

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
PROGRAM REAUTHORIZATION ACT OF 2012

JULY 31, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 6062]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 6062) to reauthorize the Edward Byrne Memorial Justice As-
sistance Grant Program through fiscal year 2017, having consid-
ered the same, report favorably thereon without amendment and
recommend that the bill do pass.

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Purpose and Summary

H.R. 6062 reauthorizes the Edward Byrne Memorial Justice As-
sistance Grant (Byrne JAG) program at \$800 million per year for
fiscal years 2013 through 2017.

Background and Need for the Legislation

The Byrne JAG program was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109–162), which combined two existing programs—the Edward Byrne Memorial Formula Grant and the Local Law Enforcement Block Grant—into a single criminal justice grant program to the states and local governments. Byrne JAG has seven broad program purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation).¹ These program areas are broadly written with the intent of providing the states and localities with a large amount of flexibility to determine how the grant money is spent.²

The Byrne JAG program is administered by the Justice Department’s Office of Justice Programs, and provides Federal grant funds to all 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands. Byrne JAG provides funding to states through a formula based on each state’s population and crime rate.³ Each state is statutorily authorized to receive a minimum amount of funding, set at 0.25 percent of the total annual funding.⁴ Forty percent of a state’s allocation is directly awarded to units of local government.⁵ These funds are distributed based on the localities’ relative portion of their state’s violent crime, as reported to the FBI’s Uniform Crime Report.

The remaining funds that not awarded directly to units of local government are administered by the state, and must be distributed to state police departments that provide criminal justice services to units of local government. Each state is also required to “pass through” an additional percentage of the funds directly awarded to the state. The pass-through percentage, often referred to as the “variable pass through,” is calculated as the ratio of the total amount of expenditures on criminal justice by the state itself for the most recent fiscal year as compared to the total amount of expenditures on criminal justice by both the state and all units of local government.⁶

Byrne JAG is authorized through the end of fiscal year 2012 at \$1.095 billion a year. The program was appropriated at approximately \$430 million for fiscal year 2011 and approximately \$470 million for fiscal year 2012, although \$100 million of the 2012 funds were a one-time set aside for expenses related to the presidential nomination conventions.

¹ 42 U.S.C. § 3751(a).

² Byrne JAG funds can be spent in many different ways to address evolving criminal justice issues and technologies. For example, these funds can be spent to investigate and prosecute cold cases based on the recent advancements in DNA technology.

³ The District of Columbia, Puerto Rico, the Virgin Islands, and Guam are all treated as states under Byrne JAG. Current law, however, mandates that the Northern Marianas Islands and American Samoa be treated collectively as one state for purposes of the formula, with the Northern Marianas Islands receiving 33 percent and American Samoa receiving 67 percent of this amount.

⁴ 42 U.S.C. § 3755(a)(1–2).

⁵ 42 U.S.C. § 3755(b).

⁶ 42 U.S.C. § 3755(c).

Hearings

The Committee on the Judiciary held no hearings on H.R. 6062. An oversight hearing was held on the Department of Justice's Office of Justice Programs, which administers the Byrne JAG program.

Committee Consideration

On July 18, 2012, the Committee met in open session and ordered the bill H.R. 6062 favorably reported without 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 the following rollcall votes occurred during the Committee's consideration of H.R. 6062.

1. An amendment offered by Mr. Nadler to incentive jurisdictions that receive money under the Byrne JAG program to use Sexual Assault Nurse Examiner nurses, test rape kits within 180 days of a request, and create an online database of rape kit evidence. Defeated 6–10.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.			
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte			
Mr. Lungren			
Mr. Chabot			
Mr. Issa			
Mr. Pence		X	
Mr. Forbes			
Mr. King			
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan		X	
Mr. Poe		X	
Mr. Chaffetz			
Mr. Griffin		X	
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross			
Ms. Adams		X	
Mr. Quayle			
Mr. Amodei			
Mr. Conyers, Jr., Ranking Member			
Mr. Berman			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Ms. Lofgren			
Ms. Jackson Lee			
Ms. Waters			
Mr. Cohen			
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley			
Ms. Chu	X		
Mr. Deutch			
Ms. Sánchez			
Mr. Polis			
Total	6	10	

2. An amendment offered by Mr. Johnson to increase the authorization level to \$1.095 billion per year. Defeated 7–13.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Smith, Chairman		X	
Mr. Sensenbrenner, Jr.			
Mr. Coble		X	
Mr. Gallegly			
Mr. Goodlatte			
Mr. Lungren		X	
Mr. Chabot			
Mr. Issa			
Mr. Pence		X	
Mr. Forbes			
Mr. King		X	
Mr. Franks		X	
Mr. Gohmert			
Mr. Jordan		X	
Mr. Poe		X	
Mr. Chaffetz			
Mr. Griffin		X	
Mr. Marino		X	
Mr. Gowdy		X	
Mr. Ross		X	
Ms. Adams		X	
Mr. Quayle			
Mr. Amodei			
Mr. Conyers, Jr., Ranking Member			
Mr. Berman			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren			
Ms. Jackson Lee			

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Ms. Waters			
Mr. Cohen			
Mr. Johnson, Jr.	X		
Mr. Pierluisi	X		
Mr. Quigley			
Ms. Chu	X		
Mr. Deutch			
Ms. Sánchez	X		
Mr. Polis			
Total	7	13	

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. 6062, 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 25, 2012.

Hon. LAMAR SMITH, 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. 6062, the “Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.”

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

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

**H.R. 6062—Edward Byrne Memorial Justice Assistance
Grant Program Reauthorization Act of 2012.**

As ordered reported by the House Committee on the Judiciary
on July 18, 2012.

SUMMARY

H.R. 6062 would authorize the appropriation of \$800 million annually over the 2013–2017 period for the Edward Byrne Memorial Justice Assistance Grant program in the Department of Justice. (In 2012, the Congress appropriated \$470 million for such grants, which support criminal justice systems at the State, local, and tribal level.)

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 6062 would cost about \$2.7 billion over the 2013–2017 period and \$1.3 billion in subsequent years. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 6062 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 6062 is shown in the following table. CBO assumes that the authorized amounts will be appropriated near the start of each fiscal year and that outlays will follow the historical rate of spending for these activities. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2013	2014	2015	2016	2017	2013– 2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	800	800	800	800	800	4,000
Estimated Outlays	176	416	576	696	800	2,664

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 6062 contains no intergovernmental or private-sector mandates as defined in UMRA. Assuming appropriation of the authorized amounts, State, local, and tribal governments would receive \$4 billion for law enforcement programs. Any costs to those governments would be incurred voluntarily as a condition of receiving Federal assistance.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz
 Impact on State, Local, and Tribal Governments: Melissa Merrell
 Impact on the Private Sector: Paige Piper/Bach

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. 6062 reauthorizes the Byrne JAG program at \$800 million a year for 5 years.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6062 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. This section cites the short title of the bill as the Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

Section 2. Reauthorization of Byrne JAG Grants. This section reauthorizes the Byrne JAG program at \$800 million a year for fiscal years 2013–2017.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) 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 (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF
1968**

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

**Subpart 1—Edward Byrne Memorial Justice
Assistance Grant Program**

* * * * *

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subpart \$1,095,000,000 for each of the fiscal years 2006 through 2012, *and \$800,000,000 for each of the fiscal years 2013 through 2017.*

* * * * *

