



Legislative Bulletin.....May 15, 2007

Contents:

H.R. 1700 – COPS Improvement Act of 2007

H.R. 1593 – Second Chance Act of 2007

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Dozens

Total Cost of Discretionary Authorizations: \$4.1 billion over six years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 1700 — COPS Improvement Act of 2007 (*Weiner, D-NY*)

Order of Business: The bill is scheduled for consideration on Tuesday, May 15, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1700 would expand provisions of the Community Oriented Policing Services (COPS) program and create two new federal grants under the program. Under current law, this program provides in excess of \$1 billion in federal grants annually, and is authorized through FY 2009. The specific provisions of the bill are summarized below.

- Expands current federal grant authority of the Attorney General to make grants for public safety and community policing programs (COPS ON THE BEAT grant program), to include:
 - training officers;
 - awarding grants to hire school resource officers;

- establishing school-based partnerships between local law enforcement agencies and local school systems to combat crime, grants, drug activity, and other problems in and around elementary and secondary schools;
 - **paying for officers hired to perform intelligence, anti-terror, or homeland security duties;**
 - establishing and implementing “innovative programs” to reduce and prevent illegal drug manufacturing, distribution, including the use of methamphetamine; and
 - meeting “emerging law enforcement needs, as warranted.”
- **Establishes a new federal grant program** (Troops-to-Cops Program) to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, “particularly in communities that are adversely affected by a recent military base closing.” Note: In other words, communities that do not have a recently-closed military base (i.e. – those that have had a military base or currently have an operating military base) would be less likely to receive this grant.
 - **Establishes a new federal grant program** to develop and use new technologies (including interoperable communications technologies and other new technologies) to assist state and local law enforcement agencies to prevent crime instead of reaching to crime.
 - Grants the Department of Justice exclusive authority over the Office of Community Oriented Policing Services to perform functions and activities under COPS ON THE BEAT grant program.
 - Allows any grant recipient (under the COPS program) to retain each additional law enforcement officer created under that grant for at least 12 months after the end of the period of the grant (unless the Attorney General waives this retention program).
 - Authorizes the Attorney General to renew grants and extend grant periods if the grant recipient can demonstrate “significant progress” (not defined) in achieving the objectives of the initial application.

Additional Background: The COPS program was created in 1994 under the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). In 2005, Congress reauthorized (through FY 2009) the COPS program as part of the Violence Against Women and Department of Justice Reauthorization Act (P.L. 109-162), and changed it from a multi-grant program to a single-grant program. For additional information on the COPS program, please view this [CRS brief](#).

Possible Conservative Concerns: H.R. 1700 would expand the scope of the COPS program and create at least two new federal grant programs. As such, conservatives may be concerned about this significant federal subsidy for what are largely local crime issues. In addition, this program currently provides for over \$1 billion in federal grants annually, and H.R. 1700 would increase that amount by over \$100 million a year. This is particularly noteworthy, considering the bill is being considered under suspension of the rules – without the opportunity for amendment for extended debate. **Further, the COPS program has received mixed reviews by the OMB’s Program Assessment Rating Tool (PART) in past years, and received a grade of “[NOT PERFORMING: Results Not Demonstrated](#)” in the latest Review. Specifically, PART observed that the COPS program was designed to significantly impact and increase**

community policing practices, and while COPS still requires that grantees use community policy practices, “these are now sufficiently widespread that it is unclear why a substantial federal subsidy is required to sustain them.” The PART assessment went on to state that “COPS has not been able to define or quantify the remaining unmet “need” for community policy beyond the number of grant applications it receives.

Committee Action: H.R. 1700 was introduced on March 26, 2007, and referred to the Committee on the Judiciary’s Subcommittee on Crime, Terrorism, and Homeland Security. The bill was marked-up at the subcommittee and full committee level, and report (amended) to the House by voice vote on May 2, 2007.

Cost to Taxpayers: According to CBO, **H.R. 1700 will authorize \$103 million in FY08, and \$3.66 billion over the FY08-FY12 period.**

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, as noted above, the bill would create at least two new federal programs and expand the COPS program significantly.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 1593 — Second Chance Act of 2007 (Davis, D-IL)

Order of Business: The bill is scheduled for consideration on Tuesday, May 15, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1593 would reauthorize and significantly expand federal programs related to prisoner reentry and recidivism, including provisions providing health care, housing assistance, and reduced prison terms. The bill would also require the Bureau of Prisons to create a new prisoner reentry program that includes services such as job placement, nutrition and money management training, and other services. The major provisions of the bill are summarized below.

- Reauthorizes and expands the Adult and Juvenile Offender State and Local Reentry Demonstration Projects, including provisions that would:

- carry out programs by local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces or similar groups;
- “assess the literacy, educational, and vocational needs of offenders in custody and identify and **provide services appropriate to meet those needs, including follow-up assessments and long-term services;**”
- facilitate collaboration among corrections, technical schools, community colleges, businesses, nonprofit, and the workforce development and employment service sectors to promote employment of former inmates and the creation of job opportunities (among dozens of other provisions);
- provide offenders with education, job training, responsible parenting and healthy relationship skills training..., English literacy education, work experience programs, self-respect and life skills training, and other skills...”
- “**provide structured post-release housing and transitional housing** (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;”
- provide substance abuse treatment and services, **including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services to offenders reentering the community from prison, jail, or a juvenile facility;**
- expand family-based drug treatment centers that offer **family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;**”
- provide or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services)...”
- provide systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), **including removing obstacles to the maintenance of family relationships while the offender is in custody**, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;
Note: It is not clear what “removes obstacles to the maintenance of family relationships” might entail.
- maintain the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including:
 - addressing “visitation obstacles” to children of an incarcerated parent, **such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies;** and

- establish or expanding the use of reentry courts and other programs to monitor offenders returning to the community and provide offenders with drug and alcohol testing and treatment, among other provisions.
- Requires grant applicants, as a condition of receiving financial assistance under the above mentioned Demonstration Projects, to develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes to determine the effectiveness of the program. Grant applications also must establish a Reentry Task force to examine ways to pool resources and funding streams to promote lower recidivism rates.
- **New federal grant program.** Authorizes the Attorney General to award grants to eligible organizations to establish National Adult and Juvenile Offender Reentry Resource Centers, and defines additional center requirements, fund restrictions, and eligibility requirements.
- **New federal grant program.** Requires the Attorney General to award grants to state and local courts to monitor offenders reentering society and to create local “Comprehensive and Continuous Offender Task Forces.” These task forces would work with representatives from local correctional facilities, community health care services, drug treatment programs, and employment opportunity providers to develop and assess a community reentry program.
- **New federal grant program.** Authorizes the Attorney General to make grants to state and local prosecutors to develop or expand drug treatment programs as alternatives to imprisonment. Offenders must meet eligibility requirements to enter such programs, and state and local prosecutors must submit applications to the Attorney General for funding. The federal share of the cost of the programs may not exceed 75 percent.
- **New federal grant program.** Authorizes the Attorney General to make grants available to state and local authorities to develop and expand family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders. The bill would also authorize the Attorney General to make grants available to provide for prison-based family treatment programs for incarcerated parents of minor children.
- **New federal grant program.** Requires the Attorney General to make grants available to state, local, public, and private entities to evaluate methods to improve education for imprisoned offenders; these recommendations evaluations would be submitted to the Attorney General.
- **New federal grant program.** Requires the Attorney General to make grants available to state and local authorities, community based organizations, independent researchers, and federal agencies that offer demonstration programs to reduce drug use among long-term substance abuse users in jail or prison. The bill requires the Attorney General to make competitive awards available for any of these organizations that help reduce illegal drug demand by offering drug treatment.
- **New federal grant program.** Requires the Attorney General to make incentive grants available for prisons, jails, and juvenile facilities that increased the number of offenders in drug treatment programs. The bill would also authorize grants to make pharmacological drug treatment a part of treatment programs in prison or jail.
- **New federal grant program.** Requires Attorney General, through the National Institute on Justice and the National Institute on Drug Abuse, to establish grants for public or

- **New federal grant program.** Requires the Attorney General to make grants available to state and local authorities to provide technology career training and mentoring programs for adult and juvenile offenders. The Director of the Bureau of Prisons would be directed to allow mentoring services to continue after an offender is released from prison.
- Requires the Attorney General to make grants available to nonprofit organizations to provide mentoring and other transitional services “essential to reintegrating offenders into the community.”
- **Requires the Bureau of Prisons to create a new federal prisoner reentry program to prepare prisoners for reentry into the community. Eligible offenders would be granted temporary release for reentry preparations and possible early release. The program would offer classes to help offenders find a job, locate housing, manage money, socialize with other members of the community, and deal with health and nutrition issues. In order to assess the effectiveness of this program, the bill would require the Bureau of Prisons to obtain identification for prisoners and track their progress after reentry.**
- **Requires the Attorney General to create a new federal program to educate employers about tax credits incentives offered to businesses that employ former prisoners.**
- **Requires the Bureau of Prisons to create a new pilot program to allow eligible, non-violent prisoners over the age of 60 to serve the second half of their sentence under home detention.**

Note: It is unclear how this program would affect federal mandatory minimum sentences that a prisoner may be serving.
- **Requires the Attorney General to make grants available to states to conduct studies regarding offender recidivism, parole violations, and the needs of children of incarcerated parents.**
- **Requires the Bureau of Prisons to create a new federal program to ensure that prisoners are afforded a “reasonable opportunity to adjust to and prepare for” reentry into the community, and may include placing a prisoner in home confinement for the last ten percent of the term of imprisonment.**
- **Requires the Bureau of Prisons to ensure that each prisoner in a community confinement facility (in order to ensure a minimum standard of health and habitability) has access to necessary medical care, mental health care, and medicine.**

Possible Conservative Concerns: The bill creates over a dozen new federal programs regarding treatment and services available for inmates and former inmates, including provisions to provide job placement, health care, nutrition, and money management training, among other items. Conservatives may be concerned by this significant expansion of federal programs related to prisoner services and community reentry, considering the number of existing federal programs in existence to address these issues. Further, conservatives may be concerned that this bill (114 pages long) is being considered under suspension of the rules, and thus denies Members the opportunity for amendment or extended debate on the provisions of the bill.

A recently distributed Dear Colleague in support of H.R. 1593 stated “faith-based nonprofit organizations like Prison Fellowship and Catholic Charities have been providing re-entry and mentoring services for years and with significant success – and they support the Second Chance Act.” Considering the “significant success” of faith-based charities in this field, it is unclear why the federal government is needed to step in and provide millions of dollars annually to address this problem, nor is it clear how the federal government would be more effective (or as effective) as non-profits in combating recidivism and prisoner reentry – particularly because all the provisions provided for in this bill are devoid of the faith element that Prison Fellowship and Catholic Charities utilize and state is so fundamental to their success.

Committee Action: H.R. 1593 was introduced on March 20, 2007, and referred to the Committee on the Judiciary’s Subcommittee on Crime, Terrorism, and Homeland Security. The bill was marked-up at the subcommittee and full committee level, and it was reported (amended) to the House by voice vote on March 28, 2007 (House Report [110-140](#)).

Cost to Taxpayers: According to [CBO](#), **H.R. 1593 will authorize \$214 million in FY08, and \$425 million over the FY08-FY12 period.**

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. As noted above, the bill creates over a dozen new federal programs regarding treatment and services available for inmates and former inmates.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Judiciary Committee, in House Report [110-140](#), cites constitutional authority in Article I, Section 8 (powers of Congress), but fails to cite specific Clause or foregoing power of authority.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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