

TO AUTHORIZE FUNDING TO CONDUCT A NATIONAL  
 TRAINING PROGRAM FOR STATE AND LOCAL PROSECU-  
 TORS

—————  
 JULY 29, 2008.—Committed to the Committee of the Whole House on the State of  
 the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 6083]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill  
 (H.R. 6083) to authorize funding for the National Advocacy Center,  
 having considered the same, reports favorably thereon with amend-  
 ments and recommends that the bill as amended do pass.

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THE AMENDMENTS

The amendments are as follows:  
 Strike all after the enacting clause and insert the following:

**SECTION 1. TRAINING FOR STATE AND LOCAL PROSECUTORS.**

The Attorney General is authorized to award a grant to a nonprofit organization (such as the National District Attorneys Association) to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

**SEC. 2. COMPREHENSIVE CONTINUING LEGAL EDUCATION.**

The Attorney General may provide assistance to the grantee under section 1 to carry out the training program described in such section, including comprehensive continuing legal education in the areas of trial practice, substantive legal updates, support staff training, and any other assistance the Attorney General determines to be appropriate.

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

There are authorized to be appropriated to the Attorney General to carry out this Act \$6,500,000 for each of the fiscal years 2009 through 2012, to remain available until expended.

Amend the title so as to read:

A bill to authorize funding to conduct a national training program for State and local prosecutors.

## PURPOSE AND SUMMARY

H.R. 6083 will authorize the United States Attorney General to grant funding for providing State and local prosecutors with specialized training to prosecute difficult crimes such as child and elder abuse, identity theft, and gang-related activities, as well as crimes presenting complex evidentiary issues involving the use of DNA. In the past, the Attorney General has provided funding through various grant programs (most often Byrne-Justice Assistance Grants), to the National District Attorneys Association (NDAA) for this purpose. Unfortunately, funding for this critical training has decreased in recent years, primarily because the NDAA has had to compete with other grant applicants for increasingly scarce resources. By authorizing a separate appropriation, H.R. 6083 better ensures that State and local prosecutor training programs will receive this important assistance.

## BACKGROUND AND NEED FOR THE LEGISLATION

## OVERVIEW

Since 1998, the NDAA provided valuable training for approximately 3,000 State and local prosecutors each year at the Ernest F. Hollings National Advocacy Center (NAC). The NDAA uses the NAC to equip the Nation's prosecutors with advocacy skills to represent their communities and constituents effectively in the courtroom in order to ensure community safety. It provides prosecutors with specialized knowledge and skills needed to: (1) effectively prosecute difficult crimes such as child/elder abuse and identity theft; (2) address quality of life issues in their communities such as gang-related activities; and (3) proficiently handle complex evidentiary issues, such as the use of DNA.

The NAC was originally envisioned by Attorney General Griffin Bell during the Carter Administration as a center for training the Nation's prosecutors. The concept was introduced to the NDAA by Attorney General William Barr during the first Bush Administration. During the Clinton Administration, then NDAA President Mike Barnes and Attorney General Janet Reno entered into a

Memorandum of Understanding to construct and operate the NAC as a joint effort by NDAA and the Department of Justice.

#### FUNDING HISTORY AND DIFFICULTIES

Historically, NDAA's training program at the NAC has been funded through Justice Department appropriations, specifically through the Edward Byrne Memorial Grants Program (Byrne-JAG). For fiscal year 2005, the NAC received \$4.75 million through Byrne-JAG. For fiscal year 2006, the NAC was funded through the Appropriations Act for the Department of Justice, which specifically designated that the funding (\$4.5 million) come from the Project Safe Neighborhoods Program.

For fiscal year 2007, a year-long continuing resolution was passed and it did not include the \$4.5 million funding for the NAC. The continuing resolution did, however, provide that the funds for the Byrne JAG and COPS programs would be appropriated to the Justice Department's Office of Justice Programs to be distributed through the competitive grant process. The NDAA applied for funding for the training program under two separate grants (fiscal year 2007 Byrne- JAG and the State and Local Prosecutors National Training Program). The Association received \$2 million in funding from the State and Local Prosecutors National Training Program, but received no funding through the Byrne Discretionary Grants program.

During the appropriations process for fiscal year 2008, Senator Lindsey Graham (R-SC) submitted to the Senate Commerce, Justice and Science Appropriations Subcommittee a request that \$6.5 million be appropriated for the NAC. Although the Senate passed appropriations legislation that included \$5 million for training at the NAC by the NDAA, its House counterpart did not include any such funding. Ultimately, the Consolidated Appropriations Act, FY 2008 enacted into law likewise did not include any funding for the NDAA's training program at the NAC.

The NDAA has been advised by the Justice Department that \$16 million in Byrne competitive grants are available for application by national organizations. Unfortunately, it is not likely that the NDAA will receive the previously requested \$6.5 million given the limited amount of funds and the potential number of grantees. Consequently, the NDAA has been forced to lay off four employees from its Education Division (comprised of the National College of District Attorneys and NAC staff) and terminate one contract employee. In addition, four employees from the Education Division have left the Association since January 2007 and, as a result of limited funding, have not been replaced.

#### HEARINGS

The Committee on the Judiciary held no hearings on H.R. 6083.

#### COMMITTEE CONSIDERATION

On July 16, 2008, the Committee met in open session and ordered the bill, H.R. 6083, favorably reported with an amendment, by voice vote, a quorum being present.

## COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 6083.

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises 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.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 6083, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 18, 2008.*

Hon. JOHN CONYERS, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 6083, a bill to authorize funding to conduct a national training program for State and local prosecutors.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Leigh Angres, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG,  
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.  
Ranking Member

*H.R. 6083—A bill to authorize funding to conduct a national training program for State and local prosecutors.*

## SUMMARY

H.R. 6083 would authorize the appropriation of \$6.5 million a year over the 2009–2012 period for the Department of Justice (DOJ) to award a grant for a national training program for State

and local prosecutors. CBO estimates that implementing the legislation would cost \$26 million over the 2009–2013 period. Enacting H.R. 6083 would not affect direct spending or revenues.

H.R. 6083 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

#### ESTIMATED COST TO THE FEDERAL GOVERNMENT

The costs of this legislation fall within budget function 750 (administration of justice). The estimated budgetary impact of H.R. 6083 is shown in the following table. For this estimate, CBO assumes that the legislation will be enacted near the start of 2009 and that the authorized amounts will be appropriated each year. Estimated outlays are based on historical spending patterns for similar DOJ grant programs.

By Fiscal Year, in Millions of Dollars

	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	7	7	7	7	0	26
Estimated Outlays	6	7	7	7	1	26

Note: Amounts do not sum to totals because of rounding.

#### INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 6083 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

#### PREVIOUS CBO ESTIMATE

On May 23, 2008, CBO transmitted a cost estimate for S. 2942, a bill to authorize funding for the National Advocacy Center, as ordered reported by the Senate Committee on the Judiciary on May 15, 2008. S. 2942 and H.R. 6083 are similar, and their estimated costs are identical.

#### ESTIMATE PREPARED BY:

Federal Costs: Leigh Angres (226–2860)  
 Impact on State, Local, and Tribal Governments: Melissa Merrell  
 (225–3220)  
 Impact on the Private Sector: Paige Piper/Bach (226–2940)

#### ESTIMATE APPROVED BY:

Theresa Gullo  
 Deputy Assistant Director for Budget Analysis

#### PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 6083 will authorize funding for a national training program for State and local prosecutors.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 18 of the Constitution.

## ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6083 does not contain any limited tax benefits or limited tariff benefits as defined in clause 9(e) or 9(f). The Committee is treating the bill, which authorizes a grant in a specific amount to a specific entity, as an earmark, as defined in clause 9(d), and is treating the sponsor of the bill, Representative John Spratt (SC-5), as the requester; the National District Attorneys Association, which operates its training program at the National Advocacy Center on the University of South Carolina Campus in Columbia, South Carolina, as the recipient; and the authorization, \$6.5 million per year for each of fiscal years 2009–2012, as the requested amount.

JOHN M. SPRATT, JR.  
5TH DISTRICT, SOUTH CAROLINA

[www.house.gov/spratt](http://www.house.gov/spratt)  
1401 LONGWORTH BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-5501

COMMITTEES:  
CHAIRMAN, BUDGET  
ARMED SERVICES

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

July 28, 2008

## DISTRICT OFFICES:

TOM GETTYS BUILDING  
BOX 350  
ROCK HILL, SOUTH CAROLINA 29731  
(803) 327-1114

707 BULTMAN DRIVE  
SUMTER, SOUTH CAROLINA 29150  
(803) 775-3362

88 PUBLIC SQUARE  
DARLINGTON, SOUTH CAROLINA 29132  
(843) 393-3938

The Honorable John Conyers, Chair  
The Honorable Lamar Smith, Ranking Member  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Conyers and Ranking Member Smith:

I am requesting funding for the National District Attorneys Association's (NDAA) training program conducted at the National Advocacy Center on the campus of the University of South Carolina in Columbia, South Carolina. The entity that would receive the funding is the NDAA, whose headquarters is 44 Canal Center Plaza, Suite 110 Alexandria, VA 22314.

The funding will be used to equip the Nation's prosecutors with advocacy skills to represent their communities and constituents effectively in the courtroom in order to ensure community safety. It provides prosecutors with specialized knowledge and skills needed to: (1) effectively prosecute difficult crimes such as child/elder abuse and identity theft; (2) address quality of life issues in their communities such as gang-related activities; and (3) proficiently handle complex evidentiary issues, such as the use of DNA.

I certify that neither I nor my spouse has any financial interest in this program.

Sincerely,



John M. Spratt, Jr.

## SECTION-BY-SECTION ANALYSIS

*Sec. 1. Training at the National Advocacy Center.* Section 1 authorizes the United States Attorney General to grant funding to a non-profit organization (such as the National District Attorneys Association) to use the National Advocacy Center for improving the skills of state and local prosecutors and to enable them to work more productively with Federal prosecutors.

*Sec. 2. Comprehensive Continuing Legal Education.* Section 2 provides that the Attorney General may assist in carrying out a comprehensive continuing legal education in the areas of trial practice, substantive legal updates, and support staff training authorized by section 1.

*Sec. 3. Authorization of Appropriations.* Section 3 authorizes appropriations in the amount of \$6.5 million for each of fiscal years 2009 through 2012 to carry out this Act.

