

110TH CONGRESS
1ST SESSION

S. 1521

To provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and intervention strategies supported by rigorous evidence.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mr. FEINGOLD (for himself and Mr. SPECTER) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and intervention strategies supported by rigorous evidence.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Prevention Resources for Eliminating Criminal Activity
6 Using Tailored Interventions in Our Neighborhoods Act
7 of 2007” or the “PRECAUTION Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. National Commission on Public Safety Through Crime Prevention.
- Sec. 5. Innovative crime prevention and intervention strategy grants.
- Sec. 6. Elimination of the Red Planet Capital Venture Capital Program.

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act are to—

- 5 (1) establish a commitment on the part of the
 6 Federal Government to provide leadership on suc-
 7 cessful crime prevention and intervention strategies;
- 8 (2) further the integration of crime prevention
 9 and intervention strategies into traditional law en-
 10 forcement practices of State and local law enforce-
 11 ment offices around the country;
- 12 (3) develop a plain-language, implementation-
 13 focused assessment of those current crime and delin-
 14 quency prevention and intervention strategies that
 15 are supported by rigorous evidence;
- 16 (4) provide additional resources to the National
 17 Institute of Justice to administer research and devel-
 18 opment grants for promising crime prevention and
 19 intervention strategies;
- 20 (5) develop recommendations for Federal prior-
 21 ities for crime and delinquency prevention and inter-
 22 vention research, development, and funding that

1 may augment important Federal grant programs, in-
 2 cluding the Edward Byrne Memorial Justice Assist-
 3 ance Grant Program under subpart 1 of part E of
 4 title I of the Omnibus Crime Control and Safe
 5 Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant
 6 programs administered by the Office of Community
 7 Oriented Policing Services of the Department of
 8 Justice, grant programs administered by the Office
 9 of Safe and Drug-Free Schools of the Department
 10 of Education, and other similar programs; and

11 (6) reduce the costs that rising violent crime
 12 imposes on interstate commerce.

13 **SEC. 3. DEFINITIONS.**

14 In this Act, the following definitions shall apply:

15 (1) COMMISSION.—The term “Commission”
 16 means the National Commission on Public Safety
 17 Through Crime Prevention established under section
 18 4(a).

19 (2) RIGOROUS EVIDENCE.—The term “rigorous
 20 evidence” means evidence generated by scientifically
 21 valid forms of outcome evaluation, particularly ran-
 22 domized trials (where practicable).

23 (3) SUBCATEGORY.—The term “subcategory”
 24 means 1 of the following categories:

1 (A) Family and community settings (in-
2 cluding public health-based strategies).

3 (B) Law enforcement settings (including
4 probation-based strategies).

5 (C) School settings (including antigang
6 and general antiviolenence strategies).

7 (4) TOP-TIER.—The term “top-tier” means any
8 strategy supported by rigorous evidence of the siz-
9 able, sustained benefits to participants in the strat-
10 egy or to society.

11 **SEC. 4. NATIONAL COMMISSION ON PUBLIC SAFETY**
12 **THROUGH CRIME PREVENTION.**

13 (a) ESTABLISHMENT.—There is established a com-
14 mission to be known as the National Commission on Pub-
15 lic Safety Through Crime Prevention.

16 (b) MEMBERS.—

17 (1) IN GENERAL.—The Commission shall be
18 composed of 9 members, of whom—

19 (A) 3 shall be appointed by the President,
20 1 of whom shall be the Assistant Attorney Gen-
21 eral for the Office of Justice Programs or a
22 representative of such Assistant Attorney Gen-
23 eral;

24 (B) 2 shall be appointed by the Speaker of
25 the House of Representatives, unless the Speak-

er is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

1 (i) 2 members of the Commission
2 shall be respected social scientists with ex-
3 perience implementing or interpreting rig-
4 orous, outcome-based trials; and

5 (ii) 2 members of the Commission
6 shall be law enforcement practitioners.

7 (3) CONSULTATION REQUIRED.—The President,
8 the Speaker of the House of Representatives, the mi-
9 nority leader of the House of Representatives, and
10 the majority leader and minority leader of the Sen-
11 ate shall consult prior to the appointment of the
12 members of the Commission to achieve, to the max-
13 imum extent possible, fair and equitable representa-
14 tion of various points of view with respect to the
15 matters to be studied by the Commission.

16 (4) TERM.—Each member shall be appointed
17 for the life of the Commission.

18 (5) TIME FOR INITIAL APPOINTMENTS.—The
19 appointment of the members shall be made not later
20 than 60 days after the date of enactment of this
21 Act.

22 (6) VACANCIES.—A vacancy in the Commission
23 shall be filled in the manner in which the original
24 appointment was made, and shall be made not later

1 than 60 days after the date on which the vacancy
2 occurred.

3 (7) EX OFFICIO MEMBERS.—The Director of
4 the National Institute of Justice, the Director of the
5 Office of Juvenile Justice and Delinquency Preven-
6 tion, the Director of the Community Capacity Devel-
7 opment Office, the Director of the Bureau of Justice
8 Statistics, the Director of the Bureau of Justice As-
9 sistance, and the Director of Community Oriented
10 Policing Services (or a representative of each such
11 director) shall each serve in an ex officio capacity on
12 the Commission to provide advice and information to
13 the Commission.

14 (c) OPERATION.—

15 (1) CHAIRPERSON.—At the initial meeting of
16 the Commission, the members of the Commission
17 shall elect a chairperson from among its voting
18 members, by a vote of $\frac{2}{3}$ of the members of the
19 Commission. The chairperson shall retain this posi-
20 tion for the life of the Commission. If the chair-
21 person leaves the Commission, a new chairperson
22 shall be selected, by a vote of $\frac{2}{3}$ of the members of
23 the Commission.

24 (2) MEETINGS.—The Commission shall meet at
25 the call of the chairperson. The initial meeting of the

1 Commission shall take place not later than 30 days
2 after the date on which all the members of the Com-
3 mission have been appointed.

4 (3) QUORUM.—A majority of the members of
5 the Commission shall constitute a quorum to con-
6 duct business, and the Commission may establish a
7 lesser quorum for conducting hearings scheduled by
8 the Commission.

9 (4) RULES.—The Commission may establish by
10 majority vote any other rules for the conduct of
11 Commission business, if such rules are not incon-
12 sistent with this Act or other applicable law.

13 (d) PUBLIC HEARINGS.—

14 (1) IN GENERAL.—The Commission shall hold
15 public hearings. The Commission may hold such
16 hearings, sit and act at such times and places, take
17 such testimony, and receive such evidence as the
18 Commission considers advisable to carry out its du-
19 ties under this section.

20 (2) FOCUS OF HEARINGS.—The Commission
21 shall hold at least 3 separate public hearings, each
22 of which shall focus on 1 of the subcategories.

23 (3) WITNESS EXPENSES.—Witnesses requested
24 to appear before the Commission shall be paid the
25 same fees as are paid to witnesses under section

1 1821 of title 28, United States Code. The per diem
 2 and mileage allowances for witnesses shall be paid
 3 from funds appropriated to the Commission.

4 (e) COMPREHENSIVE STUDY OF EVIDENCE-BASED
 5 CRIME PREVENTION AND INTERVENTION STRATEGIES.—

6 (1) IN GENERAL.—The Commission shall carry
 7 out a comprehensive study of the effectiveness of
 8 crime and delinquency prevention and intervention
 9 strategies, organized around the 3 subcategories.

10 (2) MATTERS INCLUDED.—The study under
 11 paragraph (1) shall include—

12 (A) a review of research on the general ef-
 13 fectiveness of incorporating crime prevention
 14 and intervention strategies into an overall law
 15 enforcement plan;

16 (B) an evaluation of how to more effec-
 17 tively communicate the wealth of social science
 18 research to practitioners;

19 (C) a review of evidence regarding the ef-
 20 fectiveness of specific crime prevention and
 21 intervention strategies, focusing on those strate-
 22 gies supported by rigorous evidence;

23 (D) an identification of—

24 (i) promising areas for further re-
 25 search and development; and

1 (ii) other areas representing gaps in
 2 the body of knowledge that would benefit
 3 from additional research and development;

4 (E) an assessment of the best practices for
 5 implementing prevention and intervention strat-
 6 egies;

7 (F) an assessment of the best practices for
 8 gathering rigorous evidence regarding the im-
 9 plementation of intervention and prevention
 10 strategies; and

11 (G) an assessment of those top-tier strate-
 12 gies best suited for duplication efforts in a
 13 range of settings across the country.

14 (3) INITIAL REPORT ON TOP-TIER CRIME PRE-
 15 VENTION AND INTERVENTION STRATEGIES.—

16 (A) DISTRIBUTION.—Not later than 18
 17 months after the date on which all members of
 18 the Commission have been appointed, the Com-
 19 mission shall submit a public report on the
 20 study carried out under this subsection to—

21 (i) the President;

22 (ii) Congress;

23 (iii) the Attorney General;

24 (iv) the Chief Federal Public Defender
 25 of each district;

1 (v) the chief executive of each State;

2 (vi) the Director of the Administrative

3 Office of the Courts of each State;

4 (vii) the Director of the Administra-
5 tive Office of the United States Courts;

6 and

7 (viii) the attorney general of each
8 State.

9 (B) CONTENTS.—The report under sub-
10 paragraph (A) shall include—

11 (i) the findings and conclusions of the
12 Commission;

13 (ii) a summary of the top-tier strate-
14 gies, including—

15 (I) a review of the rigorous evi-
16 dence supporting the designation of
17 each strategy as top-tier;

18 (II) a brief outline of the keys to
19 successful implementation for each
20 strategy; and

21 (III) a list of references and
22 other information on where further in-
23 formation on each strategy can be
24 found;

1 (iii) recommended protocols for imple-
 2 menting crime and delinquency prevention
 3 and intervention strategies generally;

4 (iv) recommended protocols for evalu-
 5 ating the effectiveness of crime and delin-
 6 quency prevention and intervention strate-
 7 gies; and

8 (v) a summary of the materials relied
 9 upon by the Commission in preparation of
 10 the report.

11 (C) CONSULTATION WITH OUTSIDE AU-
 12 THORITIES.—In developing the recommended
 13 protocols for implementation and rigorous eval-
 14 uation of top-tier crime and delinquency preven-
 15 tion and intervention strategies under this para-
 16 graph, the Commission shall consult with the
 17 Committee on Law and Justice at the National
 18 Academy of Science and with national associa-
 19 tions representing the law enforcement and so-
 20 cial science professions, including the National
 21 Sheriffs' Association, the Police Executive Re-
 22 search Forum, the International Association of
 23 Chiefs of Police, the Consortium of Social
 24 Science Associations, and the American Society
 25 of Criminology.

1 (f) RECOMMENDATIONS REGARDING DISSEMINATION
2 OF THE INNOVATIVE CRIME PREVENTION AND INTER-
3 VENTION STRATEGY GRANTS.—

4 (1) SUBMISSION.—

5 (A) IN GENERAL.—Not later than 30 days
6 after the date of the final hearing under sub-
7 section (d) relating to a subcategory, the Com-
8 mission shall provide the Director of the Na-
9 tional Institute of Justice with recommenda-
10 tions on qualifying considerations relating to
11 that subcategory for selecting grant recipients
12 under section 5.

13 (B) DEADLINE.—Not later than 13
14 months after the date on which all members of
15 the Commission have been appointed, the Com-
16 mission shall provide all recommendations re-
17 quired under this subsection.

18 (2) MATTERS INCLUDED.—The recommenda-
19 tions provided under paragraph (1) shall include rec-
20 ommendations relating to—

21 (A) the types of strategies for the applica-
22 ble subcategory that would best benefit from
23 additional research and development;

24 (B) any geographic or demographic tar-
25 gets;

1 (C) the types of partnerships with other
 2 public or private entities that might be perti-
 3 nent and prioritized; and

4 (D) any classes of crime and delinquency
 5 prevention and intervention strategies that
 6 should not be given priority because of a pre-
 7 existing base of knowledge that would benefit
 8 less from additional research and development.

9 (g) FINAL REPORT ON THE RESULTS OF THE INNO-
 10 VATIVE CRIME PREVENTION AND INTERVENTION STRAT-
 11 EGY GRANTS.—

12 (1) IN GENERAL.—Following the close of the 3-
 13 year implementation period for each grant recipient
 14 under section 5, the Commission shall collect the re-
 15 sults of the study of the effectiveness of that grant
 16 under section 5(b)(3) and shall submit a public re-
 17 port to the President, the Attorney General, Con-
 18 gress, the chief executive of each State, and the at-
 19 torney general of each State describing each strategy
 20 funded under section 5 and its results. This report
 21 shall be submitted not later than 5 years after the
 22 date of the selection of the chairperson of the Com-
 23 mission.

24 (2) COLLECTION OF INFORMATION AND EVI-
 25 DENCE REGARDING GRANT RECIPIENTS.—The Com-

1 mission's collection of information and evidence re-
2 garding each grant recipient under section 5 shall be
3 carried out by—

4 (A) ongoing communications with the
5 grant administrator at the National Institute of
6 Justice;

7 (B) visits by representatives of the Com-
8 mission (including at least 1 member of the
9 Commission) to the site where the grant recipi-
10 ent is carrying out the strategy with a grant
11 under section 5, at least once in the second and
12 once in the third year of that grant;

13 (C) a review of the data generated by the
14 study monitoring the effectiveness of the strat-
15 egy; and

16 (D) other means as necessary.

17 (3) MATTERS INCLUDED.—The report sub-
18 mitted under paragraph (1) shall include a review of
19 each strategy carried out with a grant under section
20 5, detailing—

21 (A) the type of crime or delinquency pre-
22 vention or intervention strategy;

23 (B) where the activities under the strategy
24 were carried out, including geographic and de-
25 mographic targets;

1 (C) any partnerships with public or private
2 entities through the course of the grant period;

3 (D) the type and design of the effective-
4 ness study conducted under section 5(b)(3) for
5 that strategy;

6 (E) the results of the effectiveness study
7 conducted under section 5(b)(3) for that strat-
8 egy;

9 (F) lessons learned regarding implementa-
10 tion of that strategy or of the effectiveness
11 study conducted under section 5(b)(3), includ-
12 ing recommendations regarding which types of
13 environments might best be suited for success-
14 ful replication; and

15 (G) recommendations regarding the need
16 for further research and development of the
17 strategy.

18 (h) PERSONNEL MATTERS.—

19 (1) TRAVEL EXPENSES.—The members of the
20 Commission shall be allowed travel expenses, includ-
21 ing per diem in lieu of subsistence, at rates author-
22 ized for employees of agencies under subchapter I of
23 chapter 57 of title 5, United States Code, while
24 away from their homes or regular places of business
25 in the performance of service for the Commission.

1 (2) COMPENSATION OF MEMBERS.—Members of
2 the Commission shall serve without compensation.

3 (3) STAFF.—

4 (A) IN GENERAL.—The chairperson of the
5 Commission may, without regard to the civil
6 service laws and regulations, appoint and termi-
7 nate an executive director and such other addi-
8 tional personnel as may be necessary to enable
9 the Commission to perform its duties. The em-
10 ployment of an executive director shall be sub-
11 ject to confirmation by the Commission.

12 (B) COMPENSATION.—The chairperson of
13 the Commission may fix the compensation of
14 the executive director and other personnel with-
15 out regard to the provisions of chapter 51 and
16 subchapter III of chapter 53 of title 5, United
17 States Code, relating to classification of posi-
18 tions and General Schedule pay rates, except
19 that the rate of pay for the executive director
20 and other personnel may not exceed the rate
21 payable for level V of the Executive Schedule
22 under section 5316 of such title.

23 (4) DETAIL OF FEDERAL EMPLOYEES.—With
24 the affirmative vote of $\frac{2}{3}$ of the members of the
25 Commission, any Federal Government employee,

1 with the approval of the head of the appropriate
2 Federal agency, may be detailed to the Commission
3 without reimbursement, and such detail shall be
4 without interruption or loss of civil service status,
5 benefits, or privileges.

6 (i) CONTRACTS FOR RESEARCH.—

7 (1) NATIONAL INSTITUTE OF JUSTICE.—With a
8 $\frac{2}{3}$ affirmative vote of the members of the Commis-
9 sion, the Commission may select nongovernmental
10 researchers and experts to assist the Commission in
11 carrying out its duties under this Act. The National
12 Institute of Justice shall contract with the research-
13 ers and experts selected by the Commission to pro-
14 vide funding in exchange for their services.

15 (2) OTHER ORGANIZATIONS.—Nothing in this
16 subsection shall be construed to limit the ability of
17 the Commission to enter into contracts with other
18 entities or organizations for research necessary to
19 carry out the duties of the Commission under this
20 section.

21 (j) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated \$5,000,000 to carry out
23 this section.

24 (k) TERMINATION.—The Commission shall terminate
25 on the date that is 30 days after the date on which the

1 Commission submits the last report required by this sec-
2 tion.

3 (l) EXEMPTION.—The Commission shall be exempt
4 from the Federal Advisory Committee Act.

5 **SEC. 5. INNOVATIVE CRIME PREVENTION AND INTERVEN-**
6 **TION STRATEGY GRANTS.**

7 (a) GRANTS AUTHORIZED.—The Director of the Na-
8 tional Institute of Justice may make grants to public and
9 private entities to fund the implementation and evaluation
10 of innovative crime or delinquency prevention or interven-
11 tion strategies. The purpose of grants under this section
12 shall be to provide funds for all expenses related to the
13 implementation of such a strategy and to conduct a rig-
14 orous study on the effectiveness of that strategy.

15 (b) GRANT DISTRIBUTION.—

16 (1) PERIOD.—A grant under this section shall
17 be made for a period of not more than 3 years.

18 (2) AMOUNT.—The amount of each grant under
19 this section—

20 (A) shall be sufficient to ensure that rig-
21 orous evaluations may be performed; and

22 (B) shall not exceed \$2,000,000.

23 (3) EVALUATION SET-ASIDE.—

24 (A) IN GENERAL.—A grantee shall use not
25 less than \$300,000 and not more than

1 \$700,000 of the funds from a grant under this
2 section for a rigorous study of the effectiveness
3 of the strategy during the 3-year period of the
4 grant for that strategy.

5 (B) METHODOLOGY OF STUDY.—

6 (i) IN GENERAL.—Each study con-
7 ducted under subparagraph (A) shall use
8 an evaluator and a study design approved
9 by the employee of the National Institute
10 of Justice hired or assigned under sub-
11 section (c).

12 (ii) CRITERIA.—The employee of the
13 National Institute of Justice hired or as-
14 signed under subsection (c) shall ap-
15 prove—

16 (I) an evaluator that has success-
17 fully carried out multiple studies pro-
18 ducing rigorous evidence of effective-
19 ness; and

20 (II) a proposed study design that
21 is likely to produce rigorous evidence
22 of the effectiveness of the strategy.

23 (iii) APPROVAL.—Before a grant is
24 awarded under this section, the evaluator
25 and study design of a grantee shall be ap-

1 proved by the employee of the National In-
2 stitute of Justice hired or assigned under
3 subsection (c).

4 (4) DATE OF AWARD.—Not later than 6 months
5 after the date of receiving recommendations relating
6 to a subcategory from the Commission under section
7 4(f), the Director of the National Institute of Jus-
8 tice shall award all grants under this section relating
9 to that subcategory.

10 (5) TYPE OF GRANTS.—One-third of the grants
11 made under this section shall be made in each sub-
12 category. In distributing grants, the recommenda-
13 tions of the Commission under section 4(f) shall be
14 considered.

15 (6) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated
17 \$18,000,000 to carry out this subsection.

18 (c) DEDICATED STAFF.—

19 (1) IN GENERAL.—The Director of the National
20 Institute of Justice shall hire or assign a full-time
21 employee to oversee the grants under this section.

22 (2) STUDY OVERSIGHT.—The employee of the
23 National Institute of Justice hired or assigned under
24 paragraph (1) shall be responsible for ensuring that

1 grantees adhere to the study design approved before
2 the applicable grant was awarded.

3 (3) LIAISON.—The employee of the National
4 Institute of Justice hired or assigned under para-
5 graph (1) may be used as a liaison between the
6 Commission and the recipients of a grant under this
7 section. That employee shall be responsible for en-
8 suring timely cooperation with Commission requests.

9 (4) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated \$150,000
11 for each of fiscal years 2008 through 2012 to carry
12 out this subsection.

13 (d) APPLICATIONS.—A public or private entity desir-
14 ing a grant under this section shall submit an application
15 at such time, in such manner, and accompanied by such
16 information as the Director of the National Institute of
17 Justice may reasonably require.

18 (e) COOPERATION WITH THE COMMISSION.—Grant
19 recipients shall cooperate with the Commission in pro-
20 viding them with full information on the progress of the
21 strategy being carried out with a grant under this section,
22 including—

23 (1) hosting visits by the members of the Com-
24 mission to the site where the activities under the
25 strategy are being carried out;

1 (2) providing pertinent information on the lo-
 2 gistics of establishing the strategy for which the
 3 grant under this section was received, including de-
 4 tails on partnerships, selection of participants, and
 5 any efforts to publicize the strategy; and

6 (3) responding to any specific inquiries that
 7 may be made by the Commission.

8 **SEC. 6. ELIMINATION OF THE RED PLANET CAPITAL VEN-**
 9 **TURE CAPITAL PROGRAM.**

10 (a) REDUCTION OF NASA BUDGET.—Section 203 of
 11 the National Aeronautics and Space Administration Au-
 12 thorization Act of 2005 (42 U.S.C. 16632) is amended—

13 (1) in the matter preceding paragraph (1), by
 14 striking “\$18,686,300,000” and inserting
 15 “\$18,680,300,000”; and

16 (2) in paragraph (2), by striking
 17 “\$10,903,900,000” and inserting
 18 “\$10,897,900,000”.

19 (b) PROHIBITION.—The Administrator of the Na-
 20 tional Aeronautics and Space Administration may not
 21 carry out the Red Planet Capital Venture Capital Pro-
 22 gram established by the Administrator during the period
 23 of fiscal years 2008 through 2012.

○