

PROJECT SAFE NEIGHBORHOODS GRANT PROGRAM
AUTHORIZATION ACT OF 2017

MARCH 14, 2018.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3249]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3249) to authorize the Project Safe Neighborhoods Grant Program, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
The Amendment	2
Purpose and Summary	3
Background and Need for the Legislation	3
Hearings	4
Committee Consideration	4
Committee Votes	4
Committee Oversight Findings	6
New Budget Authority and Tax Expenditures	6
Congressional Budget Office Cost Estimate	6
Duplication of Federal Programs	8
Disclosure of Directed Rule Makings	8
Performance Goals and Objectives	8
Advisory on Earmarks	8
Section-by-Section Analysis	8
Additional Views	9

The Amendment

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Project Safe Neighborhoods Grant Program Authorization Act of 2017”.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term “criminal street gangs” has the meaning given such term in section 521 of title 18, United States Code;

(2) the term “gang crime” means a felony or misdemeanor crime, under State or Federal law, committed by one or more persons who are a member of, or directly affiliated with, a criminal street gang;

(3) the term “transnational organized crime group” has the meaning given such term in section 36(k)(6) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(6));

(4) the term “transnational organized crime” has the meaning given such term in section 36(k)(5) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)(5)); and

(5) the term “firearms offenses” means an offense under section 922 or 924 of title 18, United States Code.

SEC. 3. ESTABLISHMENT.

The Attorney General of the United States is authorized to establish and carry out a program, to be known as the “Project Safe Neighborhoods Block Grant Program” or, in this Act, as the “Program”, within the Office of Justice Programs at the Department of Justice.

SEC. 4. PURPOSE.

The purpose of the Project Safe Neighborhoods Block Grant Program is to foster and improve existing partnerships between Federal, State, and local agencies, including the United States Attorney in each Federal judicial district, to create safer neighborhoods through sustained reductions in violent crimes by—

(1) developing and executing strategic plans to assist law enforcement agencies in combating gang crimes, including the enforcement of gun laws and drug interdiction; and

(2) developing intervention and prevention initiatives, including juvenile justice projects and activities which may include street-level outreach, conflict mediation, and the changing of community norms, in order to reduce violence.

SEC. 5. RULES AND REGULATIONS.

(a) IN GENERAL.—The Attorney General shall, not later than 60 days after the date of enactment of this Act, make rules to create, carry out, and administer the Program in accordance with this section.

(b) FUNDS TO BE DIRECTED TO LOCAL CONTROL.—Amounts made available as grants under the Program shall be, to the greatest extent practicable, locally controlled to address problems that are identified locally

(c) REGIONAL GANG TASK FORCES.—30 percent of the amounts made available as grants under the Program each fiscal year shall be granted to established Regional Gang Task Forces in regions experiencing a significant or increased presence of, or high levels of activity from, transnational organized crime groups posing threats to community safety in terms of violent crime, firearms offenses, human trafficking, trafficking and distribution of illegal opioids and heroin, and other crimes.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; CONSOLIDATION OF PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Program under this Act \$50,000,000 for each of fiscal years 2018 through 2020.

(b) CONSOLIDATION OF PROGRAMS.—For each of fiscal years 2018 through 2022, no funds are authorized to be separately appropriated to the Department of Justice Office of Justice Programs for—

(1) competitive and evidence-based programs to reduce gun crime and gang violence;

(2) an Edward Byrne Memorial criminal justice innovation program;

(3) community-based violence prevention initiatives; or

(4) gang and youth violence education, prevention and intervention, and related activities.

Purpose and Summary

H.R. 3249, the “Project Safe Neighborhoods Grant Program Authorization Act of 2017,” officially authorizes the Project Safe Neighborhoods (“PSN”) Block Grant Program. The activities the Program will cover were previously only authorized through appropriations of other grants. The bill permits the Attorney General to authorize the PSN Block Grant Program for the purpose of combating violent gang crimes, by facilitating partnerships between Federal, State, and local agencies, including the United States Attorney in each Federal judicial district. The Program grants will be used to develop strategic initiatives to combat crime and also for developing prevention initiatives, such as community outreach. The legislation provides the localities receiving grants with control, to the extent practicable, over how the funds are to be used to ensure local law enforcement has the flexibility to put funds toward problems they have identified. It also allocates 30 percent of the funds to go toward regional task forces in areas with a significant or increased presence of criminal activity caused by gangs. The bill further consolidates programs within the Department of Justice’s Office of Justice Programs to be funded through the PSN Block Grant Program.

Background and Need for the Legislation

Street gang activity in the United States is on the rise. Gangs are actively recruiting middle and high school aged children across the country. Specifically, the FBI has pointed to transnational gangs, such as MS-13, as becoming an increasingly troublesome problem. While MS-13 is not the largest gang in the country, it is increasingly the most violent and well-organized. With leadership based in El Salvador and Honduras, it is clear that our local law enforcement agencies need additional resources to confront this organization and others, including the option to participate in regional anti-gang task forces.

In recent years, it has been increasingly difficult for law enforcement agencies across the nation to obtain grants to adequately fund these task forces. For instance, in Northern Virginia, the Regional Gang Task Force has gone from an annual budget of \$3 million in 2012 to \$325,000 today. During that same time, gangs have seen a surge in recruitment, and the public has seen an increasing amount of gang-related violent crime. Working with members of the community, including teachers, guidance counselors, and parents, law enforcement personnel are able to recognize at-risk youths and offer help and guidance on how to avoid getting involved with a gang in the first place.

Project Safe Neighborhoods was established in 2001 as an initiative within the Department of Justice’s Bureau of Justice Assistance. The program, which was based in part on Richmond, Virginia’s Project Exile,¹ represented a nationwide commitment to reduce gun and gang crime in America by networking existing local programs that target gun crime and provided these programs with the tools necessary to be successful. In recent years, however, fund-

¹ See “Project Exile, U.S. Attorney’s Office— Eastern District of Virginia, available at https://www.ojdp.gov/pubs/gun_violence/profile38.html.

ing for the program has dwindled. The Attorney General recently announced his intent to rejuvenate this program.² This legislation will help the Department of Justice achieve this goal.

Hearings

The Subcommittee on Crime held a hearing on gang violence on July 20, 2017. Testimony was received from Mr. Kenneth Blanco, Acting Assistant Attorney General of the Criminal Division, U.S. Department of Justice; Mr. Marc Vanek, Board Advisory Member, Midwest Gang Investigators Association, Illinois Chapter; Captain Chris Marks, Los Angeles County Sheriff's Department; and, Dr. Gary Slutkin, Founder, Cure Violence.

Committee Consideration

On November 2, 2017, the Committee met in open session and ordered the bill (H.R. 3249) 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 the following roll call votes occurred during the Committee's consideration of H.R. 3249.

1. An Amendment, offered by Ms. Jackson-Lee to strike the consolidation of programs within the Department of Justice's Office of Justice Programs. The amendment was defeated by a roll call vote of 12 to 16.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Goodlatte (VA), Chairman		X	
Mr. Sensenbrenner, Jr. (WI)		X	
Mr. Smith (TX)			
Mr. Chabot (OH)		X	
Mr. Issa (CA)		X	
Mr. King (IA)			
Mr. Franks (AZ)		X	
Mr. Gohmert (TX)		X	
Mr. Jordan (OH)			
Mr. Poe (TX)			
Mr. Marino (PA)		X	
Mr. Gowdy (SC)			
Mr. Labrador (ID)		X	
Mr. Farenthold (TX)			
Mr. Collins (GA)		X	
Mr. DeSantis (FL)			
Mr. Buck (CO)		X	
Mr. Ratcliffe (TX)		X	

²“Attorney General Sessions Announces Reinvigoration of Project Safe Neighborhoods and Other Actions to Reduce Rising Tide of Violent Crime,” U.S. Department of Justice, October 5, 2017, available at <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-reinvigoration-project-safe-neighborhoods-and-other>.

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Ms. Roby (AL)			
Mr. Gaetz (FL)		X	
Mr. Johnson (LA)		X	
Mr. Biggs (AZ)		X	
Mr. Rutherford (FL)		X	
Ms. Handel (GA)		X	
Mr. Conyers, Jr. (MI), Ranking Member	X		
Mr. Nadler (NY)	X		
Ms. Lofgren (CA)	X		
Ms. Jackson Lee (TX)	X		
Mr. Cohen (TN)	X		
Mr. Johnson (GA)	X		
Mr. Deutch (FL)	X		
Mr. Gutierrez (IL)			
Ms. Bass (CA)	X		
Mr. Richmond (LA)			
Mr. Jeffries (NY)			
Mr. Cicilline (RI)	X		
Mr. Swalwell (CA)			
Mr. Lieu (CA)			
Mr. Raskin (MD)	X		
Ms. Jayapal (WA)	X		
Mr. Schneider (IL)	X		
Total	12	16	

2. An Amendment, offered by Chairman Goodlatte to clarify the purpose of the Program includes prevention programs, increase funding to regional task forces, and lower the authorization level to \$50 million to comply with House Rules. The amendment was approved by a roll call vote of 15 to 11.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Goodlatte (VA), Chairman	X		
Mr. Sensenbrenner, Jr. (WI)	X		
Mr. Smith (TX)			
Mr. Chabot (OH)	X		
Mr. Issa (CA)	X		
Mr. King (IA)			
Mr. Franks (AZ)	X		
Mr. Gohmert (TX)	X		
Mr. Jordan (OH)			
Mr. Poe (TX)			
Mr. Marino (PA)	X		
Mr. Gowdy (SC)			
Mr. Labrador (ID)	X		
Mr. Farenthold (TX)			
Mr. Collins (GA)	X		

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Mr. DeSantis (FL)			
Mr. Buck (CO)	X		
Mr. Ratcliffe (TX)	X		
Ms. Roby (AL)			
Mr. Gaetz (FL)	X		
Mr. Johnson (LA)	X		
Mr. Biggs (AZ)			
Mr. Rutherford (FL)	X		
Ms. Handel (GA)	X		
Mr. Conyers, Jr. (MI), Ranking Member		X	
Mr. Nadler (NY)		X	
Ms. Lofgren (CA)		X	
Ms. Jackson Lee (TX)		X	
Mr. Cohen (TN)		X	
Mr. Johnson (GA)		X	
Mr. Deutch (FL)		X	
Mr. Gutierrez (IL)			
Ms. Bass (CA)			
Mr. Richmond (LA)			
Mr. Jeffries (NY)			
Mr. Cicilline (RI)		X	
Mr. Swalwell (CA)			
Mr. Lieu (CA)			
Mr. Raskin (MD)		X	
Ms. Jayapal (WA)		X	
Mr. Schneider (IL)		X	
Total	15	11	

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. 3249, 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, November 20, 2017.

Hon. BOB GOODLATTE,
*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. 3249, the Project Safe Neighborhoods Grant Program Authorization Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

cc: Honorable John Conyers Jr.
Ranking Member

**H.R. 3249—Project Safe Neighborhoods Grant Program
Authorization Act of 2017**

As ordered reported by the House Committee on the Judiciary on
November 2, 2017

H.R. 3249 would authorize the appropriation of \$50 million annually over the 2018–2020 period for the Department of Justice to make grants to state and local governments to support intergovernmental partnerships that would aim to reduce violent crime, including that perpetrated by street gangs. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 3249 would cost \$130 million over the 2018–2022 period, with the remaining amounts spent in subsequent years.

The costs of the bill fall within budget function 750 (administration of justice) and are shown in the following table. Estimated outlays are based on the historical rate of spending for similar programs.

	By fiscal year, in millions of dollars—					
	2018	2019	2020	2021	2022	2018– 2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	50	50	50	0	0	150
Estimated Outlays	11	26	36	33	24	130

Enacting H.R. 3249 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3249 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 3249 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

Duplication of Federal Programs

No provision of H.R. 3249 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee states that H.R. 3249 specifically directs the Attorney General to conduct one rule making within the meaning of 5 U.S.C. § 551. The rulemaking directs the Attorney General to by rule create rules and regulations to carry out the program created by the bill within 60 days of the date of enactment.

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. 3249 authorizes the Project Safe Neighborhoods Block Grant Program for the purpose of combating violent gang crimes by facilitating partnerships between federal, state, and local agencies, including the United States Attorney in each federal judicial district, so they may develop strategic plans to combat crimes and develop initiatives for crime prevention.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3249 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.

Section 1. Short title. Section 1 sets forth the short title of the bill as the “Project Safe Neighborhoods Grant Program Authorization Act of 2017”

Sec. 2. Definitions. This section defines certain terms involving gangs and organized crimes, using other provisions of the United States Code.

Sec. 3. Establishment. This section authorizes the Attorney General to establish and operate the “Project Safe Neighborhoods Block Grant Program” within the Office of Justice Programs.

Sec. 4. Purpose. This section states that the purpose of this program is to improve existing partnerships between Federal, State, and local agencies, to create safer neighborhoods through sustained reductions in crimes, especially violent crimes committed by gangs, by developing strategic plans to assist law enforcement in combating gang violence and by developing intervention and prevention initiatives that reduce violence.

Sec. 5. Rules and regulations. This section:

(a) Requires the Attorney General to create rules and regulations to carry out the program within 60 days of the enactment of the bill;

(b) Directs that the funds, to the extent possible, be locally controlled; and

(c) Mandates that 30 percent of the amounts allocated be used to create regional task forces in regions with a significant or increased presence of criminal activity caused by gangs.

Sec. 6. Authorization of appropriations; Consolidation of programs. This section authorizes \$50 million for this program for fiscal years between 2018–2020. It further consolidates programs within the Department of Justice’s Office of Justice Programs to fall within the PSN Program.

Additional Views

We support providing additional resources to help local jurisdictions prevent and fight crime in their communities, and therefore support H.R. 3249, the “Project Safe Neighborhoods Grant Program Authorization Act of 2017.” The bill would authorize the Attorney General to establish and implement a program, to be known as the “Project Safe Neighborhoods Block Grant Program” (Program), within the Office of Justice Programs (OJP) at the Department of Justice (DOJ), thereby providing a formal authorization for the Project Safe Neighborhoods Program currently implemented by DOJ. A portion of the funding awards under the Program would be allocated to fighting gang-related crime. Although we support authorizing this Program, we write separately to highlight two concerns.

First, a substantial portion of the funding under this bill would be dedicated to anti-gang task forces. We support preventing and fighting crime no matter who the perpetrator may be, but we must be careful to avoid targeting groups of young people who are not engaged in crime, and also avoid using law enforcement as a means to target anyone because of their ethnicity or national origin. Too often, the rhetoric of fighting gangs has been laced with racial bias. We cannot ignore that unfortunate reality of current times. Therefore, we must be vigilant in conducting oversight of the use of Program funds and in protecting against such possible abuse.

Second, we have serious concerns about the provisions of the bill that would prevent funding for certain programs, for fiscal years 2018 through 2022. The bill would prevent funding for (1) competitive and evidence-based programs to reduce gun crime and gang violence; (2) an Edward Byrne Memorial criminal justice innovation program; (3) community-based violence prevention initiatives; and (4) gang and youth violence education, prevention and intervention, and related activities. Although the Majority proposes these funding prohibitions to comply with House Republican “cut-go” requirements so that \$50 million may be authorized for the Program, we reject the false choice that other equally worthy initiatives must be sacrificed in order to authorize the Program.

The Program would be but one facet of DOJ’s efforts to address gun and gang violence at the local, state, and tribal levels. We should view it as an effort to supplement, not supplant, other DOJ efforts that may employ different approaches to combatting gun and gang violence. None of the funding prohibitions would serve

the interests of public safety. For instance, the bill would eliminate the Byrne Criminal Justice Innovation Program (BCJI) which, when implemented, helps local governments develop crime reduction strategies to address crime “hot spots” that generate a significant amount of crime within the larger community or jurisdiction. BCJI is a community-based strategy that aims to prevent and control violent crime, drug abuse, and gang activity in high crime neighborhoods by providing funding to support partnerships between law enforcement agencies and community-based organizations that balance targeted enforcement with prevention, intervention, and neighborhood restoration services. In the past, OJP has coordinated the efforts of this program with related efforts to promote neighborhood revitalization by the Departments of Housing and Urban Development and Education.¹ We see no reason to eliminate funding for this program, which is a very useful additional strategy to making our communities safer.

During the Committee’s consideration of the H.R. 3249, we expressed these funding concerns in response to an amendment offered by Chairman Bob Goodlatte (R-VA). Representative Sheila Jackson Lee (D-TX) offered an amendment to the Goodlatte amendment, in an effort to eliminate these funding restrictions, but the amendment failed on a party line vote of 12 to 16. The Goodlatte amendment was then adopted by a party line vote of 15 to 11. As the bill progresses to the floor, we urge that these funding prohibitions be eliminated.

For these reasons, we support providing a formal authorization for the Project Safe Neighborhoods Program, but we caution against its possible abuse and believe restricting the funding of alternative public safety programs is unnecessary and counter-productive.

MR. NADLER.
 MS. LOFGREN.
 MS. JACKSON LEE.
 MR. COHEN.
 MR. JOHNSON, JR.
 MR. DEUTCH.
 MR. GUTIERREZ.
 MS. BASS.
 MR. RICHMOND.
 MR. JEFFRIES.
 MR. CICILLINE.
 MR. LIEU.
 MS. JAYAPAL.
 MR. RASKIN.

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¹U.S. Department of Justice, Office of Justice Programs, “FY 2017 Budget Request at a Glance” available at <https://www.justice.gov/jmd/file/822111/download>.