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96TH CONGRESS  
1ST SESSION

**S. 241**

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IN THE SENATE OF THE UNITED STATES

MAY 21 (legislative day, APRIL 9), 1979

Ordered to be printed as passed

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**AN ACT**

To restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Law Enforcement Assist-  
4 ance Reform Act of 1979".

5 SEC. 2. Title I of the Omnibus Crime Control and Safe  
6 Streets Act of 1968, as amended, is amended to read as fol-  
7 lows:

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1 "TITLE I—JUSTICE SYSTEM IMPROVEMENT

2 "DECLARATION AND PURPOSE

3 "The Congress finds and declares that the high inci-  
 4 dence of crime in the United States is detrimental to the  
 5 general welfare of the Nation and its citizens; and that crimi-  
 6 nal justice efforts must be better coordinated, intensified, and  
 7 made more effective and equitable at all levels of govern-  
 8 ment.

9 "Congress further finds that juvenile delinquency consti-  
 10 tutes a growing threat to the national welfare requiring im-  
 11 mediate and comprehensive action by the Federal Govern-  
 12 ment to reduce and prevent delinquency by developing and

1 implementing effective programs to improve the quality of  
 2 juvenile justice in the United States.

3 "Congress further finds that the victims of crime should  
 4 be made a more integral part of the criminal justice system.

5 "Congress further finds that there is an urgent need to  
 6 encourage basic and applied research, to gather and dissemi-  
 7 nate accurate and comprehensive justice statistics, and to  
 8 evaluate methods of preventing and reducing crime.

9 "Congress further finds that crime is essentially a State  
 10 and local and community problem that must be dealt with by  
 11 State and local governments. Congress further finds that the  
 12 financial and technical resources of the Federal Government  
 13 should be made available to support such State and local and  
 14 community-based efforts.

15 "Congress further finds that the financial and technical  
 16 resources of the Federal Government should be utilized by  
 17 applying such resources to State and local efforts to address  
 18 selected problems of fundamental importance to the criminal  
 19 justice system.

20 "Congress further finds that the role of the private secu-  
 21 rity industry in the prevention and control of criminal activi-  
 22 ties is important and encourages improved cooperation and  
 23 coordination between public law enforcement agencies and  
 24 the private security industry.

1 "Congress further finds that the future welfare of the  
2 Nation and the well-being of its citizens depend on the estab-  
3 lishment and maintenance of viable and effective justice sys-  
4 tems which require (1) systematic and sustained action by  
5 Federal, State, and local governments; (2) greater continuity  
6 in the scope and level of Federal assistance; and (3) continu-  
7 ing efforts at all levels of government to streamline programs  
8 and upgrade the functioning of agencies responsible for plan-  
9 ning, implementing and evaluating efforts to improve justice  
10 systems.

11 "It is therefore the declared policy of the Congress to  
12 aid State and local governments in strengthening and im-  
13 proving their systems of criminal and juvenile justice by pro-  
14 viding financial and technical assistance with maximum cer-  
15 tainty and minimum delay. It is the purpose of this title to (1)  
16 authorize funds for the benefit of States and units of general  
17 local government to be used to strengthen their criminal jus-  
18 tice and juvenile justice systems; (2) develop and fund new  
19 methods and programs to enhance the effectiveness of crimi-  
20 nal justice agencies; (3) support the development of city,  
21 county, and statewide priorities and programs to meet the  
22 problems confronting the justice system; (4) reduce court con-  
23 gestion and trial delay; (5) support community anticrime ef-  
24 forts; (6) improve and modernize the correctional system; (7)  
25 support victim-witness assistance efforts; (8) encourage the

1 undertaking of innovative projects of recognized importance  
2 and effectiveness; (9) encourage the development of basic and  
3 applied research directed toward the improvement of civil,  
4 criminal, and juvenile justice systems and new methods for  
5 the prevention and reduction of crime and the detection, ap-  
6 prehension, and rehabilitation of criminals and delinquents;  
7 (10) encourage the collection and analysis of statistical infor-  
8 mation concerning crime, juvenile delinquency, civil disputes,  
9 and the operation of justice systems; (11) support manpower  
10 development and training efforts; (12) provide for a financial  
11 assistance program to the families of public safety officers  
12 killed in the line of duty; (13) support total resource oriented  
13 approaches to the problems of courts and the criminal and  
14 juvenile justice system; and (14) encourage programs to edu-  
15 cate the public in the areas of civil, criminal, and juvenile law  
16 and justice system operation. It is further the policy of the  
17 Congress that the Federal assistance made available under  
18 this title not be utilized to reduce the amount of State and  
19 local financial support for criminal justice activities below the  
20 level of such support prior to the availability of such assist-  
21 ance.

22 "PART A—LAW ENFORCEMENT ASSISTANCE

23 ADMINISTRATION

24 "SEC. 101. There is hereby established within the De-  
25 partment of Justice a Law Enforcement Assistance Adminis-

1 tration (hereinafter referred to in this title as the 'Administra-  
 2 tion'). The Administration shall be under the direction of an  
 3 Administrator, who shall be appointed by the President, by  
 4 and with the advice and consent of the Senate, and such  
 5 Deputy Administrators as may be designated by the Attorney  
 6 General. The Administrator shall have final authority over  
 7 all grants, cooperative agreements, and contracts awarded by  
 8 the Administration. Pursuant to section 801 of this title, the  
 9 Administrator shall report to the Director of the Office of  
 10 Justice Assistance, Research, and Statistics.

11 "SEC. 102. The Administrator shall—

12 "(a) provide funds to eligible States and units of  
 13 local government pursuant to part D of this title;

14 "(b) recognize national criminal and juvenile jus-  
 15 tice priorities established by the Office of Justice As-  
 16 sistance, Research, and Statistics in accordance with  
 17 parts E and F of this title, inform States and units of  
 18 local government concerning such priorities and award  
 19 and allocate funds and technical assistance among the  
 20 eligible States, units of local government, and public  
 21 and private nonprofit organizations according to the  
 22 criteria and on the terms and conditions determined by  
 23 the Administration to be consistent with parts E and F  
 24 of this title;

1 "(c) publish and disseminate information on the  
 2 condition and progress of the criminal and juvenile jus-  
 3 tice system;

4 "(d) establish and carry on a specific and continu-  
 5 ing program of cooperation with the States and units of  
 6 local government designed to encourage and promote  
 7 consultation and coordination concerning decisions  
 8 made by the Administration affecting State and local  
 9 criminal and juvenile justice priorities;

10 "(e) cooperate with and render technical assist-  
 11 ance to States, units of local government, and other  
 12 public and private organizations or international agen-  
 13 cies involved in criminal and juvenile justice activities;

14 "(f) cooperate with and render technical assistance  
 15 to States, units of local government, and other public  
 16 and private organizations or agencies involved in  
 17 victim-witness assistance activities and the post-arrest  
 18 identification and prosecution of career criminals;

19 "(g) provide funds and technical assistance to eli-  
 20 gible jurisdictions under this title for the development  
 21 of operational information and telecommunications sys-  
 22 tems;

23 "(h) exercise the powers and functions set out in  
 24 part H; and

1           “(i) exercise such other powers and functions as  
2     may be vested in the Administrator pursuant to this  
3     title.

4           “SEC. 103. (a) There is established in the Law Enforce-  
5     ment Assistance Administration the Office of Community  
6     Anti-Crime Programs (hereinafter in this section referred to  
7     as the ‘Office’). The Office shall be under the direction of the  
8     Administrator and shall—

9           “(1) provide appropriate technical assistance to  
10    community and citizens groups to enable such groups  
11    to—

12           “(A) apply for grants which encourage com-  
13    munity and citizen participation in crime preven-  
14    tion and criminal and juvenile justice activities in-  
15    cluding educational activities; and

16           “(B) participate in the formula grant applica-  
17    tion process pursuant to section 402(f) of this  
18    title;

19           “(2) coordinate its activities with ACTION and  
20    with other Federal agencies and programs, including  
21    the Community Relations Service of the Department of  
22    Justice, which are designed to encourage and assist  
23    citizen participation in criminal justice activities;

1           “(3) provide information on successful programs of  
2     citizen and community participation to citizen and com-  
3     munity groups;

4           “(4) review, at its discretion, formula grant appli-  
5     cations submitted under section 403 of this title in  
6     order to assure that the requirements for citizen, neigh-  
7     borhood, and community participation in the applica-  
8     tion process have been met; and

9           “(5) make recommendations, after consultation  
10    with citizen, neighborhood, and community organiza-  
11    tions, to the Director of the Office of Justice Assist-  
12    ance, Research, and Statistics for the designation of ef-  
13    fective community anticrime programs for funding as  
14    national priority grants under part E and discretionary  
15    grants under part F.

16           “(b) The Administration is authorized to make grants to  
17    be administered by the Office of Community Anti-Crime Pro-  
18    grams—

19           “(1) for the encouragement of neighborhood and  
20    community participation in crime prevention and public  
21    safety efforts and for program development and techni-  
22    cal assistance designed to encourage such participation;

23           “(2) for the development of comprehensive and  
24    coordinated crime prevention programs; and

1           “(3) for technical assistance designed to encourage  
2 neighborhood and community participation in crime  
3 prevention, educational, and public safety efforts.

4           “(c) In carrying out the functions under this part the  
5 Administrator shall make appropriate provisions for coordina-  
6 tion among neighborhoods and for consultation with locally  
7 elected officials.

8           “PART B—NATIONAL INSTITUTE OF JUSTICE

9           “SEC. 201. It is the purpose of this part to establish a  
10 National Institute of Justice, which shall provide for and en-  
11 courage research and demonstration efforts for the purpose  
12 of—

13           “(a) improving Federal, State, and local criminal,  
14 civil, administrative, regulatory, legal education, and  
15 juvenile justice systems;

16           “(b) preventing and reducing crimes and unneces-  
17 sary civil disputes;

18           “(c) insuring citizen access to appropriate dispute-  
19 resolution forums; and

20           “(d) identifying programs of proven effectiveness,  
21 programs having a record of proven success, or pro-  
22 grams which offer a high probability of improving the  
23 functioning of the criminal and juvenile justice system.

24 The Institute shall have authority to engage in and encour-  
25 age research and development to improve and strengthen

1 criminal, civil, administrative, regulatory, legal education,  
2 and juvenile justice systems and to disseminate the results of  
3 such efforts to Federal, State, and local governments, to de-  
4 velop alternatives to judicial resolution of disputes, to evalu-  
5 ate the effectiveness of programs funded under this title, to  
6 develop new or improved approaches and techniques, to im-  
7 prove and strengthen the administration of justice, and to  
8 identify programs or projects carried out under this title  
9 which have demonstrated success in improving the quality of  
10 justice systems and which offer the likelihood of success if  
11 continued or repeated. In carrying out the provisions of this  
12 part, the Institute shall give primary emphasis to the prob-  
13 lems of State and local justice systems and shall insure that  
14 there is a balance between basic and applied research.

15           “SEC. 202. (a) There is established within the Depart-  
16 ment of Justice a National Institute of Justice (hereinafter  
17 referred in this part as the ‘Institute’).

18           “(b) The Institute shall be headed by a Director ap-  
19 pointed by the President by and with the advice and consent  
20 of the Senate. The Director shall have had experience in jus-  
21 tice research. The Director shall have final authority over all  
22 grants, cooperative agreements, and contracts awarded by  
23 the Institute. The Director shall not engage in any other  
24 employment than that of serving as Director; nor shall the  
25 Director hold any office in, or act in any capacity for, any

1 organization, agency, or institution with which the Institute  
 2 makes any contract or other arrangement under this Act.  
 3 The Director shall report to the Director of the Office of  
 4 Justice Assistance, Research, and Statistics established  
 5 under section 801 of this title.

6 "(c) The Institute is authorized to—

7 "(1) make grants to, or enter into cooperative  
 8 agreements or contracts with, public agencies, institu-  
 9 tions of higher education, private organizations, or indi-  
 10 viduals to conduct research, demonstrations, or special  
 11 projects pertaining to the purposes described in this  
 12 part, and provide technical assistance and training in  
 13 support of tests, demonstrations, and special projects;

14 "(2) conduct or authorize multiyear and short-  
 15 term research and development concerning all parts of  
 16 the criminal, civil, administrative, regulatory, legal  
 17 education, and juvenile justice systems in an effort (A)  
 18 to identify alternative programs for achieving system  
 19 goals, including programs authorized by section 103 of  
 20 this Act, (B) to analyze the correlates of crime and ju-  
 21 venile delinquency and provide more accurate informa-  
 22 tion on the causes and correlates of crime and juvenile  
 23 delinquency, (C) to improve the functioning of the  
 24 criminal and juvenile justice system, and (D) to develop  
 25 new methods for the prevention and reduction of crime,

1 the prevention and reduction of juvenile delinquency,  
 2 the prevention and reduction of parental kidnapping,  
 3 including the development of programs to facilitate co-  
 4 operation and coordination among the States and units  
 5 of local government, the detection and apprehension of  
 6 criminals, the expeditious, efficient, and fair disposition  
 7 of criminal and juvenile delinquency cases, the im-  
 8 provement of police and minority relations, the conduct  
 9 of research into the problems of victims and witnesses  
 10 of crime, with special emphasis on the relationship be-  
 11 tween preconviction crimes and post-conviction crimes  
 12 on the victims of crime, the feasibility and conse-  
 13 quences of allowing victims to participate in criminal  
 14 justice decisionmaking, the feasibility and desirability of  
 15 adopting procedures and programs which increase the  
 16 victim's participation in the criminal justice process,  
 17 the reduction in the need to seek court resolution of  
 18 civil disputes, and the development of adequate correc-  
 19 tions facilities and effective programs of correction. In  
 20 carrying out the provisions of this subsection the Insti-  
 21 tute may request the assistance of both public and pri-  
 22 vate research agencies;

23 "(3) evaluate the effectiveness of projects or pro-  
 24 grams carried out under this title;

1           “(4) evaluate, where the Institute deems appropri-  
2           ate, the programs and projects carried out under other  
3           parts of this title to determine their impact upon the  
4           quality of criminal, civil, administrative, regulatory,  
5           legal education, and juvenile justice systems and the  
6           extent to which they have met or failed to meet the  
7           purposes and policies of this title, and disseminate such  
8           information to State agencies and, upon request, to  
9           units of general local government and other public and  
10          private organizations and individuals;

11          “(5) make recommendations for action which can  
12          be taken by Federal, State, and local governments and  
13          by private persons and organizations to improve and  
14          strengthen criminal, civil, administrative, regulatory  
15          legal education, and juvenile justice systems;

16          “(6) provide research fellowships and clinical in-  
17          ternships and carry out programs of training and spe-  
18          cial workshops for the presentation and dissemination  
19          of information resulting from research, demonstrations,  
20          and special projects including those authorized by this  
21          part;

22          “(7) collect and disseminate information obtained  
23          by the Institute or other Federal agencies, public agen-  
24          cies, institutions of higher education, or private organi-  
25          zations relating to the purposes of this part;

1           “(8) serve as a national and international  
2           clearinghouse for the exchange of information with re-  
3           spect to the purposes of this part;

4           “(9) submit a biennial report to the President and  
5           Congress on the state of justice research. This report  
6           shall describe significant achievements and identify  
7           areas needing further study. Other Federal agencies in-  
8           volved in justice research shall assist, upon request, in  
9           preparation of this report;

10          “(10) after consultation with appropriate agencies  
11          and officials of States and units of local government,  
12          make recommendations to the Director of the Office of  
13          Justice Assistance, Research, and Statistics for the  
14          designation of programs or projects which will be suffi-  
15          ciently effective in improving the functioning of the  
16          criminal and juvenile justice system, to merit funding as  
17          national priority grants under part E and discretionary  
18          grants under part F;

19          “(11) encourage, assist, and serve in a consulting  
20          capacity to Federal, State, and local justice system  
21          agencies in the development, maintenance, and coordi-  
22          nation of criminal, civil, administrative, regulatory,  
23          legal education, and juvenile justice programs and  
24          services; and

1           “(12) publish or arrange for the publication of sci-  
2           entific and technical information so as to further the  
3           full dissemination of information of scientific value con-  
4           sistent with the national interest, without regard to the  
5           provisions of section 87 of the Act of January 12,  
6           1895 (28 Stat. 622), and section 11 of the Act of  
7           March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111).

8           “(d) To insure that all criminal, civil, administrative,  
9           regulatory, legal education, and juvenile justice research is  
10          carried out in a coordinated manner, the Director is author-  
11          ized to—

12           “(1) utilize, with their consent, the services,  
13           equipment, personnel, information, and facilities of  
14           other Federal, State, local, and private agencies and  
15           instrumentalities with or without reimbursement there-  
16           for;

17           “(2) confer with and avail itself of the coopera-  
18           tion, services, records, and facilities of State or of mu-  
19           nicipal or other local agencies;

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

1           “(4) seek the cooperation of the judicial branches  
2           of Federal and State Government in coordinating  
3           criminal, civil, administrative, regulatory, legal educa-  
4           tion, and juvenile justice research and development;  
5           and

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

8           “SEC. 203. A grant authorized under this part may be  
9           up to 100 per centum of the total cost of each project for  
10          which such grant is made. The Institute shall require, when-  
11          ever feasible, as a condition of approval of a grant under this  
12          part, that the recipient contribute money, facilities, or serv-  
13          ices to carry out the purposes for which the grant is sought.

14          “SEC. 204. (a) There is hereby established a National  
15          Institute of Justice Advisory Board (hereinafter referred to in  
16          this section as the ‘Board’). The Board shall consist of  
17          twenty-one members who shall be appointed by the Presi-  
18          dent. The members shall represent the public interest and  
19          should be experienced in the criminal, civil, administrative,  
20          regulatory, legal education, or juvenile justice systems, in-  
21          cluding representatives of States and units of local govern-  
22          ment, representatives of police, prosecutors, defense attor-  
23          neys, courts, corrections, experts in the area of victim and  
24          witness assistance, and other components of the justice  
25          system at all levels of government, members of the academic

1 and research community, officials of neighborhood and com-  
 2 munity organizations, and the general public. A majority of  
 3 the members of the Board, including the Chairman and Vice  
 4 Chairman, shall not be full-time employees of Federal, State,  
 5 or local governments. The Board, by majority vote, shall  
 6 elect from among its members a Chairman and Vice Chair-  
 7 man. The Vice Chairman is authorized to sit and act in the  
 8 place of the Chairman in the absence of the Chairman. The  
 9 Director shall also be a nonvoting member of the Board and  
 10 shall not serve as Chairman or Vice Chairman. Vacancies in  
 11 the membership of the Board shall not affect the power of the  
 12 remaining members to execute the functions of the Board and  
 13 shall be filled in the same manner as in the case of the origi-  
 14 nal appointment. The Chairman shall be provided by the In-  
 15 stitute with at least one full-time staff assistant to assist the  
 16 Board. The Administrator of the Law Enforcement Assist-  
 17 ance Administration, the Administrator of the Office of Juve-  
 18 nile Justice and Delinquency Prevention, and the Director of  
 19 the Bureau of Justice Statistics shall serve as nonvoting ex  
 20 officio members of the Board and shall be ineligible to serve  
 21 as Chairman or Vice Chairman. Except as otherwise pro-  
 22 vided herein, no more than one additional full-time Federal  
 23 officer or employee shall serve as a member of the Board.

24       “(b) The Board, after appropriate consultation with rep-  
 25 resentatives of State and local governments, may make such

1 rules respecting its organization and procedures as it deems  
 2 necessary, except that no recommendation shall be reported  
 3 from the Board unless a majority of the Board assents.

4       “(c) The term of office of each member of the Board  
 5 appointed under subsection (a) shall be three years except the  
 6 first composition of the Board which shall have one-third of  
 7 these members appointed to one-year terms, one-third to  
 8 two-year terms, and one-third to three-year terms; and any  
 9 such member appointed to fill a vacancy occurring prior to  
 10 the expiration of the term for which his or her predecessor  
 11 was appointed shall be appointed for the remainder of such  
 12 term. Terms of the members appointed under subsection (a)  
 13 shall be staggered so as to establish a rotating membership  
 14 according to such method as the Director may devise. Such  
 15 members shall be appointed within ninety days after the date  
 16 of enactment of this Act. The members of the Board appoint-  
 17 ed under subsection (a) shall receive compensation for each  
 18 day engaged in the actual performance of duties vested in the  
 19 Board at rates of pay not in excess of the daily equivalent of  
 20 the highest rate of basic pay set forth in the General Sched-  
 21 ule of section 5332(a) of title 5, United States Code, and in  
 22 addition shall be reimbursed for travel, subsistence, and other  
 23 necessary expenses. No voting member shall serve for more  
 24 than two consecutive terms.

25       “(d) The Board shall—

1           “(1) review and make recommendations to the In-  
2           stitute on activities undertaken by the Institute and de-  
3           velop in conjunction with the Director the policies and  
4           priorities of the Institute;

5           “(2) recommend to the President at least three  
6           candidates for the position of Director of the Institute  
7           in the event of a vacancy; and

8           “(3) undertake such additional related tasks as the  
9           Board may deem necessary.

10          “(e) In addition to the powers and duties set forth else-  
11          where in this title, the Director shall exercise such powers  
12          and duties of the Board as may be delegated to the Director  
13          by the Board.

14          “PART C—BUREAU OF JUSTICE STATISTICS

15          “SEC. 301. It is the purpose of this part to provide for  
16          and encourage the collection and analysis of statistical infor-  
17          mation concerning crime, juvenile delinquency, civil disputes  
18          and the operation of civil, juvenile, and criminal justice sys-  
19          tems; and to support the development of information and sta-  
20          tistical systems at the Federal, State, and local levels to im-  
21          prove the efforts of these levels of government to measure  
22          and understand the levels of crime, juvenile delinquency and  
23          civil disputes and the operation of the civil, juvenile, and  
24          criminal justice systems. The Bureau shall utilize to the  
25          maximum extent feasible State governmental organizations

1          and facilities responsible for the collection and analysis of  
2          criminal justice data and statistics. In carrying out the provi-  
3          sions of this part, the Bureau shall give primary emphasis to  
4          the problems of State and local justice systems.

5          “SEC. 302. (a) There is established within the Depart-  
6          ment of Justice a Bureau of Justice Statistics (hereinafter  
7          referred to in this part as the ‘Bureau’).

8          “(b) The Bureau shall be headed by a Director appoint-  
9          ed by the President by and with the advice and consent of the  
10          Senate. The Director shall have had experience in statistical  
11          programs. The Director shall have final authority for all  
12          grants, cooperative agreements, and contracts awarded by  
13          the Bureau. The Director shall not engage in any other em-  
14          ployment than that of serving as Director; nor shall the Di-  
15          rector hold any office in, or act in any capacity for, any orga-  
16          nization, agency, or institution with which the Bureau makes  
17          any contract or other arrangement under this Act. The Di-  
18          rector shall report to the Director of the Office of Justice  
19          Assistance, Research, and Statistics established under sec-  
20          tion 801.

21          “(c) The Bureau is authorized to—

22                  “(1) make grants to, or enter into cooperative  
23                  agreements or contracts with public agencies, institu-  
24                  tions of higher education, private organizations, or pri-  
25                  vate individuals for purposes related to this part;

1 grants shall be made subject to continuing compliance  
2 with standards for gathering justice statistics set forth  
3 in rules and regulations promulgated by the Director;

4 "(2) collect and analyze information concerning  
5 criminal victimization and civil disputes;

6 "(3) collect and analyze data that will serve as a  
7 continuous and comparable national social indication of  
8 the prevalence, incidence, rates, extent, distribution,  
9 and attributes of crime, juvenile delinquency, and civil  
10 disputes, and other statistical factors related to crime,  
11 juvenile delinquency, and civil disputes, in support of  
12 national, State, and local justice policy and decision-  
13 making;

14 "(4) collect and analyze statistical information,  
15 concerning the operations of the criminal, juvenile, and  
16 civil justice systems at the Federal, State, and local  
17 levels;

18 "(5) collect and analyze statistical information  
19 concerning the prevalence, incidence, rates, extent, dis-  
20 tribution, and attributes of crime, juvenile delinquency,  
21 and civil disputes at the Federal, State, and local  
22 levels;

23 "(6) collect and analyze statistical information  
24 concerning the impact of pre-conviction crimes and  
25 post-conviction crimes on the victims of crime;

1 "(7) analyze the correlates of crime, juvenile de-  
2 linquency, and civil disputes by the use of statistical in-  
3 formation, about criminal, juvenile, and civil justice  
4 systems at the Federal, State, and local levels, and  
5 about the extent, distribution and attributes of crime,  
6 juvenile delinquency, and civil disputes at the Federal,  
7 State, and local levels;

8 "(8) compile, collate, analyze, publish, and dis-  
9 seminate uniform national statistics concerning all as-  
10 pects of justice, crime, juvenile delinquency, civil dis-  
11 putes, criminal offenders, and juvenile delinquents in  
12 the various States without regard to the provisions of  
13 section 87 of the Act of January 12, 1895 (28 Stat.  
14 622), and section 11 of the Act of March 1, 1919 (40  
15 Stat. 1270; 44 U.S.C. 111);

16 "(9) establish national standards for justice statis-  
17 tics and for insuring the reliability and validity of jus-  
18 tice statistics supplied pursuant to this title;

19 "(10) maintain liaison with the judicial branches  
20 of the Federal and State Governments in matters relat-  
21 ing to justice statistics, and cooperate with the judicial  
22 branch in assuring as much uniformity as feasible in  
23 statistical systems of the executive and judicial  
24 branches;

1           “(11) provide information to the President, the  
2 Congress, the judiciary, State and local governments,  
3 and the general public on justice statistics;

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

6           “(13) provide financial and technical assistance to  
7 the States and units of local government relating to  
8 collection, analysis, or dissemination of justice statis-  
9 tics;

10           “(14) maintain liaison with State and local gov-  
11 ernments and governments of other nations concerning  
12 justice statistics;

13           “(15) cooperate in and participate with national  
14 and international organizations in the development of  
15 uniform justice statistics;

16           “(16) insure conformance with security and priva-  
17 cy regulations issued pursuant to section 819; and

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

20           “(d) To insure that all justice statistical collection, anal-  
21 ysis, and dissemination is carried out in a coordinated  
22 manner, the Director is authorized to—

23           “(1) utilize, with their consent, the services,  
24 equipment, records, personnel, information, and facili-  
25 ties of other Federal, State, local, and private agencies

1           and instrumentalities with or without reimbursement  
2 therefor;

3           “(2) confer and cooperate with State, municipal or  
4 other local agencies;

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

8           “(4) seek the cooperation of the judicial branch of  
9 the Federal Government in gathering data from crimi-  
10 nal, juvenile, and civil justice records.

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

15           “(f) In establishing standards for gathering justice sta-  
16 tistics under this section, the Director shall consult with rep-  
17 resentatives of State and local government, including, where  
18 appropriate, representatives of the judiciary.

19           “SEC. 303. A grant authorized under this part may be  
20 up to 100 per centum of the total cost of each project for  
21 which such grant is made. The Bureau shall require, when-  
22 ever feasible as a condition of approval of a grant under this  
23 part, that the recipient contribute money, facilities, or serv-  
24 ices to carry out the purposes for which the grant is sought.

1 "SEC. 304. (a) There is hereby established a Bureau of  
 2 Justice Statistics Advisory Board (hereinafter referred to in  
 3 this section as the 'Board'). The Board shall consist of  
 4 twenty-one members who shall be appointed by the Attorney  
 5 General. The members should include representatives of  
 6 States and units of local government, representatives of  
 7 police, prosecutors, defense attorneys, courts, corrections, ex-  
 8 perts in the area of victim and witness assistance, and other  
 9 components of the justice system at all levels of government,  
 10 members of the academic, research, and statistics communi-  
 11 ty, officials of neighborhood and community organizations,  
 12 and the general public. The Board, by majority vote, shall  
 13 elect from among its members a Chairman and Vice Chair-  
 14 man. The Vice Chairman is authorized to sit and act in the  
 15 place of the Chairman in the absence of the Chairman. The  
 16 Director shall also be a non-voting member of the Board and  
 17 shall not serve as Chairman or Vice Chairman. Vacancies in  
 18 the membership of the Board shall not affect the power of the  
 19 remaining members to execute the functions of the Board and  
 20 shall be filled in the same manner as in the case of the origi-  
 21 nal appointment. The Chairman shall be provided by the  
 22 Bureau with at least one full-time staff assistant to assist the  
 23 Board. The Administrator of the Law Enforcement Assist-  
 24 ance Administration, the Administrator of the Office of Juve-  
 25 nile Justice and Delinquency Prevention, the Director of the

1 National Institute of Justice, and the Director of the Bureau  
 2 of Justice Statistics shall serve as non-voting ex officio mem-  
 3 bers of the Board but shall be ineligible to serve as Chairman  
 4 or Vice Chairman. Except as otherwise provided herein, no  
 5 more than one additional full-time Federal officer or employ-  
 6 ee shall serve as a member of the Board.

7 "(b) The Board, after appropriate consultation with rep-  
 8 resentatives of State and local governments, may make such  
 9 rules respecting its organization and procedures as it deems  
 10 necessary, except that no recommendation shall be reported  
 11 from the Board unless a majority of the Board assents.

12 "(c) The term of office of each member of the Board  
 13 appointed under subsection (a) shall be three years except the  
 14 first composition of the Board which shall have one-third of  
 15 these members appointed to one-year terms, one-third to  
 16 two-years terms, and one-third to three-year terms; and any  
 17 such member appointed to fill a vacancy occurring prior to  
 18 the expiration of the term for which his or her predecessor  
 19 was appointed shall be appointed for the remainder of such  
 20 term. The members of the Board appointed under subsection  
 21 (a) shall receive compensation for each day engaged in the  
 22 actual performance of duties vested in the Board at rates of  
 23 pay not in excess of the daily equivalent of the highest rate of  
 24 basic pay set forth in the General Schedule of section 5332(a)  
 25 of title 5, United States Code, and in addition shall be reim-

1 bursed for travel, subsistence, and other necessary expenses.  
 2 No voting member shall serve for more than two consecutive  
 3 terms.

4 "(d) The Board shall—

5 "(1) review and make recommendations to the  
 6 Bureau on activities undertaken by the Bureau and for-  
 7 mulate and recommend to the Director policies and pri-  
 8 orities for the Bureau;

9 "(2) recommend to the President at least three  
 10 candidates for the position of Director of the Bureau in  
 11 the event of a vacancy; and

12 "(3) carry out such additional related functions as  
 13 the Board may deem necessary.

14 "(e) In addition to the powers and duties set forth else-  
 15 where in this title, the Director shall exercise such powers  
 16 and duties of the Board as may be delegated to the Director  
 17 by the Board.

18 "PART D—FORMULA GRANTS

19 "DESCRIPTION OF PROGRAM

20 "SEC. 401. (a) It is the purpose of this part to assist  
 21 States and units of local government in carrying out specific  
 22 programs which are of proven effectiveness, have a record of  
 23 proven success, or which offer a high probability of improving  
 24 the functioning of the criminal and juvenile justice system.  
 25 The Administration is authorized to make grants under this

1 part to States and units of local government for the purpose  
 2 of—

3 "(1) establishing or expanding community and  
 4 neighborhood programs that enable citizens to under-  
 5 take initiatives to deal with crime and delinquency;

6 "(2) improving and strengthening law enforcement  
 7 agencies, as measured by arrest rates, incidence rates,  
 8 victimization rates, the number of reported crimes,  
 9 clearance rates, the number of patrol or investigative  
 10 hours per uniformed officer, or any other appropriate  
 11 objective measure;

12 "(3) improving the police utilization of community  
 13 resources through support of joint police-community  
 14 projects designed to prevent or control neighborhood  
 15 crime;

16 "(4) disrupting illicit commerce in stolen goods  
 17 and property and training of special investigative and  
 18 prosecuting personnel, and the development of systems  
 19 for collecting, storing, and disseminating information  
 20 relating to the control of organized crime;

21 "(5) combating arson;

22 "(6) developing investigations and prosecutions of  
 23 white collar crime, organized crime, public corruption  
 24 related offenses, and fraud against the government;

1           “(7) reducing the time between arrest or indictment and disposition of trial;

2           “(8) implementing court reforms;

3           “(9) increasing the use and development of alternatives to the prosecution of selected offenders;

4           “(10) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

5           “(11) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

6           “(12) developing and implementing programs which provide assistance to victims, witnesses, and jurors, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

7           “(13) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

8           “(14) developing projects to identify and meet the needs of drug dependent offenders;

9           “(15) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

1           “(16) reducing the rates of violence among inmates in places of detention and confinement;

2           “(17) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

3           “(18) training criminal justice personnel in programs meeting standards recognized by the Director of the Office of Justice Assistance, Research, and Statistics;

4           “(19) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal and juvenile justice agencies;

5           “(20) coordinating the various components of the criminal and juvenile justice system to improve the overall operation of the system, establishing criminal justice information systems, and supporting and training of criminal and juvenile justice personnel;

6           “(21) develop statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (1) through (20);

1           “(22) encouraging the development of pilot and  
2 demonstration projects for prison industry programs at  
3 the State level with particular emphasis on involving  
4 private sector enterprise either as a direct participant  
5 in such programs, or as purchasers of goods produced  
6 through such programs, and aimed at making inmates  
7 self-sufficient, to the extent practicable, in a realistic  
8 working environment; and

9           “(23) any other program which is of proven effec-  
10 tiveness, has a record of proven success, or which  
11 offers a high probability of improving the functioning of  
12 the criminal and juvenile justice system.

13           “(b) The Federal portion of any grant made under this  
14 part may be up to 100 per centum of the cost of the program  
15 or project specified in the application for such grant, except  
16 for any funds used for the purposes set forth under subpara-  
17 graph (c) of this section. Except for funds allocated under  
18 subparagraph (c) of this section, a grant recipient shall  
19 assume the cost of improvements funded under this part after  
20 a reasonable period of Federal assistance unless the Adminis-  
21 trator determines that the recipient is unable to assume such  
22 cost because of State or local budgetary restraints.

23           “(c) The Administration shall allocate from the grant  
24 provided for in section 401(a) \$200,000 to each of the States  
25 as defined in section 402(a)(1) for the purposes of administer-

1 ing grants received under this title for operating criminal jus-  
2 tice councils, judicial coordinating committees, and local of-  
3 fices pursuant to part D and an additional amount of at least  
4 \$50,000 shall be made available by the Administration for  
5 allocation by the State to the judicial coordinating committee.  
6 These foregoing sums shall be available without a require-  
7 ment for match. The Administration shall allocate additional  
8 funds from the grant to a State for use by the State and its  
9 units of local government in an amount that is 7½ per  
10 centum of the total grant of such State. Any of the additional  
11 funds shall be matched in an amount equal to any such ex-  
12 pended or obligated amount. An amount equal to at least 7½  
13 per centum of the allocation of an eligible jurisdiction as de-  
14 fined in section 402(a) (2), (3), or (4), or of a judicial coordi-  
15 nating committee, must be made available by the State to  
16 each such jurisdiction or judicial coordinating committee from  
17 these additional funds for purposes set out above. The eligible  
18 jurisdiction or combination thereof shall match the amounts  
19 passed through in an amount equal to any such amount ex-  
20 pended or obligated by the eligible jurisdiction or combination  
21 thereof for the purposes set forth above for all Federal funds  
22 in excess of \$25,000 for each eligible jurisdiction.

23           “(1) Any funds allocated to States or units of  
24 local government and unexpended by such States or  
25 units of local government for the purposes set forth

1 above shall be available to such States or units of local  
2 government for expenditure in accordance with subsec-  
3 tion (a).

4 "(2) The State may allocate at its discretion to  
5 units of local government or combinations of such units  
6 which are not eligible jurisdictions as defined in section  
7 402(a) (2), (3), and (4) funds provided under this sub-  
8 section.

9 "ELIGIBILITY

10 "SEC. 402. (a) The Administration is authorized to  
11 make financial assistance under this part available to an eligi-  
12 ble jurisdiction to enable it to carry out all or a substantial  
13 part of a program or project submitted and approved in ac-  
14 cordance with the provisions of this title. An eligible jurisdic-  
15 tion shall be—

16 "(1) a State, as defined in section 901(a)(2) of this  
17 title;

18 "(2) a municipality which has no less than .15 per  
19 centum of total State and local criminal justice expend-  
20 itures and which has a population of one hundred thou-  
21 sand or more persons on the basis of the most satisfac-  
22 tory current data available on a nationwide basis to the  
23 Administration;

24 "(3) a county which has no less than .15 per  
25 centum of total State and local criminal justice expend-

1 itures and which has a population of two hundred and  
2 fifty thousand or more persons; a county which does  
3 not have two hundred and fifty thousand persons, but  
4 has no less than one hundred thousand persons and an  
5 eligible jurisdiction under subsection (a)(2); and a  
6 county which has a population in excess of one hun-  
7 dred thousand, a population density of at least five  
8 thousand persons per square mile, and contains within  
9 its boundaries no incorporated places as defined by the  
10 United States Bureau of Census. Population will be  
11 calculated on the basis of the most satisfactory current  
12 data available on a nationwide basis to the Administra-  
13 tion;

14 "(4) any combination of units of local government  
15 which has a population of two hundred and fifty thou-  
16 sand or more persons on the basis of the most satisfac-  
17 tory current data available on a nationwide basis to the  
18 Administration; or

19 "(5) a unit of local government, or any combina-  
20 tion of such units without regard to population, which  
21 are otherwise ineligible under the other paragraphs of  
22 this subsection.

23 "(b)(1) Each State shall establish or designate and  
24 maintain a criminal justice council (hereinafter referred to in  
25 this title as the 'council') for the purpose of—

1           “(A) analyzing the criminal and juvenile justice  
2 problems within the State based on input and data  
3 from all eligible jurisdictions, State agencies, and the  
4 judicial coordinating committee and establishing prior-  
5 ities based on the analysis and assuring that these pri-  
6 orities are published and made available to affected  
7 criminal and juvenile justice agencies prior to the time  
8 required for application submission;

9           “(B) preparing a comprehensive State application  
10 reflecting the statewide goals, objectives, priorities, and  
11 projected grant programs;

12           “(C)(i) receiving, reviewing, and approving (or dis-  
13 approving) applications or amendments submitted by  
14 State agencies, the judicial coordinating committee,  
15 and units of local government, or combinations thereof,  
16 as defined in section 402(a)(5) of this title, pursuant to  
17 section 405(a)(5) of this title;

18           “(ii) providing financial assistance to these agen-  
19 cies and units according to the criteria of this title and  
20 on the terms and conditions established by such council  
21 at its discretion; and

22           “(iii) providing funding incentives to those units of  
23 general local government as defined in section  
24 402(a)(5) that coordinate or combine criminal or juve-  
25 nile justice functions or activities with other units for

1 the purpose of improving criminal and juvenile justice  
2 system performance;

3           “(D) receiving, coordinating, reviewing, and moni-  
4 toring all applications or amendments submitted by  
5 State agencies, the judicial coordinating committee,  
6 units of local government, and combinations of such  
7 units pursuant to section 403 of this title, recommend-  
8 ing ways to improve the effectiveness of the programs  
9 or projects referred to in these applications, assuring  
10 compliance of these applications with Federal require-  
11 ments and State law and integrating these applications  
12 into the comprehensive State application;

13           “(E) preparing an annual report for the Governor  
14 and the State legislature containing an assessment of  
15 the criminal and juvenile justice problems and priorities  
16 within the State; the adequacy of existing State and  
17 local agencies, programs, and resources to meet these  
18 problems and priorities; the distribution and use of  
19 funds allocated pursuant to this part and the relation-  
20 ship of these funds to State and local resources allo-  
21 cated to crime and criminal and juvenile justice system  
22 problems; and the major policy and legislative initia-  
23 tives that are recommended to be undertaken on a  
24 statewide basis;

1           “(F) assisting the Governor, the State legislature,  
2           and units of local government upon request in develop-  
3           ing new or improved approaches, policies, or legislation  
4           designed to improve criminal and juvenile justice in the  
5           State;

6           “(G) developing and publishing information con-  
7           cerning criminal and juvenile justice in the State;

8           “(H) providing technical assistance upon request  
9           to State agencies, community-based crime prevention  
10          programs, the judicial coordinating committee, and  
11          units of local government in matters relating to im-  
12          proving criminal and juvenile justice in the State; and

13          “(I) assuring fund accounting, auditing, and evalu-  
14          ation of programs and projects funded under this part  
15          to assure compliance with Federal requirements and  
16          State law and regulations.

17          “(2) The council shall be created or designated by State  
18          law and shall be subject to the jurisdiction of the chief execu-  
19          tive of the State who shall appoint the members of the coun-  
20          cil, and designate the chairman. The chief executive shall  
21          also designate a State office in order to assure that there is  
22          adequate staff for the performance of the responsibilities set  
23          forth under section 402(b)(1). The council shall be broadly  
24          representative and include among its membership—

1           “(A) representatives nominated by eligible juris-  
2           dictions as defined in section 402(a) (2), (3), and (4),  
3           who shall comprise at least one-third of the member-  
4           ship of the council where there are such eligible juris-  
5           dictions in the State and where they submit applica-  
6           tions pursuant to this part; such representation should  
7           include law enforcement and correctional agency per-  
8           sonnel exercising authority in such eligible jurisdic-  
9           tions;

10          “(B) representatives of the smaller units of local  
11          government defined in section 402(a)(5);

12          “(C) representatives of the various components of  
13          the criminal justice system, including representatives of  
14          agencies directly related to the prevention and control  
15          of juvenile delinquency and representatives of police,  
16          courts, corrections, prosecutors, and defense attorneys;

17          “(D) representatives of the general public includ-  
18          ing representatives of neighborhood and community-  
19          based organizations of the communities to be served  
20          under this part; and

21          “(E) representatives of the judiciary including, at  
22          a minimum, the chief judicial officer or other officer of  
23          the court of last resort, the chief judicial administrative  
24          officer or other appropriate judicial administrative offi-  
25          cer of the State, and a local trial court judicial officer;

1 if the chief judicial officer or chief judicial administra-  
 2 tive officer cannot or does not choose to serve, the  
 3 other judicial members and the local trial court judicial  
 4 officer shall be selected by the chief executive of the  
 5 State from a list of no less than three nominees for  
 6 each position submitted by the chief judicial officer of  
 7 the court of last resort within thirty days after the oc-  
 8 currence of any vacancy in the judicial membership;  
 9 additional judicial members of the council as may be  
 10 required by the Administration shall be appointed by  
 11 the chief executive of the State from the membership  
 12 of the judicial coordinating committee, or, in the ab-  
 13 sence of a judicial coordinating committee, from a list  
 14 of no less than three nominees for each position sub-  
 15 mitted by the chief judicial officer of the court of last  
 16 resort.

17 Individual representatives may fulfill the requirements of  
 18 more than one functional area or geographical area where  
 19 appropriate to the background and expertise of the individual.

20 "(3)(A) Applications from eligible jurisdictions as de-  
 21 fined in section 402(a) (2), (3), and (4) may, at the discretion  
 22 of such eligible jurisdiction, be in the form of a single applica-  
 23 tion to the State for inclusion in the comprehensive State  
 24 application. Applications or amendments must conform to  
 25 uniform administrative requirements for submission of appli-

1 cations. Such requirements must be consistent with guide-  
 2 lines issued by the Administration. Applications or amend-  
 3 ments should conform to the overall priorities, unless the eli-  
 4 gible jurisdiction's analysis of its criminal and juvenile justice  
 5 system demonstrates that such recommended priorities are  
 6 inconsistent with their needs. Such application or amendment  
 7 shall be deemed approved unless the council, within ninety  
 8 days of the receipt of such application or amendment, finds  
 9 that the application or amendment—

10 "(i) does not comply with Federal requirements or  
 11 with State law or regulations;

12 "(ii) is inconsistent with priorities and fails to es-  
 13 tablish, under guidelines issued by the Administration,  
 14 good cause for such inconsistency;

15 "(iii) conflicts with or duplicates programs or proj-  
 16 ects of another applicant under this title, or other Fed-  
 17 eral, State, or local supported programs or applica-  
 18 tions; or

19 "(iv) proposes a program or project that is sub-  
 20 stantially similar to or is a continuation of a program  
 21 or project which has been evaluated and found to be  
 22 ineffective.

23 Where the council finds such noncompliance, inconsistency,  
 24 conflict, or duplication, it shall notify the applicant in writing  
 25 and set forth its reasons for the finding.

1       “(B) The applicant may within no more than thirty days  
2 of receipt of written findings of the council pursuant to sub-  
3 paragraph (A) submit to the council a revised application or  
4 state in writing the applicant’s reasons for disagreeing with  
5 the council’s findings.

6       “(C) A revised application submitted under subpara-  
7 graph (B) shall be treated as an original application except  
8 that the council shall act on such application within sixty  
9 days.

10       “(D) If an applicant states in writing disagreement with  
11 the council’s written findings as specified in section  
12 402(b)(3)(A), the findings shall be considered appealed. The  
13 appeal shall be in accordance with a procedure developed by  
14 the council and reviewed and agreed to by the eligible juris-  
15 diction. If any eligible jurisdiction in a State fails to agree  
16 with the council appeal process prior to application submis-  
17 sion to the council, the appeal shall be in accordance with  
18 procedures developed by the Administration. The Adminis-  
19 tration appeal procedures shall provide that if the council’s  
20 action is not supported by clear and convincing evidence or if  
21 the council acted arbitrarily or capriciously, the council shall  
22 be directed to reconsider or approve the application or  
23 amendment.

24       “(E) Approval of the application of such eligible local  
25 jurisdiction shall result in the award of funds to such eligible

1 jurisdiction without requirement for further application or  
2 review by the council.

3       “(4) Applications from State agencies and eligible juris-  
4 dictions as defined in section 402(a)(5) must be in the manner  
5 and form prescribed by the council. Where the council deter-  
6 mines under section 402(b)(1) (C) and (D) that an application  
7 or amendment from a State agency or an eligible jurisdiction  
8 as defined in section 402(a)(5):

9           “(A) does not comply with Federal requirements  
10 or with State law or regulation;

11           “(B) is inconsistent with priorities, policy, organi-  
12 zational, or procedural arrangements, or the crime  
13 analysis;

14           “(C) conflicts with or duplicates programs or proj-  
15 ects of another applicant under this title, or other Fed-  
16 eral, State, or local supported programs or applica-  
17 tions; or

18           “(D) proposes a program or project that is sub-  
19 stantially similar to or is a continuation of a program  
20 or project which has been evaluated and found to be in-  
21 effective;

22 the council shall notify the applicant in writing of the finding  
23 and the reasons for the finding and may deny funding or rec-  
24 ommend appropriate changes. Appeal of the council’s action

1 shall be in accord with procedures established by the council  
2 for such matters.

3       “(c) The chief executive(s) of an eligible jurisdiction as  
4 defined in section 402(a) (2), (3), and (4) shall create or design-  
5 nate an office for the purpose of preparing and developing the  
6 jurisdiction’s application and assuring that such application  
7 complies with Federal requirements, State law, fund account-  
8 ing, auditing and the evaluation of programs and projects to  
9 be funded under the application to be submitted to the council  
10 pursuant to section 403 of this title. Each eligible jurisdiction  
11 shall establish or designate a local criminal justice advisory  
12 board (hereinafter referred to in this section as the ‘Board’)  
13 for the purpose of—

14           “(1) analyzing the criminal and juvenile justice  
15 problems within the eligible jurisdiction and advising  
16 the council and chief executive of the eligible jurisdic-  
17 tion on priorities;

18           “(2) advising the chief executive of the eligible ju-  
19 risdiction pursuant to this title;

20           “(3) advising on applications or amendments by  
21 the eligible jurisdiction;

22           “(4) assuring that there is an adequate allocation  
23 of funds for court programs based upon that proportion  
24 of the eligible jurisdiction’s expenditures for court pro-  
25 grams which contributes to the jurisdiction’s eligibility

1       for funds and which take into account the court prior-  
2 ities recommended by the judicial coordinating commit-  
3 tee; and

4           “(5) assuring that there is an adequate allocation  
5 of funds for correction programs based on that portion  
6 of the eligible jurisdiction’s expenditures for correction  
7 programs which contributes to the jurisdiction’s eligi-  
8 bility for funds.

9 Such board shall be established or designated by the chief  
10 executive of the eligible jurisdiction and shall be subject to  
11 the jurisdiction of the chief executive who shall appoint the  
12 members and designate the chairman. Such board shall be  
13 broadly representative of the various components of the  
14 criminal and juvenile justice system and shall include among  
15 its membership representatives of neighborhood and commu-  
16 nity-based organizations. In the case of an eligible jurisdic-  
17 tion as defined in section 402(a)(4) of this title, the member-  
18 ship of the board shall be jointly appointed in such manner as  
19 the chief executive of each unit of local government shall  
20 determine by mutual agreement. Decisions made by the  
21 board pursuant to this subsection may be reviewed and either  
22 be accepted or rejected by the chief executive of the eligible  
23 subgrant jurisdiction, or in the case of an eligible jurisdiction  
24 as defined in section 402(a)(4) of this title in such manner as  
25 the chief executive of each unit of local government shall

1 determine by mutual agreement. Where an eligible jurisdic-  
 2 tion as defined in section 402(a) (2) or (3) chooses not to  
 3 combine pursuant to section 402(a)(4) and chooses not to ex-  
 4 ercise the powers of this subsection, it shall be treated as an  
 5 eligible jurisdiction under section 402(a)(5).

6       “(d) The court of last resort of each State may establish  
 7 or designate a judicial coordinating committee (hereinafter re-  
 8 ferred to in this title as the ‘Committee’) for the preparation,  
 9 development, and revision of a three-year application or  
 10 amendments thereto reflecting the needs and priorities of the  
 11 courts of the State. For those States where there is a judicial  
 12 agency which is authorized by State law on the date of en-  
 13 actment of this subsection to perform this function and which  
 14 has a statutory membership of a majority of court officials  
 15 (including judges and court administrators), the judicial  
 16 agency may establish or designate the judicial coordinating  
 17 committee. The committee shall—

18           “(1) establish priorities for the improvement of the  
 19 various courts of the State;

20           “(2) define, develop, and coordinate programs and  
 21 projects for the improvement of the courts of the State;

22           “(3) develop, in accordance with part D of this  
 23 title, an application for the funding of programs and  
 24 projects designed to improve the functioning of the  
 25 courts and judicial agencies of the State.

1 The committee shall submit its three-year application or  
 2 amendments to the council. The committee shall review for  
 3 consistency with the court priorities, applications, or amend-  
 4 ments from any jurisdiction which has incurred expenditures  
 5 for court services from its own sources or from any other  
 6 jurisdiction which is applying for funds for court services.  
 7 The committee shall report to the council and the applicant  
 8 its findings of consistency and inconsistency. The council  
 9 shall approve and incorporate into its application in whole or  
 10 in part the application or amendments of the committee  
 11 unless the council determines that such committee applica-  
 12 tion or amendments are not in accordance with this title, are  
 13 not in conformance with, or consistent with, their own appli-  
 14 cation made pursuant to section 403 of this title or do not  
 15 conform with the fiscal accountability standards of this title.  
 16 The council shall make such arrangements as it deems neces-  
 17 sary to provide that at least \$50,000 of the Federal funds  
 18 granted to the council under this part for any fiscal year will  
 19 be available to the judicial-coordinating committee.

20       “(e)(1) The council will provide for procedures that will  
 21 insure that all applications or amendments by units of local  
 22 government or combinations thereof or judicial coordinating  
 23 committees shall be acted upon no later than ninety days  
 24 after being first received by the council. Final action by the  
 25 council which results in the return of any application or

1 amendments to an application must contain specific reasons  
 2 for such action within ninety days of receipt of the applica-  
 3 tion. Any part of such application or amendments which is  
 4 not acted upon shall be deemed approved for submission to  
 5 the Administration. Action by the council on any application  
 6 or part thereof shall not preclude the resubmission of such  
 7 application or part thereof to the council at a later date.

8       “(2) The council, the judicial coordinating committee,  
 9 and local boards, established pursuant to section 402(c), shall  
 10 meet at such times and in such places as they deem neces-  
 11 sary and shall hold each meeting open to the public, giving  
 12 public notice of the time and place of such meeting, and the  
 13 nature of the business to be transacted if final action is to be  
 14 taken at the meeting on the State application or any applica-  
 15 tion for funds or any amendment thereto. The council, the  
 16 judicial coordinating committee, and local boards, pursuant to  
 17 section 402(c), shall provide for public access to all records  
 18 relating to their functions under this title, except such rec-  
 19 ords as are required to be kept confidential by any other pro-  
 20 vision of local, State, or Federal law.

21       “(3) The council shall, at a time designated in regula-  
 22 tions promulgated by the Administration, submit its applica-  
 23 tion made pursuant to this part to the Administration for ap-  
 24 proval. Its application shall include funding allocations or ap-  
 25 plications which were submitted by State agencies, the judi-

1 cial coordinating committee, and units of local government,  
 2 or combinations thereof, and which were first reviewed and  
 3 approved by the council pursuant to section 402(b)(3), section  
 4 402(b)(4), or section 402(d), as appropriate.

5       “(f) To be eligible for funds under this part all eligible  
 6 jurisdictions shall assure the participation of citizens, and  
 7 neighborhood and community organizations, in the applica-  
 8 tion process. No grant may be made pursuant to this part  
 9 unless the eligible jurisdiction has provided satisfactory as-  
 10 surances to the Administration that the applicant has—

11               “(1) provided citizens and neighborhood and com-  
 12 munity organizations with adequate information con-  
 13 cerning the amounts of funds available for proposed  
 14 programs or projects under this Act, the range of ac-  
 15 tivities that may be undertaken, and other important  
 16 program requirements;

17               “(2) provided citizens and neighborhood and com-  
 18 munity organizations an opportunity to consider and  
 19 comment on priorities set forth in the application or  
 20 amendments;

21               “(3) provided for full and adequate participation of  
 22 units of local government in the performance of the  
 23 analysis and the establishment of priorities required by  
 24 section 402(b)(1)(A);

1           “(4) provided an opportunity for all affected criminal and juvenile justice agencies to consider and comment on the proposed programs to be set forth in the application or amendments.

2           The Administrator, in cooperation with the Office of Community Anti-Crime Programs, may establish such rules, regulations, and procedures as are necessary to assure that citizens and neighborhood and community organizations will be assured an opportunity to participate in the application process.

10                           “APPLICATIONS

11           “SEC. 403. (a) No grant may be made (1) by the Administration to a State, or (2) by a State to an eligible recipient pursuant to part D of this title unless the application sets forth criminal and juvenile justice programs covering a three-year period which meet the objectives of section 401 of this title. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

20           “(1) an analysis of the crime problems and criminal justice needs within the relevant jurisdiction and a description of the services to be provided and performance goals and priorities, including a specific statement of how the programs are expected to advance the objectives of section 401 of this title and meet the identi-

1           fied crime problems and criminal and juvenile justice needs of the jurisdiction;

3           “(2) an indication of how the programs relate to other similar State or local programs directed at the same or similar problems;

6           “(3) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Administration, where the applicant is a State, and to the council where the applicant is a State agency, the judicial coordinating committee, non-governmental grantee, or a unit or combination of units of local government—

13                           “(A) a performance report concerning the activities carried out pursuant to this title; and

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

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

24           “(5) an assurance where the applicant is a State or unit or combination of units of local government

1 that there is an adequate share of funds for courts, and  
2 corrections, police, prosecution, and defense programs;

3       “(6) a provision for fund accounting, auditing,  
4 monitoring, and such evaluation procedures as may be  
5 necessary to keep such records as the Administration  
6 shall prescribe to assure fiscal control, proper manage-  
7 ment, and efficient disbursement of funds received  
8 under this title;

9       “(7) a provision for the maintenance of such data  
10 and information and for the submission of such reports  
11 in such form, at such times, and containing such data  
12 and information as the Administration may reasonably  
13 require to administer other provisions of this title; and

14       “(8) a certification that its programs meet all the  
15 requirements of this section, that all the information  
16 contained in the application is correct, that there has  
17 been appropriate coordination with affected agencies,  
18 and that the applicant will comply with all provisions  
19 of this title and all other applicable Federal laws. Such  
20 certification shall be made in a form acceptable to the  
21 Administration and shall be executed by the chief ex-  
22 ecutive officer or other officer of the applicant qualified  
23 under regulations promulgated by the Administration.

24       “(b) Applications from judicial coordinating committees,  
25 State agencies, and other nongovernmental grantees do not

1 have to include the crime analysis required by subsection  
2 (a)(1) of this section but may rely on the crime analysis pre-  
3 pared by the council.

4                   “REVIEW OF APPLICATIONS

5       “SEC. 404. (a) The Administration shall provide finan-  
6 cial assistance to each State applicant under this part to  
7 carry out the programs submitted by such applicant upon de-  
8 termining that—

9               “(1) the application or amendment thereto is con-  
10 sistent with the requirements of this title;

11              “(2) the application or amendment thereto was  
12 made public prior to submission to the Administration  
13 and an opportunity to comment thereon was provided  
14 to citizens and neighborhood and community groups;  
15 and

16              “(3) prior to the approval of the application or  
17 amendment thereto the Administration has made an af-  
18 firmative finding in writing that the program or project  
19 is likely to contribute effectively to the achievement of  
20 the objectives of section 401 of this title.

21 Each application or amendment made and submitted for ap-  
22 proval to the Administration pursuant to section 403 of this  
23 title shall be deemed approved, in whole or in part, by the  
24 Administration within ninety days after first received unless

1 the Administration informs the applicant of specific reasons  
2 for disapproval.

3       “(b) The Administration shall suspend funding for an  
4 approved application in whole or in part if such application  
5 contains a program or project which has failed to conform to  
6 the requirements or statutory objectives of this Act as evi-  
7 denced by—

8               “(1) the annual performance reports submitted to  
9 the Administration by the applicant pursuant to section  
10 403 of this title;

11               “(2) the failure of the applicant to submit annual  
12 performance reports pursuant to section 403 of this  
13 title;

14               “(3) evaluations conducted pursuant to section  
15 802(b);

16               “(4) evaluations and other information provided by  
17 the National Institute of Justice.

18 The Administration may make appropriate adjustments in the  
19 amounts of grants in accordance with its findings pursuant to  
20 this subsection.

21       “(c) Grant funds awarded under part D shall not be  
22 used for—

23               “(1) the purchase of equipment or hardware, or  
24 the payment of personnel costs unless the cost of such  
25 purchases or payments is incurred as an incidental and

1 necessary part of a program of proven effectiveness, a  
2 program having a record of proven success, or a pro-  
3 gram offering high probability of improving the func-  
4 tioning of the criminal justice system. In determining  
5 whether to apply this limitation, consideration must be  
6 given to the extent of prior funding from any sources  
7 in that jurisdiction for substantially similar activities;

8               “(2) programs which have as their primary pur-  
9 pose general salary payments for employees or classes  
10 of employees within an eligible jurisdiction, except for  
11 the compensation of personnel for time engaged in con-  
12 ducting or undergoing training programs or the com-  
13 pensation of personnel engaged in research, develop-  
14 ment, demonstration, or short-term programs;

15               “(3) construction projects unless the project in-  
16 volves prison or jail construction and provides ad-  
17 vanced techniques in the design of institutions or facili-  
18 ties; or

19               “(4) programs or projects which, based upon eval-  
20 uations by the National Institute of Justice, Law En-  
21 forcement Assistance Administration, Bureau of Jus-  
22 tice Statistics, State or local agencies, and other public  
23 or private organizations, have been demonstrated to  
24 offer a low probability of improving the functioning of  
25 the criminal and juvenile justice system. Such pro-

1 grams must be formally identified by a notice in the  
2 Federal Register after opportunity for comment.

3 "(d) The Administration shall not finally disapprove any  
4 application submitted to the Administrator under this part, or  
5 any amendments thereto, without first affording the applicant  
6 reasonable notice and opportunity for a hearing and appeal  
7 pursuant to section 803 of this title.

8 "(e) The prohibitions on the expenditure of part D for-  
9 mula grant funds enumerated in paragraphs (1), (2), and (3)  
10 of subsection (c) shall not apply where, in the judgment of the  
11 council and the Administrator, such expenditures are neces-  
12 sary to develop criminal and juvenile justice programs in  
13 energy impact areas and such programs offer high probability  
14 of improving the functions of the criminal justice system.

15 "ALLOCATION AND DISTRIBUTION OF FUNDS

16 "SEC. 405. (a) Of the total amount appropriated for  
17 parts D, E, and F of this title in any fiscal year, 80 per  
18 centum shall be set aside for part D and allocated to States,  
19 units of local government, and combinations of such units as  
20 follows:

21 "(1) The sum of \$300,000 to each of the partici-  
22 pating States as defined in section 402(a)(1) and the  
23 balance according to one of the following two formulas,  
24 whichever formula results in the larger amount:

1 "(A) Of the remaining amount to be allo-  
2 cated pursuant to this part:

3 "(i) 25 per centum shall be allocated in  
4 proportion to the relative population within  
5 the State as compared to the population in  
6 all States;

7 "(ii) 25 per centum shall be allocated in  
8 proportion to the relative number of index  
9 crimes (as documented by the Department of  
10 Justice) reported within the State as com-  
11 pared to such numbers in all States;

12 "(iii) 25 per centum shall be allocated  
13 in proportion to the relative amount of total  
14 State and local criminal justice expenditures  
15 within the State as compared to such  
16 amounts in all States; and

17 "(iv) 25 per centum shall be allocated  
18 in proportion to the relative population  
19 within the State, weighted by the share of  
20 State personal income paid in State and local  
21 taxes, as compared to such weighted popula-  
22 tions in all States; or

23 "(B) The remaining amount to be allocated  
24 pursuant to this part shall be allocated in propor-

1           tion to the relative population within the State as  
 2           compared to the population, in all States;  
 3       except that no State which receives financial assistance  
 4       pursuant to section 405(a)(1)(A) shall receive an  
 5       amount in excess of 110 per centum of that amount  
 6       available to a State pursuant to section 405(a)(1)(B).  
 7       Formula allocations under this section will utilize rela-  
 8       tive population data only for the Virgin Islands, Guam,  
 9       American Samoa, the Trust Territory of the Pacific Is-  
 10      lands, and the Commonwealth of the Northern Mariana  
 11      Islands.

12           “(2) If the fund allocation to each of the States  
 13      pursuant to section 405(a)(1) results in a total amount  
 14      in excess of the amount appropriated for the purposes  
 15      of this part, additional funds shall be allocated by the  
 16      Administration from part E or F to the States for pur-  
 17      poses consistent with those parts so that the total  
 18      amount equals the total amount allocated under section  
 19      405(a)(1). No State shall receive an allocation pursuant  
 20      to section 405(a)(1) which is less than the block grant  
 21      allocation received by such State for fiscal year 1979  
 22      pursuant to parts C and E of the Omnibus Crime Con-  
 23      trol and Safe Streets Act as amended (42 U.S.C.  
 24      3701, et seq.), except that if the total amount appro-  
 25      priated for part D for any fiscal year subsequent to

1       fiscal year 1979 is less than the total block grant ap-  
 2       propriation for parts C and E during fiscal year 1979,  
 3       the States shall receive an allocation in accord with  
 4       section 405(a)(1)(B).

5           “(3) From the amount made available to each  
 6      State pursuant to paragraphs (1) and (2), the Adminis-  
 7      tration shall determine basic allocations to be made  
 8      available to the State, to eligible jurisdictions as de-  
 9      fined in section 402(a) (2), (3), or (4) and to eligible ju-  
 10     risdictions as defined in section 402(a)(5). Such alloca-  
 11     tions shall be determined: \_\_\_\_\_

12           “(A) by distributing 70 per centum of availa-  
 13      ble funds allocated under paragraphs (1) and (2) to  
 14      the State and those eligible units of local govern-  
 15      ment within the State as defined in section 402(a)  
 16      in a proportion equal to their own respective  
 17      share of total State and local criminal justice ex-  
 18      penditures; and

19           “(B) by dividing the remaining 30 per  
 20      centum of available funds allocated under para-  
 21      graphs (1) and (2) and distributing to the State  
 22      and to those eligible units of local government  
 23      within the State as defined in section 402(a), in  
 24      four equal shares in amounts determined as fol-  
 25      lows:

1           “(i) a proportion of the available funds  
2           equal to their own respective share of total  
3           State and local expenditures for police serv-  
4           ices;

5           “(ii) a proportion of the available funds  
6           equal to their own respective share of total  
7           State and local expenditures for judicial,  
8           legal, and prosecutive, and public defense  
9           services;

10           “(iii) a proportion of the available funds  
11           equal to their own respective share of total  
12           State and local expenditures for correctional  
13           services; and

14           “(iv) a proportion of the available funds  
15           equal to their own respective share of total  
16           State and local criminal justice expenditures.

17           “(4) All allocations under subsection (3) shall be  
18           based upon the most accurate and complete data avail-  
19           able for such fiscal year or for the most recent fiscal  
20           year for which accurate data are available. Eligible ju-  
21           risdictions as defined in section 402(a)(4) may not re-  
22           ceive an allocation based upon the population of eligi-  
23           ble cities and counties as defined in section 402(a) (2)  
24           and (3) unless such cities and counties participate in  
25           activities under this title as part of a combination of

1           units of local government as defined in section  
2           402(a)(4). In determining allocations for the eligible  
3           units as defined in section 402(a), an aggregate alloca-  
4           tion may be utilized where eligible jurisdictions as de-  
5           fined in section 402(a) combine to meet the population  
6           requirements of section 402(a)(4).

7           “(5) The amount made available pursuant to sub-  
8           section (3) to eligible units of local government within  
9           each State, as defined in section 402(a)(5), and to eligi-  
10           ble jurisdictions, as defined in section 402(a) (2) or (3),  
11           which choose not to combine pursuant to section  
12           402(a)(4) and choose not to exercise the powers of sec-  
13           tion 402(c), shall be reserved and set aside in a special  
14           discretionary fund for use by the council pursuant to  
15           section 402 of this title, in making grants (in addition  
16           to any other grants which may be made under this title  
17           to the same entities or for the same purposes) to such  
18           units of local government or combinations thereof. The  
19           council shall allocate such funds among such local units  
20           of government or combinations thereof which make ap-  
21           plication pursuant to section 403 of this title, according  
22           to the criteria of this title and on the terms and condi-  
23           tions established by such council at its discretion. If in  
24           a particular State, there are no eligible units of local  
25           government, as defined in section 402(a)(2), 402(a)(3),

1 or 402(a)(4) of this part, the amount otherwise re-  
 2 served and set aside in the special discretionary fund  
 3 shall consist of the entire amount made available to  
 4 local units of government, pursuant to this section.

5 “(b) At the request of the State legislature while in ses-  
 6 sion or a body designated to act while the legislature is not in  
 7 session, general goals, priorities, and policies of the council  
 8 shall be submitted to the legislature for an advisory review  
 9 prior to its implementation by the council. In this review the  
 10 general criminal and juvenile justice goals, priorities, and  
 11 policies that have been developed pursuant to this part shall  
 12 be considered. If the legislature or the interim body has not  
 13 reviewed such matters forty-five days after receipt, such mat-  
 14 ters shall then be deemed reviewed.

15 “(c) No award of funds that are allocated to the States,  
 16 units of local government, or combinations thereof under this  
 17 part shall be made with respect to a program other than a  
 18 program contained in an approved application.

19 “(d) If the Administration determines, on the basis of  
 20 information available to it during any fiscal year, that a por-  
 21 tion of the funds allocated to a State, unit of local govern-  
 22 ment, or combination thereof for that fiscal year will not be  
 23 required, or that the State, unit of local government, or com-  
 24 bination thereof will be unable to qualify or receive funds  
 25 under the requirements of this part, such funds shall be avail-

1 able for reallocation to the States, or other units of local  
 2 government and combinations thereof within such State, as  
 3 the Administration may determine in its discretion: *Provided*,  
 4 That all States shall be considered equally for reallocated  
 5 funds.

6 “(e) A State may award funds from the State allocation  
 7 to private nonprofit organizations. Eligible jurisdictions as  
 8 defined in section 402(a) (2) through (5) may utilize the serv-  
 9 ices of private nonprofit organizations for purposes consistent  
 10 with this title.

11 “(f) In order to receive formula grants under the Juve-  
 12 nile Justice and Delinquency Prevention Act of 1974, as  
 13 amended, a State shall submit a plan for carrying out the  
 14 purposes of that Act in accordance with the provisions of this  
 15 title and section 223 of that Act. Such plan may at the direc-  
 16 tion of the Administrator be incorporated into the State appli-  
 17 cation to be submitted under this part.

18 “(g) Eligible jurisdictions which choose to utilize region-  
 19 al planning units shall utilize, to the maximum extent practi-  
 20 cable, the boundaries and organization of existing general  
 21 purpose regional planning bodies within the State.

22 “PART E—NATIONAL PRIORITY GRANTS

23 “SEC. 501. It is the purpose of this part, through the  
 24 provision of additional Federal financial aid and assistance, to  
 25 encourage States and units of local government to carry out

1 programs which, on the basis of research, demonstration, or  
 2 evaluations by the National Institute of Justice, Bureau of  
 3 Justice Statistics, Law Enforcement Assistance Administra-  
 4 tion, by State or local governments, or by other Federal,  
 5 State, local, or private organizations or agencies, have been  
 6 shown to meet the criteria of section 503(a)

7 "SEC. 502. Of the total amount appropriated for parts  
 8 D, E, and F of this title in any fiscal year, 10 per centum  
 9 shall be reserved and set aside pursuant to this part as fund-  
 10 ing incentives for use by the Administration in making na-  
 11 tional priority grants (in addition to any other grants which  
 12 may be made under this title to the same entities or for the  
 13 same purpose) to States and units of local government.

14 "SEC. 503. (a) The Office of Justice Assistance, Re-  
 15 search, and Statistics shall periodically designate national  
 16 priority programs and projects which through research, dem-  
 17 onstration, or evaluation have been shown to be effective or  
 18 innovative and to have a likely beneficial impact on criminal  
 19 and juvenile justice. Such national priorities may include pro-  
 20 grams and projects designated to improve the comprehensive  
 21 planning and coordination of State and local criminal and ju-  
 22 venile justice activities. Priorities established by the Office of  
 23 Justice Assistance, Research, and Statistics shall be consid-  
 24 ered priorities for a reasonable period of time determined by  
 25 the Office of Justice Assistance, Research, and Statistics.

1 "(b) Such priorities shall be designated by the Office of  
 2 Justice Assistance, Research, and Statistics according to cri-  
 3 teria, and on such terms and conditions, as the Office of Jus-  
 4 tice Assistance, Research, and Statistics may determine.

5 "(c) The Office of Justice Assistance, Research, and  
 6 Statistics shall annually request the National Institute of  
 7 Justice, the Bureau of Justice Statistics, the Law Enforce-  
 8 ment Assistance Administration, State and local govern-  
 9 ments, and other appropriate public and private agencies to  
 10 suggest national priority programs and projects. The Office of  
 11 Justice Assistance, Research, and Statistics shall then, pur-  
 12 suant to regulations, annually publish proposed national pri-  
 13 ority programs and projects pursuant to this part and invite  
 14 and encourage public comment concerning such priorities. In  
 15 establishing priorities, the Office shall give special emphasis  
 16 to programs and projects dealing with corrections and alter-  
 17 natives to incarceration, to programs and projects dealing  
 18 with the prevention, detection, and control of organized  
 19 crime, programs and projects designed to reduce court con-  
 20 gestion and to improve the fairness and efficiency of the judi-  
 21 cial system, programs and projects providing prosecutors and  
 22 courts with computerized case control and management sys-  
 23 tems, programs and projects providing assistance to victims  
 24 or witnesses, programs and projects demonstrating how com-  
 25 munity-based citizen activity can further crime prevention

1 and reduce the fear of crime within neighborhoods, and pro-  
 2 grams of proven effectiveness such as those involved with  
 3 post-arrest identification and prosecution of career criminals.  
 4 Such priority programs and projects shall not be established  
 5 or modified until the Office of Justice Assistance, Research,  
 6 and Statistics has provided at least sixty days advance notice  
 7 for public comment and shall encourage and invite recom-  
 8 mendations and opinion concerning such priorities from ap-  
 9 propriate agencies and officials of State and units of local  
 10 government. After considering any comments submitted  
 11 during such period of time, the Office of Justice Assistance,  
 12 Research, and Statistics shall establish priority programs and  
 13 projects for that year (and determine whether existing prior-  
 14 ity programs and projects should be modified). The Office of  
 15 Justice Assistance, Research, and Statistics shall publish in  
 16 the Federal Register the priority programs and projects es-  
 17 tablished pursuant to this part prior to the beginning of fiscal  
 18 year 1981 and each fiscal year thereafter for which appropri-  
 19 ations will be available to carry out the program. The Office  
 20 of Justice Assistance, Research, and Statistics shall furnish  
 21 to the Director of the Office of Management and Budget in  
 22 accordance with section 4(b)(1) of the Federal Program Infor-  
 23 mation Act, such information regarding assistance programs  
 24 to be conducted under this part as the Director may deter-  
 25 mine to be necessary for inclusion in the Federal Assistance

1 Program Retrieval System and the catalog of Federal Do-  
 2 mestic Assistance Programs. Such priorities shall include  
 3 some programs and projects responsive to each type of sec-  
 4 tion 402 eligible jurisdiction.

5 "SEC. 504. (a) No grant may be made pursuant to this  
 6 part unless an application has been submitted to the Adminis-  
 7 tration in which the applicant—

8 "(1) identifies the priority program to be funded  
 9 and describes how funds allocated pursuant to this part  
 10 and pursuant to part D will be expended to carry out  
 11 the priority program;

12 "(2) describes specifically what percentages of  
 13 funds allocated for the upcoming year pursuant to part  
 14 D of this title will be spent on priority programs and  
 15 projects pursuant to this part;

16 "(3) describes specifically the priority programs  
 17 and projects for which funds are to be allocated pursu-  
 18 ant to part D of this title for the upcoming fiscal year;

19 "(4) describes what percentage of part D funds  
 20 were expended on national priority projects during the  
 21 preceding fiscal year; and

22 "(5) describes specifically the priority programs  
 23 and projects for which funds were allocated pursuant to  
 24 part D of this title during the preceding fiscal year and  
 25 the amount of such allocation.

1       “(b) Each applicant for funds under this part shall certi-  
2 fy that its program or project meets all the requirements of  
3 this section, that all the information contained in the applica-  
4 tion is correct, and that the applicant will comply with all the  
5 provisions of this title and all other applicable Federal laws.  
6 Such certification shall be made in a form acceptable to the  
7 Administration.

8       “(c) Each application must be submitted for review to  
9 the criminal justice council in whose State the applicant is  
10 located. The council shall have thirty days to comment to the  
11 Administration upon the application. Any recommendation  
12 shall be accompanied by supporting rationale.

13       “(d) States and units of local government may utilize  
14 the services of private, nonprofit organizations for purposes  
15 consistent with this part.

16       “SEC. 505. (a) The Administration shall, after appropri-  
17 ate consultation with representatives of State and local gov-  
18 ernments and representatives of the various components of  
19 the justice system at all levels of government, establish rea-  
20 sonable requirements consistent with this part for the award  
21 of national priority grants. Procedures for awards of national  
22 priority grants shall be published in the Federal Register and  
23 no national priority grant shall be made in a manner incon-  
24 sistent with these procedures. The Administration in deter-  
25 mining whether to award a priority grant to an eligible juris-

1 diction shall give consideration to the criminal justice needs  
2 and efforts of eligible jurisdictions, to the need for continuing  
3 programs which would not otherwise be continued because of  
4 the lack of adequate part D funds, and to the degree to which  
5 an eligible jurisdiction has expended or proposes to expend  
6 funds from part D or other sources of funds, including other  
7 Federal grants, for priority programs and projects. No juris-  
8 diction shall be denied a priority grant solely on the basis of  
9 its population.

10       “(b) Grants under this part may be made in an amount  
11 equal to 50 per centum of the cost of the priority program or  
12 project for which such grant is made except allocations made  
13 pursuant to section 405(a)(2), which may be made in an  
14 amount equal to 100 per centum of the cost of the funded  
15 program. The remaining costs may be provided from part D  
16 funds or from any other source of funds, including other Fed-  
17 eral grants, available to the eligible jurisdiction.

18       “(c) Amounts reserved and set aside pursuant to this  
19 part in any fiscal year, but not used in such year, may be  
20 used by the Administration to provide additional financial as-  
21 sistance to priority programs or projects of demonstrated ef-  
22 fectiveness in improving the functioning of the criminal jus-  
23 tice system, notwithstanding the provisions of section 505(b)  
24 of this title.

1       “(d) The Administration may provide financial aid and  
 2 assistance to programs or projects under this part for a period  
 3 not to exceed three years. Grants made pursuant to this part  
 4 may be extended or renewed by the Administration for an  
 5 additional period of up to two years if an evaluation of the  
 6 program or project indicates that it has been effective in  
 7 achieving the stated goals, or offers the potential for improv-  
 8 ing the functioning of the criminal and juvenile justice  
 9 system. A recipient shall assume the cost of any program  
 10 assisted under this part after the period of Federal assistance  
 11 unless the Administrator determines that the recipient is  
 12 unable to assume such cost because of State or local budg-  
 13 etary restraints. The Administration shall assure that the  
 14 problems and needs of all of the States are taken into account  
 15 in distributing funds under this part among the States.

16               “PART F—DISCRETIONARY GRANTS

17       “SEC. 601. It is the purpose of this part, through the  
 18 provision of additional Federal financial assistance, to en-  
 19 courage States, units of local government, combinations of  
 20 such units, or private nonprofit organizations to—

21               “(a) undertake programs and projects to improve  
 22 and strengthen the criminal and juvenile justice system  
 23 including educational programs;

24               “(b) improve the comprehensive planning and co-  
 25 ordination of State and local criminal and juvenile jus-

1       tice activities, especially coordination between city and  
 2 county jurisdictions;

3               “(c) provide for the equitable distribution of funds  
 4 under this title among all segments and components of  
 5 the criminal and juvenile justice system;

6               “(d) to support modernization and improvement of  
 7 State and local court and corrections systems and pro-  
 8 grams;

9               “(e) to support organized crime programs, pro-  
 10 grams to prevent and reduce crime in public or private  
 11 places and programs which are designed to disrupt il-  
 12 licit commerce in stolen goods and property; and

13               “(f) to support community and neighborhood anti-  
 14 crime efforts.

15       “SEC. 602. Of the total amount appropriated for parts  
 16 D, E, and F of this title in any fiscal year 10 per centum  
 17 shall be reserved and set aside pursuant to this part in a  
 18 special discretionary fund for use by the Administration in  
 19 making grants (in addition to any other grants which may be  
 20 made under this title to the same entities or for the same  
 21 purposes) to States, units of local government, combinations  
 22 of such units, or private nonprofit organizations, for the pur-  
 23 poses set forth in section 601 of this title. The Administrator  
 24 shall assure that funds allocated under this section to private  
 25 nonprofit organizations shall be used for the purpose of devel-

1 oping and conducting programs and projects which would not  
 2 otherwise be undertaken pursuant to this title including pro-  
 3 grams and projects—

4       “(a) to stimulate and encourage the improvement  
 5 of justice and the modernization of State court oper-  
 6 ations by means of financial assistance to national non-  
 7 profit organizations operating in conjunction with and  
 8 serving the judicial branches of State governments;

9       “(b) to provide national education and training  
 10 programs for State and local prosecutors, defense per-  
 11 sonnel, judges and judicial personnel, and to dissemi-  
 12 nate and demonstrate new legal developments and  
 13 methods by means of teaching, special projects, prac-  
 14 tice, and the publication of manuals and materials to  
 15 improve the administration of criminal and juvenile jus-  
 16 tice. Organizations supported under this subsection will  
 17 assist State and local agencies in the education and  
 18 training of personnel on a State and regional basis;

19       “(c) to support community and neighborhood anti-  
 20 crime programs.

21       “(d) to stimulate, improve, and support victim-  
 22 witness assistance programs.

23       “SEC. 603. (a) The Office of Justice Assistance, Re-  
 24 search, and Statistics shall periodically establish discretion-  
 25 ary programs and projects for financial assistance under this

1 part. Such programs and projects shall be considered prior-  
 2 ities for a period of time not to exceed three years from the  
 3 time of such determination.

4       “(b) The Office of Justice Assistance, Research, and  
 5 Statistics shall annually request the National Institute of  
 6 Justice, the Bureau of Justice Statistics, the Law Enforce-  
 7 ment Assistance Administration, State and local govern-  
 8 ments, and other appropriate public and private agencies to  
 9 suggest discretionary programs and projects, criteria, terms,  
 10 and conditions. The Office of Justice Assistance, Research,  
 11 and Statistics shall then, pursuant to regulations, annually  
 12 publish the proposed priorities pursuant to this part and  
 13 invite and encourage public comment concerning such prior-  
 14 ities. Priorities shall not be established or modified until the  
 15 Office of Justice Assistance, Research, and Statistics has  
 16 provided at least sixty-days advance notice for such public  
 17 comment and it shall encourage and invite recommendations  
 18 and opinion concerning such priorities from appropriate agen-  
 19 cies and officials of State and units of local government. After  
 20 considering any comments submitted during such period of  
 21 time and after consultation with the Attorney General and  
 22 appropriate agencies and officials of State and units of local  
 23 government, the Office of Justice Assistance, Research, and  
 24 Statistics shall determine whether existing established prior-  
 25 ities should be modified. The Office of Justice Assistance,

1 Research, and Statistics shall publish in the Federal Register  
 2 the priorities established pursuant to this part at least sixty  
 3 days prior to the beginning of fiscal year 1981 and each fiscal  
 4 year thereafter for which appropriations will be available to  
 5 carry out the program. The Office of Justice Assistance, Re-  
 6 search, and Statistics shall furnish to the Director of the  
 7 Office of Management and Budget in accordance with section  
 8 4(b)(1) of the Federal Program Information Act, such infor-  
 9 mation regarding assistance programs to be conducted under  
 10 this part as the Director may determine to be necessary for  
 11 inclusion in the Federal Assistance Program Retrieval  
 12 System and the catalogue of Federal Domestic Assistance  
 13 Programs.

14 "Sec. 604. (a) No grant may be made pursuant to this  
 15 part unless an application has been submitted to the Adminis-  
 16 tration in which the applicant—

17 "(1) sets forth a program or project which is eligi-  
 18 ble for funding pursuant to this part;

19 "(2) describes the services to be provided, per-  
 20 formance goals and the manner in which the program  
 21 is to be carried out;

22 "(3) describes the method to be used to evaluate  
 23 the program or project in order to determine its impact  
 24 and effectiveness in achieving the stated goals and  
 25 agrees to conduct such evaluation according to the pro-

1 cedures and terms established by the Office of Justice  
 2 Assistance, Research, and Statistics; and

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

7 "(b) Each applicant for funds under this part shall cer-  
 8 tify that its program or project meets all the requirements of  
 9 this section, that all the information contained in the applica-  
 10 tion is correct, and that the applicant will comply with all the  
 11 provisions of this title and all other applicable Federal laws.  
 12 Such certification shall be made in a form acceptable to the  
 13 Administration.

14 "(c) Each application must be submitted for review to  
 15 the criminal justice council in whose State the applicant is  
 16 located, except that review shall not be required for applica-  
 17 tions having national impact. The council shall have thirty  
 18 days to comment to the Administration upon the application.  
 19 Any recommendation shall be accompanied by supporting ra-  
 20 tionale.

21 "Sec. 605. The Administration shall, in its discretion  
 22 and according to the criteria and on the terms and conditions  
 23 it determines consistent with this part, provide financial as-  
 24 sistance to those programs or projects which most clearly  
 25 satisfy the priorities established by the Office of Justice As-

1 assistance, Research, and Statistics. In providing such assist-  
 2 ance pursuant to this part, the Administration shall consider  
 3 the need for continuing programs which would not otherwise  
 4 be continued because of the lack of adequate part D funds  
 5 and whether certain segments and components of the crimi-  
 6 nal and juvenile justice system have received a dispropor-  
 7 tionate allocation of financial aid and assistance pursuant to  
 8 other parts of this title, and, if such a finding is made, shall  
 9 assure the funding of such other segments and components of  
 10 the criminal justice system as to correct inequities resulting  
 11 from such disproportionate allocations. Federal funding under  
 12 this part may be up to 100 per centum of the cost of the  
 13 program. In distributing funds under this part among the  
 14 States, the Administration shall assure that the problems and  
 15 needs of all of the States are taken into account and shall  
 16 fund some programs and projects responsive to each type of  
 17 section 402 eligible jurisdiction.

18 "SEC. 606. The Administration may provide financial  
 19 aid and assistance to programs or projects under this part for  
 20 a period not to exceed three years. Grants made pursuant to  
 21 this part may be extended or renewed by the Administration  
 22 for an additional period of up to two years if—

23 "(a) an evaluation of the program or project indi-  
 24 cates that it has been effective in achieving the stated

1 goals, or offers the potential for improving the func-  
 2 tioning of the criminal and juvenile justice system; and

3 "(b) the State, unit of local government, or combi-  
 4 nation thereof, or private nonprofit organizations within  
 5 which the program or project has been conducted  
 6 agrees to provide at least one-half of the total cost of  
 7 such program or project from part D funds or from any  
 8 other source of funds, including other Federal grants,  
 9 available to the eligible jurisdiction. Funding for the  
 10 management and the administration of national non-  
 11 profit organizations under section 602(a) of this part is  
 12 not subject to the funding limitations of this section.

13 "PART G—TRAINING AND MANPOWER DEVELOPMENT

14 "SEC. 701. It is the purpose of this part to provide for  
 15 and encourage training, manpower development, and new or  
 16 improved personnel practices for the purpose of improving  
 17 the criminal and juvenile justice system.

18 "SEC. 702. (a) The Administration is authorized to es-  
 19 tablish and support a training program for prosecuting attor-  
 20 neys from State and local agencies engaged in the prosecu-  
 21 tion of white collar and organized crime. The program shall  
 22 be designed to develop new or improved approaches, tech-  
 23 niques, systems, manuals, and devices to strengthen prosecu-  
 24 tive capabilities against white collar and organized crime.

1       “(b) While participating in the training program or trav-  
2 eling in connection with participation in the training pro-  
3 gram, State and local personnel may be allowed travel  
4 expenses and a per diem allowance in the same manner as  
5 prescribed under section 5703(b) of title 5, United States  
6 Code, for persons employed intermittently in the Govern-  
7 ment service.

8       “(c) The cost of training State and local personnel under  
9 this section shall be provided out of funds appropriated to the  
10 Administration for the purpose of such training.

11       “SEC. 703. (a) The Administration is authorized—

12           “(1) to assist in conducting local, regional, or na-  
13 tional training programs for the training of State and  
14 local criminal and juvenile justice personnel, including  
15 but not limited to those engaged in the investigation of  
16 crime and apprehension of criminals, community rela-  
17 tions, the prosecution, defense, or adjudication of those  
18 charged with crime or delinquency, corrections, reha-  
19 bilitation, probation, and parole of offenders. Such  
20 training activities shall be designed to supplement and  
21 improve rather than supplant the training activities of  
22 the State and units of general local government and  
23 shall not duplicate the training activities of the Federal  
24 Bureau of Investigation;

1           “(2) to carry out a program of planning, develop-  
2 ment, demonstration, and evaluation of training pro-  
3 grams for State and local criminal and juvenile justice  
4 personnel;

5           “(3) to assist in conducting programs relating to  
6 recruitment, selection, placement, and career develop-  
7 ment practices of State and local law enforcement and  
8 criminal and juvenile justice personnel, and to assist  
9 State and local governments in planning manpower  
10 programs for criminal and juvenile justice; and

11           “(4) to carry out a program of planning, develop-  
12 ment, demonstration, and evaluation of recruitment, se-  
13 lection, and placement practices.

14       “(b) The amount of a grant or contract under this sec-  
15 tion may be up to 100 per centum of the total cost of a  
16 program, but the total financial support may not exceed 80  
17 per centum of the total operating budget of any funded insti-  
18 tutions or programs.

19           “(1) Institutions funded under this section shall  
20 assure that to the maximum extent feasible efforts shall  
21 be made to increase the non-Federal share of the total  
22 operating budgets of such institutions or programs with  
23 the objective of becoming self-sustaining.

24           “(2) To the greatest extent possible funds appro-  
25 priated for the purposes of this section shall not be uti-

1 lized to provide per diem, subsistence, or travel for  
2 State and local officials receiving such training.

3 "SEC. 704. (a) The Director of the Federal Bureau of  
4 Investigation is authorized to—

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

10 "(2) develop new or improved approaches, tech-  
11 niques, systems, equipment, and devices to improve  
12 and strengthen criminal justice; and

13 "(3) assist in conducting, at the request of a State  
14 or unit of local government, local and regional training  
15 programs for the training of State and local criminal  
16 justice personnel engaged in the investigation of crime  
17 and the apprehension of criminals or delinquents. Such  
18 training shall be provided only for persons actually em-  
19 ployed as State police or highway patrol, police of a  
20 unit of local government, sheriffs, and their deputies,  
21 and other persons as the State or unit may nominate  
22 for police training while such persons are actually em-  
23 ployed as officers of such State or unit.

24 "(b) In the exercise of the functions, powers, and duties  
25 established under this section the Director of the Federal

1 Bureau of Investigation shall be under the general authority  
2 of the Attorney General.

3 "SEC. 705. (a) Pursuant to the provisions of subsections  
4 (b) and (c) of this section, the Administration is authorized,  
5 after appropriate consultation with the Commissioner of Edu-  
6 cation, to carry out programs of academic educational assist-  
7 ance to improve and strengthen criminal and juvenile justice.

8 "(b) The Administration is authorized to enter into con-  
9 tracts to make, and make payments to institutions of higher  
10 education for loans, not exceeding \$2,200 per academic year  
11 to any person, to persons enrolled on a full-time basis in un-  
12 dergraduate or graduate programs approved by the Adminis-  
13 tration and leading to degrees or certificates in areas directly  
14 related to criminal justice or suitable for persons employed in  
15 criminal or juvenile justice, with special consideration to  
16 police or correctional personnel of States or units of general  
17 local government on academic leave to earn such degrees or  
18 certificates. Loans to persons assisted under this subsection  
19 shall be made on such terms and conditions as the Adminis-  
20 tration and the institution offering such programs may deter-  
21 mine, except that the total amount of any such loan, plus  
22 interest, shall be canceled for service as a full-time officer or  
23 employee of a criminal or juvenile justice agency at the rate  
24 of 25 per centum of the total amount of such loan plus inter-  
25 est for each complete year of such service or its equivalent of

1 such service, as determined under regulations of the Adminis-  
2 tration.

3       “(c) The Administration is authorized to enter into con-  
4 tracts to make, and make payments to institutions of higher  
5 education for tuition, books, and fees, not exceeding \$250 per  
6 academic quarter or \$400 per semester for any person, for  
7 officers of any publicly funded criminal or juvenile justice  
8 agency enrolled on a full-time or part-time basis in courses  
9 included in an undergraduate or graduate program which is  
10 approved by the Administration and which leads to a degree  
11 or certificate in an area related to criminal or juvenile justice  
12 or an area suitable for persons employed in criminal or juve-  
13 nile justice. Assistance under this subsection may be granted  
14 only on behalf of an applicant who enters into an agreement  
15 to remain in the service of a criminal or juvenile justice  
16 agency employing such applicant for a period of two years  
17 following completion of any course for which payments are  
18 provided under this subsection, and in the event such service  
19 is not completed, to repay the full amount of such payments  
20 on such terms and in such manner as the Administration may  
21 prescribe.

22       “(d) Full-time teachers or persons preparing for careers  
23 as full-time teachers of courses related to criminal or juvenile  
24 justice or suitable for persons employed in criminal or juve-  
25 nile justice, in institutions of higher education which are eligi-

1 ble to receive funds under this section, shall be eligible to  
2 receive assistance under subsections (b) and (c) of this section  
3 as determined under regulations of the Administration.

4       “(e) The Administration is authorized to make grants to  
5 or enter into contracts with institutions of higher education,  
6 or combinations of such institutions, to assist them in plan-  
7 ning, developing, strengthening, improving, or carrying out  
8 programs or projects for the development or demonstration of  
9 improved methods of criminal and juvenile justice education,  
10 including—

11               “(1) planning for the development or expansion of  
12 undergraduate or graduate programs in criminal and  
13 juvenile justice and for law-related education in the  
14 public schools;

15               “(2) education and training of faculty members;

16               “(3) strengthening the criminal and juvenile jus-  
17 tice aspects of courses leading to an undergraduate,  
18 graduate, or professional degree; and

19               “(4) research into, and development of, methods  
20 of educating students or faculty, including the prepara-  
21 tion of teaching materials and the planning of curricu-  
22 lums. The amount of a grant or contract may be up to  
23 75 per centum of the total cost of programs and proj-  
24 ects for which a grant or contract is made.

1       “(f) The Administration is authorized to enter into con-  
 2 tracts to make, and make payments to institutions of higher  
 3 education for grants not exceeding \$65 per week to persons  
 4 enrolled on a full-time basis in undergraduate or graduate  
 5 degree programs who are accepted for and serve in full-time  
 6 internships in criminal or juvenile justice agencies for not less  
 7 than eight weeks during any summer recess or for any entire  
 8 quarter or semester on leave from the degree program.

9           “PART H—ADMINISTRATIVE PROVISIONS

10       “SEC. 801. (a) There is established within the Depart-  
 11 ment of Justice, under the general authority and policy con-  
 12 trol of the Attorney General, an Office of Justice Assistance,  
 13 Research, and Statistics. The chief officer of the Office of  
 14 Justice Assistance, Research, and Statistics shall be a Direc-  
 15 tor appointed by the President by and with the advice and  
 16 consent of the Senate.

17       “(b) The Office of Justice Assistance, Research, and  
 18 Statistics shall directly provide staff support to, set broad  
 19 policy guidelines for, and coordinate the activities of the Na-  
 20 tional Institute of Justice, the Bureau of Justice Statistics,  
 21 and the Law Enforcement Assistance Administration.

22       “(c) There is hereby established a Justice Assistance,  
 23 Research, and Statistics Advisory Board (hereinafter referred  
 24 to in this section as the ‘Board’). The Board shall consist of  
 25 twenty-one members who shall be appointed by the Attorney

1 General. The members shall represent the public interest and  
 2 should be experienced in the criminal, civil, or juvenile justice  
 3 systems, including but not limited to representatives of States  
 4 and units of local government, representatives of police, pros-  
 5 ecutors, defense attorneys, courts, corrections, experts in the  
 6 area of victim and witness assistance, and other components  
 7 of the justice system at all levels of government, members of  
 8 the academic and research community, officials of neighbor-  
 9 hood and community organizations, and the general public.  
 10 The Board, by majority vote, shall elect from among its  
 11 members a Chairman and Vice Chairman. The Vice Chair-  
 12 man is authorized to sit and act in the place of the Chairman  
 13 in the absence of the Chairman. The Director shall also be a  
 14 member of the Board but may not serve as Chairman or Vice  
 15 Chairman. Vacancies in the membership of the Board shall  
 16 not affect the power of the remaining members to execute the  
 17 functions of the Board and shall be filled in the same manner  
 18 as in the case of the original appointment. The Administrator  
 19 of the Law Enforcement Assistance Administration, the Ad-  
 20 ministrator of the Office of Juvenile Justice and Delinquency  
 21 Prevention, the Director of the Bureau of Justice Statistics,  
 22 and the Director of the National Institute of Justice shall  
 23 serve as ex officio members of the Board but shall be ineligi-  
 24 ble to serve as Chairman or Vice Chairman. Except as other-

1 wise provided herein, no more than one additional Federal  
2 officer or employee shall serve as a member of the Board.

3       “(1) The Board, after appropriate consultation  
4 with representatives of State and local governments,  
5 may make such rules respecting its organization and  
6 procedures as it deems necessary, except that no rec-  
7 ommendation shall be reported from the Board unless a  
8 majority of the Board assents.

9       “(2) The term of office of each member of the  
10 Board appointed under subsection (c) shall be three  
11 years except that any such member appointed to fill a  
12 vacancy occurring prior to the expiration of the term  
13 for which its predecessor was appointed shall be ap-  
14 pointed for the remainder of such term. Terms of the  
15 members appointed under subsection (c) shall be stag-  
16 gered so as to establish a rotating membership accord-  
17 ing to such method as the Attorney General may  
18 devise. The members of the Board appointed under  
19 subsection (c) shall receive compensation for each day  
20 engaged in the actual performance of duties vested in  
21 the Board at rates of pay not in excess of the daily  
22 equivalent of the highest rate of basic pay set forth in  
23 the General Schedule of section 5332(a) of title 5,  
24 United States Code, and in addition shall be reim-  
25 bursed for travel, subsistence, and other necessary ex-

1       penses. No member shall serve for more than two con-  
2 secutive terms.

3       “SEC. 802. (a) The Office of Justice Assistance, Re-  
4 search, and Statistics, the Law Enforcement Assistance Ad-  
5 ministration, the Bureau of Justice Statistics, and the Na-  
6 tional Institute of Justice are authorized, after appropriate  
7 consultation with representatives of States and units of local  
8 government, to establish such rules, regulations, and proce-  
9 dures as are necessary to the exercise of their functions, and  
10 as are consistent with the stated purpose of this title.

11       “(b) Not later than four years after the date of enact-  
12 ment of this Act, the Director of the Office of Justice Assist-  
13 ance, Research, and Statistics, after consultation with the  
14 Administrator of the Law Enforcement Assistance Adminis-  
15 tration, the Director of the National Institute of Justice, the  
16 Director of the Bureau of Statistics, and the Administrator of  
17 the Office of Juvenile Justice and Delinquency Prevention,  
18 with respect to the receipt and compilation of evaluations,  
19 statistics and performance reports required by this Act, shall  
20 submit to the Judiciary Committees of the Senate and the  
21 House of Representatives a report, which shall be used by  
22 them to assist in determining whether the purposes of parts  
23 D, E, and F have been fulfilled and whether to recommend  
24 continued authorization of appropriations for such parts after  
25 expiration of this Act. The report shall set forth comprehen-

1 sive statistics which, together with the Director's analysis  
2 and findings, shall indicate whether grants made to States or  
3 units of local governments under parts D, E, and F have  
4 made a substantial contribution toward—

5       “(1) improving and strengthening law enforcement  
6 agencies, as measured by arrest rates, incidence rates,  
7 victimization rates, the number of reported crimes,  
8 clearance rates, the number of patrol or investigative  
9 hours per uniformed officer, or any other appropriate  
10 objective measure;

11       “(2) improving the police utilization of community  
12 resources through support of joint police-community  
13 projects designed to prevent or control neighborhood  
14 crime;

15       “(3) disrupting illicit commerce in stolen goods  
16 and property;

17       “(4) combating arson;

18       “(5) developing investigations and prosecutions of  
19 white collar crime, organized crime, public corruption  
20 related offenses, and fraud against the government;

21       “(6) reducing the time between arrest or indict-  
22 ment and disposition of trial;

23       “(7) increasing the use and development of alter-  
24 natives to the prosecution of selected offenders;

1       “(8) increasing the development and use of alter-  
2 natives to pretrial detention that assure return to court  
3 and a minimization of the risk of danger;

4       “(9) increasing the rate at which prosecutors  
5 obtain convictions against habitual, nonstatus offenders;

6       “(10) developing and implementing programs  
7 which provide assistance to victims and witnesses, in-  
8 cluding restitution, programs encouraging victim and  
9 witness participation in the criminal justice system, and  
10 programs designed to present retribution against or in-  
11 timidation of witnesses by persons charged with or  
12 convicted of crimes;

13       “(11) providing competent defense counsel for in-  
14 digent and eligible low-income persons accused of  
15 criminal offenses;

16       “(12) developing projects to identify and meet the  
17 needs of drug dependent offenders;

18       “(13) increasing the availability and use of alter-  
19 natives to maximum-security confinement of convicted  
20 offenders who pose no threat to public safety;

21       “(14) reducing the rates of violence among in-  
22 mates in places of detention and confinement;

23       “(15) improving conditions of detention and con-  
24 finement in adult and juvenile correctional institutions,

1 as measured by the number of such institutions admin-  
2 istering programs meeting accepted standards;

3 "(16) training criminal justice personnel in pro-  
4 grams meeting standards recognized by the Director of  
5 the Office of Justice Assistance, Research, and Statis-  
6 tics;

7 "(17) revision and recodification by States and  
8 units of local government of criminal statutes, rules,  
9 and procedures and revision of statutes, rules, and reg-  
10 ulations governing State and local criminal and juve-  
11 nile justice agencies; and

12 "(18) developing statistical and evaluative systems  
13 in States and units of local government which assist  
14 the measurement of indicators in each of the areas de-  
15 scribed in paragraphs (1) through (17).

16 Such report shall identify separately, to the maximum practi-  
17 cable extent, such contribution according to the parts under  
18 which such grants are authorized and made.

19 "(c) Not later than two hundred and seventy days after  
20 the date of enactment of this Act, the Director of the Office  
21 of Justice Assistance, Research, and Statistics shall transmit  
22 to the Committees on the Judiciary of the Senate and of the  
23 House of Representatives a plan for the collection, analysis,  
24 and evaluation of any data relevant to measure, as objective-  
25 ly as is practicable, progress in each of the areas described in

1 subsection (b). In developing such plan, the Director of the  
2 Office of Justice Assistance, Research, and Statistics shall  
3 consult with the Administrator of the Law Enforcement As-  
4 sistance Administration, the Director of the National Insti-  
5 tute of Justice, the Director of the Bureau of Justice Statis-  
6 tics, the Administrator of the Office of Juvenile Justice and  
7 Delinquency Prevention, and the Committees on the Judici-  
8 ary of the Senate and House of Representatives. After such  
9 consultation and at any time prior to the submission of such  
10 plan as required by this subsection, the Director may recom-  
11 mend to such committees reporting areas in addition to those  
12 described in subsection (b) which, in his judgment, will aid  
13 such committees in making the determinations required by  
14 subsection (b). Such plans shall include the Director's recom-  
15 mended definitions of the terms 'comprehensive statistics'  
16 and 'substantial contribution' as used in subsection (b), which  
17 take into account the total amount of funds available for dis-  
18 tribution to States and units of local government under parts  
19 D, E, and F, as compared to the total amount of funds avail-  
20 able for expenditure by States and units of local government  
21 for criminal justice purposes. Such plan shall be used by the  
22 Director in preparing the report required by subsection (b)  
23 and shall be used by such committees in making the determi-  
24 nations required by subsection (b).

**CONTINUED**

**1 OF 2**

1       “(d) The report required by subsection (b) shall be con-  
2 sidered by the President and the Congress to assist in deter-  
3 mining whether or not parts D, E, and F should be continued  
4 after expiration of this Act. The report shall address  
5 whether—

6           “(1) parts D, E, and F should be continued if the  
7 Director, in his report, finds no substantial contribution  
8 in a majority of the areas described in subsection (b)  
9 and any added by the Director under subsection (c);  
10 and

11           “(2) expenditures in any area described in subsec-  
12 tion (b) and any added by the Director under subsec-  
13 tion (c) should be continued where—

14           “(A) there is no substantial contribution in  
15 such areas; or

16           “(B) there is evidence that States or units of  
17 local government are unwilling or unable to con-  
18 tinue to fund programs for which grants are made  
19 under part D.

20       “(e) The Law Enforcement Assistance Administration  
21 shall, after consultation with the National Institute of Jus-  
22 tice, the Bureau of Justice Statistics, State and local govern-  
23 ments, and the appropriate public and private agencies, es-  
24 tablish such rules and regulations as are necessary to assure  
25 the continuing evaluation of selected programs or projects

1 conducted pursuant to parts D, E, and F of this title, in order  
2 to determine—

3           “(1) whether such programs or projects have  
4 achieved the performance goals stated in the original  
5 application, are of proven effectiveness, have a record  
6 of proven success, or offer a high probability of improv-  
7 ing the criminal and juvenile justice system;

8           “(2) whether such programs or projects have con-  
9 tributed or are likely to contribute to the improvement  
10 of the criminal justice system and the reduction and  
11 prevention of crime;

12           “(3) their cost in relation to their effectiveness in  
13 achieving stated goals;

14           “(4) their impact on communities and participants;  
15 and

16           “(5) their implication for related programs.

17 Evaluations shall be in addition to the requirements of sec-  
18 tions 403 and 404. In conducting the evaluations called for  
19 by this subsection, the Law Enforcement Assistance Admin-  
20 istration shall, when practical, compare the effectiveness of  
21 programs conducted by similar applicants and different appli-  
22 cants, and shall compare the effectiveness of programs or  
23 projects conducted by States and units of local government  
24 pursuant to part D of this title with similar programs carried  
25 out pursuant to parts E and F of this title. The Law Enforce-

1 ment Assistance Administration shall also require applicants  
 2 under part D of this title to submit an annual performance  
 3 report concerning activities carried out pursuant to part D of  
 4 this title together with an assessment by the applicant of the  
 5 effectiveness of those activities in achieving the objectives of  
 6 section 401 of this title and the relationships of those activi-  
 7 ties to the needs and objectives specified by the applicant in  
 8 the application submitted pursuant to section 403 of this title.  
 9 The administration shall suspend funding for an approved ap-  
 10 plication under part D of this title if an applicant fails to  
 11 submit such an annual performance report.

12 "(f) The procedures established to implement the provi-  
 13 sions of this title shall minimize paperwork and prevent need-  
 14 less duplication and unnecessary delays in award and expend-  
 15 iture of funds at all levels of government.

16 "SEC. 803. (a) Whenever, after reasonable notice and  
 17 opportunity for a hearing on the record in accordance with  
 18 section 554 of title 5, United States Code, either the Nation-  
 19 al Institute of Justice, the Bureau of Justice Statistics, or the  
 20 Law Enforcement Assistance Administration finds that a re-  
 21 cipient of their respective assistance under this title has failed  
 22 to comply substantially with—

23 "(1) any provision of this title;

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

1 "(3) any application submitted in accordance with  
 2 the provisions of this title, or the provisions of any  
 3 other applicable Federal Act,  
 4 they, until satisfied that there is no longer any such failure to  
 5 comply, shall terminate payments to the recipient under this  
 6 title, reduce payments to the recipient under this title by an  
 7 amount equal to the amount of such payments which were  
 8 not expended in accordance with this title, or limit the avail-  
 9 ability of payments under this title to programs, projects, or  
 10 activities not affected by such failure to comply.

11 "(b) If a State grant application filed under part D or if  
 12 any grant application filed under any other part of this title  
 13 has been rejected or a State applicant under part D or an  
 14 applicant under any other part has been denied a grant or has  
 15 had a grant, or any portion of a grant, discontinued, termi-  
 16 nated, or has been given a grant in a lesser amount than such  
 17 applicant believes appropriate under the provisions of this  
 18 title, the National Institute of Justice, the Bureau of Justice  
 19 Statistics, or the Law Enforcement Assistance Administra-  
 20 tion, as appropriate, shall notify the applicant or grantee of  
 21 its action and set forth the reason for the action taken.  
 22 Whenever such an applicant or grantee requests a hearing,  
 23 the National Institute of Justice, the Bureau of Justice Sta-  
 24 tistics, the Law Enforcement Assistance Administration, or  
 25 any authorized officer thereof, is authorized and directed to

1 hold such hearings or investigations, including at its sole dis-  
 2 cretion hearings on the record in accordance with section 554  
 3 of title 5, United States Code, at such times and places as  
 4 necessary, following appropriate and adequate notice to such  
 5 applicant; and the findings of fact and determinations made  
 6 with respect thereto shall be final and conclusive, except as  
 7 otherwise provided herein. For grant application denials  
 8 other than those under part D, the National Institute of Jus-  
 9 tice, Bureau of Justice Statistics, or the Law Enforcement  
 10 Assistance Administration are authorized to take final action  
 11 without a hearing if after an administrative review of the  
 12 denial it is determined that the basis for the appeal, if sub-  
 13 stantiated, would not establish a basis for reconsideration or  
 14 approval of the grant application. Under such circumstances,  
 15 a more detailed statement of reasons for the agency action  
 16 should be made available, upon request, to the applicant.

17       “(c) If such recipient is dissatisfied with the findings and  
 18 determinations of the Law Enforcement Assistance Adminis-  
 19 tration, the Bureau of Justice Statistics, or the National In-  
 20 stitute of Justice, following notice and hearing provided for in  
 21 subsection (a) of this section, a request may be made for re-  
 22 hearing, under such regulations and procedures as the Office  
 23 of Justice Assistance, Research, and Statistics may establish,  
 24 and such recipient shall be afforded an opportunity to present

1 such additional information as may be deemed appropriate  
 2 and pertinent to the matter involved.

3       “SEC. 804. In carrying out the functions vested by this  
 4 title in the Law Enforcement Assistance Administration, the  
 5 Bureau of Justice Statistics, or the National Institute of Jus-  
 6 tice, their determinations, findings, and conclusions shall,  
 7 after reasonable notice and opportunity for a hearing, be final  
 8 and conclusive upon all applications, except as otherwise pro-  
 9 vided herein.

10       “SEC. 805. (a) If any applicant or recipient is dissatis-  
 11 fied with a final action with respect to section 803, section  
 12 804, or section 815(c) of this part, such applicant or recipient  
 13 may, within sixty days after notice of such action, file with  
 14 the United States court of appeals for the circuit in which  
 15 such applicant or recipient is located, or in the United States  
 16 Court of Appeals for the District of Columbia, a petition for  
 17 review of the action. A copy of the petition shall forthwith be  
 18 transmitted by the petitioner to the Law Enforcement Assis-  
 19 tance Administration, the Bureau of Justice Statistics, or the  
 20 National Institute of Justice and the Attorney General of the  
 21 United States, who shall represent the Federal Government  
 22 in the litigation. The Law Enforcement Assistance Adminis-  
 23 tration, the Bureau of Justice Statistics, or the National In-  
 24 stitute of Justice, as appropriate, shall thereupon file in the  
 25 court the record of the proceeding on which the action was

1 based, as provided in section 2112 of title 28, United States  
 2 Code. No objection to the action shall be considered by the  
 3 court unless such objection has been urged before the Office  
 4 of Justice Assistance, Research, and Statistics, Law En-  
 5 forcement Assistance Administration, the Bureau of Justice  
 6 Statistics, or the National Institute of Justice as appropriate.

7       “(b) The court shall have jurisdiction to affirm or modify  
 8 a final action or to set it aside in whole or in part. The find-  
 9 ings of fact by the Law Enforcement Assistance Administra-  
 10 tion, the Bureau of Justice Statistics, the National Institute  
 11 of Justice, or the Office of Justice Assistance, Research, and  
 12 Statistics, if supported by substantial evidence on the record  
 13 considered as a whole, shall be conclusive, but the court, for  
 14 good cause shown, may remand the case to the Law Enforce-  
 15 ment Assistance Administration, the National Institute of  
 16 Justice, the Bureau of Justice Statistics, or the Office of Jus-  
 17 tice Assistance, Research, and Statistics to take additional  
 18 evidence to be made part of the record. The Law Enforce-  
 19 ment Assistance Administration, the Bureau of Justice Sta-  
 20 tistics, the National Institute of Justice, or the Office of Jus-  
 21 tice Assistance, Research, and Statistics may thereupon  
 22 make new or modified findings of fact by reason of the new  
 23 evidence so taken and filed with the court and shall file such  
 24 modified or new findings along with any recommendations it  
 25 may have for the modification or setting aside of its original

1 action. All new or modified findings shall be conclusive with  
 2 respect to questions of fact if supported by substantial evi-  
 3 dence when the record as a whole is considered.

4       “(c) Upon the filing of such petition, the court shall have  
 5 jurisdiction to affirm the action of the Law Enforcement As-  
 6 sistance Administration, the Bureau of Justice Statistics, the  
 7 National Institute of Justice, or the Office of Justice Assist-  
 8 ance, Research, and Statistics or to set it aside, in whole or  
 9 in part. The judgment of the court shall be subject to review  
 10 by the Supreme Court of the United States upon writ of cer-  
 11 tiorari or certification as provided in section 1254 of title 28,  
 12 United States Code.

13       “SEC. 806. The Office of Justice Assistance, Research,  
 14 and Statistics, the National Institute of Justice, the Bureau  
 15 of Justice Statistics, or the Law Enforcement Assistance Ad-  
 16 ministration may delegate to any of their respective officers  
 17 or employees such functions as they deem appropriate.

18       “SEC. 807. In carrying out their functions, the Office of  
 19 Justice Assistance, Research, and Statistics, the National In-  
 20 stitute of Justice, the Bureau of Justice Statistics, or the  
 21 Law Enforcement Assistance Administration, or upon au-  
 22 thorization, any member thereof or any hearing examiner or  
 23 administrative law judge assigned to or employed thereby  
 24 shall have the power to hold hearings and issue subpoenas,

1 administer oaths, examine witnesses, and receive evidence at  
2 any place in the United States they may designate.

3 "SEC. 808. Section 5314 of title 5, United States Code,  
4 is amended as follows:

5 "(a) by adding at the end thereof—

6 "( ) Director, Office of Justice Assistance, Re-  
7 search, and Statistics.'

8 "(b) by deleting—

9 "(55) Administrator of the Law Enforcement As-  
10 sistance Administration.'

11 "SEC. 809. Title 5, United States Code, is amended as  
12 follows:

13 "(a) Section 5315 (90) is amended by deleting 'Deputy  
14 Administrator for Policy Development of the Law Enforce-  
15 ment Assistance Administration' and by adding at the end  
16 thereof—

17 "( ) Administrator of Law Enforcement Assist-  
18 ance.

19 "( ) Director of the National Institute of Jus-  
20 tice.

21 "( ) Director of the Bureau of Justice Statis-  
22 tics.'

23 "(b) Section 5315 of title 5, United States Code, is  
24 amended by deleting at the end thereof the following:

1 "(113) Deputy Administrator for Administration  
2 of Law Enforcement Assistance Administration.'

3 "(c) Section 5108(c)(11) is amended by deleting the  
4 words 'Law Enforcement Assistance Administration' and in-  
5 serting in lieu thereof the words 'Office of Justice Assistance,  
6 Research, and Statistics'.

7 "SEC. 810. Subject to the Civil Service and classifica-  
8 tion laws, the Office of Justice Assistance, Research, and  
9 Statistics, the National Institute of Justice, the Bureau of  
10 Justice Statistics, and the Law Enforcement Assistance Ad-  
11 ministration are authorized to select, appoint, employ, and fix  
12 compensation of such officers and employees as shall be nec-  
13 essary to carry out their powers and duties under this title  
14 and are authorized to select, appoint, employ, and fix com-  
15 pensation of such hearing examiner or administrative law  
16 judge or to request the use of such administrative law judges  
17 selected by the Civil Service Commission pursuant to section  
18 3344 of title 5, United States Code, as shall be necessary to  
19 carry out their powers and duties under this title.

20 "SEC. 811. The Office of Justice Assistance, Research,  
21 and Statistics, the National Institute of Justice, the Bureau  
22 of Justice Statistics, and the Law Enforcement Assistance  
23 Administration are authorized, on a reimbursable basis when  
24 appropriate, to use the available services, equipment, person-  
25 nel, and facilities of Federal, State, and local agencies to the

1 extent deemed appropriate after giving due consideration to  
2 the effectiveness of such existing services, equipment, per-  
3 sonnel, and facilities.

4 "SEC. 812. In carrying out the provisions of this title,  
5 including the issuance of regulations, the Office of Justice  
6 Assistance, Research, and Statistics shall consult with other  
7 Federal departments and agencies and State and local offi-  
8 cials.

9 "SEC. 813. (a) The Office of Justice Assistance, Re-  
10 search, and Statistics, the National Institute of Justice, the  
11 Bureau of Justice Statistics, and the Law Enforcement As-  
12 sistance Administration may arrange with and reimburse the  
13 heads of other Federal departments and agencies for the per-  
14 formance of any of its functions under this title.

15 "(b) The National Institute of Justice, the Bureau of  
16 Justice Statistics, the Law Enforcement Assistance Adminis-  
17 tration, and the Office of Justice Assistance, Research, and  
18 Statistics in carrying out their respective functions may use  
19 grants, contracts, or cooperative agreements in accordance  
20 with the standards established in the Federal Grant and Co-  
21 operative Agreement Act of 1977 (41 U.S.C. 501).

22 "SEC. 814. (a) The Office of Justice Assistance, Re-  
23 search, and Statistics, the National Institute of Justice, the  
24 Bureau of Justice Statistics, and the Law Enforcement As-  
25 sistance Administration may procure the services of experts

1 and consultants in accordance with section 3109 of title 5,  
2 United States Code, at rates of compensation for individuals  
3 not to exceed the daily equivalent of the rate authorized for  
4 GS-18 by section 5332 of title 5, United States Code.

5 "(b) The Office of Justice Assistance, Research, and  
6 Statistics, the National Institute of Justice, the Bureau of  
7 Justice Statistics, and the Law Enforcement Assistance Ad-  
8 ministration are authorized to appoint, without regard to the  
9 civil service laws, technical or other advisory committees to  
10 advise them with respect to the administration of this title as  
11 they deem necessary. Members of those committees not oth-  
12 erwise in the employ of the United States, while engaged in  
13 advising or attending meetings of the committees, shall be  
14 compensated at rates to be fixed by the Offices but not to  
15 exceed the daily equivalent of the rate authorized for GS-18  
16 by section 5332 of title 5 of the United States Code, and  
17 while away from home or regular place of business they may  
18 be allowed travel expenses, including per diem in lieu of sub-  
19 sistance, as authorized by section 5703 of such title 5 for  
20 persons in the Government service employed intermittently.

21 "(c) Payments under this title may be made in install-  
22 ments, and in advance or by way of reimbursement, as may  
23 be determined by the Administration, and may be used to pay  
24 the transportation and subsistence expenses of persons at-  
25 tending conferences or other assemblages notwithstanding

1 the provisions of the joint resolution entitled 'Joint resolution  
2 to prohibit expenditure of any moneys for housing, feeding, or  
3 transporting conventions or meetings', approved February 2,  
4 1935 (31 U.S.C. 551).

5 "SEC. 815. (a) Nothing contained in this title or any  
6 other Act shall be construed to authorize any department,  
7 agency, officer, or employee of the United States to exercise  
8 any direction, supervision, or control over any police force or  
9 any other criminal or juvenile justice agency of any State or  
10 any political subdivision thereof.

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

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

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

23 "(c)(1) No person in any State shall on the ground of  
24 race, color, religion, national origin, or sex be excluded from  
25 participation in, be denied the benefits of, or be subjected to

1 discrimination under or denied employment in connection  
2 with any programs or activity funded in whole or in part with  
3 funds made available under this title.

4 "(2)(A) Whenever there has been—

5 "(i) receipt of notice of a finding, after notice and  
6 opportunity for a hearing, by a Federal court (other  
7 than in an action brought by the Attorney General) or  
8 State court, or by a Federal or State administrative  
9 agency (other than the Office of Justice Assistance,  
10 Research, and Statistics under subparagraph (ii)), to  
11 the effect that there has been a pattern or practice of  
12 discrimination in violation of subsection (c)(1); or

13 "(ii) a determination after an investigation by the  
14 Office of Justice Assistance, Research, and Statistics  
15 (prior to a hearing under subparagraph (F) but including  
16 an opportunity for the State government or unit of  
17 general local government to make a documentary sub-  
18 mission regarding the allegation of discrimination with  
19 respect to such program or activity, with funds made  
20 available under this title) that a State government or  
21 unit of general local government is not in compliance  
22 with subsection (c)(1);

23 the Office of Justice Assistance, Research, and Statistics  
24 shall, within ten days after such occurrence, notify the chief  
25 executive of the affected State, or the State in which the

1 affected unit of general local government is located, and the  
 2 chief executive of such unit of general local government, that  
 3 such program or activity has been so found or determined not  
 4 be in compliance with subsection (c)(1), and shall request  
 5 each chief executive, notified under this subparagraph with  
 6 respect to such violation, to secure compliance. For purposes  
 7 of subparagraph (i) a finding by a Federal or State adminis-  
 8 trative agency shall be deemed rendered after notice and op-  
 9 portunity for a hearing if it is rendered pursuant to proce-  
 10 dures consistent with the provisions of subchapter II of chap-  
 11 ter 5, title 5, United States Code.

12       “(B) In the event the chief executive secures compliance  
 13 after notice pursuant to subparagraph (A), the terms and con-  
 14 ditions with which the affected State government or unit of  
 15 general local government agrees to comply shall be set forth  
 16 in writing and signed by the chief executive of the State, by  
 17 the chief executive of such unit (in the event of a violation by  
 18 a unit of general local government), and by the Office of Jus-  
 19 tice Assistance, Research, and Statistics. On or prior to the  
 20 effective date of the agreement, the Office of Justice Assist-  
 21 ance, Research, and Statistics shall send a copy of the agree-  
 22 ment to each complainant, if any, with respect to such viola-  
 23 tion. The chief executive of the State, or the chief executive  
 24 of the unit (in the event of a violation by a unit of general  
 25 local government) shall file semiannual reports with the

1 Office of Justice Assistance, Research, and Statistics detail-  
 2 ing the steps taken to comply with the agreement. Within  
 3 fifteen days of receipt of such reports, the Office of Justice  
 4 Assistance, Research, and Statistics shall send a copy thereof  
 5 to each such complainant.

6       “(C) If, at the conclusion of ninety days after notifica-  
 7 tion under subparagraph (A)—

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

11               “(ii) an administrative law judge has not made a  
 12 determination under subparagraph (F) that it is likely  
 13 the State government or unit of local government will  
 14 prevail on the merits; the Office of Justice Assistance,  
 15 Research, and Statistics shall notify the Attorney Gen-  
 16 eral that compliance has not been secured and cause to  
 17 have suspended further payment of any funds under  
 18 this title to that program or activity. Such suspension  
 19 shall be limited to the specific program or activity cited  
 20 by the Office of Justice Assistance, Research, and Sta-  
 21 tistics in the notice under subparagraph (A). Such sus-  
 22 pension shall be effective for a period of not more than  
 23 one hundred and twenty days, or, if there is a hearing  
 24 under subparagraph (G), not more than thirty days  
 25 after the conclusion of such hearing, unless there has

1 been an express finding by the Office of Justice Assist-  
 2 ance, Research, and Statistics after notice and opportu-  
 3 nity for such a hearing, that the recipient is not in  
 4 compliance with subsection (c)(1).

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

7 "(i) such State government or unit of general  
 8 local government enters into a compliance agreement  
 9 approved by the Office of Justice Assistance, Re-  
 10 search, and Statistics and the Attorney General in ac-  
 11 cordance with subparagraph (B);

12 "(ii) such State government or unit of general  
 13 local government complies fully with the final order or  
 14 judgment of a Federal or State court, or by a Federal  
 15 or State administrative agency if that order or judg-  
 16 ment covers all the matters raised by the Office of Jus-  
 17 tice Assistance, Research, and Statistics in the notice  
 18 pursuant to subparagraph (A), or is found to be in com-  
 19 pliance with subsection (c)(1) by such court; or

20 "(iii) after a hearing the Office of Justice Assist-  
 21 ance, Research, and Statistics pursuant to subpara-  
 22 graph (F) finds that noncompliance has not been dem-  
 23 onstrated.

24 "(E) Whenever the Attorney General files a civil action  
 25 alleging a pattern or practice of discriminatory conduct on

1 the basis of race, color, religion, national origin, or sex in any  
 2 program or activity of a State government or unit of local  
 3 government which State government or unit of local govern-  
 4 ment receives funds made available under this title, and the  
 5 conduct allegedly violates the provisions of this section and  
 6 neither party within forty-five days after such filing has been  
 7 granted such preliminary relief with regard to the suspension  
 8 or payment of funds as may be otherwise available by law,  
 9 the Office of Justice Assistance, Research, and Statistics  
 10 shall cause to have suspended further payment of any funds  
 11 under this title to that specific program or activity alleged by  
 12 the Attorney General to be in violation of the provisions of  
 13 this subsection until such time as the court orders resumption  
 14 of payment.

15 "(F) Prior to the suspension of funds under subpara-  
 16 graph (C), but within the ninety-day period after notification  
 17 under subparagraph (C), the State government or unit of  
 18 local government may request an expedited preliminary hear-  
 19 ing on the record in accordance with section 554 of title 5,  
 20 United States Code, in order to determine whether it is likely  
 21 that the State government or unit of local government would,  
 22 at a full hearing under subparagraph (G), prevail on the  
 23 merits on the issue of the alleged noncompliance. A finding  
 24 under this subparagraph by the administrative law judge in  
 25 favor of the State government or unit of local government

1 shall defer the suspension of funds under subparagraph (C)  
 2 pending a finding of noncompliance at the conclusion of the  
 3 hearing on the merits under subparagraph (G).

4 “(G)(i) At any time after notification under subpara-  
 5 graph (A), but before the conclusion of the one-hundred-and-  
 6 twenty-day period referred to in subparagraph (C), a State  
 7 government or unit of general local government may request  
 8 a hearing on the record in accordance with section 554 of  
 9 title 5, United States Code, which the Office of Justice As-  
 10 sistance, Research, and Statistics shall initiate within sixty  
 11 days of such request.

12 “(ii) Within thirty days after the conclusion of the hear-  
 13 ing, or, in the absence of a hearing, at the conclusion of the  
 14 one-hundred-and-twenty-day period referred to in subpara-  
 15 graph (C), the Office of Justice Assistance, Research, and  
 16 Statistics shall make a finding of compliance or noncompli-  
 17 ance. If the Office of Justice Assistance, Research, and Sta-  
 18 tistics makes a finding of noncompliance, the Office of Justice  
 19 Assistance, Research, and Statistics shall notify the Attorney  
 20 General in order that the Attorney General may institute a  
 21 civil action under subsection (c)(3), cause to have terminated  
 22 the payment of funds under this title, and, if appropriate,  
 23 seek repayment of such funds.

1 “(iii) If the Office of Justice Assistance, Research, and  
 2 Statistics makes a finding of compliance, payment of the sus-  
 3 pended funds shall resume as provided in subparagraph (D).

4 “(H) Any State government or unit of general local gov-  
 5 ernment aggrieved by a final determination of the Office of  
 6 Justice Assistance, Research, and Statistics under subpara-  
 7 graph (G) may appeal such determination as provided in sec-  
 8 tion 805 of this title.

9 “(3) Whenever the Attorney General has reason to be-  
 10 lieve that a State government or unit of local government has  
 11 engaged in or is engaging in a pattern or practice in violation  
 12 of the provisions of this section, the Attorney General may  
 13 bring a civil action in an appropriate United States district  
 14 court. Such court may grant as relief any temporary restrain-  
 15 ing order, preliminary or permanent injunction, or other  
 16 order, as necessary or appropriate to insure the full enjoy-  
 17 ment of the rights described in this section, including the sus-  
 18 pension, termination, or repayment of such funds made avail-  
 19 able under this title as the court may deem appropriate, or  
 20 placing any further such funds in escrow pending the out-  
 21 come of the litigation.

22 “(4)(A) Whenever a State government or unit of local  
 23 government, or any officer or employee thereof acting in an  
 24 official capacity, has engaged or is engaging in any act or  
 25 practice prohibited by this subsection, a civil action may be

1 instituted after exhaustion of administrative remedies by the  
 2 person aggrieved in an appropriate United States district  
 3 court or in a State court of general jurisdiction. Administra-  
 4 tive remedies shall be deemed to be exhausted upon the expi-  
 5 ration of sixty days after the date the administrative com-  
 6 plaint was filed with the Office of Justice Assistance, Re-  
 7 search, and Statistics or any other administrative enforce-  
 8 ment agency, unless within such period there has been a de-  
 9 termination by the Office of Justice Assistance, Research,  
 10 and Statistics or the agency on the merits of the complaint, in  
 11 which case such remedies shall be deemed exhausted at the  
 12 time the determination becomes final.

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

19       “(C) In any action instituted under this section to en-  
 20 force compliance with section 815(c)(1), the Attorney Gen-  
 21 eral, or a specially designated assistant for or in the name of  
 22 the United States, may intervene upon timely application if  
 23 he certifies that the action is of general public importance. In  
 24 such action the United States shall be entitled to the same  
 25 relief as if it had instituted the action.

1       “SEC. 816. On or before March 31 of each year, the  
 2 Director of the Office of Justice Assistance, Research, and  
 3 Statistics shall report to the President and to the Committees  
 4 on the Judiciary of the Senate and House of Representatives  
 5 on activities pursuant to the provisions of this title during the  
 6 preceding fiscal year. Such report shall include—

7               “(a) a description of the progress made in accom-  
 8 plishing the objectives of this title;

9               “(b) a description of the national priority pro-  
 10 grams and projects established by the Office pursuant  
 11 to part E of this title, including all programs or proj-  
 12 ects providing financial or technical assistance to vic-  
 13 tims or witnesses;

14               “(c) the amounts obligated under parts D, E, and  
 15 F of this title for each of the components of the crimi-  
 16 nal justice system;

17               “(d) the nature and number of jurisdictions which  
 18 expended funds under part D of this title on national  
 19 priority programs or projects established pursuant to  
 20 part E of this title, and the percentage of part D funds  
 21 expended by such jurisdictions on such programs or  
 22 projects;

23               “(e) a summary of the major innovative policies  
 24 and programs for improving criminal and juvenile jus-  
 25 tice by the Administration during the preceding fiscal

1 year in the course of providing technical and financial  
2 aid and assistance to State and local governments pur-  
3 suant to this title;

4 "(f) a description of the procedures used to audit,  
5 monitor, and evaluate programs or projects to insure  
6 that all recipients have complied with the Act and that  
7 the information contained in the applications was  
8 correct;

9 "(g) the number of part D applications or amend-  
10 ments approved by the Administration without recom-  
11 mending substantial changes;

12 "(h) the number of part D applications or amend-  
13 ments in which the Administration recommended sub-  
14 stantial changes, and the disposition of such programs  
15 or projects;

16 "(i) the number of programs or projects under  
17 part D applications or amendments with respect to  
18 which a discontinuation, suspension, or termination of  
19 payments occurred together with the reasons for such  
20 discontinuation, suspension, or termination; and

21 "(j) the number of programs or projects under  
22 part D applications or amendments which were subse-  
23 quently discontinued by the jurisdiction following the  
24 termination of funding under this title.

1 "SEC. 817. (a) Each recipient of funds under this Act  
2 shall keep such records as the Office of Justice Assistance,  
3 Research, and Statistics shall prescribe, including records  
4 which fully disclose the amount and disposition by such re-  
5 cipient of the funds, the total cost of the project or undertak-  
6 ing for which such funds are used, and the amount of that  
7 portion of the cost of the project or undertaking supplied by  
8 other sources, and such other records as will facilitate an  
9 effective audit.

10 "(b) The Office of Justice Assistance, Research, and  
11 Statistics or any of its duly authorized representatives, shall  
12 have access for purpose of audit and examination of any  
13 books, documents, papers, and records of the recipients of  
14 funds under this title which in the opinion of the Office of  
15 Justice Assistance, Research, and Statistics may be related  
16 or pertinent to the grants, contracts, subcontracts, subgrants,  
17 or other arrangements referred to under this title. The Direc-  
18 tor may withhold funds otherwise payable under part D in  
19 order to recover any amounts expended in violation of any  
20 provision of this Act or any term or condition of assistance  
21 under this Act.

22 "(c) The Comptroller General of the United States or  
23 any of his duly authorized representatives, shall, until the  
24 expiration of three years after the completion of the program  
25 or project with which the assistance is used, have access for

1 the purpose of audit and examination to any books, docu-  
 2 ments, papers, and records of recipients of Federal funds  
 3 under this title which in the opinion of the Comptroller Gen-  
 4 eral may be related or pertinent to the grants, contracts, sub-  
 5 contracts, subgrants, or other arrangements referred to under  
 6 this title.

7       “(d) Within one hundred and twenty days after the en-  
 8 actment of this subsection, the Office of Justice Assistance,  
 9 Research, and Statistics shall review existing civil rights reg-  
 10 ulations and conform them to this title. Such regulations shall  
 11 include—

12           “(1) reasonable and specific time limits for the  
 13 Office of Justice Assistance, Research, and Statistics  
 14 to respond to the filing of a complaint by any person  
 15 alleging that a State government or unit of general  
 16 local government is in violation of the provisions of  
 17 section 815(c) of this title; including reasonable time  
 18 limits for instituting an investigation, making an appro-  
 19 priate determination with respect to the allegations,  
 20 and advising the complainant of the status of the com-  
 21 plaint; and

22           “(2) reasonable and specific time limits for the  
 23 Office of Justice Assistance, Research, and Statistics  
 24 to conduct independent audits and reviews of State  
 25 governments and units of general local government re-

1       ceiving funds pursuant to this title for compliance with  
 2 the provisions of section 815(c) of this title.

3       “(e) The provisions of this section shall apply to all re-  
 4 cipients of assistance under this Act, whether by direct grant,  
 5 cooperative agreement, or contract under this Act or by sub-  
 6 grant or subcontract from primary grantees or contractors  
 7 under this Act.

8       “(f) There is hereby established a revolving fund for the  
 9 purpose of supporting projects that will acquire stolen goods  
 10 and property in an effort to disrupt illicit commerce in such  
 11 goods and property. Notwithstanding any other provisions of  
 12 law, any income or royalties generated from such projects  
 13 together with income generated from any sale or use of such  
 14 goods or property, where such goods or property are not  
 15 claimed by their lawful owner, shall be paid into the revolv-  
 16 ing fund. Where a party establishes a legal right to such  
 17 goods or property, the Administrator of the fund may in his  
 18 discretion assert a claim against the property or goods in the  
 19 amount of Federal funds used to purchase such goods or  
 20 property. Proceeds from such claims shall be paid into the  
 21 revolving fund. The Administrator is authorized to make dis-  
 22 bursements by appropriate means, including grants, from the  
 23 fund for the purpose of this section.

24       “SEC. 818. Section 204(a) of the Demonstration Cities  
 25 and Metropolitan Development Act of 1966 is amended by

1 inserting 'law enforcement facilities,' immediately after  
2 'transportation facilities,'.

3 "SEC. 819. (a) Except as provided by Federal law other  
4 than this title, no officer or employee of the Federal Govern-  
5 ment, nor any recipient of assistance under the provisions of  
6 this title shall use or reveal any research or statistical infor-  
7 mation furnished under this title by any person and identifi-  
8 able to any specific private person for any purpose other than  
9 the purpose for which it was obtained in accordance with this  
10 title. Such information and copies thereof shall be immune  
11 from legal process, and shall not, without the consent of the  
12 person furnishing such information, be admitted as evidence  
13 or used for any purpose in any action, suit, or other judicial,  
14 legislative, or administrative proceedings.

15 "(b) All criminal history information collected, stored, or  
16 disseminated through support under this title shall contain, to  
17 the maximum extent feasible, disposition as well as arrest  
18 data where arrest data is included therein. The collection,  
19 storage, and dissemination of such information shall take  
20 place under procedures reasonably designed to insure that all  
21 such information is kept current therein; the Office of Justice  
22 Assistance, Research, and Statistics shall assure that the se-  
23 curity and privacy of all information is adequately provided  
24 for and that information shall only be used for law enforce-  
25 ment and criminal justice and other lawful purposes. In addi-

1 tion, an individual who believes that criminal history informa-  
2 tion concerning him contained in an automated system is in-  
3 accurate, incomplete, or maintained in violation of this title,  
4 shall, upon satisfactory verification of his identity, be entitled  
5 to review such information and to obtain a copy of it for the  
6 purpose of challenge or correction.

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

11 "SEC. 820. The Office of Justice Assistance, Research,  
12 and Statistics, the National Institute of Justice, the Bureau  
13 of Justice Statistics, and the Law Enforcement Assistance  
14 Administration are authorized to accept and employ, in car-  
15 rying out the provisions of this Act, voluntary and uncompen-  
16 sated services notwithstanding the provisions of section  
17 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). Such  
18 individuals shall not be considered Federal employees except  
19 for purposes of chapter 81 of title 5 with respect to job-in-  
20 curred disability and title 28 with respect to tort claims.

21 "SEC. 821. (a) All programs concerned with juvenile  
22 delinquency and administered by the Administration shall be  
23 administered by or subject to the policy direction of the office  
24 established by section 201(a) of the Juvenile Justice and De-  
25 linquency Prevention Act of 1974.

1       “(b) The Director of the National Institute of Justice  
2 and the Director of the Bureau of Justice Statistics shall  
3 work closely with the Administrator of the Office of Juvenile  
4 Justice and Delinquency Prevention in developing and imple-  
5 menting programs in the juvenile justice and delinquency pre-  
6 vention field.

7       “SEC. 822. Funds appropriated by the Congress for the  
8 activities of any agency of the District of Columbia govern-  
9 ment or the United States Government performing law en-  
10 forcement functions in and for the District of Columbia may  
11 be used to provide the non-Federal share of the cost of pro-  
12 grams or projects funded under this title.

13       “SEC. 823. No funds under this title shall be used for  
14 land acquisition.

15       “SEC. 824. Notwithstanding any other provision of this  
16 title, no use will be made of services, facilities, or personnel  
17 of the Central Intelligence Agency.

18       “SEC. 825. Where a State does not have an adequate  
19 forum to enforce grant provisions imposing liability on Indian  
20 tribes, the Administration is authorized to waive State liabili-  
21 ty and may pursue such legal remedies as are necessary.

22       “SEC. 826. The National Institute of Corrections estab-  
23 lished under title 18 of the United States Code shall not du-  
24 plicate the activities of the National Institute of Justice, the  
25 Bureau of Justice Statistics, or the Law Enforcement Assist-

1       ance Administration and shall assure that its activities are  
2 coordinated with those of the National Institute of Justice,  
3 the Bureau of Justice Statistics, and the Law Enforcement  
4 Assistance Administration.

5       “SEC. 827. (a) Section 1761 of title 18, United States  
6 Code, is amended by adding thereto a new subsection (c) as  
7 follows—

8       “(c) In addition to the exceptions set forth in part (b) of  
9 this section, this chapter shall also not apply to goods, wares,  
10 or merchandise manufactured, produced, or mined by con-  
11 victs or prisoners participating in a program of not more than  
12 seven pilot projects designated by the Administrator of the  
13 Law Enforcement Assistance Administration and who—

14       “(1) have, in connection with such work, re-  
15 ceived wages at a rate which is not less than that paid  
16 for work of a similar nature in the locality in which the  
17 work was performed, except that such wages may be  
18 subject to deductions which shall not, in the aggregate,  
19 exceed 80 per centum of gross wages, and shall be  
20 limited as follows:

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

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

1           “(C) allocations for support of family pursu-  
2 ant to State statute, court order, or agreement by  
3 the offender;

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

8           “(2) have not solely by their status as offenders,  
9 been deprived of the right to participate in benefits  
10 made available by the Federal or State Government to  
11 other individuals on the basis of their employment,  
12 such as workmen's compensation. However, such con-  
13 victs or prisoners shall not be qualified to receive any  
14 payments for unemployment compensation while incar-  
15 cerated, notwithstanding any other provision of the law  
16 to the contrary;

17           “(3) have participated in such employment volun-  
18 tarily and have agreed in advance to the specific de-  
19 ductions made from gross wages pursuant to this Act,  
20 and all other financial arrangements as a result of par-  
21 ticipation in such employment.’

22           “(b) Section 35 of title 41, United States Code, is  
23 amended by adding to the end of subsection (d) thereof,  
24 before ‘; and ’, the following: ‘, except that this section, or  
25 any other law or Executive order containing similar prohibi-

1 tions against purchase of goods by the Federal Government,  
2 shall not apply to convict labor which satisfies the conditions  
3 of section 1761(c) of title 18, United States Code.’

4           “(c) The provisions of this section creating exemptions  
5 to Federal restrictions on marketability of prison made goods  
6 shall not apply unless—

7           “(1) representatives of local union central bodies  
8 or similar labor union organizations have been consult-  
9 ed prior to the initiation of any project qualifying of  
10 any exemption created by this section;

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

16           “PART I—DEFINITIONS

17           “SEC. 901. (a) As used in this title—

18           “(1) ‘Criminal and juvenile justice’ means activi-  
19 ties pertaining to crime prevention, control, or reduc-  
20 tion or the enforcement of the criminal law, including  
21 police efforts to prevent, control, or reduce crime and  
22 juvenile delinquency or to apprehend criminals and ju-  
23 venile delinquents, activities of courts having criminal  
24 and juvenile jurisdiction, and related agencies including  
25 prosecutorial and defender services, juvenile delinquen-

1 cy agencies and pretrial service or release agencies;  
 2 activities of corrections, probation, or parole authorities  
 3 and related agencies assisting in the rehabilitation, su-  
 4 pervision, and care of criminal and juvenile offenders,  
 5 and programs relating to the prevention, control, or re-  
 6 duction of narcotic addiction.

7 "(2) 'State' means any State of the United States,  
 8 the District of Columbia, the Commonwealth of Puerto  
 9 Rico, the Virgin Islands, Guam, American Samoa, the  
 10 Trust Territory of the Pacific Islands, and the Com-  
 11 monwealth of the Northern Mariana Islands.

12 "(3) 'Unit of local government' means any city,  
 13 county, township, town, borough, parish, village, or  
 14 other general purpose political subdivision of a State;  
 15 an Indian tribe which performs law enforcement func-  
 16 tions as determined by the Secretary of the Interior;  
 17 or, for the purpose of assistance eligibility, any agency  
 18 of the District of Columbia government or the United  
 19 States Government performing law enforcement func-  
 20 tions in and for the District of Columbia.

21 "(4) 'Construction' means the erection, acquisi-  
 22 tion, or expansion of new or existing buildings or other  
 23 physical facilities, and the acquisition or installation of  
 24 initial equipment therefor, but does not include renova-  
 25 tion, repairs, or remodeling.

1 "(5) 'Combination' as applied to States or units of  
 2 local government means any grouping or joining to-  
 3 gether of such States or units for the purpose of pre-  
 4 paring, developing, or implementing a criminal or juve-  
 5 nile justice program or project.

6 "(6) 'Public agency' means any State, unit of  
 7 local government, combination of such States or units,  
 8 or any department, agency, or instrumentality of any  
 9 of the foregoing.

10 "(7) 'Correctional institution or facility' means  
 11 any place for the confinement or rehabilitation of of-  
 12 fenders or individuals charged with or convicted of  
 13 criminal or delinquent offenses.

14 "(8) 'Comprehensive State application' means an  
 15 application based on an integrated analysis of the  
 16 criminal and juvenile justice problems, and in which  
 17 goals, priorities, and standards for human resources,  
 18 physical resources, and management and operations re-  
 19 quirements are established.

20 "(9) 'Criminal history information' includes rec-  
 21 ords and related data, contained in an automated or  
 22 manual criminal justice informational system, compiled  
 23 by law enforcement agencies for the purpose of identi-  
 24 fying criminal offenders and alleged offenders and  
 25 maintaining as to such persons records of arrests, the

1 nature and disposition of criminal charges, sentencing,  
2 confinement, rehabilitation, and release.

3 “(10) ‘Evaluation’ means the administration and  
4 conduct of studies and analyses to determine the  
5 impact and value of a project or program in accom-  
6 plishing the statutory objectives of this title.

7 “(11) ‘Citizen, neighborhood or community orga-  
8 nization’ means an organization which is representative  
9 of a community or significant segments of the commu-  
10 nity.

11 “(12) ‘Chief executive’ means the highest official  
12 of a State or local jurisdiction.

13 “(13) ‘Municipality’ means—

14 “(i) any unit of local government which is  
15 classified as a municipality by the United States  
16 Bureau of the Census; or

17 “(ii) any other unit of local government  
18 which is a town or township and which, in the de-  
19 termination of the Administration—

20 “(a) possesses powers and performs  
21 functions comparable to those associated  
22 with municipalities;

23 “(b) is closely settled; and

1 “(c) contains within its boundaries no  
2 incorporated places as defined by the United  
3 States Bureau of the Census.

4 “(14) ‘Population’ means total resident population  
5 based on data compiled by the United States Bureau of  
6 the Census and referable to the same point or period in  
7 time.

8 “(15) ‘Attorney General’ means the Attorney  
9 General of the United States or his designee.

10 “(16) The term ‘court of last resort’ means that  
11 State court having the highest and final appellate au-  
12 thority of the State. In States having two or more  
13 such courts, court of last resort shall mean that State  
14 court, if any, having highest and final appellate author-  
15 ity, as well as both administrative responsibility for the  
16 State’s judicial system and the institutions of the State  
17 judicial branch and rulemaking authority. In other  
18 States having two or more courts with highest and  
19 final appellate authority, court of last resort shall mean  
20 the highest appellate court which also has either rule-  
21 making authority or administrative responsibility for  
22 the State’s judicial system and the institutions of the  
23 State judicial branch. Except as used in the definition  
24 of the term ‘court of last resort’ the term ‘court’ means

1 a tribunal recognized as a part of the judicial branch of  
2 a State or of its local government units.

3 "(17) 'Institution of higher education' means any  
4 such institution as defined by section 1201(a) of the  
5 Higher Education Act of 1965 (20 U.S.C. 1141(a)),  
6 subject, however, to such modifications and extensions  
7 as the Administration may determine to be appropriate.

8 "(18) 'Proven effectiveness' means that a pro-  
9 gram, project, approach, or practice has been shown by  
10 analysis of performance and results to make a signifi-  
11 cant contribution to the accomplishment of the objec-  
12 tives for which it was undertaken or to have a signifi-  
13 cant effect in improving the condition or problem it  
14 was undertaken to address.

15 "(19) 'Record of proven success' means that a  
16 program, project, approach, or practice has been dem-  
17 onstrated by evaluation or by analysis of performance  
18 data and information to be successful in a number of  
19 jurisdictions or over a period of time in contributing to  
20 the accomplishment of objectives or to improving con-  
21 ditions identified with the problem to which it is ad-  
22 dressed.

23 "(20) 'High probability of improving the criminal  
24 and juvenile justice system' means that a prudent as-  
25 sessment of the concepts and implementation plans in-

1 cluded in a proposed program, project, approach, or  
2 practice, together with an assessment of the problem to  
3 which it is addressed and of data and information bear-  
4 ing on the problem, concept, and implementation plan,  
5 provides strong evidence that the proposed activities  
6 would result in identifiable improvements in the crimi-  
7 nal and juvenile justice system if implemented as pro-  
8 posed.

9 "(b) Where appropriate, the definitions in subsection (a)  
10 shall be based, with respect to any fiscal year, on the most  
11 recent data compiled by the United States Bureau of the  
12 Census and the latest published reports of the Office of Man-  
13 agement and Budget available ninety days prior to the begin-  
14 ning of such fiscal year. The Administration may by regula-  
15 tion change or otherwise modify the meaning of the terms  
16 defined in subsection (a) in order to reflect any technical  
17 change or modification thereof made subsequent to such date  
18 by the United States Bureau of the Census or the Office of  
19 Management and Budget.

20 "(c) One or more public agencies, including existing  
21 local public agencies, may be designated by the chief execu-  
22 tive officer of a State or a unit of general local government to  
23 undertake a program or project in whole or in part.

## "PART J—FUNDING

1 "SEC. 1001. There are authorized to be appropriated  
 2 for the purposes of carrying out the functions of the National  
 3 Institute of Justice (part B) \$28,000,000 for the fiscal year  
 4 ending September 30, 1980; \$28,000,000 for the fiscal year  
 5 ending September 30, 1981; \$28,000,000 for the fiscal year  
 6 ending September 30, 1982; \$28,000,000 for the fiscal year  
 7 ending September 30, 1983; and \$28,000,000 for the fiscal  
 8 year ending September 30, 1984. There are authorized to be  
 9 appropriated for the purposes of carrying out the functions of  
 10 the Bureau of Justice Statistics (part C) \$22,000,000 for the  
 11 fiscal year ending September 30, 1980; \$22,000,000 for the  
 12 fiscal year ending September 30, 1981; \$22,000,000 for the  
 13 fiscal year ending September 30, 1982; \$22,000,000 for the  
 14 fiscal year ending September 30, 1983; and \$22,000,000 for  
 15 the fiscal year ending September 30, 1984. There is author-  
 16 ized to be appropriated for parts D, E, F, G, H, and J, and  
 17 for the purposes of carrying out the remaining functions of  
 18 the Law Enforcement Assistance Administration under this  
 19 title, other than part L, and the Office of Justice Assistance,  
 20 Research, and Statistics \$750,000,000 for the fiscal year  
 21 ending September 30, 1980; \$750,000,000 for the fiscal year  
 22 ending September 30, 1981; \$750,000,000 for the fiscal year  
 23 ending September 30, 1982; \$750,000,000 for the fiscal year  
 24 ending September 30, 1983; and \$750,000,000 for the fiscal  
 25

1 year ending September 30, 1984. Funds appropriated for any  
 2 fiscal year may remain available for obligation until expend-  
 3 ed. There is authorized to be appropriated in each fiscal year  
 4 such sums as may be necessary to carry out the purposes of  
 5 part L.

6 "SEC. 1002. In addition to the funds appropriated under  
 7 section 261(a) of the Juvenile Justice and Delinquency Pre-  
 8 vention Act of 1974, there should be maintained from appro-  
 9 priations for each fiscal year, at least 19.15 per centum of  
 10 the total appropriations under this title, for juvenile delin-  
 11 quency programs.

12 "SEC. 1003. There are authorized to be appropriated  
 13 for the purposes of carrying out the functions of the Office of  
 14 Community Anti-Crime Programs \$25,000,000 for the fiscal  
 15 year ending September 30, 1980; \$25,000,000 for the fiscal  
 16 year ending September 30, 1981; \$25,000,000 for the fiscal  
 17 year ending September 30, 1982; \$25,000,000 for the fiscal  
 18 year ending September 30, 1983; and \$25,000,000 for the  
 19 fiscal year ending September 30, 1984. Funds appropriated  
 20 for any fiscal year may remain available for obligation until  
 21 expended.

## "PART K—CRIMINAL PENALTIES

22 "SEC. 1101. Whoever embezzles, willfully misapplies,  
 23 steals, or obtains by fraud or endeavors to embezzle, willfully  
 24 misapply, steal, or obtain by fraud any funds, assets, or prop-  
 25

1 erty which are the subject of a grant or contract or other  
 2 form of assistance pursuant to this title, whether received  
 3 directly or indirectly from the Law Enforcement Assistance  
 4 Administration, the National Institute of Justice, the Bureau  
 5 of Justice Statistics, or the Office of Justice Assistance, Re-  
 6 search, and Statistics, or whoever receives, conceals, or re-  
 7 tains such funds, assets or property with intent to convert  
 8 such funds, assets or property to his use or gain, knowing  
 9 such funds, assets, or property has been embezzled, willfully  
 10 misapplied, stolen or obtained by fraud, shall be fined not  
 11 more than \$10,000 or imprisoned for not more than five  
 12 years, or both.

13 "SEC. 1102. Whoever knowingly and willfully falsifies,  
 14 conceals, or covers up by trick, scheme, or device, any mate-  
 15 rial fact in any application for assistance submitted pursuant  
 16 to this title or in any records required to be maintained pur-  
 17 suant to this title shall be subject to prosecution under the  
 18 provisions of section 1001 of title 18, United States Code.

19 "SEC. 1103. Any law enforcement or criminal or juve-  
 20 nile justice program or project underwritten, in whole or in  
 21 part, by any grant, or contract or other form of assistance  
 22 pursuant to this title, whether received directly or indirectly  
 23 from the Law Enforcement Assistance Administration, the  
 24 National Institute of Justice, or the Bureau of Justice Statis-

1 ties shall be subject to the provisions of section 371 of title  
 2 18, United States Code.

3 "PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

4 "PAYMENTS

5 "SEC. 1201. (a) In any case in which the Administra-  
 6 tion determines, under regulations issued pursuant to this  
 7 part, that a public safety officer has died as the direct and  
 8 proximate result of a personal injury sustained in the line of  
 9 duty, the Administration shall subject to availability of funds  
 10 pay a benefit of \$50,000 as follows:

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

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

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

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

21 "(b) Whenever the Administration determines upon a  
 22 showing of need and prior to taking final action, that the  
 23 death of a public safety officer is one with respect to which a  
 24 benefit will probably be paid, the Administration may make  
 25 an interim benefit payment not exceeding \$3,000 to the

1 person who is likely to receive a benefit under subsection (a)  
2 of this section.

3 “(c) The amount of an interim payment under subsec-  
4 tion (b) of this section shall be deducted from the amount of  
5 any final benefit paid to such person.

6 “(d) Where there is no final benefit paid, the recipient of  
7 any interim payment under subsection (b) of this section shall  
8 be liable for repayment of such amount. The Administration  
9 may waive all or part of such repayment, considering for this  
10 purpose the hardship which would result from such repay-  
11 ment.

12 “(e) The benefit payable under this part shall be in addi-  
13 tion to any other benefit that may be due from any other  
14 source, except—

15 “(1) benefits authorized by section 12(k) of the  
16 Act of September 1, 1916, as amended (D.C. Code,  
17 sec. 4-531(1)); and

18 “(2) benefits authorized by section 8191 of title 5,  
19 United States Code. Eligible beneficiaries under section  
20 8191 shall only receive benefits under that section that  
21 are in excess of the benefits received under this part.

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

1 “(g) The authority to make payment under this part  
2 shall be effective only to the extent provided for in advance  
3 by appropriation Acts.

#### 4 “LIMITATIONS

5 “SEC. 1202. No benefit shall be paid under this part—

6 “(1) if the death was caused by the intentional  
7 misconduct of the public safety officer or by such offi-  
8 cer's intention to bring about his death;

9 “(2) if voluntary intoxication of the public safety  
10 officer was the proximate cause of such officer's death;  
11 or

12 “(3) to any person who would otherwise be enti-  
13 tled to a benefit under this part if such person's actions  
14 were a substantial contributing factor to the death of  
15 the public safety officer.

#### 16 “DEFINITIONS

17 “SEC. 1203. As used in this part—

18 “(1) ‘child’ means any natural, illegitimate, adopt-  
19 ed, or posthumous child or stepchild of a deceased  
20 public safety officer who, at the time of the public  
21 safety officer's death, is—

22 “(i) eighteen years of age or under;

23 “(ii) over eighteen years of age and a student  
24 as defined in section 8101 of title 5, United  
25 States Code; or

1           “(iii) over eighteen years of age and incapa-  
2           ble of self-support because of physical or mental  
3           disability;

4           “(2) ‘dependent’ means a person who was sub-  
5           stantially reliant for support upon the income of the  
6           deceased public safety officer;

7           “(3) ‘fireman’ includes a person serving as an offi-  
8           cially recognized or designated member of a legally or-  
9           ganized volunteer fire department;

10          “(4) ‘intoxication’ means a disturbance of mental  
11          or physical faculties resulting from the introduction of  
12          alcohol, drugs, or other substances into the body;

13          “(5) ‘law enforcement officer’ means a person in-  
14          volved in crime and juvenile delinquency control or re-  
15          duction, or enforcement of the criminal laws. This in-  
16          cludes, but is not limited to, police, corrections, proba-  
17          tion, parole, and judicial officers;

18          “(6) ‘public agency’ means any State of the  
19          United States, the District of Columbia, the Common-  
20          wealth of Puerto Rico, the Virgin Islands, Guam,  
21          American Samoa, the Trust Territory of the Pacific Is-  
22          lands, the Commonwealth of the Northern Mariana Is-  
23          lands, and any territory or possession of the United  
24          States, or any unit of local government, combination of

1          such States, or units, or any department, agency or in-  
2          strumentality of any of the foregoing; and

3           “(7) ‘public safety officer’ means a person serving  
4          a public agency in an official capacity, with or without  
5          compensation, as a law enforcement officer or as a fire-  
6          man.

7                           “ADMINISTRATIVE PROVISIONS

8          “SEC. 1204. (a) The Administration is authorized to es-  
9          tablish such rules, regulations, and procedures as may be  
10         necessary to carry out the purposes of this part. Such rules,  
11         regulations, and procedures will be determinative of conflict  
12         of laws issues arising under this part. Rules, regulations, and  
13         procedures issued under this part may include regulations  
14         governing the recognition of agents or other persons repre-  
15         senting claimants under this part before the Administration.  
16         The Administration may prescribe the maximum fees which  
17         may be charged for services performed in connection with  
18         any claim under this part before the Administration, and any  
19         agreement in violation of such rules and regulations shall be  
20         void.

21         “(b) In making determinations under section 1201, the  
22         Administration may utilize such administrative and investiga-  
23         tive assistance as may be available from State and local  
24         agencies. Responsibility for making final determinations shall  
25         rest with the Administration.

1 "PART M--TRANSITION--EFFECTIVE DATE

2 "SEC. 1301. (a) All orders, determinations, rules, regu-  
3 lations, and instructions of the Law Enforcement Assistance  
4 Administration which are in effect at the time this Act takes  
5 effect shall continue in effect according to their terms until  
6 modified, terminated, superseded, set aside, or revoked by  
7 the President, the Attorney General, the Director of the  
8 Office of Justice Assistance, Research, and Statistics, the Di-  
9 rector of the Bureau of Justice Statistics, the Director of the  
10 National Institute of Justice or the Administrator of the Law  
11 Enforcement Assistance Administration with respect to their  
12 functions under this Act or by operation of law.

13 "(b) The Director of the National Institute of Justice  
14 may award new grants, enter into new contracts or coopera-  
15 tive agreements or otherwise obligate previously appropri-  
16 ated unused or reversionary funds for the continuation of re-  
17 search and development projects in accordance with the pro-  
18 visions of title I of the Omnibus Crime Control and Safe  
19 Streets Act, and title II(c) of the Juvenile Justice and Delin-  
20 quency Prevention Act, as in effect prior to the date of enact-  
21 ment of this Act, based upon applications received under  
22 those Acts prior to the effective date of this Act or for pur-  
23 poses consistent with provisions of this Act.

24 "(c) The Director of the Bureau of Justice Statistics  
25 may award new grants, enter into new contracts or coopera-

1 tive agreements or otherwise obligate funds appropriated for  
2 fiscal years prior to 1980 for statistical projects to be expend-  
3 ed in accordance with the provisions of the Omnibus Crime  
4 Control and Safe Streets Act, as amended, prior to the date  
5 of enactment of this Act, based upon applications received  
6 under this Act prior to the effective date of this Act or for  
7 purposes consistent with provisions of this Act.

8 "(d) The Administrator of the Law Enforcement Assist-  
9 ance Administration may award new grants, enter into new  
10 contracts or cooperative agreements, approve comprehensive  
11 plans for the fiscal year beginning October 1, 1979, and oth-  
12 erwise obligate funds appropriated for fiscal years prior to  
13 1980 and appropriated for the fiscal year beginning October  
14 1, 1979, for programs or projects to be expended in accord-  
15 ance with the provisions of title I of the Omnibus Crime Con-  
16 trol and Safe Streets Act of 1968, as written in law prior to  
17 the date of enactment of this Act or for purposes consistent  
18 with provisions of this Act.

19 "(e) The provisions of this statute shall not affect any  
20 suit, action, or other proceeding commenced by or against the  
21 Government prior to the effective date of the Act.

22 "(f) Nothing in this Act would prevent the utilization of  
23 funds appropriated under this Act for all activities necessary  
24 or appropriate for the review, audit, investigation, and judi-  
25 cial or administrative resolution of audit matters for those

1 grants or contracts that were awarded under the Omnibus  
 2 Crime Control and Safe Streets Act of 1968, as amended.  
 3 The final disposition and dissemination of program and proj-  
 4 ect accomplishments with respect to programs and projects  
 5 approved in accordance with the Omnibus Crime Control and  
 6 Safe Streets Act as written in law prior to the date of enact-  
 7 ment of this Act and which continue in operation beyond the  
 8 effective date of this Act may be carried out with funds ap-  
 9 propriated under this Act.

10       “(g) Except as otherwise provided in this Act, the per-  
 11 sonnel, including the Administrator and Deputy Administra-  
 12 tors, employed on the date of enactment of this Act by the  
 13 Law Enforcement Assistance Administration are transferred  
 14 to the Office of Justice Assistance, Research, and Statistics,  
 15 the Law Enforcement Assistance Administration, the Nation-  
 16 al Institute of Justice, or the Bureau of Justice Statistics as  
 17 appropriate considering the function to be performed by these  
 18 organizational units and the functions previously performed  
 19 by the employee. Determinations as to specific positions in an  
 20 acting capacity to be filled by the Administrator and Deputy  
 21 Administrators employed on the date of enactment of this  
 22 Act may be made by the Attorney General notwithstanding  
 23 any other provision of law.

24       “(h) Any funds made available under parts B, C, and E  
 25 of title I of the Omnibus Crime Control and Safe Streets Act

1 of 1968, as amended, prior to the effective date of this Act  
 2 which are not obligated by a State or unit of local govern-  
 3 ment, may be used to provide up to 100 per centum of the  
 4 cost of any program or project.

5       “(i) Notwithstanding any provision of this title all provi-  
 6 sions of title I of the Omnibus Crime Control and Safe  
 7 Streets Act of 1968, as amended, which were in effect prior  
 8 to the effective date of this Act and which are necessary to  
 9 carry out the provisions of the Juvenile Justice and Delin-  
 10 quency Prevention Act of 1974, as amended, remain in effect  
 11 for the sole purpose of carrying out the Juvenile Justice and  
 12 Delinquency Prevention Act of 1974, as amended, and the  
 13 State criminal justice council established under this Act shall  
 14 serve as the State planning agency for the purposes of the  
 15 Juvenile Justice and Delinquency Prevention Act of 1974, as  
 16 amended.

17       “(j) The functions, powers, and duties specified in this  
 18 title to be carried out by State criminal justice councils or by  
 19 local offices may be carried out by agencies previously estab-  
 20 lished or designated as State, regional, or local planning  
 21 agencies, pursuant to the Omnibus Crime Control and Safe  
 22 Streets Act of 1968, as amended. Within two years of the  
 23 effective date of this Act, all such agencies must meet the  
 24 representation requirement of section 402 of this Act.

1       “(k) Notwithstanding the provisions of section 404(c)(3),  
2 any construction projects which were funded under title I of  
3 the Omnibus Crime Control and Safe Streets Act in effect  
4 prior to the effective date of this Act and which anticipated  
5 receiving additional Federal funding for such construction  
6 may continue for two years to be funded under this Act.”.

Passed the Senate May 21 (legislative day, April 9),  
1979.

Attest:

J. S. KIMMITT,

*Secretary.*

**END**