

105TH CONGRESS  
1ST SESSION

# H. R. 1524

To establish a National Center for Rural Law Enforcement, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1997

Mr. HUTCHINSON (for himself, Mr. BALDACCI, Mr. TAYLOR, Mr. COOKSEY, Mr. BOUCHER, Mr. MCGOVERN, Mr. FROST, and Mr. BUNNING) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish a National Center for Rural Law Enforcement, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Rural Law Enforce-  
5       ment Assistance Act of 1997”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) Effective and impartial enforcement of the  
2       law is one of the most important functions of gov-  
3       ernment.

4           (2) The preservation of our form of government  
5       and the rights of our citizens are dependent upon  
6       competent and professional law enforcement agen-  
7       cies.

8           (3) Responsibility for law enforcement in the  
9       United States reposes primarily with State and local  
10      governments.

11          (4) Approximately 22,400 local government en-  
12      tities exist in the 50 states; one-third of all Ameri-  
13      cans live in nonurban areas; of the 17,120 law en-  
14      forcement agencies, 90 percent serve populations of  
15      less than 25,000 residents and 75 percent serve a  
16      population of fewer than 10,000 residents.

17          (5) Rural violent crime has increased over 53  
18      percent from 1983 to 1995, and is taking a toll on  
19      small town and rural citizens and small town and  
20      rural law enforcement personnel.

21          (6) Rural law enforcement agencies totaling  
22      12,735 (police departments and sheriffs offices serv-  
23      ing a population of under 25,000) have needs in the  
24      areas of providing management education and train-  
25      ing, a clearinghouse, professional evaluation, tech-

1 nical assistance, practical research and analyses, and  
2 computer and forensic education and training as  
3 identified by the National Center for Rural Law En-  
4 forcement and the Federal Bureau of Investigation.

5 (7) The National Center for Rural Law En-  
6 forcement has cooperated in the past and will con-  
7 tinue to cooperate with the FBI, the Department of  
8 Justice, and the Department of Agriculture to pro-  
9 mote the development and implementation of man-  
10 agement education and training, a clearinghouse,  
11 professional evaluation, technical assistance, prac-  
12 tical research and analyses, and computer and foren-  
13 sic education and training for rural law enforcement  
14 agencies.

15 **SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR**  
16 **RURAL LAW ENFORCEMENT.**

17 (a) IN GENERAL.—For the purpose of assisting rural  
18 law enforcement agencies with management education and  
19 training, maintaining a clearinghouse, evaluation, tech-  
20 nical assistance, research, computer and forensic edu-  
21 cation and training, and providing such other support as  
22 may be necessary or useful, there is authorized to be es-  
23 tablished a private, nonprofit corporation, to be known as  
24 the National Center for Rural Law Enforcement which

1 shall be neither an agency nor establishment of the United  
2 States Government.

3 (b) INCORPORATORS.—The Board of Directors first  
4 appointed shall be deemed the incorporators, and the in-  
5 corporation shall be deemed to have been effected from  
6 the date of the first meeting of the Board.

7 (c) RESIDENCE.—The Center shall be located in, and  
8 shall be considered, for purposes of venue in civil actions,  
9 to be a resident of Little Rock, Arkansas, or at such other  
10 place as the Board may subsequently direct.

11 **SEC. 4. CORPORATE POWERS.**

12 The Center—

13 (1) shall have succession, and may sue and be  
14 sued, in its corporate name;

15 (2) may adopt and use a corporate seal which  
16 shall be judicially noticed;

17 (3) may adopt, amend, and repeal bylaws;

18 (4) may purchase, lease, or otherwise acquire  
19 and hold such property as it deems necessary or con-  
20 venient in the transaction of its business, and may  
21 dispose of any such property;

22 (5) shall be eligible to apply for and to make  
23 grants from or to, and to enter into contracts or co-  
24 operative agreements without regard to the Federal  
25 Procurement Acquisition Regulations with, Federal,

1 State, and local governments, public or private insti-  
2 tutions, organizations, entities, and individuals nec-  
3 essary or convenient to the exercise of the functions  
4 or powers conferred explicitly or implicitly by this  
5 Act;

6 (6) may arrange, as permitted by law, for the  
7 loan, detail or assistance, or use of facilities, person-  
8 nel, or equipment from Federal, State, or local agen-  
9 cies, departments, or entities on a reimbursable or  
10 nonreimbursable basis;

11 (7) may request from any Federal department  
12 or agency such information, data, and materials as  
13 may be necessary or convenient to the exercise of the  
14 functions or powers conferred explicitly or implicitly  
15 by this Act although the head of such department or  
16 agency may decline to comply with such a request;

17 (8) may solicit and accept gifts, devises, grants  
18 and donations of property, including cash or services  
19 in furtherance of its function and mission;

20 (9) shall have such other powers as may be nec-  
21 essary or appropriate for the exercise of the func-  
22 tions or powers conferred specifically or implicitly by  
23 this Act; and

24 (10) is prohibited from supporting any political  
25 party or candidate for elective or appointive office.

1 **SEC. 5. BOARD OF DIRECTORS.**

2 (a) COMPOSITION.—The Board of the Center shall be  
3 composed of 18 members as follows:

4 (1) Two members from each of the 6 regions  
5 (Northeast, Northwest, Southeast, Southwest, Mid-  
6 west, and West) shall be appointed from rural law  
7 enforcement agencies serving rural areas.

8 (2) One member shall be appointed from the  
9 International Association of Directors of State Law  
10 Enforcement Training.

11 (3) Two members shall be selected from person-  
12 nel of the Federal Bureau of Investigation, and shall  
13 hold membership on the Board in an ex officio ca-  
14 pacity. The members shall be selected by and serve  
15 at the pleasure of the Director of the FBI.

16 (4) The president of the University of Arkansas  
17 shall be an ex officio Board member.

18 (5) The Executive Director of the Center shall  
19 be an ad hoc Board member.

20 (6) One resident of a rural area shall be se-  
21 lected to serve as an ad hoc member.

22 (b) INITIAL BOARD.—

23 (1) SELECTION OF MEMBERS.—Appointive  
24 members of the initial Board of Directors shall be  
25 selected cooperatively by the president of the Univer-  
26 sity of Arkansas, the Director of the FBI, and the

1 Executive Director of the preexisting National Cen-  
2 ter for Rural Law Enforcement at the University of  
3 Arkansas.

4 (2) DESIGNATION OF CHAIRMAN.—The presi-  
5 dent of the University of Arkansas and the Director  
6 of the FBI shall designate a chairman from among  
7 the appointees to the initial Board.

8 (3) TERM OF OFFICE.—The term of office for  
9 appointive members of the initial Board shall be 3  
10 years.

11 (4) SELECTION OF SUCCESSORS.—Not later  
12 than 90 days before the expiration of such 3-year  
13 term, the Board shall select, with the advice and  
14 counsel of the president of the University of Arkan-  
15 sas and the Director of the FBI, successors to the  
16 initial appointive members.

17 (c) SUBSEQUENT BOARDS.—

18 (1) TERM OF OFFICE.—The term of office for  
19 appointive members to subsequent Boards shall be 6  
20 years.

21 (2) STAGGERED TERMS.—The successor ap-  
22 pointive Board members, at their first meeting, will  
23 draw lots from 1 to 6 years.

24 (3) SUBSEQUENT SELECTIONS.—The Board  
25 shall select, with the advice and counsel of the presi-

1       dent of the University of Arkansas and the Director  
2       of the FBI, successors as may be necessary or ap-  
3       propriate to replace members who resign or other-  
4       wise vacate their offices or whose terms of office ex-  
5       pire within 90 days.

6               (4) TERM LIMIT.—No member shall serve more  
7       than 1 uninterrupted 6-year term.

8               (5) ELECTION OF CHAIRMAN.—After the initial  
9       Board has been replaced, as appropriate or nec-  
10      essary, the Board shall elect a chairman from among  
11      its appointive members. The chairman's term of of-  
12      fice shall be coextensive with that individual's term  
13      of office on the Board.

14      (d) FUNCTIONS.—The Board shall direct the exercise  
15      of all of the business and powers of the Center, including  
16      the adoption, amendment, and repeal of bylaws. The  
17      Board shall appoint (subject to specific provisions herein)  
18      and oversee the Executive Director and other corporate  
19      officers in the performance of their duties.

20      (e) QUORUMS.—Vacancies on the Board shall not im-  
21      pair the powers of the Board to execute the functions of  
22      the Center if there are not less than 7 voting members  
23      in office. Such number shall also constitute a quorum for  
24      the transaction of the business of the Board.

25      (f) COMPENSATION AND STATUS.—



1           (1) IN GENERAL.—The members of the Board  
2       shall serve without compensation from the Center  
3       but are authorized to receive whatever pay, allow-  
4       ances, and benefits to which they are otherwise enti-  
5       tled by virtue of their Federal, State, or local gov-  
6       ernment employment.

7           (2) EXPENSES.—The members may be com-  
8       pensated for travel and per diem expenses by the  
9       Center at rates authorized under subchapter I of  
10      chapter 57 of title 5, United States Code, while  
11      away from their permanent duty stations in the per-  
12      formance of Center business.

13          (3) STATUS.—Other than the 2 ex officio mem-  
14      bers from the FBI, members of the Board shall not  
15      be considered officers or employees of the United  
16      States for any purpose.

17 **SEC. 6. OFFICERS AND EMPLOYEES.**

18      (a) EXECUTIVE DIRECTOR.—

19          (1) INITIAL EXECUTIVE DIRECTOR.—The Exec-  
20      utive Director of the preexisting National Center for  
21      Rural Law Enforcement at the University of Arkan-  
22      sas shall serve as the initial Executive Director for  
23      the Center with a term of 3 years.

24          (2) SUBSEQUENT APPOINTMENTS.—After the  
25      initial 3-year term of the first Executive Director,

1 the Board of Directors shall select and appoint,  
2 without regard to the provisions of the civil service  
3 laws applicable to officers and employees of the  
4 United States, and after consultation with the Direc-  
5 tor of the FBI and the president of the University  
6 of Arkansas, a successor whose term of office shall  
7 be 5 years.

8 (3) VACANCY.—The Board may at any time se-  
9 lect and appoint, after consultation with the Director  
10 of the FBI and the president of the University of  
11 Arkansas, a successor to replace an Executive Direc-  
12 tor who resigns or otherwise vacates office or whose  
13 term of office will expire within 30 days. An Execu-  
14 tive Director appointed to fill a vacancy occurring  
15 prior to the expiration of the term for which the  
16 predecessor was selected and appointed shall serve  
17 for the remainder of such term.

18 (4) CONSECUTIVE TERMS.—No person shall  
19 serve as the Executive Director for more than 2 con-  
20 secutive terms, excluding the term of the initial Ex-  
21 ecutive Director.

22 (5) COMPENSATION.—The Board shall fix the  
23 Executive Director's compensation, benefits, and al-  
24 lowances.

1           (6) DUTIES.—The Executive Director shall be  
2       responsible to the Board of Directors for—

3           (A) the management and administration of  
4       the Center,

5           (B) the conduct of its day-to-day affairs  
6       and business,

7           (C) the performance of its officers, agents,  
8       and employees, and

9           (D) the establishment of an advisory board  
10      to assist the Executive Director with policy is-  
11      sues.

12       (b) ADDITIONAL STAFF.—The Executive Director  
13      shall select and nominate for appointment by the Board  
14      such other senior officers, assistants, and employees as  
15      may be necessary for the transaction of the Center's busi-  
16      ness and subject to Board concurrence, fix their com-  
17      pensation and define their duties. Officers may be removed  
18      by the Executive Director for cause subject to the concur-  
19      rence of the Board. Assistants and other employees may  
20      be removed by the Executive Director without Board con-  
21      currence.

22       (c) FBI STAFF.—To assist the Center in carrying out  
23      its functions and programs, the Director of the FBI may  
24      assign, on a full-time basis, not more than 4 FBI person-  
25      nel to the Center on a nonreimbursable basis. Personnel

1 so assigned will remain employees of the Federal Govern-  
2 ment for all purposes and will not become employees of  
3 the Center for any purpose.

4 (d) STATUS.—Unless otherwise an employee of the  
5 Federal Government, officers and employees of the Center  
6 shall not be considered to be employees of the United  
7 States for any purpose.

8 **SEC. 7. FUNCTIONS.**

9 (a) IN GENERAL.—In cooperation with the FBI, the  
10 Center, an educational entity, shall provide for the devel-  
11 opment of a rural law enforcement educational program  
12 through consultation with institutions of higher learning  
13 and the Board. The Center shall provide for—

14 (1) the development and delivery of manage-  
15 ment education and training, clearinghouse, evalua-  
16 tion, technical assistance, practical research and  
17 evaluation, and computer and forensic education and  
18 training for and to rural law enforcement agency  
19 personnel, including supervisory and executive man-  
20 agers;

21 (2) the delivery of technical assistance, includ-  
22 ing research and studies into the causes and preven-  
23 tion of criminal activity, to rural law enforcement  
24 agencies;

25 (3) equitable education opportunities;

1           (4) the development, promotion, and voluntary  
2           adoption of national educational and training stand-  
3           ards and accreditation certification programs for  
4           rural law enforcement agencies and personnel;

5           (5) the development and dissemination of infor-  
6           mation designed to assist States and units of local  
7           government in small town and rural areas through-  
8           out the country;

9           (6) grants to, and contracts with, Federal,  
10          State, and local government, units of local rural law  
11          enforcement, public and private agencies, edu-  
12          cational institutions, organizations and individuals to  
13          carry out this subtitle;

14          (7) the establishment and maintenance of a  
15          clearinghouse and information center for the collec-  
16          tion, preparation, and dissemination of information  
17          on criminal justice and rural law enforcement, in-  
18          cluding programs for the prevention of crime and re-  
19          cidivism;

20          (8) the delivery of assistance, in a consulting  
21          capacity, to criminal justice agencies in the develop-  
22          ment, establishment, maintenance, and coordination  
23          of programs, facilities and services, training, and re-  
24          search relating to crime in rural areas;

1           (9) encouragement and assistance to Federal,  
2       State, and local government programs and services;

3           (10) the development of technical education and  
4       training teams to aid in the development of semi-  
5       nars, workshops, education and training programs  
6       within the States and with the State and local agen-  
7       cies that work with small town and rural law en-  
8       forcement managers;

9           (11) conducting, encouraging, and coordinating  
10      research relating to law enforcement and criminal  
11      justice issues, including the causes, assessment, eval-  
12      uation, analysis, and prevention of criminal activity;

13          (12) the formulation and recommendation of  
14      rural law enforcement policy, goals, and standards  
15      applicable to involved criminal justice agencies, orga-  
16      nizations, institutions, and personnel; and

17          (13) the evaluation by institutions of higher  
18      learning for the purpose of encouraging programs of  
19      study for rural law enforcement.

20      (b)   DISCRETIONARY    ACTIVITIES.—The    Center  
21   may—

22          (1) create an organizational structure with re-  
23      gional representation for the purpose of—

24              (A) delivering management education and  
25      training;

1 (B) conducting research focused on small  
2 town and rural law enforcement needs;

3 (C) providing technical assistance;

4 (D) creating a clearinghouse focused on  
5 small town and rural law enforcement;

6 (E) conducting evaluations for the benefit  
7 of small town and rural law enforcement;

8 (F) providing education and training in  
9 forensics; and

10 (G) providing education and training in  
11 computers;

12 (2) confer with and request the assistance, serv-  
13 ices, records, and facilities of State and local govern-  
14 ments or other public or private agencies, organiza-  
15 tions, and individuals; and

16 (3) procure the services of experts and consult-  
17 ants in accordance with section 3109 of title 5,  
18 United States Code, at rates of compensation not to  
19 exceed the daily equivalent of the rate authorized for  
20 members of the Senior Executive Service, ES-6,  
21 Level V, as authorized by section 5352 of title 5,  
22 United States Code.

23 **SEC. 8. METHODS.**

24 In carrying out its functions under this section, the  
25 Center shall—

1 (1) utilize consensus building; and

2 (2) work in cooperation with—

3 (A) small town and rural, non urban law  
4 enforcement agencies;

5 (B) agencies of Federal, State, and local  
6 governments; and

7 (C) institutions of higher learning, law en-  
8 forcement associations and other not-for-profit  
9 organizations;

10 (3) request and receive from other Federal de-  
11 partments and agencies such statistics, data, pro-  
12 gram reports, and other materials necessary for the  
13 Center to carry out its functions;

14 (4) arrange with and reimburse the heads of  
15 other Federal departments and agencies for the use  
16 of personnel, facilities, or equipment of such depart-  
17 ments and agencies; and

18 (5) use the assistance, services, records, and fa-  
19 cilities of State and local governments or other pub-  
20 lic or private agencies, organizations, and individ-  
21 uals.

22 **SEC. 9. DEFINITIONS.**

23 For purposes of this Act:



1           (1) The term “Board” means the Board of Di-  
2           rectors of the National Center for Rural Law En-  
3           forcement.

4           (2) The term “Center” means the National  
5           Center for Rural Law Enforcement.

6           (3) The term “Executive Director” means the  
7           Executive Director of the National Center for Rural  
8           Law Enforcement.

9           (4) The term “FBI” means the Federal Bureau  
10          of Investigation.

11          (5) The term “rural area” means an area with  
12          a population of 25,000 or less.

13 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

14          There are authorized to be appropriated to carry out  
15          this Act—

16               (1) \$12,000,000 for fiscal year 1997; and

17               (2) such sums as may be necessary for each of  
18          fiscal years 1998 through 2002.

○