AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

110TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPT. 110–821
Part 1

SCHOOL SAFETY ENHANCEMENTS ACT OF 2008

AUGUST 1, 2008.—Ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2352]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2352) to enhance the safety of elementary schools, secondary schools, and institutions of higher education, 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	5
Committee Oversight Findings	5
New Budget Authority and Tax Expenditures	5
Congressional Budget Office Cost Estimate	5
Performance Goals and Objectives	7
Constitutional Authority Statement	7
Advisory on Earmarks	7
Section-by-Section Analysis	7
Changes in Existing Law Made by the Bill, as Reported	8
Additional Views	11

69–006

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 "School Safety Enhancements Act of 2008".

TITLE I—ELEMENTARY AND SECONDARY EDUCATION SAFETY ENHANCEMENTS

SEC. 101. GRANT PROGRAM FOR SCHOOL SECURITY.

Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "Placement" and inserting "Installation"; and

(ii) by inserting "surveillance equipment," after "detectors,";

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.";

(2) by striking subsection (d)(1) and inserting the following:

"(1) The Federal share of the costs of a program provided by a grant under subsection (a) shall be not more than 80 percent of the total of such costs."; and

(3) by adding at the end the following:

"(g) INTERAGENCY TASK FORCE.—Not later than 60 days after the date of enactment of the School Safety Enhancements Act of 2008, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines. The advisory school safety guidelines shall be published in the Federal Register by not later than one year after such date of enactment. In developing the final advisory school safety guidelines, the interagency task force shall consult with stakeholders and interested parties, including parents, teachers, and agencies.".

SEC. 102. APPLICATIONS.

Section 2702(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is amended to read as follows:

"(2) be accompanied by a report, signed by the chief education officer and the attorney general or other chief law enforcement executive of the State, unit of local government, or Indian tribe, certifying that each proposed use of the grant funds will be—

"(A) an effective means for improving the safety of one or more schools;

"(B) consistent with a comprehensive approach to preventing school violence; and

"(C) individualized to the needs of each school at which those improvements are to be made.".

SEC. 103. ANNUAL REPORT TO CONGRESS.

Section 2703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797c) is amended by striking "and the activities for which those funds were used" and inserting "and a detailed itemization of how those funds were utilized".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking "$30,000,000 for each of fiscal years 2001 through 2009" and inserting "$50,000,000 for each of the fiscal years 2009 and 2010".

SEC. 105. ADDITIONAL AMENDMENT.

Paragraph (5) of section 2701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a(b)) (as amended by section 101 of this Act) is further amended by inserting ", including hazardous conditions" after "and situations".

SEC. 106. ADDITIONAL AMENDMENT TO THE GRANT PROGRAM FOR SCHOOL SECURITY.

Section 2701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a(b)) (as amended by sections 101 and 105 of this Act) is further amended by inserting after paragraph (4) the following new paragraph (and redesignating the succeeding paragraphs accordingly):

"(5) Development and implementation of safety measures to protect students in the event of a terrorist attack or other hazardous condition or situation.".

TITLE II—HIGHER EDUCATION SECURITY ENHANCEMENT

SEC. 201. REQUIREMENT FOR CAMPUS SAFETY ASSESSMENTS.

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following:

"(h) CAMPUS SAFETY ASSESSMENT.—Each eligible institution participating in any program under this title shall conduct an annual campus safety assessment that shall be prepared through consultation between the institution's staff, including safety and security personnel, and local law enforcement officials.".

SEC. 202. REQUIREMENT FOR CAMPUS EMERGENCY RESPONSE PLANS.

Section 485 of the Higher Education Act of 1965, as amended in section 201 (20 U.S.C. 1092), is further amended by adding at the end the following:

"(i) CAMPUS EMERGENCY RESPONSE PLAN.—Each eligible institution participating in any program under this title shall develop and implement a campus emergency response plan to address a comprehensive set of emergency situations, including the following:

"(1) Natural disasters.

"(2) Active shooter situations.

"(3) Terrorist attacks.".

PURPOSE AND SUMMARY

H.R. 2352, the "School Safety Enhancements Act of 2008," will enhance the safety of elementary schools, secondary schools, and institutions of higher education. The bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize and modify the school security grant program. It also creates an interagency task force to develop and promulgate a set of advisory school safety guidelines. Finally, it amends the Higher Education Act of 1965 to require participating institutions to conduct annual campus safety assessments and develop and implement a campus emergency response plan.

BACKGROUND AND NEED FOR THE LEGISLATION

Violence in our schools continues at an alarming rate. Over the last decade, horrific instances of school shootings and other violent crimes have occurred in at least 27 States. Ensuring the safety of our students and teachers at all levels of education is a paramount concern to local, State, and Federal Governments.

H.R. 2352, the "School Safety Enhancements Act of 2008," will enhance the safety of our Nation's elementary schools, secondary schools, and institutions of higher education. It accomplishes this objective by: (1) increasing the amount of funding available for school safety; (2) making those funds more accessible to poorer communities; (3) expanding the purposes for which such funding may be used; (4) establishing an interagency task force to develop and promulgate advisory school safety guidelines; and (5) requiring higher education institutions to conduct annual campus safety assessments and develop and implement campus emergency response plans.

The bill increases the Federal portion of such funding from 50 percent to 80 percent, which thereby decreases the non-federal portion from 50 percent to 20 percent. According to the Community Oriented Policing Services (COPS) Office of the Department of Jus-

tice (which administers the Secure Our Schools grants), many of the communities most in need have been unable to participate in the program because they could not afford the previously required 50 percent non-federal grant match. This revision to the ratio of non-federal funding is more in line with the COPS traditional ratio, and should facilitate greater participation in the program.

To prevent future tragedies at schools, H.R. 2352 authorizes additional uses for grant funds, such as the installation of surveillance equipment, and the establishment of hotlines for the reporting of potentially dangerous students and situations. The bill also authorizes grant funds to be used to develop and implement safety measures at schools to address various types of dangerous incidents, including hazardous chemical and biological situations.

In addition, H.R. 2352 requires that each grant application be accompanied by a report, signed not only by the chief education officer, but also by the attorney general, or other chief law enforcement executive of the State, unit of local government, or Indian tribe seeking the grant. These individuals must certify that the requested grant funds will: (1) be an effective means for improving school safety; (2) be consistent with a comprehensive approach to preventing school violence; and (3) address the individualized needs of the school receiving the grants. This certification requirement should help ensure that the chief law enforcement officer responsible for responding to incidents of school violence also has "upfront" involvement in developing measures to prevent such violence. In recognition of the value of an interdisciplinary approach to school safety, the bill establishes an interagency task force so that the Department of Justice can work with education agencies and other interested stakeholders, such as parents and teachers, in developing advisory school safety guidelines.

Finally, while many higher education institutions have emergency safety plans and conduct annual safety assessments, not all do. To ensure that all institutions of higher education are meeting these minimal requirements for the safety of students, the legislation requires all participating institutions to implement these minimal safety standards.

HEARINGS

The Committee's Subcommittee on Crime, Terrorism, and Homeland Security held 1 day of hearings on H.R. 2352, the "School Safety Enhancements Act of 2008," on April 17, 2008. Testimony was received from Representative Steven R. Rothman (D–NJ), the sponsor of the bill.

COMMITTEE CONSIDERATION

On May 13, 2008, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill, H.R. 2352, favorably reported, with an amendment, by voice vote, a quorum being present. On May 14, 2008, the Committee met in open session and ordered the bill, H.R. 2352, 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 there were no recorded votes during the Committee's consideration of H.R. 2352.

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. 2352, 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, June 30, 2008.

Hon. JOHN CONYERS, Jr., *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. 2352, the "School Safety Enhancements Act of 2008."

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,

PETER R. ORSZAG,
DIRECTOR.

Enclosure.

cc: Honorable Lamar S. Smith,
Ranking Member.

H.R. 2352—School Safety Enhancements Act of 2008

SUMMARY

H.R. 2352 would authorize the appropriation of $50 million for each of fiscal years 2009 and 2010 for the Department of Justice to make grants to State, local, and tribal governments for programs to improve school security. Current law authorizes funding for this program through fiscal year 2009; the existing 2009 authorization

is for $30 million. CBO estimates that implementing H.R. 2352 would cost $63 million over the 2009–2013 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts.

H.R. 2352 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. 2352 is shown in the following table. For this estimate, CBO assumes that the amounts authorized by H.R. 2352 will be appropriated by the beginning of each fiscal year and that outlays will follow the historical spending rates for these activities. The cost of this legislation falls within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2008	2009	2010	2011	2012	2013
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority/Authorization Level [1]	15	30	0	0	0	0
Estimated Outlays	14	18	16	10	6	4
Proposed Changes						
Estimated Authorization Level	0	20	50	0	0	0
Estimated Outlays	0	4	17	19	13	10
Spending Under H.R. 2352						
Budget Authority/Authorization Level	15	50	50	0	0	0
Estimated Outlays	14	22	33	29	19	14

1. The 2008 level is the amount appropriated for that year for school security grants. The 2009 level is the amount authorized in current law for this program.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2352 contains no intergovernmental or private-sector mandates as defined in UMRA. Provisions in the bill would benefit State, local, and tribal governments by extending and increasing the authorization for a grant program to improve school safety and by reducing the required match to participate in that program. Assuming appropriation of the authorized amounts, those governments would receive $63 million over the 2009–2013 period. Any associated costs or requirements on those governments would be incurred voluntarily as a condition of receiving federal assistance.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Burke Doherty (225–3220)
Impact on the Private Sector: Corey T. Ponder and Patrice Gordon (226–2940)

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. 2352 will: (1) reauthorize and expand the school safety grant program for two additional years; (2) create an interagency task force to promulgate advisory school safety guidelines within 1 year of enactment; and (3) require participating higher education institutions to conduct annual campus safety assessments and implement a campus emergency response plan.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2352 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

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

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the "School Safety Enhancements Act of 2008."

Sec. 101. Grant Programs for School Security. Section 101 amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the purposes for which grant money may be expended, to include the installation of surveillance equipment and the establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations. This section changes existing language regarding authorized use of grant money from "placement and use" of metal detectors, locks, lighting, and other deterrent measures to the "installation and use" of these items. Section 101 also increases the Federal share of the costs of the program from 50 percent to not more than 80 percent.

In addition, this provision directs the Director and the Secretary of Education to establish, not later than 60 days after the date of enactment, an interagency task force to develop and promulgate a set of advisory school safety guidelines. In developing these guidelines, the task force must consult with stakeholders and interested parties, including parents, teachers, and agencies. Within 1 year after the date of enactment, the advisory school safety guidelines must be published in the Federal Register.

Sec. 102. Applications. Section 102 amends the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that each grant application be accompanied by a report, signed by the chief education officer and the attorney general or other chief law enforcement executive of the State, unit of local government, or Indian tribe. The certification must state that the proposed uses of the funds will be: (1) an effective means for improving school safety; (2) consistent with a comprehensive approach to preventing

school violence; and (3) individualized to the needs of each school at which the improvements will be made.

Sec. 103. Annual Report to Congress. Section 103 amends the Omnibus Crime Control and Safe Streets Act of 1968 to require that each annual report to Congress include a detailed itemization of how the grant funds were utilized.

Sec. 104. Authorization of Appropriations. Section 104 increases the authorized funding from $30 million to $50 million for each of fiscal years 2009 and 2010.

Sec. 105. Additional Amendment. Section 105 amends the Omnibus Crime Control and Safe Streets Act of 1968 by expressly stating that hotlines and tiplines may be used for reporting hazardous conditions.

Sec. 106. Additional Amendment to the Grant Program for School Security. Section 106 amends the Omnibus Crime Control and Safe Streets Act of 1968 to permit grant money to be used for the development and implementation of safety measures to protect students in the event of a terrorist attack or other hazardous condition or situation.

Sec. 201. Requirement for Campus Safety Assessments. Section 201 amends the Higher Education Act by requiring each eligible institution participating in any program under this title to conduct an annual campus safety assessment prepared through consultation between the institution's staff, including safety and security personnel, and local law enforcement officials.

Sec. 202. Requirement for Campus Emergency Response Plans. Section 202 amends the Higher Education Act by requiring each eligible institution participating in any program under this title to develop and implement a campus emergency response plan to address a comprehensive set of emergency situations, including natural disasters, active shooter situations, and terrorist attacks.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, 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 AA—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY

SEC. 2701. PROGRAM AUTHORIZED.

(a) * * *

(b) USES OF FUNDS.—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

(1) [Placement] *Installation* and use of metal detectors, *surveillance equipment,* locks, lighting, and other deterrent measures.

* * * * * * *

(5) Development and implementation of safety measures to protect students in the event of a terrorist attack or other hazardous condition or situation.

(6) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations, including hazardous conditions.

[(5)] *(7)* Any other measure that, in the determination of the Director, may provide a significant improvement in security.

* * * * * * *

(d) MATCHING FUNDS.—

[(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.]

(1) The Federal share of the costs of a program provided by a grant under subsection (a) shall be not more than 80 percent of the total of such costs.

* * * * * * *

(g) INTERAGENCY TASK FORCE.—Not later than 60 days after the date of enactment of the School Safety Enhancements Act of 2008, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines. The advisory school safety guidelines shall be published in the Federal Register by not later than one year after such date of enactment. In developing the final advisory school safety guidelines, the interagency task force shall consult with stakeholders and interested parties, including parents, teachers, and agencies.

SEC. 2702. APPLICATIONS.

(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require. Each application shall—

(1) * * *

[(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

[(A) consistent with a comprehensive approach to preventing school violence; and

[(B) individualized to the needs of each school at which those improvements are to be made.]

(2) be accompanied by a report, signed by the chief education officer and the attorney general or other chief law enforcement executive of the State, unit of local government, or Indian tribe, certifying that each proposed use of the grant funds will be—

(A) an effective means for improving the safety of one or more schools;

(B) consistent with a comprehensive approach to preventing school violence; and

(C) individualized to the needs of each school at which those improvements are to be made.

* * * * * * *

SEC. 2703. ANNUAL REPORT TO CONGRESS.

Not later than November 30th of each year, the Director shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, ❚and the activities for which those funds were used❚ *and a detailed itemization of how those funds were utilized.*

* * * * * * *

SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part ❚$30,000,000 for each of fiscal years 2001 through 2009❚ *$50,000,000 for each of the fiscal years 2009 and 2010.*

* * * * * * *

HIGHER EDUCATION ACT OF 1965

* * * * * * *

TITLE IV—STUDENT ASSISTANCE

* * * * * * *

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

* * * * * * *

SEC. 485. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) * * *

* * * * * * *

(h) CAMPUS SAFETY ASSESSMENT.—Each eligible institution participating in any program under this title shall conduct an annual campus safety assessment that shall be prepared through consultation between the institution's staff, including safety and security personnel, and local law enforcement officials.

(i) CAMPUS EMERGENCY RESPONSE PLAN.—Each eligible institution participating in any program under this title shall develop and implement a campus emergency response plan to address a comprehensive set of emergency situations, including the following:

(1) Natural disasters.

(2) Active shooter situations.
(3) Terrorist attacks.

* * * * * * *

ADDITIONAL VIEWS

We join the Majority in support of this School Safety bill. Each day, roughly 160,000 children miss school because they are afraid of a violent incident, 100,000 children take a weapon to school, 14,000 young people are attacked on school property, 6,250 teachers are threatened, and 260 teachers are assaulted. In the wake of the tragic shootings at Virginia Tech and a recent rash of violence in public places, federally funded school safety programs can provide invaluable resources to schools and local law enforcement to help keep schools safer.

H.R. 2352, the School Safety Enhancements Act of 2008, provides grants for the placement and use of surveillance equipment in schools and hotlines or tiplines for reporting dangerous students or situations. The bill also increases the Secure Our Schools program authorization level and requires each college or university to (1) conduct an annual campus safety assessment in consultation with local law enforcement officials; and (2) develop and implement a campus emergency response plan.

We had concerns with some provisions in the bill, but our colleagues in the Majority worked with us to address those concerns. Together, we crafted amendments that removed problematic language regarding federal funding for capital improvements to state and local facilities, rewrote the provision that outlines the uses of funds to allow grants to the States for the installation of surveillance equipment, and improved the section that establishes an interagency task force on school safety to require the task force to provide advisory guidelines within a year of enactment.

We appreciate the Majority's willingness to address our concerns and support the passage of H.R. 2352 as reported.

LAMAR SMITH.
STEVE CHABOT.