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LAW ENFORCEMENT ASSISTANCE AMENDMENTS

JUNE 10, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 17825]

The Committee on the Judiciary, to whom was referred the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of H.R. 17825 is to make a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) that established the Federal law enforcement assistance program. The major provisions of H.R. 17825 would (1) authorize appropriations for the next 3 fiscal years; (2) reorganize the administrative management of the Law Enforcement Assistance Administration (LEAA) by substituting one administrator for the present three-man board; (3) establish a new program for the construction, acquisition, and renovation of correctional facilities; and (4) require that the States contribute one-quarter of the non-Federal share of funding necessary to support programs of local government receiving Federal assistance.

COST

The bill authorizes appropriations of \$650 million for fiscal year ending June 30, 1971, \$1 billion for the fiscal year ending June 30, 1972, and \$1.5 billion for the fiscal year ending June 30, 1973.

HISTORY

The Federal program of law enforcement assistance authorized under title I of the Omnibus Crime Control and Safe Streets Act (Public Law 90-351) provides funding authority limited in amount and duration. Current appropriations authority (\$300 million, of

which \$268 million is actually appropriated) expires June 30, 1970. Continuation of this program requires legislation to authorize future appropriations.

In this context and in order to appraise the operations and effectiveness of the Federal program to date, a Subcommittee of the House Judiciary Committee conducted hearings on H.R. 14341, H.R. 15947, and related proposals, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes. ("Law Enforcement Assistance Amendments," *Hearings* before Subcommittee No. 5 of the House Committee on the Judiciary, 91st Cong., 2d sess., serial No. 17, hereinafter referred to as *Hearings*.) The subcommittee held 12 days of hearings on approximately 50 legislative proposals and received testimony from the Attorney General of the United States, former Attorney General Ramsey Clark, representatives of the National Governors Conference, the League of Cities—U.S. Conference of Mayors, the National Association of Counties, the National Commission on the Causes and Prevention of Violence, several Governors and mayors, and other local law-enforcement officials, Members of Congress, and representatives of numerous civic organizations. The hearings offer a comprehensive review of the operations of the assistance program and document the achievements and shortcomings of the program since its inception.

Upon the conclusion of the hearings, the subcommittee met in executive session on 3 days to consider proposed amendments to the law enforcement assistance program. In the course of these deliberations, the subcommittee adopted a draft proposal embodying substantially all of the amendments recommended by the Department of Justice and contained in H.R. 15947. The draft proposal also contained other provisions which the subcommittee, on the basis of its hearings and studies, concluded were essential to strengthen the program. The main features of the subcommittee draft proposal were:

1. Appropriations authorization for the next 3 fiscal years;
2. Abolition of the present three-man board which administers LEAA and substitution of a single administrator;
3. A new program for the construction, acquisition, and renovation of correctional facilities with provision that Federal grants may be up to 75 percent of the cost of a particular project. The bill also earmarked 25 percent of total appropriations for the purposes of corrections, including probation and parole;
4. A requirement that LEAA approval of a State plan for law enforcement assistance be based on a finding that areas of high crime incidence receive an adequate share of assistance;
5. A requirement that the State contribute one-quarter of the non-Federal share of funding for programs of local government receiving assistance under the State plan;
6. A revision of the limitations on Federal expenditure share (so-called matching requirements) for discretionary grants to permit Federal funds to pay up to 90 percent of such program costs (and in certain circumstances authority to pay up to 100 percent if LEAA determines that the applicant is unable to provide any funds);

7. LEAA authority to develop and support regional and national training programs, workshops, and seminars in such fields as organized crime to instruct State and local law-enforcement personnel; and

8. Miscellaneous amendments to eliminate obsolete language, to clarify ambiguous terminology, and to improve the staff capabilities of LEAA.

Thereafter, the full committee approved the subcommittee draft proposal without amendment and authorized the chairman of the committee to introduce a clean version of the bill embodying the provisions approved. Pursuant thereto, Chairman Celler introduced H.R. 17825, the bill reported herein. He also introduced H.R. 17826, an identical measure, in order to permit cosponsorship of the proposal by all members of the committee desiring to be recorded as cosponsors. By letter dated May 26, 1970, Attorney General John N. Mitchell endorsed H.R. 17825 and urged its passage by the House of Representatives. ✓

GENERAL STATEMENT

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) established the Law Enforcement Assistance Administration (LEAA) which is charged with the responsibility of assisting State and local governments to control crime and violence and improve the quality of criminal justice. Under the act, law-enforcement assistance includes: (1) support of State planning agencies to encourage States and units of local government to prepare and implement comprehensive law enforcement plans; (2) Federal grants to the States and units of local government to implement programs and projects to improve law enforcement based on comprehensive State plans; (3) provision of funds to institutions of higher education and grants and loans to law enforcement officers and other students enrolled full time or part time in an approved program leading to degrees in areas related to law enforcement; (4) establishment of the National Institute of Law Enforcement and Criminal Justice which develops and demonstrates new equipment techniques and devices to improve law enforcement, disseminates information about law enforcement science and technology and operates a criminal justice information and statistical center; and (5) extension of technical assistance to States and units of local government and public and private agencies and organizations and institutions in matters relating to law enforcement.

Under the law enforcement assistance program as presently constituted, all planning grants and 85 percent of all grants for law-enforcement purposes (so-called action grants) must be channeled through the States according to population formulas established in the act. Grants so channeled are called block grants. The remaining 15 percent of action grant funds are disbursed directly to State or local governments in the discretion of LEAA. In addition, other provisions of existing law are designed to assure local government a definite role in the planning and funding of programs. For example, the act requires that 40 percent of each State's planning funds and 75 percent of block grant action funds shall be made available to units of general

local government or combinations of such units (sections 203(c) and 303(2))—this is commonly referred to as the pass-through requirement. The pass-through allocation of action funds to local governments was intended generally to correspond to the overall national pattern of criminal justice expenditures (police, corrections, and courts) by States and local governments.

Finally, depending upon the specific program activity, the act also requires recipients to match, at varying levels, the Federal financial support they receive. For example, construction of new buildings requires a 50-percent match, whereas, training, education, and recruitment programs require only a 25-percent match of non-Federal funds. Other grants generally require recipients to provide up to 40 percent of the cost of the specific program or project.

In the first 2 years of its existence the law enforcement assistance program appears to have encouraged new efforts by State and local governments in planning and spending in the field of law enforcement. Testimony received from a number of the Nation's Governors reflects an impressive commitment on the part of the States to the goal of long-term reform and improvement in the criminal justice system. However, the record fails to indicate the effectiveness of the assistance program thus far to decrease the rate of crime or to reduce its prevalence. Implementation of the program by the States reveals several areas of needed revision. For example, in many instances fund distribution has been on a geographic or population basis, without specific attention to actual law-enforcement needs. To date, there has been no tangible evidence of consolidation of the substantial number of overlapping but independent law-enforcement jurisdictions, nor of improved coordination among the various components of the criminal justice system.

H.R. 17825 proposes a number of amendments to the program which are intended to make law-enforcement assistance more directly responsive to the needs of high crime areas and also to assure greater local community participation in the planning and disbursement of funds. The bill establishes a separate new Federal program for assisting the construction, renovation and acquisition of correctional facilities and the development of improved corrections programs. Other provisions of the bill seek to better the management of LEAA itself and strengthen its staff capabilities. The bill also provides additional funding authority for the next 3 years at significantly higher levels. H.R. 17825 incorporates a number of amendments which originated in the committee, as well as a number of amendments recommended by the Department of Justice.

The committee has omitted two amendments proposed by the Department which would authorize LEAA to waive the pass-through provisions of the act. These provisions require that 40 percent of the planning funds and 75 percent of the action funds be distributed to units of general local government. As noted above, these requirements are intended generally to conform the distribution of block grant funds to the national pattern of criminal justice expenditures by the States and local governments, respectively. They were derived from the 1967 report of the President's Commission on Law Enforcement and Administration of Justice. These provisions are of critical importance to protect the interest of local governmental units under

the block grant approach. In cases where the level of a State's law-enforcement expenditures substantially exceeds the total expenditures of local government within the State, existing sections 203(c) and 303 of the act will permit LEAA partially to relax the pass-through requirements.

A number of other issues relating to the operation of the assistance program also were considered in the course of subcommittee deliberations. These include LEAA policies and practices with respect to the extension of technical assistance (see, e.g., *Hearings*, pp. 625-631); LEAA policies and practices in enforcing nondiscrimination requirements of Federal law (see, e.g., *Hearings*, pp. 423, 430, 617, 736-738); and the scope and adequacy of existing LEAA hearing and review procedures to challenge decisions regarding fund distributions (see, e.g., *Hearings*, pp. 649-654). While none of these matters is the subject of legislative recommendations at this time, the committee will watch with interest the operations of the program and undertake to recommend whatever legislation appears warranted in the circumstances.

ABOLITION OF THREE-MAN BOARD

Under the present act the powers, duties, and functions of the Law Enforcement Assistance Administration are vested in an Administrator and two Associate Administrators (sec. 101(b) of title I of Public Law 90-351). In the course of the subcommittee hearings serious questions arose concerning the desirability of continuing the administrative management of LEAA by this three-man board.

According to Attorney General John N. Mitchell, the act is interpreted to require unanimity of decision among the Administrator and the Associate Administrators with respect to all policy and operational determinations which require their attention.¹ Under present regulations, hiring and promotions of all attorney positions, all summer intern positions, and all positions in grade 12 and above apparently require unanimity of action of all three Administrators.

An agency responsible for the allocation of vast sums of Federal assistance should not be burdened in its decisionmaking functions by a tripartite directorship. A three-man board that requires unanimity of decision before major policies can be undertaken, let alone determinations regarding mundane operational issues, cannot effectively implement the mandate of the Congress. Thus, H.R. 17825 abolishes the present triumvirate system and substitutes in its place a single administrator. The bill retains the posts of associate administrators, however, and specifically requires that they serve as deputies to the administrator. In this manner LEAA retains the advantages of collective judgment, experience, and expertise without suffering administrative delays and uncertainties inherent in a system requiring unanimous tripartite decisions.

Other amendments to title I of the Omnibus Crime Control and Safe Streets Act contained in H.R. 17825 were proposed by the Department of Justice. These also are designed to improve the administrative efficiency and staff capabilities of LEAA. They include LEAA authority to place 15 positions in GS-16, 17, and 18, and LEAA authority

¹ Letter to Hon. Emanuel Celler from Attorney General Mitchell, dated Apr. 23, 1970, *Hearings*, "Law Enforcement Assistance Amendments," 91st Cong., second sess. serial No. 17, at p. 835.

to appoint individual consultants, as well as technical advisory committees as at present, and to increase the maximum daily rate of compensation for such consultants like other Federal agencies.

LEVEL OF FUTURE APPROPRIATIONS

The bill reported herein provides authorization for \$650 million for fiscal 1971 and \$1 billion and \$1.5 billion for the following 2 fiscal years.²

The present system of criminal justice in the United States has been described as a system "that does not deter, that does not detect, that does not conflict, and that does not correct."³ Less than 2 percent of all government revenues is spent on the entire criminal justice process, including all police, all courts, and all corrections. Obviously, this represents a serious deficiency in our commitment to ameliorate the lawless conditions which threaten the domestic tranquility of the Nation. The committee, therefore, concludes that a far more substantial degree of Federal funding must be undertaken in the law-enforcement area.

For example, the proposed fiscal 1971 budget for LEAA (\$480 million) is less than the current budget for the New York City Police Department alone (\$568.4 million).

The purpose of authorizing the subject increases in the Federal commitment is to convince the States and the cities that they can rely on the seriousness and continuity of the Federal undertaking. Enlarging the Federal financial share, the committee believes, will expedite needed improvements and reform in various components of the criminal justice process. Also, by limiting the amount and duration of appropriations authorization the committee intends to maintain some limitation on appropriations and to insure periodic legislative oversight of the program. The increase in funding authority proposed in H.R. 17825 is intended to effectuate the committee's intention that a substantial increase in the total investment in the criminal justice system must occur as rapidly and as resourcefully as such investment can be planned and used.

PROGRAM FOR IMPROVING CORRECTIONAL FACILITIES

A key element in the proposed law-enforcement assistance amendments recommended by the Department of Justice is the establishment of a new grant program to improve correctional facilities. The committee endorses this goal and H.R. 17825 contains the substance of the Department's recommendations with certain technical revisions.

So-called correction institutions—jails, juvenile detention facilities, and prisons—have been grossly neglected for generations, and in the opinion of many experts have been a considerable factor in promoting confirmed criminality. For example, James V. Bennett, the former Director, U.S. Bureau of Prisons, states:

Because too many crimes are committed by persons who have already been through some part of the correctional process, much of the blame for the rising crime rates is being

² It is recognized that fiscal 1971 appropriations of \$480 million for LEAA have already been approved by the House (H.R. 17575, passed House May 14, 1970). However, enactment of the legislation reported herein will enable LEAA to request additional funds for fiscal 1971 and the committee trusts that the respective appropriations committees will be sympathetic to increasing the Federal commitment to this program.

³ Testimony of Lloyd N. Cutler, former Executive Director, National Commission on the Causes and Prevention of Violence, *hearings*, p. 156.

focused on our penal institutions, probation, and parole. This is logical and perhaps proper when it is realized that from 50 to 70 percent of those who leave our prisons go out to commit another and perhaps more serious crime than those which brought them to prison in the first place. * * *

The slightest knowledge of our correctional system indicates that prisons, probation, and parole have been neglected far too long. The consequences of this neglect weigh heavily upon an already burdened and frustrated society. Only through an aggressive presentation of needs and massive infusion of funds can any headway be made in reducing the social and economic cost of crime committed by repeaters. *Hearings*, p. 833.

Today, there are approximately 3,500 county and city facilities and 398 State penal and correctional institutions for adults in the United States. In addition, there are 220 State institutions for juveniles. Sixty-one of the larger prisons were opened before 1900; 25 of these are more than 100 years old. In fact, a decision of the U.S. District Court for the Eastern District of Arkansas (*Holt et al. v. Sarver et al.*, dec. February 18, 1970) held that in certain respects confinement in the Arkansas penitentiary system amounts to "cruel and unusual punishment" which is prohibited by the U.S. Constitution.

Traditionally the corrections component of law enforcement has been neglected with the result that today there is a substantial accumulation of construction requirements to replace long outmoded prisons, reformatories, jails, and other types of institutions. Although grants for law enforcement purposes under part C of the act may be used for corrections purposes, such funds have not been sufficient in view of the competing demands for other law-enforcement programs.

Under the proposed amendment, grant funds specifically designated for planning and implementation of correctional construction and renovation programs would be distributed to the States and units of local government. Fifty percent of these funds would be allocated to the State planning agencies of the States according to their respective needs as determined by LEAA. The remaining 50 percent of the funds appropriated for this new corrections program would be available for direct discretionary grants by LEAA to State agencies or to units of local government or to combinations of such units. Because of the very substantial cost of this type of construction, the bill relaxes the present limitations on Federal expenditures which is 50 percent of the cost of the program or project and permits the Federal share to be up to 75 percent. In order to qualify to receive these funds, applicants will be required to provide assurances that the design of facilities would be modern and innovative, that provision is expressly made for rehabilitation programs, and that facilities will be staffed with personnel meeting advanced standards of training and education.

Natural geographical groupings of communities or counties would be encouraged to pool their projects where convenient and build joint facilities. Similar encouragement is envisioned for contiguous States with mutual problems in the field of corrections.

Of all the activities within the criminal justice process corrections appear to contain the greatest potential for reducing crime. At the present time approximately one-quarter of all law enforcement expenditures is devoted to corrections and it is estimated that 95 percent

out of every dollar so expended goes for custody; only a minimal amount is devoted to rehabilitation. In order to secure the goals of the new corrections program envisioned by the bill, the committee has specified that 25 percent of all appropriations made for law enforcement assistance be committed to the purposes of corrections activities, including probation and parole.

LAW ENFORCEMENT NEEDS OF LOCAL GOVERNMENT

According to FBI statistics approximately 4.5 million serious crimes were recorded in 1968, a 17-percent increase over 1967. Preliminary figures for 1969 indicate that the rise in the number and rate of crimes is continuing. There is ample documentation that the greatest amount of crime occurs in our population centers. Where the crowding is worst, the rate and amount of crime are greatest. Local governments bear the primary responsibility of containing this spiraling lawlessness.

The statement of Roman S. Gribbs, mayor of the city of Detroit, eloquently expresses the needs of mayors, city managers, and other local law-enforcement officials and the inadequacies of the present law enforcement assistance program:

* * * Congress could amend the act so as to assure that funds are directed to those places where the need is greatest. * * *

* * * our experience with the Safe Streets Act so far convinces us that this is not now being done. We have 19 percent of the State's population and 40 percent of the State crime. Yet we received less than 6 percent of the planning funds that came to Michigan last year and less than 18 percent of the action funds. Based on our present scale of self-help and needs, we should have received at least three times as much as we received.

It is obvious that the State does not direct the money where it is most needed in the absence of a clear mandate to do so. *Hearings*, p. 325.

The committee proposes a number of amendments to the assistance program designed to remedy the inadequacies pointed to by local government officials. Two of these provisions may be described briefly.

Experience under the act thus far demonstrates that there is a substantial gap between the amount of funds actually distributed by the States to cities and counties, and the amount of funds that such localities would have received if the State allocation had been based on the proportion of crime in the locality to the total of State crime committed. (*Hearings*, pp. 595, 597.) H.R. 17825 amends the act by making LEAA approval of a State plan for law enforcement assistance dependent on an express finding that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence. This amendment does not require the adoption of any arbitrary mathematical formula. What is required is that the State plans allocate adequate assistance to those localities where the volume of crime is the greatest. State planning agencies should generally correlate the benefits of anticrime efforts with the incidence of crime in particular areas.

Second, the committee concludes that the States should be required to assist units of general local government in contributing toward the non-Federal share (so-called matching requirement) for funding programs and projects undertaken by units of general local government. At present, the act does not specify whether the State (the recipient of the bloc grant) or the unit of local government (the beneficiary of pass-through) should bear the burden of the matching requirement. A possible interpretation of the existing statute is that the States alone bear the responsibility, even with respect to local programs and projects. (See sec. 301(c) of the act.)

The record indicates that all but a handful of the States passed along the obligation to match Federal funds received by units of local government. Only a few States defrayed the costs borne by local government in matching Federal assistance. In some States, moreover, State law restricts local governments from expanding their tax base in order to raise revenues to finance improved anticrime programs. If the bloc grant approach is to work effectively the States must assume a greater financial responsibility than at present.

Moreover, requiring the States to contribute a part of the non-Federal share of the cost of these programs undoubtedly will have the effect of increasing the States' involvement in crime prevention planning and the development of new law-enforcement techniques.

The committee also notes that in some Federally assisted programs under the Juvenile Delinquency Act (Public Law 90-445) the States are required to contribute at least 50 percent of the non-Federal share of funds. Although some members preferred this level of State participation, a lower figure; namely, 25 percent, was agreed upon in order to achieve unanimous support of the principle in committee. The general principle that the States should make a financial contribution to local governments participating in Federal programs has been advanced by the Advisory Committee on Intergovernmental Relations since 1964. (See report of the Advisory Committee on Intergovernmental Relations, "Impact of Federal Urban Development on Local Government Organization and Planning," (1964), p. 30.) The bill reported herein implements this principle.

These amendments, together with other provisions of the bill, are intended to make the law enforcement assistance program more responsive to local crime problems, insure greater participation by local governments in the planning processes, and enable the most effective use of Federal crime control funds in programs where they can have the greatest impact. The committee believes that the provisions of H. R. 17825 are meritorious and urges its approval.

SECTION ANALYSIS

Section 1 provides that the short title of the act is the "Omnibus Crime Control and Safe Streets Act Amendments of 1970."

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Section 2 amends section 101(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 by abolishing the three-man management board which presently administers the law enforcement assistance program and substitutes in its place a single administrator.

The amendment retains the offices of associate administrators who shall be assistants to the administrator. The latter shall exercise all functions, powers, and duties vested in the Law Enforcement Assistance Administration.

PLANNING GRANTS

Section 3 amends section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide that the State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of law-enforcement agencies, units of general local government and public agencies maintaining programs to reduce and control crime.

GRANTS FOR LAW-ENFORCEMENT PURPOSES

Section 4 amends, in eight separate respects, part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which deals with grants for law-enforcement purposes, so-called action grants. Section numbers that follow refer to sections as they appear in part C.

(1). Section 301(b)(4) of the act is amended to authorize the Administration (LEAA) to make grants to States for the rental and leasing as well as construction of buildings or other physical facilities including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence. Authorizing grants for rental and leasing is intended to provide increased flexibility to the States and units of local government in developing their law-enforcement programs.

(2). Section 301(b) of the act is amended to authorize the Administration to make grants to States for the establishment of a criminal justice coordinating council for any unit of general local government or any combination of such units within the State. The function of such council is to provide improved coordination of all law-enforcement activities such as those of the police, the criminal courts, and the correctional system. The establishment of coordinating councils of the type envisioned here will effectuate recommendations made by the National Commission on the Causes and Prevention of Violence.⁴ Such councils should serve as a catalyst to overcome the pervasive fragmentation of police, court, and correctional agencies.

(3). Section 301(c) of the act is amended by recasting the language to make clear that the various matching requirements to Federal expenditures set forth in the subsection apply only to bloc grants to State planning agencies made under section 301 and not to discretionary grants made under section 306. A separate formula for matching funds for discretionary grants is included in the amendment made to section 306 discussed below. Section 301(c) is further amended to make clear that no part of any grant for the purpose of renting, leasing, or constructing buildings shall be used for land acquisition.

(4). Section 301(d) of the act, as amended, complements section 301(c), as amended, so that the limitations on the use of bloc grant funds for the compensation of personnel will not apply to discretionary grants.

⁴ Final report of National Commission on the Causes and Prevention of Violence ("To establish justice to insure domestic tranquility"), December 1969, pp. 159-163.

Section 301(d) is further amended to make clear that the personnel compensation limitations set out in the section apply only to restrict the use of grant funds for the payment of the salaries of police and other regular law-enforcement personnel. Such a relaxation of the limitations on salary payments should provide the States and local governments a greater degree of flexibility in developing anticrime programs. It should also diminish the tendency to substitute requests for "hardware" for new programs whose effectiveness depends on personnel. It is intended that the use of bloc grant funds for the salaries of personnel whose primary responsibility is to provide assistance, maintenance, or auxiliary services or administrative support to the regular operational components of law enforcement agencies shall not be subject to the limitations set forth in section 301(d), nor would the section apply to salary support for personnel engaged in research and development projects or other short-term programs supported under a title I grant. Such salary support, however, would remain subject to the State and local matching fund requirements set forth in sections 301(c) and 303(2) of the act.

(5). Section 303 of the act is amended by requiring that approval of a State plan for law-enforcement assistance must be based on a specific Administration finding that the plan provides for the allocation of an adequate share of assistance to deal with law-enforcement problems in areas of high crime incidence. In determining whether a State plan satisfies this requirement, it is expected that the Administration will seek and obtain information and comments from areas of high crime incidence within a particular State. The purpose of this amendment is to assure that the benefits of Federal assistance are focused within each State in those areas where major crime is most prevalent. It is not the purpose of this provision to require the adoption of any arbitrary mathematical formula designed to tie the distribution of Federal funds to the relative incidence of crime in a particular area. What is required is that comprehensive law enforcement plans in each State shall generally correlate the benefits of anticrime efforts with the incidence of crime in particular areas.

(6). Paragraph (2) of section 303 of the act is amended by requiring that the State provide not less than one-fourth of the non-Federal funding with respect to each program or project undertaken by units of general local government or combinations of such units under paragraph (2).

(7). Section 305 of the act is amended to eliminate obsolete language and to make clear that bloc grant funds, not allocated to a State which has failed to have its comprehensive State plan approved shall be available for allocation at the discretion of the Administration.

(8). Section 306 of the act is amended by modifying the present language of section 306, designating it as subsection (a), and by adding a new subsection (b).

Section 306, as amended, would set forth a new matching formula for discretionary grants, under which such grants may be up to 90 percent of program costs (and up to 100 percent of program costs if the Administration determines that the applicant is unable to provide any funds). This revised matching formula is intended to be particularly beneficial to recipients such as Indian tribes which cannot comply with the present requirements that designated portions of the costs of programs and projects be paid from local sources.

The new subsection (b) would authorize LEAA to reallocate funds allocated to a State for any fiscal year but not utilized by that State during the year. Under the present act, LEAA is required to allocate to each State a population share of action funds appropriated for any fiscal year. As the level of LEAA funding increases substantially in the coming fiscal years, some States may not be able to utilize all of their funds or may not be able to satisfy the matching requirements and other conditions set out in the act. In such cases, it is not clear under the present language whether such unused funds may be re-allocated by LEAA for grants to other States or other grantees, or must remain unspent and revert to the Treasury at the end of the fiscal year. The proposed new subsection would permit LEAA to use such unclaimed funds for grants under part C to other State planning agencies, or to units of local government or combinations of such units, thus assuring utilization of all funds appropriated by Congress for the purposes of the act.

TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

Section 5 amends part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 by amending section 406 and adding a new section 407.

Section 406 is modified by making a number of changes and additions to existing law under which the Administration today makes grants to colleges and universities for programs of academic assistance to improve and strengthen law enforcement. Such grants are for loans and grants for persons enrolled in law-enforcement studies—either persons already employed in law enforcement, or students deciding to pursue law enforcement careers.

Paragraph (A) of the amendment would conform the language in section 406(b), describing the types of degree and certificate programs that qualify under the loan provisions of the act to the language of section 406(c) describing the programs that qualify under the grant provisions. It is intended that the applicable standards be the same in both cases.

Paragraph (B) amends section 406(c) to permit grant funds to be used for the purchase of books as well as for tuition and fees. This would permit participation in the grant program by students in States which provide free tuition and fees in State-supported colleges and universities.

Paragraph (C) adds two new subsections to Section 406:

New subsection (d) would authorize LEAA to make loans and grants for persons employed or preparing for employment as full-time teachers of courses related to law enforcement. This would enable LEAA to help to relieve the present short supply of qualified teachers to staff the new and developing law enforcement degree programs.

New subsection (e) would authorize LEAA to make grants to develop and revise programs of law enforcement education and to develop curriculum materials, so that LEAA can exercise national leadership in this important area.

Section 407. This new section is added to authorize the Administration to develop and support regional and national training programs, workshops and seminars to instruct State and local law-enforcement

personnel in improved methods of law enforcement. Such training programs would be designed to complement the training activities of the State and local governments, and would be restricted principally to regional training programs and to training activities, such as organized crime training, which individual cities and States rarely are able to develop for themselves.

To date, LEAA has developed and funded 15 training projects for State and local personnel of operating law-enforcement agencies and personnel involved in law-enforcement planning. These projects, involving total awards of approximately \$475,000, were funded through States, local governments, and private organizations, utilizing 15-percent discretionary funds appropriated under part C of the act.

The proposed amendment would enable LEAA to support a continuing training program from funds appropriated for that specific purpose, so that large sums of discretionary funds will not be diverted.

Section 407 also provides explicitly that LEAA's training activities will not duplicate the authority of the Federal Bureau of Investigation under section 404 of the act.

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

Section 6(a) of the bill amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 by adding a new part E entitled "Grants for Correctional Institutions and Facilities." This part makes special provision for the development of new correctional facilities and the improvement of corrections programs. The section numbers that follow refer to the new sections as they will appear in the act.

Section 451 sets forth the purpose of this part—to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

Section 452 would require a State to apply for grants under this part by incorporating its application in the comprehensive state plan required for all law enforcement programs under the act. The application would have to meet the regulations and criteria which section 454 authorizes LEAA to prescribe.

Section 453 authorizes LEAA to make a grant to a State planning agency if its application incorporated in the State's comprehensive State plan meets certain requirements as set forth in the following subsections:

Subsection (1) requires that a comprehensive statewide program for the construction, acquisition, or renovation of facilities and the improvement of correctional programs and practices be set forth.

Subsection (2) requires that satisfactory assurances be provided by the State planning agency that the control of funds granted and title to property derived therefrom shall be in a public agency for the uses and purposes under this part and that such agency will administer those funds and that property.

Subsection (3) requires that the State planning agency provide satisfactory assurances that the availability of funds under this part will not reduce the amount of funds which normally would be allocated for correctional improvement programs under other provisions of

this act. This provision is intended to insure that the availability of funds under the new part E will not be used to reduce financial support for corrections-related programs under part C of the act.

Subsection (4) requires that the State plan provide for advanced techniques in the design of institutions and facilities.

Subsection (5) requires the State plan to provide, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis. Today, many States are too small to make special provision for such special types of offenders as women, the mentally ill, the sexual deviant, the long termers, and the violence prone. This provision would require States sharing this problem to cooperate in the development of multi-State arrangements for the care and treatment of such offenders. Another problem involves the jails and juvenile detention facilities. It would not be feasible, nor can the Nation afford, to replace all of the existing unsatisfactory jails with correctional centers. In most States, it is possible for several counties, or for combinations of counties and cities, to use a central facility. This provision is intended to encourage such regionalized arrangements where possible.

Subsection (6) requires that the State plan provide satisfactory assurances that the personnel standards and programs of correctional institutions and facilities reflect advanced practices. New facilities would be largely wasted unless they are staffed with qualified, well trained, and adequately paid personnel. The personnel standards to be observed, therefore, are essential to the improvement of corrections.

Subsection (7) requires that the State plan provide satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities including those of probation, parole, and rehabilitation. This provision is intended to complement the requirements of subsection (6).

Subsection (8) incorporates the same requirements for comprehensive State planning for corrections as are applicable for law-enforcement planning under section 303 of the act except for the requirement in section 303(2) that the States pass-through to units of general local government a stated percentage of the Federal grant, and contribute not less than one-fourth of the non-Federal funding for such programs or projects receiving Federal assistance.

Section 454 authorizes the Law Enforcement Assistance Administration, after consultation with the Federal Bureau of Prisons, to promulgate basic criteria and regulations for applicants and grantees under this part. Among other matters, such regulations would embrace standards for the design and construction of facilities; personnel recruitment, qualifications, and training.

Section 455(a) provides for the manner in which funds may be allocated by the Administration under this part. It provides that 50 percent of the funds shall be available for grants to State planning agencies and that the remaining 50 percent shall be made available at the discretion of the LEAA to State planning agencies, units of general local government, or combinations of such units, according to the criteria and terms and conditions prescribed by LEAA.

Section 455(a) also provides that any grants made under this section may be up to 75 percent of the cost of the particular program or project.

Section 455(b) provides that if the Administration determines, on the basis of information available to it, that a portion of the funds granted to an applicant will not be required by the applicant or will become available because of a substantial failure to comply with the provisions of the act, that portion may be reallocated to other applicants. This provision would insure that all of the funds appropriated under part E would be, in fact, used for the purpose of correctional improvement.

Section 6(b) amends section 601 of the act to define the term "correctional institution or facility" to mean any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

Section 6(c) amends the act by redesignating parts E and F as parts F and G, respectively.

ADMINISTRATIVE PROVISIONS

Section 7 amends part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 in six separate respects. Section numbers that follow refer to sections as they appear in part F.

(1). Section 515 of the act is amended to authorize LEAA to expend by grant or contract funds appropriated for the purposes of the section. Section 515 authorizes LEAA to conduct evaluation studies of the programs and projects it assists, to collect, evaluate, publish, and disseminate statistical and other data on the condition and progress of law enforcement throughout the country, and to cooperate with and render technical assistance to States, units of local government, combinations of such States or units, or other public or private agencies, organizations or institutions in matters relating to law enforcement. The purpose of this amendment is to expressly provide grant authority and contracting authority to the Administration.

(2). Section 516(a) of the act is amended to authorize specifically LEAA to pay the transportation and subsistence expenses of persons attending conferences or meetings in the District of Columbia or elsewhere. This provision was recommended to the committee by LEAA in connection with national and regional workshops sponsored by LEAA. The committee anticipates that as a general matter State and local governments will be encouraged to bear the travel costs of their own officials who participate in such conferences and meetings. It is also expected that the authority granted LEAA to contribute to such travel and subsistence costs will be prudently exercised.

(3). Section 517 of the act is revised to authorize LEAA to appoint individual consultants as well as technical advisory committees now authorized by the act. Section 517, as amended, also would raise the maximum daily rate of compensation for such consultants and technical committee members from \$75 to the daily equivalent for the rate of GS-18.

(4). Section 519 of the act is amended to change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31. This will permit LEAA's report submission date to coincide with that of the annual report of the Department of Justice, and will afford more time to LEAA to compile relevant statistics after the close of the fiscal year.

(5). Section 520 of the act is amended to authorize appropriations up to \$650 million for fiscal year 1971; \$1 billion for fiscal year 1972; and \$1.5 billion for fiscal year 1973. Funds appropriated for any fiscal year may remain available for obligation until expended. At present, funds not obligated by the end of the fiscal year revert to the Treasury. Experience has indicated that an appropriation by Congress at a time well into the fiscal year may cause hasty judgments to be made by LEAA in approving State plans before the close of the fiscal year. The provision is intended to serve as a safety valve in such a situation. Section 520, as amended, also provides that not less than 25 per centum of the amounts appropriated shall be devoted to the purposes of corrections, including probation and parole.

(6). Section 521 of the act is amended to require that all recipients of assistance under the act, whether by direct grant or contract from LEAA, or by subgrant or subcontract from primary grantees or contractors shall keep such records as LEAA shall prescribe. As amended, section 521 also requires that such recipients shall make their records accessible to LEAA and the Comptroller General of the United States for the purposes of audit and examination.

DEFINITIONS

Section 8 amends section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, which contains definitions, in two respects—

(1) Section 601(a) is revised to redefine "law enforcement" to mean all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts, activities of the criminal courts and related agencies, and the activities of corrections, probation, and parole authorities.

(2) Section 601(d) defining "unit of general local government" is amended to make clear that any agency of the District of Columbia government performing law-enforcement functions in and for the District of Columbia comes within the definition. It also makes clear that funds appropriated by the Congress for the activities of such agencies in the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title. These amendments appear necessary inasmuch as the District of Columbia is included within the definition of a "State" under the act and is authorized to receive and dispense funds as a State.

Section 9 of the bill amends section 5108(c) of title 5 of the United States Code to authorize LEAA to place a total of 15 positions in grades GS-16, 17, and 18. The committee believes that provision of these additional positions will enable LEAA to recruit qualified personnel to staff its important functions and to better implement its programs.

COMMUNICATIONS

Attached hereto and made a part of this report is a communication dated February 17, 1970, from the Attorney General of the United States to the Speaker, House of Representatives, requesting the introduction of related legislation.

Also attached hereto and made a part hereof is a letter dated May 26, 1970, from the Attorney General to Chairman Emanuel Celler, expressing support for H.R. 17825, the bill reported herein.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 17, 1970.

The SPEAKER,
House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Title I of the Omnibus Crime Control and Safe Streets Act established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice to effectuate the declared policy of the Congress "to assist State and local governments in strengthening and improving law enforcement."

The LEAA has made an impressive start during the first year of its existence, fiscal year 1969. During this year the groundwork has been laid for a comprehensive national program which promises significant progress in the reduction and prevention of crime in the years to come. For example:

Acceptable comprehensive plans for criminal justice reforms were submitted to LEAA by all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

LEAA awarded grants of almost \$19 million for the development of State plans and more than \$25 million for implementation of these plans.

LEAA made \$6.5 million available for studies in colleges and universities by law enforcement and corrections personnel.

The National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, utilized \$3 million for wide-range research projects on crime control and prevention.

State participation is especially significant in light of the fact that prior to the establishment of this program few States had central planning agencies for criminal justice reform and even fewer had developed long-range plans for statewide improvement programs. Now every State has a planning agency and is actively cooperating with its cities and other units of local government.

Our experience during this past year has indicated that several amendments to the act would bring about better utilization of the appropriated funds. Also, since the basic act carries appropriation authorization only through fiscal year 1970, it is now necessary to provide for subsequent appropriations. The enclosed legislative proposal would amend the act to achieve these purposes.

All of the amendments are explained in the section-by-section analysis accompanying this letter, but the following represent the most significant changes proposed.

The act presently requires that 40 percent of all planning funds and 75 percent of all action funds granted to a State under the block grant formula must be made available to local governmental units. This does not always result in the most effective use of allocated funds. We propose that the act be amended to permit LEAA to waive the requirement that a designated percentage of a grant be allocated to local governments when strict adherence within a State is inappropriate in view of the division of law-enforcement responsibilities or would not contribute to the efficient development or operation of a law enforcement plan.

To strengthen the provisions relating to grants for educational purposes, we propose that LEAA be authorized to develop and support regional and national training programs, workshops, and seminars for State and local law-enforcement personnel, to provide grants for the development of college and university courses related to law enforcement, and to expand the present program of grants for loans to teachers and others who are preparing for careers in the field of law enforcement.

Recognizing that in certain isolated instances participation in the LEAA program would be impossible if the use of matching local funds is required, we propose an amendment specifically to provide that discretionary funds may be granted, within prescribed limitation, without matching funds. The goal of full participation throughout the country is dependent upon this use of discretionary funding.

Finally, an effective corrections system has an important place in any plan for crime control. Consequently, we are proposing the expansion of the LEAA program to provide specifically for grants for the construction, acquisition, or improvement of State and local correctional facilities and the improvement of correctional programs and practices. The criteria for the awarding of grants to States would require assurance that the programs and projects funded would incorporate advanced techniques in design and advanced practices in personnel standards and programs.

The fact that every State has responded to the national leadership offered by the creation of the Law Enforcement Assistance Administration is the best indication that the program was not only needed, but that it is one with which the States were ready to proceed. We believe that the changes offered by these amendments will permit the expansion and technical perfection necessary to the achievement of our important goal.

The early introduction and prompt consideration of this legislation is requested.

The Bureau of the Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

JOHN N. MITCHELL, *Attorney General.*

A BILL To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes

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 Amendments of 1970."

SEC. 2. The Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) is amended as follows:

(1) Subsection (c) of section 203 is amended by inserting the following before the period at the end of the first sentence:

"Provided, That the Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement responsibilities of the State and its units of general local government or that adherence to the requirement would not contribute to the efficient development of the State plan required under this part".

(2) Subsection (c) of section 301 is amended to read as follows:

"The portion of any Federal grant made under this section used for the purposes of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section used for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided*, That no funds granted under this section shall be used for land acquisition."

(3) Subsection (d) of section 301 is amended by changing the word "part" in the first sentence to "section"; by inserting before the word "personnel" in the first sentence the words "police and other regular law enforcement"; and by adding the following immediately before the period at the end of the final sentence: ", nor to the compensation of personnel engaged in research, development, demonstration or other short-term programs".

(4) Paragraph (2) of section 303 is amended by adding the following before the semicolon: "; *Provided*, that the Administration may waive this requirement, in whole or in part, upon a finding that adherence to the requirement would not result in an appropriately balanced allocation of funds between the State and the units of general local government in the State or would not contribute to the efficient accomplishment of the purposes of this part".

(5) Section 306 is amended to read as follows:

"SEC. 306. (a) Eighty-five per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States according to their respective populations for grants to the State planning agencies of such States. The remaining fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of section 509 to the grant to any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies or used by the Administration for grants or contracts for the purposes of this title to units of general local government, public or private agencies, State or local law enforcement officers or agencies, institutions of higher education, or combinations of the foregoing, according to the criteria and on the terms and conditions the Administration determines consistent with this title: *Provided*, that no funds under this section shall be used for land acquisition: *Provided further*, that 80 per centum of the funds to be utilized as the Administration determines shall be allocated for projects receiving at least 25 per centum non-Federal funding.

"(b) If the Administration 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 for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States for grants to their State planning agencies or for grants under the second sentence of subsection (a) of this section."

(6) Section 406 is amended as follows:

(a) By striking the phrase "in areas directly related to law enforcement or preparing for employment in law enforcement" in the first sentence of subsection (b) and inserting in lieu thereof the phrase "in areas related to law enforcement or suitable for persons employed in law enforcement";

(b) By striking the words "tuition and fees" in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books and fees"; and

(c) By adding at the end of the section the following new subsections:

"(d) For the purposes of Section 1781 of Title 38, United States Code, no grant or loan made under this section shall be considered a duplication of benefits, and for the purposes of any program assisted under Titles I, IV, X, XIV, XVI, or XIX of the Social Security Act, no grant or loan made under this section shall be considered income or resources.

"(e) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(f) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

(2) education and training of faculty members;

(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate or professional degree; and

(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curricula.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made."

(7) At the end of Part D, the following new section 407 is added:

"Sec. 407. The Administration is authorized to develop and support regional and national training programs, workshops and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the States and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title."

(8) Parts E and F are redesignated Parts F and G, respectively, and the sections thereof renumbered 601 through 622, and 701, respectively, and the following new Part E is inserted immediately after section 407.

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 501. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 502. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 504, incorporate its application for that grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 503. The Administration is authorized to make a grant under this part to a State planning agency if the agency has on file with the Administration a comprehensive State plan which conforms with the requirements of section 303 of this title, and, in addition—

"(1) sets forth a comprehensive statewide program for the construction, acquisition or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that any part of the cost of any program or project which under the basic criteria established by the Administration cannot be paid from Federal funds, will be paid from non-Federal sources;

"(4) provides for advanced techniques in the design of institutions and facilities;

"(5) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(6) sets forth policies and procedures designed to assure that the Federal funds made available will not supplant State or local funds, but will supplement and, to the extent practicable, increase the amounts of funds that would, in the absence of Federal funds, be made available for the purposes of this part;

"(7) sets forth procedures under which the State planning agency shall not finally disapprove an application for funds from an appropriate agency of any unit of general local government within the State without first affording the agency reasonable notice and opportunity for a hearing; and

"(8) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis.

"SEC. 504. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria to be applied by the State planning agencies under sections 502 and 503. In addition to other matters the basic criteria shall provide—

"(1) the general manner in which a State planning agency shall determine priority of projects based upon (a) the relative need of the areas within the State for correctional facilities, (b) the relative ability of the recipient agency in an area to support a pro-

gram of construction and operation of the facilities, and (c) the extent to which the project contributes to an equitable distribution of assistance under this part;

"(2) general standards of design, construction and equipment for correctional institutions and facilities for different types of offenders; and

"(3) the proportions of the costs of various programs and projects, and component elements thereof, which may be paid from Federal funds.

"SEC. 505. Eighty-five per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for grants to the State planning agencies of the States, pursuant to Section 503. Such funds may be used to pay up to 75 per centum of the cost of programs or projects specified in the applications for such grants. The remaining fifteen per centum of the funds appropriated for this part may, in the discretion of the Administration, be allocated among the States for grants to the State planning agencies or used by the Administration for grants or contracts for the purpose of this part to units of general local government or other appropriate grantees or contractors, according to the criteria and on the terms and conditions the Administration determines. No funds awarded under this part shall be used for land acquisition.

(9) Section 608 (as redesignated by this Act) is amended by inserting the following before the period at the end of the section: ", and to receive and utilize, for the purposes of this title, funds or other property donated or transferred by other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education or individuals".

(10) Section 617 (as redesignated by this Act) is amended to read as follows:

"SEC. 617. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate for GS-18.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate for GS-18, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

(11) Section 619 (as redesignated by this Act) is amended by deleting the word "August" and inserting in lieu thereof the word "December".

(12) Section 620 (as redesignated by this Act) is amended to read as follows:

"SEC. 620. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title. Funds appropriated for any fiscal year shall remain available for obligation until expended."

(13) Section 701 (as redesignated by this Act) is amended by adding the following new subsection:

"(1) The term 'correctional institution' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

SEC. 3. Subsection (c) of section 5108 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(10) The Law Enforcement Assistance Administration may place a total of 25 positions in GS-16, 17, and 18."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 26, 1970.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: I was extremely pleased to learn that the committee voted today to favorably report a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and that the bill includes most of the amendments submitted by the Department of Justice. Although the bill departs in some few respects from the Department's requests, on the whole it is an extremely good and well balanced bill. The Department of Justice enthusiastically endorses it and urges its passage by the House of Representatives.

Your personal attention to this important matter and the fine work of your committee are very much appreciated.

Sincerely yours,

JOHN MITCHELL, *Attorney General.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

TITLE I—LAW ENFORCEMENT ASSISTANCE

DECLARATIONS AND PURPOSE

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereafter referred to in this title as "Administration").

[(b) The Administration shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be the same political party, and members shall be appointed with due regard to their fitness, knowledge, and experience to perform the functions, powers, and duties vested in the Administration by this title.]

(b) *The Administration shall consist of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall exercise the functions, powers, and duties vested in the Administration by this title. The Administrator shall be assisted in the exercise of his functions, powers, and duties by two Associate Administrators who shall be appointed by the President, by and with the advice and consent of the Senate.*

(c) It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this title, except as otherwise provided.

PART B—PLANNING GRANTS

SEC. 201. It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement planning agencies (hereinafter referred to in this title as "State planning agencies") for the preparation, development, and revision of the State plans required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. [The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.] *The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime.*

(b) The State planning agency shall—

(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement throughout the State;

(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

(3) establish priorities for the improvement in law enforcement throughout the State.

(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.

SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate \$100,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.

(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

[(4) Construction of buildings or other physical facilities which would fulfill or implement the purposes of this section.]

(4) Renting, leasing, and constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

(5) The organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State to assure improved coordination of all law enforcement activities, such as those of the police, the criminal courts, and the correctional system.

(c) The [amount of any Federal grant made under] *portion of any Federal grant made under this section for the purposes of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The [amount of any grant made under] portion of any Federal*

grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The [amount of any other grant made under this part] *portion of any Federal grant made under this section to be used for any other purpose set forth in this section* may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided, That no part of any grant for the purpose of [construction of] renting, leasing or constructing, buildings or other physical facilities shall be used for land acquisition.*

(d) Not more than one-third of any grant made under this [part] section may be expended for the compensation of *police and other regular lawenforcement* personnel. The amount of any such grant expended for the compensation of personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs, *nor to the compensation of personnel engaged in research, development, demonstration, or other short-term programs.*

SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan formulated pursuant to part B of this title.

SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. *No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.* Each such plan shall—

(1) provide for the administration of such grants by the State planning agency;

(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement, *and that with respect to any such program or project the State will provide not less than one-fourth of the non-Federal funding;*

(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organiza-

tional systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(6) provide for research and development;

(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

SEC. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combina-

tions of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the projects set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.】

SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of such section 306(a).

【**SEC. 306.** Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State.】

Sec. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made; however, if the Administration determines that the applicant is unable to provide sufficient funds the amount of such grant may be up to 100 per centum of the cost of such program or project. No part of any grant for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition.

(b) If the Administration 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 for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

SEC. 307. (a) In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

(b) Notwithstanding the provisions of section 303 of this part, until August 31, 1968, the Administration is authorized to make grants for programs and projects dealing with the prevention, detection, and control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects to the applicant's general program for the improvement of law enforcement.

PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as "Institute"). The Institute shall be under the general authority of the Administration. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement.

(b) The Institute is authorized—

(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement;

(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement, including, but not limited to, the effectiveness of projects or programs carried out under this title;

(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

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

(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this

section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title.

(6) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

(7) to establish a research center to carry out the programs described in this section.

SEC. 403. 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 Administration 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 purpose for which the grant is sought.

SEC. 404. (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 law enforcement personnel;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; 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 law enforcement personnel. 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 such other persons as the State or 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.

SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided, That—*

(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of

1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement.

(b) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for loans, not exceeding \$1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas [directly related to law enforcement or preparing for employment] *related to law enforcement or suitable for persons employed in law enforcement*, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement agency at the rate of 25 per centum of the total amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for [tuition and fees] *tuition, books, and fees*, not exceeding \$200 per academic quarter or \$300 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement or an area suitable for persons employed in law enforcement. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

(d) *Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.*

(e) *The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—*

- (1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;
- (2) education and training of faculty members;
- (3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and
- (4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

- (1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

- (2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

- (3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

- (4) provides for advanced techniques in the design of institutions and facilities;

- (5) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

- (6) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

(7) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

(8) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

(1) 50 per centum of the funds shall be available for grants to State planning agencies.

(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

PART [E] F—ADMINISTRATIVE PROVISIONS

SEC. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

SEC. 505. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

“(90) Administrator of Law Enforcement Assistance.”

SEC. 506. Section 5316 of title 5, United States Code, is amended by adding at the end thereof—

“(126) Associate Administrator of Law Enforcement Assistance.”

SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies.

SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

- (a) the provisions of this title;
- (b) regulations promulgated by the Administration under this title; or
- (c) a plan or application submitted in accordance with the provisions of this title;

the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration 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. The findings

and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee 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 grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration 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 certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1968, and the five succeeding fiscal years.

SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

SEC. 515. The Administration is authorized—

(a) to conduct evaluation studies of the programs and activities assisted under this title;

(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and

(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement.

Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.

SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages, notwithstanding the provisions of the Joint Resolution entitled "Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings", approved February 2, 1935 (31 U.S.C. sec. 551).

(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

SEC. 517. The Administration is authorized to appoint such technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committees, shall be entitled to receive compensation at a rate to be fixed by the Administration but not exceeding \$75 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.]

SEC. 517. (a) *The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.*

(b) *The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by 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, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.*

SEC. 518. (a) Nothing contained 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 law enforcement 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 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 or to eliminate racial imbalance in any law enforcement 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.

SEC. 519. On or before [August 31, 1968, and each year thereafter,] December 31 of each year the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

[SEC. 520. For the purpose of carrying out this title, there is authorized to be appropriated the sums of \$100,111,000 for the fiscal years ending June 30, 1968, and June 30, 1969, \$300,000,000 for the fiscal year ending June 30, 1970, and for succeeding fiscal years such sums as the Congress might authorize: *Provided, however,* That of the amount appropriated for the fiscal years ending June 30, 1968, and June 30, 1969—

[(a) the sum of \$25,000,000 shall be for the purposes of part B;

[(b) the sum of \$50,000,000 shall be for the purposes of part C, of which amount—

[(1) not more than \$2,500,000 shall be for the purposes of section 301(b)(3);

[(2) not more than \$15,000,000 shall be for the purposes of section 301(b)(5), of which not more than \$1,000,000 may be used within any one State;

[(3) not more than \$15,000,000 shall be for the purposes of section 301(b)(6); and

[(4) not more than \$10,000,000 shall be for the purposes of correction, probation, and parole; and

[(c) the sum of \$25,111,000 shall be for the purposes of part D, of which \$5,111,000 shall be for the purposes of section 404, and not more than \$10,000,000 shall be for the purposes of section 406.]

SEC. 520. *There is authorized to be appropriated \$650,000,000 for the fiscal year ending June 30, 1971, \$1,000,000,000 for the fiscal year ending June 30, 1972, and \$1,500,000,000 for the fiscal year ending June 30, 1973. Funds appropriated for any fiscal year may remain available for obligation until expended. Not less than 25 per centum of the amounts appropriated shall be devoted to the purposes of corrections, including probation and parole.*

SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or 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 Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this— title.

(c) *The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant of contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.*

SEC. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting "law enforcement facilities," immediately after "transportation facilities,".

PART [F] G—DEFINITIONS

SEC. 601. As used in this title—

[(a) "Law enforcement" means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.]

(a) *"Law enforcement" means all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities.*

(b) *"Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.*

(c) *"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.*

(d) *"Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, [or] an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia. Funds appropriated by the Congress for the activities of such agencies of the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.*

(e) *"Combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.*

(f) *"Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.*

(g) *"State organized crime prevention council" means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.*

(h) *"Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.*

(i) "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.

(j) "Institution of higher education" means any such institution as defined by section 801(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

(k) "Community service officer" means any citizen with the capacity, motivation, integrity, and suitability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

(l) *The term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.*

SECTION 5108 OF TITLE 5, UNITED STATES CODE

§ 5108. Classification of positions at GS-16, 17, and 18.

(a) A majority of the Civil Service Commissioners may establish, and from time to time revise, the maximum number of positions (not to exceed an aggregate of 2,727, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades, and in addition to 240 hearing examiner positions under section 3105 of this title which may be placed in GS-16 and 9 such positions which may be placed in GS-17) which may be placed in GS-16, 17, and 18 at any one time. However, under this authority, not to exceed 25 percent of the aggregate number may be placed in GS-17 and not to exceed 12 percent of the aggregate number may be placed in GS-18. A position may be placed in GS-16, 17, or 18 only by action of, or after prior approval, by a majority of the Civil Service Commissioners.

(b)(1) The number of positions of senior specialists in the Legislative Reference Service, Library of Congress, placed in GS-16, 17, and 18 under the proviso in section 166(b)(1) of title 2 are in addition to the number of positions authorized by subsection (a) of this section.

(2) In addition to the number of positions authorized by subsection (a) of this section and positions referred to in paragraph (1) of this subsection, the Librarian of Congress, subject to the procedures prescribed by this section, may place a total of 44 positions in the Library of Congress in GS-16, 17, and 18.

(c) In addition to the number of positions authorized by subsection (a) of this section—

(1) the Comptroller General of the United States, subject to the procedures prescribed by this section, may place a total of 90 positions in the General Accounting Office in GS-16, 17, and 18;

(2) the Director of the Federal Bureau of Investigation, without regard to any other provision of this section, may place a total of 110 positions in the Federal Bureau of Investigation in GS-16, 17, and 18;

(3) the Director of the Administrative Office of the United States Courts may place a total of 4 positions in GS-17;

(4) the Commissioner of Immigration and Naturalization may place a total of 11 positions in GS-17;

(5) the Secretary of Defense, subject to the standards and procedures prescribed by this chapter, may place a total of 407 positions (in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades) in the Department of Defense in GS-16, 17, and 18;

(6) the Administrator of the National Aeronautics and Space Administration, subject to the standards and procedures prescribed by this chapter, may place a total of 5 positions in the National Aeronautics and Space Administration in GS-16, 17, and 18;

(7) the Attorney General, without regard to any other provision of this section, may place a total of—

(A) 10 positions of Warden in the Bureau of Prisons in GS-16; and

(B) 8 positions of Member of the Board of Parole in GS-17;

(8) the Attorney General, without regard to this chapter (except section 5114), may place 1 position in GS-16; and

(9) the Railroad Retirement Board may place 4 positions in GS-16, 4 in GS-17, and 1 in GS-18, for the purpose of its administration of chapter 9 or 11 or title 45, or both.

(10) *the Law Enforcement Assistance Administration may place a total of 15 positions in GS-16, 17, and 18.*

(d) When a general appropriation statute authorizes an agency to place additional positions in GS-16, 17, and 18, the total number of positions authorized to be placed in these grades by this section (except subsection (c)(8) and (9)) is reduced by the number of positions authorized by the appropriation statute, unless otherwise specifically provided. The reduction is made in the following order—

first, from any number specifically authorized for the agency by this section (except subsection (c)(8) and (9)); and

second, from the maximum number of positions authorized by subsection (a) of this section irrespective of the agency to which the positions are allocated.