

TITLE II--IMPROVING THE DEPARTMENT OF JUSTICES GRANT PROGRAMS

Subtitle A--Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL- Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751-3759) is repealed.

(2) Such part is further amended--

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

Subpart 1--Edward Byrne Memorial Justice Assistance Grant Program;

(B) by amending section 500 to read as follows:

SEC. 500. NAME OF PROGRAM.

(a) IN GENERAL- The grant program established under this subpart shall be known as the Edward Byrne Memorial Justice Assistance Grant Program.

(b) REFERENCES TO FORMER PROGRAMS- Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).; and

(C) by inserting after section 500 the following new sections:

SEC. 501. DESCRIPTION.

(a) GRANTS AUTHORIZED-

(1) IN GENERAL- From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

(A) Law enforcement programs.

(B) Prosecution and court programs.

(C) Prevention and education programs.

(D) Corrections and community corrections programs.

(E) Drug treatment programs.

(F) Planning, evaluation, and technology improvement programs.

(2) RULE OF CONSTRUCTION- Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

(b) CONTRACTS AND SUBAWARDS- A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more--

(1) neighborhood or community-based organizations that are private and nonprofit;

(2) units of local government; or

(3) tribal governments.

(c) PROGRAM ASSESSMENT COMPONENT; WAIVER-

(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) PROHIBITED USES- Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order--

(A) vehicles, vessels, or aircraft;

(B) luxury items;

(C) real estate;

(D) construction projects (other than penal or correctional institutions); or

(E) any similar matters.

(e) ADMINISTRATIVE COSTS- Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

(f) PERIOD- The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

(g) RULE OF CONSTRUCTION- Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to

provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

SEC. 502. APPLICATIONS.

To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

- (1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
- (2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).
- (3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General--
 - (A) the application (or amendment) was made public; and
 - (B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.
- (4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.
- (5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that--
 - (A) the programs to be funded by the grant meet all the requirements of this subpart;
 - (B) all the information contained in the application is correct;
 - (C) there has been appropriate coordination with affected agencies; and
 - (D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

SEC. 503. REVIEW OF APPLICATIONS.

The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

SEC. 504. RULES.

The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

SEC. 505. FORMULA.

(a) ALLOCATION AMONG STATES-

(1) **IN GENERAL-** Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate--

(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of--

(i) the total population of a State to--

(ii) the total population of the United States; and

(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of--

(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to--

(ii) the average annual number of such crimes reported by all States for such years.

(2) **MINIMUM ALLOCATION-** If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a minimum allocation State), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead--

(A) allocate 0.25 percent of the total amount to each State; and

(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL

GOVERNMENT- Of the amounts allocated under subsection (a)--

(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

(2) 40 percent shall be for grants to be allocated under subsection (d).

(c) ALLOCATION FOR STATE GOVERNMENTS-

(1) IN GENERAL- Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of--

(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to--

(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

(2) REMAINING AMOUNTS- Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

(d) ALLOCATIONS TO LOCAL GOVERNMENTS-

(1) IN GENERAL- Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

(2) ALLOCATION-

(A) IN GENERAL- From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the local amount), the Attorney General shall allocate to each 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.

(B) TRANSITIONAL RULE- Notwithstanding subparagraph (A), for fiscal years 2005, 2006, and 2007, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

(3) ANNEXED UNITS- If a unit of local government in the State 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 such unit of local government to the unit of local government that annexed it.

(4) RESOLUTION OF DISPARATE ALLOCATIONS- (A)

Notwithstanding any other provision of this subpart, if--

(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or

incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

(ii) but for this paragraph, the amount of funds allocated under this section to--

(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term geographically constituent unit of local government means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT-

(1) **MAXIMUM ALLOCATION-** No unit of local government shall receive a total allocation under this section that exceeds such units total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

(2) **ALLOCATIONS UNDER \$10,000-** If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

(3) **NON-REPORTING UNITS-** No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the

Federal Bureau of Investigation within the immediately preceding 10 years.

(f) FUNDS NOT USED BY THE STATE- If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such States allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

(g) SPECIAL RULES FOR PUERTO RICO-

(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH

GOVERNMENT- Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

(2) NO LOCAL ALLOCATIONS- Subsections (c) and (d) shall not apply to Puerto Rico.

(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA- In carrying out this section with respect to the State of Louisiana, the term unit of local government means a district attorney or a parish sheriff.

SEC. 506. RESERVED FUNDS.

Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than--

(1) \$20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which \$1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

(2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

SEC. 507. INTEREST-BEARING TRUST FUNDS.

(a) TRUST FUND REQUIRED- A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

(b) EXPENDITURES-

(1) IN GENERAL- Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

(2) REPAYMENT- A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

(3) REDUCTION OF FUTURE AMOUNTS- If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

(c) REPAID AMOUNTS- Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subpart \$1,095,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008..

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS-

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES- Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760-3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT- Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a-3750d) is repealed.

(c) CONFORMING AMENDMENTS-

(1) CRIME IDENTIFICATION TECHNOLOGY ACT- Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking such as and all that follows through the M.O.R.E. program and inserting such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program.

(2) SAFE STREETS ACT- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended--

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking pursuant to section 511 or 515 and inserting pursuant to section 515;

(B) in section 520 (42 U.S.C. 3766)--

(i) in subsection (a)(1), by striking the program evaluations as required by section 501(c) of this part and inserting program evaluations;

(ii) in subsection (a)(2), by striking evaluations of programs funded under section 506 (formula grants) and sections 511

and 515 (discretionary grants) of this part and inserting evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part; and

(iii) in subsection (b)(2), by striking programs funded under section 506 (formula grants) and section 511 (discretionary grants) and inserting programs funded under section 505 (formula grants);

(C) in section 522 (42 U.S.C. 3766b)--

(i) in subsection (a), in the matter preceding paragraph (1), by striking section 506 and inserting section 505; and

(ii) in subsection (a)(1), by striking an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503 and inserting an assessment of the impact of such activities on meeting the purposes of subpart 1;

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)--

(i) by striking the purposes of section 501 of this title and inserting the purposes of such subpart 1; and

(ii) by striking the application submitted pursuant to section 503 of this title and inserting the application submitted pursuant to section 502 of this title;

(E) in section 808 (42 U.S.C. 3789), by striking the State office described in section 507 or 1408 and inserting the State office responsible for the trust fund required by section 507, or the State office described in section 1408,;

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking for the purposes of section 506(a) and inserting for the purposes of section 505(a);

(G) in section 1502 (42 U.S.C. 3796bb-1)--

(i) in paragraph (1), by striking section 506(a) and inserting section 505(a);

(ii) in paragraph (2)--

(I) by striking section 503(a) and inserting section 502; and

(II) by striking section 506 and inserting section 505;

(H) in section 1602 (42 U.S.C. 3796cc-1), in subsection (b), by striking The office designated under section 507 of title I and inserting The office responsible for the trust fund required by section 507;

(I) in section 1702 (42 U.S.C. 3796dd-1), in subsection (c)(1), by striking and reflects consideration of the statewide strategy under section 503(a)(1); and

(J) in section 1902 (42 U.S.C. 3796ff-1), in subsection (e), by striking The Office designated under section 507 and inserting The office responsible for the trust fund required by section 507.

(d) APPLICABILITY- The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.