

115TH CONGRESS
2D SESSION

S. 2590

To authorize previously appropriated resources for communities to address persistent or historical crime through collaborative cross-sector partnerships.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

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

A BILL

To authorize previously appropriated resources for communities to address persistent or historical crime through collaborative cross-sector partnerships.

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.**

4 This Act may be cited as the “Investing in Neighbor-
5 hood-focused, Vital, Evidence-based Strategies and Trust
6 to Prevent Crime Act of 2018” or the “INVEST to Pre-
7 vent Crime Act”.

1 **SEC. 2. DEMONSTRATION GRANT PROGRAM.**

2 (a) IN GENERAL.—Title I of the Omnibus Crime
3 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
4 et seq.) is amended by adding at the end the following:

5 **“PART NN—DEMONSTRATION GRANT PROGRAM**

6 **“SEC. 3041. DEFINITIONS.**

7 “In this part—

8 “(1) the term ‘crime hot spot’ means a defined
9 geographic area within a focus neighborhood where,
10 for not less than 1 year, the occurrence of crime is
11 so frequent that it is highly predictable;

12 “(2) the term ‘eligible entity’ means a State,
13 unit of local government, Indian tribe, tribal organi-
14 zation, non-profit organization, or institution of
15 higher education that is a member of a community
16 consortium, which includes not less than 1 partner
17 law enforcement agency, that is committed to work-
18 ing with law enforcement agencies, community lead-
19 ers, and research partners to develop an evidence-
20 based or research-based, cross-sector strategy to re-
21 vitalize a focus neighborhood facing significant crime
22 challenges;

23 “(3) the term ‘evidence-based practice’ means a
24 program, strategy, or procedure that has been dem-
25 onstrated as effective by causal evidence, obtained
26 through one or more outcome evaluations;

1 “(4) the term ‘focus neighborhood’ means a de-
2 fined geographic area that is the focus of a project
3 funded by a grant awarded under this part;

4 “(5) the terms ‘Indian tribe’ and ‘tribal organi-
5 zation’ have the meanings given those terms in sec-
6 tion 4 of the Indian Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C. 5304);

8 “(6) the term ‘institution of higher education’
9 has the meaning given the term in section 102 of the
10 Higher Education Act of 1965 (20 U.S.C. 1002);

11 “(7) the term ‘research-based practice’ means a
12 program, strategy, or procedure that is selected and
13 implemented based on documented effectiveness,
14 with activities adapted based on data about local
15 conditions, as appropriate;

16 “(8) the term ‘State’ means each of the 50
17 States, the District of Columbia, the Commonwealth
18 of Puerto Rico, the United States Virgin Islands,
19 American Samoa, Guam, and the Northern Mariana
20 Islands; and

21 “(9) the term ‘unit of local government’ means
22 a county, municipality, city, town, township, village,
23 parish, borough, or other unit of general government
24 below the State level.

1 **“SEC. 3042. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—The Attorney General may—

3 “(1) make grants to eligible entities to prepare
4 a comprehensive plan for and implement enhance-
5 ment of the capacity of local and tribal communities
6 to effectively target and address significant crime
7 issues through collaborative cross-sector approaches;
8 and

9 “(2) provide training and technical assistance
10 to eligible entities that receive grants under this
11 part.

12 “(b) PROJECT GOALS.—Projects funded under this
13 section shall—

14 “(1) identify a focus neighborhood facing sig-
15 nificant crime challenges;

16 “(2) use evidence-based practices or research-
17 based practices;

18 “(3) encourage active involvement and leader-
19 ship from neighborhood residents, business owners,
20 organizations, and others who live, work, or conduct
21 business in the focus neighborhood; and

22 “(4) build cross-sector partnerships to address
23 crime problems from multiple perspectives.

24 “(c) APPLICATIONS.—

25 “(1) IN GENERAL.—To receive a planning grant
26 or an implementation grant under this section, an

1 eligible entity shall submit an application to the At-
2 torney General in such form and containing such in-
3 formation as the Attorney General may reasonably
4 require.

5 “(2) COMBINED APPLICATION.—The Attorney
6 General may develop a procedure under which an eli-
7 gible entity may apply at the same time and in a
8 single application for a planning grant and an imple-
9 mentation grant under this section, with receipt of
10 the implementation grant conditioned on the suc-
11 cessful completion of the activities funded by the
12 planning grant.

13 “(3) RESEARCH PARTNER.—

14 “(A) IN GENERAL.—An applicant for a
15 grant under this section shall identify a re-
16 search partner, such as an institution of higher
17 education, research center, or State or local
18 agency, to—

19 “(i) conduct a detailed analysis of
20 crime drivers during the planning period
21 described in subsection (d)(1)(A); and

22 “(ii) assist the grant recipient to se-
23 lect the most appropriate evidence-based
24 practices or research-based practices to
25 apply based on the research findings.

1 “(B) CONTINUED ASSISTANCE.—A re-
2 search partner described in subparagraph (A)
3 shall remain engaged throughout the duration
4 of the grant by continuing to provide and ana-
5 lyze data to help inform project implementation.

6 “(d) DURATION OF GRANTS.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2)—

9 “(A) a planning grant awarded under this
10 section shall be used by the recipient for a pe-
11 riod not to exceed 12 months; and

12 “(B) an implementation grant awarded
13 under this section shall be used by the recipient
14 for a period not to exceed 36 months.

15 “(2) EXTENSION OF PLANNING OR IMPLEMEN-
16 TATION.—Upon request of a grant recipient, the At-
17 torney General may allow the grant recipient to ex-
18 tend the planning period described in paragraph
19 (1)(A) or the implementation period described in
20 paragraph (1)(B) for a reasonable length of time, as
21 determined by the Attorney General.

22 “(3) LIMITATION ON ADDITIONAL FUNDS.—If
23 the Attorney General allows an extension under
24 paragraph (2), the Attorney General may not award
25 additional grant funds.

1 “(e) PLANNING GRANTS.—A grant awarded for the
2 planning phase of a project may be used to—

3 “(1) identify, verify, and prioritize crime hot
4 spots within the focus neighborhood;

5 “(2) build community partnerships and facili-
6 tate leadership to ensure residents are active partici-
7 pants in the strategy to address crime in the com-
8 munity;

9 “(3) collaborate with local law enforcement
10 agencies, research partners, and the community to
11 analyze the drivers of crime and assess the needs of
12 the community and the available resources to meet
13 those needs; and

14 “(4) work with community consortium partners
15 to develop a comprehensive cross-sector strategic
16 plan to reduce crime in the focus neighborhood that
17 is based on the findings made under paragraph (3).

18 “(f) IMPLEMENTATION GRANTS.—Funds awarded
19 for the implementation phase of a project may be used
20 to—

21 “(1) convene regular meetings of cross-sector
22 partners and the project management team;

23 “(2) continue work with research partners to
24 assess project implementation;

1 “(3) modify strategies developed during project
2 planning as appropriate;

3 “(4) support personnel and program costs to
4 implement strategies developed during project plan-
5 ning;

6 “(5) pursue community engagement and leader-
7 ship development; and

8 “(6) identify and develop a long-term sustain-
9 able strategy to continue to achieve the project’s
10 goals after the conclusion of the implementation pe-
11 riod.

12 **“SEC. 3043. REPORT TO CONGRESS.**

13 “At the end of the first grant year, and each year
14 thereafter, the Attorney General shall submit a report to
15 the Committee on the Judiciary of the Senate and the
16 Committee on the Judiciary of the House of Representa-
17 tives that provides an overall assessment of the out-
18 comes—

19 “(1) achieved by the demonstration projects
20 funded under this part; and

21 “(2) achieved by any demonstration projects
22 that—

23 “(A) received funding under the Byrne
24 Criminal Justice Innovation program of the De-
25 partment of Justice or the Innovations in Com-

1 community Based Crime Reduction program of the
2 Department of Justice during fiscal years 2013
3 through 2018; and

4 “(B) were carried out during the grant
5 year to which the report pertains.

6 **“SEC. 3044. GRANT ACCOUNTABILITY.**

7 “(a) ACCOUNTABILITY.—All grants awarded by the
8 Attorney General under this part shall be subject to the
9 following accountability provisions:

10 “(1) AUDIT REQUIREMENT.—

11 “(A) DEFINITION.—In this paragraph, the
12 term ‘unresolved audit finding’ means a finding
13 in the final audit report of the Inspector Gen-
14 eral of the Department of Justice that the au-
15 dited grantee has utilized grant funds for an
16 unauthorized expenditure or otherwise unallow-
17 able cost that is not closed or resolved within
18 12 months from the date when the final audit
19 report is issued.

20 “(B) AUDITS.—Beginning in the first fis-
21 cal year beginning after the date of enactment
22 of this subsection, and in each fiscal year there-
23 after, the Inspector General of the Department
24 of Justice shall conduct audits of recipients of
25 grants under this part to prevent waste, fraud,

1 and abuse of funds by grantees. The Inspector
2 General shall determine the appropriate number
3 of grantees to be audited each year.

4 “(C) MANDATORY EXCLUSION.—A recipi-
5 ent of grant funds under this part that is found
6 to have an unresolved audit finding shall not be
7 eligible to receive grant funds under this part
8 during the first 2 fiscal years beginning after
9 the end of the 12-month period described in
10 subparagraph (A).

11 “(D) PRIORITY.—In awarding grants
12 under this part, the Attorney General shall give
13 priority to eligible applicants that did not have
14 an unresolved audit finding during the 3 fiscal
15 years before submitting an application for a
16 grant under this part.

17 “(E) REIMBURSEMENT.—If an entity is
18 awarded grant funds under this part during the
19 2-fiscal-year period during which the entity is
20 barred from receiving grants under subpara-
21 graph (C), the Attorney General shall—

22 “(i) deposit an amount equal to the
23 amount of the grant funds that were im-
24 properly awarded to the grantee into the
25 General Fund of the Treasury; and

1 “(ii) seek to recoup the costs of the
2 repayment to the fund from the grant re-
3 cipient that was erroneously awarded grant
4 funds.

5 “(2) NONPROFIT ORGANIZATION REQUIRE-
6 MENTS.—

7 “(A) DEFINITION.—For purposes of this
8 paragraph and the grant programs under this
9 part, the term ‘nonprofit organization’ means
10 an organization that is described in section
11 501(c)(3) of the Internal Revenue Code of 1986
12 and is exempt from taxation under section
13 501(a) of such Code.

14 “(B) PROHIBITION.—The Attorney Gen-
15 eral may not award a grant under this part to
16 a nonprofit organization that holds money in
17 offshore accounts for the purpose of avoiding
18 paying the tax described in section 511(a) of
19 the Internal Revenue Code of 1986.

20 “(C) DISCLOSURE.—Each nonprofit orga-
21 nization that is awarded a grant under this part
22 and uses the procedures prescribed in regula-
23 tions to create a rebuttable presumption of rea-
24 sonableness for the compensation of its officers,
25 directors, trustees, and key employees, shall dis-

1 close to the Attorney General, in the application
2 for the grant, the process for determining such
3 compensation, including the independent per-
4 sons involved in reviewing and approving such
5 compensation, the comparability data used, and
6 contemporaneous substantiation of the delibera-
7 tion and decision. Upon request, the Attorney
8 General shall make the information disclosed
9 under this subparagraph available for public in-
10 spection.

11 “(3) CONFERENCE EXPENDITURES.—

12 “(A) LIMITATION.—No amounts made
13 available to the Department of Justice under
14 this part may be used by the Attorney General,
15 or by any individual or entity awarded discre-
16 tionary funds through a cooperative agreement
17 under this part, to host or support any expendi-
18 ture for conferences that uses more than
19 \$20,000 in funds made available by the Depart-
20 ment of Justice, unless the head of the relevant
21 agency or department, provides prior written
22 authorization that the funds may be expended
23 to host the conference.

24 “(B) WRITTEN APPROVAL.—Written ap-
25 proval under subparagraph (A) shall include a

1 written estimate of all costs associated with the
2 conference, including the cost of all food, bev-
3 erages, audio-visual equipment, honoraria for
4 speakers, and entertainment.

5 “(C) REPORT.—The Deputy Attorney Gen-
6 eral shall submit an annual report to the Com-
7 mittee on the Judiciary of the Senate and the
8 Committee on the Judiciary of the House of
9 Representatives on all conference expenditures
10 approved under this paragraph.

11 “(4) ANNUAL CERTIFICATION.—Beginning in
12 the first fiscal year beginning after the date of en-
13 actment of this subsection, the Attorney General
14 shall submit, to the Committee on the Judiciary and
15 the Committee on Appropriations of the Senate and
16 the Committee on the Judiciary and the Committee
17 on Appropriations of the House of Representatives,
18 an annual certification—

19 “(A) indicating whether—

20 “(i) all audits issued by the Office of
21 the Inspector General under paragraph (1)
22 have been completed and reviewed by the
23 appropriate Assistant Attorney General or
24 Director;

1 “(ii) all mandatory exclusions required
2 under paragraph (1)(C) have been issued;
3 and

4 “(iii) all reimbursements required
5 under paragraph (1)(E) have been made;
6 and

7 “(B) that includes a list of any grant re-
8 cipients excluded under paragraph (1) from the
9 previous year.

10 “(b) PREVENTING DUPLICATIVE GRANTS.—

11 “(1) IN GENERAL.—Before the Attorney Gen-
12 eral awards a grant to an applicant under this part,
13 the Attorney General shall compare potential grant
14 awards with other grants awarded under this part to
15 determine if duplicate grant awards are awarded for
16 the same purpose.

17 “(2) REPORT.—If the Attorney General awards
18 duplicate grants to the same applicant for the same
19 purpose the Attorney General shall submit to the
20 Committee on the Judiciary of the Senate and the
21 Committee on the Judiciary of the House of Rep-
22 resentatives a report that includes—

23 “(A) a list of all duplicate grants awarded,
24 including the total dollar amount of any dupli-
25 cate grants awarded; and

1 “(B) the reason the Attorney General
2 awarded the duplicate grants.”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
4 1001(a) of title I of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (34 U.S.C. 10261(a)) is amended by
6 adding at the end the following:

7 “(28) For activities under part NN, there are author-
8 ized to be appropriated \$20,000,000 for each of fiscal
9 years 2019 through 2023.”.

10 (c) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that amounts appropriated to carry out part NN of
12 title I of the Omnibus Crime Control and Safe Streets Act
13 of 1968, as added by subsection (a), may not be offset
14 by a decrease in the amounts appropriated for—

15 (1) the Edward Byrne Memorial Justice Assist-
16 ance Grant program under subpart 1 of part E of
17 title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (34 U.S.C. 10151 et seq.); or

19 (2) the Cops on the Beat grant program under
20 part Q of title I of the Omnibus Crime Control and
21 Safe Streets Act of 1968 (34 U.S.C. 10381 et seq.).

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