY THE ATTORNEY GENERAL.**

6           “Beginning on October 1, 2001, and each subsequent  
7   July 1 thereafter, the Attorney General shall submit to  
8   the Committee on the Judiciary of the Senate and the  
9   Committee on the Judiciary of the House of Representa-  
10   tives a report on the implementation of this subtitle. The  
11   report shall include information regarding the eligibility  
12   of States under section 20353 and the distribution and  
13   use of funds under this subtitle.”.

14          (b) CLERICAL AMENDMENT.—The table of contents  
15   in section 2 of that Act is amended—

16           (1) by redesignating the item relating to sub-  
17   title D of title II as subtitle E of such title; and

18           (2) by inserting after subtitle C of such title the  
19   following:

                  “Subtitle D—Firearms Sentencing Incentive Grants

                  “Sec. 20351. Definitions.

                  “Sec. 20352. Authorization of grants.

                  “Sec. 20353. Firearms sentencing incentive grants.

                  “Sec. 20354. Formula for grants.

                  “Sec. 20355. Authorization of appropriations.

                  “Sec. 20356. Report by the Attorney General.”.

                  Passed the House of Representatives April 11, 2000.

Attest:

                  JEFF TRANDAHL,

*Clerk.*

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