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**U.S. Department of Justice
National Institute of Justice**

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Title I

THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968
(Public Law 90-351)
42 U.S.C. §3711, et seq.

As amended By

THE OMNIBUS CRIME CONTROL ACT OF 1970
(Public Law 91-644)

THE CRIME CONTROL ACT OF 1973
(Public Law 93-83)

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
(Public Law 93-415)

THE PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976
(Public Law 94-430)

THE CRIME CONTROL ACT OF 1976
(Public Law 94-503)

THE JUSTICE SYSTEM IMPROVEMENT ACT OF 1979
(Public Law 96-157)

THE JUSTICE ASSISTANCE ACT OF 1984
(Public Law 98-473)

STATE AND LOCAL LAW ENFORCEMENT
ASSISTANCE ACT OF 1986
(PUBLIC LAW 99-570-SUBTITLE K)

AN ACT

To assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Revised 9/87

Note: Appendix 1 contains related statutory provisions and notes on other programs administered by the Office of Justice Programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Crime Control and Safe Streets Act of 1968."

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PART A—OFFICE OF JUSTICE PROGRAMS

ESTABLISHMENT OF OFFICE OF JUSTICE PROGRAMS

42 U.S.C. 3711

Sec. 101. There is hereby established an Office of Justice Programs within the Department of Justice under the general authority of the Attorney General. The Office of Justice Programs (hereinafter referred to in this title as the "Office") shall be headed by an Assistant Attorney General (hereinafter in this title referred to as the "Assistant Attorney General") appointed by the President, by and with the advice and consent of the Senate.

DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

42 U.S.C. 3712

Sec. 102. (a) The Assistant Attorney General shall--

(1) publish and disseminate information on the conditions and progress of the criminal justice systems;

(2) maintain liaison with the executive and judicial branches of the Federal and State governments in matters relating to criminal justice;

(3) provide information to the President, the Congress, the judiciary, State and local governments, and the general public relating to criminal justice;

(4) maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations relating to criminal justice;

(5) provide staff support to coordinate the activities of the Office and the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention; and

(6) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General.

(b) The Assistant Attorney General shall submit an annual report to the President and to the Congress not later than March 31 of each year.

PART B—NATIONAL INSTITUTE OF JUSTICE

NATIONAL INSTITUTE OF JUSTICE

42 U.S.C. 3721

Sec. 201. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

- (1) improving Federal, State, and local criminal justice systems and related aspects of the civil justice system;
- (2) preventing and reducing crimes;
- (3) insuring citizen access to appropriate dispute-resolution forums; and
- (4) identifying programs of proven effectiveness, programs having a record of proven success, or programs which offer a high probability of improving the functioning of the criminal justice system.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to Federal, State, and local governments, to evaluate the effectiveness of programs funded under this title, to develop and demonstrate new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part, the Institute shall give primary emphasis to the problems of State and local justice systems and shall insure that there is a balance between basic and applied research.

ESTABLISHMENT, DUTIES, AND FUNCTIONS

42 U.S.C. 3722

Sec. 202. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this part as the "Institute").

(b) The Institute shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in justice research. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangement under this title.

(c) The Institute is authorized to--

(1) make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort--

(A) to identify alternative programs for achieving system goals;

(B) to provide more accurate information on the causes and correlates of crime;

(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

(D) to improve the functioning of the criminal justice system;

(E) to develop new methods for the prevention and reduction of crime, including the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

(3) evaluate the effectiveness of projects or programs carried out under this title;

(4) make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

(5) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

(6) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

(7) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

(8) after consultation with appropriate agencies and officials of States and units of local government, make recommendations for the designation of programs or projects which will be effective in improving the functioning of the criminal justice system, for funding as discretionary grants under part E; and

(9) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services.

(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor*;

(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

*So as in original.

(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development; and

(5) exercise the powers and functions set out in part H.

AUTHORITY FOR 100 PER CENTUM GRANTS

42 U.S.C. 3723

Sec. 203. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

PART C—BUREAU OF JUSTICE STATISTICS

BUREAU OF JUSTICE STATISTICS

42 U.S.C. 3731

Sec. 301. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this part, the Bureau shall give primary emphasis to the problems of State and local justice systems.

ESTABLISHMENT, DUTIES, AND FUNCTIONS

42 U.S.C. 3732

Sec. 302. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this part as "Bureau").

(b) The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director;

nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) The Bureau is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization; including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decisionmaking;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as

feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

(17) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(18) ensure conformance with security and privacy requirement of section 812 and identify, analyze and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and

(19) exercise the powers and functions set out in part H.

(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private

agencies and instrumentalities with or without reimbursement therefor*, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(2) confer and cooperate with State, municipal, and other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title;

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and,

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

AUTHORITY FOR 100 PER CENTUM GRANTS

42 U.S.C. 3733

Sec. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

USE OF DATA

42 U.S.C. 3735

Sec. 304. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

PART D--BLOCK GRANTS

ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE

42 U.S.C. 3741

Sec. 401. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Assistance (hereinafter in this part and parts E and M referred to as the "Bureau").

(b) The Bureau shall be headed by a Director (hereinafter in this part and parts E and M referred to as the "Director") who shall be appointed by the Attorney General. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

DUTIES AND FUNCTIONS OF DIRECTOR

42 U.S.C. 3742

Sec. 402. The Director shall--

(1) provide funds to eligible States, units of local government and private nonprofit organizations pursuant to this part and part E;

(2) establish priorities for programs in accordance with part E and, following public announcement of such priorities, award and allocate funds and technical assistance in accordance with the criteria of part E and on terms and conditions determined by the Director to be consistent with part E;

(3) cooperate with and provide technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

(4) provide for the development of technical assistance and training programs for State and local criminal justice agencies and foster local participation in such activities;

(5) encourage the targeting of State and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders;

(6) establish and carry on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination

concerning decisions made by the Bureau affecting State and local criminal justice priorities; and

(7) exercise such other powers and functions as may be vested in the Director pursuant to this title.

DESCRIPTION OF PROGRAM

42 U.S.C. 3743

Sec. 403. (a) It is the purpose of this part to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on violent crime and serious offenders. The Bureau is authorized to make grants under this part to States for the purpose of—

(1) providing community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;

(2) disrupting illicit commerce in stolen goods and property;

(3) combating arson;

(4) effectively investigating and bringing to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government;

(5) identifying criminal cases involving persons (including juvenile offenders) with a history of serious criminal conduct in order to expedite the processing of such cases and to improve court system management and sentencing practices and procedures in such cases;

(6) developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

(7) providing alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;

(8) providing programs which identify and meet the needs of drug-dependent offenders;

(9) providing programs which alleviate prison and jail overcrowding and programs which identify existing State and Federal buildings suitable for prison use;

(10) providing training, management, and technical assistance to criminal justice personnel and determining appropriate prosecutorial and judicial personnel needs;

(11) providing prison industry projects designed to place inmates in a realistic working and training environment in which they will be enabled to acquire marketable skills and to make financial payments for restitution to their victims, for

support of their own families, and for support of themselves in the institution;

(12) providing for operational information systems and workload management systems which improve the effectiveness of criminal justice agencies;

(13) providing programs of the same types as programs described in section 501(a)(4)—

(A) which the Director establishes, under section 503(a), as discretionary programs for financial assistance under part E; and

(B) which are innovative and have been deemed by the Director as likely to prove successful;

(14) implement programs which address critical problems of crime, such as drug trafficking, which have been certified by the Director, after consultation with the Director of the National Institute of Justice, Director of the Bureau of Justice Statistics, and Administrator of the Office of Juvenile Justice and Delinquency Prevention, as having proved successful;

(15) providing programs which address the problem of serious offenses committed by juveniles;

(16) addressing the problem of crime committed against the elderly;

(17) providing training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention; and

(18) improving the operational effectiveness of law enforcement by integrating and maximizing the effectiveness of police field operations and the use of crime analysis techniques.

(b)(1) For any fiscal year ending after September 30, 1984, the Federal portion of any grant made under this part shall be 50 per centum of the cost of programs and projects specified in the application of such grant, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any program or project described in subsection (a), the Federal portion shall be 100 per centum of such cost.

(2) The non-Federal portion of the cost of such program or project shall be in cash.

(c) No funds may be given under this title to a grant recipient for a program or project for which funds have been given under this title for 4 years (in the aggregate), including any period occurring before the effective date of this subsection.

ELIGIBILITY

42 U.S.C. 3744

Sec. 404. The Bureau is authorized to make financial assistance under this part available to a State to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this part.

APPLICATIONS

42 U.S.C. 3745

Sec. 405. No grant may be made by the Bureau to a State, or by a State to an eligible recipient pursuant to this part, unless the application for such grant sets forth criminal justice programs and projects covering a two-year period which meet the purposes of section 403(a) of this title, designates which purpose specified in section 403(a) each such program or project is intended to achieve, and identifies the State agency or unit of local government which will implement each such program or project. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

(1) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Bureau or to the State, as the case may be—

(A) a performance report concerning the activities carried out pursuant to this part and part E; and

(B) an assessment by the applicant of the impact of those activities on the purposes of this part and the needs and objectives identified in the applicant's statement;

(2) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

(3) an assurance that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

(4) an assurance that the applicant shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the Bureau may reasonably require to administer other provisions of this title;

(5) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that

the applicant will comply with all provisions of this title and all other applicable Federal laws (such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or such other officer of the applicant qualified under regulations promulgated by the Office);

(6) if the applicant is a State, an assurance that not more than 10 per centum of the aggregate amount of funds received by a State under this part for a fiscal year will be distributed for programs and projects designated as intended to achieve the purpose specified in section 403(a)(13);

(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the purposes of section 403(a);

(8) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

(9) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

REVIEW OF APPLICATIONS

42 U.S.C. 3746

Sec. 406. (a) The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

(1) the application or amendment thereto is consistent with the requirements of this title; and

(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with section 405.

Each application or amendment made and submitted for approval to the Bureau pursuant to section 405 of this title shall be deemed approved, in whole or in part, by the Bureau not later than 60 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

(b) The Bureau shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the

requirements of this part or purposes of section 403(a) of this title. The Bureau may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

(c) Grant funds awarded under this part shall not be used for—

* { (1) the purchase of equipment or hardware, or the payment of personnel costs, unless the cost of such purchases and payments is incurred as an incidental and necessary part of a program under section 403(a) of this title;

(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs;

(3) land acquisition or construction projects; or

(4) programs or projects which, based upon evaluations by the National Institute of Justice, Bureau of Justice Assistance, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

(d) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this part without first affording the applicant reasonable notice and opportunity for reconsideration.

ALLOCATION AND DISTRIBUTION OF FUNDS

42 U.S.C. 3747

Sec. 407. (a) Of the total amount appropriated for this part and part E in any fiscal year, 80 per centum shall be set aside for this part and allocated to States as follows:

(1) \$250,000 shall be allocated to each of the participating States.

(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

(b)(1) Each State which receives funds under subsection (a) in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in

section 403(a) of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

(2) In distributing funds received under this part among urban, rural and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

(3) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved.

(4) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

(d) If the Director determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established by this part, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

(e) Any funds not distributed under subsections (b) and (d) shall be available for obligation under part E.

STATE OFFICE

42 U.S.C. 3748

Sec. 408. (a) The chief executive of each participating State shall designate a State office for purposes of—

(1) preparing an application to obtain funds under this part; and

(2) administering funds received from the Bureau of Justice Assistance, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

(b) An office or agency performing other functions

within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

PART E—DISCRETIONARY GRANTS

PURPOSE

42 U.S.C. 3761

Sec. 501. (a) The purpose of this part is to provide additional Federal financial assistance to public agencies and private nonprofit organizations for purposes of—

(1) undertaking educational and training programs for criminal justice personnel;

(2) providing technical assistance to States and local units of governments;

(3) undertaking projects which are national or multi-State in scope and which address the purposes specified in section 403(a) of this title; and

(4) providing financial assistance to public agencies and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with moneys from other sources.

(b) In carrying out this part, the Bureau is authorized to make grants, and enter into cooperative agreements and contracts with, public agencies and private nonprofit organizations.

PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

42 U.S.C. 3762

Sec. 502. Of the total amount appropriated for part D and this part in any fiscal year, 20 per centum shall be reserved and set aside for this part in a special discretionary fund for use by the Bureau in carrying out the purposes specified in section 501 of this title. Grants under this part may be made for amounts up to 100 per centum of the costs of the programs or projects contained in the approved application.

PROCEDURE FOR ESTABLISHING DISCRETIONARY PROGRAMS

42 U.S.C. 3763

Sec. 503. (a) The Director of the Bureau shall periodically establish discretionary programs and projects for financial assistance under this part. Such programs and projects shall be considered priorities for a period of time not to exceed three years from the time of such determination.

(b) The Director shall annually request the National Institute of Justice, the Bureau of Justice Statistics, the Office of Justice Programs, State and local governments, and other appropriate public and private agencies to suggest discretionary programs and projects. The Director

shall then, pursuant to regulations, annually publish the proposed priorities pursuant to this part and invite and encourage public comment concerning such priorities. Priorities shall not be established or modified until the Director has provided at least 60-days advance notice for such public comment and the Director shall encourage and invite recommendations and opinion concerning such priorities from appropriate agencies and officials of State and units of local government. After considering any comments submitted during such period of time and after consultation with appropriate agencies and officials of State and units of local government, the Director shall determine whether existing established priorities should be modified. The Director shall publish in the Federal Register the priorities established pursuant to this part before the beginning of fiscal year 1985 and each fiscal year thereafter for which appropriations will be available to carry out the program.

APPLICATION REQUIREMENTS

42 U.S.C. 3764

Sec. 504. (a) No grant may be made pursuant to this part unless an application has been submitted to the Bureau in which the applicant--

(1) sets forth a program or project which is eligible for funding pursuant to this part;

(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the Bureau;

(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program and project.

(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau.

42 U.S.C. 3765

CRITERIA FOR AWARD

Sec. 505. The Bureau shall, in its discretion and according to the criteria, and on the terms and conditions it determines consistent with this part, provide financial assistance to those programs or projects which most

clearly satisfy the priorities established under section 503 of this title. In providing such assistance pursuant to this part, the Bureau shall consider whether certain segments and components of the criminal justice system have received a disproportionate allocation of financial aid and assistance pursuant to other parts of this title, and, if such a finding is made, shall assure the funding of such other segments and components of the criminal justice system as to correct inequities resulting from such disproportionate allocations.

PERIOD FOR AWARD

42 U.S.C. 3766

Sec. 506. The Bureau may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to two years if—

(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

(2) the public agency or private nonprofit organization within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from any source of funds, including Federal grants, available to the eligible jurisdiction.

PART F—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM

AUTHORITY FOR PAYMENTS

42 U.S.C. 3769

Sec. 601. In order to relieve overcrowding and substandard conditions at State and local correctional facilities, the Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the "Director") is authorized to make grants to States, units of local government, and combinations of such units to assist in construction of correctional facility projects approved under this part, and in planning to relieve overcrowding and substandard conditions in correctional facilities.

ELIGIBILITY

42 U.S.C. 3769a

Sec. 602. (a) A State, unit of local government, or combination of such units shall be eligible for assistance under this part for a correctional facility project only—

(1) if the Director, with the concurrence of the Director of the National Institute of Corrections established in chapter 315 of title 18, United States Code, has made a determination that such project represents a prototype of new and

innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement; and

(2) for not more than one such project in any State per fiscal year.

(b) A State, a unit of local government, or a combination of such units shall be eligible for assistance under this part for the development of a plan for relieving overcrowding or substandard conditions in correctional facilities operated by the State, a unit of local government, or a combination of such units. Such assistance shall not exceed 50 percent of the cost of developing the plan.

APPLICATION; APPROVAL; PAYMENT

42 U.S.C. 3769b

Sec. 603. (a) A State, unit of local government, or combination of such units desiring to receive assistance under this part for a correctional facility project shall submit to the Director an application which shall include—

(1) reasonable assurance that the applicant has developed an acceptable plan for reducing overcrowding and improving conditions of confinement in its correctional facilities and has implemented, or is in the process of implementing, such plan through legislative, executive, or judicial initiatives;

(2) a detailed description of the correctional facility to be constructed, altered, or expanded, including a description of the site of such facility;

(3) an estimate of the total cost of the construction of such project, including the amount of assistance requested for such project;

(4) reasonable assurance that title to such site is or will be vested solely in the applicant, or another agency or instrumentality of the applicant;

(5) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete; and

(6) reasonable assurance that the applicant will comply with the standards and recommendations of the clearinghouse on the construction and modernization of correctional facilities established under section 605.

(b)(1) The Director may approve any such application only if the Director finds that—

(A) there are sufficient funds available to provide the assistance requested;

(B) such assistance does not exceed 20 percent of the estimated total cost of construction;

(C) the application contains such

reasonable assurances as may be required under subsection (a); and

(D) the eligibility criteria of section 602 are met.

(2) In approving applications under this subsection, the Director shall consider the numbers and general characteristics of the inmate population (to include factors such as offenders' ages, offenses, average term of incarceration, and custody status), and the degree to which the applicant has implemented an inmate classification system which addresses the need for appropriate security assignment.

(c) Upon approving an application under this section, the Director shall award the amount of assistance so approved, but in no event an amount greater than 20 percent of the cost of construction of the approved correctional facility project, and shall provide for payment to the applicant or, if designated by the applicant, any agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Director may determine. Funds paid under this subsection for the construction of an approved project shall be used solely for carrying out such project as so approved.

(d) An amendment of any application shall be subject to approval in the same manner as an original application.

RECAPTURE PROVISIONS

42 U.S.C. 3769c

Sec. 605. If, within 20 years after completion of any correctional facility project with respect to which assistance has been provided under this subchapter, such facility ceases to be operated as a correctional facility, the United States may recover from the recipient of such assistance any amount not to exceed 20 percent of the then current value of such project (but in no event an amount greater than the amount of assistance provided under this subchapter for such project), as determined by agreement with the parties or by action brought in the district court of the United States for the district in which such facility is situated.

CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

42 U.S.C. 3769d

Sec. 606. (a) The Director shall provide for the operation of a clearinghouse on the construction and modernization of correctional facilities, which shall collect, prepare, and disseminate to the public and to interested State and local public agencies information, including recommendations, pertaining to the construction and modernization of correctional facilities. Such

information shall include information regarding—

(1) new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement;

(2) ways in which a construction planning program may be used to improve the administration of the criminal justice system within each State;

(3) recommended minimum standards concerning construction materials and methods, to be updated from time to time to reflect technological advances;

(4) the cost effectiveness of available construction materials, methods, and design technologies;

(5) the training of correctional facility personnel; and

(6) health and safety considerations in construction planning.

(b) The Director is authorized to enter into contracts with private organizations and interagency agreements with the National Institute of Corrections, the National Institute of Justice, the Bureau of Justice Statistics, and other appropriate public agencies, to operate the clearinghouse required under this section.

PART G — FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

TRAINING AND MANPOWER DEVELOPMENT

42 U.S.C. 3771

Sec. 701. (a) The Director of the Federal Bureau of Investigation is authorized to—

(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Training for rural criminal justice personnel shall include, when appropriate, effective use of regional resources and methods to improve coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only

for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or such unit may nominate for police training while such persons are actually employed as officers of such State or unit.

(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

(c) Notwithstanding the provisions of subsection (a), the Secretary of the Treasury is authorized to establish, develop, and conduct training programs at the Federal Law Enforcement Training Center at Glynco, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel provided that such training does not interfere with the Center's mission to train Federal law enforcement personnel.

PART H--ADMINISTRATIVE PROVISIONS

CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

42 U.S.C. 3782

Sec. 80L. (a) The Office of Justice Programs, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this title.

(b) The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts D, E, and M in order to determine—

(1) whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

(2) whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

(3) their cost in relation to their

effectiveness in achieving stated goals;

(4) their impact on communities and participants; and

(5) their implication for related programs.

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under part D to submit an annual performance report concerning activities carried out pursuant to part D together with an assessment by the applicant of the effectiveness of those activities in achieving the purposes of section 403(a) of this title and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 403 of this title. The Bureau shall suspend funding for an approved application under part D if an applicant fails to submit such an annual performance report.

(c) The procedures established to implement the provisions of this title shall minimize paperwork and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.

NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

42 U.S.C. 3783

Sec. 802. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics finds that a recipient of assistance under this title has failed to comply substantially with—

(1) any provisions of this title;

(2) any regulations or guidelines promulgated under this title; or

(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

the Director involved shall, until satisfied that there is no longer any such failure to comply, terminate payments to the recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

(b) If any grant application submitted under part D or part M of this title has been denied, or any grant under this title has been terminated, then the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, as appropriate, shall notify the

applicant of its action and set forth the reason for the action taken. Whenever such an applicant requests a hearing, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics is authorized to take final action without a hearing if, after an administrative review of the denial of such application or termination of such grant, it is determined that the basis for the appeal, if substantiated, would not establish a basis for awarding or continuing of the grant involved. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the applicant.

(c) If the applicant involved is dissatisfied with the findings and determinations of the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

FINALITY OF DETERMINATIONS

42 U.S.C. 3784

Sec. 803. In carrying out the functions vested by this title in the Bureau of Justice Assistance, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all applications, except as otherwise provided herein.

APPELLATE COURT REVIEW

42 U.S.C. 3786

Sec. 804. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 802, 803, or 809(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of

the petition shall forthwith be transmitted by the petitioner to the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate.

(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.

DELEGATION OF FUNCTIONS

42 U.S.C. 3786

Sec. 805. The Attorney General, the Assistant Attorney General, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Bureau of Justice Assistance may delegate to any of their respective officers or employees such functions under this title as they deem appropriate.

SUBPOENA POWER; EMPLOYMENT OF HEARING OFFICERS; AUTHORITY TO HOLD HEARINGS

42 U.S.C. 3787

Sec. 806. The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out their respective powers and duties under this title. The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they respectively may designate.

PERSONNEL AND ADMINISTRATIVE AUTHORITY

42 U.S.C. 3788

Sec. 807. (a) The Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Institute*, and the Director of the Bureau of Justice Statistics are authorized to select, appoint, employ, and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics, respectively, under this title.

(b) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

(c) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

(d) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable from time to time for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized to appoint, without regard to the provisions of title 5, United States Code, advisory committees to advise them with respect to the administration of this title as they deem necessary. Such committees shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Members of such committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of such committees, shall be compensated at rates to be fixed by the Office but not to exceed the daily equivalent of the rate of pay payable from time to time for GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(f) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding section 1345 of title 31, United States Code.

(g) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code. Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

TITLE TO PERSONAL PROPERTY

42 U.S.C. 3789

Sec. 808. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State Office described in sections 408 or 1308, as the case may be, of this title that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES; PROHIBITION OF DISCRIMINATION

42 U.S.C. 3789d

Sec. 809. (a) Nothing in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration—*

(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

(2)(A) Whenever there has been—

(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of

discrimination in violation of paragraph (1); or

(ii) a determination after an investigation by the Office of Justice Programs (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this title) that a State government or unit of local government is not in compliance with paragraph (1);

the Office of Justice Programs shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of clause (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the Office of Justice Programs. On or prior to the effective date of the agreement, the Office of Justice Programs shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the Office of Justice Programs detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the Office of Justice Programs that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the Office of Justice Programs shall send a copy thereof to each such complainant.

(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and

(ii) an administrative law judge has not made

a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Office of Justice Programs shall notify the Attorney General that compliance has not been secured and caused to have suspended further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Office of Justice Programs in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Office of Justice Programs, after notice and opportunity for such a hearing, that the recipient is not in compliance with paragraph (I).

(D) Payment of the suspended funds shall resume only if—

(i) such State government or unit of local government enters into a compliance agreement approved by the Office of Justice Programs and the Attorney General in accordance with subparagraph (B);

(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Office of Justice Programs in the notice pursuant to subparagraph (A), or is found to be in compliance with paragraph (I) by such court; or

(iii) after a hearing the Office of Justice Programs pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Office of Justice Programs shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing on the record in accordance with section 554 of title 5, United States Code, in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of local government may request a hearing on the record in accordance with section 554 of title 5, United States Code, which the Office of Justice Programs shall initiate within sixty days of such request.

(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), the Office of Justice Programs shall make a finding of compliance or noncompliance. If the Office of Justice Programs makes a finding of noncompliance, the Office of Justice Programs shall notify the Attorney General in order that the Attorney General may institute a civil action under paragraph (3), cause to have terminated the payment of funds under this title, and, if appropriate, seek repayment of such funds.

(iii) If the Office of Justice Programs makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

(H) Any State government or unit of local government aggrieved by a final determination of the Office of Justice Programs under subparagraph (G) may appeal such determination as provided in section 805 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the

suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in a appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Office of Justice Programs or any other administrative enforcement agency, unless within such period there has been a determination by the Office of Justice Programs or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

(C) In any action instituted under this section to enforce compliance with paragraph (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

REPORT TO PRESIDENT AND CONGRESS

42 U.S.C. 3789e

Sec. 810. Not later than April 1 of each year, the Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice shall each submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate, on their activities under this title during the fiscal year next preceding such date.

RECORDKEEPING REQUIREMENT

42 U.S.C. 3789f

Sec. 811(a) Each recipient of funds under this title shall keep such records as the Office of Justice Programs shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such

funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Office of Justice Programs or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers and records of the recipients of funds under this title which in the opinion of the Office of Justice Programs may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

(d) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

(e) There is hereby established within the Law Enforcement Assistance Administration* a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provision of law, any income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund. Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.

CONFIDENTIALITY OF INFORMATION

42 U.S.C. 3789g

Sec. 812. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information

and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Programs shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office of Justice Programs and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.

ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS

42 U.S.C. 3789i

Sec. 813. The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the Office of Juvenile Justice and Delinquency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.

PROHIBITION ON LAND ACQUISITION

42 U.S.C. 3789j

Sec. 814. No funds under this title shall be used for land acquisition.

PROHIBITION ON USE OF CIA SERVICES

42 U.S.C. 3789k

Sec. 815. Notwithstanding any other provision of this title, no use will be made of services, facilities, or personnel of the Central Intelligence Agency.

INDIAN LIABILITY WAIVER

42 U.S.C. 3789l

Sec. 816. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Assistant Attorney General is authorized to waive State liability and may pursue such legal remedies as are necessary.

DISTRICT OF COLUMBIA MATCHING FUND SOURCE

42 U.S.C. 3789m

Sec. 817. Funds appropriated by the Congress for the activities of any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

LIMITATION ON CIVIL JUSTICE MATTERS

42 U.S.C. 3789n

Sec. 818. Authority of any entity established under this title shall extend to civil justice matters only to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

PART I—DEFINITIONS

42 U.S.C. 379l

Sec. 90l. (a) As used in this title—

(1) "criminal justice" means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,*** American Samoa, Guam, and the Northern Mariana Islands: Provided that for the purposes of section 407(a) American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that for these purposes, 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands;

(3) "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands;

(4) "construction" means the erection, acquisition, renovation, repairs, remodeling, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor*;

(5) "combination" as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice program or project;

(6) "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(7) "correctional facility" means any place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses;

(8) "correctional facility project" means a project for the construction, replacement, alteration or expansion of a prison or jail for the purpose of relieving overcrowding or substandard conditions.

(9) "criminal history information" includes records and related data, contained in an automated or manual criminal justice informational system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and

***Change made by Pub. L. 99-396, 100 Stat. 839, (Aug. 27, 1986).

alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

(10) "evaluation" means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

(11) "neighborhood or community-based organizations" means organizations which are representative of communities or significant segments of communities;

(12) "chief executive" means the highest official of a State or local jurisdiction;

(13) "cost of construction" means all expenses found by the Director to be necessary for the construction of the project, including architect and engineering fees, but excluding land acquisition costs;

(14) "population" means total resident population based on data compiled by the United States Bureau of Census and referable to the same point or period in time;

(15) "Attorney General" means the Attorney General of the United States or his designee;

(16) "court of last resort" means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term "court of last resort" the term "court" means a tribunal recognized as a part of the judicial branch of a State or of its local government units;

(17) "institution of higher education" means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Office may determine to be appropriate;

(18) "white-collar crime" means an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal

advantage;

(19) "proven effectiveness" means that a program, project, approach, or practice has been shown by analysis of performance and results to make a significant contribution to the accomplishment of the objectives for which it was undertaken or to have a significant effect in improving the condition or problem it was undertaken to address;

(20) "record of proven success" means that a program, project, approach, or practice has been demonstrated by evaluation or by analysis of performance data and information to be successful in a number of jurisdictions or over a period of time in contributing to the accomplishment of objectives or to improving conditions identified with the problem, to which it is addressed; and

(21) "high probability of improving the criminal justice system" means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementation plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed.

(b) Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Office may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of local government to undertake a program or project in whole or in part.

Errata Sheet

Please insert the corrected section 1001 at p. 39 of the 9/87 printing of the Omnibus Crime Control and Safe Streets Act, as amended.

PART J - FUNDING

AUTHORIZATION OF APPROPRIATIONS

42 U.S.C. 3793

Sec. 1001. (a)(1) There are authorized to be appropriated for fiscal years 1984, 1985, 1986, 1987, and 1988 such sums as may be necessary to carry out the functions of the Bureau of Justice Statistics.

(2) There are authorized to be appropriated for fiscal years 1984, 1985, 1986, 1987, and 1988 such sums as may be necessary to carry out the functions of the National Institute of Justice.

(3) There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance, other than functions under parts F, G, L, and M of this title.

(4) There is authorized to be appropriated \$25,000,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 to carry out part F.

(5) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L.

(6) There are authorized to be appropriated \$230,000,000 for fiscal year 1987, \$230,000,000 for fiscal year 1988, and \$230,000,000 for fiscal year 1989, to carry out the programs under part M of this title."...; and

(7) Funds appropriated for any fiscal year may remain available for obligation until expended.

(b) Notwithstanding any other provision of law, no funds appropriated under this section for parts D, E, and M of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such parts.

The changes are underlined or indicated by an *.

PART J - FUNDING

AUTHORIZATION OF APPROPRIATIONS

42 U.S.C. 3793

Sec. 100L. (a)(1) There are authorized to be appropriated for fiscal years 1984, 1985, 1986, 1987, and 1988 such sums as may be necessary to carry out the functions of the Bureau of Justice Statistics.

(2) There are authorized to be appropriated for fiscal years 1984, 1985, 1986, 1987, and 1988 such sums as may be necessary to carry out the functions of the National Institute of Justice.

(3) There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance, other than functions under parts F, G, and L of this title.

(4) There is authorized to be appropriated \$25,000,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 to carry out part F.

(5) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L.

(6) Funds appropriated for any fiscal year may remain available for obligation until expended.

(b) Notwithstanding any other provision of law, no funds appropriated under this section for parts D and E of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such parts.

PART K—CRIMINAL PENALTIES

MISUSE OF FEDERAL ASSISTANCE

42 U.S.C. 3795

Sec. 110L. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, or whoever receives, conceals, or retains such funds, assets or property with intent to convert such funds, assets or property to his use or gain, knowing such funds, assets, or property has been embezzled, willfully misapplied, stolen or obtained by fraud, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

FALSIFICATION OR CONCEALMENT OF FACTS

42 U.S.C. 3795a

Sec. 1102. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

CONSPIRACY TO COMMIT OFFENSE AGAINST UNITED STATES

42 U.S.C. 3795b

Sec. 1103. Any law enforcement or criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be subject to the provisions of section 371 of title 18, United States Code.

PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

PAYMENTS

42 U.S.C. 3796

Sec. 1201. (a) In any case in which the Bureau of Justice Assistance (hereinafter in this part referred to as the "Bureau") determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay a benefit of \$50,000 as follows:

(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

(b) Whenever the Bureau determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding \$3,000 to the individual entitled to receive a benefit under subsection (a) of this section.

(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such individual.

(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall

be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-622); or

(2) benefits authorized by section 8191 of title 5, United States Code. Such beneficiaries shall only receive benefits under such section 8191 that are in excess of the benefits received under this part.

(f) No benefit paid under this part shall be subject to execution or attachment.

LIMITATIONS ON BENEFITS

42 U.S.C. 3796a

Sec. 1202. No benefit shall be paid under this part—

(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

(2) if the public safety officer was voluntarily intoxicated at the time of his death;

(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death;

(4) to any individual who would otherwise be entitled to a benefit under this part if such individual's actions were a substantial contributing factor to the death of the public safety officer; or

(5) to any individual employed in a capacity other than a civilian capacity.

DEFINITIONS

42 U.S.C. 3796b

Sec. 1203. As used in this part—

(1) "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

(i) 18 years of age or under;

(ii) over 18 years of age and a student as defined in section 8101 of title 5, United States Code; or

(iii) over 18 years of age and incapable of self-support because of physical or mental disability;

(2) "dependent" means any individual who was substantially reliant for support upon the income of the deceased public safety officer;

(3) "firefighter" includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department**** and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire, rescue or police emergency;

(4) "intoxication" means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

(i) a post-mortem blood alcohol level of .20 per centum or greater; or

(ii) a post-mortem blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death; or resulting from drugs or other substances in the body;

(5) "law enforcement officer" means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers;

(6) "public agency" means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

(7) "public safety officer" means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter,**** or a rescue squad or ambulance crew.

ADMINISTRATIVE PROVISIONS

42 U.S.C. 3796c

Sec. 1204. (a) The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this subchapter. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this subchapter. Rules, regulations, and procedures issued

****Change enacted in Pub. L. 99-591, 100 Stat. 3341-56, (Oct. 30, 1986).

under this subchapter may include regulations governing the recognition of agents or other persons representing claimants under this subchapter before the Bureau. The Bureau may prescribe the maximum fees which may be charged for services performed in connection with any claim under this subchapter before the Bureau, and any agreement in violation of such rules and regulations shall be void.

(b) In making determinations under section 3796 of this title, the Bureau may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Bureau.

PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

FUNCTION OF THE DIRECTOR

42 U.S.C. 3796h

Sec. 130L. The Director shall provide funds to eligible States and units of local government pursuant to this part.

DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM

U.S.C. 3796i

Sec. 1302. The Director is authorized to make grants to States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.), and to—

(1) provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State and local laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons;

(2) provide additional personnel, equipment, facilities (including upgraded and additional law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such State and local laws and to pay operating expenses in connection with such prosecution;

(3) provide additional personnel (including judges), equipment, personnel training and supplies for more widespread adjudication of cases involving persons accused of violating such State and local laws, to pay operating expenses in connection with such adjudication, and to provide quickly temporary facilities in which to conduct adjudications of such cases;

(4) provide additional public correctional resources for the detention of persons convicted of violating State and local laws relating to the production, possession, or transfer of controlled substances, and to establish and improve treatment and rehabilitative counseling provided to drug dependent persons convicted of violating State and local laws;

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted;

(6) provide programs which identify and meet the needs of drug-dependent offenders; and

(7) conduct demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by providing additional resources, such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

APPLICATIONS TO RECEIVE GRANTS

42 U.S.C. 3796j

Sec. 1303. To request a grant under section 1302, the chief executive officer of a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

(1) a statewide strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances;

(2) a certification that Federal funds made available under section 1302 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for drug law enforcement activities;

(3) a certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for drug law enforcement by the recipients of grant funds;

(4) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

(5) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

Such strategy shall be prepared after consultation with State and local officials whose duty it is to enforce such laws. Such strategy shall include an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Director or to the State, as the case may be, a performance report concerning the activities carried out pursuant to section 1302 of this title.

REVIEW OF APPLICATIONS

42 U.S.C. 3796k

Sec. 1304. (a) The Bureau shall provide financial assistance to each State applicant under section 1302 of this title to carry out the programs or projects submitted by such applicant upon determining that—

(1) the application or amendment thereto is consistent with the requirements of this title; and

(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with section 1303 of this title.

Each application or amendment made and submitted for approval to the Bureau pursuant to section 1303 shall be deemed approved, in whole or in part, by the Bureau not later than sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

(b) Grant funds awarded under section 1302 of this title shall not be used for land acquisition or construction projects, other than penal and correctional institutions.

(c) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

**ALLOCATION AND DISTRIBUTION OF FUNDS
UNDER FORMULA GRANTS**

42 U.S.C. 37961

Sec. 1305. (a) Of the total amount appropriated for this part in any fiscal year, 80 per centum shall be set aside for section 1302 and allocated to States as follows:

(1) \$500,000 shall be allocated to each of the participating States.

(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

(b)(1) Each State which receives funds under subsection (a) of this section in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 1302 of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved.

(3) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

(d) If the Director determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 1302 of this title, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

(e) Any funds allocated under subsection (a) that are not distributed under this section shall be available for obligation under section 1309 of this title.

REPORTS

42 U.S.C. 3796m

Sec. 1306. (a) Each State which receives a grant under section 1302 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 1303 of this title;

(2) a summary of the activities carried out in such year with any grant received under section 1309 of this title by such State; and

(3) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

(b) Not later than ninety days after the end of each fiscal year for which grants are made under section 1302 of this title, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of grants made under sections 1302 and 1309 of this title to such State for such fiscal year;

(2) the amount of such grants expended for each of the purposes specified in section 1302; and

(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a).

EXPENDITURE OF GRANTS; RECORDS

42 U.S.C. 3796n

Sec. 1307. (a) A grant made under section 1302 of this title may not be expended for more than 75 per centum of the cost of the identified uses, in the aggregate, for which such grant is received to carry out any purpose specified in section 1302, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 per centum of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

(b) Not more than 10 per centum of a grant made under section 1302 of this title may be used for costs incurred to administer such grant.

(c)(1) Each State which receives a grant under section 1302 of this title shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Director may require by rule to facilitate an effective audit.

(2) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and of units of local government which receive any part of a grant made under section 1302, if in the opinion of the Director or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

STATE OFFICE

42 U.S.C. 3796o

Sec. 1308. (a) The chief executive of each participating State shall designate a State office for purposes of—

(1) preparing an application to obtain funds under section 1302 of this title; and

(2) administering funds received under such section from the Director, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements.

(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

DISCRETIONARY GRANTS

42 U.S.C. 3796p

Sec. 1309. The Director is authorized to make grants to public agencies and private nonprofit organizations for any purpose specified in section 1302 of this title. The Director shall have final authority over all grants awarded under this section.

APPLICATION REQUIREMENTS

42 U.S.C. 3796q

Sec. 1310. (a) No grant may be made under section 1309 of this title unless an application has been submitted to the Director in which the applicant—

(1) sets forth a program or project which is eligible for funding pursuant to section 1309 of this title; and

(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out.

(b) Each applicant for funds under section 1309 of this title shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and

that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Director.

ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS

42 U.S.C. 3796r

Sec. 1311. Of the total amount appropriated for this part in any fiscal year, 20 per centum shall be reserved and set aside for section 1309 of this title in a special discretionary fund for use by the Director in carrying out the purposes specified in section 1302 of this title. Grants under section 1309 may be made for amounts up to 100 per centum of the costs of the programs or projects contained in the approved application.

LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

42 U.S.C. 3796s

Sec. 1312. Grant funds awarded under section 1309 of this title shall not be used for land acquisition or construction projects.

PART N—TRANSITION—EFFECTIVE DATE—REPEALER

CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

42 U.S.C. 3797

Sec. 1401. (a)(1) All orders, determinations, rules of the Law Enforcement Assistance Administration which are in effect on December 27, 1979 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this title or by operation of law.

(2) All orders, determinations, rules, regulations, and instructions issued under this title which are in effect on October 12, 1984, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Attorney General, the Assistant Attorney General, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Bureau of Justice Assistance with respect to their functions under this title or by operation by law.

(b) The Director of the National Institute of Justice may award new grants, enter into new contracts or

cooperative agreements, or otherwise obligate previously appropriated unused or reversionary funds for the continuation of research and development projects in accordance with the provisions of this title as in effect on the day before December 27, 1979 based upon applications received under this title before December 27, 1979 or for purposes consistent with provisions of this title.

(c) The Director of the Bureau of Justice Statistics may award new grants, enter into new contracts or cooperative agreements or otherwise obligate funds appropriated for fiscal years before 1980 for statistical projects to be expended in accordance with the provisions of this title, as in effect on the day before December 27, 1979 or for purposes consistent with provisions of this title.

(d) The Administrator of the Law Enforcement Assistance Administration may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 1979, and otherwise obligate previously appropriated unused or reversionary funds or funds appropriated for the fiscal year beginning October 1, 1979, for the continuation of projects in accordance with the provisions of this title, as in effect on the day before December 27, 1979, or for purposes consistent with provisions of this title.

(e) The amendments made to this title by the Justice System Improvement Act of 1979 shall not affect any suit, action, or other proceeding commenced by or against the Government before December 27, 1979.

(f) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before December 27, 1979 which continue in operation beyond December 27, 1979, may be carried out with funds appropriated for purposes of this title.

(g) Except as otherwise provided in this title, the personnel employed on December 27, 1979 by the Law Enforcement Assistance Administration are transferred as appropriate to the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice or the Bureau of Justice Statistics, considering the function to be performed by these organizational units and the functions previously performed by the employee. Determinations as to specific positions to be filled in an acting capacity for a period of not more than ninety days by the Administrator and Deputy Administrators employed on December 27, 1979 may be made by the Attorney General notwithstanding any other provision of law.

(h) Any funds made available under parts B, C, and

E of this title, as in effect before December 27, 1979, which are not obligated by a State or unit of local government, may be used to provide up to 100 per centum of the cost of any program or project.

(i) Notwithstanding any other provision of this title, all provisions of this title, as in effect on December 27, 1979 which are necessary to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601, et seq., remain in effect for the sole purpose of carrying out the Juvenile Justice and Delinquency Prevention Act of 1974, and the State criminal justice council established under this title shall serve as the State planning agency for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.

(j) Notwithstanding the provisions of section 404(c)(3), any construction projects which were funded under this title, as in effect before December 27, 1979, and which were budgeted in anticipation of receiving additional Federal funding for such construction may continue for two years to be funded under this title.

APPENDIX I- RELATED STATUTORY PROVISIONS AND NOTES

REFERENCES IN OTHER LAWS

42 U.S.C. 3711
Note

Sec. 609L* (a) Any reference to the Law Enforcement Assistance Administration, or to the Administrator of the Law Enforcement Assistance Administration, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act [October 12, 1984] are carried out by the Bureau of Justice Assistance shall be deemed to be a reference to the Bureau of Justice Assistance, or to the Director of the Bureau of Justice Assistance, as the case may be.

(b) Any reference to the Office of Justice Assistance, Research, and Statistics, or to the Director of the Office of Justice Assistance, Research, and Statistics, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act [October 12, 1984] are carried out by the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, or the Office of Juvenile Justice Delinquency Prevention shall be deemed to be a reference to the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics,

National Institute of Justice, or Office of Juvenile Justice Delinquency Prevention, or to the Director of the Office of Justice Programs, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, or the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as the case may be.

EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE APPLICATION

42 U.S.C. 10501

Sec. 609M.* (a) In the event that a law enforcement emergency exists throughout a State or a part of a State, a State (on behalf of itself or another appropriate unit of government) may submit an application under this section for Federal law enforcement assistance.

(b) An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the Attorney General. The Attorney General shall, after consultation with the Director of the Office* of Justice Assistance and appropriate members of the Federal law enforcement community, approve or disapprove such application not later than 10 days after receiving such application.

(c) Federal law enforcement assistance may be provided if such assistance is necessary to provide an adequate response to a law enforcement emergency. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider—

(1) the nature and extent of such emergency throughout a State or in any part of a State,

(2) the situation or extraordinary circumstances which produced such emergency,

(3) the availability of State and local criminal justice resources to resolve the problem,

(4) the cost associated with the increased Federal presence,

(5) the need to avoid unnecessary Federal involvement and intervention in matters primarily of State and local concern, and

(6) any assistance which the State or other appropriate unit of government has received, or could receive, under any provision of title I of the Omnibus Crime Control and Safe Street Act of 1968.

DEFINITIONS

42 U.S.C. 10502

Sec. 609N.* For purposes of this subdivision—

(1) the term "Federal law enforcement assistance" means funds, equipment, training, intelligence information, and personnel,

(2) the term "Federal law enforcement

community" means the heads of the following departments or agencies:

(A) the Federal Bureau of Investigation,

(B) the Drug Enforcement Administration,

(C) the Criminal Division of the Department of Justice,

(D) the Internal Revenue Service,

(E) the Customs Service,

(F) the Immigration and Naturalization Service,

(G) the United States Marshals Service,

(H) the National Park Service,

(I) the United States Postal Service,

(J) the Secret Service,

(K) the Coast Guard,

(L) the Bureau of Alcohol, Tobacco, and Firearms, and

(M) the other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws,

(3) the term "law enforcement emergency" means an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which State and local resources are inadequate to protect the lives and property of citizens or to enforce the criminal law, except that such term does not include—

(A) the perceived need for planning or other activities related to crowd control for general public safety projects, or

(B) a situation requiring the enforcement of laws associated with scheduled public events, including political conventions and sports events, and

(4) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

LIMITATION ON AUTHORITY

42 U.S.C. 10503

Sec. 6090.* (a) Nothing in this subdivision authorizes the use of Federal law enforcement personnel to investigate violations of criminal law other than violations with respect to which investigation is authorized by other provisions of law.

(b) Nothing in this subdivision shall be construed to authorize the Attorney General or the Federal law

enforcement community to exercise any direction, supervision, or control over any police force or other criminal justice agency of an applicant for Federal law enforcement assistance.

(c) Nothing in this subdivision shall be construed to authorize the Attorney General or the Federal law enforcement community—

(1) to condition the availability or amount of Federal law enforcement assistance upon the adoption by an applicant for such assistance of, or

(2) to deny or discontinue such assistance upon the failure of such applicant to adopt, a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency of such applicant.

(d) No funds provided under this subdivision may be used to supplant State or local funds that would otherwise be made available for such purposes.

(e) Nothing in this subdivision shall be construed to limit any authority to provide emergency assistance otherwise provided by law.

PROHIBITION OF DISCRIMINATION

42 U.S.C. 10504

Sec. 609P.* (a) No person in any State shall, on the ground of race, color, religion, national origin, or sex, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any activity for which Federal law enforcement assistance is provided under this subdivision.

(b) Paragraph (3) and paragraph (4) of section 809(c) of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply with respect to a violation of subsection (a), except that the terms "this section" and "paragraph (1)", as such terms appear in such paragraphs, shall be deemed to be references to subsection (a) of this section, and a reference to the Office of Justice Programs in such paragraphs shall be deemed to be a reference to the Attorney General.

CONFIDENTIALITY OF INFORMATION

42 U.S.C. 10505

Sec. 609Q.* Section 812 of part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply with respect to—

(1) information furnished under this subdivision,

(2) criminal history information collected, stored, or disseminated with the support of Federal law enforcement assistance provided under this subdivision, and

(3) criminal intelligence systems operating with the support of Federal law enforcement assistance provided under this subdivision, except that the terms "this chapter" and "this section", as such terms appear in such section

812, shall be deemed to be references to this subdivision and this section, respectively, of this Act, and a reference to the Office of Justice Programs in such section 812 shall be deemed to be a reference to the Attorney General.

PROHIBITION OF LAND ACQUISITION

42 U.S.C. 10506

Sec. 609R.* No funds provided under this subdivision shall be used for land acquisition.

REPAYMENT

42 U.S.C. 10507

Sec. 609S.* (a) If Federal law enforcement assistance provided under this subdivision is used by the recipient of such assistance in violation of section 554 or for any purpose other than the purpose for which it is provided, then such recipient shall promptly repay to the Attorney General an amount equal to the value of such assistance.

(b) The Attorney General may bring a civil action in an appropriate United States district court to recover any amount required to be repaid under subsection (a).

RECORDKEEPING REQUIREMENT

42 U.S.C. 10508

Sec. 609T.* (a) Each recipient of Federal law enforcement assistance provided under this subdivision shall keep such records as the Attorney General may prescribe to facilitate an effective audit.

(b) The Attorney General and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of recipients of Federal law enforcement assistance provided under this subdivision which, in the opinion of the Attorney General or the Comptroller General, are related to the receipt or use of such assistance.

REPORT TO CONGRESS

42 U.S.C. 10509

Sec. 609U.* Not later than April 1 of each year, the Attorney General shall submit to the President, to the Speaker of the House of Representatives, and to the President of the Senate a report describing Federal law enforcement assistance provided under this subdivision during the calendar year preceding the date such report is made.

BUREAU OF JUSTICE ASSISTANCE

42 U.S.C. 10510

Sec. 609V.* The Director of the Bureau of Justice Assistance may assist the Attorney General in providing Federal law enforcement assistance under this subdivision and in coordinating the activities authorized under this

subdivision.

LIMITATION ON CIVIL JUSTICE MATTERS

42 U.S.C. 10511

Sec. 609W.* Federal law enforcement assistance provided under this subdivision may not be used with respect to civil justice matters except to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

ISSUANCE OF RULES

42 U.S.C. 10512

Sec. 609X.* The Attorney General, after consultation with appropriate members of the law enforcement community and with State and local officials, shall issue rules to carry out this subdivision.

AUTHORIZATION OF APPROPRIATIONS

42 U.S.C. 10513

Sec. 609Y.* (a) There is authorized to be appropriated \$20,000,000 for each fiscal year ending after September 30, 1984, to provide under this subdivision Federal law enforcement assistance in the form of funds.

(b) There are authorized to be appropriated for each fiscal year ending after September 30, 1984, such sums as may be necessary to provide under this subdivision Federal law enforcement assistance other than funds.

PRISON INDUSTRY ENHANCEMENT

18 U.S.C. 1761

Sec. 819. Transportation or importation.

(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole, supervised release,* or probation, or in any penal or reformatory institution, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State.

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not

*The clause "supervised release", will be effective November 1987.

apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than twenty pilot projects designated by the Director of the Bureau of Justice Assistance and who--

(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

(d) Notwithstanding any law to the contrary, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

Notes: (c) The provisions of section 1761 of title 18, United States Code, and of the first section of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C 35), commonly known as the Walsh-Healey Act, creating exemptions to Federal restrictions on marketability of prison made goods, as amended from time to time, shall not apply unless --

(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project qualifying of any exemption created by this section; and

(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.

MARIEL CUBANS — APPROPRIATIONS*

\$5,000,000 authorized by the Justice Assistance Act of 1984 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1986 through September 30, 1987, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: Provided, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose governors certify by February 1, 1987, a listing of names of such Mariel Cubans incarcerated in their respective facilities: Provided further, That the Attorney General, not later than April 1, 1987, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears the total certified number of such incarcerated persons: Provided further, That the amount of reimbursements per prisoner per annum shall not exceed \$12,000. Not to exceed \$64,000,000 shall be obligated during fiscal year 1987 for victim compensation and assistance programs, notwithstanding section 1402, 1403, 1404 of the Victims of Crime Act of 1984 (Public Law 98-473).

*Pub. L. 99-591 §104 (October 30, 1986) (or pertinent Fiscal Year Appropriation).

Addendum to Page 58

Immigration Reform and Control Act of 1986, Pub. L. 99-603,
Sec. 501(a) (Oct. 14, 1986).

TITLE V--STATE ASSISTANCE FOR INCARCERATION COSTS
OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS

Sec. 501. Reimbursement of States For Costs of
Incarcerating Illegal Aliens and Certain Cuban Nationals

(a) **Reimbursement To States.**--Subject to the amounts provided in advance in appropriation Acts, the Attorney General shall reimburse a State for the costs incurred by the State for the imprisonment of any illegal alien or Cuban national who is convicted of a felony by such State.

REGIONAL INTELLIGENCE SHARING SYSTEMS

OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

Appropriates \$190,650,000 instead of \$210,000,000 as proposed by the House and \$148,650,000 as proposed by the Senate. In addition, the conference agreement provides for a transfer of \$3,500,000 of unused discretionary Juvenile Justice funds to the State and local assistance program. The House and Senate bills contained no provision on this matter.

The following table shows the amounts in the conference agreement, including application of carryover funds, for the Justice Assistance program:

<u>Item</u>	<u>Conference Agreement</u>
Juvenile Justice.....	\$70,282,000
RISS.....	9,900,000
(Carryover).....	(2,100,000)
Mariel Cubans.....	5,000,000
Missing Children.....	4,000,000
State and Local Assistance	\$40,000,000
(Carryover).....	4,400,000
National Institute of Jus- tice.....	18,566,000
Bureau of Justice Statis- tics.....	16,002,000
(Carryover).....	(2,980,000)
Public Safety Officers Benefits.....	9,910,000
(Carryover).....	(740,000)

Pub. L. 99-591 (as set aside in Conference Report, H.R. Rep. No. __, 99th Cong., 1st Sess. 10,717 (1986).

SURPLUS FEDERAL PROPERTY AMENDMENTS*

Sec. 70L. Section 203 of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 484), is further amended by adding at the end thereof the following new subsection:

"(p)(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee any monetary consideration paid to the United States for such transfer or conveyance.

"(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

"(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

"(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

"(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

"(B) to reform, correct, or amend any such instrument by the execution of a corrective reformatory or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

"(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: Provided, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States."

Sec. 702. The first sentence of subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is further amended by revising the first sentence of such subsection to read as follows:

"(o) The Administrator with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyed under subsection (p) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section, shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year."

APPENDIX 2

A. LEGISLATIVE HISTORY: THE JUSTICE ASSISTANCE ACT OF 1984

LEGISLATIVE HISTORY H.R. 4481

House Report No. 97-293 accompanying H.R. 4481
(Comm. on the Judiciary).

127 Cong. Rec. E 4749 (daily ed. October 14, 1981)
128 Cong. Rec. H 342 (daily ed. February 10, 1982).

LEGISLATIVE HISTORY S. 2411

Senate Report No. 97-587 accompanying
S. 2411 (Comm. on the Judiciary).

128 Cong. Rec. S 3776 (daily ed. April 21, 1982).
128 Cong. Rec. S 14245 (daily ed. December 9, 1982).
128 Cong. Rec. S 14572 (daily ed. December 14, 1982).

LEGISLATIVE HISTORY H.R. 3963

128 Cong. Rec. S 13820 (daily ed. December 2, 1982).
128 Cong. Rec. S 15839 (daily ed. December 20, 1982).

LEGISLATIVE HISTORY S. 53

Senate Report No. 98-220 accompanying
S. 53 (Comm. on the Judiciary).

129 Cong. Rec. S. 297 (daily ed. January 26, 1983).

LEGISLATIVE HISTORY H.R. 1338

129 Cong. Rec. E 381 (daily ed. February 8, 1983).

LEGISLATIVE HISTORY S. 829

129 Cong. Rec. S 3076 (daily ed. March 16, 1983).
129 Cong. Rec. S 3104 (daily ed. March 16, 1983).
129 Cong. Rec. S 3149 (daily ed. March 16, 1983).

LEGISLATIVE HISTORY H.R. 2175

House Report No. 98-68 accompanying H.R. 2175
(Comm. on the Judiciary).

129 Cong. Rec. H 2714 (daily ed. May 9, 1983).
129 Cong. Rec. H 2745 (daily ed. May 10, 1983).
130 Cong. Rec. S 10392 (daily ed. August 10, 1984).

LEGISLATIVE HISTORY S. 1762

Senate Report No. 98-225 accompanying
S. 1762 (Comm. on the Judiciary)

130 Cong. Rec. S 328 (daily ed. January 27, 1984).

130 Cong. Rec. S 395 (daily ed. January 30, 1984).

130 Cong. Rec. S 400, S 404 (daily ed. January 30, 1984).

130 Cong. Rec. S 460 (daily ed. January 30, 1984).

130 Cong. Rec. S 547, S 558 (daily ed. January 31, 1984).

130 Cong. Rec. S 655 (daily ed. February 1, 1984).

130 Cong. Rec. S 755, S 790 (daily ed. February 2, 1984).

LEGISLATIVE HISTORY SENATE AMENDMENT TO APPROPRIATIONS

130 Cong. Rec. S 8659 (daily ed. June 28, 1984).

LEGISLATIVE HISTORY JOINT RES. NO. 648

130 Cong. Rec. H 10109 (daily ed. September 25, 1984).

House Report No. 98-1159 accompanying Jt. Res. No. 648,
130 Cong. Rec. H 11854, H 11897 (daily ed. October 10, 1984).

130 Cong. Rec. H 12074, (daily ed. October 10, 1984).

LEGISLATIVE HISTORY H.R. 5690

130 Cong. Rec. H 10682, H 10706 (daily ed. October 2, 1984).

130 Cong. Rec. H 10806, H 10859 (daily ed. October 2, 1984).

LEGISLATIVE HISTORY CONTINUING RESOLUTION

130 Cong. Rec. S 13162 (daily ed. October 3, 1984).

130 Cong. Rec. S 13062, S 13072, S 13078, S 13080, S13083, S
13089, S 13522 (daily ed. October 4, 1984).

130 Cong. Rec. S 14207, S 14220, S 14221 (daily ed. October
11, 1984).

LEGISLATIVE HISTORY S.1479

131 Cong. Rec. S 9853 (daily ed. July 22, 1985).

142 Cong. Rec. H 10616 (daily ed. October 15, 1986).

B. LEGISLATIVE HISTORY ANTI-DRUG ABUSE ACT OF 1986 SUBTITLE K
PART M

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE ACT.

House Report No.99-974, Providing for Concurring in the Senate Amendment to the Bill, H.R.5484, with an amendment.
(Comm. on Rules)

132 Cong. Rec. S 13459 (daily ed. September 24, 1986)

132 Cong. Rec. S 13659 (daily ed. September 25, 1986)

132 Cong. Rec. S 15217 (daily ed. October 6, 1986)

132 Cong. Rec. H 9495 (daily ed. October 8, 1986)

132 Cong. Rec. H 11231 (daily ed. October 17, 1986)