

under the bill's language, any judge worth his salt would throw the case out so fast it would make your head swim.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RODINO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were 227 ayes, 227 noes, 162 present, and 1 not voting as follows:

[Roll No. 35]

AYES—227

- Abdnor
- Andrews, N.C.
- Andrews, N. Dak.
- Archer
- Arends
- Armstrong
- Bafalis
- Baker
- Beard
- Bell
- Bevill
- Bowen
- Bray
- Breaux
- Brinkley
- Broomfield
- Brotzman
- Brown, Mich.
- Brown, Ohio
- Broyhill, N.C.
- Broyhill, Va.
- Buchanan
- Burgener
- Burke, Fla.
- Burlinson, Tex.
- Butler
- Byron
- Camp
- Casey, Tex.
- Cederberg
- Chamberlain
- Chappell
- Clancy
- Clark
- Clausen
- Don H.
- Clawson, Del.
- Cleveland
- Cohen
- Collier
- Collins, Tex.
- Conable
- Conlan
- Cotter
- Crane
- Daniel, Dan
- Daniel, Robert W., Jr.
- Davis, Ga.
- Davis, Wis.
- Detaney
- Dellenback
- Dennis
- Derwinski
- Devine
- Dickinson
- Dorn
- Downing
- Dulski
- Duncan
- du Pont
- Erlenborn
- Eshleman
- Findley
- Fish
- Ford, Gerald R.
- Forsythe
- Fountain
- Frenzel
- Frey
- Froehlich
- Fulton
- Fuqua
- Gettys
- Giatmo
- Gilman
- Ginn
- Goldwater
- Gooding
- Green, Oreg.
- Gross
- Grover
- Gubser
- Gunter
- Guyer
- Haley
- Hammer-schmidt
- Hanrahan
- Hansen, Idaho
- Harsha
- Harvey
- Hastings
- Hebert
- Heinz
- Henderson
- Hillis
- Hinshaw
- Hogan
- Holt
- Horton
- Hosmer
- Huber
- Hudnut
- Hunt
- Hutchinson
- Ichord
- Jarman
- Johnson, Colo.
- Johnson, Pa.
- Jones, N.C.
- Keating
- Kemp
- Ketchum
- Kuykendall
- Landrum
- Latta
- Lent
- Lott
- Lujan
- McClory
- McCullister
- McDade
- McEwen
- McKinney
- Madigan
- Mahon
- Mallary
- Maraziti
- Martin, Nebr.
- Martin, N.C.
- Mathis, Ga.
- Mayne
- Mazzoli
- Michel
- Millford
- Miller
- Mitchell, N.Y.
- Mizell
- Montgomery
- Moorhead, Calif.
- Myers
- Nelsen
- Nichols
- O'Brien
- Parris
- Passman
- Pettis
- Peyster
- Pickle
- Pike
- Powell, Ohio
- Preyer
- Price, Tex.
- Fritchard
- Fulsback
- Randall
- Regula
- Rhodes
- Rinaldi
- Roberts, Va.
- Robison, N.Y.
- Rogers
- Roncallo, N.Y.
- Rose
- Rousselot
- Runnels
- Ruth
- St Germain
- Sandman
- Sarasin
- Satterfield
- Saylor
- Scherle
- Schneebeil
- Shibley
- Shoup
- Shriver
- Shuster
- Sikes
- Skubitz
- Smith, N.Y.
- Snyder
- Spence
- Stanton
- St. William
- Steed
- Steele
- Steelman
- Steiger, Ariz.
- Steiger, Wis.
- Stephens
- Stubblefield
- Sullivan
- Symms
- Talcott
- Taylor, Mo.
- Taylor, N.C.
- Teague, Calif.
- Thone
- Thomson, Wis.
- Tiernan
- Towell, Nev.
- Treen
- Vander Jagt
- Veysey
- Waggoner
- Walsh
- Wampler
- Ware
- White
- Whitehurst
- Whitten
- Widnall
- Williams
- Winn
- Wright
- Wydler
- Wylie
- Wyman
- Young, Alaska
- Young, Fla.
- Young, Ill.
- Young, S.C.
- Young, Tex.
- Zlon
- Zwach

- Abzug
- Addabbo
- Alexander
- Anderson
- Calif.
- Anderson, Ill.
- Annunzio
- Ashley
- Aspin
- Barrett
- Bennett
- Bergland
- Biaggi
- Blester
- Bingham
- Boggs
- Boland
- Bolling
- Brademas
- Breckinridge
- Brooks
- Brown, Calif.
- Burke, Mass.
- Burlinson, Mo.
- Burton
- Carey, N.Y.
- Carney, Ohio
- Collins, Ill.
- Conte
- Conyers
- Corman
- Coughlin
- Cronin
- Daniels
- Dominick V.
- de la Garza
- Dellums
- Denholm
- Dent
- Diggs
- Dingell
- Donohue
- Drinan
- Echard
- Edwards, Calif.
- Ellberg
- Esch
- Evan, Colo.
- Evrins, Penn.
- Fascella
- Flood
- Flowers
- Foley
- Ford
- William B.
- Fraser
- Gaydos
- Gibbons
- Gonzalez
- Grasso
- Gray
- Green, Pa.
- Griffiths
- Gude
- Hamilton
- Hanley
- Hanna
- Hansen, Wash.
- Harrington
- Hays
- Hechler, W. Va.
- Heckler, Mass.
- Helstoski
- Hicks
- Hollifield
- Holtzman
- Howard
- Hungate
- Johnson, Calif.
- Jones, Ala.
- Jones, Okla.
- Jones, Tenn.
- Jordan
- Karsh
- Kastenmeier
- Kazen
- Kluczynski
- Koch
- Kyros
- Leggett
- Lehman
- Long, La.
- McCloskey
- McCormack
- McFall
- McKay
- McSpadden
- Macdonald
- Madden
- Mann
- Matsunaga
- Meeds
- Meicher
- Metcalfe
- Mezvinzsky
- Minish
- Mink
- Mitchell, Md.
- Moakley
- Mollohan
- Moorhead, Pa.
- Morgan
- Murphy, Ill.
- Murphy, N.Y.
- Natcher
- Nedzi
- Obey
- O'Hara
- Patman
- Patten
- Pepper
- Perkins
- Podell
- Price, Ill.
- Rangel
- Rees
- Reid
- Reuss
- Rodino
- Roe
- Roncallo, Wyo.
- Rooney, Pa.
- Rosenthal
- Rostenkowski
- Roush
- Roy
- Roybal
- Sarbanes
- Seiberling
- Sisk
- Slack
- Smith, Iowa
- Staggers
- Stanton
- James V.
- Stark
- Stokes
- Stratton
- Stuckey
- Studds
- Symington
- Thornton
- Udall
- Ullman
- Vanik
- Vigorito
- Waldie
- Walien
- Wilson
- Charles H., Calif.
- Charles, Tex.
- Wolf
- Wyatt
- Yates
- Yatron
- Young, Ga.
- Zablocki

PRESENT—1

NOT VOTING—43

- Adams
- Ashbrook
- Badillo
- Blackburn
- Blatnik
- Brasco
- Burke, Calif.
- Carter
- Chisholm
- Clay
- Cochran
- Culver
- Danielson
- Davis, S.C.
- Edwards, Ala.
- Fish
- Flynt
- Frelinghuysen
- Hawkins
- King
- Landgrebe
- Litton
- Long, Md.
- Malliard
- Mathias, Calif.
- Mills, Ark.
- Minshall, Ohio
- Moshier
- Moss
- Nix
- O'Neill
- Owens
- Quillen
- Rarick
- Riegle
- Rooney, N.Y.
- Ruppe
- Ryan
- Schroeder
- Thompson, N.J.
- Van Deerin
- Waldins
- William, Bob

So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MISS HOLTZMAN
Miss HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:
Amendment offered by Miss HOLTZMAN: On page 36, line 7, insert immediately after "Federal Government" the following: "not including the Central Intelligence Agency."

(Miss HOLTZMAN asked and was given permission to revise and extend her remarks.)

Ms. HOLTZMAN. Mr. Chairman, my amendment is very simple. It would prohibit the Central Intelligence Agency from engaging in local law enforcement

activities under the auspices of the Omnibus Crime Control and Safe Streets Act.

As we all know, the CIA is not authorized to engage in domestic law enforcement activities under the statute creating it—the National Security Act of 1947.

Nonetheless, the CIA has been training and working with local law enforcement agencies throughout the country—citing as its authority to do so section 508 of title I of the Omnibus Crime Control and Safe Streets Act which created LEAA. This provision is almost identical to section 508 of the bill we are considering today.

The domestic activity of the CIA, of which I learned only last week, was not brought to the attention of the Committee on the Judiciary during its deliberations on H.R. 8152. It is clear to me, however, that the House Judiciary Committee never contemplated that section 508 would permit the CIA to engage in such activities.

The activities of the Central Intelligence Agency under LEAA have been documented by the General Accounting Office, by letters from James R. Schlesinger, Jr., former Director of the CIA, and by other Members of this House. I should also point out that it was through the efforts of my distinguished colleague from New York (Mr. Koch) that the involvement of the CIA in these activities came to the attention of the House in the first place.

Under the color of the Safe Streets Act the CIA has given the following kind of aid to about a dozen city and county police agencies throughout the country: instruction in record handling, clandestine photography, surveillance of individuals, detection and identification of metal and explosive devices and analysis of foreign intelligence data. I might add it has carried out these activities without having been requested to do so by the Administrator of LEAA as section 508 of both the existing legislation and the bill we are considering today requires. In New York City alone 14 policemen were given briefings on the analysis and processing of foreign intelligence information.

An even more troublesome problem is that although the CIA has been apparently restricting itself to training activities and technical assistance under title I of the 1968 act, the language of that statute as well as the provision before us is sweeping enough to authorize the CIA to use its own personnel in the actual performance of local law enforcement activities.

It is perfectly clear that whatever activities the CIA has performed or may perform in connection with local law enforcement efforts, such activities could more appropriately be carried out by other Federal agencies such as the FBI. For this reason, the Justice Department has advised me that excluding the CIA from participation in local law enforcement activities would not jeopardize the functioning of local law enforcement agencies or the functioning of LEAA.

There is no need for the CIA involvement in local law enforcement activities and to permit such involvement

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tions and highly respected citizens can contribute any more to these councils than they could as nonprofessionals in a medical or legal meeting.

I just fail to see any reason to require this kind of participation, particularly when the bill, as amended, permits such participation.

Mr. Chairman, and my colleagues, I ask your support of the Keating amendment.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from New York.

Miss HOLTZMAN. Is it not true that community groups may demand of a Governor to be represented, whether or not there is a mandatory or a permissive provision in this legislation?

Mr. MILFORD. I am sorry; I did not quite understand the question.

Miss HOLTZMAN. Is it not true that whether or not we have a mandatory or permissive provision in this legislation, any community group or any community organization may demand of a Governor to be represented?

Mr. MILFORD. Yes, they may ask, but the Governor has the option here of selecting a representative, and he is in a much better position of deciding whether or not that individual can offer anything to LEAA.

Miss HOLTZMAN. Is it not true, though, that under the committee print the Governor would have the option of deciding who is to be representative under a mandatory provision?

Mr. MILFORD. Not in accordance with the way it is written. I think one would find the lawyers could have a field day the way that law is written.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Will the gentleman point to me precisely where the language says the Governor has to accept any organization that demands to be represented? Where does it say that?

Mr. MILFORD. It states that it requires the inclusion of "representatives of citizen and community organization." I would in turn ask the gentleman to show me where it does not say that he should appoint.

Mr. SEIBERLING. Where does it say that there should be any particular organization, or that anyone could demand. It merely says that there shall be some representatives of citizen, professional, and community organizations.

Mr. MILFORD. It does not state it under the wording of the law that we have stated, the word is ambiguous.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as a matter of history, when the amendments to LEAA were considered and adopted in 1970, I recall the other body wrote some language along this line requiring representation of citizen and other organizations on these planning agencies. As I recall, the Senate adopted that; the House had not; and it went into a conference committee. The conferees agreed then—and I think there was some wisdom in their decision—that to put this language into the

statute in a mandatory fashion simply would invite litigation. We do not want to invite litigation. We do not want to write provisions into the law that are going to make it more difficult to form these planning agencies. We are talking about State planning agencies. Admittedly, the Governor appoints them. But what does this language say? I think that there could be some quarrel as to what it says, because the bill says that the planning unit shall—

Be representative of the law enforcement and criminal justice agencies, units of general local governments, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens, professional, and community organizations.

I submit that there are some judges who would read that and interpret it to mean that the planning agency shall also be representative of citizen and community organizations. And if a judge interpreted it that way, then he would listen to an argument made by some group that would come to court and say, "This planning agency is not representative because it does not include our particular organization."

I submit, Mr. Chairman, we would do well to leave this on a permissive basis rather than a mandatory basis. This matter comes before the Committee of the Whole House at this time because in the Committee on the Judiciary this permissive amendment—that is, the changing from "shall" to "may"—lost on a tie vote of 18 to 18.

And because it was a tie vote we felt it ought to be brought up here. It is important, and I say that by leaving it mandatory we will simply be inviting litigation and be tying up and making all of these planning agencies go repeatedly into court to justify their make-up.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, is it not true that if there is litigation, if a State planning agency is tied up because of this litigation, it would delay receipt of funds by the States and by local governments because LEAA is not authorized to make action grants unless there is on file an approved plan?

Mr. HUTCHINSON. Is the gentleman suggesting there might be some groups who might be desirous of that situation?

Mr. McCLORY. If there is litigation, if the State planning agency is not complete for one reason or another, there can be no valid plan and the State will be delayed in getting its funds from the LEAA.

Mr. HUTCHINSON. I agree with the gentleman.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I am astounded that the gentleman would advance arguments which any first-year law student would know are contrary to recognized legislative interpretation.

Let us just take a look at the language of this sentence. It says:

The State planning agency . . . shall . . . be representative of the law enforcement and

criminal justice agencies, units of general local government, and public agencies . . . and shall include representatives of citizen, professional, and community organizations.

Anybody looking at this sentence would say that when they have to use different language in these two sections, they must have intended a different meaning. The sentence says the State planning agency shall be representative of law enforcement agencies, which means it has got to be representative in the sense that it is a balanced organization. But it only says it shall include representatives of citizen organizations.

Obviously one can always sue under a statute, but can he win? Any judge is going to take a look at this and say there is nothing here that mandates that the Governor of the State shall have any particular cross section or balance of community organizations, but merely that he will have some people who represent them. That makes all the difference in the world.

Mr. McCLORY. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

Is it not true the Judiciary Committee is made up of lawyers, experienced lawyers?

Mr. SEIBERLING. Most lawyers will argue either side of a case, depending on what their client's point of view is.

Mr. McCLORY. Is it not true we divided 18 to 18 on this issue? So it is not quite fair to denominate the Members who voted for this amendment as having something less than the intelligence of first-year law students.

Mr. SEIBERLING. When lawyers argue both sides of the issue, they are arguing to establish opposing points of view, but the gentlemen have been implying that a judge would read this language and come to a conclusion which, I submit, is an erroneous conclusion. If the Members were acting as judges and not as legislators, they could not come to the conclusion the gentlemen are trying to make.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, if 36 lawyers divided evenly on the issue, I do not think we can assume that some judge is going to be so clear minded on this issue as to see what the gentleman considers as obvious.

Mr. SEIBERLING. I think it obvious the lawyers on the Judiciary Committee were dividing in accordance with the legislative result they wanted to bring about rather than a judicial interpretation of the language.

Mr. McCLORY. I think the lawyers on the committee are sincere in their positions. In supporting the amendment I am thinking about the position of the Governors sitting in the State capitols in the 50 States and the authority they will have. I do not think we want to tie their hands by saying they must have representatives—and that term is used in the plural—of citizens, professional, and community organizations.

Mr. SEIBERLING. I do not doubt the sincerity of the concern which the gentleman has expressed, but I submit that

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creates dangers of enormous proportions to this country. Recent events, such as the burglary of the office of Daniel Ellsberg's psychiatrist, demonstrate that CIA involvement in domestic law enforcement activities can abridge constitutional rights and jeopardize the integrity of the CIA itself. In fact, it is significant that the CIA involvement in the Ellsberg matter came in the form of "technical assistance"—the same kind of assistance supposedly provided by the CIA to local law enforcement agencies.

My amendment would prevent such dangers from happening by limiting the activities of the CIA to areas of its legitimate concern and preventing it from diverting its resources and attention to local law enforcement.

I therefore respectfully urge the adoption of this amendment which is wholly in keeping with the spirit and purpose of the Omnibus Crime Control and Safe Streets Act, and prevents CIA involvement in local law enforcement.

Mr. RODINO. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I am happy to yield to the chairman, the distinguished gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I would like to state that the amendment offered by the gentlewoman from New York (Miss HOLTZMAN) is one that I think is in keeping with the true purpose of the act, and that it remedies a deficiency that has been overlooked. I certainly will accept the amendment offered by the gentlewoman from New York.

Miss HOLTZMAN. I thank the gentleman.

Mr. HUTCHINSON. Mr. Chairman, will the gentlewoman yield?

Miss HOLTZMAN. I will be happy to yield to the distinguished ranking minority member on the committee.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, certainly the CIA has no function in our domestic law enforcement. If the CIA has been engaging in such activities, citing any part of the LEAA law as their authority, that matter should be clarified. I can see absolutely no harm in the amendment offered by the gentlewoman from New York. I think that it clarifies the law. Therefore, Mr. Chairman, I would indicate my support for the amendment offered by the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Miss HOLTZMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLOWERS

Mr. FLOWERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOWERS: On page 42, amend section 518 by adding the following new subsection after line 22:

"(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the

availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program."

And on line 23 redesignate subsection (b) as subsection (c).

Mr. FLOWERS. Mr. Chairman, this is new language insofar as this bill is concerned. However, it is not new language insofar as the present Law Enforcement Assistance Administration law is concerned. It is a part of the current law. I would like to make that clear to my colleagues.

This is not new to the LEAA law. It is in the current law that was enacted by the Congress in 1968.

Now, how did we get into a position we are in now, that this language is not a part of the committee bill?

First of all, it was left out of the administration bill which was sent up to us. It was left out partly, I think, because the administration bill was a special revenue-sharing bill. It did not contain the categorical and bloc grant approach that we have now in the current law and that we have in the committee bill that is before this Chamber.

Mr. Chairman, what the committee did with the administration bill primarily was to change this section by adding what had been proposed by various civil rights groups, sections (b) (1), (b) (2), and (b) (3) to the bill. They are found following the part that I propose to amend and I have no objection to these provisions. All testimony, and the consensus of the committee, tells us that this vastly strengthens the civil rights provisions of the LEAA law.

I say this, however, Mr. Chairman. I fear that if at the same time we are strengthening these civil rights provisions we take out this very clear prohibition on the Law Enforcement Assistance Administration, a prohibition which merely states that:

Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance. . . .

If on the one and we vastly strengthen the civil rights provisions, but on the other hand we are taking out what is part of the current law, I say that there can be no other reception for this by the administration, or by any group of persons around the country, than that we intend to require quotas or percentage ratios, and we ought to condition grants upon the adoption of such a system by a prospective grantee.

I say, Mr. Chairman, by taking this out of the law—and all I propose to do is to keep what is in the current law—we would be opening the door to interference of all kinds—interference of the operation of the Law Enforcement Assistance Administration all the way down to the local police or local sheriff's de-

partment in every district around this Nation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I do not know if my hearing is failing me. Did the gentleman say this amendment strengthens the civil rights provisions of LEAA?

Mr. FLOWERS. I did not say that.

Mr. CONYERS. I did not think the gentleman did.

Mr. FLOWERS. I said that the other amendments we have added to this section vastly strengthened the civil rights provisions, and I said I supported those amendments.

Mr. CONYERS. Then if it does not strengthen the civil rights provisions in LEAA, could I have the temerity to ask the gentleman, does it weaken the present provisions?

Mr. FLOWERS. I do not think it is incompatible with the strengthening provisions of the bill. I do not think it either weakens or strengthens. It merely states what it says it states insofar as the current law is concerned.

Mr. Chairman, I say that this is a very simple matter that ought to be included in these amendments and the further extension of this act, and I ask my colleagues in the House to support the amendment.

Miss JORDAN. Mr. Chairman, I rise in opposition to the amendment.

(Miss JORDAN asked and was given permission to revise and extend her remarks.)

Miss JORDAN. Mr. Chairman, the gentleman from Alabama is absolutely correct. His amendment neither strengthens nor weakens the civil rights enforcement provisions in this legislation. It does confuse the civil rights enforcement provisions in this legislation.

Let us understand that the antiquota provision in current law, but removal of that provision from the law was recommended not by the NAACP, nor by the Urban League; not by any social critics, but by the administration headed by the President, Mr. Nixon.

I ask the Members is this present administration a pro-racial quota administration?

I would suggest that the fact the Nixon administration itself recommends that we take this quota provision out of the law is proof that we now have a provision in the bill which will strengthen civil rights enforcement, a provision in the bill which will not say we cut off the funds if they simply discriminate, but that this Law Enforcement Assistance Administration must adhere to the provisions of title 6 of the Civil Rights Act of 1964, that before any funds are denied any agency or entity in terms of the charge they have discriminated must be entitled to a hearing.

The Governor of the State is the first one who must make the effort to resolve any conflict which will exist. Negotiations, hearings, due process, all is provided for.

Because we have the provision in the

bill which the administration sponsored, I would suggest to the Members that the provision which is offered as an amendment by the gentleman from Alabama is moot. If we were to approve that amendment it would be tantamount to the House of Representatives today adopting a rule that no rhinoceroses should be admitted to the floor of the House of Representatives when no rhinoceroses are trying to get in.

The Justice Department says the civil rights enforcement compliance rules contained in title 6 apply to LEAA. The courts have said we do not mandate quotas, and the administration has said we do not mandate quotas, and nobody is mandating quotas in this legislation. All we are providing here is the way to proceed in terms of complaints about discrimination, and these are the steps that must be taken to guarantee there is no discrimination either in the dispensation of the benefits or the hiring of personnel to function in this administration.

What we have said is that the Office of Civil Rights Compliance which is presently contained in LEAA—we do not have to establish that, that is already established—that Office of Civil Rights Compliance has the responsibility to see to it that the funds, these great, tremendous Federal resources are not dispensed in a manner that will discriminate against the populace on the basis of race, color, national origin, or sex. Therefore since we have taken care of that issue, why would we confuse the issue by saying nothing in this act is to be construed to mandate quotas? That is unnecessary language. The question is moot.

The Office of Civil Rights Compliance of LEAA takes care of it now. The Civil Rights Act of 1964 takes care of it now. There is no reason whatsoever why we need to adopt the amendment offered by the gentleman from Alabama, and I hope the Members will oppose it.

(Mr. RODINO asked and was given permission to revise and extend his remarks.)

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman from Texas has spoken eloquently and frankly. Anything I might say would be anticlimactic.

I do however want to point out that the repeal of this section, suggested by the administration, does not mandate in any way that there be any quotas to achieve racial balance.

Actually, what we have done is to eliminate confusion, and to affirmatively place the responsibility for any antidiscrimination proceedings in the new section that we have included.

Mr. Chairman, I would urge that the amendment be voted down.

Mr. FLOWERS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, I would ask the very able chairman if the section (2) (2) we have included, which follows the amendment which I have offered

here, does not shift responsibility from the local level?

It says:

Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance.

In other words, the administration at the Washington level, I say to my friends in the House of Representatives, is where the determination is made about this.

We are either for a prohibition against writing quotas or percentage ratios, or we are against it. I say, if a Member is for it, then he should vote against my amendment. If a Member is against it, he should vote for the amendment.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, what the committee has done is a very proper thing, so far as it goes. That is to say, the committee has taken title 6 of the Civil Rights Act of 1964 and lifted it and transplanted it verbatim into the LEAA Act, and that is all right. As a matter of fact, LEAA has been governed by that provision of the law from the start.

This just makes it clear, no question about it, that title 6 of the Civil Rights Act of 1964 applied to LEAA just like it applies to any other agency of government. The present LEAA Act also specifically says that there cannot be quotas or anything having to do with racial balance.

For the life of me, I cannot see where those two provisions are at all conflicting with each other. They can stand together. In other words, I think we should leave the present language in the law and add to it title 6 provisions of the Civil Rights Act. They are not in conflict; they go arm in arm very well.

The reason I think we should leave the present language in the law, which is what the gentleman from Alabama (Mr. FLOWERS) proposes to do here, is that every time we make any change in statute law, somebody goes into a court and argues, quite persuasively and effectively sometimes, that the Congress intended to make some change.

Now, really we do not intend to make any change here at all. What we intend to do is simply to continue this aspect of the law as it has been these 5 years under LEAA. We do not intend to make any change, but if we strike out part of the language, somebody is going to argue that certainly Congress intended to do something because it struck out a part of that language.

I think a better policy would be to leave the present language in the law, and attach the civil rights language to it just as I say, as has been the actual fact for these 5 years. Then, there will be no change in the law in that respect.

Therefore, I support the amendment of the gentleman from Alabama (Mr. FLOWERS).

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to the amendment.

I respect the motivation of the gentleman from Alabama who offered the amendment and also of the ranking Republican member of the committee.

I really do not think the gentlemen mean to say that, if by chance the Congress decides not to adopt this amendment, that would mean that we are thereby saying that quotas are authorized by this statute.

I should like to ask the chairman if he does not agree as to the real tenor of what the Committee has done. We were concerned by the language as proposed in this amendment. If we left it in the statute we would have retained a narrow, negative approach toward the civil rights problem, and we were substituting a positive, comprehensive approach and therefore it was no longer appropriate to put in negative language.

It does not mean that by taking it out the Committee was trying to endorse quotas. They were merely emphasizing that this bill should promote civil rights rather than emphasize the negative side of the picture.

I wonder if the chairman would agree with me that that is really the tenor of our action?

Mr. RODINO. I agree with the gentleman.

There is no question in my mind that there is no intent to mandate a requirement that there be a quota system to achieve racial balance.

Mr. SEIBERLING. I thank the gentleman.

Mr. WAGGONER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I say to my colleagues in the House it is crystal clear that the language which has been removed from existing law by the committee bill positively wrote a prohibition against quotas into existing legislation. It is equally crystal clear that if we want to open the doors to question and make possible quotas—and when we make them possible they are going to come to be—then vote this amendment down. Please do not make that mistake. Do not give the courts the chance to say, as they will surely do, that Congress is no longer opposed to quotas.

But do the Members not ever learn anything? If you want to prevent quotas you should keep positive language in the legislation which makes quotas contrary to the law. If you want to prohibit quotas, you should vote for this amendment. If you do not, then you can come back and make apologies later for not having been able to see the handwriting on the wall. That of course will be too late.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. FLOWERS).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. FLOWERS. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 161, not voting 41 as follows:

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an Oak Lawn park district official had been extorting money from contractors.

A financial records investigation of alcoholic beverage dispensing establishments in Peoria, Tazewell, and Woodford Counties for illegal ties with local political figures.

A series of raids of illegal drinking establishments in Evanston.

A probe excessive prices that Robbins, Ill., officials allegedly paid suppliers.

The prosecution of police officers charged with stealing from local freight yards in Riverdale.

An investigation into official misconduct in Niles, East St. Louis, Orland Park, Joliet, and Markham, Ill.

An investigation of Cook County election law frauds, which produced information forwarded to the U.S. Department of Justice.

An indictment of a State boiler inspector for receiving bribe payments for writing fraudulent certificates of approval.

An investigation of bartenders' union officials accused of bribery.

Investigations of 72 cases of tax fraud in cooperation with the Federal Bureau of Investigation, the Chicago Police Department, and Illinois law enforcement officials.

A probe of anti-trust law violations by persons accused of conspiring to allocate prices and territories and to forge invoices and receipts in connection with grass-mowing contracts along interstate highways in Illinois.

An investigation of the possible killer of an Illinois bureau of investigation narcotics agent.

This indicates the broad range and significance of the special prosecution unit's work, and Illinois is thankful to LEAA for having made it possible.

As you have heard, the unit conducted a good number of investigations that cut across jurisdictional lines in Illinois. Some of them involved multicounty work or small counties that lacked the resources for doing their own prosecution.

As you can imagine, this assistance has been exceedingly helpful to the Illinois State Attorney General, William Scott, who has said his office would be at a loss without it.

His colleagues in other States feel the same way. In a resolution passed last June, the National Association of Attorneys General reaffirmed its support for the block grant concept and called upon—

Both the Congress of the United States and the Nation's State and local governments to support LEAA in the interest of greater domestic security and a more efficient campaign to combat disorder and reduce crime.

I urge my colleagues to respond to that resolution. We must insure that Safe Streets Act help continues uninterrupted in the future.

Mr. ROSTENKOWSKI. Mr. Chairman, the most effective means of combatting the high incidence of crime in our Nation is today a subject of grave concern to all Americans. Through the continuation of the Law Enforcement Assistance Administration, \$2 billion in Federal spending will be allocated to the State governments during fiscal years 1974 and 1975.

The law enforcement assistance authorization, H.R. 8152, extends the present law and expedites the granting of funds at both the Federal and State levels. This greater flexibility in the administration of the programs allows for a more extensive protection of civil rights and encourages more community participation through open meetings. A functional law enforcement and criminal justice system is particularly essential in this age of violence and soaring rate of crime.

While this bill provides for a more efficient administrative system, it has not expedited the flow of funds to the major cities which are being plagued by the highest crime rates in the Nation. Stressing the wide disbursement of Federal funding rather than the direct channeling of grants to the hardest hit areas of crime, the LEAA has failed to strike the problem at its source. In 1971; Chicago was denied 80 percent of the funds it requested to effectuate crime control. Considering that Chicago comprises 1.66 percent of the Nation's population and has received only .46 percent of all grants awarded, it is evident that the appropriation of Federal funds does not coincide with the proportion needed.

The amendments contained in this bill will result in a vast improvement in the LEAA, which was begun in 1968. In dealing with the problems of crime, however, I feel that a better disbursement of funds is prerequisite to any legislation to promote more efficient law enforcement. The American people are more concerned with combating actual crime in an effective manner, than with developing statistics which merely reflect Government spending where it is not most needed. Thus, Mr. Chairman, I believe that in the years ahead, the LEAA should focus its efforts on reducing crime in the most needy areas rather than developing model programs in areas far removed from the hard-core crime areas of our inner cities.

Ms. HOLTZMAN. Mr. Chairman, I wish to congratulate the distinguished gentleman from New Jersey (Mr. RODINO) the chairman for the Committee on Judiciary, for his outstanding leadership in connection with the amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (H.R. 8152).

This bill represents a major contribution to the fight against crime. It expands Federal support to local law enforcement efforts and to the entire criminal justice system. It enables localities to upgrade their crime fighting efforts from the time a suspect is apprehended through the rehabilitation of criminals.

The problem of Federal assistance to local crime fighting efforts has been one that has greatly concerned me. I have spent a great deal of time analyzing the Safe Streets Act of 1968 as amended and as a result I have formulated my own proposals pertaining to the Federal assistance to local law enforcement agencies, which are embodied in H.R. 8021, a bill I introduced on this subject.

I am particularly pleased that the House Judiciary Committee accepted my amendment to eliminate redtape and speed up the flow of crime fighting funds

to localities where they are desperately needed. One of the major problems under the existing legislation is that localities often have to wait as long as a year to receive funds from the State. This will mean more funds more quickly for New York City.

In addition, as the committee report makes clear, localities will not be able to apply for a package of programs instead of having to go through the time consuming and costly process of applying to the State on a project-by-project basis. This provision could be of enormous importance to high crime areas. Under the present law, for example, New York City is required to go through as many as 190 steps each time it applies for funds under the act.

The bill has substantially strengthened civil liberties safeguards. Under the previous legislation, Federal funds were used to disseminate arrest records, surveillance reports, and other intelligence data that invade the privacy of individuals. This bill prohibits this type of activity. It will permit improved law enforcement efforts without abridging individual rights.

The bill also contains a new provision prohibiting any discrimination on the basis of sex in the use of LEAA funds.

Finally, I am pleased that there is a 2-year authorization period for this bill. This will permit, if not mandate, the Judiciary Committee to oversee implementation of the act and to insure that Federal funds are being used effectively to fight crime and improve the entire criminal justice system.

Again, I wish to commend the gentleman from New Jersey (Mr. RODINO) for this very fine bill.

Mr. RODINO. Mr. Chairman, we have no further requests for time.

Mr. HUTCHINSON. We have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—LAW ENFORCEMENT ASSISTANCE

"DECLARATIONS AND PURPOSE

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

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

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and

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so. As the program is presently operated, I cannot say that I blame them.

This, then, Mr. Chairman, is one of the things I have been trying to correct about the LEAA program. I have been maintaining that the large cities should have positive assurance that they will receive adequate funding, that they should not have to beg for it, and it was with this in mind that I proposed at the hearings of the Judiciary Committee a formula for an automatic pass-through of funds, through which this objective could be accomplished. I regret, of course, that the committee did not see fit to adopt this formula, or some suitable alternative to it, because, in my opinion, unless we write these requirements into the law, many cities will be in doubt, and with good reason.

For instance, Cleveland has no real assurance of adequate funding after the special impact program is concluded. What if we have a Democratic mayor by that time? I suggest, then, that the hand that gave us this money might be the hand that also takes it away. Personally, Mr. Chairman, I would much rather rely on assurances in the law than on the subjective feelings of bureaucrats who might not have Cleveland's interests in mind, and who might be more interested in running a political operation than in seeing to it that all needy parts of the country are adequately served by this program.

Now, there should not be any mystery why I keep referring to the needs of large cities as if they are deserving of special consideration. The fact is I do believe very strongly that they must have special consideration because, Mr. Chairman, they are the ones who have the most serious problem. I should think that a well operated program would seek to put the money where the crime is. Well, then, in the 56 cities of this country that have a population exceeding 250,000 persons, we find 20 percent of the country's population but—and mark this well—52 percent of the violent crime, including nearly two-thirds of the robberies. And in the 153 cities of 100,000 and more, we have 28 percent of the population, but 60.8 percent of the violent crimes, including nearly three-fourths of the robberies. Those are 1972 figures from the FBI.

We are told by the administration that there is good news in the crime statistics—that there is a decrease in the rate of increase, whatever that is supposed to mean to the average citizen, and in some places an actual small percentage decrease. Personally, though, I do not take great comfort in this. I do not think my constituents do, either. Percentages and so forth mean very little to them. How can they feel good about it when, for instance, they are told that crime in Cleveland was down 7.2 percent during the first 9 months of 1972, but yet there was a total of 46,925 felonies committed compared with 9,054 felonies 10 years earlier. How can they feel at ease, whatever the statistical trends show, when sheer numbers show that 3,939 robberies were committed during those 9 months, and 1,468 assaults? Is the Attorney General so comfortable with his statistical trends that he would care to walk the

streets of Cleveland at night? I do not think he would. I know I certainly would not, and my constituents know better and they actually stay off the streets. The fact that the streets have become empty has led to all sorts of other problems for Cleveland, and certainly this has not enhanced its image as an attractive place to live or to do business. I know I am not just talking about Cleveland, Mr. Chairman, because the Gallup poll only last January reported that Americans regard crime as—quote—the worst urban problem—unquote. Does that give us confidence in the LEAA program, which has spent \$2.5 billion over 5 years?

I would like to make another point, Mr. Chairman. I would have preferred to see this legislation authorize block grants of LEAA funds to the large metropolitan areas because it is the local officials—the mayors, the police chiefs, the judges, the probation officers, and so forth—who are in the front line in the fight against crime. The responsibility basically is theirs, and therefore they should have more autonomy in budgeting LEAA funds and assessing local priorities. Let us not kid ourselves. The State governments have neither the authority nor the expertise in this area. And even if the States did, we should want, because of the kind of democratic government we have in this country, to see to it that the police power is dispersed, that it is exercised locally by public officials who, for the most part, are elected by the people. We do not want to arm faceless bureaucrats in Washington or in the State capitals with control over the police, nor do we want to trust them to dispense justice. It seems to me that if we were to give this autonomy to our local officials, and if they then should fail to use the LEAA funds properly, then they would no longer be able to pass the buck on up to the State and Federal Governments, as the habit has been of late. Rather, they would have to answer for their derelictions at the polls.

Now, Mr. Chairman, H.R. 8152 does contain certain improvements over the present program. I hope these amendments to existing law will bear fruit. I think they may, and therefore I am going to vote for this bill, as I have said. But I think continuing oversight of this program is needed and that Congress ought to carry this out. And furthermore, I want to say in conclusion that I could not go along with this bill at all if it contained more than a 2-year authorization. The fact that we are limiting the authority to 2 years gives us an opportunity to keep a watchful eye on the LEAA, and to restructure the agency in 1975—or before—if the administrators show by their performance that they are ignoring the intent of Congress, as it is expressed in H.R. 8152.

Mr. RAILSBACK. Mr. Chairman, I urge all Members to join me in giving favorable consideration to H.R. 8152, the law enforcement assistance amendments.

There are many things that I could tell you about the Safe Streets Act of 1968 and how the Law Enforcement Assistance Administration has helped transform criminal justice in Illinois.

As in many other large States with extensive urban region, Illinois has long

had its gangsters and racketeers. Organized crime and public corruption have deeply embedded themselves into the underside of our society.

While the vast majority of its citizens are hard-working, law-abiding, decent men and women, hoodlums, and outlaws have made Chicago's name synonymous throughout the world with crime and violence.

Although this unfortunate reputation goes back to the advent of Prohibition, and perhaps earlier, both the city and the State had long been at a disadvantage in their efforts to fight crime in Chicago.

The reasons were manifold, but in summary they are as follows:

First, the past two generations of our history had brought unprecedented mobility and financial resources to those elements of society which habitually live outside the law.

Second, city and State officials had to keep within budgets too restricted to match the ever-growing needs for more effective crime-fighting weapons and techniques.

Third, jurisdictional problems, traditional parochial jealousies, and the lack of an effective statewide coordinating mechanism had made the application of existing anticrime tools less than optimum.

But, Mr. Chairman, the passage of the 1968 Safe Streets Act and the 1970 amendments have altogether altered that situation.

Today Illinois has the money, the techniques, and the coordinated planning facilities to counter corruption and racketeering. We have them because we have LEAA and a Congress and an administration that support the safe streets concept.

I have spoken in generalities. Now I shall be specific.

LEAA has concerned itself with Illinois' problems. To cite one example, LEAA has given the State a total of \$500,000 thus far to establish a Special Prosecution Unit in the Illinois Attorney General's office.

The unit is composed of eight attorneys and six investigators. It operates principally in the areas of antitrust violations, official misconduct, revenue law fraud, alcoholic beverage statute violations, liaison, and special Illinois department of law enforcement investigations.

The unit is an active partner in the Federal organized crime strike force operations in Illinois.

Let me mention some specific examples of the special prosecution unit work that the LEAA has made possible:

An investigation into janitorial service industry payoffs that were defrauding the Small Business Administration and involved illicit kickbacks from Chicago State Hospital personnel.

A probe of an Illinois State police officer accused of extorting protection money from illegal Mexican immigrants.

An investigation of ambulance operators charged with bribing Chicago Police Department and Fire Department officials.

A grand jury hearing into charges that

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strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

"SEC. 101. (a) There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and a Deputy Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Administrator shall be the head of the agency. The Deputy Administrator shall perform such functions as the Administrator shall delegate to him, and shall perform the functions of the Administrator in the absence or incapacity of the Administrator.

"PART B—PLANNING GRANTS

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

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

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency and any regional planning units (including any Criminal Justice Coordinating Council) within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizen, professional, and community organizations.

"(b) The State's planning agency shall—

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

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

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a find-

ing that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(d) The State planning agency and any other planning organization for the purposes of the title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organization for the purposes of the title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provisions of local, State, or Federal law.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses incurred by the State and units of general local government under this part. The non-Federal funding of such expenses shall be of money appropriated in the aggregate by the State or units of general local government, except that the State will provide in the aggregate not less than one-half of the non-Federal funding required of units of general local government under this part.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate \$200,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

"PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

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

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

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

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

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

"(4) Constructing buildings or other phys-

ical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

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

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

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

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement and criminal justice activities.

"(9) The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the agree-

gate, by State or individual units of government, for the purpose of the shared funding of such programs or projects.

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

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

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

"(2) provide that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

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

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, dealt with in the plan, including description of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law of enforcement and criminal justice, plans and systems;

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

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State plan-

ing agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

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

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

"(10) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(11) provide for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonably require to administer other provisions of this title; and

"(12) provide funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice.

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

"(b) No approval shall be given to any State plan unless and until the Administration finds that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State. No award of funds which are allocated to the States under this title on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.

"(c) No plan shall be approved as comprehensive unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice, and considers the relationships of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement and criminal justice personnel. It shall thoroughly address improved court and correctional programs and practices throughout the State.

"Sec. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an

application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

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

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

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

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

Any grant made from funds available under paragraph (2) of this subsection may be up to 90 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. The non-Federal share of the cost of any program or project to be funded under this section shall be of money appropriated in the aggregate by the State of units of general local government, or provided in the aggregate by a private nonprofit organization. The Administration shall make grants in its discretion under paragraph (2) of this subsection in such a manner as to accord funding incentives to those States or units of general local government that coordinate law enforcement and criminal justice functions and activities with other such States or units of general local government thereof for the purpose of improving law enforcement and criminal justice.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

"Sec. 307. In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control

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of organized crime and of riots and other violent civil disorders.

"Sec. 308. Each State plan submitted to the Administration for approval under section 302 shall be either approved or disapproved, in whole or in part, by the Administration no later than ninety days after the date of submission. If not disapproved (and returned with the reasons for such disapproval) within such ninety days of such application, such plan shall be deemed approved for the purposes of this title. The reasons for disapproval of such plan, in order to be effective for the purposes of this section, shall contain an explanation of which requirements enumerated in section 302(b) such plan fails to comply with, or an explanation of what supporting material is necessary for the Administration to evaluate such plan. For the purposes of this section, the term 'date of submission' means the date on which a State plan which the State has designated as the 'final State plan application' for the appropriate fiscal year is delivered to the Administration.

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

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

"Sec. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as 'Institute'). The Institute shall be under the general authority of the Administration. The chief administrative officer of the Institute shall be a Director appointed by the Administrator. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement and criminal justice, to disseminate the results of such efforts to State and local governments, and to develop and support programs for the training of law enforcement and criminal justice personnel.

"(b) The Institute is authorized—

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

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

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

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

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided, under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to assist in conducting, at the request of a State or a unit of general local government or a combination thereof, local or regional training programs for the training of State and local law enforcement and criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution or defense of those charged with crime, corrections, rehabilitation, probation and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service; and

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

"(c) The Institute shall serve as a national clearinghouse for information with respect to the improvement of law enforcement and criminal justice, including but not limited to police, courts, prosecutors, public defenders, and corrections.

"The Institute shall undertake, where possible, to evaluate various programs and projects carried out under this title to determine their impact upon the quality of law enforcement and criminal justice and the extent to which they have met or failed to meet the purposes and policies of this title, and shall disseminate such information to State planning agencies and, upon request, to units of general local government.

"The Institute shall report annually to the President, the Congress, the State planning agencies, and, upon request, to units of general local government, on the research and development activities undertaken pursuant to paragraphs (1), (2), and (3) of subsection (b), shall describe and in such report the potential benefits of such activities of law enforcement and criminal justice and the results of the evaluations made pursuant to the second paragraph of this subsection. Such report shall also describe the programs of instructional assistance, the special workshops, and the training programs undertaken pursuant to paragraphs (5) and (6) of subsection (b).

"Sec. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"Sec. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

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

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and criminal justice.

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

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

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

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

"(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

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

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

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

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement and criminal justice or suitable for persons employed in law enforcement, in institutions of

higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

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

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

"(2) education and training of faculty members;

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

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

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

"(f) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for grants not exceeding \$50 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement and criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"Sec. 407. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

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

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

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

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

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

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or

renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

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

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

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and post adjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

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

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

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

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

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

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

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

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

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

Any grant made from funds available under this part may be up to 90 per centum of the cost of the program or project for which such grant is made. The non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate by the State or units of general local government. No funds awarded under this part may be used for land acquisition.

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

"PART F—ADMINISTRATIVE PROVISIONS

"Sec. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general

local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

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

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

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

"Sec. 505. Section 5314 of title 5, United States Code, is amended by adding at the end thereof—

"(55) Administrator of Law Enforcement Assistance."

"Sec. 506. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

"(90) Associate Administrator of Law Enforcement Assistance."

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

"Sec. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.

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

"(a) the provisions of this title;

"(b) regulations promulgated by the Administration under this title; or

"(c) a plan or application submitted in accordance with the provisions of this title; the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

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

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant,

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

"(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

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

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

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1251 of title 28, United States Code.

"Sec. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1974, and the four succeeding fiscal years.

"Sec. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administra-

tion. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

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

"Sec. 515. The Administration is authorized—

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

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

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

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

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

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

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

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"Sec. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement and criminal justice agency of any State or any political subdivision thereof.

"(b) (1) No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity

funded in whole or in part with funds made available under this title.

"(2) Whenever the Administration determines that a State government or any unit of general local government has failed to comply with subsection (b) (1) or an applicable regulation, it shall notify the chief executive of the State of the noncompliance and shall request the chief executive to secure compliance. If within sixty days after such notification the chief executive fails or refuses to secure compliance, the Administration shall exercise the powers and functions provided in section 509 of this title, and is authorized—

"(A) to institute an appropriate civil action;

"(B) to exercise the powers and functions pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

"(C) to take such other action as may be provided by law.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"Sec. 519. On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"Sec. 520. There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed \$1,000,000,000 for the fiscal year ending June 30, 1974, and \$1,000,000,000 for each succeeding fiscal year through the fiscal year ending June 3, 1978. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

"Sec. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

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

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

"Sec. 523. Any funds made available under parts B, C, and E prior to July 1, 1973, which are not obligated by a State or unit of general local government may be used to provide up to 90 percent of the cost of any program or project. The non-Federal share of the cost of any such program or project shall be of money appropriated in the aggre-

gate by the State or units of general local government.

"Sec. 524. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this title—

"(1) shall use any information furnished by any private person under this title for any purpose other than to carry out the provisions of this title; or

"(2) shall reveal to any person, other than to carry out the provisions of this title, any information furnished under the title and identifiable to any specific private person furnishing such information.

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

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

"PART G—DEFINITIONS

"Sec. 601. As used in this title—

"(a) 'Law enforcement and criminal justice' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services) activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

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

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth, parish, village, or other general or possession of the United States.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purposes of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title; provided, however, that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

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

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical

facilities, and the acquisition or installation of initial equipment therefor.

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

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

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

"(j) 'Institution of higher education' means any such institution as defined by section 501(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

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

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

"(m) The term 'comprehensive' means: that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and non-institutional rehabilitative measures.

"PART H—CRIMINAL PENALTIES

"Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or attempts to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

"Sec. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"Sec. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

"PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

"Sec. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within ninety days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act of 1968, the Gun Control Act of 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance)."

Sec. 2. (a) Section 5315 of title 5, United States Code, is amended by striking out the following:

"(90) Associate Administrator of Law Enforcement Assistance (2)."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Deputy Administrator of the Law Enforcement Assistance Administration."

Sec. 3. The amendments made by this Act shall take effect on and after July 1, 1973.

Mr. RODINO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Chairman, the entire bill being open to amendment at any point, I ask unanimous consent that those committee amendments printed in the bill and numbered 18 through 33 on page 3 of the committee report be considered en bloc. Those amendments are purely technical in nature.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments numbered 18 through 33:

Page 8, line 23, insert "and criminal justice" immediately after "law enforcement".

Page 13, line 14, strike out "of".

Page 23, line 6, insert a comma immediately after "conducting".

Page 24, line 18, insert "and" immediately before "shall describe".

Page 39, line 20, strike out "1251" and insert in lieu thereof "1254".

Page 44, line 2, strike out "unit" and insert in lieu thereof "units".

Page 50, line 12, strike out ", the" and insert in lieu thereof a semicolon.