INDEXED
LEGISLATIVE HISTORY
OF THE
"CRIME CONTROL ACT OF 1976"

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
OFFICE OF GENERAL COUNSEL

EXECUTIVE CORRESPONDENCE

INDEXED

LEGISLATIVE HISTORY

OF THE

"CRIME CONTROL ACT OF 1976"

Office of General Counsel
Law Enforcement Assistance Administration

CRIME CONTROL ACT OF 1976

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Note on Use of This Document

An index of this nature has certain limitations. Material must be referenced in the index without the advantage of a specific point being at issue. For this reason, the index references may only be the starting point for your research. Often more than one index reference needs to be consulted since issues can arise in more than one context. With this cautionary note in mind, the following general rule of usage is offered:

The general rule of statutory interpretation is that if the statutory language is clear and unambiguous, it means exactly what it says; but if the language is ambiguous, it must be interpreted in accordance with the legislative history. When an ambiguity arises and you have to look to the legislative history, you look first at the committee reports and then at the floor debates. If the issue cannot be resolved by the committee reports and you have to look to the floor debates, you should give more weight to relevant statements by the floor managers of the bill, if you are interpreting provisions that were in the committee bill as reported to the floor. If you are interpreting language that originated as an amendment offered on the floor, you should give weight to the remarks of the author of the amendment and the reaction to it of the floor managers.

Questions related to the use of this document may be addressed to:

Robert S. Gorman, Attorney-Advisor
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Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
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Telephone: (202) 376-3696

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Other Reference Sources

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, established the Law Enforcement Assistance Administration program within the United States Department of Justice in 1968. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 has been amended by the Omnibus Crime Control Act of 1970, Public Law 91-644; Crime Control Act of 1973, Public Law 93-83; Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415; Public Safety Officers' Benefit Act of 1976, Public Law 94-430; and the Crime Control Act of 1976, Public Law 94-503. In addition to this document, the LEAA Office of General Counsel has prepared a separate index for the legislative history of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 and each amending statute enumerated above. These separate indexes together with this document must be consulted to provide a complete reference to the legislative history of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, as it exists as of October 15, 1976.

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INTRODUCTION

The Law Enforcement Assistance Administration (LEAA) was established by Title I of the Omnibus Crime Control and Safe Streets Act of 1968. 1/ This Act has been amended by the Omnibus Crime Control Act of 1970, 2/ the Crime Control Act of 1973, 3/ the Juvenile Justice and Delinquency Prevention Act of 1974, 4/ the Public Safety Officers' Benefits Act of 1976, 5/ and the Crime Control Act of 1976. 6/

This document sets forth the legislative history for the Crime Control Act of 1976.

The Administration submitted to Congress its bill to amend and extend the LEAA program on July 29, 1975. 7/ In considering the various amendments to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary held hearings on October 2, 8, 9, 22, 23; November 4; and December 4, 1975; and March 17, 1976. 8/ The Senate Judiciary Committee bill S. 2212 9/ was considered by the Senate on July 22, 10/ 23, 11/ and 26, 12/ 1976.

The Subcommittee on Crime of the House of Representatives Committee on the Judiciary held hearings on February 19, 25, 27; March 1, 3, 4, 8, 11, 25; and April 1, 1976. 13/ The House Judiciary Committee bill H.R. 13636 14/ was considered by the House of Representatives on August 31 15/ and September 2, 16/ 1976.

1/ Public Law 90-351
2/ Public Law 91-644.
3/ Public Law 93-83.
4/ Public Law 93-415.
5/ Public Law 94-430.
6/ Public Law 94-503.
7/ 121 Cong. Rec. S 14087 (daily ed. July 29, 1975).
8/ Hearings on S. 2212 Before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary, 94th Cong., 2d Sess. (1976).
9/ S. Rep. No. 847, 94th Cong., 2d Sess. (1976).
10/ 122 Cong. Rec. S 12209-42 (daily ed. July 22, 1976).
11/ 122 Cong. Rec. S 12330-61 (daily ed. July 23, 1976).
12/ 122 Cong. Rec. S 12431-77 (daily ed. July 26, 1976).
13/ Hearings on H.R. 13636 Before Subcomm. on Crime of the House of Representatives Comm. on the Judiciary, 94th Cong., 2d Sess., ser. 42, pt. 1 and 2 (1976).
14/ H.R. Rep. No. 1155, 94th Cong., 2d Sess. (1976).
15/ 122 Cong. Rec. H 9274-309 (daily ed. August 31, 1976).
16/ 122 Cong. Rec. H 9407-37 (daily ed. September 2, 1976).

S. 2212 and H.R. 13636 were submitted to conference committee and the conference bill S. 2212 17/ was passed by the Senate 18/ and by the House of Representatives 19/ on September 30, 1976. The Crime Control Act of 1976 was signed into law on October 15, 1976. 20/

17/ H.R. Rep. No. 1723, 94th Cong., 2d Sess. (1976); 122 Cong. Rec. H 11465-74 (daily ed. September 28, 1976).
18/ 122 Cong. Rec. S 17319-25 (daily ed. September 30, 1976).
19/ 122 Cong. Rec. H 11907-11 (daily ed. September 30, 1976).
20/ 12 Presidential Documents 1558 (October 25, 1976).

TEXT OF ADMINISTRATION BILL S. 2212

INTRODUCED IN SENATE

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, FIRST SESSION

Vol. 121 WASHINGTON, TUESDAY, JULY 29, 1975 No. 123

Senate

By Mr. HRUSKA (for himself and Mr. McCLELLAN):

S. 2212. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, it is my pleasure to introduce a bill entitled "Crime Control Act of 1976." This act will extend the Law Enforcement Assistance Administration—LEAA—program for 5 more years.

This bill is recommended to the Congress by the administration.

In his crime message to the Congress last month, President Ford emphasized the need to deal more effectively with violent crime in order to fulfill the promise of our Constitution "to insure domestic tranquility."

The President defined the three ways in which the Federal Government can

play an important role in combatting crime. They are as follows:

First, it can provide leadership to State and local governments by enacting a criminal code that can serve as a model for other jurisdictions to follow and by improving the quality of the Federal criminal justice system.

Second, it can enact and vigorously enforce laws covering criminal conduct within the Federal jurisdiction that cannot be adequately regulated at the State or local level.

Third, it can provide financial and technical assistance to State and local governments and law enforcement agencies, and thereby enhance their ability to enforce the law.

The Crime Control Act of 1976 will implement the third prong of the Federal effort to combat crime. In extending the Law Enforcement Assistance Administration program for 5 years to 1981, there is retained the basic block grant structure of the program under which States and units of local government are given primary responsibility for designing programs to meet their unique criminal justice problems.

Those who have worked with the LEAA legislation from its inception in 1968 through its reauthorization by the Congress in 1971 and 1973, understand that the primary burden of crime control lies with the States.

Congress, recognizing where this responsibility rests, indicated in the Declaration and Findings section of the Omnibus Crime Control and Safe Streets Act of 1968, which initially created LEAA, that "crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively."

The emphasis on State and local control is one of the most important aspects of this act. Inherent in the U.S. Constitution is the fundamental concept that State and local authorities are responsible for securing peace and order. This means that it is the officials who are most responsive and answerable to the will of the local electorate who are held accountable for policing, adjudication, and corrections in our home communities.

Local responsibility and local control are the very essence of self-government. They are an inseparable part of a democratic Federal Republic. They are, indeed, the basic principle underlying the new federalism.

There has been much comment lately to the effect that this country is losing its war on crime. Critics, including some in high places, citing the recent rise of crime rate in cities around the Nation, have laid the blame at the doorstep of the Federal Government.

It should be well known that most crimes committed are of a local nature. This is not to say that the National Government should not assist the States and localities in their effort against crime, for this is what LEAA is all about. In providing such assistance, the Federal Government must restrain itself so as not to control or dictate the policies of local law-enforcement agencies. For to do so could lead down the road toward the establishment of a national police force—a direction which is to be most vigorously resisted. Not only would such a concept be contrary to our fundamental constitutional principles, but to my mind would be of doubtful effectiveness.

In addition to providing funds to local law enforcement authorities, it should be noted that LEAA supplies much technical advice and guidance for State planning purposes. One of the provisions of the 1973 amendments to the act required that certain funds be used for State planning purposes.

Those amendments provided that no approvals be given by LEAA for State plan expenditure of block grant funds "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." LEAA has done an outstanding job in fulfilling this role.

LEAA has just issued a compendium of 650 programs which have had a significant impact in improving and strengthening criminal justice systems at the State and local level. Over $200 million in LEAA funds were used to support these programs.

The National Advisory Commission on Criminal Justice Standards and Goals which was funded by LEAA sets forth detailed standards for improving and strengthening criminal justice systems in an effort to reduce crime of all kinds, particularly violent crimes. A careful reading of these reports will show that many of the National Advisory Commission standards are based on programs which were funded by LEAA in its first 5 years of operation. In the 2 years since the Commission reports were issued virtually every State in the country has established its own commission to review these standards and to apply them in the expenditure of LEAA funds as well as their State and local funds.

LEAA has committed over $16 million in direct resources to support these studies. In my own State of Nebraska, the Nebraska Commission on Law Enforcement and Criminal Justice using its own resources has reviewed the stand ards of the National Advisory Commission and has adopted over 50 standards which the Commission is now applying in the expenditure of LEAA funds. Projects falling within the areas covered by the standards will not be funded unless the recipient agrees to meet the standards. No standard was adopted until comments were solicited from all affected agencies with the State.

Richard W. Velde, Administrator of LEAA, has recently established a National Advisory Committee on Criminal Justice and Task Forces on Standards for Organized Crime, civil disorders, terrorism, research and development, and juvenile delinquency to continue and expand the initial activities of the National Advisory Commission on Criminal Justice Standards and Goals.

Mr. President, in order to fairly analyze the present effectiveness of law enforcement in combating crime and the advances which have been made during LEAA's existence, it is essential for us to recall its deplorable status as described by the President's Commission on Law Enforcement in 1967—only 8 years ago. The Commission found at that time a fragmented system of law enforcement made up of nearly 40,000 different jurisdictions which had haphazardly grown up in the nearly 200 years of our country's history. There was a lack of cooperation and reciprocity between these differing jurisdictions and in some situations actual conflict. There was throughout law enforcement a dearth of modern equipment and means of communication, salaries were low, training was meager, and the morale of individual police departments poor.

What had happened was that criminal justice facilities and techniques had not been growing as fast as the problem. By the middle 1960's, America was faced with one of the greatest domestic crises of this generation. Crime had become a threat to our very survival as a democratic, self-governing republic.

The Congress, after careful deliberation, came to the conclusion that our local law enforcement and criminal justice agencies were unable to extricate themselves without substantial outside assistance. Until then, American police, courts, and corrections agencies had been almost entirely dependent upon State and local resources, both technical and financial. The congressional response was the Omnibus Crime Control Act—and the establishment of LEAA.

In the past 7 years of its existence, LEAA has contributed much technical guidance and allocated $4.1 billion in the law enforcement field. This expenditure of time and money does not mean that the previous conditions have been totally eliminated. Progress has been made to be sure and we are on the way to achieving our goals. But traces of the many old shortcomings of law enforcement to which the Presidential Commission referred are still in existence.

I believe it should also be noted, Mr. President, that funds which have been expended by LEAA to combat crime, while seemingly large, in fact represent only about 5 percent of the total money spent in this country on law enforcement.

Mr. President, I say to the critics of this program—let us put our effort against crime into proper perspective: the short space of 7 years and some $4.0 billion should not reasonably be expected to cure all of the problems inherent in our ancient system of law enforcement.

I would now like to highlight the significant changes which, the "Crime Control Act of 1976," the bill which I am introducing today, will make in the LEAA program. One of the more significant changes is a provision which will authorize the appropriation of $250 million to concentrate on combatting crime in highly populated urban areas. It is in these areas that the crime problem is the greatest. This provision will serve to codify the high impact cities program established and funded by LEAA in 1971.

The Crime Control Act, if enacted, will also provide increased emphasis on the funding of court programs. LEAA is more than a police program. It is a total criminal justice system program. Funds are

provided for a full range of criminal justice activities including crime prevention, juvenile delinquency, police, courts, and corrections.

In 1971 I sponsored an amendment to the LEAA Act which provided increased emphasis on corrections programs, and I am pleased to see that the LEAA Act will now provide further emphasis for court programs.

Other changes include the establishment of an advisory committee by the Attorney General to advise the Administrator on programs for the expenditure of grant funds which the act commits to the discretion of the Administrator of LEAA. This advisory committee should serve to bring a broader perspective to the expenditure of LEAA discretionary funds, and if properly structured could be of great assistance to the Administrator of LEAA.

The Crime Control Act would also authorize the LEAA research arm to conduct research on matters of civil justice which have a direct bearing on the problems of the criminal justice system. This provision recognizes that it is sometimes impossible to reform the criminal justice system without at the same time reforming the civil justice system. This provision has particular applicability to State and local court systems which perform both civil and criminal functions.

The act would change the name of the LEAA research arm from the National Institute of Law Enforcement and Criminal Justice to the National Institute of Law and Justice to reflect its new civil authority.

Mr. President, I look forward to oversight hearings by the Senate Judiciary Committee Subcommittee on Criminal Laws and Procedures on the Crime Control Act of 1976.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill together with a section-by-section analysis which details all of the changes to be made to the Omnibus Crime Control and Safe Streets Act of 1968 and the letter of transmittal from the Attorney General.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Crime Control Act of 1976."

SEC. 2. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended is amended by adding after the word "authority" the words "and policy direction."

SEC. 3. Section 205 of such Act is amended by inserting the following new sentence at the end thereof:

"Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration."

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 4. Part C of such Act is amended as follows:

(1) Section 301(b) is amended by inserting after paragraph (10), the following new paragraph:

"(11) The development, demonstration, evaluation, implementation and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice including court planning."

(2) Section 303(a)(13) is amended by deleting the words "for Law Enforcement and Criminal" and inserting the words "of Law and".

(3) Section 306(a)(2) is amended by inserting, after the words "to the grant of any State," the following "plus any additional amounts that may be authorized to provide funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activity,".

(4) The unnumbered paragraph in Section 306(a) is amended by inserting the following between the present third and fourth sentence:

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

(5) Subsection (b) of Section 306 is amended by striking "(1)" and inserting in lieu thereof "(2)".

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

SEC. 5. Part D of such Act is amended as follows:

(1) Section 402(a) is amended by deleting the words "Enforcement" and "Criminal" in the first sentence thereof.

(2) Section 402(a) is further amended by deleting the word "Administrator" in the third sentence and adding the words "Attorney General."

(3) At the end of paragraph (7) in Section 402(b) delete the word "and".

(4) At the end of paragraph (8) in Section 402(b) replace the period with a semicolon.

(5) Immedicately after paragraph (8) in Section 402(b) insert the following new paragraphs:

"(9) 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 civil justice system, including the development of new or improved approaches, techniques, and systems; and"

"(10) The Institute is authorized to conduct such research, demonstrations or special projects pertaining to new or improved approaches, techniques, systems, equipment and devices to improve and strengthen such Federal law enforcement and criminal justice activities as the Attorney General may direct."

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 6. Part E of such Act is amended as follows:

(1) By inserting in Section 455(a)(2) after the second occurrence of the word "units," and before the word "according" the words "or nonprofit organizations,".

(2) By further amending Section 355(a) by inserting at the end of the unnumbered paragraph thereof the following new sentence:

"In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to wave State liability and may pursue such legal remedies as are necessary."

PART F—ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of such Act is amended as follows:

(1) Section 512 is amended by striking the words: "June 30, 1974, and the two succeeding fiscal years."

and insert in lieu thereof

"July 1, 1976 through fiscal year 1981."

(2) Section 517 is amended by adding a new subsection (c) as follows:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under section 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who by reason of their knowledge and expertise in the area of law enforcement and criminal justice and related fields are well qualified to serve on the Advisory Board."

(3) Section 520 is amended by striking all of subsection (a) and (b) and inserting in lieu thereof the following:

"(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sum in the aggregate shall not exceed $325,000,000 for the period July 1, 1976 through September 30, 1976, $1,300,000,000 for the fiscal year ending September 30, 1978, $1,300,000,000 for the fiscal year ending September 30, 1979, $1,300,000,000 for the fiscal year ending September 30, 1980, and $1,300,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities, but such sums shall not exceed $12,500,000 for the period July 1, 1976 through September 30, 1976 and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from other sources.

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 purpose of Part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of Part C."

"(b) Funds appropriated under this title may be used for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974."

SEC. 8. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 241(c) is amended by deleting the words "Enforcement" and "Criminal".

(2) Section 261 is amended by deleting subsection (b).

(3) Section 544 is deleted.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 28, 1975.

THE VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I am pleased to forward for your consideration a proposed "Crime Control Act of 1976." This proposed bill amends the Omnibus Crime Control and Safe Streets Act of 1968, and extends the authority for the Law Enforcement Assistance Administration for five fiscal years, including the transition quarter.

In his crime message of June 19th, the President stressed the necessity to deal resolutely with violent crime. He called on all levels of government—Federal, State and local—to commit themselves to the goal of reducing crime by seeking improvements in law and the criminal justice system. This bill provides additional authorization to the Law Enforcement Assistance Administration

to assist States and units of local government with up to $262.5 million through 1981 for special programs aimed at reducing crime in heavily populated urban areas. These funds would be in addition to funds commanded from LEAA block grants.

The legislative proposal includes an amendment that will place special emphasis on improving State and local court systems within the LEAA block grant authorization.

The bill also authorizes the Attorney General to appoint an Advisory Board to review certain programs under Parts C, D, and E of the Omnibus Crime Control and Safe Streets Act and to advise the Administrator of LEAA on these programs.

In addition, the proposal authorizes both direct funding to nonprofit organizations under Part E of the Act and the waiver of a State's liability where a State lacks jurisdiction to enforce grant agreements with Indian tribes.

The bill further provides that the National Institute of Law Enforcement and Criminal Justice be renamed the National Institute of Law and Justice. The Attorney General is given the authority to appoint the Director of the Institute and to direct the Institute to conduct research related to Federal activities. In addition, the Institute would be authorized to conduct civil as well as criminal justice research.

Finally, the proposal authorizes $6.85 billion dollars for LEAA programs through 1981. LEAA funds could be used for the purposes of the Juvenile Justice and Delinquency Prevention Act and the requirements for maintenance of effort by LEAA in the juvenile justice and delinquency prevention areas would be deleted.

I recommend prompt and favorable consideration of the proposed "Crime Control Act of 1976." In addition to the bill, there is enclosed a section-by-section analysis.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

EDWARD H. LEVI,
Attorney General.

SECTIONAL ANALYSIS

Section 1 provides that the short title of the Act is the "Crime Control Act of 1976."

Section 2 amends Section 101(a) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, by providing that the LEAA will be under the policy direction of the Attorney General.

Section 3 amends Section 205 of such Act, by providing that planning funds awarded to the States which remain unused will revert to the Administration and be available for reallocation to the States at the discretion of the Administration.

Section 4 amends in five separate respects, Part C of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(1) Section 301(b) is amended by adding a new paragraph (11) authorizing the Administration to make grants for programs and projects designed to strengthen courts and improve the availability and quality of justice. Grants for court planning are also authorized.

(2) Section 303(a)(13) is amended to conform to Section 402(a).

(3) Section 306(a)(2) is amended to allow the Administration to provide additional funds to areas having high crime incidence and high law enforcement and criminal justice activities where such additional funds are authorized for that purpose.

(4) Section 306(a) is further amended by providing that where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administration may waive the State's liability and proceed directly with the Indian tribe on settlement actions.

(5) Section 306(b) is amended to provide funds allocated to a State for any fiscal year but not utilized by the State or where the State is unable to qualify to receive any portion of the funds that such funds may be reallocated by the Administration under its discretionary funding authority in Section 306(a)(2).

Section 5 amends Part D of the Act by providing that (1) the National Institute of Law Enforcement and Criminal Justice is renamed the "National Institute of Law and Justice"; (2) the Attorney General shall appoint the Director of the National Institute of Law and Justice; (3) the Institute is authorized to fund projects pertaining to the civil justice system; and (4) the Institute is authorized to conduct activities relating to Federal law enforcement and criminal justice activities at the Attorney General's direction.

Section 6 amends Part E of the Act in two ways:

(1) Section 455(a)(2) is amended to authorize the Administration to make Part E grants directly to nonprofit organizations.

(2) The subsection is further amended to authorize the Administration to waive the non-Federal match on grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administration may waive the State's liability and proceed directly with the Indian tribe on settlement actions.

Section 7 amends three of the administrative provisions of Part F of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(1) Section 512 is amended to authorize the continuation of the LEAA program through FY 1981.

(2) Section 517 is amended by adding a new subsection (c) authorizing the Attorney General to establish an Advisory Board to the Administration to review programs for Part C and Part E discretionary funding and Part D Institute funding. The Advisory Board will not have the authority to review and approve individual grant applications.

(3) Section 520 is amended to authorize appropriations through FY 1981. This section also authorizes the Administration to allocate from the aggregate appropriated funds, sums not to exceed $50,000,000 each fiscal year for areas having high crime incidence and high law enforcement and criminal justice activities. In addition, subsection (b) has been deleted and a new subsection (b) has been added to authorize the use of funds under this title for the general purposes of the Juvenile Justice and Delinquency Prevention Act. Such funds would be spent in accordance with the fiscal and administrative requirements of the Omnibus Crime Control and Safe Streets Act.

Section 8 amends in three separate respects the Juvenile Justice and Delinquency Prevention Act of 1974.

(1) Section 241(c) is amended to conform to Section 402(a) of the Omnibus Crime Control and Safe Streets Act.

(2) Section 261 is amended to remove the maintenance of effort provision.

(3) Section 544 is deleted for the same reason.

TEXT OF SENATE REPORT NO. 94-847 WITH

SENATE JUDICIARY COMMITTEE BILL S. 2212

Calendar No. 804

94TH CONGRESS
2d Session

SENATE

REPORT
No. 94-847

CRIME CONTROL ACT OF 1976

MAY 13, 1976.—Ordered to be printed

Mr. PHILIP A. HART (for Mr. MCCLELLAN), from the Committee on the Judiciary, submitted the following

REPORT

together with

INDIVIDUAL VIEWS

[To accompany S. 2212]

The Committee on the Judiciary, to which was referred the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

AMENDMENT

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Crime Control Act of 1976".

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(a) by inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."; and

(b) by deleting the third paragraph and substituting in lieu thereof the following new paragraph:

"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 assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to

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deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, 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.".

SEC. 3. Section 101(a) of title I of such Act is amended by inserting a comma after the word "authority" and adding "policy direction, and control".

PART B—PLANNING GRANTS

SEC. 4. Section 201 of title I of such Act is amended by adding after the word "part" the words "to provide financial and technical aid and assistance".

SEC. 5. Section 203 of title I of such Act is amended to read as follows:

"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 or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1979. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other judicial officers of the court of last resort the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. These judicial members shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within 30 days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials.

"(b) The State planning agency shall—

"(1) develop, in accordance with Part C, a comprehensive statewide plan and necessary revisions thereof 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 court of last resort of each State may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts.

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

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

"(3) develop, in accordance with Part C, an annual State judicial plan for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. Except to the extent disaproved by the State planning agency for the reasons stated in section 304(b), the annual State judicial plan shall be incorporated into the comprehensive statewide plan.

"(e) If a State court of last resort does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for apropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units 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 finding 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 funds made available to the judicial planning committee and 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.

"(g) The State planning agency and any other planning organization for the purposes of this 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 to be 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 this 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 provision of local, State, or Federal law.".

SEC. 6. Section 204 of title I of such Act is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking the words "expenses, shall" and inserting in lieu thereof "expenses shall".

SEC. 7. Section 205 of title I of such Act is amended by:

(a) inserting ", the judicial planning committee," after the word "agency" in the first sentence;

(b) deleting "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(c) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration.".

SEC. 8. Part B is amended by inserting at the end thereof the following new section:

"SEC. 206. At the request of the State legislature (or a legislative body designated by it), the comprehensive statewide plan or revision thereof shall be submitted to the legislature for its approval, suggested amendment, or disapproval

of the general goals, priorities, and policies that comprise the basis of that plan or revision prior to its submission to the Administration by the chief executive of the State. The State legislature shall also be notified of substantial modifications of such general goals, priorities, and policies, and, at the request of the legislature, these modifications shall be submitted for approval, suggested amendment, or disapproval. If the legislature (while in session) or an interim legislative body designated by the legislature (while not in session) has not approved, disapproved, or suggested amendments to the general goals, priorities, and policies of the plan or revision within 45 days after receipt of such plan or revision, or within 30 days after receipt of substantial modifications, such plan or revision or modifications thereof shall then be deemed approved.".

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 9. Section 301 of title I of such Act is amended by;

(a) inserting after the word "part" in subsection (a) the following: ", through the provision of Federal technical and financial aid and assistance,";

(b) deleting the words "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with the administration of justice";

(c) deleting the words "and coordination" from pargaraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation";

(d) inserting after paragraph (10) of subsection (b) the following new paragraphs:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and to improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; training of judges, court administrators, and support personnel of courts; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; equipping of court facilities; and multiyear systemwide planning for all court expenditures made at all levels within the State.

"(12) The development and operation of programs designed to reduce and prevent crime against elderly persons."; and

(e) inserting the following sentence after the second sentence of subsection (d):

"The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.".

SEC. 10. Section 302 of title I of such Act is amended by redesignating the present language as subsection (a) and adding the following new subsections:

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain comprehensive outline of priorities for the improvement and coordination of all aspects

of courts and court programs, including descriptions 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 maximum extent practicable, the relationship of the plan to other relevant State or local law 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 provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) 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 the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.".

SEC. 11. Section 303 of title I of such Act is amended by:

(a) striking out subsection (a) up to the sentence beginning "Each such plan" and inserting in lieu thereof the following:

"(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 or an approved revision thereof (not more than one year in age) which conforms with the purposes and requirements of this title. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act. 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 ativity. No State plan shall be approved as comprehensive unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.";

(b) deleting paragraph (4) of subsection (a) and substituting in lieu thereof the following:

"(4) specify procedures under which local multiyear and annual comprehensive plans and revisions thereof may be submitted to the State planning agency from units of general local government or combinations thereof to use funds received under this part to carry out such plans for the improvement of law enforcement and criminal justice in the jurisdictions covered by the plans. The State planning agency may approve or disapprove a local comprehensive plan or revision thereof in whole or in part based upon its compatibility with the State comprehensive plan and subsequent annual revisions and modifications. Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans.";

(c) inserting after the word "necessary" in paragraph (12) of subsection (a) the following language: "to keep such records as the Administration shall prescribe";

(d) deleting subsection (b) and substituting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an

improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime.

No award of funds that are allocated to the States under this part 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.";

(e) inserting in subsection (c) after the word "unless" the words "the Administration finds that"; and

(f) inserting after subsection (c) the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs. In determining adequate funding, consideration shall be given to: (1) the need of the courts to reduce court congestion and backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

SEC. 12. Section 304 of title I of such Act is amended to read as follows:

"SEC. 304. (a) State planning agencies shall receive plans or applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such a plan or application is in accordance with the purposes stated in section 30 and in conformance with an existing statewide comprehensive law enforcement plan or revision thereof, the State planning agency is authorized to disburse funds to implement the plan or application.

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title, is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan in the State comprehensive plan to be submitted to the Administration.".

SEC. 13. Section 306 of title I of such Act is amended by:

(a) inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a): "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liabilty and may pursue such legal remedies as are necessary."; and

(b) amending subsection (b) by striking "(1)" and inserting in lieu thereof "(2)".

SEC. 14. Section 307 of title I of such Act is amended by deleting the words "and of riots and other violent civil disorders" and substituting in lieu thereof the words "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system".

SEC. 15. Section 308 of title I of such Act is amended by deleting "302(b)" and inserting in lieu thereof "303".

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

SEC. 16. Section 402 of title I of such Act is amended by:

(a) deleting "Administrator" in the third sentence of subsection (a), and inserting in lieu thereof "Attorney General"; and

(b) adding the following sentence at the end of the second paragraph of subsection (c): "The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title.".

SEC. 17. Part D is amended by adding the following new section:

"SEC. 408. The Administration is authorized to make high crime impact grants to State planning agencies, units of general local government, or combinations of such units. Any plan submitted pursuant to section 303(a)(4) shall be consistent with the applications for grants submitted by eligible units of local gov-

ernment or combinations of such units under this section. Such grants are to be used to provide impact funding to areas which are identified by the Administration as high crime areas having a special and urgent need for Federal financial assistance. Such grants are to be used to support programs and projects which will improve the law enforcement and criminal justice system.".

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 18. Section 455 of title I of such Act is amended by:

(a) deleting the word "or" in paragraph (a)(2) and inserting "or nonprofit organizations," after the second occurrence of the word "units," in that paragraph; and

(b) inserting the following at the end of subsection (a): "In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

PART F—ADMINISTRATIVE PROVISIONS

SEC. 19. Section 501 of title I of such Act is amended by inserting the following sentence at the end thereof: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

SEC. 20. Section 507 of title I of such Act is amended to read as follows:

"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 as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

SEC. 21. Section 509 of title I of such Act is amended by deleting the language "reasonable notice and opportunity for hearing" and substituting in lieu thereof the following: "notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

SEC. 22. Section 512 of title I of such Act is amended by striking the words "June 30, 1974, and the two succeeding fiscal years" and inserting in lieu thereof "June 30, 1976, through fiscal year 1981".

SEC. 23. Section 515 of title I of such Act is amended to read as follows:

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administrator shall thereafter make recommendations to the State planning agency concerning improvements to be made in said comprehensive plan;

"(2) assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all compenents of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its comprehensive plan, a

financial analysis indicating the percentage of Federal funds to be allocated under the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically."

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(2) 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, institutions, or international agencies in matters relating to law enforcement and criminal justice.

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

SEC. 24. Section 517 of title I of such Act is amended by adding the following new subsection:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who, by reason by their knowledge and expertise in the areas of law enforcement and criminal justice and related fields, are well qualified to serve on the Advisory Board.".

SEC. 25. Section 519 of title I of such Act is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall submit a comprehensive report to the President and the Congress on activities pursuant to the provisions of this title during the preceding fiscal year. The report shall include—

"(a) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(b) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies;

"(c) the number of comprehensive State plans approved by the Administration without substantial changes being recommended;

"(d) the number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended;

"(e) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(f) the number of programs funded under this title discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime or improving and strengthening law enforcement and criminal justice;

"(g) the number of programs funded under this title discontinued by the State following the termination of funding under this title;

"(h) a financial analysis indicating the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system;

"(i) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs; and

"(j) an analysis of the manner in which funds made available under section 306(a)(2) of this title were expended.".

SEC. 26. Section 520 of title I of such Act is amended by:

(a) striking subsection (a) and inserting in lieu thereof the following:

"(a) 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 $250,000,000 for the period July 1, 1976, through September 30, 1976, $1,000,000,000 for the fiscal year ending September 30, 1977, $1,100,000,000 for the fiscal year ending September 30, 1978, $1,100,000,000 for the fiscal year ending September 30, 1979, $1,100,000,000 for the fiscal year ending September 30, 1980, and $1,100,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title, such sums shall be

allocated as are necessary for the purposes of providing funding to areas chararterized by both high crime incidence and high law enforcement and criminal justice activities or serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources. 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 purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.";

(b) deleting the words "as was expended by the Administration during fiscal year 1972" in subsection (b) and inserting in lieu thereof "that such assistance bore to the total appropriation for the programs funded pursuant in part C and part E of this title during fiscal year 1972".

SEC. 27. Section 601 of title I of such Act is amended by:

(a) inserting after "Puerto Rico," in subsection (c) the words "the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands,"; and

(b) inserting at the end of the section the following new subsections:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch.

"(q) The terms 'court' or 'courts' shall mean a tribunal or tribunals having criminal jurisdiction recognized as a part of the judicial branch of a State or of its local government units.".

SEC. 28. Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974, 88 Stat. 1129, is amended by deleting the words "during fiscal year 1972" and inserting in lieu thereof "that such assistance bore to the total appropriation for programs funded pursuant to part C and part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, during fiscal year 1972".

PURPOSE OF AMENDMENT

The purpose of the amendment in the nature of a substitute for the bill (S. 2212) is to extend for five fiscal years the authority of the Law Enforcement Assistance Administration (LEAA) to provide financial and technical assistance to States and local governments for improved and strengthened law enforcement and criminal justice activities. In addition, the reported bill amends Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Pub. L. 90-351, 42 U.S.C. § 3701, *et seq.*) to make the LEAA programs more responsive to the needs of the courts, to provide increased funding to high crime areas, and to make other changes designed to improve the operations of the LEAA program.

GENERAL STATEMENT

The Law Enforcement Assistance Administration's authorization under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, expires on June 30, 1976. On July 27, 1975, Senators Hruska and McClellan introduced the Crime Control Act of 1975 to extend the LEAA program for five years. The Subcommittee on Criminal Laws and Procedures held eight days of hearings on S. 2212 and other proposals to amend the LEAA basic statute.

The Subcommittee received testimony and statements from over 100 witnesses, including public officials and private sector representatives.

Testimony was presented by the Attorney General, Members of Congress, two Governors, a State legislator speaking on behalf of the National Conference of State Legislatures, a State chief justice speaking on behalf of the Conference of Chief Justices, mayors, county officials, and criminal justice planners. A detailed government-wide viewpoint was presented by representatives of the Advisory Commission on Intergovernmental Relations (ACIR).

The Subcommittee also received testimony from a number of criminal justice practitioners representing law enforcement, corrections, and the juvenile justice and delinquency prevention systems. The Subcommittee was particularly interested in receiving testimony on the use of LEAA funds to deal with the problems of court delay and congestion, a subject addressed in some detail in S. 3043, introduced by Senator Kennedy on February 25, 1976. Witnesses presenting testimony in this area included judges, prosecutors, court administrators, and private individuals, including a victim and two ex-offenders, having first-hand experience with court systems.

The Law Enforcement Assistance Administration Program

At the opening hearings on October 2, 1975, concerning extension of the Law Enforcement Assistance Administration program, Senator McClellan observed:

> In 1968 the Congress enacted the Omnibus Crime Control and Safe Streets Act, primarily in response to the growing concern of our citizens with the violence and lawlessness resulting in a continuing rise in the rate of crime.
>
> This Act created the Law Enforcement Assistance Administration in the Department of Justice and charged that Administration with the innovative idea of setting up a funding program to assist States through the use of Federal funds to strengthen and improve law enforcement at every level of our criminal justice system.
>
> To carry out the concept that crime is primarily a local problem, the Congress adopted a "block grant" idea in dispersing Federal funds to the States—State planning agencies were authorized as a single agency within a State to coordinate all programs within its jurisdiction.
>
> Now 7 years and over $4 billion later we are still faced with serious crime problems. The crime rate increased 13 percent during the first 6 months of this year over the same period in 1974.
>
> Citizens are still afraid to venture from their homes in many cities, and extra safety precautions are taken by many people in their daily activities.
>
> I believe it is time to examine and assess the LEAA programs and aims.[1]

The perspective from which LEAA should properly by viewed was emphasized by Senator Hruska:

> The bill authorizing the extension of the LEAA program should not be viewed as the Federal government's direct

[1] *Amendments to Title I (LEAA) of the Omnibus Crime Control and Safe Streets Act of 1968*, hearings before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary, 94th Cong., 2d Sess., Oct. 2, 1975, p. 1 (hereinafter cited as "Hearings").

> response to the rising crime problem in America. Certainly, LEAA programs can help the State and local law enforcement authorities in many ways, but the key to cutting our crime rate still rests in bulk with the effectiveness of these officials. LEAA funds still amount to only 5 percent of the total outlay of Federal, State and local money for law enforcement activities. LEAA can contribute to findings solutions to our crime problems, but its programs are not ends in themselves. Too many persons make the mistake of attributing to LEAA power it does not have and responsibility it cannot assume. It should be well and firmly noted that LEAA has no direct role or control of State and local law enforcement activities; nor any dominance or undue influence. Any effort in such direction could well be construed as favoring the the concept of a national police force—and therefore reprehensible.[2]

Notwithstanding LEAA's limited role, all can agree with Senator Kennedy that: "[t]he development of proposals for combating crime is an urgent concern of all of us. Although there are no hidden panaceas for eliminating crime from our society, it is clear that certain measures can and must be taken to make our streets safe and our cities secure." [3]

The Omnibus Crime Control and Safe Streets Act of 1968 established the Federal Government's first comprehensive grant program for assisting State and local efforts to reduce crime and to strengthen and improve the operations of the criminal justice system.

Total funds authorized, requested, and appropriated for the Law Enforcement Assistance Administration since its inception in 1968 are reflected in the following table:

CONGRESSIONAL RESEARCH SERVICE

V. FUNDS AUTHORIZED, REQUESTED, AND APPROPRIATED FOR LEAA, FISCAL YEARS 1968-76

[In thousands of dollars]

Fiscal year	Authorization [1]	Budget request [2]	Appropriation
1968	100,111	.....	.....
1969	100,111	98,600	63,000
1970	300,000	296,570	268,119
1971 [3]	650,000	532,200	523,000
1972	1,150,000	698,400	698,919
1973 [4]	1,175,000	855,000	855,597
1974	1,000,000	891,124	870,675
1975 [5]	1,000,000	886,400	895,000
1976	1,250,000	769,784	809,638

[1] Authorizations for fiscal years 1968-70 are found in Public Law 90-351, sec. 520 (82 Stat. 208); for fiscal years 1971-73 in Public Law 91-644, sec. 7(8) (84 Stat. 1888); and for fiscal years 1974-76 in Public Law 93-83, sec. 2, amending sec. 520 (87 Stat. 214).

[2] The 1969 budget request was made by the Johnson administration; no budget request was made for fiscal year 1968 because the enabling legislation was not enacted until June 19, 1968. Subsequent budget requests have been made by the Nixon (1970-75) and Ford (1976) administrations.

[3] The initial fiscal year 1971 budget request and appropriation was $480,000,000. After passage of the 1971 LEAA amendments, an additional $52,200,000 was requetsed, and $49,000,000 was appropriated in a supplemental appropriations act.

[4] The initial fiscal year 1973 appropriation was $850,597,000. Subsequently, the administration requested and received a supplemental appropriation of $5,000,000.

[5] The initial fiscal year 1975 appropriation was $880,000; an additional $15,000,000 was appropriated in a supplemental appropriation act, "to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974, to remain available until Aug. 31, 1975" (Public Law 94-32).

[2] *Id.* at 4.
[3] *Id.* at 7.

The appropriations broken down by type of expenditure are as follows:

VI. LEAA APPROPRIATIONS HISTORY, FISCAL YEARS 1969-76

[in thousands of dollars]

	1969 actual	1970 actual	1971 actual	1972 actual	1973 actual	1974 actual	1975 actual	1976 estimated
Pt. B– Planning grants	19,000	21,000	26,000	35,000	50,000	50,000	55,000	60,000
Pt. C– Block grants	24,650	182,750	340,000	413,695	480,250	480,250	480,000	405,412
Pt. C– Discretionary grants	4,350	32,000	70,000	73,005	88,750	88,750	84,000	71,544
Total, pt. C	29,000	214,750	410,000	486,700	569,000	569,000	564,000	476,956
Pt. E– Block grants			25,000	48,750	56,500	56,500	56,500	47,739
Pt. E– Discretionary grants			22,500	48,750	56,500	56,500	56,500	47,739
Total pt. E			47,500	97,500	113,000	113,000	113,000	95,478
Technical assistance		1,200	4,000	6,000	10,000	12,000	14,000	13,000
Research, evaluation and technology transfer	3,000	7,500	7,500	21,000	31,598	40,098	42,500	32,400
LEEP	6,500	18,000	21,250	29,000	40,000	40,000	40,000	40,000
Educational development			250	1,000	2,000	2,000	1,500	500
Internships			500		500	500	500	250
Sec. 402 training			500	1,000	2,250	2,250	2,250	2,250
Sec. 407 training					250	250	250	250
Total, education and training	6,500	18,000	22,500	31,000	45,000	45,000	44,500	43,250
Data systems and statistical assistance		1,000	4,000	9,700	21,200	24,000	26,000	25,622
Juvenile Justice and Delinquency Prevention Act (title II)							[1] 15,000	39,300
Management and operations	2,500	4,487	7,454	11,823	15,568	17,428	21,000	23,632
Departmental pay costs					14,200			
Total—Obligational authority	60,000	267,937	528,954	698,723	841,723	870,526	[2] 895,000	809,638
Transferred to other agencies	3,000	182	46	196	14,431	149		
Total appropriated	63,000	268,119	529,000	698,919	855,597	870,675	895,000	809,638

[1] An additional $10,000,000 previously appropriated for LEAA was reappropriated, to remain available until Dec. 31, 1975, to carry out title II of the Juvenile Justice and Delinquency Prevention Act.
[2] Does not reflect the $7,829,000 transferred to other Justice Department Agencies.

The following table indicates the amount of funds made available to each State since 1968 under the Law Enforcement Assistance Administration program:

VII. PARTS B, C, AND E ALLOCATIONS AND AWARDS BY FISCAL YEAR AS OF DEC. 31, 1974

[Amount in thousands; fiscal years]

State	1969-71	1972	1973	1974	1975(3/4)	Total
Alabama	$12,859	$11,165	$11,175	$10,197	$10,186	$55,582
Alaska	2,451	1,489	2,084	2,321	1,174	9,519
Arizona	8,890	5,474	6,941	7,961	7,567	36,833
Arkansas	7,845	5,098	7,592	9,215	5,959	35,709
California	72,368	60,447	64,390	64,260	57,198	318,663
Colorado	9,183	9,775	15,991	8,655	12,697	56,301
Connecticut	10,950	8,220	9,681	9,510	8,781	47,142
Delaware	3,279	2,316	2,139	2,205	1,770	11,709
Florida	26,574	19,864	21,287	19,831	22,492	110,048
Georgia	16,379	15,147	18,323	19,794	16,349	85,992
Hawaii	3,331	2,630	3,544	6,974	2,443	18,922
Idaho	4,016	2,632	2,733	2,590	2,275	14,246
Illinois	38,729	28,826	35,849	38,512	33,036	174,952
Indiana	17,996	13,258	15,223	15,623	15,516	77,616
Iowa	9,285	7,158	8,589	8,795	8,634	42,461
Kansas	8,539	5,793	6,597	6,899	6,614	34,442
Kentucky	13,052	8,518	11,927	9,693	11,733	54,923
Louisiana	13,940	13,282	14,962	14,771	11,818	68,774
Maine	4,427	2,672	3,454	3,571	3,020	17,144
Maryland	14,316	14,588	12,380	11,764	15,452	68,500
Massachusetts	21,879	15,317	20,247	19,111	16,246	92,800
Michigan	32,504	23,809	30,519	25,757	26,707	139,296

VII. PARTS B, C, AND E ALLOCATIONS AND AWARDS BY FISCAL YEAR AS OF DEC. 31, 1974

[Amount in thousands; fiscal years]

State	1969 71	1972	1973	1974	1975(Q4)	Total
Minnesota	14,053	10,822	11,125	13,140	11,255	60,395
Mississippi	8,002	6,915	8,664	6,861	6,743	37,185
Missouri	17,402	15,758	22,410	21,687	17,960	95,217
Montana	3,571	2,169	2,544	3,025	2,158	13,927
Nebraska	5,849	4,311	6,772	4,802	4,400	26,125
Nevada	3,220	1,770	2,931	3,317	1,799	13,037
New Hampshire	3,401	2,425	3,152	2,840	2,327	14,145
New Jersey	24,985	22,155	26,435	24,332	25,468	123,375
New Mexico	4,422	3,524	3,462	5,257	3,616	20,281
New York	59,800	53,310	60,823	55,205	57,015	286,153
North Carolina	17,591	13,427	15,529	15,026	14,878	76,451
North Dakota	3,136	1,810	2,534	2,578	1,943	12,001
Ohio	36,827	33,432	39,760	39,409	30,934	180,362
Oklahoma	9,474	6,951	8,264	10,012	7,558	42,259
Oregon	7,550	7,734	10,361	16,582	7,376	49,503
Pennsylvania	40,985	31,998	35,557	34,509	35,761	178,810
Rhode Island	4,200	2,946	3,234	3,037	2,935	16,352
South Carolina	10,371	8,491	9,954	8,789	7,707	45,312
South Dakota	2,888	1,963	2,879	3,525	2,170	13,425
Tennessee	13,267	10,378	11,361	11,414	11,392	57,812
Texas	38,415	33,846	36,553	42,123	35,015	185,952
Utah	4,252	2,904	3,823	4,085	3,722	18,786
Vermont	2,244	1,367	1,816	2,132	1,465	9,024
Virginia	16,146	12,572	14,508	13,923	13,800	70,949
Washington	11,637	9,170	10,848	10,608	9,612	51,875
West Virginia	7,023	5,219	5,738	5,072	5,134	28,186
Wisconsin	15,654	11,069	12,761	13,605	14,226	67,315
Wyoming	2,074	1,227	1,754	2,143	1,387	8,585
District of Columbia	10,533	6,228	5,547	4,796	4,004	31,108
American Samoa	452	249	388	363	274	1,726
Guam	878	473	599	599	430	2,979
Puerto Rico	8,969	6,711	7,777	8,377	7,871	39,705
Virgin Islands	1,239	924	589	624	598	3,974
Total	763,192	611,727	716,529	711,806	650,610	3,453,865

The Omnibus Crime Control and Safe Streets Act created the first major Federal block grant program, assigning the major share of responsibility for planning, fund allocation, and administration of grants to State governments rather than to Federal agencies.[4] Under the Act each State has created a State planning agency (SPA) to administer the program. The planning agency in each State prepares an annual comprehensive plan which it submits to LEAA for approval. After approval of the plan, the SPA awards block grant funds to State agencies and local governments for various projects to improve and strengthen law enforcement and criminal justice and to reduce crime.

In addition, 45 States have established regional planning units to plan and coordinate multi-jurisdictional law enforcement and criminal justice efforts which provide technical assistance to local governments within the jurisdiction of the regional planning units. Many large cities have also established Criminal Justice Coordinating Councils.

The basic assumption underlying the establishment of the LEAA program by the Omnibus Crime Control and Safe Streets Act has been that criminal law enforcement responsibility and authority is primarily reserved to State and local governments. In the early years

[4] Congress has enacted two more block grant programs since 1968. In 1973, it enacted the Comprehensive Employment Training Act, 29 U.S.C. § 801, and, in 1974, it enacted the Housing and Community Development Act, 42 U.S.C. § 5301. The Advisory Commission on Intergovernmental Relations concluded in 1974 that the Congressional trend is towards the consolidation of previously fragmented, though functionally related, categorical grants into larger block grants. Advisory Commission on Intergovernmental Relations, *Federalism in 1974: The Tension of Interdependence*, at 16.

of the program, problems developed in some States because of the lack of expertise in criminal justice planning and because of difficulties in implementing a program of the scope authorized by the Omnibus Crime Control and Safe Streets Act. These problems were recognized in the 1970 Advisory Commission on Intergovernmental Relations report "Making the Safe Streets Act Work". Congress responded in 1971 with amendments to deal with these problems.

In the same year LEAA established the National Advisory Commission on Criminal Justice Standards and Goals to develop detailed standards and goals which the States could use to fashion effective programs for improving law enforcement and criminal justice. This Commission's work provided the basis for Congressional action to amend the LEAA to require State comprehensive plans be predicated on the establishment of detailed standards and goals for criminal justice. In the past three years, LEAA and the States have committed millions of dollars to meeting the Congressional mandate by establishing standards and goals which are specific to each State. Each State plan must be based on specific goals and standards, and each State must establish funding criteria to encourage the implementation of these standards by recipients of LEAA funds.

The Crime Control Act of 1973 made amendments to the Omnibus Crime Control and Safe Streets Act to require increased evaluation of programs to determine which have been most successful. Shortly thereafter, LEAA established an Evaluation Task Force which established a detailed evaluation plan for LEAA. Since that time, numerous evaluation efforts have been initiated by LEAA.[5]

The Committee finds that, although LEAA contributes only some five percent of the total funding for criminal justice and law enforcement programs in the nation, it has made many significant contributions to the criminal justice system in its seven years of operation, including substantial funding and technical assistance. LEAA and the States have made over 80,000 grants during this period. The Committee received testimony and documentation which established that these grants have been instrumental in achieving the goals Congress set for this legislation. Many of these grants have supported innovative projects which have become models for other communities throughout the country. Many grants have gone to make simple and yet necessary improvements to the law enforcement and criminal justice operating agencies comprising the system.

LEAA funds may go into a specific State's police, court, or correctional activities, as well as a number of areas which impact on potential crime in that State. The funds may be used in crime and delinquency prevention activities, as well as enforcement activities. They may be used in programs designed to reduce high recidivism rates. They may be used in programs designed to bring the citizen into closer contact with his police agency and thus build the essential trust which ultimately results in better reporting by victims of crime. Concurrently, the improvements in the system and the statistics gathering process may result in better reporting of crime statistics.

The Committee finds that LEAA has given substantial impetus to correctional reform in this country. Part E of the Act earmarks funds

[5] Hearings, p. 408.

for corrections, and the States, with the assistance of LEAA and the National Clearing House for Correctional Architecture, have made great strides in this most difficult and neglected area of the criminal justice system.

Efforts to prevent civil disorders and combat organized crime have been designated as priority funding areas under the Omnibus Crime Control and Safe Streets Act. LEAA's efforts have been well documented in past hearings by this Committee. Since there have been few civil disorders such as occurred in the mid-1960's, funding for prevention of civil disorders has been limited. However, LEAA has been and continues to maintain a large scale organized crime funding effort.

LEAA has also provided funding for activities that receive less publicity and less attention but are equally important to concerned citizens. These include the funding of Indian tribes, Citizens' Initiative Programs, judicial education programs, and victim protection programs.

It is obvious that increased emphasis has been placed on the court, prosecution, and defense aspects of the program. However, the Committee feels that greater funding emphasis is needed in the court area and has developed amendments discussed below to assure the funding.

The training and education of our law enforcement criminal justice personnel funded through the Law Enforcement Education Program (LEEP) has always received exceptional marks. This program is well justified and productive and is retained by the Committee. Hundreds of thousands of criminal justice personnel have taken advantage of LEEP benefits. The program has grown from 485 educational institutions to over 1000 and from about 20,000 students to nearly 100,000 participating annually. The number of universities and colleges that offer degrees in criminal justice has quadrupled since 1969. These funding activities have made a lasting contribution.

The Committee notes that despite the obvious benefits of the LEAA program, despite the efforts of Congress to amend the Omnibus Crime Control and Safe Streets Act, and despite LEAA's efforts to improve its program, problems still remain. The Committee addresses some of these problems through specific amendments to the LEAA Act. Discussion of these problems and the Committee amendments follow.

Attorney General's Authority

Various administrative provisions have been added to title I of the Omnibus Crime Control and Safe Streets Act to clarify, in the authorizing legislation, the extent of the authority of the Attorney General over LEAA. Since its inception the Administration has operated with the understanding that as an agency within the Department of Justice, while the responsibility for its day-to-day operational control rests with the Administrator, the Administration itself falls within the overall authority, policy direction, and control of the Attorney General. Although this understanding reflects the correct relationship between the Office of the Attorney General and the Administration, it has not previously been clearly defined by statute. As reported by the Committee, S. 2212 would clarify this relationship in the authorizing legislation.

The bill will also vest in the Attorney General, rather than the Administrator of LEAA, the authority to appoint the Director of the

National Institute of Law Enforcement and Criminal Justice and the authority to establish a new Advisory Board to the Administration to review and offer advice with respect to programs for which funding is sought under the discretionary provisions of Parts C, D, and E of the Safe Streets Act. The authority for the appointment of the Advisory Board does not reflect the judgment of the Committee that such a board is in fact necessary but rather the judgment that, if the Attorney General makes that determination with respect to the ability of the Administration to carry out its funding authority under parts C, D, and E, it is appropriate that he have the authority to establish such a board.

Legislative Participation

Among the bills considered by the Committee was S. 1598, introduced by Senator Morgan, which would have permitted a State legislature to place the State planning agency under the control of the State Attorney General or other constitutional officer of the State. This bill would have changed present law, which provides that the State planning agency is to be created or designated by the chief executive of the State and be subject to his jurisdiction. Those in favor of this measure argued that placing the State's LEAA program under the supervision of the Governor gave too much authority to the chief executive and resulted in bypassing the State legislature, which has a substantial interest in the program.

These same issues were considered by the Congress when the present law was first enacted in 1968, and a decision was made to construct the program in the form it has today. The Committee continues to share the belief expressed by the Department of Justice in the course of the hearings on this measure that placing the State planning agency under the jurisdiction of the State legislature rather than the chief executive would be inappropriate. It would be inconsistent with the centralized and coordinated statewide planning that is one of the key elements of the LEAA program and render close supervision more difficult. Such a structuring of the program would also create a greater danger of politicization of the LEAA effort.

As pointed out in the hearings before the Subcommittee, since overall responsibility for the execution of the law and supervision of law enforcement services resides with the chief executive, the administration of a program to improve law enforcement and criminal justice is properly an executive function. It is important that the governor retain this authority and that the appropriate separation of powers be maintained.

Although the Committee has concluded that jurisdiction over the LEAA program properly belongs to the chief executive, it also shares with Senator Morgan a recognition of the necessity of legislative commitment to the program. No State, for example, can participate in the LEAA program unless the State legislature appropriates funds to match those received from the Administration, and the extent of the legislature's willingness to make those appropriations will be affected by the extent of its involvement in the program. Although a State legislature may already hold oversight hearings on the LEAA program and conduct investigations of its operations in the State, the Committee felt that there was room for additional legislative partici-

pation without infringing on the proper jurisdiction of the chief executive. Accordingly, the Committee has amended S. 2212 to provide that by no later than December 31, 1979, the State planning agency must be created or designated by State law, an act of the legislature, rather than by the chief executive (although it must remain subject to the jurisdiction of the chief executive). In addition, at the request of the State legislature, the comprehensive statewide plan prepared by the State planning agency must be submitted to the legislature for its approval, disapproval, or suggested amendment of the general goals, priorities, and policies that comprise the basis of the plan. Although the action of the legislature will not be binding with respect to the plan, such a procedure will allow the legislature to voice its approval or disapproval of the bases of the plan and assure consideration of its views by the State planning agency. Both of these changes should serve to heighten legislative committment to the LEAA prgram without altering the program's integrity.

Judicial Participation and Court Planning

During the course of its hearings, the Subcommittee on Criminal Laws and Procedures received testimony to the effect that, despite Congressional intent to insure the participation and representation of all elements of the criminal justice system in the preparation of the comprehensive statewide plan and the equitable sharing of all of these elements in the funds distributed under the provisions of the Omnibus Crime Control and Safe Streets Act, this intent has frequently not been carried out with respect to the court systems of the several States. Testimony was received that, in many States, the judiciary was either underrepresented on the State planning agency or consistently received less than an appropriate share of Federal funds when its needs were compared to those of the other components of the criminal justice system. These complaints, which the Committee found, in many respects, supported by the facts, resulted in calls for, among other things, statutory requirements that one third of the State planning agency be composed of representatives of the State's judiciary and that one third of all Federal funds distributed to a State by LEAA be earmarked for the exclusive use of the State's courts.

While the Committee recognizes that some changes in the structure of the LEAA program are appropriate to insure increased judicial participation and adequate court funding, it also recognizes that the solutions proposed above are themselves inequitable or alien to the concept underlying the LEAA program. To guarantee a State judiciary a minimum one third representation on the State planning agency would be to give it a disproportionately strong voice in the preparation of the State comprehensive plan in comparison with the other elements of the criminal justice system. To further categorize the LEAA program by mandating that one third of the funds be spent solely for the use of the courts would be contrary to the block grant concept that forms the basis of the program.

The solution proposed by the Committee, which incorporates to a great extent the language and concepts proposed by Senator Kennedy in S. 3043, should insure increased judicial participation in the planning process and a fairer allocation of Federal criminal justice funds for the courts without the defects noted above. The amendments pre-

serve the integrity of the current comprehensive planning process and the primacy of the State planning agency in this process. The State planning agency retains its authority under Committee amendments (1) for developing a comprehensive Statewide plan and necessary revisions thereof for the improvement of law enforcement and criminal justice throughout the State; (2) for defining, developing, and correlating 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) for establishing priorities for the improvement of law enforcement and criminal justice throughout the State. Most importantly, the State planning agency retains its authority to allocate funds among the various components of the criminal justice system including courts.

S. 2212, as reported by the Committee, would first require that each State planning agency include, as a minimum, three judicial members selected by the chief executive of the State from a list of nominees submitted by the chief judicial officer of the court of last resort. It also imposes upon the Administration the affirmative obligation to assure that the membership of each State planning agency is fairly representative of all components of the criminal justice system. Pursuant to this obligation, the Administration may require that a large State planning agency include more than three judicial members if that is necessary to provide fair representation on behalf of the court systems of the State. Finally, the bill requires that any executive committee of a State planning agency include the same proportion of judicial members as the whole State planning agency. These mandatory judicial membership requirements will insure an appropriate voice on behalf of the court systems of the State in the preparation of any State comprehensive plan and inevitably result in a fairer allocation of funding.

As reported, however, S. 2212 does much more than increase judicial membership on the State planning agency. It serves to encourage planning on the part of the judiciary itself for the needs of the court systems of the State, notably lacking in most jurisdictions, by authorizing the establishment of judicial planning committees by the courts of last resort of the several States. The purposes of these committees, which are to be reasonably representative of the various courts of the State exercising criminal jurisdiction, will be to establish priorities for the improvement of the courts of the State, develop programs and projects for their improvement, and prepare an annual court plan for the expenditure of LEAA funds awarded for the use of the courts. The annual court plan will be incorporated in the comprehensive State plan to the extent that it is consistent with that plan. The development of this planning capability and the plans that result therefrom will insure the most effective use of funds awarded for the use of the courts.

To assist in the development of this planning capability and to insure that the preparation of the judicial plan is not a futile exercise, S. 2212 provides that a minimum of $50,000 of the planning funds awarded to a State be provided to the judicial planning committee and that the Administration shall not approve any State plan for funding unless it determines that such plan provides an adequate share of funds for court programs. Finally, the bill provides that Part C block grant funds may be used for the purpose of developing a multi-year comprehensive plan for the improvement of the courts. This

multiyear plan for the general improvement of the courts is contemplated as a much broader and comprehensive document than the annual plan and will be drafted with a view toward determining the best and most efficient use of all court resources and not merely those made available through the LEAA program.

In sum, it is Committee's belief that the provisions of the reported bill providing for mandatory judicial membership on the State planning agency, the establishment of judicial planning committees by the courts of last resort of the several States, the development of an annual judicial plan for the use of LEAA funds by the courts and the funding of that development, the use of Part C block grant funds for the development of a multiyear plan for the improvement of the court systems of the States, and the requirement that a State plan cannot be approved unless it provides adequate funds for court programs, will assure not only increased participation by the judiciary of the several States in the development of the State plan but also equitable distribution to the courts of available funds without doing violence to the block grant concept that forms the basis of the Safe Streets Act.

Crime Against the Elderly

Among the bills considered by the Subcommittee on Criminal Laws and Procedures dealing with the reauthorization of LEAA were S. 1875 introduced by Senator Beall, and S. 3277, introduced by Senator Roth, both of which would have required that no State plan could be approved as comprehensive, and, therefore, eligible for LEAA funding, unless it included a comprehensive plan for the prevention of crimes against the elderly. Both of these bills are attempts to address the particular plight of the elderly—their particular susceptibility—with respect to violent crime. As Senator Beall pointed out in his testimony before the Subcommittee:

> [Recent crime] statistics are particularly disconcerting to senior citizens, who are less able to resist becoming victims of crime . . . [N]o segment of our population is more directly affected by crime or the fear of crime. Senior citizens are all too often the victims of crimes while millions of others change their lifestyle in an effort to avoid being victimized by street criminals.[6]

Hon. Clarence M. Kelley, Director of the Federal Bureau of Investigation, has expressed his own concern about the plight of the elderly and has stated that:

> Reducing crimes against the elderly and the dread they have for lawlessness can spark a renewed sense of security in older persons and improve the quality of their lives.[7]

The Committee shares this concern. At the same time, it recognizes that not every State is faced with this problem and that, for those States that are not, it is not appropriate to require the development of a comprehensive program to prevent crimes against the elderly as a precondition for funding of a State plan. In lieu of such a requirement and as an expression of its awareness of and concern about this particular aspect of crime in this country, the Committee has amended

[6] Hearings, p. 78.
[7] *Message From The Director*, FBI Law Enforcement Bulletin, January 1976, reprinted in Hearings, p. 713.

S. 2212 to specifically authorize LEAA to make grants for the development and operation of programs designed to reduce and prevent crimes against elderly persons. This specific recognition should serve to encourage, and is intended to encourage, the development of such programs in those jurisdictions where it is appropriate.

In amending the language of the statute, the Committee recognizes that LEAA has already begun studying and testing measures to prevent crimes that seriously affect the elderly, including a research program to study the design and effective use of the physical environment to reduce those crimes and a demonstration project to reduce the opportunities for street crimes against the elderly. Some States are already using block grant funds for similar projects. The Committee supports the continued development of such programs.

One-Third Limitation on Personnel Salaries

Section 301(d) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, prohibits the use of more than one-third of any Part C grant for the compensation of police and other regular law enforcement and criminal justice personnel. Testimony was received during the hearings before the Subcommittee on Criminal Laws and Procedures recommending that this statutory restriction on the hiring of personnel with LEAA funds be repealed. The argument was made that, if a State or local jurisdiction determined that, based upon its evaluation of its own needs, the most appropriate use of Federal funds was for personnel compensation, it should not be restricted in this regard by such a limitation.

At the time of the enactment of the Omnibus Crime Control and Safe Streets Act, a prime concern of the Congress was that the Act not result in the Federal government assuming control of State and local law enforcement and criminal justice responsibilities, a process that could have as its end result the creation of a national police force. Indeed, as an expression of that concern, a specific provision, section 518(a), was enacted declaring that nothing contained in the act was to be construed as authorizing 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. But, it was also recognized that, inherent in any program of Federal funding of State and local law enforcement activities was a danger of indirect Federal control over such activities through the development of State and local dependence on a continuation of such funding, the likelihood of which increases in times of fiscal crisis such as many jurisdictions are now undergoing. Of particular and immediate concern in this regard was the area of personnel compensation. To avoid the development of such a dependence, Congress enacted the one-third salary limitation, a decision the Committee feels has continuing validity today.

Beyond the danger noted above, however, repeal of the one-third salary limitation would also impede one of the major purposes of the LEAA program, the development of new and innovative methods to reduce and prevent crime. Without such a limitation, States and local jurisdictions would be sorely tempted to simply utilize their Federal funds for the support of existing law enforcement activities rather than seek new answers to the problems of crime.

The Committee recognizes, however, that, in some cases, a new and innovative program may require a large expenditure for personnel compensation and that the one-third salary limitation might inhibit or prevent the development of that program. In these limited instances the Committee has determined that an exception to the general rule of the statute is justified. Accordingly, S. 2212, as reported, permits waiver of the one-third salary limitation where the Administration specifically finds that it is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice. The requirement that the programs be innovative is specifically designed to prevent the use of the waiver for standard, on-going law enforcement activities and thereby to avoid the dangers noted above.

Local Government Plans

During the hearings, testimony was received from the Advisory Commission on Intergovernmental Relations (ACIR) and others on the advisability of establishing modifications to the current funding mechanism as it relates to local governments or combinations of local governmental units. The Committee has generally agreed with the recommendations of the ACIR and other parties concerned with this issue.

The Committee has modified the current provisions of section 303(a)(4) which have required that the State comprehensive plan "specify procedures" under which local plans may be submitted to the State planning agency two major ways. First, the limitation that only units of government of more than 250,000 population could utilize this procedure has been eliminated. Secondly, where the procedure is complied with and the local government plan or portion thereof comports with the statewide comprehensive plan, priorities and programs, the State planning agency shall award funds on the basis of this plan without the necessity for project applications for each project the governmental unit intends to pursue.

The Committee agreed with the Advisory Commission that it would be unwise to establish "a separate program of block grant systems to major cities and urban counties for planning and action purposes." It also agreed with the Commission recommendation that there was need to reduce time spent on grant administration in order to provide more time for comprehensive planning. It is not necessary to limit the availability of procedures to accomplish this purpose to units of government with populations in excess of 250,000. If such procedures are otherwise appropriate and can be utilized to reduce paperwork and red tape, they should be available for a variety of governmental units.

The recommendations of the Commission and many other witnesses emphasize the need to spend more time and effort on planning and less on compliance with administrative requirements and their resulting red tape. The ACIR was also concerned that more and better comprehensive planning take place at the local level and that more stress be given to the planning process in lieu of the practice in some jurisdictions of developing "shopping lists." In this regard, the amendment is consistent with these recommendations.

Since the planning process at the local level can vary from State to State, it is possible that some States will need to maintain a multi-step

procedure. This is not to say that red tape will not be reduced in this instance, since even here the level of detail in the individual project descriptions should be dispensed with in the funding process. It has been impressed upon this Committee that flexible procedures are needed to permit this amendment to function and achieve its benefits. Therefore, States may need to develop a variety of procedures dependent upon the structure of the State planning process.

LEAA, as well as the ACIR, has consistently stressed the need for total resource planning. Some States have developed systems which utilize the total resource planning concept. In some instances, the local planning activity emphasizes data analysis, problem definition, system needs, priority development, etc. of all elements of the local criminal justice systems. These plans may not proceed to the programming stage before the State renders its approval. In such an instance, it is obvious that a separate stage of activities will be required before the planning and funding process can be completed.

This amendment will make available a potential for reduction of red tape and simplification of the process for local units of government. Since many of the States utilize regional planning bodies and the regional planning bodies plan for but do not "apply" for Part C or Part E action funds from the State planning agency, the procedure may be more useful to larger governmental bodies or regions which have authority from the local governments to apply for funds on their behalf. The Committee does not intend to limit the benefits of this process, however, and, where local governments can work in conjunction with the State planning agency to develop an appropriate tripartite arrangement, the procedure should be of benefit to those parties.

The "procedures" to be developed give a substantial responsibility to the State planning agency. It is necessary that procedures be thoroughly analyzed and tested to assure that planning by cities and city/county combinations will be coordinated with planning for State, county, and judicial planning committee activities. The State is still responsible for the overall comprehensive plan requirements. Other Federal statutes, specific LEAA statutory requirements, general LEAA statutory provisions, and other miscellaneous Federal requirements are the responsibility of the State planning agency. Priority setting and general criminal justice programming as developed in the comprehensive planning process is a requirement that only the State planning agency can be responsible for and hope to achieve. A statutory requirement for more than a "procedure" would have to entail matters too detailed for legislation which would have applicability among all the States and numerous local governments and could result in an imbalance in the planning efforts of the entire State. It could also result in the breakdown in the legal grant relationships between State and local units of government.

Since the State planning agency is the legally responsibile party for the Federal grant, the following types of issues must be addressed before an acceptable procedure can be developed.

1. *Assimilation of the procedure into the current planning process.*—Currently, each State plan is developed through a process that builds from local governmental and regional planning input. This input is obtained in accordance with the requirements of section 303(a)(3)

which requires that every State plan adequately take into account local government program development and allocate funds in a balanced manner. The State government represented by the Governor's crime commission or designated policy board utilizes this input in developing overall statewide priorities, standards, goals, objectives, and programs. State legislative input, as required by other amendments in this bill, respecting these priorities will be utilized by the Governor in his policy-setting function. By its very nature, this planning and policy-setting process in developing a State plan cannot incorporate all elements of local government plans. At this point in the current process, the State plan is submitted and, if found to meet statutory requirements, approved by LEAA. Local governmental bodies then submit applications which contain detailed project descriptions in accord with programs set out in the statewide comprehensive plan.

The procedures must provide for the final resolution of the differences in the earlier local governmental plan and the State plan. The goals or programs the local government is attempting to achieve must be communicated to the State planning agency and a *legal* relationship adopted without the necessity for, in some governmental units, as many as 40 or 50 separate later applications. In this process, for example, a simple contract or grant application in the sense of a document containing assurances, conditions, and a cross-reference to the approved programs would be signed by the party who can legally bind the local government applicant and would constitute the basis upon which the State could award funds. It is noted that amendments on high crime area funding provisions, as provided for in section 408, must also be taken into account in the administration of these procedures by the State planning agency.

2. *Specific LEAA statutory requirements.*—LEAA and the State planning agencies are governed by a number of specific statutory requirements which "flow down" to the State planning agency and to the activities of the local governments which involve LEAA funds. The procedure must address statutory compliance questions relevant to hard match; buy-in; the one-third personnel limitation; the 90 day application approval or denial rule; Part E correctional assurances relating to the control of funds, title to property, recruitment, etc.; special construction requirements; evaluation; juvenile justice programming; and the overall requirements of the statewide comprehensive planning.

Of special significance to any procedure would be the necessity to establish rules and a process involving the reprogramming of funds out of approved categories, e.g., movement of funds from juvenile justice or court activities into the correction or police activities following plan approval. The 90 day rule would require swift action by the State. Since a 90 day rule is based upon an application, it is anticipated that in the normal circumstances, the formal legal application which specifies an amount of funds and assures compliance with all the legal terms and conditions would be submitted following the allocation of a specific dollar amount to the local governmental unit. Prior to this formal legal application, which when aproved constitutes an agreement on the approved plan or portion thereof, it is not possible for the State and local governmental unit to enter into a legal arrangement

since neither an amount nor a program plan had until then been decided upon.

3. *General requirements of the LEAA legislation.*—Assumption of cost provisions, nonsupplanting provisions, availability of records and information in accordance with section 521 of the Act, and other statutory provisions such as the security and privacy provisions of section 524, which are implemented by LEAA regulation, must also be built into the procedural requirement. The State is responsible, and LEAA must look to the State for compliance with these provisions. The procedure must give the State the assurance it needs that local governmental units utilizing this amendment can meet these requirements.

4. *Other Federal statutes.*—The State is responsible for achieving compliance with civil rights statutes, the National Environmental Policy Act, the Relocation Assistance Act, the Historic Site Preservation Act, and Equal Employment Opportunity regulations in the construction field. The State procedures must assure that these Federal requirements can be met.

5. *Other Federal Regulations and LEAA Guidelines.*—OMB circulars, GSA financial management circulars, miscellaneous LEAA guidelines, including the provisions of the financial guide relating to accountability, are all within the responsibility of the grantee State planning agency. A process to assure compliance with these provisions (which bind LEAA) must be adopted by the State in its development of the procedures anticipated under this section. It is anticipated that current guidelines would be modified to conform to this amendment. It will also be necessary to accommodate this amendment to the current stage of the State planning process. If fiscal year 1977 State plans are already in the process of review or implementation, the States may not be able to implement these procedures immediately. However, the amendment requires the States to develop such procedures in fiscal year 1977 and implement them as soon as possible thereafter.

It is the hope of this Committee that comprehensive planning and the block grant concept will be maintained and strengthened and that the utilization of the procedure embodied by this amendment will further these primary goals.

Indian Tribe Liability

As reported by the Committee, S. 2212 authorizes LEAA to waive the liability that remains with a State under a State subgrant agreement with an Indian tribe where the State lacks jurisdiction to enforce the liability of the Indian tribe under the subgrant agreement. Upon waiving the State's liability, the Administration would then be able to pursue available legal remedies directly or enter into appropriate settlement action with the Indian tribe.

Although, at first blush, this authority would appear to be directed against the Indian tribes, it is actually designed to provide for their increased participation in the LEAA program. Under the current provisions of title I of the Omnibus Crime Control and Safe Streets Act, each State is liable for misspent subgrant funds, a liability that cannot be waived by LEAA. It is then up to the State to seek indemnification from the subordinate jurisdiction. In some jurisdictions, by virtue of treaty or otherwise, States do not have the legal authority to seek such indemnification from certain Indian tribes. The possi-

bility of being held liable by LEAA for subgrant funds misspent by those tribes without the ability to seek indemnification has resulted in a hesitancy on the part of those States to award funds to the tribes.

The provision of a statutory waiver authority, allowing these States to avoid liability in these instances will encourage them to increase the amount of funds provided to the tribes and increase Indian participation in the LEAA program.

Civil Disorders

At the time of enactment of section 307 of the Safe Streets Act, many areas of the country were particularly plagued by riots and other violent civil disorders. The Congress therefore determined that the Act should provide for LEAA and each State planning agency to give special emphasis, where appropriate or feasible, to programs and projects designed to deal with that problem when making grants under the Act. Fortunately, since the time of enactment, this particular problem for the criminal justice system has significantly abated in terms of the necessity for special emphasis under the Act. The Committee has therefore eliminated the requirement that such emphasis be given to the prevention and control of riotous activity. At the same time, the Committee recognizes that, in terms of its scope and magnitude, the problem of court congestion and backlog and the need to improve the fairness and efficiency of the judicial systems of the country has emerged as possibly the most serious issue facing our criminal justice system today. Accordingly, while removing riots and civil disorders from the classification of those problems in need of special emphasis, it has included the problem of court congestion in that classification.

High Crime Areas

As reported by the Committee, S. 2212 would authorize the expenditure of up to $262.5 million through fiscal year 1981 to fund grant programs for areas characterized by high crime incidence and high law enforcement and criminal justice activity or serious court congestion and backlog.

In 1970, the Omnibus Crime Control and Safe Streets Act was amended to insure that States would include in their statewide comprehensive plans an allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by high crime incidence. Consistent with this Congressional direction given with respect to the LEAA block grant program, the LEAA initiated, as a part of its discretionary grant program, its own High Impact Anti-Crime Program. This was an intensive planning and action effort directed at the occurrence of stranger-to-stranger crime in eight large cities, which, by virtue of their high incidence of such crimes, were determined to be particularly suited for such added assistance. The program focused on the three basic elements of any criminal act—the offender, the target/victim, and the crime setting—and the development of appropriate responses in terms of prevention, deterrence, detection, apprehension, adjudication, and post-adjudication disposition. In carrying out this program, crime analysis teams were established in each of the eight target cities; target crimes, victims, and offenders were analyzed; comprehensive objectives for target crime reduction were formulated; programs and projects responding to identified needs were developed; and individual projects and overall pro-

grams were monitored and evaluated. The target cities have already begun responding to the program's goal of "institutionalizing" those aspects of the programs that have been demonstrated to have been beneficial and useful.

Recognizing that there is no quick and easy panacea for crime, particularly in the areas toward which this program is directed, the Committee concurs in the judgment that there is a need for additional attention to be given to these areas. The Committee also recognizes, however, as is discussed elsewhere in this report, that one of the most serious problems facing the criminal justice system today is that of court congestion and backlog. For if criminal offenders, once caught, are not swiftly and fairly processed through the criminal justice system, then that system fails to render justice. Accordingly, S. 2212, as amended by the Committee, would authorize the expenditure of high impacts funds not only for those areas characterized by high crime incidence and high law enforcement and criminal justice activities but also for those areas characterized by serious court congestion and backlog.

Evaluation and Monitoring

One of the criticisms of the LEAA program during the course of the hearings before the Subcommittee on Criminal Laws and Procedures concerned the failure of the Administration to adequately evaluate and monitor the expenditure of Federal funds under the program to assure that they were being expended not only in accordance with the purposes of the act but also in the most efficient and effective manner possible. Although the block grant concept underlying the LEAA program is based upon the belief that crime is essentially a local problem and that the States and units of local government are best able to determine the needs of their criminal justice systems, this concept is by no means inconsistent with an obligation on the part of LEAA to assure that the Federal funds distributed to these States and local governments are being spent in a manner that conforms to the intent of Congress and are not being wasted.

The Committee recognizes that, pursuant to the provisions of the Crime Control Act of 1973, LEAA has undertaken a serious evaluation effort that is just now beginning to show its effect. This effort has as its goal not only simple evaluation to determine which programs have proven effective but also identification of those programs for the States and local governments which would benefit from the experience of other jurisdictions in attempting to formulate their own criminal justice programs. As part of this effort to identify promising LEAA supported projects, in 1975 the Administration prepared a Compendium of Selected Criminal Justice Projects describing more than 650 projects and summarizing their reported impact on crime or the criminal justice system. One third of the projects were considered especially innovative. The National Criminal Justice Reference Service serves as a clearinghouse of information on LEAA programs, and the Administration is now in the process of implementing a further agency-wide system that will routinely assess and disseminate information on particularly promising approaches to crime control and system improvement. In the last two years, LEAA has also placed increased emphasis on helping State and local governments implement project evaluation.

Despite this acknowledged increase in emphasis on evaluation on the

part of LEAA, the Committee feels that still further efforts in this area are appropriate to insure that Federal funds are not being mishandled and that the agency is fulfilling its mandate. Accordingly, as reported by the Committee, S. 2212 would first amend the Declaration and Purpose of title I of the Safe Streets Act to specifically incorporate the judgment of the Congress that one of the purposes of the act is to assist the State and local governments in evaluating the impact of programs developed under the act. The bill then specifically provides, in section 303(b), that, prior to approving any State plan for funding, the Administration must first evaluate its likely impact and effectiveness and make an affirmative finding in writing, based upon that evaluation, that the plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. The requirements that evaluation be conducted prior to approval and that an affirmative written finding be made are directed to the concerns of those who feel that LEAA has merely tended to serve as a conduit of Federal funds without particular concern about how those funds are being used.

As reported, S. 2212 would also amend section 515 of the act to impose several additional requirements on the Administration with respect to evaluation. As amended, the section would require the Administration to review, analyze, and evaluate each State plan to determine if they are consistent with the purposes of the act; develop appropriate procedures to determine the impact and value of programs funded under the act; and assure that the programs of the State agencies are carried out efficiently and effectively.

Finally, new and comprehensive reporting requirements are imposed upon the Administration detailing the types of information that must be submitted to the Congress to enable it to determine if the Administration is properly carrying out its evaluation and monitoring functions.

It is the view of the Committee that these new evalnation and monitoring requirements will substantially contribute to a more careful and effective use of LEAA funds.

Trust Territory of the Pacific Islands

Among the bills considered by the Subcommittee on Criminal Laws and Procedures was S. 2245, introduced by Senator Fong. That bill would have amended the definition of a State eligible for LEAA grants, as contained in section 601(c) of the Safe Streets Act, to include the Trust Territory of the Pacific Islands. As reported by the Committee, S. 2212 would amend that definition to include not only the Trust Territory but also the Commonwealth of the Northern Mariana Islands. Neither of these jurisdictions is presently participating in the LEAA block grant program.

The amendment to section 601 reported by the Committee will provide resources for both the Trust Territory and the Commonwealth to develop a planning capability for law enforcement and criminal justice programs heretofore lacking. Because the Trust Territory and the Commonwealth have not previously qualified for LEAA assistance and have not developed an adequate planning capability, they have not only been prevented from participating in the LEAA program but have also been inhibited in their ability to qualify for formula

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grant funds under the Juvenile Justice and Delinquency Prevention Act of 1974, which is also administered by LEAA. In order to qualify for such funds, a comprehensive plan for the prevention of juvenile delinquency and the improvement of juvenile justice must be submitted to LEAA for approval. Preparation of such a plan also requires a planning capability, which this amendment will help to provide.

Period of Authorization

As reported by the Committee, S. 2212 authorizes continuation of the LEAA program through fiscal year 1981. Because the types of programs ultimately funded by the States will be determined by the length of reauthorization of the LEAA program, the Committee felt five years would best promote achievement of the policies of the Congress in enacting the Omnibus Crime Control and Safe Streets Act and would give needed stability to this important Federal assistance program.

One of the key features of the LEAA program is the comprehensive planning process. Each State is required to review its law enforcement and criminal justice programs and establish needs and priorities for resource allocation. To be effective, this planning must necessarily have long-range implications. A shorter period would be disruptive of this planning process and allow States to give consideration only to short-term needs.

An abbreviated LEAA program and the uncertainty as to future assistance which a short authorization period would entail would have further adverse effects on State and local efforts. The nature of individual projects would change drastically from the innovative efforts leading to permanent beneficial effects which the Congress expects to project which merely support normal operational expenses. Jurisdictions would be hesitant to make a commitment to many significant undertakings or to hire new personnel because of the possibility of abrupt loss of support.

Short-term programs would also encourage the purchase of equipment by localities, since a tangible benefit lasting for some time would be guaranteed. Equipment purchases would also be attractive, since they require no follow-up planning or evaluation.

There could also be a chilling effect on the raising of matching funds by localities. Local officials may not wish to make a substantial investment in a program which would possibly remain in existence for a brief period, or which might be drastically changed in nature.

One particularly striking example of the negative results which might occur because of a limited re-authorization is in the area of LEAA's corrections effort. The objective of LEAA's corrections program is to develop and utilize hypotheses concerning techniques, methods, and programs for more effective correctional systems and improved capabilities of corrections, with special attention to offender rehabilitation and diversion of drug abuse offenders. Developing and demonstrating innovative, system-oriented programs and monitoring and evaluating the outcome of such efforts require substantial time, effort, and funding commitments. A short time period such as two years would be an unrealistic time frame in which to try to accomplish such objectives.

Numerous States are now developing correctional and court master plans with LEAA encouragement and support. It has been demonstrated that the planning, development, and implementation of the process exceeds two years. We cannot expect that States, particularly those which are only beginning the process, would commit resources to these major efforts without assured LEAA technical and financial assistance.

Other major corrections program efforts, such as the Comprehensive Offender Program Effort (COPE), which is now in the initial funding stages, could not have been developed and come to fruition if such a two year limitation were imposed when COPE was first conceived as an inter-agency Federal effort. Furthermore, participating States would not consider a major allocation of resources to develop COPE plans if there were no authority to continue the LEAA program beyond two years.

A final example of the need for an extended period of authorization is the LEAA evaluation effort. Meaningful evaluation of complex criminal justice programs cannot be completed within two or three years. Because of the many factors which impact on crime, it is often difficult to identify those projects which reduce crime without long-term review and assessment. For example, projects relating to recidivism, which is one of the most challenging aspects of criminal justice improvement, require several years to design, implement, and evaluate. Moreover, non-governmental organizations engaged in criminal justice research—at universities and in private research firms—must be assured of the long-term potential for support of studies into complex crime-related issues before they can invest their own resources in these areas.

In determining the period of reauthorization for LEAA, the Committee paid serious attention to the thrust of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). That legislation has as one of its primary objectives the development of long-range planning capability by the Federal Government. Extension of the LEAA program for five years would be consistent with this objective.

The Committee was particularly interested in the views of those witnesses appearing before the Subcommittee on Criminal Laws and Procedures regarding the term of LEAA reauthorization.

Although some witnesses did not direct their attention to the period of authorization, the following witnesses specifically supported extension of the program for five years:

Attorney General Levi.

Deputy Attorney General Tyler.

LEAA Administrator Velde.

Governor Byrne of New Jersey.

Representative Cal Ledbetter of Arkansas, on behalf of the National Conference of State Legislators.

Attorney General Slade Gorton of Washington.

Richard Harris, Director of the Virginia Division of Justice and Crime Prevention, on behalf of the National Conference of State Criminal Justice Planning Administrators.

Philip Elfstrom, Kane County, Illinois, Board of Commissioners on behalf of the National Association of Counties.

Sheriff John Duffy of San Diego, California.

Representatives of the Advisory Commission on Intergovernmental Relations.

Chief Judge James Richards, Lake County, Indiana, Superior Court.

Governor Noel of Rhode Island.

Justice Harry Spencer, Nebraska Supreme Court;

Associate Judge William Grimes, New Hampshire Supreme Court; and

Judge Henry V. Pennington, Kentucky Circuit Court—All three representing the American Bar Association.

In light of this great weight of testimony, plus the logic of arguments presented regarding the need for long-term reauthorization of LEAA, the Committee believes that the five year period provided is both reasonable and responsible.

Maintenance of Effort for Juvenile Delinquency Programs

Section 520(b) of the Crime Control of 1973, as amended by the Juvenile Justice and Delinquency Prevention Act of 1974, requires that the Administration expend at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972. This requirement is also provided as Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974.

In formulating the maintenance of effort requirement in 1974, it was the judgment of the Senate that such a provision would ensure that programs funded under the new Juvenile Justice Act would be supplementary to the substantial efforts in the juvenile delinquency area that were already underway with Crime Control Act funds. The concern was that otherwise some programs and projects might simply be switched from Crime Control Act funding to Juvenile Justice Act funding. Such a development could have diluted the impact of new funding authority of the Juvenile Justice Act.

The actual level of awards for juvenile delinquency programs, Parts C and E, block and discretionary funds, for fiscal year 1972 totaled $111,851,054, as follows:

Parts C and E block	$89,355,432
Parts C and E discretionary	22,495,622
Total	111,851,054

This award level represents 19.15% of the fiscal year 1972 Parts C and E allocation of block and discretionary funds, which totaled $584,200,000.

Under the current statutory requirement LEAA awards must total a minimum of $111,851,054, for each fiscal year irrespective of the total amount of available Parts C and E funds.

The amendment recommended by the Committee would require that a minimum of 19.15% of the total allocation of Parts C and E funds be awarded annually for juvenile delinquency programs. This formula is more equitable in that the level of minimum allocation would increase or decrease in proportion to the actual allocation of funds for each fiscal year. Juvenile delinquency programming would receive a fair share of the total Crime Control Act resources available, neither

growing at the expense of other vital programs nor receiving a smaller, less equitable share.

Examination of the fiscal year 1976 Crime Control Act allocations and some hypothetical projections illustrate the need for this amendment. In fiscal year 1976, the total Parts C and E allocation of Crime Control Act funds was $572,434,000, a net decrease of $11,766,000 from the fiscal year 1972 allocation. Under the percentage formula the maintenance level for fiscal year 1976 would have been $109,621,111, rather than $111,851,054. While this is a relatively small total dollar change, the impact on programming would be significant if appropriations were to increase or decrease substantially in any future fiscal year.

For example, if the fiscal year 1977 allocations for Parts C and E were to total $672,434,000, a net increase of $100,000,000 from the fiscal year 1976 level, the percentage formula would require the award of $128,771,111, for juvenile delinquency programs rather than $111,851,054. Juvenile delinquency program expenditures would thus increase in the same relative proportion as other program areas and not be permitted to simply remain at the same level.

On the other hand, if the fiscal year 1977 allocations for Parts C and E totaled $472,434,000, a decrease of $100,000,000 from the fiscal year 1976 total, LEAA would currently be required to assure the award of $111,541,054, or 23.68% of the available funds, for juvenile delinquency programs. Successful on-going programs in the police, courts, and corrections areas would bear the full brunt of the funding decreases. A significant number of promising programs and projects would be prematurely terminated, project employees would lose their jobs, and funds invested to date never given the opportunity to return a benefit to the law enforcement and criminal justice system. Innovative new programs in police, courts, and corrections could not be funded. The revised formula would, in this situation, require that $90,452,312 be awarded for juvenile delinquency programs. All areas of funding would share the burden of decreased funding equally, the impact being as a result less severe. Both LEAA and the individual States would have needed flexibility in making necessary program revisions to accommodate the lower level of allocations.

The change to a percentage formula for maintenance of juvenile delinquency funding under the Crime Control Act is a more equitable, more flexible provision for assuring that juvenile programming receives a proper emphasis under the Crime Control Act. The Committee believes that this change will benefit all programs funded under the Crime Control Act and assure that all aspects of law enforcement and criminal justice are accorded a fair and equitable share of available Federal resources.

Changes to Certain Fund Distribution Provisions

Witnesses appearing before the Subcommittee on Criminal Laws and Procedures recommended that changes be made in several provisions of LEAA's enabling legislation which provide for allocation and distribution of funds. It was suggested at different times that the minimum planning base to States be raised, that the share of Federal funding be increased, that localities be provided a greater percentage of available funds, that assumption of cost requirements be eliminated, and that more LEAA funds be used for block grants, less for discretionary purposes. The Committee considered each of these suggestions

and, with the exception of the first item noted, has decided against revision of the fund distribution provisions embodied in the current law.

Planning Base Increase

Section 205 of the Omnibus Crime Control and Safe Streets Act provides that Part B planning funds are to be distributed among the States on the basis of relative populations, with a minimum of $200,000 to each. This minimum allocation was originally $100,000 per state, with the sum being increased to $200,000 in 1973. The Committee retains a Subcommittee amendment which increases this amount to $250,000. Planning is an important aspect of the LEAA program. This amendment is an appropriate step in improving coordination of law enforcement and criminal justice activities, particularly as it relates to court planning. One of the more important accomplishments of the LEAA program has been that law enforcement and criminal justice has been viewed as a system, the segments of which are all interrelated. The system-wide approach fostered by LEAA planning funds permits comprehensive improvement in all areas, provides for exchange of information among the various disciplines, and eliminates duplication of effort through coordination.

Decrease or Elimination of Match Requirements

The Federal share of programs and projects supported by LEAA may be up to 90 percent of the cost of such projects. The current exceptions to this are construction projects, where the maximum Federal share is 50 percent of the cost, and research, development, and educational programs, where Federal support is total. It has been suggested that the Federal share of funding be increased, so that either 95 percent of the cost be borne or the total cost of projects be paid. The Committee considered these proposals and determined that the proposed revisions are not warranted.

Requiring States and localities to contribute to projects receiving Federal support has three purposes. First, State and local legislative oversight is insured, thus guaranteeing some degree of State and local political control over federally assisted programs. Second, matching requirements bring into play State and local fiscal controls to minimize the chances of waste. Finally, the commitment of participating jurisdictions to fighting crime and improving the criminal justice system is underscored by their willingness to contribute to improvements which are mainly federally supported. The Committee feels that all of these considerations are valid as related to the LEAA program and has not included any amendments changing present matching requirements.

Increase of Local Participation

Section 202(c) of the Omnibus Crime Control and Safe Streets Act requires that at least 40 percent of all Federal planning funds be available to units of general local government or combinations of such units, unless waived by LEAA under specified circumstances. Section 303(a)(2) provides for allocation of action funds between each State and its component units of general local government according to a variable formula taking into account the respective levels of State and

local law enforcement expenditures. The Committee has made no changes to these provisions.

Under the terms of LEAA's enabling legislation, the major responsibility for developing each State's comprehensive plan for the improvement criminal justice rests with the State planning agency. That agency also must define and correlate programs, establish priorities, and administer block subgrants. Because of these responsibilities, it is appropriate that the major share of planning funds be retained at the State level, so long as a reasonable distribution of such funds is made to local governments to help them meet their planning needs. The requirement that 40 percent of planning funds be made available to these local governments assures that reasonable distribution.

The "variable pass-through" formula of section 303(a)(2) is a means of assuring a fair allocation of funds between States and localities, using the amount of services provided by each as a guide. As this formula has operated, localities have received over 70 percent of LEAA Part C action funds. It is also important to note that this provision is not the only one which protects the rights of local governments. Section 303(a)(3) mandates that every State plan:

> 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, 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.

Section 303(a)(4) makes provision for submission of plans to the State from units of local government, while section 303(a)(8) provides for a system of review whereby local governments can challenge allegedly adverse State decisions.

The Committee believes that these provisions have worked effectively to assure inclusion of local governments in the planning process fostered by the LEAA program.

Elimination of Assumption of Costs

Section 303(a)(9) of the Act requires that each State plan must demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded by LEAA after a reasonable period of Federal assistance. It has been argued that this provision works a hardship because promising projects cannot receive continued Federal assistance. If a State or local government does not provide support for such projects after Federal funding ends, the project is discontinued. The Congress considered changing this provision in 1973, but a Senate preference for its continuation was accepted. The Committee agrees with the prior determination that section 303(a)(9) be retained.

It is the declared belief of the Congress that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively. One of the purposes of LEAA is encourage the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals. As the program operates, Federal funds are used to support innovative efforts which could not have otherwise been attempted

with only State or local support. Through Federal leadership, new approaches which have been proven successful are adopted by participating jurisdictions, while other, less positive efforts, are abandoned. If LEAA were required to provide continued funding for all of the projects supported, there would very quickly be no room left for innovation at the national, State, or local level. LEAA would become locked-in to supporting the normal operating activities of law enforcement and criminal justice agencies. It is thus crucial to the overall effectiveness of the program that States and localities be willing to assume the costs of these improvements after a reasonable trial period.

Increase in Block Grant Percentage

It has further been suggested to the Committee that a greater percentage of LEAA funds be allocated to the States on a population basis, with the amount of discretionary funds available being reduced. After reviewing the purpose and use of LEAA discretionary funds, however, the Committee has determined that a change in the present apportionment is not now appropriate.

Discretionary funds represent a relatively small portion of the funds available for grants by LEAA. Because of this funding limitation, discretionary grants support mainly demonstration or innovative projects to advance national priorities and provide special impetus for reform and experimentation. The emphasis is placed on the "seed money" approach, with LEAA initiating efforts which might not otherwise be attempted. If shown successful after careful evaluation, the results are disseminated to criminal justice practitioners. If not successful, LEAA is able to build on the experience without State programs being jeopardized. The Committee feels it is appropriate that the Administrator continue to have this flexibility and have available the current percentage of funds for such use.

Cost Estimates Pursuant To Section 252(a) Of The Legislative Reorganization Act of 1970

Pursuant to Section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the Committee estimates the cost that would be incurred in carrying out this legislation is as follows:

For the Transition Quarter: $250,000,000.
For Fiscal Year 1977: $1,000,000,000.
For Fiscal Year 1978: $1,000,000,000.
For Fiscal Year 1979: $1,100,000,000.
For Fiscal Year 1980: $1,100,000,000.
For Fiscal Year 1981: $1,100,000,000.

Section-By-Section Analysis

Section 1 of the bill provides that the Act may be cited as the "Crime Control Act of 1976".

Section 2 of the bill consists of two subsections amending the "Declaration and Purpose" provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Subsection (a) adds a finding by Congress that financial and technical aid to the States by the Federal government should be used constructively to assist in combating crime and that the Federal government should assist State and

local governments in evaluating the impact and value of programs involving use of Federal funds under the Act. Subsection (b) amends the language of the fourth paragraph, setting forth the declared policy of Congress, to provide that the authorization of Federal grants to States and units of local governments in order to improve and strengthen law enforcement and criminal justice should follow evaluation and approval of their comprehensive plans.

Section 3 of the bill amends section 101(a) of the Act to make it clear that the Attorney General not only has general authority over LEAA but also is responsible for the general policy direction and control of the Administration. The word "general" is intended to modify the words "authority, policy direction, and control" which follow. The new language is added to make clear the concept that, as a component of the Department of Justice, the Administration falls within the overall authority, policy direction, and control of the Attorney General, while the responsibility for its day-to-day operational control rests with the Administrator.

Sections 4 through 8 make amendments to Part B—Planning Grants—of the Omnibus Crime Control and Safe Streets Act.

Section 4 amends section 201 of the Act to reflect that the method of encouraging States and units of general local government to develop and adopt comprehensive law enforcement and criminal justice plans is through "financial and technical aid and assistance."

Section 5 of the bill deletes current section 203 of the Act and inserts a substitute. The changes that are effected are:

Section 203(a) is amended to provide that where a State Planning Agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1979. In addition, the State planning agency is required to include as judicial members, at a minimum, the chief judicial officer or other judicial officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The judicial members are to be selected by the chief executive from recommendations submitted by the chief judicial officer of the court of last resort. Additional judicial representation established beyond the three by the Act, if required pursuant to section 515(a), will be appointed from the membership of the new judicial planning committee. Provision is also made for proportional judicial representation on any executive committee of a State planning agency in the same ratio existing for the whole planning agency.

The provision whereby the Administration may require additional judicial representation on the State planning agency beyond the three members designated in this subsection is addressed to the situation of the larger planning agencies where this minimal representation may not be adequate. For example, while three judicial members might be appropriate for a fifteen-member State planning agency, such limited judicial representation would clearly be inadequate in the case of a thirty-member planning agency. This provision is designed to permit the Administration to require additional judicial representation in such instances where this is not done voluntarily by the State. As a general rule, the concept of proportional judicial representation utilized with respect to the executive committee of a State planing agency would be applicable to judicial representation on State planning agen-

cies in excess of fifteen members unless the Administration determines that fair judicial representation otherwise exists.

Section 203(b) is technically amended.

Section 203(c) is new and provides for the establishment of a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The judicial planning committee members are to be appointed by and serve at the pleasure of the State court of last resort and must be reasonably representative of the various local and State courts of the State.

Section 203(d) is new. It sets forth the functions of the new judicial planning committee. These include establishing priorities for improvement of the courts of the State; defining, developing, and coordinating programs and projects to improve the courts; and developing, in accordance with Part C, an annual State judicial plan to be submitted to the State planning agency and to be included in the State comprehensive plan except to the extent disapproved by the State planning agency for the reasons stated in section 304(b).

Section 203(e) is new. It provides that, in the event a judicial planning committee is not created or does not submit an annual judicial plan, the ultimate responsibility for preparing and developing such a plan rests on the State planning agency, in consultation with the judicial planning committee, if any. All requests of the courts of the State for financial assistance must be evaluated by the judicial planning committee, if any, for appropriateness and conformity with the purposes of this title. Although the judicial planning committee is to evaluate all such requests, it should be emphasized that its evaluations are intended to be of an advisory nature and are not binding on the State planning agency.

Section 203(f) replaces current section 203(e) but changes it only to the extent of providing for at least $50,000 of planning funds per fiscal year to be made available to the judicial planning committee and for effective utilization of such funds for other planning purposes if not required for the designated purpose.

Section 203(g) replaces current section 203(d) without change.

Section 6 of the bill amends section 204 of the Act to provide for up to 100 per centum Federal funding for the newly created judicial planning committees.

Section 7 of the bill amends section 205 of the Act to include judicial planning committees for allocation of planning funds and to increase the base for planning funds from $200,000 to $250,000 to each State to reflect the addition of the judicial planning committees. To meet the problem arising when unused planning funds revert to the Administration, the section is also amended to permit the Administration to realocate such funds among the States as determined by the Administration.

Section 8 of the bill adds a new section 206 to Part B of the Act to provide a mechanism for State legislatures to review and provide input into the comprehensive statewide plan. It requires, upon request of the State legislature, the submission of the State comprehensive plan or plan revisions by the State planning agency to the legislature for approval, suggested amendment, or disapproval of the general goals, priorities, and policies that comprise the basis of such plan or revisions. The State legislature is also to be notified of substantial

modifications to the general goals, priorities, and policies and shall, upon request, be given the opportunity to approve, suggest amendments to or disapprove such modifications. The State legislature, or an interim legislative body designated by the legislature to act for the legislature while the legislature is not in session, must approve, make suggested amendments to, or disapprove the general goals, priorities, and policies within 45 days and the modifications thereof within 30 days. Failure to act within the specified time periods shall result in the general goals, priorities, and policies or modifications thereof having deemed approved.

Section 9 of the bill amends section 301 of the Act by giving recognition in subsection (a) that Part C grants are made to provide Federal technical and financial aid and assistance; amending subsection (b)(3) to expand the mandate by Congress to LEAA to support a wider range of law-related education; providing in subsection (b)(8) that Criminal Justice Coordinating Councils may monitor and evaluate as well as coordinate law enforcement and criminal justice activities; adding a new paragraph (11) to subsection (b) which authorizes Part C funds to be used for various types of court programs including multiyear systemwide planning for all court expenditures made at all levels within the State, programs and projects for reducing court congestion, revision of court criminal and procedural rules, and support of court technical assistance and support organizations, such as the National Center for State Courts; adding a new paragraph (12) to subsection (b) which authorizes Part C funds to be used for programs designed to reduce and prevent crime against elderly persons; and adding a new sentence to subsection (d) which authorizes the Administration to waive the compensation limitations imposed by this section when necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.

Section 10 of the bill adds to current section 302 of the Act new subsections (b) and (c). Subsection (b) provides authority for a judicial planning committee to file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system based on estimated funds from all sources. Such plan shall include, where appropriate, some eight statutory areas of interest in court development as set forth in paragraphs (1) through (8) of the subsection. Subsection (c) provides for submission of an annual State judicial plan by the judicial planning committee to the State planning agency for approval and incorporation, in whole or in part, into the comprehensive State plan to the extent consistent with the criteria established in section 304(b).

Section 11 of the bill, in addition to minor technical amendments, amends section 203(a)(4) to require a State comprehensive plan to include procedures for units of general local government or combinations thereof to submit local multiyear and annual comprehensive plans and revisions thereof to the State planning agencies for the use of funds received under part C. Under this socalled "mini-block" grant concept, the State planning agency may approve or disapprove a local plan or part thereof based upon its compatibility with the State comprehensive plan. To the extent approved, funds shall be

awarded to the units of general local government or combinations thereof to implement their plans. Section 303(a)(12) is also amended to key the accounting and auditing parts of a State plan into the regulatory authority of the Administration to prescribe the keeping of appropriate records to meet its responsibiilties for monitoring and evaluation. A new subsection (b) of section 303 strengthens the Administration's responsibility to evaluate State plans as to their likely effectiveness and impact. Before approving any State plan, the Administration must affirmatively find, on the basis of its evaluation, that the plan is likely to contribute effectively to an improvement of law enforcement and cirminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. A new subsection (d) of section 303 requires the Administration and State planning agency, as the case may be, to provide an adequate share of funds for the support of improved court programs and projects.

A State plan may not be approved unless the Administration determines that it provides an adequate share of funds for court programs—a determination to be made in the light of eight listed criteria.

Section 12 of the bill amends section 304 of the Act by providing that plans, as well as applications, for financial assistance shall be received from units of general local government and combinations thereof. In addition, a new subsection (b) is added to provide for transmittal and consideration of the judicial planning committee's annual State plan. The State planning agency is required to incorporate the judicial plan into the State comprehensive plan to be submitted to the Administration except to the extent that the planning agency determines that such plan or part thereof is not in accordance with this title, is not in conformance with, or consistent with, the State comprehensive plan, or does not conform with the fiscal accountability standards of the State planning agency.

Section 13 of the bill amends section 306 of the Act to relieve States of grant enforcement responsibilities relative to Indian tribes where an adequate forum does not exist in such State.

Section 14 of the bill amends section 307 to substitute judicial improvement and the reduction of court congestion and backlog for riots and violent civil disorders as a special emphasis area of LEAA.

Section 15 of the bill amends section 308 to change an incorrect cross reference.

Section 16 of the bill amends section 402 of the Act to provide, in subsection (a), that the Attorney General appoint the Director of the National Institute of Law Enforcement and Criminal Justice and, in subsection (c), that the Director of the Institute can assist the Administrator of LEAA in carrying out the activities specified in section 515(a).

Section 17 of the bill amends part D of the Act by adding a new section 408 to authorize the Administration to make high crime impact grants to State planning agencies, units of general local government, or combination thereof. Plans submitted to State planning agencies by units of general local government or combinations thereof pursuant to section 303(a)(4) must be consistent with applications from such entities for high crime impact grants under this section. Grants hereunder are to be used to provide impact funding to high crime areas having a special and urgent need for Federal financial assistance.

Section 18 of the bill amends section 455 of the Act to provide, in paragraph (a)(2), for authority in the Administration to make part E grants directly to non-profit organizations and by adding language to the general part of subsection (a) to authorize the Administration to waive the non-Federal match on grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administration may waive the State's liability and proceed directly with the Indian tribe on settlement actions.

Section 19 of the bill amends section 501 of the Act by adding language to authorize the Administration to establish rules and regulations necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both comprehensiveness and impact of programs funded by LEAA. The purpose is to provide an information base to determine (1) whether proposed programs are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and (2) whether such programs, once implemented, have achieved the goals stated in the original plans and applications. This is a specific aspect of the more general rule making authority already granted the Administration under section 501 and encompasses such current rules and regulations as may now be in existence on the subject.

Section 20 of the bill amends section 507 of the Act by adding language specifically authorizing the Administrator of LEAA to request the use of hearing examiners selected by the Civil Service Commission pursuant to 5 U.S.C. 3344 as necessary for the Administration to carry out its powers and duties under this title. This amendment is intended to specifically authorize LEAA to draw upon the resources of the Civil Service Commission for hearing examiners.

Section 21 of the bill amends section 509 of the Act to specify that hearings conducted pursuant to section 509 must be conducted on the record in accordance with section 554 of Title 5, United States Code. 5 U.S.C. 554 is part of the Administrative Procedure Act and requires a hearing with administrative due process.

Section 22 of the bill amends section 512 of the Act to specify that LEAA carry out its programs through FY 1981.

Section 23 of the bill amends section 515 of the Act to delineate specific obligations imposed upon the Administration with respect to evaluation and monitoring and assuring a fair and proper disbursement of Federal funds to all components of the State and local criminal justice system. As amended, the section would require the Administration to review, analyze, and evaluate the comprehensive plans submitted by the State planning agencies to determine whether the use of financial resources is consistent with the purposes of the Act; assure that the membership of the State planning agency is fairly representative of all the components of the criminal justice system; review each State plan to determine whether the State planning agency is distributing the Federal funds provided under the Act in a fair and proper manner to all components of the criminal justice system; develop appropriate procedures for determining the impact and value of programs funded under the Act and whether such programs should be continued; and assure that the programs, functions, and manage-

ment of the State planning agency are being carried out efficiently and economically.

To assure that the Federal funds are being fairly and properly disbursed, the State planning agency shall submit to the Administration a financial analysis indicating the percentage of Federal funds to be allocated under the State plan to each component of the State and local criminal justice system. It is not intended that this financial analysis be a lengthy document but merely a brief statistical summary indicating the distribution to the various components.

The new subsections (b) and (c) of section 515 merely carry forward present law.

Section 24 of the bill amends section 517 of the Act to authorize the Attorney General to establish an advisory board to the Administration to review programs for grants under sections 306(a)(2) (Part C discretionary grants), 402 (b) (National Institute of Law Enforcement and Criminal Justice programs), and 455(a)(2) (Part E discretionary grants). Members of the board are to be chosen to serve by reason of their knowledge and expertise in the areas of law enforcement and criminal justice.

Section 25 of the bill amends section 519 of the Act to provide for the submission of a comprehensive report to the President and Congress at the end of each calendar year. The report shall include a summary of major innovative policies and programs recommended by the Administration during the preceding fiscal year; an explanation of the procedures followed by the Administration in reviewing State plans; the number of State plans approved without substantial change and the number approved or disapproved after substantial changes were recommended; the number of State plans for the preceding three years under which the funds allocated were not expended in their entirety; the number of programs discontinued for lack of effectiveness; the number of projects funded by LEAA that were discontinued by the State following termination of such funding; a financial statement of the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system; a summary of the measures taken to monitor the impact and value of LEAA funded programs; and an analysis of the manner in which funds made available under section 306 (a)(2) (Part C discretionary grants) were expended.

Although it is intended that this report be sufficiently comprehensive to form a basis for the exercise of Congressional oversight of the Administration's performance of its duties under the Act, it is not intended that it be an inordinately lengthy document. Several of the requirements listed above may be met by the submission of brief statistical summaries, as, for example, with the requirement that the report include a financial analysis indicating the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system.

Section 26 amends section 520 to authorize $250 million for the transition period extending from July 1, 1976, through September 30, 1976; $1 billion for the fiscal year ending September 30, 1977; $1.1 billion for the fiscal year ending September 30, 1978; $1.1 billion for the fiscal year ending September 30, 1979; $1.1 billion for the fiscal year ending September 30, 1980; and $1.1 billion for the fiscal year ending September 30, 1981.

Section 27 of the bill amends section 601 of the Act to provide for inclusion of the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands in the definition of "State" and provides a definition for the term "court of last resort" and "court or courts."

Section 28 of the bill amends section 520(b) of the Act and section 261(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 to change the maintenance of effort provisions for juvenile delinquency programs from the fixed dollar amounts expended on such programs in 1972 to the percentage ratio that the 1972 expenditure for such programs bore to the total appropriation for programs funded pursuant to Part C and Part E of the Act.

Changes in Existing Law

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic and existing law in which no change is proposed is shown in roman):

Omnibus Crime Control and Safe Streets Act of 1968, as Amended

TITLE I—LAW ENFORCEMENT ASSISTANCE

DECLARATION 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.

Congress finds further that the financial and technical resources of the Federal government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title.

[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 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.]

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 Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, 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.

Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention.

Part A—Law Enforcement Assistance Administration

Sec. 101. (a) There is hereby established within the Department of Justice, under the general authority, *policy direction, and control* 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 two Deputy Administrators 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. One Deputy Administrator shall be designated the Deputy Administrator for Policy Development. The second Deputy Administrator shall be designated the Deputy Administrator for Administration.

Part B—Planning Grants

Sec. 201. It is the purpose of this part *to provide financial and technical aid and assistance* 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 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 within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention.

[The regional planning units within the State shall be comprised of a majority of local elected officials.

[(b) The State 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 finding 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 expenditures 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. 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 or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law it, shall be so created or designated by no later than December 31, 1979. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other judicial officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. These judicial members shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within 30 days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515 (a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials.

(b) The State planning agency shall—

(1) develop, in accordance with Part C, a comprehensive statewide plan and necessary revisions thereof for the improvement of law enforcement and criminal justice through 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 court of last resort of each State may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts.

(d) The judicial planning committee shall—

(1) establish priorities for the improvement of the courts of the State;

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

(3) develop, in accordance with Part C, an annual State judicial plan for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. Except to the extent disapproved by the State planning agency for the reasons stated in section 304(b), the annual State judicial plan shall be incorporated into the comprehensive statewide plan.

(e) If a State court of last resort does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units to participate in the formulation of the comprehensive State plan require under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement 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 co-

ordinate functions at the local level. Any portion of such funds made available to the judicial planning committee and 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.

(g) The State planning agency and any other planning organization for the purposes of this 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 to be 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 this 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 provision 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, and may be up to 100 per centum of the expenses incurred by *the judicial planning committee and* regional planning units under this part. The non-Federal funding of such [expenses, shall] *expenses shall* be of money appropriated in the aggregate by the State or units of general local government, except that the State shall 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, *the judicial planning committee*, or units of general local government, as the case may be. The Administration shall allocate [$200,000] *$250,000* to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations. *Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration.*

SEC. 206. At the request of the State legislature (or a legislative body designated by it), the comprehensive statewide plan or revision thereof shall be submitted to the legislature for its approval, suggested amendment, or disapproval of the general goals, priorities, and policies that comprise the basis of that plan or revision prior to its submission to the Administration by the chief executive of the State. The State legislature shall also be notified of substantial modifications of such general goals, priorities, and policies, and, at the request of the legislature, these modifications shall be submitted for approval, suggested amendment, or disapproval. If the elgislature (while in session) or an interim legislative body designated by the legislature (while not in session) has not approved, disapproved, or suggested amendments to the general goals, priorities, and policies of the plan or revision within forty-five days after receipt of such plan or revision, or within thirty days after receipt of substantial modifications, such plan or revision or modifications thereof shall then be deemed approved.

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part, *through the provision of Federal technical and financial aid and assistance*, 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] *Public education programs concerned with the administration of justice* 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 physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

(5) The organization, education, and training of special law enforcement 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 and criminal justice 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], *coordination, monitoring, and evaluation* of all law enforcement and criminal justice activities.

(9) The development and operation of community-based delinquency prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or post-conviction 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.

(10) The establishment of interstate metropolitan regional planning units to prepare and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.

(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and to improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; training of judges, court administrators, and support personnel of courts; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; equipping of court facilities; and multiyear systemwide planning for all court expenditures made at all levels within the State.

(12) The development and operation of programs designed to reduce and prevent crime against elderly persons.

(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 aggregate, by

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

(c) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement and criminal justice personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. *The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.* The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs.

SEC. 302. (*a*) 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.

(*b*) *Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—*

(1) provide for the administration of programs and projects contained in the plan;

(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions 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 maximum extent practicable, the relationship of the plan to other relevant State or local law 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 com-

bine or provide for cooperative arrangements with respect to services, facilities, and equipment provided for courts and related purposes;

(6) provide for research, development, and evaluation;

(7) 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 the courts; and

(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recomended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.

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 or an approved revision thereof (not more than one year in age) which conforms with the purposes and requirements of this title. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act. 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. No State plan shall be approved as comprehensive unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice. 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) provide for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;]

(4) *specify procedures under which local multiyear and annual comprehensive plans and revisions thereof may be submitted to the State planning agency from units of general local government or combinations thereof to use funds received under this part to carry out such plans for the improvement of law enforcement and criminal justice in the jurisdictions covered by the plans. The State planning agency may approve or disapprove a local comprehensive plan or revision thereof in whole or in part based upon its compatibility with the State comprehensive plan and subsequent annual revisions and modifications. Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans;*

(5) 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 descriptions 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 enforcement and criminal justice plans and systems;

(6) 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;

(7) provide for research and development;

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

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

(10) 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;

(11) 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;

(12) provide for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary *to keep such records as the Administration shall prescribe* to assure fiscal control, proper management, and disbursement of funds received under this title;

(13) 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;

(14) 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; and

(15) provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date.

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 criminal justice 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.]

(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. No award of funds that are allocated to the States under this part 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 *the Administration finds that* 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.

(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs. In determining adequate funding, consideration shall be given to: (1) the need of the courts to reduce court congestion and backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all enforcement and criminal justice agencies in the State; (6) the goals and priorities of the com-

prehensive plan; (7) written recommendations made by the judicial planning committee to the administration; and (8) such other standards as the Administration may deem consistent with this title.

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

(b) After consultation with the State planning agency pursuant to subsection (e) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan in the State comprehensive plan to be submitted to the Administration.

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. *Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.* The non-Federal share of the cost of any program or project to be funded under this section shal be of money appropriated in the aggregate by the State or 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)] *(2)* 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 of organized crime [and of riots and other violent civil disorders] *and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system.*

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)] *303* 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] *Attorney General*. 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 assist in the development and support of 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 and shall not duplicate the training activities of the Federal Bureau of Investigation under section 404 of this title. 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;

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

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

(c) The Institute shall serve as a national and international clearinghouse for the exchange of 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 the 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 also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title.*

The Institute shall, before the end of the fiscal year ending June 30, 1976, survey existing and future personnel needs of the Nation in the field of law enforcement and criminal justice and the adequacy of Federal, State and local programs to meet such needs. Such survey shall specifically determine the effectiveness and sufficiency of the training and academic assistance programs carried out under this title and relate such programs to actual manpower and training requirements in the law enforcement and criminal justice field. In carrying out the provisions of this section, the Director of the Institute shall consult with and make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, Federal, State and local criminal justice agencies and other appropriate public and private agencies. The Administration shall thereafter, within a reasonable time develop and issue guidelines, based upon the need priorities established by the survey, pursuant to which project grants for training and academic assistance programs shall be made.

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 under-

taken pursuant to paragraphs (1), (2), and (3) of subsection (b), and shall describe 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 paragraph (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 or the Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

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;

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

(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement and criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit; and

(4) cooperate with the Institute in the exercise of its responsibilities under section 402(b)(6) of this title.

(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 $2,200 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 services 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 $250 per academic quarter or $400 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 a 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 course, 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 $65 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 officers 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.

SEC. 408. The Administration is authorized to make high crime impact grants to State planning agencies, units of general local government, or combinations of such units. Any plan submitted pursuant to section 303(a)(4) shall be consistent with the applications for grants submitted by eligible units of local government or combinations of such units under this section. Such grants are to be used to provide impact funding to areas which are identified by the Administration as high crime areas having a special and urgent need for Federal financial assistance. Such grants are to be used to support programs and projects which will improve the law enforcement and criminal justice system.

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 compresensive 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 compresensive State plan—

(1) sets forth a compresensive 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 prope ty;

(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;

(9) provides necessary arrangements for the development and operation of narcotic and alcoholism treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts, drug abusers, alcoholics, or alcohol abusers;

(10) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (5), (6), (8), (9), (10), (11), (12), (13), (14), and (15) of section 303(a) of this title;

(11) provides for accurate and complete monitoring of the progress and improvement of the correctional system. Such monitoring shall include rate of prisoner rehabilitation and rates of recidivism in comparison with previous performance of the State or local correctional systems and current performance of other State and local prison systems not included in this program; and

(12) provides that State and local governments shall submit such annual reports as the Administrator may require.

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.

In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned. The Adminitrator shall coordinate or assure coordination of the development of such guidelines with the Special Action Office For Drug Abuse Prevention.

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, *or nonprofit organizations*, 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. *In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.*

(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. *The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.*

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 subpenas, 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. Title 5, United States Code, is amended as follows:

(a) Section 5315(90) is amended by deleting "Associate Administrator of Law Enforcement Assistance (2)" and inserting in lieu thereof "Deputy Administrator for Policy Development of the Law Enforcement Assistance Administration."

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

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

(c) Section 5108(c)(10) is amended by deleting the word "twenty" and inserting in lieu thereof the word "twenty-two."

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 as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, 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 (not including the Central Intelligence Agency), 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] *notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code*, 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 determinations, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

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

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

opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

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

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

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending [June 30, 1974, and the two succeeding fiscal years] *June 30, 1976, through fiscal year 1981.*

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

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

[SEC. 515. The Administration is authorized—

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

[(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United 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, institutions, or international agencies 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. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in said comprehensive plan;

(2) assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system;

(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

(b) The Administration is also authorized—

(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

(2) 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, institutions, or international agencies in matters relating to law enforcement and criminal justice.

(c) 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).

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.

(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who, by reason of their knowledge and expertise in the areas of law enforcement and criminal justice and related fields, are well qualified to serve on the Advisory Board.

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) 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.

(c)(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 (c)(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 a reasonable time

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 concurrently with such exercise—

(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. 200d); 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. 519. On or before December 31 of each year, the Administration shall submit a comprehensive report to the President and the Congress on activities pursuant to the provisions of this title during the preceding fiscal year. The report shall include—

(a) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

(b) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies;

(c) the number of comprehensive State plans approved by the Administration without substantial changes being recommended;

(d) the number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended;

(e) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

(f) the number of programs funded under this title discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime or improving and strengthening law enforcement and criminal justice;

(g) the number of programs funded under this title discontinued by the State following the termination of funding under this title;

(h) a financial analysis indicating the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system;

(i) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs; and

(j) an analysis of the manner in which funds made available under section 306(a)(2) of this title were expended.

SEC. 520. [(a) 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, $1,000,000,000 for the fiscal year ending June 30, 1975, and $1,250,000,000 for the fiscal year ending June 30, 1976. 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.]

(a) 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 $250,000,000 for the period July 1, 1976, through September 30, 1976, $1,000,000,000 for the fiscal year ending September 30, 1977, $1,100,000,000 for the fiscal year ending September 30, 1978, $1,100,000,000 for the fiscal year ending September 30, 1979, $1,100,000,000 for the fiscal year ending September 30, 1980, and $1,100,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the agyregate for the purposes of this title, such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities or serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources. 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 purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs [as was expended by the Administration during fiscal year 1972] *that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972.*

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

(d) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contracts 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 aggregate 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 shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. 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) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Administration shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification or his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) 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.

"SEC. 525. The last two sentences of section 203(n) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows: 'In addition, under such cooperative agreements and

subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, or the Administrator, Law Enforcement Assistance Administration, surplus property which the Administrator may approve for donation for use in any State for purposes of law enforcement, programs, education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3) or (j)(4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director or the Administrator, Law Enforcement Assistance Administration that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director or Administrator, Law Enforcement Assistance Administration, that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency.'

SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) Notwithstanding the provisions of section 5108 of title 5, United State Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5.

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 sevrices), 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 of Puerto Rico, *the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands*, and any territory or possession of the United States.

(d) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and 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 1201(a) of the Higher Education Act of 1965 (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 qualifi-

cations 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 of 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 noninstitutional rehabilitative measures.

(n) The term "treatment" includes but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addition or use.

(o) "Criminal history information" includes records and related data, contained in an automated criminal justice informational system, compiled by law enforcement agencies for purposes of identifying criminal offenders and alleged offenders and maintaining as to such persons summaries of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation and release.

(p) The term "court of last resort" shall mean that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appallate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch.

(q) The terms "court" or "courts" shall mean a tribunal or tribunals having criminal jurisdiction recognized as a part of the judicial branch of a State or of its local government units.

Part H—Criminal Penalties

Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the 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 and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.

PART I—ATTORNEY GENERAL'S BIENNIAL REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES.

SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each second fiscal year shall submit to the President and to the Congress a Report of 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 1968, the Gun Control Act 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).

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
42 U.S.C. 5601 ET SEQ. (88 STAT. 1129)

* * *

PART D—AUTHORIZATION AND APPROPRIATIONS

SEC. 261. (a) * * *

(b) In addition to the funds appropriated under this section, the Administration shall maintain from other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration [during fiscal year 1972] *that such assistance bore to the total appropriation for programs funded pursuant to part C and Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, during fiscal year 1972.*

INDIVIDUAL VIEWS OF SENATOR BAYH

I am not able to support the reported version of President Ford's "Crime Control Act of 1976," S. 2212, because it (sections 26(b) and 28) repeals significant provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93–415).

The Juvenile Justice and Delinquency Prevention Act is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate (88–1) and House (329–20) to specifically address this nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people, who have the highest recidivism rate of any age group.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups * will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Law Enforcement Assistance Administration (LEAA) must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are and that the thousands of youth who have committed no criminal act (status offenders, such as runaways) are not jailed, but dealt with in a healthy and more appropriate manner.

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93–415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.

National Association of State Juvenile Delinquency Program Administrators.

National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs. 4–H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.

National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.

National Conference of Criminal Justice Planning Administrators.

National Conference of State Legislatures.

National Council on Crime and Delinquency.

National Council of Jewish Women.

National Council of Juvenile Court Judges.

National Council of Organizations of Children and Youth.

National Federation of State Youth Service Bureau Associations.

National Governors Conference.

National Information Center on Volunteers in Courts.

National League of Cities.

National Legal Aid and Defender Association.

National Network of Runaway and Youth Services.

National Urban Coalition.

National Youth Alternatives Project.

Public Affairs Committee, National Association for Mental Health, Inc.

Robert F. Kennedy Action Corps.

U.S. Conference of Mayors.

An essential aspect of the 1974 Act is the "maintenance of effort" provision (section 261 (b)). It requires LEAA to continue at least the fiscal year 1972 ($112 million) of support for a wide range of juvenile programs. This provision assured that the 1974 Act aim, to focus on prevention, would not be the victim of a "shell game" whereby LEAA shifted traditional juvenile programs to the new Act and thus guarantees that juvenile crime prevention will be a priority.

Fiscal year 1972 was selected only because it was the most recent year in which current and accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June, 1973 that nearly $140 million had been awarded by the Agency during that year to a wide range of traditional juvenile delinquency problems. Unfortunately the actual expenditure as revealed in testimony before the Subcommittee last year was $111,851,-054. It was these provisions, when coupled with the new prevention thrust of the substantive program authorized by the 1974 Act, which represented a commitment by the Congress to make the prevention of Juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime fighting priority.

The Subcommittee had worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact

that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent and in fiscal year 1972, 20 percent of its funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in the House-Senate Conference where it was deleted.

Thus, the passage of the 1974 Act, which was opposed by the Nixon Administration (LEAA, HEW and OMB), was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Despite stiff Ford Administration opposition to this Congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The Act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by the Chairman of the State, Justice, Commerce, and Judiciary Appropriation Subcommittee.

It is interesting to note that the primary basis for the Administration's opposition to funding of the 1974 Act was ostensibly the availability of the very "maintenance of effort" provision which the Administration sought to repeal in S.2212.

It is this type of double-talk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

While I am unable to support the bill which has been reported to the Senate, I am by no means opposed entirely to the LEAA program. The LEEP program for example, has been very effective and necessary in assuring the availability of well trained law enforcement personnel. Coincidentally, however, the Ford Administration also opposes this aspect of the LEAA program. Additional programs have likewise had a positive impact. But the compromise provisions in the reported measure (the measure was defeated by a vote of 7–5 voting "Yea" Senators Bayh, Hart, Kennedy, Abourezk and Mathias and voting "Nay" Senators McClellan, Burdick, Eastland, Hruska, Fong, Thurmond and and Scott of Virginia) represent a clear erosion of a Congressional priority for juvenile crime prevention and at best propose that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

The Ford Administration has responded at best with marked indifference to the 1974 Act. The President has repeatedly opposed its implementation and funding and now is working to repeal its significant provisions. This dismal record of performance is graphically documented in the Subcommittee's new 526 page volume, the "Ford Administration Stifles Juvenile Justice Program." I find this and similar

approaches unacceptable and will endeavor to persuade a majority of our colleagues to reject these provisions of S. 2212 and to retain the priority placed on juvenile crime prevention in the 1974 Act which has been accepted by the House Judiciary Committee.

The failure of this President, like his predecessor, to deal with juvenile crime and his insistent stifling of an Act designed to curb this escalating phenomenon is the Achilles' heel of the Administration's approach to crime.

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, of fear for the lack of personal security and the tremendous waste in human resources.

Few areas of national concern can demonstrate the cost effectiveness of governmental investment as well as an all out effort to lessen juvenile delinquency.

During hearings on April 29, 1975, by my Subcommittee regarding the implementation or more accurately the Administration's failure to implement the Act, Comptroller General Elmer Staats hit the nail on the head when he concluded: "Since juveniles account for almost half the arrests for serious crimes in the nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the nation."

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no federal solution—no magic wand or panacea—to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches, $15 billion last year while we witness a record 17 percent increase in crime, must stop.

As we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble; whether we are vindictive or considerate will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, is clearly not compatible with these objectives.

( )

SENATE FLOOR ACTION ON S. 2212 WITH

TEXT OF S. 2212 AS PASSED BY THE SENATE

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

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Senate

Crime Control: Senate began consideration of S. 2212, authorizing funds through fiscal year 1981 for programs of the Law Enforcement Assistance Administration, taking action on amendments proposed thereto as follows:

Adopted:

(1) McClellan unprinted amendments Nos. 225, en bloc, of a technical nature, dealing with (a) court congestion grants, (b) to define the term "evaluation" in determining impact of programs, and (c) service of judicial officers; Page S12219

(2) Hathaway amendments Nos. 2049, 2050, and 2051, en bloc, dealing with Federal commitment to determine the relationship between drug abuse and crime and alcohol abuse and crime, and to design criminal justice programs to recognize such relationship; Page S12219

(3) Hruska unprinted amendment No. 226, to establish a revolving fund to support projects to acquire stolen goods in an effort to disrupt elicit commerce in stolen property (projects sting); Page S12222

(4) McClellan unprinted amendment No. 227, dealing with the role of the State legislature in modification of comprehensive state-wide law enforcement plans; Page S12225

(5) Nunn unprinted amendments Nos. 228, en bloc, giving the States certain discretionary authority in establishing judicial planning agencies; Page S12227

(6) Modified Biden unprinted amendment No. 229, calling for National Institute of Law Enforcement to study the needs of present and future correctional facilities in the nation; Page S12228

(7) Modified Javits amendment No. 231, calling for the establishment of an appropriate unit to coordinate community anti-crime programs; and Page S12231

(8) Beall unprinted amendment No. 234, designed to strengthen programs to combat crimes committed against the elderly. Page S12240

Rejected:

(1) By 12 yeas to 80 nays, Biden unprinted amendment No. 232, extending for 15 months, instead of 5 years, authority of the Law Enforcement Assistance Administration; Page S12231

(2) By 45 yeas to 48 nays, Biden unprinted amendment No. 233, extending for 3 years, instead of 5 years, authority of the Law Enforcement Assistance Administration (motion to reconsider tabled by 48 yeas to 43 nays). Page S12236

Pending when this bill was laid aside temporarily was Bayh amendment No. 2048, to require that 19.15 percent of Crime Control Act funds be allocated for the improvement of the juvenile justice system, on which amendment there is a 2-hour time limitation.

CRIME CONTROL ACT OF 1976

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2212, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Crime Control Act of 1976".

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(a) by inserting between the second and third paragraphs the following additional paragraph: "Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."; and

(b) by deleting the fourth paragraph and substituting in lieu thereof the following new paragraph:

"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 Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, 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.".

SEC. 3. Section 101(a) of title I of such Act is amended by inserting a comma after the word "authority" and adding "policy direction, and control".

PART B—PLANNING GRANTS

SEC. 4. Section 201 of title I of such Act is amended by adding after the word "part" the words "to provide financial and technical aid and assistance".

SEC. 5. Section 203 of title I of such Act is amended to read as follows:

"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 or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1979. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. These judicial members shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan and necessary revisions thereof 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 court of last resort of each State may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts.

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

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

"(3) develop, in accordance with part C, an annual State judicial plan for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. Except to the extent disapproved by the State planning agency for the reasons stated in section 304(b), the annual State judicial plan shall be incorporated into the comprehensive statewide plan.

"(e) If a State court of last resort does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be

received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units 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 finding 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 undr this part. In allocating funds under this subsection, the State planning agency shall asure 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 funds made available to the judicial planning committee and 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.

"(g) The State planning agency and any other planning organization for the purposes of this 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 to be 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 this 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 provision of local, State, or Federal law.".

SEC. 6. Section 204 of title I of such Act is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking the words "expenses, shall" and inserting in lieu thereof "expenses shall".

SEC. 7. Section 205 of title I of such Act is amended by—

(a) inserting ", the judicial planning committee," after the word "agency" in the first sentence;

(b) deleting "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(c) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration.".

SEC. 8. Part B is amended by inserting at the end thereof the following new section:

"SEC. 206. At the request of the State legislature (or a legislative body designated by it), the comprehensive statewide plan or revision thereof shall be submitted to the legislature for its approval, suggested amendment, or disapproval of the general goals, priorities, and policies that comprise the basis of that plan or revision prior to its submission to the Administration by the chief executive of the State. The State legislature shall also be notified of substantial modifications of such general goals, priorities, and policies, and, at the request of the legislature, these modifications shall be submitted for approval, suggested amendment, or disapproval. If the legislature (while in session) or an interim legislative body designated by the legislature (while not in session) has not approved, disapproved, or suggested amendments to the general goals, priorities, and policies of the plan or revision within forty-five days after receipt of such plan or revision, or within thirty days after receipt of substantial modifications, such plan or revision or modifications thereof shall then be deemed approved.".

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 9. Section 301 of title I of such Act is amended by—

(a) inserting after the word "part" in subsection (a) the following: ", through the provision of Federal technical and financial aid and assistance,";

(b) deleting the words "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with the administration of justice";

(c) deleting the words "and coordination" from paragraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation";

(d) inserting after paragraph (10) of subsection (b) the following new paragraphs:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and to improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; training of judges, court administrators, and support personnel of courts; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; equipping of court facilities; and multiyear systemwide planning for all court expenditures made at all levels within the State.

"(12) the development and operation of programs designed to reduce and prevent crime against elderly persons."; and

(e) inserting the following sentence after the second sentence of subsection (d): "The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.".

SEC. 10. Section 302 of title I of such Act is amended by redesignating the present language as subsection (a) and adding the following new subsections:

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions 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 maximum extent practicable, the relationship of the plan to other relevant State or local law 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 provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) 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 the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.".

SEC. 11. Section 303 of title I of such Act is amended by—

(a) striking out subsection (a) up to the sentence beginning "Each such plan" and inserting in lieu thereof the following:

"(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 or an approved revision thereof (not more than one year in age) which conforms with the purposes and requirements of this title. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act. No State plan shall be approved a 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. No State plan shall be approved as comprehensive unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.";

(b) deleting paragraph (4) of subsection

(a) and substituting in lieu thereof the following:

"(4) specify procedures under which local multiyear and annual comprehensive plans and revisions thereof may be submitted to the State planning agency from units of general local government or combinations thereof to use funds received under this part to carry out such plans for the improvement of law enforcement and criminal justice in the jurisdictions covered by the plans. The State planning agency may approve or disapprove a local comprehensive plan or revision thereof in whole or in part based upon its compatibility with the State comprehensive plan or revision thereof in whole or in part based upon its compatibility with the State comprehensive plan and subsequent annual revisions and modifications. Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans;";

(c) inserting after the word "necessary" in paragraph (12) of subsection (a) the following language: "to keep such records as the Administration shall prescribe";

(d) deleting subsection (b) and substituting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. No award of funds that are allocated to the States under this part 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.";

(e) inserting in subsection (c) after the word "unless" the words "the Administration finds that"; and

(f) inserting after subsection (c) the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs. In determining adequate funding, consideration shall be given to (1) the need of the courts to reduce court congestion and backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

SEC. 12. Section 304 of title I of such Act is amended to read as follows:

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

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan in the State comprehensive plan to be submitted to the Administration.".

SEC. 13. Section 306 of title I of such Act is amended by—

(a) inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a): "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."; and

(b) amending subsection (b) by striking "(1)" and inserting in lieu thereof "(2)".

SEC. 14. Section 307 of title I of such Act is amended by deleting the words "and of riots and other violent civil disorders" and substituting in lieu thereof the words "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system".

SEC. 15. Section 308 of title I of such Act is amended by deleting "302(b)" and inserting in lieu thereof "303".

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

SEC. 16. Section 402 of title I of such Act is amended by—

(a) deleting "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General"; and

(b) adding the following sentence at the end of the second paragraph of subsection (c): "The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title.".

SEC. 17. Part D is amended by adding the following new section:

"SEC. 408. The Administration is authorized to make high crime impact grants to State planning agencies, units of general local government, or combinations of such units. Any plan submitted pursuant to section 303 (a) (4) shall be consistent with the applications for grants submitted by eligible units of local government or combinations of such units under this section. Such grants are to be used to provide impact funding to areas which are identified by the Administration as high crime areas having a special and urgent need for Federal financial assistance. Such grants are to be used to support programs and projects which will improve the law enforcement and criminal justice system.".

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 18. Section 445 of title I of such Act is amended by—

(a) deleting the word "or" in paragraph (a) (2) and inserting "or nonprofit organizations," after the second occurrence of the word "units," in that paragraph; and

(b) inserting the following at the end of subsection (a): "In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

PART F—ADMINISTRATIVE PROVISIONS

SEC. 19. Section 501 of title I of such Act is amended by inserting the following sentence at the end thereof: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

SEC. 20. Section 507 of title I of such Act is amended to read as follows:

"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 as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

SEC. 21. Section 509 of title I of such Act is amended by deleting the language "reasonable notice and opportunity for hearing" and substituting in lieu thereof the following: "notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

SEC. 22. Section 512 of title I of such Act is amended by striking the words "June 30, 1974, and the two succeeding fiscal years" and inserting in lieu thereof "June 30, 1976, through fiscal year 1981".

SEC. 23. Section 515 of title I of such Act is amended to read as follows:

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administrator shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in said comprehensive plan;

"(2) assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its com-

prehensive plan, a financial analysis indicating the percentage of Federal funds to be allocated under the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds shall continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(2) 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, institutions, or international agencies in matters relating to law enforcement and criminal justice.

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

SEC. 24. Section 517 of title I of such Act is amended by adding the following new subsection:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who, by reason of their knowledge and expertise in the areas of law enforcement and criminal justice and related fields, are well qualified to serve on the Advisory Board.".

SEC. 25. Section 519 of title I of such Act is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall submit a comprehensive report to the President and the Congress on activities pursuant to the provisions of this title during the preceding fiscal year. The report shall include—

"(a) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(b) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies;

"(c) the number of comprehensive State plans approved by the Administration without substantial changes being recommended;

"(d) the number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended;

"(e) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(f) the number of programs funded under this title discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime or improving and strengthening law enforcement and criminal justice;

"(g) the number of programs funded under this title discontinued by the State following the termination of funding under this title;

"(h) a financial analysis indicating the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system;

"(i) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs; and

"(j) an analysis of the manner in which funds made available under section 306(a)(2) of this title were expended.".

SEC. 26. Section 520 of title I of such Act is amended by—

(a) striking subsection (a) and inserting in lieu thereof the following:

"(a) 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 $250,000,000 for the period July 1, 1976, through September 30, 1976, $1,000,000,000 for the fiscal year ending September 30, 1977, $1,100,000,000 for the fiscal year ending September 30, 1978, $1,100,000,000 for the fiscal year ending September 30, 1979, $1,100,000,000 for the fiscal year ending September 3, 1980, and $1,100,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title, such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities or serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources. 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 purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.";

(b) deleting the words "as was expended by the Administration during fiscal year 1972" in subsection (b) and inserting in lieu thereof "that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972".

SEC. 27. Section 601 of title I of such Act is amended by—

(a) inserting after "Pureto Rico," in subsection (c) the words "the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands,"; and

(b) inserting at the end of the section the following new subsections:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch.

"(q) The term 'court' or 'courts' shall mean a tribunal or tribunals having criminal jurisdiction recognized as a part of the judicial branch of a State or of its local government units.".

SEC. 28. Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by deleting the words "during fiscal year 1972" and inserting in lieu thereof "that such assistance bore to the total appropriation for programs funded pursuant to part C and part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, during fiscal year 1972".

The PRESIDING OFFICER. Time for debate on this bill is limited to 2 hours, to be equally divided and controlled respectively by the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Nebraska (Mr. HRUSKA), with 30 minutes on any amendment, except an amendment to be offered by the Senator from Indiana (Mr. BAYH) on which there shall be 2 hours, with 20 minutes on any debatable motion, appeal or point of order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time taken out of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, has an order been entered into for the Senate to meet at 9 o'clock tomorrow morning?

The PRESIDING OFFICER. It has.

CRIME CONTROL ACT OF 1976

The Senate continued with the consideration of the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Mr. MORGAN. Mr. President, I ask unanimous consent that Carroll Leggett and Bob Jackson, of my staff, be granted the privileges of the floor during the consideration and voting on the matter now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that Mr. Paul Sum-

mitt, Mr. Dennis Thelen, Mr. Kenneth Feinberg, Miss Mabel Downey, and Mr. Larry Gage be granted the privilege of the floor during the consideration and voting on S. 2212.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. I ask unanimous consent to add to that list the names of Eric Hultman, Tom Hart, and J. C. Argetsinger of the committee staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McCLELLAN. I yield myself 10 minutes.

Mr. President, the authority for the Law Enforcement Assistance Administration—LEAA—will expire on September 30 of this year. S. 2212, as reported, would extend for 5 years the authority of the LEAA to provide financial and technical assistance to State and local governments for improved and strengthened law enforcement and criminal justice activities. It would also make amendments to the Omnibus Crime Control Act of 1968 to make the program more responsive to the needs of the courts, to provide for better monitoring and evaluation, to provide increased funding to meet the special problems confronting high crime areas and overburdened courts, and to make other changes designed to improve the operations of the LEAA program.

At the outset, Mr. President, I want to thank my colleagues for their interest in and contributions to this measure. All are concerned about "an intolerable situation in this Nation when our own citizens cannot walk the streets without facing the dangers of robbery, mugging, and other street crimes."—Hearings, page 5. I particularly wish to recognize the able assistances and cooperation of the distinguished Senators from Massachusetts and Nebraska (Mr. KENNEDY and Mr. HRUSKA) in the hearings and the processing of this legislation. Their active participation and commitment of staff have, in my judgment, greatly assisted in identifying weaknesses in the present program and in drafting provisions designed to make the LEAA participation in the fight against crime more effective. We have seen in recent weeks a number of newspaper articles and studies critical of LEAA. I believe that this bill as reported will go a long way in providing the statutory basis to deal with those problem areas.

Mr. President, the need for LEAA and Federal financial aid to State and local law enforcement and criminal justice agencies is as great or greater today than when the Safe Streets Act was enacted in 1968. The words I spoke in this Chamber on May 1, 1968, during the consideration of the original act are just as appropriate today:

. . . crime and the threat of crime, rioting, and violence, stalk America. Our streets are unsafe. Our citizens are fearful, terrorized, and outraged. They demand and deserve relief from this scourage of lawlessness, which today imperils our internal security. The skyrocketing incidence of major crimes during the decade of the 1960's has reached intolerable proportions. From decent, law-abiding citizens a clarion call for relief from this threat and danger reverberates across the land.

* * * * *

The Federal Government has a clear responsibility to help meet and to repel this threat. For the Congress, this means the enactment of remedial legislation and the appropriation of funds to assist the States and units of local government to devise and implement programs to combat crime. (Cong. Rec., 90th Cong., 2d Sess., p. S 4748, daily ed.)

The situation has not gotten better. The level of crime in this country, particularly crimes of violence has continued to increase at an alarming rate. There has been a 35- to 40-percent increase in the rate of violent crimes and crimes against property since 1969. I have a series of tables reflecting these increases which I ask unanimous consent to have printed in the RECORD following these remarks as exhibits A, B, and C.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits A, B, and C.)

Mr. McCLELLAN. Every citizen should be aware of the crisis that confronts us, because without the cooperation, assistance, and sacrifice of the victim and those who witness criminal conduct there can be no solution. Citizens must get involved. The "Crime Clocks" for 1974, as graphically set out by the FBI in its uniform crime reports, show 19 serious crimes are committed every minute and one murder is committed every 26 minutes. I ask unanimous consent that this table be printed in the RECORD following my remarks as exhibit D.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit D.)

Mr. McCLELLAN. Mr. President, in the face of this rising crime rate there are those who complain that LEAA has spent over $4 billion for nothing and should be abolished. I disagree completely. Of course, improvements can always be made and weaknesses should be corrected. This legislation is designed to improve the program. But it should be remembered that LEAA funds constitute only about 5 percent of the total resources expended by State and local governments for law enforcement and criminal justice purposes. Moreover, we cannot ascertain what the situation would be today if we had not started in 1968 to give a Federal priority to the solution of crime problems. To carry to its logical conclusions the reasoning of those who would abolish or drastically cut the LEAA program, we would do likewise with all parts of the criminal justice system, including police prosecutors, courts, and corrections. All of these institutions with resources far beyond LEAA's contribution have failed to halt the upsurge in crime.

Mr. President, notwithstanding LEAA's limited role, I believe the agency has made a meaningful and lasting contribution to the solution of law enforcement problems. I ask unanimous consent to insert exhibits E, F, and G, following my remarks, which show LEAA's fiscal history for each year and a table indicating funds made available to each State since 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits E, F, and G.)

Mr. McCLELLAN. Mr. President, the Omnibus Crime Control and Safe Streets Act of 1968 created the first major Federal block grant program. Accordingly most of the funds disbursed have been expended through a system in which the States are given the major responsibility to evaluate their needs and to establish priorities for fund allocation under the program. For example, Mr. Cal Ledbetter, a member of the Arkansas House of Representatives, noted in his testimony in subcommittee hearings on S. 2212 (hearings, p. 134):

Mr. Ledbetter . . . You may recall, in Arkansas, I would say due to LEAA, we have such things as a new criminal code, a juvenile code, a public defender system, minimum training standards for policemen, a law enforcement training academy in Camden, and hundreds of policemen going to college in Arkansas. Much of this has been made possible by LEAA and the Arkansas Commission on Crime and Law Enforcement.

* * * * *

I would say enormous benefits have come to Arkansas from the LEAA program. In the year 1968, we had no law enforcement training academy. Now in Arkansas anybody who has the general power of law enforcement must go through the law enforcement training academy and take an 8-week course.

* * * * *

Also prior to the Safe Streets Act we had no college courses of any kind for policemen. Today we have 15 colleges that offer courses in law enforcement and criminal justice.

* * * * *

Today, because of improvements in physical facilities and more trained personnel made possible in part through LEAA funds, the Arkansas correctional system is vastly improved.

* * * * *

The community correctional center in Little Rock is one of the most modern institutions in the country. It was financed by LEAA.

These are just a few of the improvements in the criminal justice system in my State resulting from the LEAA program. Since 1968, this type of benefit can be multiplied over and over again across the Nation. LEAA and the States have made over 80,000 grants during this period.

Mr. President, notwithstanding these obvious benefits from the LEAA program, witnesses have in the course of the hearings on S. 2212 and related bills brought to our attention some problems that should be alleviated or minimized by legislative action. The amendments to existing law, as reported in the subject bill, are discussed in detail in the text and section-by-section analysis of the committee's report. It is appropriate, however, to discuss at this point several of the more important amendments and to emphasize some of the reasons therefor.

LEGISLATIVE PARTICIPATION

S. 2212, as reported, makes amendments to present law that would reflect added recognition of the necessity for commitment of State legislatures to the

program. The bill provides that the State planning agency must be legislatively created or designated no later than December 31, 1979, and that the legislature may upon request require the State planning agency to submit the comprehensive State plan to it for approval, disapproval, or suggested amendment. This latter feature is to encourage State legislatures to establish formal machinery for the routine legislative review of and comment on the annual criminal justice comprehensive plan. Although it should be emphasized that comments or other action resulting from the legislative review are not binding upon the State planning agency, when coupled with legislative activities surrounding approval of matching funds or other oversight, it should prove a mechanism for maximum input from a State legislature heretofore not statutorily available without getting it into administrative details properly within the jurisdiction of the executive branch.

JUDICIAL PARTICIPATION AND COURT PLANNING

It has been readily apparent for some time that, from a number of standpoints, the court systems of the various States were not participating in the LEAA program at the desired level. The judiciary tended to be underrepresented on the State planning agencies. It tended to receive less than an appropriate share of Federal funds as compared to other components of the criminal justice system. The courts had little independent planning capability and minimal input into the comprehensive plan of some of the States. To deal with these problems the committee incorporates to a large extent the concepts proposed by Senator KENNEDY in S. 3043. The bill as reported would require that each State planning agency include, as a minimum, three judicial members. In addition, the administration must assure that the membership of each planning agency is fairly representative of all components of the criminal justice system. This provides a mechanism for the administration to require that a large State planning agency include more than three judicial members where necessary to provide fair judicial representation. It is contemplated that the concept of proportional representation will be applied to the larger planning agencies to maintain the judicial representation at a ratio equivalent deemed to be fair for the smaller planning agencies with only the three judicial members mandated by the statute. In recognition of the fact that some large planning agencies may necessarily have to operate through an executive committee, the bill further requires that any such committee must include the same proportion of judicial members as the whole State planning agency. While these provisions do not go as far in mandating judicial representation as some urge, they are a considerable step toward better representation and deserve a period of trial and evaluation.

Perhaps more important to effective judicial participation in the program is the bill's provisions that authorize the establishment and funding of judicial planning committees. These committees, expert on judicial matters, will be in a position to provide planning input for the annual State comprehensive criminal justice plan, as well as utilize part C block grant funds to develop a systemwide multiyear comprehensive plan for the improvement of the courts. In addition, a new line item authorization is included to provide special funding to areas characterized by serious court congestion and backlog.

A comment should be made concerning time for implementation of "judicial plans." Although not discussed in the committee report, creation of judicial planning committees and procedures for incorporation of judicial plans into the comprehensive State plan may cause problems with respect to the current planning cycle. Most of the discussion on this subject with respect to "phasing in" local government plans is equally applicable to "phasing in" judicial plans. It might be anticipated that guidelines would provide a period for orderly establishment of judicial planning committees and submission of judicial plans at a point in the next planning cycle to minimize disruption of the current State planning cycle.

LOCAL GOVERNMENT PLANS

The bill, as reported, amends section 304(a)(4) of the act in two ways to strengthen the role of local governments or combinations of local governmental units.

First, the procedures now required to be included in the State comprehensive plan with respect to submission of plans by such units will no longer be limited by population. Second, where such entities comply with the procedures and the plan or portion thereof comports with the statewide comprehensive plan, priorities, and programs, the State planning agency must award funds on the basis of this plan without the necessity for project applications for each project the governmental unit intends to pursue. Consistent with the overall philosophy of the Omnibus Crime Control and Safe Streets Act, recognizing the dominant State role in law enforcement and criminal justice, the local planning provisions are flexible and contemplate that each State will adopt procedures suitable for its own particular system. As noted in the committee report:

It has been impressed upon this Committee that flexible procedures are needed to permit this amendment to function and achieve its benefits. Therefore, States may need to develop a variety of procedures dependent upon the structure of the State planning process.

There was no intent to prescribe procedures which States must follow in dealing with local plans. Although the committee report includes an example of how the procedures might function, this example is by no means intended to be the "model" for the States. It represents only one alternative which could be utilized. The report notes that—

The State is still responsible for the overall comprehensive plan requirements . . . A statutory requirement for more than a "procedure" would have to entail matters too detailed for legislation which would have applicability among all the States and numerous local governments and could result in an imbalance in the planning efforts of the entire State. It could also result in the breakdown in the legal grant relationships between State and local units of government.

It must also be recognized that the timing of the implementation of new statuory provisions could have a serious negative impact upon existing activities. All States are currently engaged in developing the fiscal year 1977 comprehensive State plans. These plans are due August 31, 1976. To require States to totally revamp their plans or redo planning already substantially completed at this critical juncture would be detrimental to the timely progress of the program and would seriously jeopardize the efficient flow of funds for activities. Some States may be able to respond to certain new plan requirements; however, as noted in the committee report, States will only be required to develop new procedures in fiscal year 1977, and "implement them as soon as possible thereafter."

EVALUATION AND MONITORING

Any program that expends public funds to accomplish stated objectives should have appropriate machinery for evaluation and monitoring the operation of the program. Some critics fault the administration for inadequate efforts to evaluate and monitor the expenditure of Federal funds under the LEAA program to assure that they are expended not only in accordance with the act but also in the most effcient manner possible. Much of this criticism is outdated since it is premised on a situation that existed prior to concentrated evaluation activities pursuant to the provisions of the Crime Control Act of 1973. The committee report details some of these efforts. Notwithstanding these obvious improvements, it was felt that a stronger statutory emphasis on evaluation and monitoring would encourage and assist the administration in perfecting its programs in this area, as well as provide the basis for more effective Congressional oversight. Accordingly, S. 2212 amends the Omnibus Crime Control and Safe Streets Act to, among other things, incorporate "evaluation" of the program as one of the purposes of the act; require the administration to evaluate each State's comprehensive plan and to make findings as to the plan's likely impact and effectiveness; require the administration to develop procedures to determine the impact and value of programs funded under the act; and create new and comprehensive reporting requirements designed to provide Congress with the information necessary for effective oversight activities. It is not anticipated that these new requirements will result in excessive reporting demands upon the States or large increases in expenditure of funds for "statistical" purposes. In all likelihood, many of the report requirements are already being utilized by LEAA.

I should also be noted that S. 2212 amends section 301(b)(8) of the act providing for establishment of Criminal Justice Coordinating Councils to clarify

and expand their functions to include improvement of monitoring and evaluation of all law enforcement and criminal justice activities within their jurisdictional area. These councils were originally intended to provide total resource planning and coordination of law enforcement and criminal justice activities. As amended, this provision is designed to encourage, in addition, total resource monitoring and evaluation.

PERIOD OF AUTHORIZATION

S. 2212, as reported, authorizes continuation of the LEAA program for 5 years—through fiscal year 1981. Virtually all of the witnesses before the committee who directed their attention to the period of authorization supported a 5-year extension of the program. There are at least three good reasons for adopting such a period of authorization.

First, a short authorization period promotes instability in long-term criminal justice and law enforcement planning and funding by State and local recipients of LEAA funds. As stated in the committee report:

One of the key features of the LEAA program is the comprehensive planning process. Each State is required to review its law enforcement and criminal justice programs and establish needs and priorities for resource allocation. To be effective, this planning must necessarily have long-range implications. A shorter period would be disruptive of this planning process and allow States to give consideration only to short-term needs.

An abbreviated LEAA program and the uncertainty as to future assistance which a short authorization period would entail would have further adverse effects on State and local efforts. The nature of individual projects would change drastically from the innovative efforts leading to permanent beneficial effects which the Congress expects to projects which merely support normal operational expenses. Jurisdictions would be hesitant to make a commitment to many significant undertakings or to hire new personnel because of the possibility of abrupt loss of support.

Short-term programs would also encourage the purchase of equipment by localities, since a tangible benefit lasting for some time would be guaranteed. Equipment purchases would also be attractive, since they require no follow-up planning or evaluation.

There could also be a chilling effect on the raising of matching funds by localities. Local officials may not wish to make a substantial investment in a program which would possibly remain in existence for a brief period, or which might be drastically changed in nature.

One particularly striking example of the negative results which might occur because of a limited re-authorization is in the area of LEAA's corrections effort. The objective of LEAA's corrections program is to develop and utilize hypotheses concerning techniques, methods, and programs for more effective correctional systems and improved capabilities of corrections, with special attention to offender rehabilitation and diversion of drug abuse offenders. Developing and demonstrating innovative, system-oriented programs and monitoring and evaluating the outcome of such efforts require substantial time, effort, and funding commitments. A short time period such as two years would be an unrealistic time frame in which to try to accomplish such objectives.

Numerous States are now developing correctional and court master plans with LEAA encouragement and support. It has been demonstrated that the planning, development, and implementation of the process exceeds two years. We cannot expect that States, particularly those which are only beginning the process, would commit resources to these major efforts without assured LEAA technical and financial assistance.

Other major corrections program efforts, such as the Comprehensive Offender Program Effort (COPE), which is now in the initial funding stages, could not have been developed and come to fruition if such a two year limitation were imposed when COPE was first conceived as an inter-agency Federal effort. Furthermore, participating States would not consider a major allocation of resources to develop COPE plans if there were no authority to continue the LEAA program beyond two years.

Second, a shorter period of authorization than 5 years would interfere with effective implementation of new programs and responsibilities imposed on LEAA and the States by this legislation. This measure, for example, contains new evaluation and monitoring responsibilities at all levels of the system. It makes provision for new judicial planning committees and increased participation of the courts. It incorporates effective provisions for local government planning. New provisions give added emphasis to court congestion and high crime areas. All of these changes need time and stability—not only for orderly economical implementation, but for accumulation of data and information as a basis for evaluation.

Finally, one of the objections to a long period of authorization is that it would detract from Congress' review and oversight responsibitities. On the contrary, it facilitates such responsibilities by providing a meaningful period of time to evaluate. Moreover, Congress may conduct oversight activities at any time. The 5-year period would indeed provide the opportunity for detailed review unhurried by budget deadlines. These considerations lead to the conclusion that a 5-year authorization is both reasonable and responsible.

Mr. President, I hope that after due deliberation this body will approve the bill as reported, and that it will be expeditiously processed through the other body and become law, so that this very worthwhile program may be continued.

Mr. President, I yield back the remainder of my time.

EXHIBIT A

CRIMES OF VIOLENCE: 1969–1974

PERCENT CHANGE OVER 1969

Limited to murder, forcible rape, robbery and aggravated assault.

1969	0
1970	10
1971	20
1972	23
1973	32
1974	47

Violent crime up 47%.
Rate up 40%.

EXHIBIT B

CRIME AND POPULATION: 1969–1974

PERCENT CHANGE OVER 1969

Crime = Crime index offenses.
Crime rate = Number of offenses per 100,000 inhabitants.

1969	0
1970	8
1971	12
1972	8
1973	12
1974	32

Crime up 38%.
Crime rate up 32%.
Population up 5%.

EXHIBIT C

CRIMES AGAINST PROPERTY: 1969–1974

PERCENT CHANGE OVER 1969

Limited to burglary, larceny-theft and motor vehicle theft.

1969	0
1970	8
1971	12
1972	7
1973	12
1974	31

Property crime, up 37%.
Rate, up 31%.

EXHIBIT D

CRIME CLOCKS: 1974

Serious crimes 19 each minute.
Violent crimes murder, forcible rape, robbery or assault to kill one every 33 seconds.
Murder one every 26 minutes.
Forcible rape one every 10 minutes.
Aggravated assault one every 70 seconds.
Robbery one every 71 seconds.
Burglary one every 10 seconds.
Larceny-theft one every 6 seconds.
Motor vehicle theft one every 32 seconds.

EXHIBIT E

CONGRESSIONAL RESEARCH SERVICE

V. FUNDS AUTHORIZED, REQUESTED, AND APPROPRIATED FOR LEAA, FISCAL YEARS 1968-76

[In thousands of dollars]

Fiscal year	Authorization [1]	Budget request [2]	Appropriation
1968	100,111		
1969	100,111	98,600	63,000
1970	300,000	296,507	208,119
1971 [3]	650,000	532,200	529,000
1972	1,159,000	698,400	628,919
1973 [4]	1,175,000	855,000	855,597
1974	1,000,000	991,125	870,675
1975 [5]	1,000,000	886,400	895,000
1976	1,250,000	[7]69,784	809,638

[1] Authorizations for fiscal years 1968–70 are found in Public Law 90–351, sec. 520 (82 Stat. 208); for fiscal years 1971–73 in Public Law 91–644, sec. 7(8) (84 Stat. 1838); and for fiscal years 1974–76 in Public Law 93–83, sec. 2, amending sec. 520 (87 Stat. 214).

[2] The 1969 budget request was made by the Johnson administration; no budget request was made for fiscal year 1968 because the enabling legislation was not enacted until June 19, 1968. Subsequent budget requests have been made by the Nixon (1970–75) and Ford (1976) administrations.

[3] The inital fiscal year 1971 budget request and appropriation was $480,000,000. After passage of the 1971 LEAA amendments, an additional $52,200,000 was requested, and $49,000,000 was appropriated in a supplemental appropriations act.

[4] The initial fiscal year 1973 appropriation was $350,597,000. Subsequently, the administration requested and received a supplemental appropriation of $5,000,000.

[5] The initial fiscal year 1975 appropriation was $880,000; an additional $15,000,000 was appropriated in a supplemental appropriation act, "to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974, to remain available until Aug. 31, 1975" (Public Law 94–32).

EXHIBIT F

The appropriations broken down by type of expenditure are as follows:

VI. LEAA APPROPRIATIONS HISTORY, FISCAL YEARS 1969–76

[In thousands of dollars]

	1969 actual	1970 actual	1971 actual	1972 actual	1973 actual	1974 actual	1975 actual	1976 estimated
Pt. B—Planning grants	19,000	21,000	26,000	35,000	50,000	50,000	55,000	60,000
Pt. C—Block grants	24,650	182,750	340,000	413,695	480,250	480,250	480,000	405,412
Pt. C—Discretionary grants	4,350	32,000	70,000	73,005	88,750	88,750	84,000	71,544
Total, pt. C	29,000	214,750	410,000	486,700	569,000	569,000	564,000	476,956
Pt. E—Block grants			25,000	48,750	56,500	56,500	56,500	47,739
Pt. E—Discretionary grants			22,500	48,750	56,500	56,500	56,500	47,739
Total pt. E			47,500	97,500	113,000	113,000	113,000	95,478
Technical assistance		1,200	4,000	6,000	10,000	12,000	14,000	13,000
Research, evaluation and technology transfer	3,000	7,500	7,500	21,000	31,598	40,098	42,500	32,400
LEEP	6,500	18,000	21,250	29,000	40,000	40,000	40,000	40,000
Educational development			250	1,000	2,000	2,000	1,500	500
Internships			500		500	500	500	250
Sec. 402 training			500	1,000	2,250	2,250	2,250	2,250
Sec. 407 training					250	250	250	250
Total, education and training	6,500	18,000	22,500	31,000	45,000	45,000	44,500	43,250
Data systems and statistical assistance		1,000	4,000	9,700	21,200	24,000	26,000	25,622
Juvenile Justice and Delinquency Prevention Act (title II)							[1] 15,000	39,300
Management and operations	2,500	4,487	7,454	11,823	15,568	17,428	21,000	23,632
Departmental pay costs					14,200			
Total—Obligational authority	60,000	267,937	528,954	698,723	841,723	870,526	[2] 895,000	809,638
Transferred to other agencies	3,000	182	46	196	14,431	149		
Total appropriated	63,000	268,119	529,000	698,919	855,597	870,675	895,000	809,638

[1] An additional $10,000,000 previously appropriated for LEAA was reappropriated, to remain available until Dec. 31, 1975, to carry out title II of the Juvenile Justice and Delinquency Prevention Act.

[2] Does not reflect the $7,829,000 transferred to other Justice Department Agencies.

EXHIBIT G

The following table indicates the amount of funds made available to each State since 1968 under the Law Enforcement Assistance Administration program:

VII. PARTS B, C, AND E ALLOCATIONS AND AWARDS BY FISCAL YEAR AS OF DEC. 31, 1974

[Amount in thousands; fiscal years]

State	1969–71	1972	1973	1974	1975(½)	Total
Alabama	$12,859	$11,165	$11,175	$10,197	$10,186	$55,582
Alaska	2,451	1,489	2,084	2,321	1,174	9,519
Arizona	8,890	5,474	6,941	7,961	7,567	36,833
Arkansas	7,845	5,098	7,592	9,215	5,959	35,709
California	72,368	60,447	64,390	64,260	57,198	318,663
Colorado	9,183	9,775	15,991	8,655	12,697	56,301
Connecticut	10,950	8,220	9,681	9,510	8,731	47,142
Delaware	3,279	2,316	2,139	2,205	1,770	11,709
Florida	26,574	19,864	21,287	19,831	22,492	110,048
Georgia	16,379	15,147	18,323	19,794	16,349	85,992
Hawaii	3,331	2,630	3,544	6,974	2,443	18,922
Idaho	4,016	2,632	2,733	2,590	2,275	14,246
Illinois	38,729	28,826	35,849	38,512	33,036	174,952
Indiana	17,996	13,258	15,223	15,623	15,516	77,616
Iowa	9,285	7,158	8,589	8,795	8,634	42,461
Kansas	8,539	5,793	6,597	6,899	6,614	34,442
Kentucky	13,052	8,518	11,927	9,693	11,733	54,923
Louisiana	13,940	13,282	14,962	14,771	11,818	68,774
Maine	4,427	2,672	3,454	3,571	3,020	17,144
Maryland	14,316	14,588	12,380	11,764	15,452	68,500
Massachusetts	21,879	15,317	20,247	19,111	16,246	92,800
Michigan	32,504	23,809	30,519	25,757	26,707	139,206
Minnesota	14,053	10,822	11,125	13,140	11,255	60,395
Mississippi	8,002	6,915	8,664	6,861	6,743	37,185
Missouri	17,402	15,758	22,410	21,687	17,960	95,217
Montana	3,571	2,169	2,944	3,025	2,168	13,927
Nebraska	5,840	4,311	6,772	4,802	4,400	26,125
Nevada	3,220	1,770	2,931	3,317	1,799	13,037
New Hampshire	3,401	2,425	3,152	2,840	2,327	14,145
New Jersey	24,985	22,155	26,435	24,332	25,468	123,375
New Mexico	4,422	3,524	3,462	5,257	3,616	20,281
New York	59,800	53,310	60,823	55,205	57,015	286,153
North Carolina	17,591	13,427	15,529	15,026	14,878	76,451
North Dakota	3,136	1,810	2,534	2,578	1,943	12,001
Ohio	36,827	33,432	39,760	39,409	30,934	180,362
Oklahoma	9,474	6,951	8,264	10,012	7,558	42,259
Oregon	7,550	7,734	10,361	16,582	7,376	49,563
Pennsylvania	40,985	31,998	35,557	34,509	35,761	178,810
Rhode Island	4,200	2,946	3,234	3,037	2,935	16,352
South Carolina	10,371	8,491	9,954	8,789	7,707	45,312
South Dakota	2,888	1,963	2,879	3,525	2,170	13,425
Tennessee	13,267	10,378	11,361	11,414	11,392	57,812
Texas	38,415	33,846	36,553	42,123	35,015	185,952
Utah	4,252	2,904	3,823	4,085	3,722	18,786
Vermont	2,244	1,367	1,816	2,132	1,465	9,024
Virginia	16,146	12,572	14,508	13,923	13,800	70,949
Washington	11,637	9,170	10,848	10,608	9,612	51,875
West Virginia	7,023	5,219	5,738	5,072	5,134	28,186
Wisconsin	15,654	11,069	12,761	13,605	14,226	67,315
Wyoming	2,074	1,227	1,754	2,143	1,387	8,585
District of Columbia	10,533	6,228	5,547	4,796	4,004	31,108
American Samoa	452	249	388	363	274	1,726
Guam	878	473	599	599	430	2,979
Puerto Rico	8,969	6,711	7,777	8,377	7,871	39,705
Virgin Islands	1,239	924	589	624	598	3,974
Total	763,192	611,727	716,529	711,806	650,610	3,453,865

Mr. HRUSKA. Mr. President, I rise in favor of the pending measure, S. 2212, and in support of the remarks of the distinguished chairman of the Subcommittee on Criminal Laws and Procedures. His untiring efforts on behalf of not only this bill, but other legislative measures to reduce and control crime, are genuinely appreciated by this Senator and I am sure by the majority of my colleagues.

Mr. President, the Law Enforcement Assistance Administration was established by Congress in 1968 with the strong assurances that the Federal Government was not assuming from States and localities the responsibility for law enforcement.

Under the Constitution, police powers are clearly the responsibilty of the States. The Omnibus Crime Control and Safe Streets Act of 1968 recognized this fact without reservation or qualification. In passing that legislation the Congress declared:

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

With the approval of this legislation, the first major funding role for the Federal Government in the area of law enforcement and criminal justice was created. It was in response to public and private commissions and congressional testimony that new funds, new ideas, and new thinking were provided in this vital area of national concern. It also established a new mechanism to provide Federal assistance to State and local governments—the block grant.

The block grant approach was significant. In comparison to categorical grant programs where control is retained at the Federal level, the block grant centers power for decisionmaking and the set-

ting of spending priorities at the State and local level.

Because of the requirement for a comprehensive plan to be developed by the State criminal justice planning agency, a mechanism for involving State and local agencies and private groups into the funding and decisionmaking process was created.

NOT A RESPONSE TO CRIME PROBLEM IN AMERICA

The bill, S. 2212, authorizing the extension of the LEAA program for 5 years should not be viewed as the Federal Government's direct response to the rising crime problem in America. Certainly, LEAA programs can help the State and local law enforcement authorities in many ways, but the key to cutting our crime rate still rests in bulk with the effectiveness of these officials. LEAA funds still amount to only 5 percent of the total outlay of Federal, State and local money for law enforcement activities. LEAA can contribute to finding solutions to our crime problems, but its programs are not ends in themselves.

It should be well and firmly noted that LEAA has no direct role or control of State and local law enforcement activities; nor any dominance or undue influence. Any effort in such direction could well be construed as favoring the concept of a national police force—and therefore reprehensible.

LEAA PROGRAM SUPPORTED BY THOSE IN THE "FRONT LINE"

Mr. President, since its inception, the Law Enforcement Assistance Administration has made many notable contributions to the efforts of this Nation to deal with the crime problem. By any reasonable measure, the LEAA program has been a success. Evidence for this comes from all over the country and from the witnesses who appeared before Committees of this Congress.

Recently, self-appointed critics and ad hoc committees have voiced concerns with the LEAA program. They say that LEAA has not reduced crime despite the expenditure of substantial funds over the last 7 years and should be abolished or renewed for only 1 year. These people have made the mistake of attributing to LEAA powers which it does not have and responsibilities it cannot assume.

It may well be asked Mr. President, to whom are we going to listen? I believe we should listen to the people who deal with the crime problem on a day-to-day basis; the law enforcement officers and local officials who see face to face the crime problem and the victims of crime. It is fine for us in the Senate to wring our hands over the crime problem. But out there on the firing line, out there where crime in the streets is more than a rhetorical statement, the LEAA funds have met a vital need of our cities and States.

Every Federal program created by Congress and which spends millions of dollars annually is subject to criticism from some quarter. Generally, it is the theoreticians and academics who, though well intended, find fault with the stated goals of a program and its actual results.

Although such criticism is healthy and, indeed, in some cases welcome, when it comes down to the hard decision whether to kill a program or continue it, it is the opinion of this Senator that one must listen first and foremost to the people most directly responsible for the day-to-day operation of the program. A commander preparing for battle is more likely to receive sound advice from his officers in the field than from theoreticians far removed from the conflict.

Mr. President, the committee in considering this bill and in formulating it listened to well over 100 witnesses. They came from all aspects and all sources of law enforcement, and they are many.

There have resulted from this testimony and from the experience of the last 3 years some amendments to the present law. They are proposed in the bill which is before us. We will consider them, and others that will be proposed.

These amendments are of some variety, but they are all calculated to adjust programs which have been in operation for some time and upon which experience has been gained.

We believe that the amendments incorporated in the bill are very wholesome and are designed to improve a very sound and developing program.

There is only one aspect that I shall comment on here, and that is the duration of the program.

There are arguments all the way from a reauthorization for 1 year to 5 years. The bill provides for a 5-year extension, and my own belief is that it should stay at 5 years.

We heard testimony again and again, not only on this program, but also on others that when this type of approach is used without some assured time period in which to formulate State and local budgets, the program suffers from a lack of continuity, it suffers from unwise and disadvantageous planning and expenditure of funds.

The program has proved itself and it should be authorized for 5 years so that the State and local authorities can proceed with their criminal justice and law enforcement planning accordingly.

Many criminal justice practitioners have responded to recent criticisms of LEAA and rallied to its defense. In an article that appeared in the Omaha World-Herald, Chief Richard Andersen of the Omaha Police Department, a nationally recognized expert on law enforcement, said that the city of Omaha received $1.7 million from LEAA and "it has not gone to waste here," Chief Andersen said the LEAA money has been used to build the police department laboratory and it has been used for more extensive training that the Omaha Department could not have otherwise afforded.

In another article which appeared in the Wichita Kansas Eagle, James Williams, president of the Kansas Peace Officers Association, said that the LEAA program has been very effective and crime probably would be higher had it not been for LEAA funding to Kansas law enforcement agencies. Agent Williams said that LEAA has provided funds for manpower and equipment, enabling law enforcement authorities to make more and better arrests.

I could go and on, Mr. President. Criminal justice practitioners in Topeka, Kans.; Houston, Tex.; Baltimore, Md.; Denver, Colo.; Rochester, N.Y., and New Orleans, La. have spoken out in support of LEAA. They say LEAA funds have been helpful in fighting the war on crime. They say the crime rate would be worse if LEAA funds had not been available. They even say it would be disastrous if LEAA were not continued by the Congress.

On May 18, 1976, Lawrence E. Walsh, president of the American Bar Association, appear before the Senate Appropriations Subcommittee on State, Justice, Commerce, and the Judiciary and stated that criticisms of the LEAA program often result in our ignoring its successes. He cited numerous programs with which LEAA funds have enabled the ABA to undertake numerous worthwhile programs in the public interest. These included programs for educating judges, programs to establish a network of volunteer attorneys to assist prison parolees to be reintegrated successfully into society, the development of a model procurement code for State and local governments, and a program to educate elementary and secondary school students about the operation of our laws and our justice system so they will have a better appreciation of our laws.

At the same appropriations hearings, Anthony Travisono of the American Correctional Association called LEAA one of the most vital agencies within the Department of Justice. Mr. Travisono stated:

> It is the fond hope of the Association and its membership that the LEAA will continue to receive strong support and encouragement from the Congress. The agency is new. The agency is in the midst of a journey, the end of which is not clearly in sight. But if our country's history contains any lessons truly learned, one such lesson is that resolve, perseverance, and dedication to the task at hand are both uncompromising and unequivocal demands in the solution of national problems.

Ralph Tabor representing the National Association of Counties in these appropriations hearings said that the LEAA program is of vital importance to the Nation's counties. Mr. Tabor said:

> The LEAA program is a vital source of funds for improvement of the criminal justice system at the county level. It funds not only innovative programs, but a regional and local criminal justice planning system never before available

COURT PROGRAMS

The Subcommittee on Criminal Laws and Procedures received testimony from numerous representatives of the State and local court systems in the country. These witnesses called for amendments to the LEAA Act to assure effective participation of the court systems in several States in the LEAA program. The committee was sensitive to this criticism and recognized that some changes in the structure of the LEAA program were necessary to insure adequate court funding. The amendments, approved by the committee, incorporate many of the concepts proposed by Senator KENNEDY in S. 3043. These amendments preserve the

integrity of the current State comprehensive planning process and recognize the need for the SPA to have the final authority over the contents of the comprehensive plan for all aspects of law enforcement and criminal justice in the State.

S. 2212, as reported by the committee, specifies that the supervisory board of each SPA include, as a minimum, three court representatives. One from the highest court of the State, one from the Court Administrators Office and one from a local trial court. The bill also specifies that the Administrator have authority to require a State to include additional judicial members on the supervisory board of the SPA to provide adequate court representatives on the board.

S. 2212 also responds to the needs of the court system by authorizing the establishment of a judicial planning committee—JPC—in each State. Each JCP can be established by the court of last resort of each State and the members of the committee reasonably representing all of the courts of the State and correctional jurisdictions. The JPC is authorized to establish priorities for the improvement of the courts of the State, to develop programs and projects for court improvement in the State and to prepare an annual court plan for the expenditure of LEAA funds awarded by the SPA for use by the courts.

The committee considered and decided not to adopt a proposal that would have given the court plan prima facie validity. Instead, the committee specified that approval of the annual State judicial plan is vested in the SPA. The committee also considered proposals to specify that one-third of all Federal funds distributed to a State by LEAA be earmarked for exclusive use of the courts. Instead, the committee specified that each State should assure that an adequate share of funds be set aside for court programs and require LEAA to carefully review each court plan to assure that courts receive an adequate share of funds.

It is significant that many of the recommendations contained in the committee bills parallel many of the recommendations made in the report of the special study team on law enforcement in State courts. This report was commissioned by LEAA and was prepared by Dean F. X. Irving of Seton Hall Law School, Judge Henry Pennington of Kentucky, and Dr. Peter Haynes. The amendments for courts contained in S. 2212 are consistent with the position on this report taken by the National Conference of State Criminal Justice Planning Administrators.

I anticipate that there will be strong support for these amendments and that substantial benefit and improvements will occur in the next 5 years as a result of these amendments.

AUTHORITY OF THE ATTORNEY GENERAL OVER LEAA

Since its inception, LEAA has operated under the general authority of the Attorney General. In creating LEAA, the Congress intended to assure that LEAA would be independent of the Attorney General in its day-to-day operations. The purpose was to assure that the State and local nature of the program would not be overshadowed by Department of Justice programs. Amendments have been made to S. 2212 to clearly define in the statute the actual relationship between the Attorney General and the Administrator of LEAA. The amendments make no substantive change to the LEAA legislation.

PARTICIPATION BY THE LEGISLATURES IN THE LEAA PROGRAM

The committee heard testimony from representatives of State legislature during the hearings on the LEAA authorization bill. The legislators called on Congress to provide a more specific role for State legislatures in the operation of the LEAA program.

Some legislative involvement in the program was assured by amendments in 1971 and 1973 which required the legislatures to appropriate funds to match the LEAA funds provided to the State. The committee felt that additional legislative participation could be assured without infringing on the proper jurisdiction of the chief executive of the LEAA program in each State.

The committee included amendments to the LEAA Act to provide the State planning agencies must be designated by State law through an act of the legislature. In addition, the act would be amended to require that the general goals, priorities, and policy that form the basis of the comprehensive plan prepared under the LEAA program be submitted to the legislature for its approval, disapproval, or suggested amendments. These amendments are written to specify that the action of the legislature is not binding on the governor but serves instead as a means by which the legislature can express its approval or disapproval of the basis upon which the plan is prepared and assure that its views are given consideration by the State planning agency.

LOCAL GOVERNMENT PLANS

Mr. President, the Advisory Commission on Intergovernmental Relations also recently studied the LEAA program. The ACIR study thoroughly examined many of the issues relevant to the operation of the LEAA block grant program. It sent survey questionnaires to each of the 50 States and did an intensive evaluation of 10 States.

The ACIR endorsed the LEAA program and recommended that it be continued by the Congress with certain changes. One of the most significant changes, recommended by the ACIR and adopted by the Senate Judiciary Committee, requires the States to establish procedures under which plans may be submitted to the State planning agency by units of local government. The committee agreed with ACIR that it would be inappropriate and inconsistent with the operation of the LEAA program to establish a separate program of block grants to cities and counties in the State.

The committee agreed with ACIR, however, that there was a need to reduce the time spent by States and units of local government on grant administration to provide more time and funding for criminal justice system improvement.

The committee amendment requires establishment of procedures whereby a comprehensive plan and groupings of applications can be submitted by a unit of local government in the State to the State planning agency. These then would be approved in whole or in part by the State planning agency and approval of the plans and the parts will result in the award of funds to units of local government to implement the approved parts of the plan. Such action must assure that all of the statutory conditions and requirements of the act are met. Procedures to be established must address such questions as matching funds, buy-in, the one-third personnel limitation, the 90-day application approval or denial procedure. The committee report details how these procedures could operate.

In my view, this amendment could go a long way toward eliminating red tape and the need for duplicative applications and procedures which now exist in some States.

5-YEAR REAUTHORIZATION

One of the most significant features of this bill is a provision to authorize the LEAA program for a period of 5 years. It was the view of the committee that such a 5-year reauthorization could best serve to promote the purposes of the Congress in enacting the Safe Streets Act and in adopting the amendments suggested by the committee.

The subcommittee received testimony and statements from more than 100 witnesses including public officials and representatives of the private sector. Testimony was presented by the Attorney General, members of Congress, State legislators, and the Advisory Commission on Intergovernmental Relations. The subcommittee also received testimony from a number of criminal justice practitioners representing law enforcement, courts, corrections, and juvenile justice. Virtually all of these witnesses called for the re-enactment of the LEAA program while making constructive suggestions for changes in the program. These changes have in many respects been included in the legislation under consideration today.

The comprehensive planning process carried out by each State is a central feature of the LEAA program. Each State is required to undertake a total and integrated analysis of its problems regarding law enforcement and criminal justice and to establish goals, priorities, and standards for the improvement of criminal justice efforts. Every State in the Nation has established goals and standards for criminal justice improvements. The vast majority of these States have received LEAA funds for establishing these goals and standards, utilizing the works of such groups as the National Advisory Commission on Criminal Justice Standards and Goals.

An abbreviated LEAA program would render meaningless such standards and goals. There would be no incentive for the States to find the long-range solu-

tions that are necessary to improve the criminal justice system.

A short-term reauthorization also could have a negative effect on evaluation. Meaningful evaluation of complex criminal justice programs cannot be completed within 1 year or even 2 or 3 years. There are many factors which impact on crime and it is often difficult to identify those projects which have an effect on crime. For example, projects relating to recidivism, one of the most critical problems facing the criminal justice system, require several years to design, implement, and evaluate. LEAA has many such efforts underway now and anticipates initiating many more. These efforts would have to be abandoned or curtailed in face of a short-term reauthorization.

In considering the period of reauthorization for LEAA, the committee paid serious attention to the Congressional Budget and Impoundment Control Act. That act, as we all know, has as one of its primary objectives the development of long-term programs. The extension of the LEAA program for 5 years would be consistent with this act.

CONCLUSION

Mr. President, the LEAA program is ambitious. It deals with one of the most serious problems facing this country.

The measure before us will enable LEAA to significantly improve its performance and will lead over the next 5 years to many improvements in the criminal justice system. It will help add to the successes of the LEAA program and be of substantial benefit to the people in this country. I urge the swift passage of S. 2212.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. HRUSKA. I am happy to yield.

Mr. PASTORE. I congratulate the Senator from Nebraska for the very thoughtful statement that he just made.

As he well knows, I am chairman of the Subcommittee of the Committee on Appropriations that is responsible, in large measure, for the funds that are allocated to LEAA, and he is the ranking Republican on that particular subcommittee.

I associate myself with everything that the distinguished Senator has said. I think it is pure nonsense to argue the fact that we still have crime and for that reason we ought to do away with LEAA.

No one here can prophesy, nor can they in any way indicate how much more serious it would be if we did not have this program.

As a matter of fact, this is not a national police force. It has helped considerably, and if we take this help away from the law enforcing agencies of this country no one knows how much more serious the present critical situation will become.

Naturally, we have been very careful where we put the money and how much money we put, and we have always been very careful about that. But I reiterate what the Senator from Nebraska has said. We have had a parade of witnesses come before our committee, and it is true that some people have said, "Well, you don't need this program because we haven't reduced crime."

We can certainly argue that if we did remove this program the situation would become even more critical than it is today.

Street crime is a scourge of the present day. I know that our police departments are frustrated. I know that they are working hard. I know that we are developing all the techniques and technology to scientifically detect crime and culprits. But the fact still remains that we have a juvenile delinquency situation in this country today and our committee agreed in conference on $75 million, and that is money for prevention of crime, and I am telling the Senator that once we take a young person and put him in jail or put him in a reformatory it is going to cost us five times more than the money that we will spend to make sure that some of these youngsters do not get into trouble.

I am hopeful that the Senate will pass this bill.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. McCLELLAN. The Senator speaks of the continuing need for this program and the allegations that have been made that it has done no good, that crime has continued to increase, and therefore that the program has failed. If we apply the same argument, the same logic, we would do away with courts and law enforcement officers. We would do away with everything.

Mr. PASTORE. We have a lot of faults around here, too.

Mr. McCLELLAN. The fact is that the law enforcement assistance program has helped. As the Senator points out, we do not know how much more serious the situation would be today if we had not had the program for 8 years.

I thank the Senator for yielding.

Mr. HRUSKA. Mr. President, will the Senator yield briefly for a unanimous-consent request?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, on behalf of the senior Senator from Illinois, I ask unanimous consent that during the proceedings and votes on the pending bill, Robert Sloan, Stewart Statler, and Dan Levine of the Committee on Government Operations and Bill Coates of the Judiciary Committee be accorded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 225

Mr. McCLELLAN. Mr. President, I have three technical or perfecting amendments which I send to the desk.

The PRESIDING OFFICER. Without objection, they will be considered en bloc.

The amendments will be stated.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. McCLELLAN) proposes certain technical amendments numbered unprinted amendment 225.

The amendments are as follows:

On page 25, delete lines 7 through 18 and insert in lieu thereof the following:

"SEC. 408. (a) The Administration is authorized to make high crime impact and serious court congestion grants to State planning agencies, units of general local government, or combinations of such units. Such grants are to be used to provide impact funding to areas which are identified by the Administration as high crime or serious court congestion areas having a special and urgent need for Federal financial assistance. Such grants are to be used to support programs and projects which will improve the law enforcement and criminal justice system or the capability of the courts to eliminate congestion and backlog of criminal matters.

"(b) Any application for a grant under this section shall be consistent with the approved comprehensive State plan or an approved revision thereof."

On page 34, strike out line 15 and insert in lieu thereof "units.

"(r) The term 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title.".

On page 9, line 19, delete the word "These" and insert in lieu thereof the following: "The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other".

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

AMENDMENTS NOS. 2049, 2050, AND 2051

Mr. HATHAWAY. Mr. President, I call up three printed amendments, Nos. 2049, 2050, and 2051, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments are as follows:

On page 16, line 22, strike out the quotation marks, the semicolon, and the word "and" and insert in lieu thereof:

"(13) the development of programs to identify the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and the establishment of procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abue Office and Treatment Act of 1972 and section 303(a) of the Comprehensive Alcohol Abuse and Alcocholism Prevention, Treatment and Rehabilitation Act of 1970."; and

On page 24, line 26, strike out "and" and insert the following new subsection (b):

"(b) deleting 'and' at the end of paragraph (7) of subsection (b); changing the period to a semicolon at the end of paragraph (8) of subsection (b) and inserting 'and' thereafter; and adding the following new paragraph to that subsection:

"'(9) to conduct studies and undertake programs of research, in consultation with the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, to determine the relationship between drug abuse and crime, and between alcohol abuse and crime; to evaluate the success of the various types of treatment programs in reducing crime; and to report its findings to the President, the Congress, the State planning agencies, and units of general local government."; and".

On page 25, line 1, strike "(b)" and insert in lieu thereof "(c)".

On page 32, line 2, strike out "and".

On page 32, line 5, strike out both periods and the quotation marks and insert in lieu thereof "; and

"'(k) a description of the Administration's compliance with the requirements of section 454 of this title.'".

Mr. HATHAWAY. Mr. President, since the amendments are closely related to one another, and are almost identical to amendments sponsored by Chairman RODINO when this bill was considered in the House, I have asked that they be considered together as a single amendment.

At the suggestion of the distinguished floor manager of the bill, Senator MCCLELLAN, I have agreed to make certain modifications in my amendments. For that reason, these three amendments would be considered substitutes for the amendments numbered 2038 through 2040, which I submitted earlier this week.

All three of my amendments concern the need for a heightened Federal awareness and commitment to determining the relationship between drug abuse and crime, and between alcohol abuse and crime, and to designing and implementing criminal justice programs that recognize that relationship.

My first amendment, as modified, authorizes the States to use LEAA money to develop programs to identify the special needs of drug and alcohol dependent offenders, and to coordinate such efforts with the State drug abuse and alcoholism treatment agencies.

My second amendment authorizes the National Institute on Law Enforcement and Criminal Justice to conduct studies and undertake programs of research, to determine the relationship between drug abuse and crime, and between alcohol abuse and crime.

The third amendment requires the LEAA to report to Congress and the President on its compliance with the provision in the current law requiring the issuance of guidelines for drug abuse treatment programs in correctional institutions, and for persons on parole.

The major difference between my original amendments and the modified versions is that my amendments would have made the State programs and the NILE-CJ research program mandatory, whereas the modification is permissive, in keeping with the overall desire in this bill to avoid overly categorizing LEAA programs. Since I believe that goal is a good one, and in keeping with the need to simplify the LEAA bureaucracy, I have agreed to the changes and hope the amendments, as so modified, will be accepted.

Mr. President, all three of these amendments correspond closely to amendments offered by House Judiciary Committee Chairman PETER RODINO to H.R. 13636. The only differences, in fact, concern a slightly increased emphasis in my amendments on the relationship between alcohol abuse and crime.

The combination of these amendments will serve to promote the study and the dissemination of information regarding the relationship of crime to alcohol and drug abuse. There is, at the present time, some argument as to the precise nature of the relationship between drug and alcohol abuse and various crimes and a vacuum of hard data on the nature of these relationships. Studies utilizing the experience and expertise of the National Institute of Law Enforcement and Criminal Justice, with the unique health and welfare perspectives of NIAAA and NIDA, may uncover hitherto unsuspected or unsubstantiated relationships between substance abuse and street crime and ways of preventing or diminishing the scope of criminal activity.

The Subcommittee on Alcoholism and Narcotics, of which I am chairman, concluded in its report on the Drug Abuse Office and Treatment Act Amendments of 1975 that the drug abuse epidemic had not abated. Rather, we discovered that heroin addiction had spread from major metropolitan areas to smaller and geographically more remote communities. Moreover, the supply situation had undergone a marked change, with increases in the supply of Mexican grown heroin, continued traffic in herom from the Golden Triangle region of Southeast Asia, and the resumption of opium production by the Government of Turkey.

Add to these developments the paucity of information and reliable data on the relationship of polydrug abuse and alcohol abuse to crime, and it becomes incumbent on the treatment and criminal justice systems to consider matters of common interest.

Federal and State efforts, legislatively and administratively, have been undertaken and have attempted to shift community response and resources from incarceration to a community care approach to drug abuse and alcoholism. This is particularly noteworthy in the States that have decriminalized public intoxication, freeing law enforcement, court, and correctional resources to deal with serious crime. But a relatively small portion of LEAA's resources have been focused on the vast number of criminal offenders whose crimes can be associated with alcohol and other drug abuse.

It is hoped that these amendments will serve both to raise questions and to elicit answers on the local, State, and Federal level regarding this poorly understood relationship between crime and the abuse of drugs and alcohol. These provisions can lead to the fulfillment of the mandate of this act by improving the operation of the law enforcement and criminal justice system and the reduction of crime.

As I noted earlier, Mr. President, these amendments were offered in the House by Chairman RODINO, and accepted by the Committee on the Judiciary of that body. The House committee report points to information that this country is experiencing a new epidemic of drug abuse and can be expected to experience a significant increase in drug related crime. The committee report goes on to state:

> In the White Paper on Drug Abuse prepared by the Domestic Council and in the President's recent message to Congress, it was estimated that the direct cost of drug abuse to the nation ranges between $10 billion and $17 billion a year and law enforcement officials have estimated that up to 50 percent of all property crimes are committed by addicts to support their expensive habits.

Add to this the significance of the finding that alcohol is associated with 64 percent of all murders, 41 percent of all assaults, 34 percent of all forcible rapes, and 29 percent of all other sex crimes, and the magnitude of the relationship between substance abuse and crime becomes apparent. While we cannot assume a strict casual relationship, the association between drugs and alcohol abuse and crime indicates these substances may facilitate behavior which may result in violence to persons and property.

At the present time, the House committee report states:

> There is only sporadic coordination between the State Planning Agencies and the Single State Agencies.

These amendments are thus designed to mandate procedures for the joint effort of State planning agencies and single State agencies in identifying the treatment needs of alcohol and drug abusers, promote research in this area and insure the wide dissemination of findings.

It is almost 9 years since the President's Commission on Law Enforcement and the Administration of Justice reported that a significant reduction in crime would be possible through an infusion of Federal money to police, courts, and correctional agencies, and through increased operational and basic research into the problems of crime.

I recognize that there has been considerable controversy over the role of the Law Enforcement Assistance Administration since the enactment of laws based on that report. There have been arguments about money wasted on excessive bureaucracy or expensive but useless hardware. There have also been arguments about how much, or how little, crime has actually been reduced as a result of LEAA efforts. But while I believe the LEAA can be faulted in some areas, it is foolish to blame national crime statistics on that agency. And I still believe it should be given a chance to fulfill its original goal of all-around improvement in the criminal justice system. With the reforms in S. 2212, and the assistance of my amendments, I believe it is still possible to accomplish this task.

Mr. MCCLELLAN. Mr. President, I examined the original amendments, as did the staff of the subcommittee, and the principal objection to the original amendments was that they were mandatory in character. Since they are now made permissive, I have no objection.

Unless there is objection on the part of Senator HRUSKA, I am willing to accept the amendment.

Mr. HRUSKA. Mr. President, I join the Senator from Arkansas in the thoughts he has expressed.

As I understand it, the purpose of the amendment is to enable the LEAA to include in its jurisdiction and in the scope of the State plan the problems of alcoholism, drug abuse, and their relationship to crime, but it does not mandate anything or make it mandatory that a certain amount of funds for such programs be adopted in those plans. Is my understanding correct?

Mr. HATHAWAY. The Senator is correct.

Mr. HRUSKA. I commend the Senator for his proposal. It deals with a very troublesome and vexatious area. I believe

it will be helpful, and I would think that the LEAA authorities and administration would welcome such an amendment. I suggest its approval.

Mr. HATHAWAY. I thank the Senator from Nebraska and the Senator from Arkansas.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Unless the Senator is offering an amendment, he must seek time.

Mr. KENNEDY. Mr. President, will the floor manager yield me 10 minutes?

Mr. McCLELLAN. I yield.

Mr. KENNEDY. I thank the Senator.

Mr. President, I support S. 2212, a bill to reauthorize the Federal Law Enforcement Assistance Administration.

I believe that the legislation we are considering today reflects very clearly the efforts that a number of members of the Committee on the Judiciary have made in recent years. I commend the chairman of the Criminal Law Subcommittee, one of the senior members of the Committee on the Judiciary, for his willingness to examine new and additional suggestions to improve the Law Enforcement Assistance Act and to reconsider some of the older suggestions that have been made over the years. He has held hearings and listened to the various views expressed during the course of the hearings. He has worked very closely with members of the committee in the fashioning of this piece of legislation, and he has my thanks.

It has been a real pleasure, as a member of that committee, to work with the chairman, with his staff, and with the ranking minority member, the Senator from Nebraska.

The measure which is presented to the Senate today is a combination of the different recommendations and suggestions that have been made. The willingness of the chairman and the Senator from Nebraska to consider these various suggestions and proposals that have been put forward by me and other members of the committee is very reassuring, not only to me personally but also to those who are concerned that the LEAA program be an effective tool in the fight against crime in the United States.

This bill incorporates the major reform features of S. 3043, the LEAA reauthorization bill I introduced last February with broad bipartisan support. It is the culmination of a battle many of us have waged for the last 6 years to reform and reorganize one of the more poorly organized agencies of the Federal Government.

S. 2212, like S. 3043, makes sweeping changes in the internal structure and management of LEAA, provides, at long last, detailed congressional oversight and evaluation procedures to improve LEAA's efficiency and impact on crime, and recognizes the need for Federal financial and technical assistance to the neglected stepchild or our criminal justice system—the courts.

The comprehensive reforms suggested in S. 3043 and incorporated today into S. 2212 are designed to meet many of the criticisms leveled at the agency during the past few years. I have long been one of those vocal critics, questioning not the concept of Federal assistance to aid localities in the war on crime, but the nature and administration of that assistance. Since 1968, LEAA has distributed over $5 billion of the American taxpayers' money in order to combat crime, and yet the Nation's soaring crime rate has risen almost 60 percent during that period. Certainly LEAA is not to be held solely responsible for this rise in crime. The war on crime is primarily a local battle and LEAA's role is, by necessity, limited. The issue is not whether LEAA can cure the Nation's crime problem, but whether LEAA can make a more meaningful contribution to the war on crime—I believe it can.

The litany of criticisms leveled at the agency in recent years has been substantial. These criticisms can generally be grouped into three areas: First, improper and insufficient evaluation of programs by LEAA and lack of meaningful congressional oversight; second, poor planning priorities resulting in the neglect of our local criminal courts, the pivotal center of our criminal justice system, plagued today with unconscionable backlogs and trial delays; in this regard, I might add, there are not many States as bad as my own State of Massachusetts. And, third, the failure of LEAA to meet the needs of both our cities and local counties.

S. 2212 attempts to deal comprehensively with all of these criticisms. Like S. 3043 it is not a palliative, but offers comprehensive reforms and gives LEAA an opportunity, long overdue, to contribute in a meaningful way to the local struggle against crime. S. 2212 is designed to assure that the American taxpayer will receive a better return on his investment in the war on crime than on the $5 billion spent so far.

S. 2212 makes the following major changes in the structure and administration of the LEAA program:

First. It makes clear, after 8 years of ambiguity and misinterpretation, that LEAA is a crime fighting vehicle and that the primary purpose of the LEAA program is to prevent and reduce crime and detect, apprehend, and rehabilitate criminals;

Second. It places the Federal program back under the control of the Department of Justice, a step I and others have been urging for years.

Third. It allows State and local judiciaries to establish their own planning committees to plan for the judicial needs of the State. Such independent planning committees are essential if court planning is to succeed. The committees would, however, work closely with the State planning agency in developing a judicial plan consistent with the State's overall comprehensive plan.

Fourth. It authorizes cities, urban counties, or local government units to submit a comprehensive plan to the State planning agency. If approved, a mini-block-grant award would be made to such government units with no further action on specific project applications being required at the State level.

Mr. President, this provision provides the type of comprehensive assistance to our cities which I and others have been trying to incorporate into the LEAA program since 1970. It allows our cities—where crime continues to run rampant—to engage in comprehensive criminal justice planning without being sidetracked by bureaucratic conditions imposed on them by the States.

Fifth. It provides that Federal LEAA funds be directed to areas of the country faced with high crime incidence whether such areas be located in urban or rural sections of the Nation. Thus; not only our cities but our rural areas as well will benefit from this provision.

Sixth. It provides special financial and technical assistance to alleviate court congestion and trial delay. Without relieving our courts of such backlog and congestion, other law enforcement measures aimed at reducing crime—fairer sentencing policies, additional police, prison reform—will be of little value. I have consistently stated in recent months that financial and technical aid to State and local criminal courts is an essential prerequisite for a successful attack on crime. This bill provides the courts with such aid.

Seventh. The statutory prohibition on LEAA grants for personal compensation is modified, allowing LEAA funds to be used by localities to hire more personnel, such as judges, police, and correctional officers in order to carry out innovative programs.

Eighth. Major changes are made for the first time in the evaluation, auditing, and monitoring functions of LEAA. The bill would make LEAA responsible for evaluating and auditing, not only the comprehensive plans submitted for approval, but also the impact of programs already approved in order to determine whether such programs were of any value in reducing and combating crime. A detailed scheme for the proper evaluation and auditing of programs is laid out in the bill.

Ninth. An advisory board, authorized by the Attorney General is established at the national level to make recommendations as to how the national discretionary funds should be spent.

Tenth. Extensive congressional oversight of LEAA is provided for the first time with LEAA being required to submit an annual report detailing its policies and priorities for reducing crime, its evaluation procedures, the number of State plans approved and disapproved and the number of LEAA programs discontinued.

Eleventh. It authorizes LEAA to establish and implement new programs designed to aid our Nation's elderly citizens in their losing struggle against crime.

Twelfth. This bill provides the various State legislatures with an opportunity to offer suggestions and recommendations to the State planning agencies, to be incorporated into the overall comprehensive plan. Up to now the State legislatures have had no input whatsoever in

the LEAA program, seriously undercutting any possibility for a truly integrated State criminal justice plan for combating crime. This would change with the enactment of S. 2212.

Mr. President, this bill, like S. 3043, is a step in the right direction. It makes the fundamental changes necessary if LEAA is to wage a more effective war on crime. It attempts to answer the critics by reconstructing and refining the Federal role in combating crime. It incorporates the structural and administrative changes which, I believe, are essential to insure that particular responsibility.

Mr. President, despite past LEAA failures I do not believe that we should abandon the potential for leadership that the Federal law enforcement assistance program holds. We need LEAA. Our States and cities desperately need the funds that it provides. But they also need more than that.

LEAA was initially developed as a prototype of the block grant or special revenue sharing program. As such, it lacked significantly in both focus and evaluation. No doubt that many Federal dollars were wasted in the course.

But rather than throwing out the good with the bad; rather than sacrificing LEAA's potential for achievement and success on the basis of the past records of poor performance; rather than simply throwing up our hands about the Nation's crime problem and saying—like we do about the weather—while we care, there is not much that we can do, we must reshape and restructure LEAA to fulfill the country's objectives and expectations. LEAA must be reformed now, and S. 2212 goes a long way in achieving that reform.

I want to urge upon my colleagues the enactment of this legislation. I think it is an important piece of legislation. I think that finally, this year, we have had the opportunity to begin a new debate on the subject of crime in America. This bill has developed from that debate.

It is interesting, Mr. President, that the issues which most bother the people in my part of the country are the problems of the economy—jobs and inflation—and the issue of energy, because we are so highly dependent on petroleum products; we pay almost twice the amout for energy that other parts of the Nation pay, other parts which have the benefit of cheaper resources.

But the third most important matter which concerns people in my part of the country is the issue of crime. Nevertheless, despite the fact that here in the Congress we have hearing after hearing on the economy, and despite the fact that great attention is focused on the issue of energy, we have not really had enlightened, forthright debate and discussion on the issue of crime.

I think, to a great extent, this can be traced to the fact that in recent years there were those who thought they could simply talk about "law and order" and "domestic tranquility." They really did not get into the deeper issues of violence and crime. They never were willing to make the hard and difficult effort necessary to attack the growth of crime here in the United States. Talk without action avails us nothing.

Well, Mr. President, today we are finally going beyond that, beyond the superficial slogans, beyond the labels. We are going beyond the stereotypes about who is "hard" and who is "soft" on crime. Hopefully, we can—as this particular legislation reflects—really begin the important discussion and debate about what really is effective in the war on crime and what really works. Crime is a matter which is of enormous concern to all the American people. They have every right to expect their Federal, State and local governments to provide them with the kind of protection which is the first order of Government.

I think that this legislation and the bipartisan nature of the process that resulted in the fashioning and development of it signals for the first time since I have been on the Criminal Law Subcommittee the type of interaction necessary if a successful war on crime is to be waged.

I think this legislation is a strong piece of legislation. It is a tribute to the chairman of the Criminal Laws Subcommittee and to the ranking minority member. The drafting of this legislation offered all of us the opportunity to debate and discuss the war on crime, sifting out the good programs and eliminating the poor ones. The result has been a stronger piece of legislation.

Finally, I would add that in this effort, LEAA and the Department of Justice have been most helpful in working with the Congress.

In particular, Attorney General Levi and Deputy Attorney General Tyler have been most responsive and cooperative. Such cooperation has been the rule, not the exception.

So Mr. President, this is a good piece of legislation. I think, quite frankly, it is the most important effort that we have yet made in attempting to deal candidly and forthrightly with the problem of crime in our society.

Many ask; "how can we fight crime in America?" Mr. President, the answers are available. Once we streamline the administration of criminal justice, once we establish more just sentencing practices, once we provide certain punishment of the offender, and once we succeed in working together to recodify our Federal criminal code—all issues which the Senate will have a chance to deal with during the not too distant future—I think we will really be taking the kind of meaningful steps necessary to attack crime and provide safety and security for all the American people. The time to begin is now.

Mr. McCLELLAN. Mr. President, I do not know if anyone else here has an amendment.

Mr. HRUSKA. I have an amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

UP AMENDMENT NO. 226

Mr. HRUSKA. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. HRUSKA) proposes unprinted amendment numbered 226.

The amendment is as follows:

On page 34, after Section 28, add two new sections as follows:

"SEC. 29. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end of the section the following new subsection:

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

"SEC. 30. Section 301(d) of the Omnibus Crime Control and Safety Streets Act of 1968 is amended by inserting at the end of the section the following:

In the case of a grant for the purpose of supporting projects that will acqure stolen goods and property in an effort to disrupt commerce in such property, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary."

Mr. HRUSKA. Mr. President, this is an amendment which seeks to establish a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such stolen goods and stolen property.

In popular parlance, the operation which I have just described is called the "Sting," and it is the one which has created a method whereby there are operations which result in the arrest and, Mr. President, happily, in a high percentage of convictions and guilty pleas of thieves who use the fencing operation as a means of disposing of their ill-gotten and stolen articles.

The proceeds of such operations have so far been greater than the cost of the operation. The revolving fund is proposed to facilitate the creation of additional operations of that kind.

Mr. President, I took the precaution of writing to the chairman of the Senate Committee on the Budget to ascertain whether or not this proposal would in any way infringe or run contrary to the Budget and Impoundment Control Act of 1974.

I did this in the form of a letter dated July 7 and addressed to the senior Senator from Maine who is chairman of that committee on the Senate side.

In a letter dated July 21, 1976, Senator MUSKIE did respond favorably on the amendment saying that it was consistent with the Budget Act in all of its aspects.

Mr. President, I ask unanimous consent that the letter of July 7 directed to

the Senator and his reply of July 21 be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 7, 1976.

Hon. EDMUND S. MUSKIE,
Chairman,
Senate Committee on the Budget,
Washington, D.C.

DEAR ED: When the Senate reconvenes on July 19, S. 2212, a bill to reauthorize the Law Enforcement Assistance Administration (LEAA), will be one of the first items of business.

I am considering an amendment to S. 2212 that would permit the establishment of a revolving fund within LEAA for the purpose of acquiring, and subsequently, disbursing the proceeds or income generated from the sale or use of stolen goods and property.

The amendment is prompted by the two anti-fencing operations which have been conducted recently in the Washington, D.C. area under the auspices of the FBI, the Metropolitan Police Department, and other federal and local law enforcement agencies. Both of these operations now known as "Sting" and "Got You Again," were financed in large measure by LEAA. The amendment I am considering would permit LEAA, through proceeds acquired in the revolving fund, to assist other communities nationwide in setting up similar law enforcement operations.

Attached is the language of the amendment. Although an informed staff contact indicated approval of the amendment's conformity with the Budget and Impoundment Control Act, it would be appreciated if written verification could be provided to me prior to consideration of S. 2212 on the Senate floor.

With kind personal regards,
Sincerely.

ROMAN L. HRUSKA,
U.S. Senator.

SEC. 408. There is hereby established a revolving fund for the purpose of acquiring stolen goods and property to disrupt illicit commerce in such property. Notwithstanding any other provisions of law, title to such goods and property shall vest in an Administrator of the revolving fund and any income or royalties generated from such projects together with income generated from any sale or use of such property shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund and to accept gifts and bequests which shall be paid into the special account for the purposes of this section.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., July 21, 1976.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: This is in response to your letter of July 7 inquiring whether an amendment to S. 2212, the bill to reauthorize the Law Enforcement Assistance Administration, is consistent with relevant provisions of the Congressional Budget and Impoundment Control Act.

You advise that the amendment is intended to authorize the LEAA to finance anti-fencing operations through a revolving fund established by the amendment. The revolving fund would be funded by income and royalties generated from other such anti-fencing projects, income generated from the sale or use of property obtained through such operations, and gifts and bequests. The operation of the fund would not be subject to the appropriations process.

I have asked the staff of the Budget Committee to examine this question. They have advised me that the amendment is not inconsistent with the Budget Act.

With regard to the Budget Act, the question presented by this amendment is whether the amendment constitutes "back-door spending" in violation of Section 401 of the Budget Act. In general, Section 401 permits the creation of new spending authority only to the extent it is provided for in advance by appropriation acts. The purpose of the section is to discourage the creation of new federal obligations without a prior enactment pursuant to the appropriation process.

It is the opinion of the Budget Committee staff that the amendment you propose is not inconsistent with Section 401. Although the amendment would authorize the administrator of the revolving fund to receive and disburse funds generated in connection with certain anti-fencing operations, those amounts are not "new spending authority" in terms of Section 401. Rather, these amounts are accounted for in budgetary terms as "receipts" when they are received by the fund and "negative receipts" when they are expended from the fund.

One portion of the amendment does create new spending authority without an appropriation in advance. Specifically, part of the amendment authorizes the administrator to accept gifts and bequests to be paid into the fund. Gifts and bequests, in budgetary terms, are considered to be budget authority. However, such gifts and bequests are exempt from Section 401 by express provision of Section 401(d)(3).

I hope this advice clarifies the issue for you. Please let us know if we can be of any further assistance.

With best wishes, I am
Sincerely,

EDMUND S. MUSKIE.

Mr. HRUSKA. Mr. President, LEAA has funded, in the last 2 years, a number of projects to intercept and stop illicit commerce in stolen goods. The Sting operations which have received so much publicity in the District of Columbia were funded by LEAA. As a result of these projects, the Metropolitan Police Department has acquired property far in excess of the cost of the grant. The bulk of the property was returned to its rightful owners and the rest will be sold at public auction. Under current law, the proceeds from the sale of this property must be paid into the Treasury. This amendment would allow such income to be retained in a special account for the funding of further programs and projects in this area.

A basis for a claim on such property is established and the Administrator may assert such claim in the amount of the LEAA funds which went into the actual recovery of stolen property. It is not intended that this authority be exercised when the amounts are relatively small. Because administrative costs of this fund should be held to a minimum, and there is no intent to utilize such an amendment for numerous claims relating to small personal property of victims of these burglaries, it is anticipated that the Administrator will exercise discretion and concentrate such efforts on the recovery of amounts of Federal funds expended upon the large or most costly items. The funds so recovered can then be used again and the cost of recovery would be minimized. Such discretion is in the best interest of the Government in that it maximizes the use of the Federal funds.

In effect, it would put this income on the same basis as other LEAA accounts which authorize LEAA to take back unexpended funds from States and to expend these funds without fiscal year limitations. Trafficking in stolen goods is a major factor in burglaries, robberies, and other crimes that prey on the citizens of this country. This amendment would provide a continuing base of support for procedures to disrupt such trafficking and could materially contribute to the goals for LEAA established by this Congress.

The amendment will serve to deal with a problem which law enforcement and criminal justice officials indicate has become significant. The vast majority of increases in reported crime are in the area of larceny and burglaries. These crimes would not be profitable if it were not for the fences and other illegitimate channels that exist now for the sale and disposition of stolen propery. Furthermore, it is well recognized that transactions in stolen goods provide a source of income for drug addicts and provide funds for the illegal transactions of organized crime.

Credit card organizations readily recognize the benefits which fencing operations can provide through the removal from circulation of stolen credit cards. One LEAA-supported project recovered approximately 2,500 credit cards in a very short time.

A psychological aspect of antifencing operations exists. Knowledge that the risk of apprehension will be increased can have a deterrent effect on burglaries and robberies. This deterrent effect can be expected to result in a decrease in the theft of goods which are readily identifiable. This would apply to all identifiable goods which have manufacturers' numbers, service records, identification through police-funded "ident" programs, or other items such as bonds, checks, stocks, automobiles, boats, et cetera.

Mr. President, my staff has presented this amendment to the Budget Committee staff. Counsel for the committee indicated that the provisions of this amendment did not in any way conflict with the provisions of the Budget Act. Action on this amendment would be consistent with the provisions of the Budget Act and would not create any new spending authority as defined by that act.

This amendment will also permit the States to utilize part C block grant money for projects to acquire stolen goods and property which are aimed at disrupting illegal commerce in such property. The States currently have authority to use part C funds for the purpose of supporting projects such as the recent "sting" operations in Washington, D.C. However, these operations must be conducted with as much security as possible. When a local government is required to go through the appropriation and budgeting process in order to obtain matching funds for these projects, significant numbers of people may become aware of the activity. A casual or careless mention of

the fact that matching funds are going to such projects could conceivably endanger the lives of the police officers conducting the antifencing operation.

The sole purpose of this amendment is to permit the project to go forward with the normal governmental approaches but without the approvals attendant to the budgeting and appropriation process which could bring the proposed project to the attention of a large number of people.

Mr. President, I ask unanimous consent to have printed in the RECORD certain news stories about the recent antifencing operations in the District of Columbia.

There being no objection, the news stories were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 7, 1976]

POLICE HOODWINK D.C. THIEVES ONCE MORE

(By Timothy S. Robinson)

Monday, March 1, was a crucial day for the fledgling H&H Trucking Co., located on 12th Street NW in a rundown commercial area of the low-income Shaw neighborhood. How well H&H was received by its customers that day would determine how much longer it could remain in business.

The problem was that the weekend newspapers had been full of stories of how police officers and FBI agents posing as Italian gangsters had been running another fencing operation, "PFF Inc.," in a Northeast Washington warehouse and had arrested more than 100 of their customers at a phony party they staged there on the night of Feb. 23.

So, on Monday, the undercover police officers posing as black street criminals running the four-week-old H&H fencing operation on 12th Street NW were fearful that their customers would guess that it, too, was a trap.

"Are you the cops?," asked most of the 11 customers who came into H&H on March 1 to fence stolen property.

"If we told you we were, you probably wouldn't believe us; and if we told you we weren't you probably wouldn't believe us," answered one of the tough-talking undercover policemen behind the counter at H&H. "Now, either sell what you've got to sell, or get the f - - - out of here."

All customers sold their stolen articles to the undercover policemen that day and business at H&H generally flourished for the next four months it was open. It did so well, in fact, and the police at H&H wound up with so many suspects that they slowed their buying until they went out of business with the mass arrests made yesterday.

This second large-scale phony fence operation to be run by police, the FBI and prosecutors here worked much the same as the PFF warehouse operation that was closed Feb. 28, although its outer trappings were different.

In place of PFF's white, long-haired undercover officers posing as Italian gangsters with names like Pasquale, Angelo Lasagna and Rico Rigatone who said they worked for a Mafia "don" H&H was run by black officers who said they were working for a "Jew" they sometimes referred to as "Mr. Rosencranz" or other names.

While many of PFF's customers were burglars who brought in stolen office machinery and the like, many more of H&H's customers were street robbers who came in to fence stolen credit cards and other items within minutes of having taken them from their holdup victims, according to sources close to the police fence operation.

At one point, according to these sources, H&H was so overwhelmed with customers, the police thought they would have to shut it down early lest they be unable to handle all the suspects they were accumulating.

In order to slow the volume of their business, the undercover officers told customers they were short of money and would have to pay less for some items and stop buying others altogether for a time. This action inadvertently bolstered the confidence of some thieves dealing with H&H.

"I know you guys aren't the cops," one H&H customer is quoted as telling the undercover police officer behind the counter. "Those cops up in Northeast (at PFF) never ran out of money. You guys run out of money."

However, as time went on, more and more H&H customers apparently became suspicious, according to law enforcement sources, especially after a man who had been arrested in the PFF phony fence operation came into H&H and recognized the system of buzzers and alarms used to let H&H customers into the building.

(Like the PFF warehouse, the H&H office was elaborately equipped with false walls, hidden television cameras, electronic alarms and security devices and was staffed with hidden, heavily armed policemen guarding the undercover "front men.")

But despite these suspicions, customers kept coming to H&H. And, theorized the police running H&H, others who seemed certain it was a police operation sent subordinates and friends in to sell their stolen property for them.

Several "customers" who came into the H&H garage discussed the first sting operation with the undercover officers and even kidded about the prospect of the countermen also being policemen, police said.

One suspect, known to the undercover officers as "Chicago Bob," said, "I know y'all are the cops, but I'd deal with you anyway," one officer said. He said "Chicago" would pose for the hidden cameras and even showed up one day with a bag over his head.

By mid-May, the police and prosecutors supervising the H&H operation had begun making plans to put H&H out of business and arrest its customers sometime in July.

They had very successfully ended the PFF, Inc., fake fencing operation in February with an imaginary Mafia party to which all of PFF's customers were invited to meet the "don" who supposedly ran PFF. As the more than 100 party-goers were taken one-by-one to a back room to meet the "don," they were promptly arrested.

Among the ideas discussed for making the surprise mass arrests ending the H&H operation were another party—which however, the police feared would tip their hand to several thieves who had been arrested earlier at the PFF party and, after being released on bail, had become H&H customers. A funeral, a wedding, an outing to watch a Redskins football training camp scrimmage, and a get-together to watch the mid-July All Star baseball game on a large-screen television at H&H's office, were also considered.

"We had this idea that we would have a funeral—(say) someone in the operation had died," said one source. "It would be at a funeral home, and when the customer/mourner came to pay his respects, the undercover officer would sit up in the casket, flash his badge and say, 'I'm a cop.' Can you imagine the look on the crook's face?"

The funeral idea was discarded, however, because funerals are religious in nature and police were afraid that using a funeral as a ruse would offend law-abiding citizens.

The wedding idea was even more elaborate as the officers described it. FBI agent Bob Lill would perform a bogus wedding ceremony of two persons, and the guests—H&H's customers—would be invited to an elaborate reception afterward. The organization would provide cabs and limousines to take guests to the secret reception. But, instead, they would be taken to jail. This idea also was discarded, however, as too elaborate.

The idea of inviting all of H&H's customers to a nonexistent Redskins scrimmage at RFK stadium—arresting them as they arrived—was dropped when police discovered that it would cost $15,000 to turn on the lights at the stadium.

The All-Star baseball game ruse was abandoned both because baseball is simply not very popular here and because law enforcement officials decided to make the arrests before the game's date, July 13.

Yesterday was finally selected as the best day to put H&H out of business for both practical and publicity reasons. The police would be mobilized to make mass arrests because of their preparations and extra strength for the July 4 weekend events and yet would not otherwise be too busy yesterday during a lull in Bicentennial events until the Queen of England comes here today.

Police and prosecutors also figured that yesterday's arrests and press conference would get maximum publicity today because of a similar lull in news making activities between the holiday weekend and the Queen's visit.

SCORES ARRESTED IN 2D OPERATION, "GOT YA AGAIN"

(By Timothy S. Robinson and Alfred E. Lewis)

For the second time in four months, police and FBI agents rounded up scores of criminal suspects yesterday who unwittingly had been selling stolen goods to undercover officers running a fake fencing operation.

The newly revealed police fencing ruse was accompanied mostly by black officers operating for the past seven months from behind an auto parts counter at what was called the H&H Trucking Co.

The fence was located in a one-story garage-front building at 2018 12th St. NW in the inner-city Shaw neighborhood.

At 5 a.m. yesterday morning, teams of police and FBI agents began serving arrest warrants on 140 suspects identified by the undercover officers as having sold them $1.2 million worth of stolen credit cards, checks and bonds, stereo sets, televisions, radios, cameras and automobiles.

Half of the suspects charged in yesterday's warrants with selling stolen goods at H&H Trucking were previously convicted criminals or suspects in crimes free on bail awaiting trial. Nine of them had been arrested in the first local police fence operation four months ago.

The first stage of the roundup began several weeks ago when the undercover officers sold many of the suspects $10 tickets for a "GYA raffle" for a nonexistent Cadillac Eldorado grand prize. GYA, police revealed yesterday, stood for "Got Ya Again."

Many of the suspects accommodatingly wrote their names and addresses on their raffle tickets, supposedly so they could be contacted if they won. That enabled police and FBI agents to show up at their homes yesterday morning to arrest them.

Other suspects were arrested during the rest of the day as they wandered into H&H Trucking in response to other ruses arranged by the undercover officers: a planned fishing trip, offers of counterfeit money and a request to help the undercover officers unload some stolen goods off a truck.

More than 70 suspects had been arrested by the time the operation was revealed at a 2 p.m. press conference, after which the undercover officers returned in a closed van to H&H Trucking where they waited and arrested more unaware suspects.

By early this morning, 14 more persons had been arrested, police said. In addition, police said they believe that as many as 12 others involved in the H&H ruse are already in custody in other jurisdictions.

Charges under which suspects are being held to include receiving stolen property, poster, possession of stolen mail matter and violation of various federal and local gun statutes.

All those arrested here yesterday were being processed and interviewed at the police training academy in Anacostia before being transferred to the central cellblock at police headquarters to await court appearances today.

Twenty-five of those charged in the warrants were already in custody here on various other charges, police said.

Washington police and prosecutors, the FBI and the Bureau of Alcohol, Tobacco and Firearms secretly set up H&H Trucking last fall, three months before another fake fencing operation running simultaneously under their supervision was ended with mass arrests Feb. 28.

That first operation, called PFF, Inc., and run out of a Northeast Washington warehouse, became popularly known as the "Sting" after its existence was made public. The undercover officers operating PFF were white and impersonated Italian gangsters supposedly working for a Mafia "don."

The eight black officers operating H&H Trucking impersonated innercity street criminals who told their customers that they worked for "a Jew."

FBI agent Charles E. Harrison, the undercover officer who appeared most often behind the counter at H&H Trucking, said at yesterday's press conference that 50 per cent of the people selling him stolen property appeared to be narcotic addicts.

At one point, Harrison said, he recognized a man coming into H&H as a former high school classmate of his. After watching the man make his way through H&H's elaborate system of lookouts and alarms, Harrison stayed away from the counter until he left.

"He finally got to meet me this morning," Harrison said yesterday, when the man returned to H&H and was arrested.

As they did in the original "Sting" fencing operation, the undercover officers videotaped all transactions involving stolen goods so that the tapes could be used as evidence in future trials. Prosecution of suspects arrested after the original "Sting" has already produced 70 convictions with no acquittals.

While many of the original "Sting" customers were office burglars who fenced typewriters and office machines, H&H Trucking's customers included many home burglars who fenced household items, street robbers who came in to sell stolen credit cards minutes after robberies, and other suspects who sold H&H guns—71 guns in all.

About 40 of the suspects named in yesterday's arrest warrants had sold the undercover police officers stolen welfare checks—a fact that led U.S. Attorney Earl J. Silbert to say that most of the stolen property "was taken from those in the city who can least afford to lose it."

Nine of the suspects named in the warrants as having sold stolen goods to H&H Trucking had also been arrested months earlier for dealing with the PFF fake fencing operation. They had been released on bail pending trial.

According to D.C. Police Chief Maurice Cullinane, 51 per cent of those arrested so far for selling to H&H Trucking are recidivists—repeat offenders free on bail or back on the street after previous convictions.

"This shows where our criminal justice system is breaking down," Cullinane said at yesterday's press conference. "The criminal justice system is far too lax and is failing to protect the people. I'm taking this opportunity to ask for some cooperation from the courts.

"All I can do is bring to the attention of the public that recidivists are being released by the courts . . . and the result is a higher crime rate."

Cullinane added that he didn't think "our founding fathers ever meant a right to bail to be a right to go on a crime spree." The arrests of the large number of recidivists, he said, was "an indictment of the system."

H&H Trucking (listed on its sign as a "subsidiary of GYA, Inc., Baltimore, Md."—with GYA standing for "Got Ya Again") opened for business nearly seven months ago on 12th Street NW between U and V Streets.

The undercover officers portrayed H&H as a legitimate business in which its employe s illicitly dealt in stolen merchandise while their boss—"that Jew"—was away. The fast-talking men behind the counter were surrounded by empty auto parts boxes they had collected from real truck repair shops. When unsuspecting, law-abiding citizens came into H&H for mechanical help with their trucks, the countermen told them that H&H's workers did only "contract work."

Undercover agent Harrison said he sometimes refused to buy certain stolen items "to give the air of being a minority fence with very little money." While the undercover officers strived to maintain a strong "local flavor" for the operation, they occasionally told customers they were bankrolled by out-of-town criminals.

Actually H&H bought all its stolen goods with money from an $87,000 grant from the federal Law Enforcement Assistance Administration.

One of the more unusual items fenced at H&H was a $6,000 part for a landing gear of a jet. The part was originally destined to go to an overseas firm, officials said.

Some customers would offer to commit crimes for the H&H countermen, but the offers were rejected to avoid entrapment charges against the police, law enforcement officers said.

"One individual pleaded for us to give him the name of somebody to rub out," undercover agent Harrison said.

Police began making plans about two months ago to close down the H&H operation, and considered several ruses such as the fake "party" that closed out the original "Sting" operation with 60 arrests at the PFF warehouse.

However, police decided instead to have the suspects come into H&H Trucking in small numbers through the day, while relying on police arrest teams to round up the others.

One police team went to the home of a suspect to serve the warrant, only to find he was away briefly. When the suspect arrived home and was told the police were looking for him, he called the H&H garage and told officers there that he had a lot of typewriters to fence in a hurry because "the cops are after me and I've got to get out of town."

The undercover officers told the unwitting suspect to come on down to H&H and sell the property, sources said. He was arrested there.

A police team attempting to serve a warrant on a woman suspect found only her two infant children at home, Cullinane said yesterday. "The officers even changed the diapers" of one of her children, Cullinane said, and called a social service agency to care for the children while continuing their search for the woman.

The defendants who were arrested yesterday acted with "surprise and disbelief," said one law enforcement officer. He said the scene at the D.C. police department training academy, where the arrested suspects were taken for questioning, was subdued as the prisoners sat handcuffed to chairs in the police gymnasium.

Cullinane, Silbert and Washington FBI office chief Nick Stames yesterday praised the cooperation among the many law enforcement organizations working on the fake fence operation. Cullinane pointed out that "no single agency can pull off an operation as large as this one." He added that he was "surprised at the tremendous success" of the second operation, especially after the publicity about the first one.

The joint operation involved as many as 10 area law enforcement organizations that traced the stolen property, including such agencies as the U.S. Postal Service, the U.S. Secret Service, the General Services Administration and law enforcement groups from counties surrounding the District of Columbia.

The operation was under the direct supervision of D.C. Police Lt. Robert Arscott and FBI agent Robert Lill, both of whom also directed the first Sting operation here.

Mr. HRUSKA. By this amendment, the proceeds recovered from these operations could be used again for the same purpose. Of course, proper accounting must be made of such proceeds.

I recommend the amendment and trust that it will receive approval.

The PRESIDING OFFICER. The question is on agreeing to the amendmen of the Senator from Nebraska.

Mr. McCLELLAN. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordere l, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 227

Mr. McCLELLAN. Mr. President, I send to the desk another perfecting amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. McCLELLAN) proposes an unprinted amendment numbered 227.

The amendment is as follows:

On page 14, line 20, delete the phrase "approval, suggested amendment, or disapproval" and insert in lieu thereof "review, comment, or sugested amendment".

On page 15, line 2, delete the phrase "approval, suggested amendment, or disapproval" and insert in lieu thereof "review, comment, or suggested amendment".

On page 15, line 5, delete the phrase "approved, disapproved, or suggested amendments" and insert in lieu thereof "reviewed, commented on, or suggested amendments".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BIDEN. Will the Senator yield for a request?

Is it possible to receive 10 minutes' time to speak to this bill?

Mr. McCLELLAN. The Senator can offer an amendment that he can withdraw and I will give him time. I do not want to give up all the time, but I do want to accommodate the Senator. How much time do I have left on the bill?

The PRESIDING OFFICER. The Senator from Arkansas has 38 minutes. The Senator from Nebraska has 50.

Mr. McCLELLAN. How much time do I have?

The PRESIDING OFFICER. Thirty-eight minutes.

Mr. McCLELLAN. I yield the Senator 8 minutes.

Mr. BIDEN. Mr. President, as we begin debate on this legislation, I want to express a few thoughts on the problem of crime and the role of the Law Enforcement Assistance Administration.

The question of crime in the streets is of paramount importance in our country today, as it was when we were all running around talking about it 4, 6, and 8 years ago.

Virtually every recent poll indicates that crime and the economy are the two most prominent issues in the eyes of the American people today.

And when they talk about crime—when the people of Delaware ask me about crime—they are not talking about tax fraud or securities thefts or price fixing.

They are concerned about something far more basic.

Americans, young and old—in my State and I suggest probably in others—are worried about being mugged on the subway.

Women are worried about being raped on the way to their automobiles after work.

Businessmen worry about being robbed while carrying the day's receipts to the bank.

And, most important of all, they worry that their Government does not seem to be doing much about it.

And, unfortunately, they appear to be right.

Let us take the bill before us, to reauthorize the Law Enforcement Assistance Administration for 5 years.

Despite some major changes, this bill maintains the initial philosophy of the LEAA—that the Federal Government should exercise little or no guidance in this area—we should just send the money back to the States and let them do as they please. Giving only broad guidelines.

Many have argued that the Federal Government should not become ary more involved than this because it is a question of States' rights.

Or because we might be setting up a national police force.

Frankly, Mr. President, I think this argument begs the question.

I think it represents an abdication of our responsibility to the American people.

More importantly, I think this argument has drastically hindered the effectiveness of LEAA.

Let us just take the example of the block grant program to States.

Congress has provided broad guidelines as to how this money should be spent.

LEAA has expanded these guidelines to 200 pages of computer printout.

State and local governments spend hours and hours trying to comply with these guidelines and then, by and large, LEAA rubberstamps the plan.

Thus, the guidelines do not appear to serve a function.

The 20th Century fund called this setup a "paper charade" and I agree.

The LEAA seems to feel that its major function is to get the money to the States, regardless of whether the plan really complies with the law.

Because this program is a cross between a categorical grant and a blank check to the States. It has not been effective either way.

To those who feel that the Federal Government should not become involved in local law enforcement activities, I say vote against this bill.

If one truly believes there should be no involvement, then there should be no money either.

But, personally, I cannot buy the argument that the Federal Goverment should not be involved.

We have a responsibility to be involved.

More importantly, the American people expect us to be involved?

There is a crime problem out there.

We have not acted to remedy that problem.

LEAA certainly has not had much success.

Yet, what does this bill propose?

That, for the most part, we continue business as usual.

I am pleased to see that it finally recognized that we have to spend more money on the courts.

But let us look at what this bill, and the hearings on this bill, have ignored.

This bill has done little to remedy the block grant "paper charade."

What we could do would be to substitute direct payments to specific local and State agencies for specific purposes in place of block grants, and we could insist that State planning agencies coordinate the effort.

But that is about all; right now, unfortunately, the planning agencies do not even do that.

They control the expenditure of 5 percent of the State's law enforcement budget, but what kind of input do they have on the rest of the State's budget?

Very little, I submit.

We could restructure the current system of discretionary grants as well.

Under this procedure, at present, local agencies have been able to "end run" the State planning agency and get a grant which might even conflict with the State plan.

We have to either abolish, or make more effective the research arms of LEAA.

It does no good for the Federal Government to pay to fund innovative techniques in criminal justice if these techniques are not followed up through their adoption in State plans.

We also have to do something about LEAA's evaluation techniques—and its evaluation philosophy.

Every time the LEAA reauthorization bill has come up, LEAA has assured us that it is trying something new in order to judge how well its programs work.

Yet, by and large, problems still remain with LEAA and its oversight function.

The General Accounting Office has done several studies noting the ineffectiveness of LEAA programs and the ineffectiveness of LEAA's evaluation techniques.

Yet, LEAA continues to claim that, for the most part, States should have the responsibility for evaluation—even though it is Federal money they are spending.

Witness the GAO study entitled "Difficulties of Assessing Results of Law Enforcement Assistance Projects To Reduce Crime."

LEAA's response to this study, which criticized LEAA's failure to adopt some sort of guidelines of goals for States to use, was, "LEAA has and will continue to lend technical assistance and support to States to the greatest extent possible, but the primary role for project evaluation must remain with the States."

Since that statement was made in 1974, LEAA has taken some steps with regard to evaluation following a congressional mandate to do so.

But the philosophy that it is a State responsibility remains.

Witness this statement by the Attorney General in the hearings: "I want to say that the philosophy of the act in leaving many of these matters"—and he is talking about evaluation—"to State councils is the proper way to proceed.

"The States have to learn, too."

Yet, as Senator KENNEDY pointed out in the hearings, one report notes that as of January 1975, LEAA could account for only 39.9 percent of the total 1974 part C block grant funds it distributed.

And they call that oversight and evaluation?

Mr. President, it seems clear that we must strengthen LEAA's evaluation techniques, perhaps to the point of forcing the agency to come up with standards and goals which States must meet before receiving funds.

Finally, Congress has a responsibility to determine LEAA's priorities, rather than leaving it to the Agency and the States.

Do we want SWAT teams or speedy justice?

Do we prefer bulletproof vests or toilets in every jail cell?

Do we encourage adoption of mandatory minimum sentencing or improved footwear?

Unfortunately, we have been too slow in setting priorities.

I note with interest thanks to the efforts of Senator KENNEDY, that courts will receive more attention and hopefully more money under the current bill.

But even that money is not specific enough.

We should be deciding how much money goes to courts, how much to police, how much to juveniles and how much to prisons.

We have done this on a piecemeal basis.

In 1970, we provided funds for prisons; in 1974, we provided funds for juvenile delinquency; now, this year, we are providing funds for courts.

But when are we going to look at the whole picture?

Were we justified in establishing part E of the act for corrections?

Are the assumptions we made in 1970 and 1974 still valid?

The GAO does not seem to think so, at least with regard to prisons.

The PRESIDING OFFICER. The Senator's 8 minutes have expired.

Mr. BIDEN. I ask unanimous consent that I be able to proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. I yield 2 minutes to the Senator.

Mr. BIDEN. I thank the Senator.

The GAO has said that we are wasting our money in that area.

But you will not find that out by reading the hearings.

And that is what distresses me so about LEAA and our consideration of it.

We have not taken the fundamental critical look at the program that so many studies such as the one by the 20th century fund has called for.

Because we have not done so, it is difficult for those of us who criticize the program to offer substantive suggestions.

We can hypothesize as to what we think might improve the program.

We can offer suggested areas of change.

But we cannot say with any certainty that these changes will do any good.

That is why I call for an overhaul of the Agency and a thorough study to find out what is good and what is bad about the Agency.

Let us find out if we have given it too broad or too narrow a mandate.

Let us find out what programs are working and what ones are not.

Let us not continue throwing money at the program, but look at it critically.

Mr. President, during the course of this debate, I will be proposing three amendments which I hope will help alleviate some of the concerns I have expressed in my statement.

My first amendment would reauthorize the Agency for only 15 months, rather than for 5 years.

This 15-month period, which has been approved by the House Judiciary Committee, will give us time to do the major restructuring of the Agency.

My second amendment deals with prisons.

This amendment would require the Agency to work with the States to come up with minimum standards for prisons.

In doing this, we can make sure our money is spent wisely.

My third amendment also deals with prisons.

This amendment would require LEAA to do a study on available prison space and the possible effect of mandatory minimum sentencing legislation on such space.

Since States will probably be considering revisions in sentencing structure, I think we have to determine our prison needs so that we can then begin prison construction if necessary.

I will have more to say on these amendments as they come up.

I thank the manager of the bill for extending me this time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call not be charged to either side.

Mr. BIDEN. Mr. President. will the Senator withhold that request and yield to me for a unanimous-consent request?

Mr. McCLELLAN. I yield.

Mr. BIDEN. I ask unanimous consent that two members of my staff, Pete Wentz and Ted Kaufman, be given the privilege of the floor during the consideration and voting on S. 2212.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I yield to the Senator from Georgia.

UP AMENDMENT NO. 228

Mr. NUNN. Mr. President, I have three amendments, and I send these three amendments to the desk and ask unanimous consent that they be considered en bloc since they address exactly the same point although in different language.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments will be considered en bloc.

The amendments are as follows:

On page 10, line 23, immediately after the word "State", insert the following: "or the judicial agency authorized by State law to perform such function"

On page 11, line 2, immediately after the word "resort", insert the following: "or the judicial agency authorized by State law to perform such function"

On page 11, line 22, immediately after the word "resort", insert the following: "or the judicial agency authorized by State law to perform such function"

Mr. NUNN. Mr. President, I conversed with both the manager of the bill and the ranking minority member on these three amendments which are all directed to exactly the same point.

I can explain these amendments in very short time.

Section 203 of this legislation establishes the court of last resort in each State as the designated judicial planning committee. In my own State of Georgia the General Assembly of Georgia several years ago created a judicial agency called the judicial council composed of some supreme court members and some members of other courts throughout our State, which were charged with the responsibility of planning and coordinating the responsibilities which are contemplated by this legislation. This body has been functioning exceptionally well in the last 2 years. Therefore, at this time it possesses a great deal of experience and expertise in this area.

I commend the Committee on the Judiciary for recognizing that our court system should be a priority consideration. However, because in the State of Georgia—and perhaps other States may be in the same situation—we already have a judicial counsel formed, we feel strongly that we would like to continue under this apparatus rather than having the highest court in the State make the planning decisions exclusively.

So this amendment really goes to the point and provides that the committee version, as it now stands, would govern unless the State has designated another body to do the planning as contemplated by this bill.

It would not apply only to Georgia. This amendment would apply to any State that had already established a different kind of agency and different kind of apparatus.

The Judicial Planning Committee is to establish priorities for court improvmeents, define, develop, and coordinate court improvement programs and projects and develop a multiyear comprehensive plan, along with an annual plan, for improvement in the State court system.

In my own State of Georgia, the general assembly created a judicial agency, the judicial council, which was charged with the planning and coordination responsibilities whch are contemplated by this legislation. This body has been functioning for several years now and therefore possesses a great deal of experience and expertise in this area.

With this in mind, I propose to make a minor change in the wording of section 203(c) of this bill to recognize the possibility that some States may have statutorily created judicial agencies of the kind existing in Georgia and, if this is the case, to authorize them, rather than the court of last resort, to establish or designate the Judicial Planning Committee. If we do not provide this alternative, States which have already created judicial planning agencies will be placed in a difficult legal position, as well as the fact that we woud be setting back the cause of judicial improvement in these States.

I understand that this amendment is acceptable to both the majority and the minority, and I hope it will be agreed to.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

Mr. McCLELLAN. As I understand, Georgia already has the mechanism for doing substantially what is required by the proposed legislation.

Mr. NUNN. The Senator from Arkansas is correct.

Mr. McCLELLAN. The Senator simply does not want to tear up what now exists.

Mr. NUNN. That is correct. It would give more flexibility in a State such as Georgia, where we already have a func-

tioning body that is doing an exceptional job, and the Supreme Court of Georgia is represented on it. It is a broad-based apparatus, and we have found it politically necessary in order to move forward with many of the judicial reforms that this bill contemplates to have this kind of broad representation and not to have it strictly engineered by the Supreme Court of Georgia.

Mr. HUMPHREY. Mr. President, inasmuch as it is progressive, and if it will facilitate the proceedings in situations such as exist in the State of Georgia, I have no objection. I am willing to accept the amendment.

Mr. McCLELLAN. I have no objection. I think that should be a prerogative left to the State to determine, so long as we do have court representation. Inasmuch as a procedure already exists in the State of Georgia and this simply would recognize it, I have no objection.

Mr. NUNN. I thank the Senator from Arkansas and the Senator from Nebraska.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. NUNN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc by the Senator from Georgia.

The amendments were agreed to en bloc.

UP AMENDMENT NO. 229

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 4, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 25, between lines 4 and 5, insert the following:

(c) adding at the end of such section the following new paragraph:

"The Institute shall, before March 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such as mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education and Welfare, the General Accounting Office, Federal, State and local criminal justice agencies and other appropriate public and private agencies.".

Mr. BIDEN. Mr. President, the amendment I now propose goes to the problem of prison capacity and its impact on the effectiveness of our criminal justice system.

No one questions the fact that many of our Nation's prisons are overcrowded and that this overcrowding is taken into consideration many times in sentencing and parole decisions.

To give some perspective on the problem, it might be useful to look at some statistics.

In the United States in 1974, 20,600 murders, 55,210 rapes, 440,000 robberies, 450,000 aggravated assaults, 3 million burglaries, 5.25 million larcenies, and 975,000 auto thefts.

Yet, despite all these crimes, it has been estimated that we only have prison space for 250,000 prisoners.

Assuming that our law and order authorities apprehended all those felons and assuming every 10 of those crimes were committed by the same person, we still do not have space for all those guilty of crime.

And we know of the overcrowded conditions that already exist.

Just think what would happen if we did not have suspended sentences and probation and everyone had to go to jail.

Where would we put them?

In my State, for example, we have a new prison that already is well over its capacity. In many jurisdictions, judges, in fact, are refraining—and stating they are refraining—from giving people long sentences or even sentencing them at all, because there is no place to put them.

It seems to me that it does little good to improve our courts to provide speedy trials or talk of changes in sentencing structure to insure that more criminals go to jail until we have some idea of the scope of the problem.

With such a condition, it is little wonder that we have made so little progress in our ability to reform the criminal so that he will conform to the laws of the land.

If our prisons are incapable of acting as a deterrent; if we are unable to protect society from dangerous people who repeat criminal acts and if we are unable to mete out punishment which fits the crime, we will surely continue to lose the war on crime.

My amendment proposes that the National Institute of Law Enforcement and Criminal Justice which is within the Department of Justice, find out what is happening.

The Institute is required to study the need for more prison space now and in the future and to determine whether existing programs can meet that need.

Furthermore, the Institute is specifically mandating to study the effect of sentencing reforms such as mandatory minimum sentencing on prison space.

For instance, the Institute might look at the effect of Illinois mandatory minimum law on its prison, or it might hypothetically analyze the effect of Senator KENNEDY's bill to provide mandatory minimum sentences for certain Federal crimes, or it might look at my State of Delaware, where tough enforcement of a mandatory minimum sentence for a conviction of first degree robbery appears to be having a deterrent effect.

What effect has it had on prisons, and what effect has it had on prisoners? We do not have that, I submit.

In summary, Mr. President, I firmly believe that until we have sufficient prison capacity, our prison system will be neither just nor effective and that efforts to strengthen law enforcement or judicial capability will, in large part, be an exercise in futility.

If adopted, my amendment will at least tell us the scope of the formidable task ahead of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. HRUSKA. Mr. President, will the Senator yield me 3 minutes?

Mr. McCLELLAN. I yield 3 minutes.

Mr. HRUSKA. Mr. President, I might say in regard to this amendment it is directed to a very meritorious subject. There are efforts in the making to consider bills which would reform our sentencing structure. They are to be found not only in Congress but also in State legislatures.

As against that, and in consideration of those legislative proposals, it would be very useful to have a survey made to obtain estimates of existing facilities in correctional areas. It would be helpful to ascertain from available statistics and available records the estimates of what impact such sentencing reform would have on correctional institutions.

However, I suggest to the Senator from Delaware that the time which he would allow for such a survey is rather limited, in my judgment. We have not had the advantage of considering this amendment in advance, but it would not seem that for a project that ambitious, and having that wide a scope, March 30, 1977, for a final report would be sufficient for those purposes.

What thoughts does the Senator from Delaware have on that point?

Mr. BIDEN. I think the Senator raises a valid point. I am not sure it would be as debilitating as he might suggest, but I have no objection to seeking to modify my amendment to make it June 30, 1977, giving it an additional 3 months, does the Senator have any particular suggestion he would like to make?

Mr. HRUSKA. Would the Senator consider September 30, 1977?

Mr. BIDEN. I would not object to that, if the Senator would like for me to modify the amendment in that respect.

Mr. HRUSKA. I would suggest it does give a little more latitude. Also a report would be available prior to the opening of Congress in the following year so that it could be taken into consideration in regard to the sentencing reform bills that might be before Congress.

Mr. BIDEN. I think that is a valid point, and I thank the Senator for his suggestion.

Mr. President, I ask unanimous consent that my amendment be modified to read, "The Institute shall before September 30, 1977."

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is modified to read, "September 30, 1977."

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

Mr. McCLELLAN. On whose time?

Mr. BIDEN. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mr. McCLELLAN. Mr. President, this is the first opportunity I have had to read the amendment, and I see no objection to it, except that we just continue to pile up studies upon studies. I guess another one will not hurt, but I doubt if it will do much good. Unless there is other objection to it, I will accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BIDEN. I yield back my time.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment, as modified, of the Senator from Delaware.

The amendment, as modified, was agreed to.

UP AMENDMENT NO. 230

Mr. JAVITS. Mr. President, I send three amendments to the desk and ask unanmious consent that they be jointly considered.

The PRESIDING OFFICER. The clerk will report the amendments. The assistant legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) for himself and Mr. ROTH proposes amendments en bloc numbered 230.

The amendments are as follows:

On page 8, line 16, strike the period and insert the following new paragraphs:

"There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the 'Office'). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups."

On page 10, after line 22, add the following:

"(4) assure the participation of citizens and community organizations at all levels of the planning process.".

On page 15, after line 20, insert a new subsection (c) and redesignated all following subsections accordingly:

"(c) deleting the words "the approval of" from paragraph (7) of subsection (b) and inserting in lieu thereof "notification to."

The PRESIDING OFFICER. Is there objection to the amendments being considered en bloc? The Chair hears none, and it is so ordered.

The Senator from New York.

Mr. JAVITS. Mr. President, 2 years ago, I and Senators PERCY, GRAVEL, McGOVERN and WILLIAMS introduced S. 3337, the Community Anti Crime Assistance Act. Our bill was developed in close coordination with Congressman JOHN CONYERS, the distinguished chairman of the House Subcommittee on Crime, together with several other Members.

In passing H.R. 13636, the House included in this year's LEAA reauthorization legislation, several provisions which taken together closely track the substance and purpose of our original joint effort. I commend the Members of the House Judiciary Committee and of the House itself for placing such a high priority on this program. I strongly support these provisions particularly the specific authorizations for this program.

I understand that the CONYER'S subcommittee held 10 days of hearings and heard 45 witnesses who strongly support the community anti-crime program. In 1973 and 1974, Public Law 93-83 was amended to provide that LEAA may make grants from its 15 percent discretionary funds to private nonprofit organizations. In addition, citizens and community groups became requisite members of supervisory panels of State Planning Agencies. Funding authority was inserted in the act in section 301(b), which authorizes community patrol activities and neighborhood participation in crime prevention to obtain Federal funding with the approval of the local government or local law enforcement and criminal justice agencies. Even so, it was stated in the hearings that LEAA did not effectively implement the spirit and letter of the law and actively promulgate community incentives.

Mr. President, I have discussed all of the House provisions with the managers of the bill and had intended to offer all four for inclusion in the Senate bill. I am introducing three amendments to S. 2212 which taken as a whole address the issues of neighborhood and citizen participation in crime prevention programs. The language of the amendments is identical to language in sections 102, 105, and 106 of H.R. 13636.

The first proposal amends existing law to require the Administrator of LEAA to create a coordinating organizational mechanism for community anti-crime programs under the Deputy Administrator for Police Development. This entity would provide technical assistance to community organizations to enable them to apply for grants from LEAA for programs to reduce and prevent crime. The grants would be made from the sums authorized to be administered through the LEAA discretionary fund for this purpose. Community groups would receive assistance from the administration in developing applications for programs to their state planning agencies.

This organizational change would allow LEAA to act in a coordinated capacity with those Federal agencies which already have authority to assist in community program to prevent crime. The Community Relations Division of the Department of Justice is one such agency. ACTION has developed volunteer programs through VISTA which should be studied, and other grant agencies such as the Department of Health, Education, and Welfare—HEW—have developed juvenile delinquency programs and anti-dropout programs. Care should be taken not to duplicate already existing programs as well as to replicate projects proven successful in other geographical areas. Dissemination of data on successful programs to citizens and community groups is an additional responsibility of the Office.

The second would assure the participation of citizens and community organizations in all levels of the planning process by requiring in section 203 of the act that LEAA take steps to achieve representation of citizens groups, church, organizations, poverty groups, civil rights groups and others on supervisory councils and regional planning boards. Since professional law enforcement personnel are already well represented, this gives nonprofessional concerned citizens a strong voice.

The third proposal amends section 301(b)(7) of the present law to allow citizen groups when applying for block grants to the State Planning Agencies—SPA's—to do so with notification to, rather than approval of, the local government office. This would lessen the possibility of politically determined decisions on such programs.

Mr. President, there is impressive evidence that urban dwellers are more willing than ever to take a personal role in fighting crime and the fear of crime. Throughout the Nation, the great potential of the private sector—not only as represented by our citizens, but also by business, labor and civic organizations—is being harnessed by law enforcement and criminal justice agencies in most constructive and unprecedented programs to prevent crime. These should be fully utilized and expanded and are a major anticrime factor.

Mr. President, under the administration of former Mayor John V. Lindsay and our present Mayor, Abraham Beame, New York City has demonstrated the success of a wide range of such programs involving the use of civilian volunteer and private sector organizations. Indeed, in early 1971, I introduced legislation: The Emergency Urban Crime Reduction Act—reintroduced in this Congress as S. 1644—one of the purposes of which was to provide Federal funding for activities of this kind.

In the New York City program one set of activities was designed to increase patrol coverage of neighborhoods and buildings:

First. Auxiliary police: The Auxiliary Police was established by law to allow volunteers trained by the police to perform patrol and other support services.

Second. Citizen patrols: There are an estimated 75 groups with over 3,000 members in civilian patrols, often using their own automobiles and communications equipment. For some years, the police department was wary of these efforts, but it now works closely with them, encouraging discipline and professionalism, and coordination with local police.

Third. Tenant patrols: The city's housing authority with 500,000 residents itself constitutes one of the Nation's largest cities, with its own police force of 1,600 members. The housing authority

has done pioneering work in development of tenants patrols to guard lobbies and hallways and tour project areas. In a few short years, the authority recruited 11,000 residents in this program, providing them with jackets for identification and communications equipment.

Fourth. Blockwatcher: The Blockwatchers program is an attempt to formalize a relationship with citizens to serve as eyes and ears for the police. Blockwatchers are trained in basic identification and crime reporting procedures and agree to notify the police of any suspicious conditions they observe.

Fifth. Private patrols: The business community has also organized similar programs to intensify patrol coverage. The most ambitious effort has been sponsored by the Association for a Better New York under which private building owners in midtown have supplemented their nighttime security forces, linked together with the police by a communications network, and moved private guards out of the buildings and onto the streets. Sixty doormen and building superintendents have also been trained by the police as Blockwatchers.

A second range of activities is aimed at improving security systems:

First. Street lighting: The New York City government has committed more than $40 million to relight 3,700 miles of streets—more than half the city's streets—with high intensity lighting that deters crime and encourages people to go out at night.

Second. High-rise security: Also available is funding for basic security improvements in city housing of such items as stronger locks, brighter lighting, window gates and bell-buzzer intercoms systems.

Third. Operation identifications: Along with many other cities, New York City is participating in this experimental program under which citizens use engraving tools to mark valuable property with identifying numbers so that the property can be identified if stolen. Decals notifying of participation in this program are placed on doors and windows to deter break-ins.

Fourth. Merchants security: Using a Federal grant of $250,000 the city has sponsored a program to provide sophisticated, high-quality alarm and camera surveillance systems of the type usually used by banks and jewelers for 700 local merchants like cleaners, grocers, candy stores, taverns, and hardware stores, at substantially reduced rates. The Program should deter crime and help stabilize commercial areas. The alarms systems are connected to the central station of a private alarm company, which screens calls and then contacts the police, and the cameras take pictures of everyone in the premises every 30 seconds, aiding the police in identifying robbers, and deterring shop-lifting, bad-check passing, and robbery. The alarms will cost $6 a month, and the camera $8 a month.

Fifth. Block security: New York City tested a new crime fighting program that is unique in the Nation. The block security program provides matching grants to local associations—block associations, tenants organizations, merchants civic and neighborhood groups—to help finance locally designed and managed security programs.

Mr. President, a critically important byproduct of these programs is greatly improved channels of communication between the police and the community. Scores of persons participating in these activities have testified as to the renewed sense of community which accompanies concerted action on behalf of the public interest.

Mr. JAVITS. Mr. President, the purpose of these amendments and the reason why they are three separate ones, is to deal with the germaneness problem on the bill. They are germane, I understand, in the separate parts.

The purpose is to establish a mechanism within the LEAA administration to deal specifically with the problem of neighborhood citizen participation in crime prevention programs.

In many areas, and particulary in the big cities like my own New York City these are absolutely indispensable, Mr. President, because of the great strain upon the resources of police forces. They are doing an enormous range of work, the citizens groups and the individual volunteers. As I have indicated, they are engaged in auxiliary police, citizen patrols, tenant patrols in housing and other projects, and block watchers. That is a matter of very great interest to my cosponsor on this amendment, the Senator from Delaware (Mr. ROTH) where they have a very active and well-articulated block-watcher program.

Mr. President, very much the same ideas are contained in the House bill, and I commend Congressman JOHN CONYERS and his colleagues on the House Judiciary Subcommittee on Crime for their excellent work in this field.

I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it is my understanding that the Senator from New York proposes that the appropriation of $15 million be waived.

Mr. JAVITS. I am proposing to eliminate only that portion of my proposal dealing with the $15 million authorization. But I favor the appropriation which is now law.

Mr. HRUSKA. Be eliminated, and the appropriation, therefore, would be available for reprograming at the instance of the LEAA Administrator.

Mr. JAVITS. What I am doing is that: I am not proposing anything about the appropriation which is now in law. I am simply not including in my amendments a line authorization for $15 million. That is all I can do.

Mr. HRUSKA. I take it that that would leave to the discretion of LEAA the devotion of any part of that $15 million to this particular program, and they can reprogram other portions of that $15 million; am I correct in my understanding?

Mr. JAVITS. If, in the final analysis, out of the conference that is the way it emerges.

Mr. HRUSKA. Yes, assuming that it is in the form of a law.

Mr. JAVITS. The interpretation of my amendment the Senator has stated correctly, but I hope specific authorization for this program will prevail ultimately.

Mr. HRUSKA. Very well.

I would have no objection, Mr. President. I do not know whether the chairman of the committee has any thoughts on it or not.

Mr. JAVITS. Mr. President, can I suggest momentarily the absence of a quorum?

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield such time as he may desire to my cosponsor, the Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am pleased to join Senator JAVITS in offering this amendment. I believe the use of some funds for community crime prevention will provide a valuable source of seed money for these programs. And, if the programs in Delaware are reliable illustrations, our investment will be returned not merely twofold or threefold, but many times over. The community of Jefferson Farm provides an excellent example of what dedicated, trained, concerned citizens can do.

Jefferson Farm is a family community of about 900 homes in New Castle County, Del. During the past 2 or 3 years, the residents of Jefferson Farm had become increasingly concerned over the incidence of neighborhood crime. I think it is fair to say that they were also frustrated by the same failures that all of us here in the Senate are acutely aware of: low rates of apprehension, and actual convictions, coupled with releases without rehabilitation. But mostly it was the crime itself. In a period of 9 months, there were 80 burglaries. Almost 1 out of every 10 homes was broken into.

What sets the people of Jefferson Farm apart is their decision not to stand idly by and leave the battle to the police, but to join together. Although they did not and they do not actually apprehend criminals, their efforts have made a remarkable impact.

Led by the President of the Jefferson Farm Community Association, Robert Kelly, the residents organized along the lines suggested by the New Castle County crime prevention unit. After residents attended a series of training sessions, a "team captain" was designated for each block in Jefferson Farm, and residents began patrolling the streets, simply looking for suspicious activity. When any was spotted, the block captain was called. He or she, in turn, notified the local police.

In the past several months of operations, the block watch has had considerable success. In the same community that had 80 burglaries in 9 months, they recently have had only 3 burglaries in 5 months. On the first night

of operation, a drug dealing operation was broken up. And, as Rob Kelly said to me, there has been an incredible rapport developing between young people and adults. Neighbors are bound together by a sense of community spirit and achievement. The police and citizens now respect and value each other.

About one-quarter of Jefferson Farms residents help in the block watch. This, to me, is amazing when I consider that in some communities we have difficulty getting that many people to vote.

But the residents of Jefferson Farm have basically just extended the principle of neighbor helping neighbor. Block watchers drive through the neighborhood in marked cars. They are trained to observe, to carefully note the physical descriptions of persons who appear out of place or the license numbers of autos which seem suspicious. They do not carry weapons. They do not confront people. They do not use force. But they are watchful.

Jefferson Farms' success has spurred other communities in New Castle County to develop block watch programs. A State legislator from the area who has been very active in helping with this effort, Bob Connor, estimated that about 16 communities had started such programs. A few evenings ago representatives met to discuss the formation of a county-wide block watch.

The citizens of Jefferson Farm and the other communities have done a remarkable job, but they deserve help and encouragement. The small, portable radios which Jefferson Farm's block watchers use cost $1,000 each. Although training is not expensive, it is difficult to operate on a large scale. Information on how to prevent crime needs to be distributed and that costs money, even if it is not much.

It is for this reason that I urge my colleagues to support this amendment. By encouraging and supporting these local programs, we do ourselves and our communities a very great service.

Mr. BIDEN. Will the Senator yield 1 minute?

Mr. ROTH. I am happy to.

Mr. JAVITS. I have the time, but I am happy to.

Mr. BIDEN. I would like to associate myself with the remarks of the senior Senator from Delaware. He is absolutely right. There has been a remarkable job done.

I commend the Senator from New York for pursuing this matter to insure that this kind of circumstance continues, not only in our State, but around the Nation.

The PRESIDING OFFICER (Mr. FORD). The Senator from New York.

Mr. JAVITS. Mr. President, I have discussed this matter with both Senator HRUSKA and Senator MCCLELLAN and I am prepared to make a modification which I hope will be satisfactory to the managers of the bill.

The PRESIDING OFFICER. The Senator will state his modification.

Mr. JAVITS. I will send it to the desk, as well, but the modification would come, Mr. President, at the very beginning in the new paragraphs to be added, which will read as follows:

There shall be established in the administration an appropriate organizational entity for the coordination and management of community anticrime programs. This entity shall be under the direction of the Deputy Administrator for Policy Development.

And so on.

Mr. President, I suggest the absence of a quorum momentarily.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 231

Mr. JAVITS. Mr. President, for myself and Senator ROTH, I send a modified amendment ot the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 8, line 16, strike the period and insert: and by adding the following:

"(a) There shall be established in the Administration an appropriate organizational unit for the coordination and management of Community Anti-Crime Programs. Such unit shall be under the direction of the Deputy Administrator for Policy Development. Such unit shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups."

Mr. JAVITS. Mr. President, the change which I have made simply leaves to the administrator what shall be the appropriate organizational unit for the purpose instead of setting up by statute an office.

I hope that under these circumstances the amendment is accepted.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas.

Mr. MCCLELLAN. Mr. President, we have examined this amendment. With the modification made by the distinguished Senator from New York, I have no objection to the amendment. I am willing to accept it, if that is agreeable with the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, I concur with that conclusion. I have no objection to it. In fact, I will vote for it.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. MCCLELLAN. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from New York, as modified.

The amendment, as modified, was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the amendment was agreed to.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If no Senators yield time, equal time will be charged against both sides.

The Chair will state again that the time is being charged equally to both sides.

Mr. MCCLELLAN. Mr. President, ascertain whether there are any more amendments to the bill.

UP AMENDMENT NO. 232

Mr. BIDEN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN), proposes an unprinted amendment No. 232.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 14, after "1976," insert "and".

On page 32, line 15, beginning with the comma following "1977" strike out all to the period in line 19.

On page 33, line 2, strike out "each of the fiscal years enumerated above" and insert in lieu thereof "the following fiscal year"

Mr. BIDEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. How much time have I on this amendment?

The PRESIDING OFFICER. Thirty minutes equally divided. Fifteen minutes to each side.

Mr. BIDEN. Mr. President, the present bill, S. 2212, would reauthorize the Law Enforcement Assistance Administration for a period of 5 years.

My amendment would reduce this time to 15 months, or until October 1, 1977. An identical time period has been approved by the House Judiciary Committee.

Mr. President, there are two primary objectives of my amendment. First, I believe that LEAA has been an ineffective and wasteful agency which much be totally restructured. This amendment will give us time to do that.

Second, this amendment will also force us to exercise our oversight responsibility with regard to this agency, a function which Congress has failed to do with respect to this as well as most of our other Federal agencies. No one can deny that crime in the streets is a major problem today just as it was in 1968 when LEAA was created.

Recent polls rank fear of crime first or second in the minds of the American people, just as it did in 1968. The Ameri-

can people are afraid to walk the streets at night—or even in the daytime—just as they were in 1968. The American people are concerned about rape, burglary, mugging and murder—just as they were in 1968. The American people are asking, just as they were in 1968, what are we doing about it?

And I would like to ask that question—what are we doing about it? We have created the LEAA.

We have changed its responsibilities each time it has been reauthorized, just as this proposal does—changes which are necessary, but changes which have not gone far enough.

Why do we continue to attack the problem on a piecemeal basis? Why do we amend the law in one section here and in another there, but never look at the interrelationship? Why do we ignore studies suggesting that LEAA must be totally revamped or permitted to expire? Let us look at what was done this year.

The Judiciary Committee made an important step forward by providing for increased participation and funding for State court systems. But what about our prisons? What about the GAO studies which show our prison expenditures are being wasted?

In the 716 page hearing record one can only find traces of a discussion of this problem. The same holds true for the juvenile justice situation.

Mr. President, I do not think things have really changed a whole lot from 1973 when the distinguished Senator from Michigan (Mr. HART) offered an amendment similar to mine.

At that time, he argued in favor of a 2-year rather than 5-year authorization listing his reasons as follows:

First, we have continued serious questions about LEAA's performance; second, there is a new director at LEAA and his policies are unknown; third, the House has decided that a 2-year authorization is needed for oversight; fourth, a substantial number of Senators and Representatives feel that further reforms may be needed.

Mr. President, aside from the second reason given above, these considerations are just as valid today as they were then. And for those very same reasons, we should only extend the LEAA for 15 months as I propose, in order to carry out the major restructuring of LEAA that is needed. Our crime problem is much too important to be considered every 5 years.

Each time Congress has taken a look at LEAA, we have made a constructive change. In 1970, the first reauthorization Congress added what is now known as part E, providing funds for correctional facilities.

In 1973, the second reauthorization, Congress provided that the States should be more specific in their criminal justice plans.

And now in 1976, the Senate Judiciary Committee has recognized that State judicial systems have been neglected in many State plans and has acted to provide for more judicial participation in the formulation of such plans.

As can be seen from these amendments, it is obvious that LEAA needs continuous oversight and monitoring—and continuous improvement. Only once since the creation of LEAA has Congress affected its duties in a nonreauthorization year. That was in the Juvenile Justice and Delinquency Prevention Act of 1974. Yet, that act, which is funded apart from LEAA did not result in a fundamental change in LEAA's operation.

It seems to me that with the continued criticism of LEAA by both private and governmental groups, as well as the evidence that major changes must be made when the Agency is reauthorized, we cannot allow LEAA to exist for another 5 years without oversight.

We cannot give the Agency a "clean bill of health" for 5 more years.

We must force ourselves to utilize our oversight power and oversight responsibility.

This is especially true in light of recent studies such as one done by the 20th century fund call for major restructuring of the Agency, or even of its abolition.

This 15-month extension will give us an opportunity to attempt that major restructuring.

My criticism—and the need for this amendment—stem from the fact that crime is such a major problem that we cannot afford to deal with it only once every 5 years. It is an ongoing challenge.

What are the arguments against a short-term reauthorization?

First, as expressed in the committee report, we learn that a short-term reauthorization will deprive States of the assurance of Federal funds which they need to engage in long-term planning, a necessity for a criminal justice program.

It should be pointed out, however, that LEAA's grants to States only last on a yearly basis. Thus, States already face the problem. LEAA itself may accept part of a long-term program in one year, and then reject it the next.

Furthermore, I think that State and local governments can rest assured that if my amendment is adopted, our commitment to help them remains.

We just want to improve the performance of the Agency involved. The funds will be available so long as they will be wisely spent. If we do not restructure the Agency, it may run into so much opposition that someday we will abolish it.

Second, it is argued that a short-term reauthorization will cause State and local governments to spend more money on hardware and unneeded equipment rather than on significant improvements in the criminal justice system. Anyone who has studied the program knows that that problem is already a major flaw with LEAA. The length of the reauthorization is not the deciding factor as to whether hardware is purchased or not.

LEAA can deal with the problem now simply by exercising greater oversight and being more critical in analyzing State plans.

And, if LEAA will not do it, then we in Congress may have to amend the law to take care of the problem.

Third, it is also argued that a short-term reauthorization will have a severe impact upon corrections.

This argument troubles me because I believe that prison facilities should be the basis of a new approach to our criminal justice system. We cannot talk about bringing fairness into our sentencing structure when we have inhumane prisons. We cannot talk of mandatory minimum sentences when we have overcrowded jails.

We cannot talk of giving a criminal his "just desserts" when courts rule, rightly so, that some of our jails are a "cruel and unusual punishment" so we have got to start there.

The problem with this legislation, however, is that it does not address the problem of corrections. A recent study by GAO indicates that LEAA funds for prisons "did not result in adequate improvements of overall jail conditions."

The GAO made several recommendations, but they were never discussed in the hearings. The committee has not taken the GAO's advice in this area—the House has, by approving a set of standards for prisons. I would rather see us extend this agency for 15 months to give the Judiciary Committee a chance to consider amending the law to make our correctional program more effective. We cannot wait through 5 years of unfavorable GAO reports before acting.

In conclusion, Mr. President, while the bill before us does make a significant improvement over present law, particularly in the area of funds for courts and for programs to combat crime perpetrated against the elderly, it does not represent the major restructuring of LEAA which is necessary.

I would hope that by following the lead of the House Judiciary Committee and limiting the extension to 15 months we could give ourselves the time, and, in effect, the requirement to restudy and structure the Agency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield myself 5 minutes.

As reported by the Judiciary Committee, S. 2212 authorizes continuation of the LEAA program through the next 5 fiscal years—fiscal year 1981. It was the judgment of the committee that a 5-year authorization would best achieve congressional policies in enacting the Safe Streets Act and provide necessary stability to the program. That judgment was based upon a variety of considerations.

First, one of the key features of the LEAA program—and one of its most important contributions—is comprehensive criminal justice planning. To be truly effective, such planning must have long-range implications. A shorter authorization period would disrupt the planning process and allow States to consider only short-term needs.

Second, a shorter authorization period would make States and local governments hesitant to commit themselves to many significant undertakings or to hire new personnel because of the danger of an abrupt loss of support. It is unreasonable to expect these governments to commit resources to major efforts without assured technical and financial assistance.

Third, a short-term program would encourage the purchase of equipment by localities rather than the development

of other types of improvements of the criminal justice system since a long-term tangible benefit would be guaranteed.

Fourth, a shorter period of authorization could have a chilling effect on the raising of matching funds. Local officials will not wish to make a substantial investment in a program that will be in existence for only a short time or might be drastically changed in nature.

Fifth, developing and demonstrating innovative, system-oriented programs requires substantial time. So too, meaningful evaluation of complex criminal justice programs cannot be completed within 2 or 3 years. It is often difficult to identify those projects that reduce crime without long-term review and assessment. Yet meaningful evaluation is one of the primary goals of S. 2212.

Sixth, nongovernmental organizations engaged in criminal justice research—at universities and in private research firms—must be assured of long-term support before they can invest their own limited resources.

Finally, one of the primary objectives of the Congressional Budget and Impoundment Control Act of 1974 was the development of long-range planning capability by the Federal Government. Extension of the LEAA program for 5 years would be consistent with that objective.

For these reasons, the committee concluded that 5 years was the most suitable period of authorization for LEAA and that any shorter term would be ill-advised and contrary to the objectives of Congress in establishing the program.

The committee was particularly interesetd in the views of those witnesses appearing before the Subcommittee on Criminal Laws and procedures regarding the term of LEAA reauthorization. While most of the witnesses had comments regarding operation of the LEAA program and suggested some legislative revision, nearly all those appearing strongly endorsed continuation of the program, and recommendations were generally of a constructive nature. Only one witness testified against reauthorization of the Agency.

Mr. President, if we are going to limit this program to 15 months, I suggest we could better serve the national interest by simply abolishing it. If it is no betetr now, after the 8 years we have had it in operation, and after the thorough study made in the hearings in support of the pending bill, if we do not now know whether this program is meritorious and whether it should be continued, I do not think we would know in the next 15 months.

Mr. President, I would like to point out some very distinguised citizens and officials of our country who—very respectfully, I am sure—disagree with the distinguished Senator from Delaware. Here is a list of those who appeared before our committee, Mr. President. Incidentally, we held hearings on this bill last October, November and December, as I recall. The committee was not given the benefit of the views of the distinguished Senator from Delaware at that time, but other Senators and other distinguished officials throughout the country did let us know how they felt about it.

Mr. President, I read from the list of those who appeared before the committe and testified, and who supported the 5-year extension of this act:

Attorney General Levi.
Deputy Attorney General Tyler.
LEAA Administrator Velde.
Governor Byrne of New Jersey.
Representative Cal Ledbetter of Arkansas, on behalf of the National Conference of State Legislators.
Attorney General Slade Gorton of Washington.
Richard Harris, Director of the Virginia Division of Justice and Crime Prevention, on behalf of the National Conference of State Criminal Justice Planning Administrators.
Philip Elfstrom, Kane County, Illinois, Board of Commisionérs, on behalf of the National Association of Counties.
Sheriff John Duffy of San Diego, California.
Representatives of the Advisory Commission on Intergovernmental Relations.
Chief Judge James Richards, Lake County, Indiana, Superior Court.
Governor Noel of Rhode Island.
Justice Harry Spencer, Nebraska Supreme Court, Associate Judge William Grimes, New Hampshire Supreme Court, Judge Henry V. Pennington, Kentucky Circuit Court, all three representing the American Bar Association.

I ask unanimous consent to have printed in the RECORD at this point a list of other distinguished witnesses who appeared before the committee supporting the extension of the LEAA, who did not necessarily designate the 5-year period, but supported continuation of the program.

Mr. FORD. Mr. President, will the Senator yield?

Mr. McCLELLAN. Yes, if I can get a ruling from the Chair.

The PRESIDING OFFICER. Will the Senator repeat the request?

Mr. McCLELLAN. I asked unanimous consent that the list of witnesses who testified respecting the extension of this program for an indefinite period be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Senator Thomas Eagleton of Missouri.
Senator J. Glenn Beall of Maryland.
Senator Robert Morgan of North Carolina.
Karl McFarlane, National Association of Regional Councils.
Congressman Claude Pepper of Florida.
Mayor Wise of Dallas, Texas.
Mayor Maynard Jackson of Atlanta, Georgia.
Mayor Sloane of Louisville, Kentucky.
All three mayors on behalf of the U.S. Conference of Mayors and the National League of Cities.
District Attorney Carol Vance of Houston, Texas.
Chief Justice Howell Heflin of Alabama.
Marion Opala, Court Administrator of Oklahoma.
David Levine, Greenville, South Carolina.
Richard Clement, President, and Glen King, Executive Director, International Association of Chiefs of Police.
Milton Rector, National Council on Crime and Delinquency.
Amos Reed, Association of State Correctional Administrators.
Chief Justice Walter McLaughlin, Massachusetts Superior Court.
Judge Harold Birns, New York State Supreme Court.
Michael Codd, Police Commissioner of New York, New York.

Mr. FORD. Mr. President, will the Senator from Arkansas give me a minute to associate myself with his remarks?

Mr. McCLELLAN. I yield to the distinguished Senator from Kentucky.

Mr. FORD. I thank the distinguished Senator from Arkansas.

If the amendment of the Senator from Delaware is allowed to prevail, it would mean that in the State of Kentucky, where we have set up a 3-year program, which is an educational incentive program for our law enforcement people over a 3-year period to give them an additional pay incentive for further education of 240 hours a year going in and 40 hours additional each year, and the programs of judicial reform, the new prison that we have going up there where funds are being made available and the planning is there, if we cut this off at the end of 15 months, then we are making a mistake. We have to have long-range planning.

There are people out there who are doing things that are right under this program, and I hope that the committee's 5-year extension of LEAA will be accepted and we will not allow it to disintegrate in the 15 months.

I thank the Senator.

Mr. McCLELLAN. I thank the distinguished Senator from Kentucky.

Mr. President, I do not wish to belabor it any further. It does seem to me that this program has been tested. It has not been perfect, but there is abundant evidence of good results from it not only in the State of Kentucky, and in my State, but also in States and communities throughout the Nation. We either should continue it or for a reasonable length of time to give those who participate in it the opportunity to develop programs that will carry over into future time, to give time for their implementation, in my judgment, or we should simply vote against this bill and kill the bill.

We are talking about reviewing it. We have reviewed it. We have had long hearings on it. The hearings conducted were last fall. If there has been any development since that would change the situation, I know nothing about it.

As to all those who wanted to kill the program, discontinue it, and have a shorter period of time, everyone had an opportunity to be heard. I think this is a mistake to try to kill it here in the Chamber.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. What we have to bear in mind is that here we are dealing with the authorization. This program is subject to scrunity every year when it comes to the funding aspect of it. It comes under our subcommittee. We go into it in detail. If at that time there is any neglect or faults to be found, they can be corrected, or the amount of money can either be entirely shut off or limited in amounts below the authorization figure.

But the point is that we have to give

some assurance to local authorities that they can depend in some way upon this program in the future so that they can make proper plans. We have found that to be so as the distinguished Senator knows, having been a Governor of his State as I was a Governor of my State. The same is so when we are building a highway. I mean, unless we have a comprehensive program that is stretched over a period of time it is not only going to cost us more if we do it bit by bit, but we simply cannot do the proper planning. To cut this down to 15 months or to 18 months I say we might as well do away with the program. If that is the way the Senator feels about it, then just stand up and vote against the whole program.

Mr. HRUSKA. Mr. President, will the Senator yield me 4 minutes?

Mr. McCLELLAN. I yield to the Senator. The Senator has control of half the time if he wants it.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. McCLELLAN. How much time do I have remaining on the amendment?

The PRESIDING OFFICER. The Senator has 5 minutes remaining. The Senator from Delaware has 4 minutes remaining.

Mr. McCLELLAN. I yield to the Senator 4 minutes.

Mr. HRUSKA. Mr. President, the pending amendment is totally unacceptable. It flies in the face of two governing principles which we cannot ignore. One of the principles is this: In our Federal budgeting processes we require not only a request for funds but a projection into the future overall of 5 years and in the Budget and Impoundment Act, there is a similar requirement for a 5-year projection.

There is a reason for that 5-year projection, and that is that to have a lesser period of time, 15 months only, means that provision can only be made for short-term needs. Long-term needs which are more numerous than short-term needs will be totally neglected and impossible to implement. It will be difficult to hire personnel because there is no assurance for a given program for employment of experts and technical people, as well as for clerical and support personnel, if there is no assurance beyond 15 months, there will be difficulty in getting qualified personnel.

The short-term authorization would also encourage the purchase of hardware and/or the use of training.

There would not be on a short-term basis any ability for followup evaluation or planning. There would be a chilling effect on the raising of match money by localities. There would be a lack of stability to programs which could lead to a waste of funds.

This matter has been thoroughly canvassed, Mr. President, and the overwhelming amount of testimony from witnesses cited by the chairman of the subcommittee indicates that there should not be any serious consideration given to a term as short as 15 months. Five years was the overwhelming desire for this program by the Judiciary Committee, and I subscribe to the thoughts expressed by the Senator from Rhode Island, that there is a flexibility and there is a control over the program in the budgeting process which is much more desirable, with more commonsense and is much more useful to the overall administration of the LEAA program.

Mr. President, as reported by the committee, S. 2212 authorizes continuation of the LEAA program through fiscal year 1981. Because the types of programs ultimately funded by the States will be determined by the length of reauthorization of the LEAA program, the committee felt 5 years would best promote achievement of the policies of the Congress in enacting the Omnibus Crime Control and Safe Streets Act and would give needed stability to this important Federal assistance program.

One of the key features of the LEAA program is the comprehensive planning process. Each State is required to review its law enforcement and criminal justice programs and establish needs and priorities for resource allocation. To be effective, this planning must necessarily have long-range implications. A shorter period would be disruptive of this planning process and allow States to give consideration only to short-term needs.

An abbreviated LEAA program and the uncertainty as to future assistance which such an authorization period would entail, would have further adverse effects on State and local efforts. The nature of individual projects would change drastically from the innovative efforts leading to permanent beneficial effects which the Congress expects, to projects which merely support normal operational expenses. Jurisdictions would be hesitant to make a commitment to many significant undertakings or to hire new personnel because of the possibility of abrupt loss of support.

Short-term programs would also encourage the purchase of equipment by localities since a tangible benefit lasting for some time would be guaranteed. Equipment purchases would also be attractive since they require no follow-up planning or evaluation.

There could additionally be a chilling effect on the raising of matching funds by localities. Local officials may not wish to make a substantial investment in a program which would possibly remain in existence for a brief period, or which might be drastically changed in nature.

One particularly striking example of the negative results which might occur because of a limited reauthorization is in the area of LEAA's corrections effort. The objective of LEAA's corrections program is to develop and utilize hypotheses concerning techniques, methods, and programs for more effective correctional systems and improved capabilities of corrections, with special attention to offender rehabilitation and diversion of drug abuse offenders. Developing and demonstrating innovative, system-oriented programs and monitoring and evaluating the outcome of such efforts requires substantial time, effort, and funding commitments. Two years is an unrealistic period to accomplish such objectives.

Numerous States are now developing correctional and court master plans with LEAA encouragement and support. It has been demonstrated that the planning, development, and implementation of the process exceeds 2 years. We cannot expect that States, particularly those which are only beginning the process, would commit resources to these major efforts without assured LEAA technical and financial assistance.

Other major corrections program efforts, such as the Comprehensive Offender Program Effort—COPE—which is now in the initial funding stages, could not have been developed and come to fruition if such a 2-year limitation were imposed when COPE was first conceived as an interagency Federal effort. Furthermore, participating States would not consider a major allocation of resources to develop COPE plans if there were no authority to continue the LEAA program beyond 2 years.

A final example of the need for an extended period of authorization is the LEAA evaluation effort which was discussed earlier. Meaningful evaluation of complex criminal justice programs cannot be completed within 2 or 3 years. Because of the many factors which impact on crime, it is often difficult to identify those projects which reduce crime without long-term review and assessment. For example, projects relating to recidivism, which is one of the most challenging aspects of criminal justice improvement, require several years to design, implement, and evaluate. Moreover, nongovernmental organizations engaged in criminal justice research—at universities and in private research firms—must be assured of the long-term potential for support of studies into complex crime-related issues before they can invest their own resources in these areas.

In determining the period of reauthorization for LEAA, the committee paid serious attention to the thrust of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). That legislation has as one of its primary objectives the development of long-range planning capability by the Federal Government. Extension of the LEAA program for 5 years would be consistent with this objective.

The committee was particulary interested in the views of those witnesses appearing before the Subcommittee on Criminal Laws and Procedures regarding the term of LEAA reauthorization. While most of the witnesses had comments regarding operation of the LEAA program and suggested some legislative revision, nearly all those appearing strongly endorsed continuation of the program, and recommendations were generally of a constructive nature. Only one witness testified against reauthorization of the Agency.

Of those appearing before the subcommittee, the following specifically supported extenstion of the program for 5 years:

Attorney General Levi.
Deputy Attorney General Tyler.
LEAA Administrator Velde.
Governor Byrne of New Jersey.
Representative Cal Ledbetter of Arkansas, on behalf of the National Conference of State Legislators.

Attorney General Slade Gorton of Washington.

Richard Harris, Director of the Virginia Division of Justice and Crime Prevention, on behalf of the National Conference of State Criminal Justice Planning Administrators.

Philip Elfstrom, Kane County, Illinois, Board of Commissioners, on behalf of the National Association of Counties.

Sheriff John Duffy of San Diego, California.

Representatives of the Advisory Commission on Intergovernmental Relations.

Chief Judge James Richards, Lake County, Indiana, Superior Court.

Governor Noel of Rhode Island.

Justice Harry Spencer, Nebraska Supreme Court.

Associate Judge William Grimes, New Hampshire Supreme Court.

Judge Henry V. Pennington, Kentucky Circuit Court, all three representing the American Bar Association.

By way of summary it, should be clear that:

First. Comprehensive planning concept of current program, whereby each State sets long-range needs and priorities, would be defeated by 1-year reauthorization.

Second. Short-term reauthorization would allow consideration only of short-term needs.

Third. Projects would change from innovative efforts leading to permanent beneficial changes to projects which would merely support normal operational expenses.

Fourth. Jurisdictions would be hesitant to make a commitment to significant projects or hire new personnel because of possible loss of support.

Fifth. Short reauthorization would encourage purchase of hardware or use of training—a tangible benefit lasting some time would be guaranteed.

Sixth. Short-term programs would permit no follow-up evaluation or planning.

Seventh. There would be a chilling effect on raising of match money by localities, since program might be changed or eliminated in near future.

Eighth. Congressional Budget Act has long-range planning as one of main objectives. Talks in terms of 5-year planning.

Ninth. Would assure stability to this aspect of Federal assistance. Would be particularly important to localities in time of fiscal difficulties.

Tenth. A short-term reauthorization would only serve to diminish returns from investments already made and narrow the scope of future efforts.

Eleventh. Numerous States are now developing long-range corrections, court, communications, and information-system plans with LEAA encouragement and support. States, particularly those which are only beginning the process, cannot be expected to commit resources for major reform efforts without assured LEAA technical and financial assistance.

Twelfth. LEAA's corrections program has as its objective the development and implementation of techniques, methods, and programs for more effective correctional systems, with special attention to offender rehabilitation and diversion of drug abuse offenders. Developing and demonstrating innovative, system-oriented programs and monitoring and evaluating their outcome requires substantial time, effort, and funding commitment. Several years are needed as a realistic time in which to accomplish such objectives.

I yield the floor, and yield back the remainder of my unused time.

Mr. BIDEN. Mr. President, I only have 4 minutes remaining. I shall try as quickly as possible to respond to the argument.

First of all, the Senator from Rhode Island (Mr. PASTORE) stands up and tells us, in his very eloquent manner, that the way is to go back on a year-to-year basis, that they have to go back for money.

I point out that every time some of us try to do that we are told that we should not be legislating on appropriations bills.

The Senator from Nebraska says that there are certain governing principles. If there is any governing principle in this body it is that we do not exercise oversight. That is the governing principle of this Congress, as a practical matter.

That is why, Mr. President, 2 years ago we introduced what everyone now calls sunset legislation. No one paid attention to it then. They started listening to the American people, and now distinguished chairmen from committees all over this Congress are talking about sunset legislation.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BIDEN. Not on my time. I only have 4 minutes.

Mr. PASTORE. Yes. But the Senator mentioned the Senator from Rhode Island.

Mr. BIDEN. I understand that, but I only have 4 minutes' time.

If we receive unanimous consent to extend my time for 2 minutes, I shall yield.

Mr. PASTORE. I understand that we have at least 1 minute remaining, do we not, on this amendment?

Mr. McCLELLAN. There are 3 minutes remaining.

Mr. PASTORE. I invite the Senator to come to my subcommittee and to see how exhaustively we look into these matters.

This business about sunset and sunrise, twilight and dawn—I mean we do not need that at all. We do not need that at all.

If the Senator will just come to my committee, he will see how meticulously we look at every item, and he would be refreshed, he would be edified, and have confidence in this Senator.

Mr. BIDEN. My main concern is that the Senator from Rhode Island will not be here next year.

Mr. PASTORE. But there are a lot of good people in this world. Do not forget that.

Mr. BIDEN. Very quickly, Mr. President, if I may continue, as to the arguments about comprehensive planning, they can still comprehensively plan because as the Senator from—I will not mention any names—as various Senators indicated——

Mr. PASTORE. Say it.

Mr. BIDEN. As various Senators indicated they have to come back each year for their money. They know there is no certainty that the money will be there. So if the argument says they will not be able to comprehensively plan, if we do not extend for 5 years, the same argument holds true, if we take the Senator's argument, that they have to come back year-by-year. And it has also been argued that it inhibits States making major commitments. I do not believe that is correct. I do not have time to expand on that further. I mentioned that earlier.

Then there is the argument about the encouragement of the purchase of equipment. If Senators are worried about the purchase of equipment let us pass amendments now directing under what conditions they can do that.

I point out, Mr. President, that the list that the chairman introduced of those in support of this legislation consisted primarily of State officials. Can anyone tell me a time when a State official who was receiving money came to us and said, "Reduce the time in which you're going to give me money"? Of course, every State official is going to come here and say, "Extend it 5 years." If we made it 10 years, they would say 10 years. If we made it 20 years, they would say 20 years. They want surety that they are going to continue to get dollars, wasted or not, from the Federal Treasury, because they do not have to account to their taxpayers for that. They do not want to go to the State and raise their taxes. They are going to come in here and ask for 5 years, and I suggest that we look at who is asking for the extension of 5 years.

Mr. President, we in Congress have a real sham going with the American people. They want the Federal Government involved in crime control, if they want it involved anywhere. We are advertising to the American public that our war on crime to help them in the States is LEAA.

In 1968, we had a President riding to the White House on the twin horses of law and order and everybody was standing up here telling us that LEAA was going to wage that battle. It has not done a bloody thing. They know it has not changed anything. It has not helped significantly in any place. That is our one weapon that we are advertising to the folks, and we wonder why they think we are ineffective here. We wonder why they think we do not know what we are doing. We tell them we have a program. We have spent $4 billion on it so far. So we should go back to them and level and say it is not designed to impact on the crime program in their State, or if it is so designed, we tell them to go back to restructure it so that it can be done.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arkansas has 2 minutes remaining.

Mr. McCLELLAN. Mr. President, if this program is no good, let us abolish it. It is charged that the program is ineffective because crime has increased since we inaugurated the program. If that is a logical argument, a fair argument, against this program, then I say that the courts are doing no good. We should abolish the courts because crime still increases. We should abolish the Attorney General's office because crime

still increases. If one uses that kind of logic in the weighing of this bill, he places himself in the position of opposing all appropriations for law enforcement.

The law enforcement assistance program has done a great deal of good; I know it has done so in my State. I believe almost every Member of this body could verify that it has done a great deal of good in his State.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. PASTORE. I have not met one law enforcement officer who is not for this program. To whom are we listening? We are listening to a lot of people who are not giving the time and the attention to go back home and speak of their law enforcement officers.

The judges of the juvenile courts call me every day. I addressed them in Rhode Island during the last recess of the Senate. I have talked to nearly every police officer in my State, every superintendent of police, and they all tell me that without this program now, they would be handicapped. To argue here that this program is responsible for the increase in crime——

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. PASTORE. Are we to do away with the hospitals because people still die? What are we talking about here?

The PRESIDING OFFICER. Time still has expired.

The question is on agreeing to the amendment.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD of West Virginia. I announce that the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. HUGH SCOTT) is absent on official business.

The result was announced—yeas 12, nays 80, as follows:

[Rollcall Vote No. 403 Leg.]

YEAS—12

Abourezk	Clark	Helms
Bayh	Cranston	Mansfield
Biden	Eagleton	Proxmire
Bumpers	Hartke	Weicker

NAYS—80

Allen	Brock	Cannon
Baker	Brooke	Case
Bartlett	Burdick	Chiles
Beall	Byrd, Harry F., Jr.	Church
Bellmon	Byrd, Robert C.	Culver
Bentsen	Curtis	Dole
Domenici	Javits	Percy
Durkin	Johnston	Randolph
Eastland	Kennedy	Ribicoff
Fannin	Laxalt	Roth
Fong	Leahy	Schweiker
Ford	Long	Scott, William L.
Glenn	Magnuson	Sparkman
Gravel	Mathias	Stafford
Griffin	McClellan	Stennis
Hansen	McClure	Stevens
Hart, Gary	McGee	Stevenson
Hart, Philip A.	McGovern	Stone
Haskell	McIntyre	Symington
Hatfield	Montoya	Taft
Hathaway	Morgan	Talmadge
Hollings	Moss	Thurmond
Hruska	Muskie	Tower
Huddleston	Nelson	Williams
Humphrey	Nunn	Young
Inouye	Pastore	
Jackson	Pearson	
	Pell	

NOT VOTING—8

Buckley	Metcalf	Scott, Hugh
Garn	Mondale	Tunney
Goldwater	Packwood	

So Mr. BIDEN's amendment was rejected.

UP AMENDMENT NO. 233

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. The Senate will come to order so that the amendment can be heard. Will the clerk suspend until the Senate Chamber is in order.

The clerk may proceed.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN) proposes unprinted amendment No. 233.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed wtih.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 16, after "1978," insert "and".

On page 32, line 17, beginning with the comma following "1979" strike out all to the period in line 19.

On page 33, line 2, strike out "each of the fiscal years enumerated above" and insert in lieu thereof "the following three fiscal years".

Mr. BIDEN. I yield to the Senator from Maryland.

Mr. BEALL. Mr. President, I ask unanimous consent that David Rust and Tim Miller of my staff be granted the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I request that the distinguished senior Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, my colleagues who are still here, I will be very brief, for my part. I will take less than 3 minutes.

This is merely a change in the last amendment, which was badly defeated, which stated that we cut back the life of LEAA from 5 years to 15 months. My present amendment would cut it back to 3 years and not 15 months.

Mr. President, my intent is not to eliminate LEAA. My intent is to force a major restructuring of LEAA through congressional oversight. I do not believe we can allow the singlemost important and, if not the only, Federal program that deals with crime in the streets at the State level, crime within the States, to have a 5-year extended life.

There has been a great deal of criticism of it from the GAO report, the 20th Century Fund, and others.

Major arguments against my amendment have been that it would inhibit comprehensive planning at the State level; second, that it would inhibit States from making a major monetary commitment; and, third, that it would encourage the purchase of hardware.

Mr. President, I think these arguments are frivolous. It, in fact, requires that each year each State has to come back to us in these tough budget times and ask for dollars. If, in fact, they are going to be inhibited by a 3-year extension, they are also going to be inhibited by the fact that they have to come back in this economy every year for continued funding.

Second, if they are going to be inhibited from making a major commitment with regard to 3-year authorization instead of 5, they are going to be inhibited now from doing that.

Third, if they are worried about the purchase of equipment instead of other activities, we should directly address that problem by amending the present legislation, whether or not it is extended for 3 or 5 years.

Mr. President, as I said earlier today on the other amendment, one of the governing principles, it seems in this body and Congress as a whole, and recognized by our constituents, is that we get so busy that we do not exercise our oversight functions.

The PRESIDING OFFICER. Will the Senator suspend until I get order in the Chamber. The hubbub is so great it is hard for me to hear the speaker and, I assume, for everyone else.

Will the Senators and aides kindly stop conversing in the Chamber so that we can hear the speaker. Will the Senate Chamber please come to order.

The Senator may proceed.

Mr. BIDEN. Mr. President, my amendment does not end LEAA. My amendment does not prevent comprehensive planning. My amendment merely cuts down the time from 5 to 3 years to force us to exercise our responsibility to oversee an agency which is not functioning to the expectations of, I submit, ourselves and/or the American public.

I would like to reiterate that the American public wants the Federal Government involved in crime control. They are not so sophisticated as to think their major problem is white collar crime or corporate crime. What they are concerned about is crime in the streets.

We cannot affect that directly because it is within State jurisdictions, but they want us involved in aiding in that effort. Yet the fact of the matter is this very program which we hold out to the American people as the major Federal effort to help them with their primary concern of crime control is not doing the job. To extend it for another 5 years means, as

a practical matter, that we will not take a look at it for another 5 years. It means we are locked in for 5 years.

When some of us stand up to amend it in the interim period we will be lectured with the principle that we should not legislate on an appropriation bill. I do not believe that we can allow this agency, which I firmly believe is not functioning as well as it should, to continue for 5 years without being looked at. That is just what we will be doing if we pass the legislation in its present form.

Mr. President, there were a number of Senators, 43 in all, who 3 years ago voted to—yes, on June 28, 1973—cut the agency to 2 years in order to force us to exercise our oversight function—43 Members, many of whom voted against the 15-month extension.

I would like to ask those Members who supported cutting it back to 2 years in 1973 whether or not, if they reject the 3 years, that they are now saying that their doubts have been allayed; that LEAA is functioning better now than it did then and functioning up to the capacity they feel it should in order to satisfy the American people that we are making the commitment we claim to be making under this legislation.

I submit that that is probably not the case

I am sorry more of our colleagues are not here to listen to more debate on this subject. I will not bore those who have already heard it with my first speech about why this should be done.

In conlusion, Mr. President, it seems to me that we had better not confuse ourselves. I want to ask those Senators who are going back to their States and who campaigned on a platform that they were going to help in the war against crime—and we had an answer or at least a partial answer, the LEAA in 1968, are they going to go back and say:

Yep, I had a chance to look at it once more in 3 years, but I decided things were so good and we were doing our job that we are going to extend it 5 years.

I do not want to have to go back without restructuring this agency in line with recommendations of the 20th Century Fund, the GAO, and others.

All I want to do is take another look at it, and I suggest we do that as quickly as we can.

I should point out, the House Judiciary Committee says we should use only 15 months, not 5 years.

We are caught up now. We have liberals, conservatives, Democrats, and Republicans all talking about "Sunset" legislation. All talking about the fact that the only way Congress really, because of its busy schedule, will exercise its oversight function is if, in fact, at periodic intervals all programs must be reauthorized.

I hope we consider exercising that overshight function in 3 years and not 5.

I yield the floor, Mr. President.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

I want to make this observation. We are talking about opportunities to overhaul this bill and this agency.

Mr. President, the pending bill was introduced on July 29, 1975. Hearings were held on it, October 2, 8, 9, 22, and 23, November 4, December 4, 1975 and March 17, 1976.

Talk about overseeing the program, we have had the opportunity. The committee held hearings over this long period of time. There was the opportunity for the distinguished Senator from Delaware to appear to submit his proposed restructuring of it. He has had all of this time.

Now that this review has been completed, let us give the time and opportunity for the States and the local units of government to make their plans over a period of years in order that they may get the most beneficial results from this Federal assistance.

We have had the bill before us, had committee hearings, and the distinguished Senator, as I recall, has not raised his voice before the Judiciary Committee about this bill. Maybe I am mistaken but I do not recall that he appeared before the committee.

Mr. BIDEN. No, I had too much faith in those on the committee to do much about that.

Mr. McCLELLAN. I do not know about depending on somebody else. The Senator had just as much responsibility as any other Senator if he wanted reconstruction after a certain fashion that pleased him. He had an obligation to be there, to give his views to the committee, and not wait until we get the bill on the floor to say that he wants another year or so to restructure the bill.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. McCLELLAN. I yield the floor.

Mr. BIDEN. Mr. President, I am sure the distinguished chairman is not suggesting that because I may have made an error 6 months ago I should continue my erroneous ways.

Second, Mr. President, the report which I relied heavily upon, submitted by the GAO. I did not have and was unaware of until April 5, 1976.

It may have come out earlier, but to the best of my knowledge, that is when it came out and that is the first time I was aware of it.

Third, I assume some of the very gentlemen who argued most vociferously against long-term extension last time would, in fact, maintain that position in committee.

Fourth, I have gotten some religion. I have had a chance to look at it and I found out I should have been doing more about it. I want to make sure I can do more about it.

Fifth, Mr. President, we are going to strap upon a potentially new administration a bill to lock them in for 5 years that they may not, in fact, be very crazy about.

It seems to me it is inappropriate now in this election year to bind the upcoming administration, whether it be Ronald Reagan or Jimmy Carter, or President Ford—he has spoken on this and he is the only one—to a 5-year extension of a program.

I do not see what significant damage is done by limiting it to 3 years. None of the arguments raised as to the effect of limiting the life from 5 to 3 years are very persuasive in this Senator's opinion.

Last, Mr. President, we people from small States sometimes have complexes about the size of our State and, although I am very delighted to be associated with Rhode Island, I am from Delaware.

Mr. McCLELLAN. I beg the Senator's pardon.

Mr. BIDEN. That is all right.

Mr. McCLELLAN. My reference to the distinguished Senator as being from Rhode Island was inadvertent.

Mr. BIDEN. I was just kidding.

Mr. McCLELLAN. I would be proud to be a Senator from Rhode Island, Delaware, or Arkansas.

Mr. BIDEN. I thank the Senator, very much. So would I.

Mr. HRUSKA. Mr. President, will the Senator yield 5 minutes?

Mr. McCLELLAN. I yield 5 minutes to the Senator.

Mr. HRUSKA. Mr. President, all the arguments presented on the first amendment on this subject are equally applicable to the present amendment.

One of the key features of the LEAA program is the comprehensive planning process. It is absolutely impossible, it is so filled with difficulty and so filled with obstruction, to formulate and implement a comprehensive program in such a short period of time.

The short period of time, Mr. President, results in many handicaps.

First of all, we ought to realize and should realize that the Budget Act itself in the Federal Government calls for a 5-year projection. The Budget and Impoundment and Control Act calls for a 5-year projection.

It has been the studied policy of Congress, of the Federal Government, in seasoned programs to engage in longer periods of time in reauthorization for the simple reason it does a more effective job. With a short period of time, it means that only short-term projects will be considered and implemented.

The difficulty in recruiting personnel on short-term plans are obvious and should be avoided if at all possible.

The effect of reauthorization for a shorter period of time would be not only that comprehensive multiyear planning would be destroyed, but the nature of the project supported would change since most officials would hesitate to make a substantial local matching investment in a program whose existence would be reduced.

A short-term reauthorization would increase investment of resources in purchasing of equipment because a lasting benefit could be guaranteed. Lasting benefits would not be guaranteed if the programs were no more than the purchase of equipment.

The programs requiring several years for establishment and evaluation would be discarded since such efforts would require a substantial funding commitment.

Mr. President, there is every reason to reject this pending amendment, as there was for rejecting the amendment voted upon previously. I urge that be done with a larger margin than on the first amendment of 15 months.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. Do all Senators yield back their time?

Mr. BIDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. BIDEN. I yield myself 1 minute and then I shall yield back my time.

Mr. President, one of the compelling reasons why we should not wait for another 5 years to restudy this program is that, to the best of my knowledge, subsequent to the Judiciary Committee hearings on this bill, two major documents came out partially criticizing LEAA and suggesting limiting the life and/or abolishing the agency.

There is likely to be, in my opinion, mounting evidence to that effect. One is the report of the 20th Century Fund Task Force on Law Enforcement Assistance Administration, which, to the best of my knowledge, came out in March 1976.

The second one is the one I already referred to, which is the report by the GAO, dated April 5, 1976.

Both reports raise many issues which were not raised in the Judiciary Committee. I believe in the interest of exploring whether or not we are wisely and effectively spending the taxpayers' money we should not, in effect, discard these compelling arguments for 5 years.

I think that should be taken into consideration.

I yield back the remainder of my time and ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLELLAN. I would like to make one observation. If we are going to withhold enactment of needed legislation such as this, which is expiring, on the theory that the next President, whoever he may be, might disagree with it, we might just as well finish up the appropriations bills, pass them, and go home. There is no reason for us to continue to function.

Mr. CANNON. Will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. CANNON. As one who is a cosponsor of legislation to require the justification of agencies every 4 years, I am wondering what is magic about the 5 years on this vis-a-vis 3? Would we really be better off to have a review at the end of a 3-year period, or a rejustification, particularly in light of the support for another amendment, another proposition, that has been offered now to require justification of all of these agencies every 4 years?

Mr. McCLELLAN. If that passes, of course, this Agency would be subject to that general provision.

Mr. CANNON. I understand.

Mr. McCLELLAN. I have no objection to that and I may vote for it. The point is that so many people supported the 5-year period. If one refers to magic, I read off the names of very distinguished people who support it. There could be a handicapping of State and local agencies in their planning. If they know the program will be cut off in 3 years' time, some plans cannot be completed in that time. There is no assurance the law would be renewed or not renewed, or what the provisions of the renewal would be. There is nothing magic.

Mr. CANNON. If we provided for a 3-year provision, it would insure a review at the end of that time.

Mr. McCLELLAN. We just finished reviewing it. We have had a long review of it now.

Mr. CANNON. I understand that, and I support the program. I voted with the chairman on the last amendment. I must say that I have questions now when it comes to the issue of 3 years versus 5 years. I wondered if there was any particular magic to a 5-year period rather than a 3-year period in light of my support of a review of all programs every 4 years.

Mr. McCLELLAN. As I understand, the House bill contains a 15 months authorization period. This does give us some bargaining power in conference. If we are going to have the program, I believe we ought to have it for a 5-year period. If we do not want it after this very recent and thorough review in which everyone had the opportunity to give their views, we ought to let the program lapse. I believe in it. I am sure the Senator from Nevada believes in it.

Mr. CANNON. I said to my chairman I supported him and I voted with him last time. But I do think we need to have a periodic review of all these programs. That is why I am a cosponsor of the 4-year requirement for a review. I am sorely tempted to vote for the Senator's 3-year proposal here in light of the fact that I do not see any overriding basis for precisely a 5-year vis-a-vis a 4-year life.

Mr. McCLELLAN. There is no magic in any particular time. Again, anticipating a conference, it may come out at 3 or 4 years.

It seems to me that we can review things too much or review them too often. We do have oversight committees. If anything is wrong they can make special investigations. We do not have the time any more, with Government as big as it is, to review these things every year. We know that. It is just impossible.

I do not know anything that is so bad about this program that it should not be continued for another 5 years, with the provisions which are in this bill. It seems to me that this bill is a good bill. It has been worked on very hard.

Mr. CANNON. I thank my chairman.

Mr. BIDEN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. McCLELLAN. Someone has suggested the other legislation referred to by the Senator from Nevada was amended in committee to increase the period of review to 5 years.

Mr. ROTH. In the committee legislation in the Government Operations Committee it was 4 years. After hearings it was decided that to review all agencies would take a period of 5 years. So the proposal that will be considered by the full committee is the 5-year period.

Mr. BUMPERS. Mr. President, I rise in support of the Biden amendment. Pat Moynihan once remarked sardonically that nobody knows a darn thing about crime. While my disenchantment with easy solutions to the problem-fraught criminal justice system is not as deep, I have very real doubts that simply throwing huge sums of money at crime is the panacea we first thought it would be.

As Governor of my State for 4 years, I had firsthand experience with LEAA on an almost daily basis. From that vantage point I was able to view the program's evolution and to pinpoint both its successes and when it fell short of the mark. And it was that experience that taught me that we are still very much in the throes of experimenting, testing, and evaluating to determine how best to cope with the crime in our society. In short, we do not begin to have all the answers.

LEAA is a controversial program. It has had its strong critics. Some have argued that it has been poorly administered from the start at all levels. They point to the five administrators at the national level during the program's brief 7-year history as an indication, if nothing else, of a lack of continuity in planning and direction.

Others are convinced that funds have been mishandled and that the program's priorities have been confused and its emphasis misplaced. Certainly, in the early years there was a questionable concentration on the purchase of communications equipment, riot-control hardware, and other sophisticated technology to the exclusion of other equally deserving projects.

Still others question the expense of the program. Is it cost effective? Where are the tanglible results? How can we honestly believe that LEAA is worth the $5 billion that has already been spent and an additional $5.4 billion, if this bill passes, when crime rates continue to escalate? I will add that State legislatures which appropriate matching funds to sustain LEAA are among the program's severest critics in this regard.

There are and have been deficiencies in LEAA, but there have also been many benefits. I can attest directly to at least two of these in my State.

First, LEAA funds have been used to establish public defender programs in several communities in Arkansas, including Little Rock. They were long overdue.

Second, and of equal importance, is the fact that the Arkansas penitentiary system, as well as many county and municipal jails, has been dramatically upgraded and expanded with the help of LEAA funds. Winston Churchill once said that how far a society has traveled on the road to civilization is mirrored by its prison system. And from the prison farms of Arkansas to the monolithic concrete and iron cages of the cities, LEAA has had an appreciable effect on prison conditions.

But I return to the point that overall we are still woefully ignorant about penology. We simply do not yet know how best to utilize funds in a massive spending program. Since this is the case, I would urge my colleagues to exercise caution in enacting multiyear authority

for the continuation of LEAA. A block grant of authority for 5 years covers too long a period of time. As my colleagues know, the House enacted authority for funding only through fiscal year 1977 and at lower levels than those adopted by the Senate committee. I personally agree with the House's conservatism.

The argument will be raised that a 5-year authorization gives LEAA a better planning opportunity. It is said that 5 years will better enable programs to be implemented and to flourish into successful operations without the threat of a reduction in funds looming each year. Yet I am convinced that LEAA has not grown sufficiently to the stage where we can allow it to fly, unrestrained, for 5 years, in whatever direction it chooses. Accordingly I strongly support and endorse a shorter period which will enable Congress to scrutinize LEAA closely and check its reins as it continues to mature.

There are many good things about S. 2212. First, the additional participation by the judiciary as members of the State planning agency is long overdue. Crowded criminal dockets are a desperate malady within our criminal justice system. I practiced law and know how delay can warp and kill a case. I believe swift and certain justice can have a real deterring effect on crime and better participation from our criminal bench will certainly aid in attaining this laudable goal.

Second, annual block grants from the State level to local governments will certainly provide better flexibility to local efforts and reduce the heavy burden of bureaucratic redtape. This provision, which originated with Senator KENNEDY, is commendable and should ease the bureaucratic strain on law enforcement.

Third, I strongly approve of the large authorization of discretionary funds for programs aimed at high-crime areas.

The one noticeable deficiency in the bill is the lack of adequate authority for juvenile programs. Senator BAYH has made an impassioned plea for more funding for juvenile programs and as part of his effort, has cited the depressing statistics relating to juvenile crime. The fact that over 60 percent of all crimes committed in this country today are by young people under age 22 should give us all pause and provide us with a clear indication of where the best use of our Federal money should be made.

Like programs aimed at our high-crime areas, it seems eminently sensible to me that we should direct our programs at this age group. Correction officials in Arkansas have told me repeatedly that this is where the battle should be waged. I would much rather attempt the rehabilitation of a boy in his early teens than try to change a man in his midthirties.

One final point. I am firmly convinced that if we are to make headway against crime, we will have to revise community attitudes and, at the same time, change law enforcement's attitude toward the community. Too often, we hear of the defensiveness of police officials and the open resentment of communities against those same officials who are endowed with the responsibility to protect them. Too often, our law enforcement agencies have felt like outsiders without the support or even the interest of the communities which they serve and for whom they often risk their lives. Too often, law enforcement has felt at odds with the judiciary, prosecutors, and public defenders even though the goals that all are striving to attain are the same.

In this regard, LEAA programs can foster an additional respect for law enforcement as well as a community awareness of how best to understand and assist its police officials. I cannot stress community relations enough. It is communities where the police force and segments of its population are at odds that invariably suffer the higher crime rates.

Mr. President, I appreciate the opportunity to express my views on S. 2212 and urge once again that the Senate exercise restraint in the authorization of the program.

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. BIDEN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HARTKE). All time has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GLENN assumed the chair as Presiding Officer at this point.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. TUNNEY), the Senator from Montana (Mr. METCALF), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Utah (Mr. GARN), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. HUGH SCOTT) is absent on official business.

The result was announced—yeas 45, nays 48, as follows:

[Rollcall Vote No. 404 Leg.]

YEAS—45

Abourezk	Hart, Philip A.	McGovern
Bayh	Hartke	McIntyre
Beall	Haskell	Moss
Biden	Hatfield	Muskie
Bumpers	Hathaway	Nelson
Cannon	Helms	Nunn
Chiles	Hollings	Percy
Church	Humphrey	Proxmire
Clark	Inouye	Randolph
Cranston	Jackson	Ribicoff
Culver	Kennedy	Schweiker
Durkin	Leahy	Stone
Eagleton	Magnuson	Symington
Gravel	Mansfield	Weicker
Hart, Gary	Mathias	Williams

NAYS—48

Allen	Fong	Pastore
Baker	Ford	Pearson
Bartlett	Glenn	Pell
Bellmon	Goldwater	Roth
Bentsen	Griffin	Scott, William L.
Brock	Hansen	Sparkman
Brooke	Hruska	Stafford
Burdick	Huddleston	Stennis
Byrd, Harry F., Jr.	Javits	Stevens
Byrd, Robert C.	Johnston	Stevenson
Case	Laxalt	Taft
Curtis	Long	Talmadge
Dole	McClellan	Thurmond
Domenici	McClure	Tower
Eastland	McGee	Young
Fannin	Montoya	
	Morgan	

NOT VOTING—7

Buckley	Mondale	Tunney
Garn	Packwood	
Metcalf	Scott, Hugh	

So Mr. BIDEN's amendment was rejected.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Utah (Mr. GARN), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. HUGH SCOTT) is absent on official business.

The result was announced—yeas 48, nays 43, as follows:

[Rollcall Vote No. 405 Leg.]

YEAS—48

Allen	Fannin	Morgan
Baker	Fong	Pastore
Bartlett	Ford	Pell
Beall	Glenn	Roth
Bellmon	Goldwater	Scott, William L.
Bentsen	Griffin	Sparkman
Brock	Hansen	Stafford
Brooke	Hruska	Stennis
Burdick	Huddleston	Stevens
Byrd, Harry F., Jr.	Inouye	Stevenson
Byrd, Robert C.	Johnston	Taft
Case	Laxalt	Talmadge
Curtis	Long	Thurmond
Dole	McClellan	Tower
Domenici	McClure	Young
Eastland	McGee	
	Montoya	

NAYS—43

Abourezk	Hartke	Moss
Bayh	Haskell	Muskie
Biden	Hatfield	Nelson
Bumpers	Hathaway	Nunn
Cannon	Helms	Pearson
Chiles	Hollings	Percy
Church	Humphrey	Proxmire
Clark	Jackson	Randolph
Cranston	Kennedy	Ribicoff
Culver	Leahy	Schweiker
Durkin	Magnuson	Stone
Eagleton	Mansfield	Symington
Gravel	Mathias	Williams
Hart, Gary	McGovern	
Hart, Philip A.	McIntyre	

NOT VOTING—9

Buckley	Metcalf	Scott, Hugh
Garn	Mondale	Tunney
Javits	Packwood	Weicker

So the motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished chairman of the committee, the Senator from Arkansas (Mr. McCLELLAN), and the distinguished Republican member of the committee, the Senator from Nebraska (Mr. HRUSKA), it appears to me that since the hour of 2 o'clock is approaching, it might be well at this time to lay aside the pending bill and return to the tax bill.

Mr. BEALL. Will the Senator yield?

Mr. MANSFIELD. Surely.

Mr. BEALL. The Senator from Delaware and I have amendments that I think the Senate is going to accept. May we have those considered?

Mr. MANSFIELD. Will the Senator wait until tomorrow?

Mr. BEALL. Yes.

Mr. MANSFIELD. Mr. President, before we turn to the tax bill, I would like to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPARKMAN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 234

Mr. BEALL. Mr. President, I send an amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BEALL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, between lines 15 and 16 insert the following:

"(d) deleting 'and' after paragraph 14 of subsection (a), deleting the period at the end of paragraph 15 and inserting in lieu thereof '; and', and adding the following new paragraph after paragraph 15:

"'(16) Provide for the development of programs and projects for the prevention of crimes against the elderly, unless the State Planning Agency makes an affirmative finding in such plan that such a requirement is inappropriate for the State.'"

On pages 21 and 22, renumber subsections (d), (e), and (f) of section 11 as subsections (e), (f), and (g) respectively.

Mr. BEALL. Mr. President, the amendment to S. 2212 which I have sent to the desk will strengthen efforts to combat crimes against the elderly. I am offering this amendment in lieu of amendments Nos. 1787 and 1788, which I introduced on June 8, 1976.

Mr. President, the National Crime Panel Survey Report, which was issued in November 1974, stated that:

During the first 6 months of 1973, crimes of violence and common theft, including attempts, accounted for an estimated 18 million victimizations, of persons age 12 and over, households, and businesses.

On July 22, 1975, the Department of Justice reported that:

Serious crime in the United States rose 18 percent during the first 3 months of 1975. Attorney General Levi called this epidemic of crime one of the terrifying facts of life, which we have come to accept as normal, and which we must not accept as normal.

In his June 19, 1975, message to Congress on crime, President Ford stated:

Law makes human society possible. It pledges safety to emery member so that the company of fellow human beings can be a blessing instead of a threat. It is the instrument through which we seek to fulfill the promise of our Constitution: To insure domestic tranquility.

But America has been far from successful in dealing with the sort of crime that obsesses America day and night—I mean street crime, crime that invades our neighborhoods and our homes—murders, robberies, rapes, muggings, holdups, break-ins—the kind of brutal violence that makes us fearful of strangers and afraid to go out at night.

I sense, and I think the American people sense, that we are facing a basic and very serious problem of disregard for the law. Because of crime in our streets and in our homes, we do not have domestic tranquility.

The President went on to note:

For too long, law has centered its attention more on the rights of the criminal defendant than on the victim of crime. It is time for law to concern itself more with the rights of the people it exists to protect.

Recent crime statistics are startling to every individual in this country, and indeed they may reveal inadequacies in our present criminal justice system. But these statistics are particularly disconcerting to senior citizens, who are less able to resist becoming victims of crime.

In addition, elderly persons, recognizing their vulnerability to personal attack, are more cautious and security conscious than other groups and therefore expose themselves less frequently to risk situations. Certainly, commonsense seems to tell us that since elderly people are less able to resist a criminal assault, they would be more attractive victims to a criminal.

The current data does not reveal how many senior citizens are actually exposed to a high crime-risk situation in a given period of time. As stated by the LEAA Administrator in a presentation to the U.S. Senate Special Committee on Aging's Subcommittee on Housing for the Elderly, on August 2, 1972:

A senior citizen who either locks himself in his apartment in fear of even venturing out into a once familiar and safe neighborhood or one who must take elaborate and unpleasant precautions whenever taking a short trip through an urban area does, in fact, reduce the chances of being victimized by crime.

A survey of various American cities shows a clearer picture of the crime threat confronting older persons. For example, a survey by LEAA of victimization rates in Baltimore, Md., indicated that persons 50 years old and older had twice the victimization rate for robbery with injury than persons aged 20 to 24 years old.

Moreover, elderly persons were found to be victims of personal larceny at a rate of 19 per 1,000 as compared to a rate of 6 per 1,000 for 20-year-olds.

Many elderly people have the feeling that they must always remain at home in order to combat crime, or if they must go out, never to venture onto the city streets alone. The picture is a bleak one. Because they travel mostly by bus or subway, older people must wait for public transportation at designated points—and these points are well known to would-be assailants. Mail boxes in unguarded vestibules are the province of thieves who know when social security checks arrive.

In addition, let me note that no segment of our population is more directly affected by crime or the fear of crime. Senior citizens are all too often the victims of crimes while millions of others change their lifestyles in an effort to avoid being victimized by street criminals. It is time for us to attack this problem by developing, on the State and local level, comprehensive plans for effectively combating crimes against the elderly.

In developing the 1973 amendments to the Older Americans Act, Congress directed the State and local agencies on aging to coordinate their activities with other governmental units to maximize services to the elderly. "Toward a New Attitude on Aging," recommended the establishment of "formal liaison between social service agencies and police departments so that the elderly victims of crime can obtain all necessary assistance."

On August 13, 1975, I chaired the Labor and Public Welfare Committee's Subcommittee on Aging hearings on "Crime and the Elderly." In part, I wanted to explore the degree of coordination which exists between local aging offices and police departments. The subcommittee took testimony from police and aging officials representing Maryland subdivisions. We found that coordination is most likely to occur when LEAA funds a project which involves, in whole or in part, an effort to combat crimes against the elderly.

During the August 13th hearing, I asked the Honorable Charles R. Work, Deputy Administrator of the Law Enforcement Assistance Administration the following question:

Do you suggest or ask State or local law enforcement agencies to consult with State and or area agencies on aging in formulation of their State plans?

Mr. Work replied,

We do not at the present time, Senator, require such a consultation. However, we encourage consultation with all levels of government and with all concerns in state and local governments in the formulation of those State plans.

Mr. President, the pending amendment would amend section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 which sets the criteria that each State's comprehensive plan must contain in order for it to be eligible for funding. The amendment would require that each State plan "provide for the development of programs and projects for the prevention of crimes against the elderly" unless the State Planning Agency determines that such a provision is unnecessary in that State.

I believe that one of the most significant by-products of the enactment of this amendment would be the tendency to encourage different departments and different agencies of our Federal, State, and local governments to exchange ideas

and, in doing so, insure that crime prevention services will be provided to our senior citizens in a more coordinated and comphehensive fashion. I would certainly expect that the Law Enforcement Assistance Administration would work closely with the Administration on Aging in the Department of Health, Education, and Welfare in implementing the provisions of this amendment. I would similary expect that both agencies would encourage their State and local counterparts to participate in an ongoing dialog designed to maximize the crime presention effort insofar as it relates to our Nation's vulnerable senior citizens.

I would like to commend the Judiciary Committee for incorporating language into section 301 which would allow and encourage part C grants—Grants for Law Enforcement purposes—to be used for "the development and operation of programs designed to reduce and prevent crime against elderly persons." Chairman McCLELLAN, Senator HRUSKA and the other members of the Judiciary Committee have shown great sensitivity to this pressing problem.

Mr. President, I have discussed this amendment with the chairman of the subcommittee and the ranking minority member. I understand, if I am not mistaken, that the amendment is acceptable to them.

Mr. McCLELLAN. Mr. President, I have had a discussion with the distinguished minority member on the committee with respect to this amendment. I have no objection to it and I think he has no objection to it.

Mr. HRUSKA. Mr. President, I concur with the chairman. We have studied this amendment carefully. The essence of it is that it is permissive, not mandatory, and it will enable States to take advantage of situations that they cannot do now. I have no objection. In fact, I shall vote for the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on an amendment to be offered by the Senator from North Carolina (Mr. MORGAN) dealing with grants to States for antitrust enforcement, there be a limitation of debate of 20 minutes, equally divided between Mr. MORGAN and Mr. McCLELLAN.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. No; I withdraw that request.

Mr. MUSKIE. Mr. President, the Senate has before it S. 2212, a bill to extend for 5¼ years the authority of the Law Enforcement Assistance Administration—LEAA—to strengthen and improve law enforcement and criminal justice activities by providing financial and technical assistance to State and local governments. The bill also provides increased funding for high-crime areas and seeks to improve the operations of the LEAA program.

S. 2212 extends the authorization for LEAA from July 1, 1976, through September 30, 1981, at a level of $250 million for the transition quarter, $1 billion for fiscal year 1977, and $1.1 billion for fiscal years 1978, 1979, 1980, and 1981. S. 2212 restructures the LEAA program to strengthen court planning and provides more emphasis on monitoring and evaluation of projects and programs.

Since Congress has already approved the LEAA appropriation for fiscal 1977 at a level of $753 million, an amount consistent with the first budget resolution, let me speak briefly on the relationship of this bill to the budget resolution and then turn to the need for the Federal Government to continue to assist State and local governments to control the alarming increase in crime.

The first budget resolution for fiscal 1977 sets budget authority at $3.4 billion and outlays at $3.5 billion for law enforcement and justice, one of the 17 functions of the budget. The regular 1977 appropriation bills that significantly affect this function have already been enacted. These include an appropriation of $753 million for LEAA programs, some $247 million less than the level authorized by S. 2212. Taking account of these appropriation actions, the budget resolution targets for the law enforcement and justice function have been fully subscribed.

There are many potential demands for supplemental appropriations in this function, including additional funds for LEAA up to the amounts authorized by S. 2212, benefits for public safety officers and victims of crime, antitrust enforcement, and the judiciary. Supplemental appropriations for these programs pose a threat to the first budget resolution guidelines for this function, and would either have to come from amounts allocated to the Appropriations Committee for other programs or additional amounts would have to be provided in the second budget resolution. The Appropriations Committee will thus be called upon to exercise continued vigilance with regard to the budget totals. At this point in time, however, I would like to commend the Appropriations Committee for an effective job in cutting the bills but leaving the muscle in law enforcement and justice programs—including LEAA programs.

Citizens across the country expect no less. They do not want wasteful Federal programs, but they do want programs that will control crime. In cities, towns, and villages, large and small, citizens are fed up with ever rising crime rates. The people want something done about a problem that stalks every American wherever he or she goes. According to the latest uniform crime report, a serious crime is committed every 3 seconds, a larceny-theft every 6 seconds. A forcible rape every 10 minutes, and a murder every 26 minutes.

With all of our knowledge, we still do not know precisely the causes or the means necessary to eradicate crime in a democratic society. Many attribute the rapid rise in crime to a changing and permissive society where standards and mores are much less strict than they were even a few years ago. Much of the violent crime plaguing our country today is committed by those between 10 and 20 years of age—an age group that had little effect on crime rates a generation ago. The State of our economy is undoubtedly also a major factor. Poverty and unemployment go hand-in-hand with high crime rates.

Congress has appropriated about $5.1 billion for LEAA during the last 8 fiscal years. It can be asked why crime continues to soar. We purposely did not create a Federal police force when we passed the Omnibus Crime Control and Safe Streets Act of 1968. That act declared in clear and unmistakeable terms that "crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively." Federal grants and contributions to State and local governments under the LEAA program total 5 percent of the amounts spent by State and local governments for crime control and justice. The other 95 percent of the amounts spent for law enforcement must come from appropriations made by State and local jurisdictions.

Even so, there is an abundance of evidence from State and local officials that the LEAA program has had a positive impact on reducing crime from levels that might have been much greater had the program not been in operation.

In my State, LEAA moneys have been used to begin projects and programs that have significantly improved the overall quality of Maine's criminal justice system.

It was LEAA money that funded the Maine Criminal Law Revision Commission which completely revised and improved the Maine criminal code. With the help of LEAA funds, Maine has one of the Nation's statewide fully integrated radio communication networks that ties together State, county, and local law enforcement agencies.

The University of Maine for the first time now offers college-level degree programs in criminal justice at its Bangor, Augusta, and Portland campuses; and all police officers must graduate from the new police academy.

These and other programs would not have been possible without LEAA money. Much of this success is due to the fact that Congress gave the States a flexibility in expending block grants according to their particular needs and priorities.

So I want to commend the chairman of the Judiciary Committee, the manager of this bill, and the members of the committee, for their efforts in continuing and strengthening LEAA. I commend the Appropriations Committee for their efforts to hold the budgetary lines for law enforcement and justice programs generally.

I support this bill.

Mr. PELL. Mr. President, I join today with the Senate Judiciary Committee in supporting S. 2212, the Crime Control Act of 1976. I believe the committee has done a commendable job in reporting a

bill which meets in great part the many documented deficiencies in the Law Enforcement Assistance Administration.

I know this task has not been an easy one. There came from many quarters—within the Senate as well as from responsible commentators elsewhere—calls that the Administration should be disbanded. The leading newspaper in my own State editorialized for discontinuance of LEAA funding. There has indeed been a history of waste, questionable projects and misguided priorities in that agency. I believe that it is now time for Congress to right the original mistakes, give the Administration a new set of priorities and goals and see what steps can be taken to reorder our sadly deficient system of criminal justice.

In every poll of national concerns crime is listed as one of the issues most on the minds of America's citizens. Despite the drawbacks of LEAA it seems imprudent to close down the very agency charged with the responsibility of looking at crime in a comprehensive manner and seeking solutions to these complex problems.

I am pleased that the bill places emphasis in two particular areas: crime against the elderly and funding for the judiciary.

In many parts of the country crime against the elderly is a terrible crisis. Our senior citizens are afraid to move about the city, at night or in the daytime, and are often victims of gangs or individuals who roam about looking for easy prey. A recent LEAA study indicated that citizens over 50 years old were two to three times as likely to be victims of property crimes as young persons. I believe that insufficient attention has been devoted to this problem which is of great concern to our Nation's 30 million elderly citizens. I therefore joined with my colleague from Maryland, Senator BEALL in supporting S. 1875, to require that State plans include a comprehensive program to combat crime against the elderly in order for States to receive LEAA funding.

Although the committee did not accept S. 1875 in full, I am pleased to note that they did include language to authorize LEAA funding of State programs containing comprehensive plans to meet the problem of crime against the elderly. However, the bill should go further. I hope the Senate will strengthen this legislation by requiring each State, unless waived by LEAA, to submit a comprehensive plan detailing ways to reduce crime against the elderly. In this way greater attention would be given to the plight of millions of elderly Americans while at the same time sections of the country where this problem is not so prevalent would be free from unneeded bureaucratic entanglements.

I was also pleased to join with the distinguished Senator from Massachusetts (Mr. KENNEDY) in cosponsoring S. 3043, a bill which provided much of the impetus for language in S. 2212 giving new emphasis and increased funding for the courts. The evidence that our courts need added attention is awesome. It has been presented to congressional committees and is most compelling. The criminal justice system must be adequately funded if the battle against crime is to make any headway at all. Court congestion and calendar backlogs must be relieved if swift, yet deliberative justice is to be provided for those who come before the judiciary. I believe that this bill establishes the right priorities in emphasizing the long ignored part of the law enforcement system, the courts.

CRIME CONTROL ACT OF 1976

The Senate continued with the consideration of the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

AMENDMENT NO. 2048

Mr. MANSFIELD. Mr. President, I call up amendment No. 2048 on behalf of the Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH) proposes amendment No. 2048 to S. 2212:

On page 33, strike lines 11 through 16, inserting in lieu thereof the following:

"(b) striking subsection (b) and inserting in lieu thereof the following:

"'(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.15 per centum of the total appropriation for the Administration.'".

On page 34, strike lines 16 through 23, inserting in lieu thereof the following:

"SEC. 28. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following:

"'(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.15 per centum of the total appropriation for the Administration.'".

Mr. MANSFIELD. Mr. President, this is an amendment on which there is a 2-hour limitation. It is anticipated that we will be able to turn to this amendment, barring unforeseen circumstances, about 15 minutes after we convene tomorrow morning, at approximately 9:15.

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PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

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Senate

Crime Control: Senate continued consideration of S. 2212, authorizing funds through fiscal year 1981 for programs of the Law Enforcement Assistance Administration, agreeing to the following proposed amendments:

(1) By 61 yeas to 27 nays, Bayh amendment No. 2048, to require that 19.15 percent of the total appropriation of the Law Enforcement Assistance Administration be allocated for improvement of the juvenile justice system; Page S12330

(2) Stevens unprinted amendment No. 237, to allow at least one city in each of 21 States to apply directly for certain special emphasis discretionary grants notwithstanding regulations restricting such applications to cities of 250,000 population or above; Page S12352

(3) Durkin unprinted amendments Nos. 238, en bloc, making certain technical changes in Nunn unprinted amendments Nos. 228, en bloc (agreed to on July 22), giving the States certain discretionary authority in establishing judicial planning agencies; and Page S12353

(4) Biden unprinted amendment No. 239, calling for State and local governments seeking funds under Part E to incorporate in their State plan minimum physical and service standards for their prisons. Page S12353

Pending when this bill was laid aside until Monday, July 26, was modified Morgan amendment No. 2060, authorizing $10 million annually for three years to assist the States to establish antitrust enforcement facilities.

Page S12356
Pages S12330–S12361

CRIME CONTROL ACT OF 1976

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2212, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 2212) to amend the Omnibus Crime oCntrol and Safe Streets Acto f 1968, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Time for debate on this bill is limited to 2 nours to be equally divided and controlled by the Senator from Arkansas (Mr. McCLELLAN) and the Senator from Nebraska (Mr. HRUSKA), with 30 minutes on any amendment, except an amendment to be offered by the Senator from Indiana (Mr. BAYH), on which there shall be 2 hours, and with 20 minutes on any debtable motion, appeal, or point of order.

Mr. MANSFIELD. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is S. 2212, and the pending question is on the amendment of the Senator from Indiana (Mr. BAYH), numbered 2048, on which there shall be 2 hours debate.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time taken out of neither side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CRIME CONTROL ACT OF 1976

The Senate continued with the consideration of the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAYH. Mr. President, a parliamentary inquiry.

Will the Chair advise the Senate what the pending order of business is, please?

The ACTING PRESIDENT pro tempore. The pending order of business is the amendment by the Senator from Indiana that is the pending question, No. 2048. On this there are 2 hours of debate. The time is to be equally divided and controlled by the Senator from Arkansas (Mr. McCLELLAN) and the Senator from Indiana (Mr. BAYH).

Mr. BAYH. Mr. President, I ask unanimous consent that Howard Paster of my staff, and John Rector, Mary Jolly, and Kevin Faley of the staff of the Subcom-

mittee To Investigate Juvenile Delinquency, be granted the privilege of the floor during debate and votes on S. 2212.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BAYH URGES SENATE TO MAINTAIN 19.15 PERCENT OF TOTAL CRIME CONTROL ACT FUNDS FOR JUVENILE CRIME PROGRAMS

Mr. BAYH. Mr. President, I have the good fortune of serving on the Judiciary Committee with the floor manager of S. 2212, the distinguished senior Senator from Arkansas (Mr. MCCLELLAN). I know how hard he and other committee members, including Senators HRUSKA and KENNEDY, have labored to provide stronger and more effective crime control legislation.

The amendment I propose at this time is not designed to find fault with their efforts. Rather, it is designed to carry out my responsibility as chairman of the Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency and as author of the 1974 Juvenile Justice and Delinquency Prevention Act (P.L. 93-415) which my colleagues in this body approved almost without objection in 1974 by a vote of 88 to 1. Today, I urge you to help assure that the long-ignored area of juvenile crime prevention remain the priority of the Federal anti-crime program.

The Juvenile Justice and Delinquency Prevention Act was the product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate and House—329 to 20—to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age or younger.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups, will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Office of Juvenile Justice and Delinquency Prevention—LEAA—must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that only those youth who should be are incarcerated and that the thousands of youth who have committed no criminal act—status offenders, such as runaway and truants—are never incarcerated, but dealt with in a healthy and more appropriate manner.

An essential aspect of the 1974 act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's primary aim, to focus the new office efforts on prevention, would not be the victim of a "shell game" whereby LEAA merely shifted traditional juvenile programs to the new office. Thus, it guaranteed that juvenile crime prevention was the priority.

Fiscal year 1972 was selected only because it was the most recent year for which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the agency during that year ostensibly to programs for the improvement of the traditional juvenile justice system. It was this provision, when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

The subcommittee has worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent; and in fiscal year 1972, 20 percent of its block funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill (H.R. 8152) which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention.

Regrettably, some who had not objected to its Senate passage opposed it in the House-Senate conference where it was deleted.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Unfortunately, in its zealousness to defeat both the 1973 Bayh-Cook-Mathias amendment for the improvement of the juvenile justice system and the bill which eventually became the 1974 act, the administration and its representatives grossly misrepresented their efforts in this area.

In hearings before my subcommittee last year, OMB Deputy Director Paul O'Neill, and other representatives of the administration finally admitted that the actual expenditure for fiscal year 1972 was $111,851,054 or $28 million less than we had contemplated would be required to be spent each year under the maintenance of effort provision of the 1974 act.

The legislative history of the Juvenile Justice Act is replete with reference to the significance of this provision. The Judiciary Committee report, the explanations of the bill, both when introduced and debated by myself and Senator HRUSKA, as well as our joint explanations to this body of the action taken by the Senate-House conference on the measure each cite the $140 million figure and stress the requirement of this expenditure as integral to the impact contemplated by Congress through the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

Once law, the Ford administration, as if on cue from its predecessor, steadfastly opposed appropriations for the act and hampered the implementation of its provisions. When the President signed the act he ironically cited the availability of the "$140 million" as the basis for not seeking appropriations for the new prevention program.

Despite continued stifled Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction from fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral and recently the Congress provided $75 million for the new prevention program.

Mr. President, while we have obtained, over strong administration opposition, about 50 percent of the funding Congress authorized for the new prevention program under the 1974 act, the administration has renewed its efforts to prevent its full implementation. In fact, the Ford Crime Control Act of 1976, S. 2212, would repeal the maintenance of effort provision of the 1974 act.

It is interesting to note that the primary reason stated for the administration's opposition to funding of the 1974 act prevention program was the availability of the very "maintenance of effort" provision which the administration seeks to repeal in S. 2212.

Mr. President, the same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Ford administration was unable to persuade the Judiciary Committee to

fully repeal this key section of the 1974 act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what the President seeks, and what his supporters will diligently pursue, is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the percentage formula version was reported from the Judiciary Committee. This new proposal again incorporates sections repealing the key maintenance of effort provision. My subcommittee heard testimony on this measure on May 20 and it was clear to me that rather than an extension bill, it is an extinction bill.

It is this type of double-talk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

Mr. President, I am not able to support the reported version of President Ford's Crime Control Act of 1976, S. 2212, because it—sections 26(b) and 28—repeals a significant provision of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415). The formula substituted for present law—by a vote of 7 to 5, voting "nay": Senators BAYH, HART, KENNEDY, ABOUREZK, and MATHIAS and voting "yea"; Senators MCCLELLAN, BURDICK, EASTLAND, HRUSKA, FONG, THURMOND, and SCOTT of Virginia—represents a clear erosion of a congressional priority for juvenile crime prevention and at best proposes that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

Under the approach recommended by the committee, rather than the level mandated by the 1974 act; namely expenditures for the improvement of juvenile justice systems for fiscal year 1972 represented to be $140 million, but in fact, about $112 million, 19.15 percent of the total allocation of LEAA parts C and E funds would be maintained annually. This percentage represents the relationship of actual fiscal year 1972 expenditures for juvenile justice improvement—$112 million—to total C and E allocation of $584 million for that year. Its application in fiscal year 1977 would require that less than $82 million of Crime Control Act moneys be maintained for juvenile justice system improvement. Thus, $30 million less would be allocated than in fiscal year 1975 or 1976. It is likewise important to recall that because of the misrepresentation regarding actual expenditures in fiscal year 1972, $28 million less than Congress had intended was allocated to juvenile crime in fiscal years 1975 and 1976. The cumulative impact of the administration's sleight of hand regarding the $140 million figure and the application of the percentage formula solely to LEAA parts C and E would reduce the act's congressional commitment by $114 million: $28 million in fiscal year 1975, $28 million in fiscal year 1976, and $58 million in fiscal year 1977. This is totally unacceptable.

On May 28, 1976, I introduced amendment No. 1731, which would strike the provisions of S. 2212 which substitute the narrow percentage formula approach for the extremely significant maintenance of effort requirement. The approach of amendment No. 1731, which favors current statutory language is identical to that taken by Chairman RODINO's House Judiciary Committee in S. 2212's companion bill, H.R. 13636. In addition to the pure merit of supporting the status quo, which retains juvenile crime prevention as the LEAA priority, it was my view that those interested in fundamentally altering the provisions of the 1974 act, as the reported bill clearly intends, reserve their proposals until next spring and work with the subcommittee in drafting legislation to extend the 1974 act. Our hearings to accomplish this extension began May 20, 1976. It was with this perspective that I introduced amendment No. 1731 to excise these unpalatable sections.

Since that time I have reviewed this matter and concluded that the flexibility provided by the percentage formula approach may be more equitable in that the maintenance level would increase or decrease in proportion to the actual allocation of funds each fiscal year, but that the allocation for juvenile justice improvement should be a percentage of the total Crime Control Act appropriation, not solely of LEAA part C and E funds. The commitment to improving the juvenile justice system should be reflected in each category or area of LEAA activity: technical assistance-research, evaluation and technology transfer; educational assistance and special training; data systems and statistical assistance; management and operations; and planning as well as the matching and discretionary grants to improve and strengthen the criminal justice system.

Today, therefore, I ask my colleagues' support for my new amendment. The amendment does not authorize any additional appropriations; it simply helps insure, consistent with the policy thrust of the 1974 act, that LEAA will allocate crime control funds in proportion to the seriousness of the juvenile crime problem. The amendment will require that 19.15 percent of Crime Control Act funds, in deference to the level recommended in the committee report, be allocated for the improvement of the juvenile justice system.

It should be recalled that in 1973 this body supported, without objection, the Bayh-Cook amendment to the LEAA extension bill which would have required that 30 percent of LEAA part C and E funds be allocated for improvement of the juvenile justice system. My amendment, today, is clearly consistent with that effort. Had the 30-percent requirement become law it would have required that nearly $130 million of Crime Control Act part C and E dollars—$432,055,000—be maintained during fiscal year 1977.

Coincidentally, the application of the 19.15-percent formula to Crime Control Act moneys for fiscal year 1977—$678,000,000—would require that an almost identical amount, $129,837,000, be maintained for the improvement of the juvenile justice system.

If we are to tamper with the 1974 act in a manner that will have significant impact, let us be assured that we act consistent with our dedication to the conviction that juvenile crime prevention be the priority of the Federal crime program. The GAO has identified this as the most cost-effective crime prevention program we have; it is supported by a myriad of groups interested in the safety of our citizens and our youth who are our future; and I am proud to say that this bipartisan approach is strongly endorsed in my party's national platform. My amendment will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system; and when coupled with the appropriations obtained for the new office—$75 million for fiscal year 1977—we can truly say that we have begun to address the cornerstone of crime in this country—juvenile delinquency.

More money alone, however, will not get the job done. There is no magic solution to the serious problems of crime and delinquency.

Yet, as we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of American than setting them adrift in schools racked by violence, communities staggering under soaring crime rates, and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble, whether we are vindictive or considerate, will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, as reported, is clearly not compatible with these objectives.

I urge my colleagues to support my amendment and help retain juvenile crime prevention as the national anti-crime program priority.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the LEAA appropriations history from 1969 to 1977.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEAA APPROPRIATIONS HISTORY, FISCAL YEARS 1969-76

[In thousands of dollars]

	1969 actual	1970 actual	1971 actual	1972 actual	1973 actual	1974 actual	1975 actual	1976 actual	1977 actual
Pt. B—Planning grants	19,000	21,000	26,000	35,000	50,000	50,000	55,000	60,000	60,000
Pt. C—Block grants	24,650	182,750	340,000	413,695	480,250	480,250	480,000	405,412	306,039
Pt. C—Discretionary grants	4,350	32,000	70,000	73,005	88,750	88,750	84,000	71,544	54,007
Total, Pt. C	29,000	214,750	410,000	486,700	569,000	569,000	564,000	476,956	360,046
Pt. E—Block grants			25,000	48,750	56,500	56,500	56,500	47,739	36,005
Pt. E—Discretionary grants			22,500	48,750	56,500	56,500	56,500	47,739	36,004
Total, Pt. E			47,500	97,500	113,000	113,000	113,000	95,478	72,009
Technical assistance		1,200	4,000	6,000	10,000	12,000	14,000	13,000	13,000
Community anticrime									15,000
Research, evaluation, and technology transfer	3,000	7,500	7,500	21,000	31,598	40,098	42,500	32,423	40,000
LEEP	6,500	18,000	21,250	29,000	40,000	40,000	40,000	40,000	27,029
Educational development			250	1,000	2,000	2,000	1,500	500	40,000
Internships			500		500	500	500	250	500
Sec. 402 training			500	1,000	2,250	2,250	2,250	2,250	300
Sec. 407 training					250	250	250	250	3,250
Total education and training	6,500	18,000	22,500	31,000	45,000	45,000	44,500	43,250	250
Data systems and statistical assistance		1,000	4,000	9,700	21,200	24,000	26,000	25,971	44,300
Juvenile Justice and Delinquency Prevention Act (title II)							[2] 15,000	39,300	21,152
Management and operations	2,500	4,487	7,454	11,823	15,568	17,428	21,000	24,299	75,000
Departmental pay costs					14,200				25,464
Total, obligational authority	60,000	267,937	528,954	698,723	841,723	870,526	[3] 895,000	810,677	753,000
Transferred to other agencies	3,000	182	46	196	14,431	149			
Total appropriated	63,000	268,119	529,000	698,919	855,597	870,675	895,000	810,677	753,000

[1] High crime area.
[2] An additional $10,000,000 previously appropriated for LEAA was reappropriated, to remain available until Dec. 31, 1975, to carry out title II of the Juvenile Justice and Delinquency Prevention Act.
[3] Does not reflect the $7,829,000,000 transferred to other Justice Department Agencies

Mr. BAYH. Mr. President, the purpose of my imposing on the Senate at this rather early hour is directly related to efforts that the Senate Subcommittee on Juvenile Delinquency has been making over the last 6 years. As some of my colleagues will recall, in late 1970, when I had the good fortune of assuming that subcommittee chairmanship, we held extensive hearings and brought information to light which was informative and alarming. As one who had spent a good portion of his adult as well as young life involved in various kinds of youth activities, I thought I was relatively familiar with the situation. It was of grave concern to me to learn that, while most of our young people are those we associate with various youth groups and health activities—the kind that we now see swimming and running and performing miraculous feats as we watch the Olympics, unfortunately, there are a relatively small, although active, portion of our young people who truly threaten our welfare.

As we express our concern about the dramatic and continuing increase in the level of crime, we must be even more concerned about the findings of our subcommittee investigation: that of all the serious crimes, quarterly and annually reported by the FBI, more than 50 percent of all the serious crimes are committed by young people under the age of 20. When we envision criminal activity, many think of hardened adult criminals. The statistics show, however, that this is not the true stereotype. I am not talking about youngsters who take a car for a joyride or steal hubcaps, though I am not unconcerned about such acts; I am talking about the wide range of serious crimes, rapes, robberies, homocides, burglaries, half of which are committed by young people under the age of 20.

We undertook to develop a Federal response commensurate with these facts. The product of our labors was the Juvenile Justice Act, which was signed into law by President Ford on September 7, 1974. It was the product of reconciliation and compromise that is necessary to obtain passage of any significant piece of legislation. The distinguished Senator from Nebraska (Mr. HRUSKA), who is the ranking minority member of the Committee on the Judiciary, played an important role in reaching the compromise which is now law. The Senator from Nebraska and I did not agree on all the features of the bills that I had introduced (S. 3148 and S. 821), but I must say that I thought the way that he and I and our collective staffs worked together was as fine an example as I have seen of what can happen when men and women of good faith are determined to use the legislative processes to try to reconcile differences of opinion, and yet move toward making juvenile crime prevention a national priority of importance to all of our citizens.

The distinguished Senator from Arkansas, as the ranking member of the Committee on the Judiciary as well as chairman of the Criminal Laws and Procedure Subcommittee, also played an important role in this effort which resulted in the enactment of this landmark legislation.

What we are saying is that juvenile crime is a critical national problem. Everybody is against it, nobody is for it, but we have not been able effectively to bring adequate forces of Government and human concern to bear on this problem. Juvenile crime continues to escalate. No one has a magic formula for solving the problem of juvenile crime and delinquency. No one can pass a bill or make a speech and make crime disappear. But it was rather obvious that what we had been doing had failed and, hopefully, the new focus mandated in 1974 will be helpful in alleviating some of the problems. I think it is essential that we recognize past mistakes and avoid them.

One basic mistake in this area was the total lack of proper coordination and management. We found, rather surprisingly, that there were several dozen separate and independent Federal agencies and bureaus supposedly dealing with the problems of young people in trouble and juvenile crime. If a sheriff or chief of police or mayor or youth services director sought help from a Congressman's or Senator's office as to where they could go for assistance to fight juvenile crime in their communities, they needed a road map of the Washington bureaucracy.

One of the major steps we took in the Juvenile Justice Act was to establish one place in the Federal Government to meet these needs. We established a separate assistant administrator position in LEAA and, for the first time, placed authority in this one office for mobilizing the forces of Government to develop a new juvenile crime prevention program and to coordinate all other Federal juvenile crime efforts. That responsibility now rests in one clearly identified office, headed by a Presidential appointment, with advice and consent of this body.

In the management area, we made progress by eliminating wasteful duplication and directing that all resources be harnessed to deal more effectively with juvenile crime. We have provided that no Federal programs undermine or compete with the efforts of private agencies helping youths in trouble and their families.

We also required that private agencies including churches, YMCA, YWCA, and many others are involved in the program so that with their collective services and expertise they become an equal partner with government and family in the fight against juvenile crime.

Thus, for the first time this act made available Federal prevention funds to help private groups in local communities. To expand and assist if necessary but not to compete with community efforts.

Case in point: if the First Christian

CONTINUED

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Church or the YWCA has established a runaway house it makes little sense for the Indianapolis city government or the State of Indiana or the Federal Government to establish a competing runaway service.

Now we are able to provide additional moneys to those private agencies so that they are able to provide several extra beds, or a new counselor, and continue with their work fashioned for that community, but which had been limited because of insufficient resources.

Another objective, which we have begun to accomplish, was reorder the LEAA spending priorities.

Many things have been said and written both by the investigative press and by some of our colleagues here on this floor relative to criticism directed at LEAA. I think some of that criticism is well founded and, perhaps, some of it is not. In the Judiciary Committee I found myself in rather a lonely position as the only member to vote against extending LEAA. I hope we can retain those reordered LEAA priorities here today so I can vote to extend LEAA. I think a number of those dollars have been well spent, and we have a lot of concerned, dedicated people out there—but, as I told my colleagues on the Judiciary Committee, more than $5 billion has been expended by LEAA.

During that period of time crime has gone up almost 50 percent. If we, as members of that committee, were on the board of directors of a corporation and spent $5 billion of the corporation's money, the stockholders would throw us out on our ears if we did not get better results.

That does not mean we are trying to be unreasonably stern with the people who are administering this money or certain people who are spending it, but I think they have been laboring under operational restraints that almost defy success. The biggest problem we have had is that we have not reordered our priorities so that we use this money to deal with the problems of young people before they become the problems of adults.

We take kids who run away or will not go to school, neither of which I am recommending for young people—but compared to robbing, murdering, and raping, and some of the things that go on in our streets I am sure we recognize that not going to school and running away is a relatively minor act—but we take kids involved in these kinds of activities and we put them in the county jail with adults who have performed every trick in the trade.

We take young first offenders and we incarcerate them with hardened criminals. I am not trying to apologize for young toughs, the fact of the matter is, I hate to say it, but it is true, that we have some young people as well as some adults whom we just have to get off the streets in order to protect society from them.

But it seems to me we need to be sophisticated enough to get those people who are preying on society off the streets, incarcerate them where they cannot do harm to themselves or to others, but not commingle them with young people whom we still have a chance to save. All too often however that is not how we operate our juvenile justice system. We put those first offenders in a prison environment with professionals, two- or three-time losers, and although we talk piously about rehabilitation and training, in most of our institutions today instead of being able to train young people for a wholesome, decent life, what we train them for is how to go out on the streets and prey on society.

Four out of five of those people that we put in a place to try to rehabilitate them are learning the kinds of things that guarantee they are going to be back in there again. In terms of our youth we have between a 75 and 85 percent recidivism rate, which means not that our police cannot catch them, not that our judges and our juries do not try to convict them, not that we do not have a place to put them, but that when we catch them, when we convict them, when we incarcerate them, we treat them in such a way that we guarantee they are going to be back in prison again.

Mr. President, one of the important provisions of the Juvenile Justice Act was to try to get more of our law enforcement resources into the system at a time and a manner so that we could actually keep young people from continuing to make the mistakes that escalate up the scale of seriousness and lead to a lifetime of lawlessness and all the problems that that means to them and to us generally.

If we are really going to do this job we have to insist that a larger share of law enforcement dollars go into the system at a time and in a manner that can actually do some good, do some preventing, and do some rehabilitating. That means we have to devote more money to improving our juvenile justice system.

I have great compassion for any human being who is incarcerated, whether that person has committed one, two, or three crimes. It is a tragedy. But we have to recognize society's right to be protected, and thus we have to keep these people in a place that makes society safe.

But I must say since we are operating in a world where we have only limited amounts of dollars which we have become increasingly aware of as we go through the new budget process—then, it seems to me, we have a responsibility to see that we spend those limited amounts of dollars in the areas where we get the greatest return on the investment not in just a traditional business sense but in terms of effectively dealing with human problems.

Mr. President, for someone who has been in a penal institution two or three times, the chances of rehabilitating that person are relatively remote, particularly compared to the chance of dealing with a child, preteens, or midteens or even a first offender teenager.

So, what we tried to do in the Juvenile Justice Act was to insist that we place more money, more resources, into the system to deal with the problems of young people. We asked the officials at LEAA and OMB how much they were spending on juvenile delinquency programs. Well, we were told various figures. When we finally nailed them down they said, "Senator BAYH, it is $140 million. One hundred and forty million dollars was the supposedly accurate figure which was the fiscal 1972 figure." That was the figure the administration told us was being spent in fiscal 1972 for juvenile delinquency programs. So in the Juvenile Justice Act we required LEAA to maintain at least that level of assistance. Although the Senate passed, let me say, a measure which would have insisted that we put the level at 30 percent of the budgetary figure as a floor for juvenile delinquency programs. That passed the Senate. We could not get the House to agree to it, but that was the figure, 30 percent, which would have meant more assistance than the figure we are talking about today in my amendment.

I want to put this on the scales with the earlier figures we spoke about so that we can compare here the 30 percent that we are talking about with the 50 percent of the serious crimes committed by young people. But after the Juvenile Justice Act had passed, LEAA changed the numbers. They said, "Really, we did not spend $140 million in 1972." My colleague from Nebraska believed LEAA's original figure. If we look at the record, he was using the figure of $140 million because that is what LEAA told us; that they, out of that LEAA pie, were sending $140 million back to local communities, to deal with problems of young people and juvenile crime.

But when we really got down to wearing the shoe, instead of the $140 million it was actually $112 million. Well, $112 million is still not an insignificant amount of money. But it was $28 million less than the Senate thought they voted for in 1974. The law requires that $112 million of Crime Control Act dollars be spent to fight juvenile crime.

Frankly, I do not think that is nearly enough. It was the best we could do under the circumstances in 1974, and it is better than we would have been able to do if we had not established that floor, but it was not nearly enough. At least 19.15 percent of the moneys should go to a problem that is responsible for half the Nation's crime.

Mr. President, we are talking about less than 20 percent of LEAA money earmarked to deal with the problem of young people who are committing 50 percent of the crimes. It is not enough.

But lo and behold, when the administration sends the LEAA extension bill here, instead of extending it they tried to gut the Juvenile Justice Act and, in essence, kill everything we had accomplished.

They are trying to repeal the maintenance of effort section so that there would be no specific amount spent to help fight juvenile crime.

Because of the conversation and concern of some of our colleagues on the Judiciary Committee, and at least partially because some knew others rejected this there was going to be a heck of an outrageous proposal, they did leave some limitations in the bill, but at much too low a level, in my judgment.

Instead of the specified dollar amount, which in current law is $112 million, they said, "Well, the LEAA budget is going

down, so to be fair to everybody and not allegedly penalize some of the program areas, we are going to eliminate the 74 percentage and require only 19.15 percent of C and E or $82 million.

$82 million instead of $112 million—a reduction of $30 million.

Mr. President, I do not want to penalize anybody. I think many of these programs have some beneficial effect. But we have to recognize two important things: One, in terms of crime, young people are the most critical problem and if we are concerned about the continuing escalation of crime we better start dealing the the problem at a time when we can rehabilitate them, and make them productive citizens of society rather than adult criminals.

Two, from the practical standpoint if we invest resources in this area, we are going to be able to have a higher degree of success.

My amendment simply recognizes where the problem is and where the chances of success lie.

This amendment does not scrap any programs. No. We are not going to be unreasonable in the amounts of money we dedicate to juvenile crime. But very simply—we are going to require in the future that 19.15—less than 20 percent of the LEAA budget is allocated to this priority.

It ought to be for more. We have improved the situation somewhat because of Milton Lugar's guidance of the Office of Juvenile Justice and Delinquency Prevention. He is a good man, the program is just getting started but it provides us with a good measure of long-ignored prevention.

This last fiscal year we had $40 million going into that program and because of the efforts of people like the distinguished Senator from Rhode Island (Mr. PASTORE), Senator MCCLELLAN, Senator HRUSKA, and some others on that Appropriations Committee who have fought diligently, we have been able to up that figure to $75 million in the area of prevention for fiscal 1977 or 50 percent of the authorized level.

What I am asking the Senate to recognize is that it is one thing to say we have $75 million in a prevention program. It is another to require that across the board we meet a certain standard as far as the investment of our LEAA moneys is concerned. This is what the 1974 act required, both thrusts.

I am not asking the Senate and the Congress of the United States to require that half of the money of LEAA be spent for young people, although they are committing half of the crimes. I suggest that we would require in this amendment that we at least have the 19.15 percentage of LEAA moneys spent across the board for juvenile crime and delinquency.

Mr. President, if I were not such a realist, I would be ashamed to ask for only 20 percent when we have 50 percent of the crimes committed by young people. Realistically, I think that is the best we can do. When we take that 19.15 percent and increase that by the $75 million that we are getting into the area of prevention, then I think we can be proud of what we are doing.

But to suggest we will extend LEAA and, at the same time, vitiate what in my judgment is the most important long-range program of law enforcement that has passed this Congress, is totally irresponsible in my judgment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCLELLAN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. MCCLELLAN. Mr. President, at the outset I want to make it clear that this Senator in no way opposes juvenile delinquency programs or opposes appropriations therefor. Congress has singled out juvenile delinquency and passed the Juvenile Justice and Delinquency Prevention Act of 1974. That act is now law. We are appropriating money under that act—$75 million this year—for extraordinary attention and effort in the juvenile delinquency field.

Therefore, Mr. President, rather than do what the distinguished Senator is suggesting here—take more money from the overall criminal law enforcement program—a proper procedure and one that would not do damage to these other law enforcement programs would be to add it to the $75 million under that act. Increase the appropriations under that act, which is a special act, to deal with the extraordinary juvenile delinquency situation, instead of taking the money out of many other programs. If this amendment is adopted, Mr. President, other programs are going to suffer.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a memorandum explaining this amendment which I prepared this morning and which I hope to distribute to the Members of the Senate before they vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 23, 1976.

DEAR COLLEAGUE: Attached you will find a very brief summary of the provisions of S. 2212, as reported by the Judiciary Committee, dealing with the funding of juvenile delinquency programs under the Safe Streets Act and the effect that the amendments proposed by Senator Bayh would have on those provisions.

I hope that you will take the time to read this summary and, after doing so, will be able to support the Committee's action.

With kind regards, I am,

Sincerely,

JOHN L. MCCLELLAN.

JUVENILE DELINQUENCY PROVISIONS OF S. 2212

1. Under present law, which the Committee proposes to change, a minimum of $111,851,054 must be expended for juvenile delinquency programs each year. [This figure represents the amount that was expended for juvenile delinquency programs in Fiscal 1972 and amounts to 19.15% of the total allocation for Parts C and E of the LEAA Act ($584,200,000) in 1972.]

2. Under the Committee proposal, LEAA must expend a minimum of 19.15% of the total appropriation for Parts C and E of the LEAA Act for juvenile delinquency programs each year. Based upon the Fiscal 1977 appropriation for Parts C and E ($432,055,000—a decrease of $152,145,000 since 1972), this amounts to $82,738,533. However, there has also been appropriated under the Juvenile Justice and Delinquency Prevention Act $75,000,000 for juvenile delinquency programs (these funds are also administered by LEAA). Thus, the minimum expenditures for juvenile delinquency programs for Fiscal 1977 under the Committee version would be $157,738,000.

19.15% of Parts C and E of LEAA Act	$82,738,533
Juvenile Delinquency Act	+75,000,000
Total	157,738,533

3. Under Senator Bayh's Amendment No. 1731, present law would be retained. This would require that LEAA spend a minimum of $111,851,054 for juvenile delinquency in Fiscal 1977 out of a total appropriation of $678,000,000. However, on top of this would be added $75,000,000 appropriated for juvenile delinquency purposes under the Juvenile Justice and Delinquency Prevention Act. Thus, the minimum expenditure for juvenile delinquency under Senator Bayh's Amendment No. 1731 in Fiscal 1977 would amount to $186,851,054. This would be $29,000,000 over and above what the bill reported by the Committee now provides.

Under the LEAA Act	$111,851,054
Juvenile Delinquency Act	75,000,000
Total	186,851,054

4. Senator Bayh's latest amendment (No. 2048) would require that 19.15 percent of the total LEAA appropriation each year (including administrative costs) be expended for juvenile delinquency programs. Out of a total LEAA appropriation for Fiscal 1977 of $678,000,000, this amendment would require that LEAA spend at least $129,837,000 for juvenile delinquency purposes this next (FY 1977) year. On top of this is added $75,000,000 already appropriated for these purposes under the Juvenile Justice and Delinquency Prevention Act. Under this amendment, then, the total minimum expenditure for juvenile delinquency programs in Fiscal 1977 would amount to $204,837,000.

19.15 percent of total LEAA appropriations	$129,837,000
Juvenile Delinquency Act	75,000,000
Total	$204,837,000

* * * * *

The objection to both of Senator Bayh's amendments is fundamental. In the past two years, as a reflection of the country's economic situation, LEAA's appropriation has suffered major reductions—from $880,000,000 in Fiscal 1975 down to $678,000,000 in Fiscal 1977, a drop of $202,000,000. In the face of these reductions, cutbacks must be made in all the programs funded by LEAA.

Senator Bayh's amendments would simply prevent juvenile delinquency programs from bearing an appropriate share in these cutbacks and require instead that these cutbacks be borne by the other programs funded by LEAA. Many of these programs are extremely worthwhile and equally as valuable as many of the juvenile delinquency programs.

Examples of the types of LEAA programs that could suffer as a result of the Bayh Amendments are:

1. Programs for the prevention of crimes against the elderly.

2. Indian justice programs.

3. Programs to prevent drug and alcohol abuse.

4. Programs to increase minority representation in criminal justice programs (such as minority recruiting in police, court, and correctional agencies).

5. Programs to train and educate police officers.

6. The establishment of Community Anti-Crime programs.

7. Career Criminal Programs.
8. Programs to divert offenders from the criminal justice system.
9. Court planning programs.
10. Programs to reduce court backlog.
11. Adult Correction and Rehabilitation programs.
12. Work release programs.
13. Prison industries programs.
14. Community-based corrections programs.
15. Training of judges and court administrators.
16. Upgrading of probation and parole programs.
17. Research into the causes of crime.

No one denies that juvenile delinquency programs are appropriate for LEAA funding—and at a substantial level. Indeed, under the Committee amendment, a minimum of $157,738,533 would be spent for juvenile delinquency programs in Fiscal 1977 alone. The point recognized by the Committee, however, is that there are many other programs besides juvenile delinquency programs that are worthwhile and valuable, that are now being funded, and that should continue to be funded by LEAA. The Committee simply feels that these programs should not be discriminated against and that cutbacks in LEAA appropriations should be borne proportionately by all segments of the criminal justice system and not just some. This is certainly true with respect to juvenile delinquency, which is already favored with a large percentage of these funds plus the special appropriation of $75,000,000 which has already been made.

Mr. McCLELLAN. It is unfortunate that we have to legislate and discuss important legislative issues in an empty Chamber.

I do not say that to criticize any Member of the Senate. I am often absent, too. Our workload is such that it is impossible for us to be in the Senate Chamber and listen to debate all the time. But, Mr. President, I am certain that if the Members of this Senate understood this amendment, if they knew the burden it would impose on other valid, needed, criminal law enforcement programs, the Senate would turn this amendment down.

The Senator's amendment, if agreed to, will provide, in addition to the $75 million we have already appropriated for juvenile delinquency under the Juvenile Delinquency Act, $129,837,000 more to come out of all of the LEAA programs. It earmarks that much out of the LEAA appropriation for juvenile delinquency programs. This constitutes 19.15 percent of the total LEAA appropriation, including the administrative cost of this program.

Mr. President, nobody is against this program. My distinguished friend from Indiana spoke a few minutes ago about the shortage of funds. There is a shortage of funds. Appropriations for the LEAA program have decreased. In September 1974, the Juvenile Justice Act was enacted and earmarked about $112 million for the maintenance of the LEAA juvenile program under the Crime Control Act. This fixed dollar figure amounted to 19.15 percent of the total funds appropriated in 1972 for grants under parts C and E of the Omnibus Crime Control and Safe Streets Act of 1968. That is where the 19.15 percent originates. At the time, the appropriation for LEAA criminal justice programs for fiscal year 1975 were $880 million.

Mr. President, S. 2212 as reported by the Judiciary Committee leaves the percentage the same—19.15 percent of the total appropriation for those two parts of the LEAA Act.

Mr. President, since fiscal year 1975 the appropriations for the law enforcement assistance program have decreased by some $202 million. Thus, for all of these LEAA programs we are getting about 22 percent less in criminal justice appropriations today than we had in fiscal year 1975. What we undertake to do in this bill, and which I believe to be fair and just, Mr. President, is to make the juvenile delinquency program maintenance of effort provisions 19.15 percent of whatever is appropriate for parts C and E of the LEAA Act. This is the same ratio expended in 1972 on juvenile programs. Since 1974, we have given juvenile delinquency special treatment by appropriating an additional $75 million a year for fiscal year 1977 under the Juvenile Justice Act.

There are some things that are just and equitable. I might single out one particular program or effort in law enforcement as the best program of all. Someone else might think another program is the best. I hasten to agree that juvenile delinquency is an important program. But, Mr. President, I do not think that we ought to make this appropriation in the amount required by the Senator's amendment at the expense of, for example, the prevention of crime against the elderly. That program would have to be decreased under this amendment.

The PRESIDING OFFICER (Mr. ALLEN). The time the Senator has allotted to himself has expired.

Mr. McCLELLAN. I yield myself an additional 5 minutes.

Mr. President, the program to prevent drug and alcohol abuse is in this appropriation. The program to increase minority representation in criminal justice programs, such as minority recruiting in police forces and correctional agencies, is involved and there will be some adverse impact on them. The law enforcement education program would be affected. I think these are some of the best programs, Mr. President, we have had in this field.

There are also community anticrime programs; career criminal programs; programs to divert offenders from the criminal justice system; court planning programs; programs to reduce court backlogs; adult corrections and rehabilitation programs; work release programs; prison industries program; community-based correction programs.

There are others, Mr. President. I could go on. All of these would be affected, or most of them, certainly, because the money would be diverted to juvenile delinquency programs.

Mr. President, I have one other thought. The bill which is before the Senate is as it was reported originally by the subcommittee. In the full committee, the distinguished Senator offered an amendment that would simply perpetuate the amount of dollars—$112 million each year out of these funds—irrespective of the amount appropriated. That was the minimum.

That amendment, Mr. President, was rejected, as I recall by a vote of 7 to 5, by the full committee. Now the distinguished Senator from Indiana wants to add on the floor an additional $17 million, over and above what the Committee on the Judiciary rejected. That, I believe, is the Senator's amendment.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. BAYH. The Senator is not suggesting the amendment I offer is not a proper amendment to offer at this time, is he?

Mr. McCLELLAN. I am not suggesting that. The Senator has a right to offer it for $100 million, if he sees fit.

Mr. BAYH. If the chairman will accept it, I am prepared to offer it for $100 million.

Mr. McCLELLAN. I think the Senator is already advised about my position.

Anyway, Mr. President, I point out that the full committee rejected the $111 million. Now the distinguished Senator wants $129 million.

Mr. President, if a case can be made for further expenditures for juvenile delinquency, let it be made under the special act to deal with juvenile delinquency. If Congress approves it then, it would not detract from and would not injure the other programs.

I am pursuaded, Mr. President, that if we keep cutting down on the moneys that go for the programs that I have enumerated and others, there will be a time, and it will come soon, when we might as well abandon the whole program. We have already had to reduce, but the distinguished Senator, notwithstanding $75 million extra on top under the Juvenile Justice Act, now wants to even take more under the Crime Control Act. $129 million.

Mr. President, I note that, besides the distinguished Senator from Indiana, the distinguished ranking minority member of the Judiciary Subcommittee, Mr. HRUSKA, and the occupant of the chair, there are no other Senators here to listen to this argument. Whether either the Senator from Indiana or I can convince these empty chairs that our position is right, I doubt. In any event, that is what we are confronted with. Because we have a Government today that is so big and so complicated, and democratic processes that take so much time, it is just a physical impossibility for Senators to be present where all of the action is all of the time. It is one of those things we have to deal with, Mr. President.

I submit for the RECORD that it will be a great injustice to other programs and to the LEAA as an agency, in my judgment, to go as far as the distinguished Senator from Indiana proposes that we go.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield the distinguished Senator from Nebraska 10 minutes.

Mr. HRUSKA. May I have 15 minutes?

Mr. McCLELLAN. Fifteen minutes.

Mr. HRUSKA. Mr. President, the pending amendment submitted by the Sena-

tor from Indiana has to do with provisions in section 261(a) and 261(b) of the law. The Senator from Indiana should be commended for his zeal and his intense and persistent interest in advancing the cause and the activity of dealing effectively with juvenile delinquency, its prevention, and its control. All of us are sympathetic with that goal.

But in order to put the matter in perspective, Mr. President, I call attention to these facts:

It should be borne in mind that the total of LEAA funding is less than 5 percent of the total expenditure for law enforcement by all of the 50 States and their many political subdivisions. At stake here, as required by the Bayh amendment, is the figure of $205 million for juvenile delinquency and juvenile criminal justice. That figure, Mr. President, is just about 2.5 percent of the total moneys, nearly $15 billion annually, spent by the States and their political subdivisions for all facets of law enforcement.

Finally, it remains for the States and their political subdivisions to furnish the bulk of funds for law enforcement. The LEAA was not created nor is it expected to fund in a substantial way the law enforcement efforts of the States and localities of this Nation. That was not its purpose.

Its purpose was to serve as a catalyst in distinctly unique and innovative ways to strengthen and to encourage improvement of law enforcement, but not to serve as a vehicle or even to any degree as a substantial vehicle for the funding of these vast efforts to enforce the law.

Mr. President, the bill as written and reported by the Judiciary Committee does not prevent any community or any State from increasing its efforts in juvenile criminal justice over and above what they receive from LEAA. On the contrary, it encourages them to do so. That 1.5 percent, which is the percentage of the Senator from Indiana in his amendment, even under his extravagant figure of $205 million, comes from Federal funds. This means that 98.5 percent has to come from the States and localities. That is inescapable.

The addition of $47 million by reason of the amendment by the Senator from Indiana is neither going to make nor break, Mr. President, the juvenile delinquency prevention and control efforts in this Nation. But I will tell you what it will do: The increase of that $47 million will erode temporarily, if not totally impair, the block grant concept upon which the LEAA is founded.

The requirement that an additional $47 million be spent by LEAA on juvenile delinquency out of total available funds means that the achievement of comprehensive, balanced State plans to deal with law enforcement in all of its aspects will be substantially prevented.

The LEAA recognized that law enforcement is the chief and principal concern of State and local governments, and accordingly, that it is for them to determine priorities for law enforcement and criminal justice spending not the Federal Government. In order to improve the enforcement of the law in those areas, the Federal law, LEAA, requires the formation by each State of a comprehensive balanced State plan to deal with that problem. The disproportionate amount which is requested under amendment No. 2048 will interfere with the achievement of that goal.

The $205 million which would be available if the spending amendment is adopted is 30-plus percent of the total fiscal year 1977 appropriation for LEAA. Mr. President, that amount of $678 million in the present appropriation law for this purpose is meant to cover the many programs to which the Senator from Arkansas referred, including the discretionary fund grants to the States and cities, the programs for prevention of crimes against the elderly, Indian justice programs, the training programs and educational programs for officers, the establishment of community and crime programs, and so on. But by adopting this amendment, 30 percent of that money will be devoted to only one aspect, important and vital as it is, of the total law enforcement picture. That is not within the spirit of the LEAA law. We must reconcile ourselves to this idea and the fact that whatever amount is granted in this bill is still a very insignificant proportion and percentage of the total amount that must be appropriated and expended by State and local authorities.

If juvenile delinquency is going to be preferred to the extent of 30 percent it means, for example, the moneys available to improve the court system will be reduced. It means that those funding activities in LEAA for special meetings and conferences and other efforts to improve prosecutorial procedures and prosecutorial expertise and methodology, will be by the boards. Without the development of a well-rounded, well-balanced program the LEAA concept will not be achieved and it will not serve the maximum use to which it can be placed.

It is for these reasons that we should retain the percentage that is set out in the committee-approved bill, $47 million less for juvenile delinquency to be sure, but, nevertheless, assuring to those activities an ample amount for the purpose of demonstrating and getting off the ground, for the purpose of training, encouraging, and developing new techniques, new methods, new approaches to that problem.

The distinguished Senator from Indiana (Mr. BAYH) did not support S. 2212 as reported by the Judiciary Committee because of the modification of the maintenance of effort provision. His amendment (No. 2048) would strike the committee's modification contanied in section 261(b). The amendment, in effect, mixes apples and oranges. It apparently proposes to take the percentage of funds allocated for part C and part E grants in fiscal year 1972 that were devoted exclusively to juvenile delinquency programs—19.15 percent of the total—and apply it to the total Crime Control Act appropriation for each fiscal year beginning with 1977. Thus, the amendment is both factually inaccurate and contradictory in its terms.

It seems clear to this Senator that if 19.15 percent of the grant funds allocated under parts C and E of the Crime Control Act in fiscal year 1972 were expended for juvenile delinquency programs, then maintaining that level of effort should require that the percentage be applied to the same source of available funds.

The application of the 19.15-percent figure to the total Crime Control Act allocation severely distorts the purpose of the percentage maintenance of effort provision proposed in the Judiciary Committee bill. Instead of expending a minimum of $82,738,533 of the total part C and E allocation of $432,055,000 for fiscal year 1977, LEAA would have to maintain a level of $129,837,000 of the total Crime Control Act appropriation of $678 million. This entire $129,837,000—an increase of $47 million—would come from the parts C and E allocation, an amount in excess of 30 percent of the available funds for juvenile delinquency programs under the Crime Control Act.

This would not only destroy the desired flexibility, it would destroy the State planning process and turn the Crime Control Act into a juvenile delinquency program. If this is desirable, why did we pass a Juvenile Justice Act and appropriate $75 million for it in fiscal year 1977?

I must point out that the Judiciary Committee bill does not "repeal" the maintenance of effort requirement as was originally proposed by the administration bill. The repeal proposal was premised on a desire to "decategorize" Crime Control Act funds and return the planning-and-priority-setting role to the States. In addition, the administration desired to achieve funding flexibility in a period of uncertain appropriation levels.

The Judiciary Committee desired to provide flexibility while at the same time assuring that the purpose of maintenance of effort—guaranteeing that funds appropriated for the Juvenile Justice and Delinquency Prevention Act were not utilized in lieu of Crime Control Act funds—was retained. The committee bill fully achieves this goal through its percentage maintenance of effort requirement. The committee vote in favor of revision represents a bipartisan committee effort to strike a balance between differing interests.

The administration has been forthright in its reluctance to provide high levels of funding for the Juvenile Justice and Delinquency Prevention Act. In a time of economic recovery difficult decisions have had to be made in order to hold down Federal spending. Funding for many new programs, such as the Juvenile Justice Act program, have had to be curtailed. However, the President did sign the Juvenile Justice Act into law in 1974. Hopefully, his commitment to the act will result in increased appropriation levels as our Nation's economic recovery continues. In the meantime, funding levels under the Crime Control Act have similarly had to be curtailed.

Decreased appropriation levels for the Crime Control Act have put a great deal of pressure on LEAA and the 55 State planning agencies in the determination of funding priorities. Existing programs have had to be cut back. New and inno-

vative programs cannot be funded. To add to these difficulties by either retaining a flat maintenance of effort level or an inaccurately applied percentage level would simply compound the problem. We cannot view one program area, such as juvenile delinquency programing, as inherently more important that others. Police, courts, corrections, public education, training, citizens' initiatives, and other program areas are all vital to the total effort to improve the law enforcement and criminal justice system. We cannot shortchange all of these important program areas in order to further one component of the system.

In fiscal year 1972 LEAA funds totaling $111,851,054 were expended for juvenile delinquency programs. The 1972 level was used as a base because it was the latest year for which plan allocation levels were available at the time the Juvenile Justice Act was passed. Subsequently, and in conformity with the maintenance of effort requirement, a detailed analysis by LEAA established the actual expenditure level. This level, 19.15 percent of available Parts C and E funds, is a reasonable share for juvenile delinquency programs in view of the fact that it includes only clearly identifiable juvenile delinquency programs and projects. Many programs and projects with juvenile delinquency components, or which included juveniles in the service population, or which clearly had an impact on delinquency prevention—such as police programs—were not included. Therefore, I must conclude that the level of 19.15 percent of Part C and Part E allocations is an adequate minimum level. Nothing prevents LEAA and the States from spending more than the minimum level, and, indeed, I hope they do so. However, Congress should not be a party to imposing either a flat level of expenditure requirement or an inaccurate percentage requirement which could stifle the basic priority-setting role which Congress has rightfully given to the States and which has the potential to disrupt the State planning process.

I submit that the proper vehicle for Congress to establish an increased emphasis on juvenile delinquency programs is increased funding of the Juvenile Justice and Delinquency Prevention Act. Congress has done this by appropriating $75 million for the act in fiscal year 1977. That act, still in its infancy, offers a wide variety of methods and techniques to combat delinquency. It is innovative and progressive in scope. LEAA has laid the groundwork, through its implementation of the act, for the first truly coordinated, comprehensive approach to meeting the needs of the Nation's youth through Federal leadership and funding.

The administration bill to extend the Juvenile Justice Act was submitted May 15, 1976, the day after the Judiciary Committee voted to modify the maintenance of effort provision through the percentage mechanism. On May 20, 1976, LEAA Administrator Richard W. Velde testified before the Senate Subcommittee to Investigate Juvenile Delinquncy. Mr. Velde testified that the administration would support the percentage maintenance of effort level as proposed by the Judiciary Committee.

I am committed to an effective Federal effort to deal with the problem of delinquency. I am not, however, willing to risk the emasculation of the Crime Control Act and the needs of the entire law enforcement and criminal justice system in the United States, in order to achieve that objective.

Mr. President, by way of summary, I would like to reiterate the major points against this amendment:

ARGUMENTS AGAINST BAYH AMENDMENT TO INCREASE JUVENILE JUSTICE PROGRAMS

	Millions
Total LEAA funds (FY 77 appropriation)	$753
Committee Bill Allowance for Juvenile Justice Program	158
Bayh Amendments for Juvenile Justice	205

The latter figure is 30 percent of the total LEAA appropriation and would be greatly disproportionate to the entire criminal justice picture.

The amendment impairs and nearly destroys the block grant concept upon which LEAA is based.

It greatly hampers or even prevents achievement of "comprehensive" and balanced state plans required by the law.

Would greatly deprive the states to plan and use funds tailored to the needs within their respective borders.

The $47 million increase in funds between the Bayh amendment and committee bill must result in cutting other existing LEAA programs, some of which are:

1. Discretionary fund grants to states, cities, etc.
2. Programs for the prevention of crimes against the elderly.
3. Indian justice programs.
4. Programs to prevent drug and alcohol abuse.
5. Programs to increase minority representation in criminal justice programs (such as minority recruiting in police, court, and correctional agencies.)
6. Programs to train and educate police officers.
7. The establishment of Community anti-crime programs.
8. Career criminal programs.
9. Programs to divert offenders from the criminal justice system.
10. Court planning programs.
11. Programs to reduce court backlog.
12. Adult correctional and rehabilitation programs.
13. Work release programs.
14. Prison industries programs.
15. Community based correction programs.
16. Training of judges and court administrators.
17. Upgrade probation and parole efforts.
18. Research into causes of crime.

Mr. President, by way of summary, let me say that the total appropriations for fiscal year 1977 is $753 million, the committee bill allowances for the juvenile justice program are $158 million, and the Bayh amendment for juvenile justice would increase that to $205 million, which is an increase of $47 million. That figure of $205 million is 30 percent of the total appropriation for all activities of LEAA.

The amendment impairs and nearly destroys the block grant concept upon which LEAA is based. It greatly hampers and very nearly prevents achievement of that comprehensive and balanced State plan which each State is required by law to prescribe and submit.

Mr. BAYH. Mr. President, if the Senator will yield a moment for a question, I do not wish to interrupt, but he said this will destroy the block grant concept. Unless I am wrong, we are talking about different things, because the bill now contains in it the same 19.15 percent mandatory level for juvenile programs as the Senator from Indiana suggested.

Mr. HRUSKA. The Senator from Indiana should remember that this involves a comprehensive plan, and the block grants, while they as such go unimpaired to the States, nevertheless, they would be reduced to the extent that they are part of the entire scheme. In my judgment, they are being reduced in their efficacy and in their applicability to such an extent that the most efficient use of the block grants will be greatly impaired. That is my contention.

Mr. BAYH. The Senator does agree that under the bill as recommended by himself and the Senator from Arkansas the same 19.15 percent level is required under block grants C and E to be devoted to juvenile delinquency as the Senator from Indiana is requiring. It is the same level of funding that will go to juvenile delinquency in block grants.

Mr. MATHIAS. Mr. President, while the Senator is pausing, will he yield for a unanimous-consent request?

Mr. HRUSKA. I yield.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Robert Kelley of my staff be granted the privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. I thank the Senator.

Mr. HRUSKA. It is not quite true. I understand the Senator to say that the 19.15 percent is the same in the committee bill as it is in the Bayh amendment. Is that correct?

Mr. BAYH. As far as block grants?

Mr. HRUSKA. Yes.

Mr. BAYH. The Senator said this decimates block grants.

Mr. HRUSKA. There is no question about it.

Mr. BAYH. All right.

Mr. HRUSKA. I did not say in my statement that the block grants were reduced. I said in my statement that the amendment impairs and would nearly destroy the block grant concept upon which LEAA is based, and I believe that to be true.

Mr. BAYH. I hope the Senator will explain to the Senate how sending the same amount of money back under his proposal and my proposal will destroy block grants.

Mr. HRUSKA. The Senator perhaps is playing fast and loose with 19.15 percent, Mr. President, because while the committee amendment applies that percentage to the total appropriations for parts C and E, as I read the amendment of the Senator from Indiana, that percentage is not confined to those funds; it is applied to the entire gross appropriation for LEAA.

Mr. BAYH. The Senator from Nebraska is absolutely right. The Senator from Indiana has not played fast and loose with it. I specified from the beginning what we were trying to accomplish. I simply differ with the Senator from Nebraska as to how broad the 19.15 percent

should be. I apologize for interrupting, but when he tells the Senate it is going to decimate and destroy the block-grant concept and yet the dollars going back under his concept and mine are identical, it is difficult for the Senator from Indiana to understand how much destruction is going to result then.

Mr. HRUSKA. Let me proceed further to say. Mr. President, that this amendment would greatly deprive the States of the ability to plan and use funds tallored to meet the needs that actually exist within their respective borders. Instead of being able to have that increase amount of $47 million available for allocation to all aspects of law enforcement, they will be required to surrender their option as to 30 percent of that for a single cause, important, of course; vital, of course, and one of the most worthy objectives of anyone who is an advocate and champion of effective law enforcement. But, nevertheless, it throws it off balance, and it is at the expense of reducing too drastically other aspects of law enforcement which must be taken into consideration.

Mr. President, it is my earnest hope that the Senate will see fit to reject this amendment. The committee considered well and deliberately all of these aspects and came out wtih the conclusion that is found in the pages of the bill as now written and particularly as written in section 261(b) of the Juvenile Justice and Delinquency Prevention Act. It is my hope that the amendment will be rejected.

I yield back the remainder of my time, if any remains. I yield the floor.

The PRESIDING OFFICER (Mr. CHILES). Who yields time?

Mr. BAYH. Mr. President, I yield 10 minutes to the Senator from Maryland, who has been one of the most ardent supporters and architects of this legislation.

Mr. McCLELLAN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MATHIAS. I yield.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Mr. Sam Simon, of the staff of Senator DURKIN, be granted the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I thank the Senator from Indiana for yielding me some time and for his generous remarks.

I reiterate my full support for the amendment which has been offered by the Senator from Indiana, of which I am a cosponsor, and I shall state the reasons why I feel compelled to support the amendment as strongly as I do.

This amendment requires that 19.15 percent of the total LEAA budget be spent to combat juvenile delinquency. It is vitally important that we maintain our efforts through the LEAA program to prevent juvenile crime and delinquency. The citizens of this country cannot help but be dismayed, discouraged, and upset by the astounding fact that, although youths from 10 to 17 years of age comprise only 16 percent of the national population, they account for more than 45 percent of all the people arrested for serious crime. Think about it: The criminal record of this group within our population is three times as great as its percentage of the population. They comprise 16 percent of the population, and they account for 45 percent of all people arrested for serious crimes.

I must report to the Senate that I am not speaking here just from the record. I am not just reporting from statistics, because, as a member of the subcommittee, I undertook some hearings on this subject.

I looked at the problems which have arisen as a result of inadequate resources for the juvenile justice system in my own State of Maryland. With the authority of the Juvenile Delinquency Subcommittee, I held hearings in Annapolis, Md., and in Baltimore, Md., because I wanted to find out just how effective the Juvenile Justice and Delinquency Prevention Act of 1974 has been, as it has been operating, and to see if more should be done than has been done.

During the course of these hearings, I found that, in spite of the 1974 act, Maryland's juvenile delinquency problem is very, very far from solved, and Maryland's problems are not unique. In fact, they are typical of the whole scene across the country.

In Anne Arundel County, one of our great, historic counties in Maryland, where Annapolis, our capital, is located, the number of juveniles arrested increased more than 100 percent in the last 4 years. That does not speak very well for the effectiveness of the programs that have been operated in the last 4 years. The number of juveniles arrested increased 100 percent.

Mr. Warren B. Duckett, Jr., who is the State's attorney for Anne Arundel County and is a distinguished Maryland lawyer, testified that we are "practically powerless to deal with most juvenile crime." He went on to specify that he was powerless because of "insufficient police, insufficient prosecutors, and insufficient staff in juvenile services."

As a result of these hearings, I can report that most of the juvenile crimes committed are thefts, burglaries, and acts of vandalism. But I also have to warn the Senate and warn the country that the number of violent crimes, crimes such as personal assaults, is on the increase among this group of young offenders.

Mr. Robert Hilson, the State director of the Youth Services Administration, testified before the subcommittee that the Juvenile Justice and Delinquency Prevention Act of 1974 has not helped Maryland's difficulties significantly "in part because of inadequate funding and in part because of all the procedures involved."

Mr. Richart Wertz, the executive director of the Maryland State LEAA, advised that if the spending limits authorized were actually appropriated for juvenile crime projects, we would still "not even begin to scratch the surface of the needs of the State." The funds that Maryland will receive for the next fiscal year, $510,000 will permit only a very severely limited set of programs, and I am sure that other States find themselves in comparable situations.

We had testimony before the subcommittee from an 18-year-old former delinquent from Prince Georges County, Mr. Steven Walker, and he spoke about the communication gap between troubled young people and our society. His comment was:

> They never even find out what teenagers think.

And that should be a warning. It should be a warning to all of us.

We must be particularly disturbed when a professor of law, an expert on juvenile crime, calls the juvenile justice system a "total absurdity" and a "big facade." That is exactly what Peter Smith of the University of Maryland Law School called it at the Annapolis hearings. As he testified, we must shift our emphasis from plea bargaining to rehabilitation programs, professional and peer counseling and, most important, prevention.

Ther are no simple solutions to these problems, and there is no single factor which can be held responsible for the dramatic increases in juvenile crime. I suppose that drug abuse; the breakdown of the home and the family; violence on television, as we have been told often by the distinguished Senator from Rhode Island (Mr. PASTORE); and the very high juvenile unemployment rate, especially unemployment among minority groups, are some of the factors contributing to the problem. However, the ineffectiveness of the courts exacerbates the situation; and all the problems—whatever they are, wherever they are—have to be dealt with if we are to combat the serious problem of juvenile crime.

Mr. President, I would not bring the problems of Maryland to the attention of the Senate if I did not know, as I said, that they are representative of the problems shared by every one of the other 49 States. The statistics may be a little different, they may vary slightly from State to State, but the problems are the same throughout the country.

I think it is clear that the Federal Government has to take a more active role in meeting the needs of troubled youth who, in the absence of effective help, are likely to become serious delinquents and, ultimately, accomplished criminals.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. MATHIAS. May I have 3 additional minutes?

Mr. BAYH. Yes, I yield.

Mr. MATHIAS. I am convinced, therefore, that the percentage proposed in this amendment—which is a reasonable one in relation to the size of the juvenile crime problem—deserves the support of the Senate. States have proved more than willing to initiate the programs offered under the Juvenile Justice and Delinquency Prevention Act of 1974, but they simply do not have the funds. A rejection of the amendment will in effect stagnate all efforts to deal with juvenile delinquency, which has now reached epidemic proportions.

A young man in a youth center in

Arizona wrote a poem which ended with the following words:

My life was wasted the day I was born
My life, my heart, it was all torn.
Why did everything go wrong?

As a society, we must devote ourselves to ending this tragic waste of human lives and commit ourselves to restoring hope and purpose to the lives of young people in trouble. The amendment before us will move us toward this goal.

Mr. President, I ask unanimous consent that press reports of the recent hearings of the Juvenile Delinquency Subcommittee held in my State of Maryland be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Evening Sun, June 23, 1976]

SENATOR MATHIAS HEARS YOUTH CRIME WOES

(By Michael Wentzel)

ANNAPOLIS.—Senator Charles M. Mathias (R., Md.) heard nothing but bad news yesterday when he conducted a hearing here on the state of juvenile delinquency.

Witnesses told Senator Mathias of insufficient funding for programs and staffing, unequal justice for juveniles, and described a system that is virtually powerless in the face of increasing juvenile crime.

Senator Mathias, who conducted the hearing for the Senate Subcommittee on Juvenile Delinquency, said there was "an urgent need" to devote more money and more programs to juvenile justice problems.

He said that persons between the ages of 10 and 17 make up 16 per cent of the country's population but account for 45 per cent of the arrests in the country.

"Juvenile crime accounts for half of the country's crime problem," Senator Mathias said, "yet this is the area that is constantly shortchanged."

Warren B. Duckett, the Anne Arundel county state's attorney, gave the senator county statistics that showed that 2,646 juveniles were charged with crimes in 1971 while 5,384 were charged in 1975.

"We are practically powerless to deal with most juvenile crime," Mr. Duckett said. "We have inefficient police, insufficient prosecutors and insufficient staff in juvenile services."

Peter Smith, an attonrey and University of Maryland juvenile justice expert, told Senator Mathias, "The juvenile justice system is a failure, the battle for equal justice for juveniles is being lost and the battle for meaningful treatment for juveniles is being lost."

"We continue to fail to devote resources and talent to these problems, Mr. Smith said. We will spend much more on one B-1 bomber than on the state's entire budget for juveniles. This is absurd. Until we make a commitment to the meaningful things in life, we can go on having hearings like this that will be no good."

"In terms of national security, domestic tranquility and the common defense," Senator Mathias said, "the question of what is being done for the young people is of a greater concern."

The senator said that he has found that those "who use the rhetoric of law and order" usually are the ones that vote against programs to attack juvenile delinquency.

Richard C. Wertz, executive director of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, complained about the low federal funding of the Juvenile Delinquency Act of 1974.

Maryland received a total of $510,000 for implementation of the broad act.

"This means that we could pay for no more than 51 beds in group homes throughout the whole state," Mr. Wertz said. "How does that begin to approach the problem?"

Senator Mathias will conduct another hearing on juvenile justice Thursday at 9 A.M. in the Fallon Federal Office Building in Baltimore.

[From the Baltimore News American, June 23, 1976]

U.S. EFFORTS TO CURB JUVENILE CRIME CALLED FAILURE

(By Mark Bowden)

ANNAPOLIS.—A battery of state law enforcement and juvenile justice experts sharply criticized federal efforts to deal with increases in juvenile crime here Tuesday.

The experts testified to Sen. Charles McC. Mathias in the first of two hearings this week reviewing effects of the 1974 Juvenile Justice and Delinquency Prevention Act. They said more concern, efficiency and money would be needed to curb alarming increases in crimes committed by youths.

Anne Arundel County State's Atty. Warren B. Duckett, Jr. began the hearing with statistics reflecting growth of delinquency in that county. Arrest rates for youths had doubled in the last five years, Duckett said, jumping from 399 arrests in Annapolis alone during 1971 to more than 1,000 last year.

More than 200 of Arundel youths had criminal records totalling more than five arrests, Duckett said, and some youths have been arrested as many as 40 times.

Sen. Mathias quoted statistics showing youths between the ages of 10 and 17 account for only 15 per cent of the U.S. population, but commit 45 per cent of reported crimes. These indicators, along with tales of bureaucratic inefficiency, led Sen. Mathias to conclude that the federal effort had been a "spectacular failure."

Peter Smith, a law professor at the University of Md. Law School who specializes in juvenile justice, roundly criticized the growing bureaucracy of agencies and systems to handle problem youths. Smith said the system exists to serve itself, not the people who need it.

"A funding dilemma" accounted for the failure of federal efforts in this state, according to Richard C. Wertz, director of the Governor's Commission on Law Enforcement and the Administration of Justice. Appropriations did not match legislative commitments, Wertz said.

Maryland received only $510,000 last year from Congress to special programs for delinquent youths, which was enough, Wertz said, to house 51 boys in a group home for one year. He pointed out that his commission directed 25 per cent of its federal block grant funds to juvenile programs.

"Every program in Maryland that gives some kind of service to youth, from those associated with schools across the board, needs a thorough re-evaluation," said Robert C. Hilson, director of the State Dept. of Juvenile Services. "More money is not all that is needed. Given the same appropriation, a thorough reorganization would go a long way toward solving part of the problem.

"Right now we have ineffective programs that have become entrenched. It's just like with any other system, often programs outlive their usefulness and just soak up desperately funds. We have to be willing to establish new approaches when and wherever neccessary, and lop off the ones that no longer measure up."

Hilson said trends in juvenile crime showed a steady increase in suburban communities and a slight decrease in rates inside Baltimore. He attributed this shift to increasing suburban populations and ineffective local efforts to develop recreational programs for youths.

"The kids out there have nothing to do," Hilson said. "They start hanging out at the shopping center when there's a temptation to shoplift or get involved with drugs."

[From the Hagerstown (Md.) Morning Herald, June 23, 1976]

MATHIAS BLASTS CRIME INACTION

ANNAPOLIS.—Citing a rising rate of juvenile crime, Sen. Charles McC. Mathias said Tuesday that government at all levels has done a "lousy job" of preventing juvenile delinquency.

The assessment of government programs was made by the Maryland Republican following the first of two hearings this week in Maryland by the Senate Juvenile Delinquency Subcommittee, of which he is the ranking GOP member.

Mathias' opinion was not challenged by any of the eight witnesses ranging from a prosecutor to a former teenage criminal who appeared before the panel to urge greater government spending to combat the juvenile crime problem.

"It's shocking to find in Anne Arundel county alone juvenile crime is up 100 per cent in five years," said Mathias, whose subcommittee is reviewing the operation of the Federal Juvenile Justice and Delinquency Prevention Act of 1974.

"If government can't do better than this, it surely is just a matter of time before the governed withdraw their consent altogether," he said, adding that the rising juvenile crime rate indicates the 1974 law and its funding program have been a "spectacular failure."

"We've done a lousy job of prevention of juvenile crime in the last five years," the senator said, adding that the chief emphasis should be on identifying potential juvenile offenders before they become criminals.

Peter Smith, a University of Maryalnd law professor specializing in juvenile justice, said that the juvenile justice system is a "total absurdity" because it is poorly funded and is last in line for anticrime appropriations.

"It's all a big facade," he charged. "The system is designed to serve the system. The people in the system are serving the system. They are not serving the victims. They are not serving the defendant."

State's Atty. Warren Duckett of Anne Arundel county said the normal juvenile justice system is filled with inefficiency and places more importance on processing of individuals than improving them.

Duckett said he is pleased with the operation of a pilot program in the county under which juvenile offenders voluntarily go before an arbitrator in their community for hearings instead of the formal judicial system. The arbitrator can order offenders to work for county agencies as punishment.

Duckett said the program has had a lower repeat offender rate than the normal juvenile justice system and for the first time has involved the victim of a juvenile crime in the adjudication process.

Mr. MATHIAS. Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Michael Klipper of the staff of the Subcommittee To Investigate Juvenile Delinquency have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Indiana. Although I understand his concern

for juvenile justice programs, I am of the opinion that the percentage maintenance of effort requirement proposed by the Committee on the Judiciary more effectively carries out the original intent of the maintenance of effort requirement.

In 1974, Congress included a maintenance of effort provision as section 261 (b) of the Juvenile Justice and Delinquency Prevention Act. We also amended the Crime Control Act at that time to include a maintenance of effort provision in section 520(b). These provisions required that LEAA maintain at least the same level of parts C and E expenditures for juvenile delinquency programs as was expended in fiscal year 1972.

The purpose behind these amendments was not to give juvenile delinquency programs a larger slice of the Crime Control Act pie. Rather, our purpose was to insure that the funds made available under the Juvenile Justice and Delinquency Prevention Act were used to expand both the scope and overall amount of juvenile delinquency programing at the Federal and State level. Congress was guarding against the potential danger of a decreased emphasis on juvenile delinquency programs funded under the Crime Control Act and the transfer of program and project funding from the Crime Control Act to the Juvenile Justice Act.

In fiscal year 1975, the first year of funding under the Juvenile Justice and Delinquency Prevention Act, LEAA issued guidelines, binding upon the States, taat insure the maintenance of the fiscal year 1972 level of effort. An extensive audit of fiscal year 1972 expenditures by each State—parts C and E block—and by LEAA—parts C and E discretionary—indicated that $111,851,054 of the total parts C and E fund allocation of $584,200,000 was expended for juvenile delinquency programs. This represents 19.15 percent of the available funds. Only those programs and projects which were clearly directed to juvenile delinquency were included in this total expenditure figure. I point this out because the 19.15 percent may be considered by some to be an inadequate overall juvenile delinquency grant program effort. To be accurate, however, one would have to consider the fact that many programs and projects indirectly impact the delinquency problem. For example, drug abuse projects, public education projects, citizens initiative projects, and many others significantly impact on delinquency. Yet these are not counted. General police funding is not counted in the total although 50 percent could be counted based on the proposition that juveniles account for 50 percent of all arrests for serious crime.

The Juvenile Justice and Delinquency Prevention Act was intended to be a supplement to the Crime Control Act effort. Congress did not intend to increase the relative proportion of Crime Control Act funds dedicated to juvenile programs. In view of the many aspects of law enforcement and criminal justice which compete for Crime Control Act funds I do not believe that the almost 20 percent of funds expended for clearly identifiable juvenile delinquency programs from parts C and E allocations can be considered inadequate.

For these reasons, maintenance of effort in the juvenile delinquency program area should be based on a proportional or percentage basis applied to the same sources of available funding for grant programs from which the 19.15-percent figure was derived. This will insure that Crime Control Act funds continue to be used to maintain the same relative emphasis on juvenile programing. That level may be greater or less than that current level of $111,851,054, depending on the future judgments Congress makes with regard to Crime Control Act appropriations.

If an increased emphasis on juvenile delinquency programing in future years is desired, that emphasis can be best accomplished through increased funding of the Juvenile Justice and Delinquency Prevention Act. Otherwise, we run the risk of building inflexibility into and unnecessarily categorizing the Crime Control Act program.

Mr. HRUSKA. Yesterday, an amendment was passed which required LEAA to establish an organizational group within LEAA to deal with a community anticrime program and to enable community and citizen groups to form volunteer anticrime units. I supported the amendment because I think community anticrime programs can be extremely effective in dealing with crime.

There is one point I would like to emphasize. When we are talking about community anticrime programs, we are talking about the full range of programs carried out by individual neighborhood and community groups, but also programs benefiting communities funded through national organizations such as the Junior League, the Urban Coalition, and the AFL–CIO. It encompasses all the types of programs currently funded by LEAA under its citizens' initiative efforts.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, which should not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will someone yield me some time so I can ask some questions?

Mr. McCLELLAN. I yield 5 minutes to the Senator on the bill.

Mr. MANSFIELD. Mr. President, I would like to ask the distinguished Senator from Indiana, just what are the specific and basic purposes of the amendment which he has placed before the Senate?

Mr. BAYH. The basic purpose of this amendment is to continue the thrust we established in the 1974 act.

In listening to my two distinguished colleagues describe our 1974 commitment, it is totally inconsistent, not only with the memory of the Senator from Indiana, but with the RECORD.

During the 1974 debate, in which the Senator from Nebraska was involved, on July 25, 1974, the CONGRESSIONAL RECORD, at S13493, the two objectives of the act were set out:

One, to guarantee a Crime Control Act maintenance funding level for juvenile crime programs. We were told by LEAA and OMB that it was $140 million. The true figure of $112 million was revealed after passage of the act in cross examination at committee hearings.

Second, to establish a separate and new effort in LEAA pulling 39 different agencies together, under the Juvenile Justice and Delinquency Prevention Office, that effort is now being funded at $75 million. LEAA, now must assist prevent efforts.

The first year's authorization was $75 million. This year's authorization is $150 million. We are only getting 50 cents on the dollar that we contemplated when the bill was passed.

Contrary to the assertions made, my amendment is not going to harm any other program in LEAA.

I do not know how extensive an answer the leader wants here, but what we are talking about is mandating that we have at least a 20 percent, or 19.15 percent, level for juvenile crime throughout LEAA programs.

Mr. MANSFIELD. If the Senator will yield to me, he has answered my point, I believe.

He is calling for an increase to take care of the juvenile delinquency and criminality which seems to be becoming more apparent percentagewise.

Mr. BAYH. Fifty percent, as I am sure the Senator knows, of all serious crimes committed in America are committed by young people under age 20. Fifty percent, and we are proposing across the board, with prosecutorial training, police officer training, juvenile institutions, et al., at least 19.15 percent within each category be directed to that age group that is causing 50 percent of the trouble.

Mr. MANSFIELD. Mr. President, I thank the Senator.

I would like to ask the chairman of the subcommittee, if this increase is granted, what would happen to the rest of the program as reported out of committee and now pending before the Senate?

Mr. McCLELLAN. This extra money has to come out of the other programs.

I might point out to the distinguished Senator what has happened. He speaks of $150 million being authorized in this special, extraordinary program for juvenile delinquency; $75 million has already been appropriated for that.

It does seem to me that if there is to be additional money for juvenile delinquency, the increase should be added to the special program for juvenile delinquency and not taken out of all these other law enforcement programs. That is what we are doing. The appropriations bill was for the $75 million. There was an authorization of $150 million.

No amendment was offered, I do not believe, by the Senator on that to increase it.

That was the place for it. But now

the distinguished Senator wants to take it out of these other programs.

I point out to the Senator that in 1975, the total appropriation for LEAA under the Crime Control Act was $880 million. This year, only $678 million.

We have undertaken in the bill to keep the percentage of whatever is appropriated the same for juvenile delinquency programs, notwithstanding the extra appropriations that have been given juvenile delinquency under the Juvenile Justice Act.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. We are keeping the same percentage in this bill as in 1972.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLELLAN. We are just trying to keep it equitable.

Mr. BAYH. May I yield myself a couple of minutes on the bill?

The PRESIDING OFFICER. The Senator has no time on the bill.

Mr. BAYH. On the amendment, then.

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. BAYH. Here we have, I believe, a legitimate difference of opinion. But the fact of the matter is that when we passed the 1974 act, everybody participating in the debate knew that we were establishing a new office of delinquency prevention as well as maintain the Crime Control Act level for juvenile crime. That is where the $75 million was authorized.

The reason the Senator from Indiana did not ask for more money when it was in the Senate was that all of us supported a $100 million level. The Senate figure for delinquency prevention was $25 million more than the compromise. The Senate figure was $60 million more than that from the House and $100 million more than the administration. The track record of the Senate on the funding for juvenile justice has been good, with the help of the Senator from Arkansas and the Senator from Rhode Island. But it makes little sense to provide a good start for the delinquency prevention office with one hand and then eliminate or significantly reduce the Crime Control Act maintenance level with the other. One hand not knowing what the other is doing or by design acting inconsistently has been the trademark of this administration on the issue of juvenile justice.

Mr. McCLELLAN. That is what the Senator is doing.

Mr. BAYH. No. That is what the Senator from Arkansas would have us do in the bill as it now stands.

Mr. McCLELLAN. Will the Senator yield for a moment? Where is this extra money coming from, except out of these other programs?

Mr. BAYH. The Senator is talking about apples and oranges.

Mr. McCLELLAN. It must come from regular funds.

Mr. BAYH. The Senator is talking about different things. That is part of our problem. The Senator says we ought to do all the juvenile crime fighting only in the special juvenile delinquency prevention office and that that is where I should be asking for additional resources. What good does it do for me to ask for the $75 million that we now have for the juvenile delinquency prevention office when, if we accept his proposal, we will have $30 million less next year than we are spending this year for local communities C and E programs?

Mr. McCLELLAN. Will the Senator yield?

Mr. BAYH. I will be glad to yield.

Mr. McCLELLAN. We have an appropriation for LEAA already passed of $200 million less than we had in 1975. The appropriations are going down for these programs. The special juvenile program, however, was enacted to undertake to meet that particular crisis. When we did not get all the money the Senator wanted in that program, the Senator comes and says we will take it out of all of these other LEAA programs. That is the effect of it. It cannot be anything else.

Mr. BAYH. The Senator from Indiana did not ask for more money. We received $100 million when the Senate passed the bill. At that time we were operating under the 1974 formula, which would have also had $112 million Crime Control Act moneys going back to the local communities. The Senator from Arkansas is asking for only $82 million to go back to local communities.

Mr. McCLELLAN. The Senator is getting the same percentage of the total appropriation under this bill that he received in 1972. The trouble is the appropriations have been reduced by $200 million. The Senator does not want the juvenile delinquency program to bear any part of that loss, notwithstanding the fact that we have passed a law and appropriated $75 million extra for that program, in addition to this. I do not think these other programs should be penalized.

Mr. BAYH. What decline? In 1972, LEAA expended $698,919,000. In fiscal 1977, we have provided $753 million for LEAA. So LEAA has a larger budget this fiscal year than in 1972 when LEAA reported that they spent $140 million Crime Control Act funds for juvenile crimes. As we later found out, however, they were not spending $140 million. When we got right down to looking at the fine print they were only spending $112 million.

If everybody likes what is happening out here on the streets, if everybody likes these glaring FBI report figures, then maybe we ought to support the status quo approach. Then we ought to be willing to accept the same percentage and let the emphasis on juvenile crime be reduced as far as total dollars are concerned.

But I do not like what is happening. And I reject this approach.

I would like to point out what we are talking about here. The stark figures that reveal the human misery that we speak about this morning.

Here is the 1974 FBI report: Robberies committed by persons under age 10, 571; aggravated assaults, under age 10, 814; ages 11 to 12, 2,000 robberies, 1,600 aggravated assaults; ages 13 to 14, 7,300 robberies, 5,400 aggravated assaults; age 15, 7,000 robberies, 4,700 aggravated assaults; age 16, 8,800 robberies; age 17, 9,400 robberies and 7,000 aggravated assaults. On and on and on. We must have a Federal effort commensurate with the nature and extent of juvenile crime in this country.

We are talking about kids preying on society. What I am suggesting is we ought to do something about it.

What I am saying is that there must be some give. The amendment offered by the Senator from Indiana would require $17 million more of Crime Control Act funds than would be available under the present maintenance level for juvenile crime. That $17 million will be spent within the categories of other programs. We are talking about a 2-percent increased emphasis on juvenile delinquency. We are talking about using $17 million more out of $753 million for juvenile crime throughout the range of LEAA programs. I think that is a very good investment. It should be more. The Senate figure of $100 million which we passed to deal with juvenile delinquency prevention was the Senate level. Unfortunately, we had to compromise and give up $25 million of that.

In 1973, we mandated a 30-percent level. This Senate passed a requirement that 30 percent of C. & E. grants be devoted to juvenile delinquency programs. Those moneys would go back to the local communities. We required that 30 percent be mandated for juvenile programs.

Now I am being criticized because I suggest the whole program ought to be less than 20 percent.

Let us not spoil the Senate's record. We have been far ahead of the White House in trying to provide some leadership for the country, in emphasizing the importance of juvenile delinquency programs, and I hope we will stay there.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

I have not criticized the Senator. By the same token, he is criticizing me for trying to protect all these other programs. I do not consider it criticism.

I believe we have a right to disagree without calling it criticism.

Mr. BAYH. Let me change the RECORD to say that the Senator from Arkansas and his friend from Indiana disagree. We are not criticizing one another.

Mr. McCLELLAN. Not criticizing. Very well.

Mr. BAYH. And we are smiling while we are disagreeing.

Mr. McCLELLAN. We are what?

Mr. BAYH. We are smiling while we are disagreeing.

Mr. McCLELLAN. If the RECORD can reflect that, I agree that it may so show.

Mr. President, I yield 5 minutes to the distinguished Senator from North Dakota.

Mr. BURDICK. Mr. President, I rise in opposition to the amendment submitted by the Senator from Indiana. It is with some reluctance that I do so because I recognize that the Senator from Indiana has worked hard to fashion programs designed to alleviate the juvenile delinquency problems in this country. In recognition of the Senator's great interest in juvenile matters, when S. 2212 was considered in the Judiciary Committee, the committee agreed to one of his

amendments which would sustain the level of funding under parts C and E of the LEAA program. Thus the bill as reported by the committee would allocate 19.15 percent of parts C and E funds for juvenile programs. I do not believe that the Senate should go beyond the provisions of the bill and mandate that the same percentage be allocated to juvenile programs under all other parts of the act.

My reasons for reaching this conclusion are simply these:

During its consideration of this bill the committee had to deal with the request of State courts systems that a fixed percentage—20 percent—of block grant funds be earmarked for State courts. While there were strong arguments for such a percentage to be allocated for courts, ultimately it was concluded that if each segment of the criminal justice system was able to obtain a specific percentage of the funds that there would be little, if any, discretion left either to LEAA or to the State planning agencies. In lieu of a fixed percentage, the present bill contains language requiring LEAA to see that State courts get an adequate share of the available funds.

If we are to deny to State courts systems a specific earmarking of funds, I do not see how we can grant such a specific allocation to juvenile programs beyond that which the committee has already agreed to under parts C and E.

My second reason in concluding to oppose this amendment is the fact that the appropriation for LEAA has been reducde from approximately $1 billion to approximately $678 million. This will necessarily mean that the police, the courts, corrections and all other segments of the criminal justice system will receive less funds than in previous years.

I am particularly concerned with corrections, because I happen to be chairman of the Judiciary Subcommittee on Penetentiarles. This would mean a reduction in the following programs, among others: adult correctional and rehabilitation programs, work release programs, prison industries programs, and community based correction programs.

If we have one problem in this country, it is the question of recidivism; and I would not want to see any lowering of the program in that particular area.

If at the same time we are reducing the overall funding we were to write into the law a specific percentage allocation for juvenile programs, this would cause an even greater reduction in the amount of funds available to police, courts, corrections and other segments of the criminal justice system. It may be that in some States it is necessary for the State planning agency to spend more money on courts or on juvenile programs, but basically this is a decision that should be left primarily to State authorities acting through the State planning agency.

For these reasons Mr. President, I wish to oppose the amendment offered by the Senator from Indiana.

Mr. McCLELLAN. Mr. President, I now yield myself 3 minutes.

I think we should get this in proper perspective. The question before us is, are we going to increase to the extent of this amendment, up to $129 million, the appropriation that must be expended for juvenile delinquency programs under the Crime Control Act?

Mr. President, just as the distinguished Senator from North Dakota has pointed out, to the extent that we further increase the funds that must be spent on juvenile delinquency programs in the pending bill, every dollar of that has got to come out of funds for administration and these other law enforcement programs to which the distinguished Senator from North Dakota has referred and several others which I have already placed in the RECORD.

I do think, in all fairness to the whole criminal justice system, and to every condition that prevails today in crime, that each program under the Crime Control Act should bear its fair share of budget cuts, including juvenile delinquency. I do not believe simply because the Senate appropriations bill for $100 million for programs under the Juvenile Justice Act was not able to prevail in conference with the House of Representatives, and was reduced to $75 million, that we ought to come back here now and take it out of the hide of these other programs. They have some value, too.

Juvenile delinquency is not the only problem in this country today in the enforcement of the laws. If there is a locality or a State where there is special need for more money to deal with juvenile delinquency, there is no reason why they cannot get it under part C or part E. But to simply say that we are going to take 30 percent—it actually figures out, I believe, to 27 percent—of all of the money appropriated this year and require it to be spent for one single program, to the exclusion of the others, in my judgment is not equitable. It will not serve the best interests of law enforcement. When the cities, municipalities, and States seek money for other purposes, it will not be available, and those programs will not be approved because we will have taken a disproportionate share of the funds, singled them out, and put them in one single program.

This does not increase appropriations. It all comes out of the total; and when you take it out of the total, you take it away from the other existing programs and from the potential approval of new programs that may be submitted by your State and local planning agencies.

It is a matter that addresses itself to Congress, of course. But, Mr. President, I do not believe, if the membership of this body fully understood this issue, they could conscientiously vote to penalize, in effect, the other programs in order to benefit this one, which has already received extraordinary special treatment to the amount of an additional $75 million.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BAYH. Before the Senator yields, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLELLAN. I yield to the Senator from Maryland—for a question, or does the Senator wish to make a speech?

Mr. MATHIAS. No, I just wish to raise a question with the Senator, because I am impressed and disturbed at what he says.

The facts of this situation are not doubted. Half of our crime in this country is being committed by juveniles. It is on the increase. As I said earlier, in parts of Maryland juvenile arrests are up 100 percent in the last 4 years. So whatever we are doing we are either not doing enough of, or not doing it right.

The Senator says, and I cannot contest what he says, that this amendment would starve other programs.

Maybe—and this is the question I have—maybe what we have to face very frankly is that we are not mounting a sufficiently strong and adequate war against crime in this country across the board. Maybe we are approaching it with inadequate resources, and that is the answer.

Mr. McCLELLAN. Would the Senator agree with me that here we have a multiplicity of programs that we are trying to protect and take care of under this bill?

Mr. MATHIAS. Surely I do.

Mr. McCLELLAN. And we have a special act and a special authorization of $150 million thereunder for the area in which the Senator is demonstrating his interest and which this particular amendment would undertake to serve.

It does seem to me, as a matter of practical justice, equality, and fairness to the other programs, since we have the means to provide more money for this purpose under the Juvenile Justice Act.

All you have to do is ask for more appropriations under that act. I might support them.

But I hate to take it away from other programs that I know are good, because they have already been reviewed.

It is no answer to say that juveniles commit over 50 percent of the crimes in this country. The courts process juveniles' cases; we are taking that away from them. Correction facilities are used for custody of juveniles; we are taking that from them. The police must solve these crimes and arrest those who commit them; we are taking money from all of that.

And above all, if this program is to do any good at all, in my judgment we have to listen to the local governments, the local entities, the municipalities, who know their problems best, and who submit a plan which, if approved, these funds undertake to accommodate, under the Juvenile Delinquency Act there is an authorization for $150 million and the Senator could offer an amendment on an appropriation bill for additional funds for it. That is the place to get the money rather than take it away from these other programs. Those Senators who favor this still have the opportunity to offer an amendment to an appropriation bill to increase those funds. But if we are really trying to get the money, let us get it out of additional appropriations and not from these other valued programs.

Mr. MATHIAS. If I could respond very briefly, I think the Senator is so right when he says we have to consider what the people on the front lines—the local people who deal with the problem—suggest. I can only reflect that I went to the local people. We took the subcommittee to Annapolis, Md., where this problem is a serious one, and they are desperate for help. As much as I would like to think that we could resolve this problem on an appropriations basis, and I think the Senator may be right that may be the ultimate solution to it——

Mr. McCLELLAN. That is right.

Mr. MATHIAS. But that is a speculative solution.

Mr. McCLELLAN. Will the Senator agree with me, it would be the right procedure rather than to deal unfairly with the other programs?

Mr. MATHIAS. I agree that perhaps what we are doing here is trying to fight a major war with inadequate troops, and we really perhaps have to as a nation, not simply as a couple of Senators in an empty Chamber this morning, but as a nation we may have to decide that we are going to have to commit more funds, more of our national wealth, to this problem if we are going to get it resolved.

Mr. McCLELLAN. The Senator understands my position. I am not taking issue with him with respect to that at all. It is a question of procedure here and what we are going to do with these other programs.

Mr. MATHIAS. Right.

Mr. McCLELLAN. Are we going to weaken them or not.

Mr. MATHIAS. I think the Senator and I stand on the same ground really.

Mr. McCLELLAN. All right.

I hope then that this effort to secure more money for the juvenile delinquency program will be made in the proper way under the Juvenile Justice Act and under the appropriation for that act and not do injury to the other legitimate law enforcement programs by taking money away from them.

Mr. BAYH. Mr. President, I wish to deal with both of these points.

The PRESIDING OFFICER. Is the Senator yielding time on the amendment?

Mr. BAYH. Yes, I yield myself time.

I have reviewed these facts and figures, and I do not in any way question the good faith of any of our colleagues who disagree. I simply look at these facts and figures and arrive at a much different conclusion. We are trying to encourage expanded community participation, not less. That is the heart of the 1974 act.

I ask unanimous consent to print in the RECORD a letter from the American Legion, a resolution from the National Council of Juvenile Court Judges, a telegram from the president of the National Council of Jewish Women supporting No. 2042, and a resolution of the National Association of School Security Directors, recommendation of the IWY Commission, and a list of those groups that have local private agency constituencies as the Boy Scouts and Girl Scouts, Campfire Girls, the YMCA, YWCA, and the Boys Club, endorsing the Juvenile Justice and Delinquency Prevention Act of 1974.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, D.C., July 21, 1976.

DEAR SENATOR: The American Legion urges your support of Senator Bayh's amendment to S. 2212, The Crime Control Act of 1976, which is scheduled for floor action Friday, July 23.

The Bayh amendment would require that the Law Enforcement Assistance Administration each year shall maintain from appropriations a minimum level of financial assistance for juvenile delinquency programs that such bore to the total appropriation for the programs funding pursuant to part C and E of this title, or 19.15 percent of the total LEAA appropriation.

It is believed this formula approach affecting every area of LEAA activities provides a more equitable means of allocating crime control funds more nearly in proportion to the seriousness of the juvenile crime problem.

It is interesting to note that while youths within the age group 10–17 account for only 16 percent of our population they represent 45 percent of persons arrested for serious crime. More than 60 percent of those arrested for criminal activities are 22 years of age or younger.

The American Legion believes that the prevention of juvenile crime must clearly be established as a national priority, rather than one of several competing programs under LEAA jurisdiction. Your support of the Bayh amendment would help assure this.

Sincerely,

MYLIO S. KRAJA,
Director, National Legislative Commission.

PROVIDENCE, R.I., *July 19, 1976.*

Senator BIRCH BAYH,
State Office Building,
Washington, D.C.

The National Council of Juvenile Court Judges at their annual convention in Providence Rhode Island on July 15, 1976 have instructed me to convey council's support to Senator Birch Bayh's amendment to S. 2212 which will require that 19 percent of the total LEAA appropriation be allocated for juvenile delinquency prevention and control program.

Hon. WALTER G. WHITLATCH,
President, National Council of Juvenile Court Judges.

NEW YORK, N.Y., *July 22, 1976.*

Hon. JAMES O. EASTLAND,
U.S. Senate,
Washington, D.C.

Urge you support Senator Bayh's amendment to Crime Control and Safe Streets Act of 1968. Juvenile crime prevention should be a priority of the Federal crime program and must have the necessary financial resources.

ESTHER R. LANDA,
National President,
National Council of Jewish Women.

RESOLUTION

In general assembly the National Association of School Security Directors on this 15th day of July 1976, does hereby resolve:

Whereas, juveniles account for the arrests involved in over half the serious crimes in the United States, and

Whereas, numerous schools in this country are suffering from serious and at times critical levels of violence and vandalism, and

Whereas, Congress has passed into law the Juvenile Justice and Delinquency Prevention Act which effectively addresses itself to these growing problems.

Resolved, therefore, that the National Association of School Security Directors supports the full implementation of the Juvenile Justice and Delinquency Prevention Act and supports the retention of the maintenance of effort section of the Act.

INTERNATIONAL WOMEN'S YEAR

(48) Recommendation approved by Child Development Committee January 12, 1976; by IWY Commission February 27, 1976:

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The IWY Commission recommends that the Federal Government support full funding toward carrying out objectives of the Juvenile Justice and Delinquency Prevention Act of 1974.

Discussion

The Juvenile Justice and Delinquency Prevention Act (Public Law 93–415) was overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, then signed by President Ford in September 1974. This act was designed to assist communities in developing humane, sensible, and economic programs to help troubled youth and the estimated one million youngsters who run away each year. The majority of runaways are girls between the ages of 11 and 14.[1]

The act provides Federal assistance for local public and private groups to establish temporary shelter-care facilities and counseling services for young persons and their families. The act clearly has in mind—and this committee supports—facilities such as those recommended by the Juvenile Justice Standards Project, 1973–76,[2] which calls for

". . . voluntary community services, such as crisis intervention programs, mediation for parent-child disputes, and residences or 'crash' pads' for runaways, as well as peer counseling, disciplinary proceedings or alternate programs for truants as responses to noncriminal misbehavior."

The Project Guidelines call for neglect or abuse petitions to be filed "where children are found living in conditions dangerous to their safety or welfare."

The Juvenile Justice and Delinquency Prevention Act of 1974 will enhance the visibility of the special problems of female offenders. Section 223(a)(15) requires that "States must provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth."

The act requires that States participating in funding must, within 2 years, place status offenders in shelter facilities, rather than in institutions, and must avoid confining juveniles with incarcerated adults. Status offenses, the subject of the committee's recommendation on status offenders (page 158) include conduct that would not be criminal if committed by an adult; typical status offenses include running away, truancy, incorrigibility, and promiscuity.

Despite strong congressional support for the Juvenile Justice and Delinquency Prevention Act, there has been a lack of executive policymaking support, most graphically illustrated by executive branch efforts to defer expenditure of moneys appropriated to implement the act.

The Child Development Committee supports funding the act at the $40 million level, which would still be less than one-third of the funding level anticipated in the original legislation. It believes substituting new

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[1] Senator Birch Bayh, author of the act and Chair of the Subcommittee to Investigate Juvenile Delinquency for the U.S. Senate Judiciary Committee.

[2] Sponsored by the Institute of Judicial Administration and the American Bar Association and headed by Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit.

approaches for old "crimefighting" programs in the juvenile field could produce:

More culturally relevant programs designed by and for minority youth;

Programs in which young women in institutions can explore career training that goes beyond such traditional roles and skills as food services or cosmetology;

Expanded programs of education about law, as well as legal services, both aimed at juveniles so that they will be able for the first time to explain legal terms like "assault" or "larceny" for themselves and their peers;

Increased training for staffs of community programs that deal with juveniles to provide useful administrative techniques as well as basic knowledge about the growth and development of young people who may be in trouble;

Creative probation projects that avoid traditional approaches in which probation officers offer this limited admonition: "listen to me and report to me," and are frequently unable to offer needed services or supportive supervision:

Alternatives to the usual detention home or training school for minors who, because of learning or behavioral problems, need special education or supervision.

The Child Development Committee particularly would like to see funding under the act used to develop computerization of available shelter-care services for juveniles. The need was emphasized by Milton Luger, assistant administrator of the Juvenile Justice Office of the Law Enforcement Assistance Administration (LEAA):

"Mechanically, it always impressed me that I can get an airlines seat location in two minutes, and it takes two months to find an empty bed for a kid."

Centralized referral should be available to but independent of the juvenile justice system.

The Child Development Committee encourages support for the Federal Coordinating Council of LEAA in its efforts to coordinate all Federal programs and funding for delinquency prevention, treatment, and control, as these factors enhance normal child development. The interrelationships between child abuse, learning disabilities, poverty, malnutrition, and delinquency must be fully understood in order to resolve the problems.

INTERNATIONAL WOMEN'S YEAR

Report: ". . . To Form a More Perfect Union. . . ." Part II: Today's Realities—Parents and Children: Enriching the Future p. 88–89.

The Commission endorses these parenthood programs in the school, hoping that education will help to break the chain of social problems that is linked to immature and uninformed parenting practices.

Senator Birch Bayh, a member of the Commission and sponsor of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415), has said:

"Clearly it is better economics to raise whole, functioning members of our society than it is to spend 35 times as much feeding the results of our neglect—crime and welfare—after the time for constructive action has passed."

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93–415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4–H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Council of Organizations of Children and Youth, Youth Development Cluster; members:
AFL–CIO, Department of Community Services.
AFL–CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescent Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Big Brothers of America.
Big Sisters International.
B'nai B'rith Women.
Boys' Clubs of America.
Boy Scouts of the USA.
National Council of Organization of Children and Youth, Development Cluster; members, continued:
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the USA.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of State Committee for Children and Youth.
National Jewish Welfare Board.
National Urban League.
National Youth Alternatives Project.
New York State Division for Youth.
Odyssey.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Van der Does, William.
Westchester Children's Association.
Wooden, Kenneth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
National Youth Alternatives Project.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

Mr. BAYH. If it had not been for broad based grassroot support we never would have been able to enact the Juvenile Justice Act. Those at home who have been receiving assistance under the 1974 maintenance provision are the ones who are going to suffer under the committee bill.

I think the question of where local communities are on this issue is rather evident. They want us to continue to increase the priority for juvenile crime programs. I think we better.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. BAYH. I yield.

Mr. McCLELLAN. There is no prohibition in this bill for using any part of part C and E funds for juvenile delinquency programs, notwithstanding all the other money that is specially appropriated under the Juvenile Justice Act. The State and local governments can submit plans for spending more money on juvenile delinquency programs. The Senator's amendment increases the amount of money that must be spent on juvenile programs whether the States and localities deem it wise or not.

Mr. BAYH. That is right.

Yes, both the pending bill and my amendment requires 19.15 percent be spent of C and E on juvenile programs.

I am sure that the Senator from Arkansas is as concerned, if not more so, than the Senator from Indiana about youth crime and juvenile delinquency. There is no question about that. But the fact of the matter is that if the committee bill formula is accepted there is going to be $30 million less available at

home for local communities, YMCA's, boys' clubs, and local programing under C and E programing than is now required under the formula that we established in the 1974 act, the committee provision is not adopted, $30 million more will go to local communities.

Mr. McCLELLAN. Will the Senator yield on my time?

Mr. BAYH. I am glad to yield on the Senator's or my time.

Mr. McCLELLAN. Notwithstanding, juvenile delinquency will have less money mandated. These $30 million, as he says, would be available to all the programs, including juvenile delinquency, according to the priorities established by State and local governments. We are simply trying to equalize this thing. Even then, we have already given special treatment of $75 million to LEAA for juvenile programs under the Juvenile Justice Act. Under the Crime Control Act we are trying to keep it equitable so that no program will get seriously hurt.

Mr. BAYH. Let me explore that because I do not wish to damage other programs or categories and my amendment does not, but the fact of the matter is that the only LEAA programs that have had the percentage limitation or the dollar figure limitation have been the grant programs going back to local communities. As to administrative costs, research, technical assistance, court programs, training and other components, there is no priority for juvenile crime. Only the 1972 figure of $112 million was limited for local juvenile crime programs. Other programs are not going to suffer if a minimum of each within its own area must go for juvenile crime efforts. The Senator from Indiana is saying that there ought to be a minimum requirement for all programs. I think it is important for us to take a good, hard look—a realistic look—at what happened yesterday. Forty-five Members of this body vote to decrease the tenure of this bill. Only three votes kept the length of this bill from being decreased from 5 to 3 years. We are having significant criticism directed at LEAA, and I think the reason we have had criticism directed at LEAA is it has not been doing the job, especially with regard to juvenile crime. Many good judges and law enforcement officials are not getting adequate support and resources to deal with juvenile crime or to focus early enough in the life span of a would-be criminal. Too often assistance has only been available when we deal with repeat offenders instead of when we have a chance for change. We must make LEAA more responsive to juvenile crime.

When we passed the 1974 act, the record will show that, Congress intended to provide special moneys for special emphasis for the juvenile delinquency prevention program and also to require that at least $112 million be spent from other LEAA funds to fight juvenile crime. This is not any new and novel approach that the Senator from Indiana has just now suggested. That is what we decided in 1974. The law required it in 1975. Here we are in 1976 with some trying to repeal the dual thrust of the act.

I want us to look at what this means in resources. Now LEAA must maintain grants of $112 million for local communities. If the committee amendment is approved and the Senator from Arkansas is successful the maintenance level will be decreased by $30 million, a 26-percent decrease in the amount of block grant moneys we will send back to local communities to fight juvenile crime. We can ignore that fact. The committee bill will decrease, not maintain the status quo, C and E funds in this area by $30 million.

I shall deal with what I think is a legitimate concern that has been raised by the Senator from Arkansas. What about the other programs? What the Senator from Indiana tried to do in committee, as he knows and the Senator from Nebraska knows, was to retain the maintenance of effort level. The 1974 law requires $112 million of block C and E grants for local juvenile crime programs. Despite the fact the youths commit 50 percent of the crimes, we are struggling to maintain the existing level and the administration was lobbying to repeal the program altogether. I was defeated and I thought that perhaps another approach would satisfy concerns of others and still retain the priority on juvenile crime.

So if Senators are concerned about the amount of money that is going back to local communities for juvenile delinquency under C and E grants, the Senator from Indiana's percentage approach is identical with the percentage approach of the Senator from Arkansas. Not one cent more will go back to local communities under C and E grants if my amendment is successful than would be the case under the present bill. Both figures would be $82 million.

What the Senator from Indiana is saying is this: Let us have the same test apply to the other programs and categories.

A so-called sheet was distributed late yesterday to the Members. I am sure all Senators have a copy of the other programs that are allegedly to be destroyed—or at least damaged a little—by the Senator from Indiana's amendment. I should like to go down this list, because I think we are all trying to accomplish the same purpose.

Supposedly, programs for prevention of crimes against the elderly are going to suffer. Who do we think is preying on our older citizens? Not a cadre of 56-year-old persons. Not seasoned, old-time safe crackers. Professional cons are not beating elderly persons and stealing social security money. It is likely 17-year-olds, who have not learned better, who do not have jobs, often under circumstances where the swimming pool is closed, the playground is not available, and family problems are predominate.

If we do not emphasize the source of the problems and the culprits, we never are going to curb those who mug and assault our older citizens.

My amendment allegedly will hurt Indian justice programs.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. McCLELLAN. If we are spending money to protect the elderly people, will not that money be spent to protect them from juvenile delinquents? If juveniles are committing 50 percent of the crimes, we are contributing to protecting them with respect to juvenile crime.

Mr. BAYH. I think that is what the Senator from Indiana just said. I have to say that I think my amendment will provide more protection for older people.

It is alleged that Indian programs will be hurt. My amendment recognizes that many native Americans in urban areas, on reservations alike are in desperate need of assistance of all varieties and would require of these Indian law enforcement programs funded by LEAA, that 19.15 percent should be directed for young Indians and those who will help assist Federal councils and others to prevent delinquency and fight juvenile crime. Surely because of past neglect the percentage to assist native Americans should if anything be higher.

It is claimed that drug and alcohol abuse programs will be hurt by my amendment. Whom are we kidding? Two-thirds of those with serious drug abuse problems are young people.

With respect to LEAA drug abuse programs, such as TASC, my amendment would require that 19.15 percent of the resources be focused on juvenile crime.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. McCLELLAN. Will the Senator agree, then, that the money being spent in that program applies to youth, to try to prevent them from committing crime? So we are spending it on juvenile delinquency, to the extent that they are committing crimes, if we are spending it in trying to prevent drug abuse.

Mr. BAYH. That is not changed by the amendment of the Senator from Indiana. My amendment rather than destroying the alcohol and drug programs, would require that at least 19.15 percent of the funds be allocated for drug dependent youths on the juvenile justice system.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. PASTORE. I am one who agrees with the Senator from Indiana. As a matter of fact, this has been an uphill struggle right along. The matter of juvenile delinquency and what part of the LEAA money goes to juvenile delinquency has been a struggle with which we have been grappling for some time.

The administration—it is beyond me to comprehend this—particularly the Justice Department, has been reluctant even to send up a budget estimate, and we have been prodding them time and time again to do so. Finally, the House, on its own initiative, suggested $40 million in the bill we have passed, and the President has signed it.

When the bill came before our committee, the subcommittee of which I am chairman—to the credit also of the Senator from Nebraska—we raised it to $100 million. We thought that the $40 million was only a token payment, be-

cause juvenile delinquency is rampant throughout the country.

Something should be done. As I have said before, an ounce of prevention is worth a pound of cure. So we raised it to $100 million. We went to conference, and there was a struggle there, also. Finally, we came out with $75 million.

It may well be that an argument can be made against the amendment of the Senator from Indiana inasmuch as he takes almost 20 percent of all the funds and puts them in one category. Perhaps the better way to have handled it would have been to have raised the authorization so that we would not take it from other areas.

Judges have been talking to us about more money. Police chiefs have been talking to us about more money. The various municipalities have been talking to us about more money. The fact remains that if we take a big chunk out in one direction and earmark it and dedicate it for that purpose, there is going to be a diminution of funds in other areas which are equally important, and I do not want to begin to put priorities here.

This struggle by the Senator from Indiana has been a perennial struggle. He has been trying time and time again, and I do not know how many letters I have received from him.

A short time ago, in my State, a conference of the juvenile justices from all over the country was held. Thirty-two States were represented. I was asked to keynote that particular convention, and I did. All I heard at that time from the judges was, "Please give us the facilities; give us the money to do something about it. We don't want to send these young offenders to jail. We don't want to put them in with hardened criminals. But you have to do something on a national level if you don't want to end up with a catastrophic situation."

I say to Senators that drug abuse has gone too far. How we ever are going to eradicate it, how we ever are going to prevent it, how we ever are going to educate our young people to do something about it is beyond me; but that is another problem.

This amendment may or may not be agreed to; but, so far as I am concerned, I do not think we are doing enough in the area of juvenile delinquency.

One of my responsibilities, as everyone in the Chamber knows, is as chairman of the Subcommittee on Communications. I have been trying to do something about violence on television.

In 1969, I wrote a letter to the Surgeon General, asking that he conduct a scientific study to establish whether or not there is a cause and effect as to the behavior of young children with relation to violence on television. We put up a million dollars. We had 23 independent studies made. By whom? By psychologists, anthropologists, psychiatrists, sociologists—the best minds in the country.

In 1972, the Surgeon General came before my committee and said that there is a causal relationship between violence on television and the behavior of young children.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

The Senator from Arkansas has 5 minutes remaining.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. I yield the Senator 2 minutes on the bill.

Mr. PASTORE. It grieves me to disagree with the distinguished chairman of the full committee. I know he has a responsibility here and I am not saying that he is wrong in his contention. I am merely trying to impress upon him as well that juvenile delinquency has gone out of bounds. Snatching handbags from women as they are going to church. Only the other day, they tell me, unprovoked, they picked up two little kids in front of their home and they put them in an automobile and one of the fellows that picked them up began to hit them with a hammer. What are we coming to? Has the country gone mad? Are we going to do something about this or are we not going to do something about this? This is what this is all about.

I repeat, again: It is too bad we had to do it this way. I hope that if the Senator from Indiana accomplishes anything, he emphasizes the need to do more in this area. We have been trying to do all that we possibly can. The best that I could do was $75 million this year. The President has signed that bill. I hope it helps and I hope that, in the future, whether this amendment passes or is defeated, we become conscious of our responsibility, because I am telling you that the worst scourge that can affict our society is not to do something about juvenile delinquency and to help these boys grow up to become law-abiding citizens.

I thank the Senator.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

I agree with practically everything that the Senator from Rhode Island has said. The only issue here is that we say we are not getting enough; I am not contesting that. I have supported the juvenile delinquency program all the way through and I am not opposing it now. My suggestion is that the best procedure for the Senate to provide more money for juvenile delinquency is to put it on an appropriation bill under the authorization of the Juvenile Justice Act. Do not put it on this and take money away, as the distinguished Senator from Rhode Island agrees that it would, from other valid, good programs.

As to the illustration the distinguished Senator gave about the two youngsters being picked up, it seems to me that is not juvenile delinquency unless they were picked up by juveniles.

Mr. PASTORE. They were juveniles.

Mr. McCLELLAN. If they were juveniles committing a crime, that is one thing. But the important thing is that we have to enforce the law as well as to try to prevent crime. I believe that the right way to increase expenditures on juvenile prevention programs would be to add more money to an appropriation bill for that purpose—there are other appropriation bills coming up—rather than take it away from these other programs. In my judgment, that is a better way to do it. I am fighting for the other programs, as well as this one. I am not opposing this one. But I am urging this body not to do an injustice on the one hand in order to serve what they believe to be justice on the other.

Mr. PASTORE. Will the Senator yield?

Mr. McCLELLAN. Yes, I yield.

Mr. PASTORE. Another thing that has bothered me, we have already passed an appropriation bill of $75 million and it is subject to the authorization bill being passed. I discussed this matter with the Senator from Indiana only yesterday. I am wondering, if his amendment does pass, whether that does not vitiate the $75 million? That is a serious thing. Then how do we cure that? We have already put in $75 million. We have already gone to conference. The conference has approved the $75 million, the President has signed the bill, but the appropriation is subject to authorization. If we change this authorization in another direction, what happens to the $75 million? Will that give this hesitating administration a reason to hold up even the $75 million? It might. I do not know. I hope we cure that.

Mr. BAYH. Would the Senator from Arkansas permit me 3 minutes on the bill to answer that question?

Mr. McCLELLAN. Yes.

Mr. BAYH. First, the Senator from North Carolina had a unanimous-consent request.

Mr. MORGAN. Mr. President, I ask unanimous consent that Bernard Nash of the Committee on the Judiciary be given floor privileges during the debate and vote on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. There is not a person in this body who has labored more diligently and been more vigorous in the area of juvenile delinquency than the Senator from Rhode Island. The Senator from Rhode Island had to drag this administration, kicking and screaming, into spending that first dime. Similarly, as I mentioned earlier, the Senator from Nebraska was a fundamental ingredient, a prime mover, in getting this bill passed. Yet when the President signed it he cited the availability of the $140 million which was really $112 million, of which he now seeks repeal, as the basis for opposing funding of the new preventation office. The Senator from Rhode Island ultimately obtained a compromise $25 million. The next year, he obtained a compromise $40 million. This year we provided, in the Senate, $100 million, and had to compromise on $75 million. The administration, especially OMB, fought every dollar, every step, citing the availability of the $112 million in the LEAA program, which their bill, S. 2212, would repeal.

The Senator from Rhode Island is saying, increase the juvenile justice program, and we got some increases partly through the effort of the Senator from Rhode Island. But the administration's response all along has been, "Don't do that, you have the money in the Crime Control Act. I say we have to look at the whole picture. The size of the whole pie

that goes back to local communities under the maintenance provision and the new prevention program headed by Milt Lugen.

Mr. PASTORE. Is this money outside the LEAA?

Mr. BAYH. No.

Mr. PASTORE. That is what is bothering me, that the juvenile delinquency money is in the LEAA.

Mr. BAYH. On the specific question raised by the Senator from Rhode Island, the $75 million is not jeopardized because that is authorized through the juvenile justice program which does not expire until next year.

Mr. PASTORE. No, the money we got in the 1977 budget is subject to this bill that has to be passed.

Mr. BAYH. That is not so, I say to my friend from Rhode Island.

Mr. PASTORE. In other words, we are under authorization on the $75 million?

Mr. BAYH. We have obtain half the funding. The 1974 act was authorized at $150 million for fiscal year 1977.

Mr. PASTORE. Under that situation, I shall support the Senator's amendment.

Mr. BAYH. I thank the Senator from Rhode Island.

Mr. HRUSKA. Mr. President, this will put into perspective the remarks I made earlier, which bear repetition. In America, the States and local governments spend for total law enforcement purposes in the range of $15 billion. The appropriation for the LEAA program, including title I of LEAA and title II of the Juvenile Justice Act, is three-quarters of a billion dollars. Forty-seven million dollars is the increase that the Senator from Indiana wants for his juvenile justice program. Forty-seven million dollars, as against a base of $15 billion, is minuscule, but $47 billion is not minuscule when it is cast against the moneys that are available from Federal sources.

The answer is this, Mr. President, and the Senator from Arkansas has repeated it many times on this floor today: In order to give that $47 million increase to juvenile justice, we have to take it from other programs. When we try to reduce the program for the LEEP, the educational program for police officers—you talk about mail. We had mail by the bushel. They wanted that program restored to its previous levels of funding.

When the committee considered the amendments to establish judicial planning committees in the States we were asked for 30 percent of the entire appropriation to go to the courts and their programs. We could not do it.

Mr. BAYH. Will the Senator yield?

Mr. HRUSKA. My time is limited, I am sorry.

There are programs for the prevention of crime against the elderly, Mr. President. There are the discretionary funds by way of grants to States and cities. There is the program to reduce the court backlog. Each time we get into the matter of reducing those——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HRUSKA. May I have 1 more minute?

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. HRUSKA. May I have a minute on the bill?

Mr. McCLELLAN. Yes.

Mr. HRUSKA. Mr. President, it has been said that many witnesses appeared in favor of increasing the appropriation for juvenile justice. I wish it could be increased. I would vote for a larger appropriation for it, but not at the expense of reducing funds for other categories. Many of the witnesses who testified in favor of the juvenile justice program also testified in favor of some of these other programs. The question should have been put to each one of them: Now, then, if we have to cut $47 million, which of these other programs should we reduce, including the one that you are interested in?

I have an idea that the answer would be different. I have never see a dearth of witnesses in favor of an additional Federal grant of money. But when they are faced with the alternatives that Appropriations Committees are faced with, you have to choose by priority. It either goes one place or it is taken away from another place. We ought to let the appropriations remain at the $75 million level for juvenile justice under title II and the $83 million from title I of the Safe Streets Act, making a total of $158 million for this specific purpose, and allow the other programs to survive at their current levels.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I would like to ask a question, Mr. President, of the manager of the bill, if I might, just for purposes of information.

Mr. McCLELLAN. I yield myself a minute's time.

Mr. HUMPHREY. Might I ask the distinguished Senator from Arkansas is the authorization in this bill less or more than the budget request?

Mr. McCLELLAN. The authorization for the bill? The authorization is more.

Mr. HUMPHREY. Is more. How much more, may I ask the Senator?

Mr. McCLELLAN. The authorization is $1 billion, and the appropriation total $678 million.

Mr. HUMPHREY. I am talking about the administration's budget request, the administration's request.

Mr. McCLELLAN. For the whole bill is what I am talking about.

Mr. HUMPHREY. Yes, that is OK.

Mr. McCLELLAN. We have an authorization of $1 billion for fiscal year 1977.

Mr. HUMPHREY. In this bill?

Mr. McCLELLAN. Yes, for LEAA.

Mr. HUMPHREY. How does that compare with last year?

Mr. McCLELLAN. The authorization for last year was also $1 billion. The appropriations for fiscal year 1977 are about $100 million less than last year. That is our problem, may I say to the Senator. That is what is involved in here. The appropriations have gone down from $880 million in fiscal year 1975 to about $770 million in fiscal year 1976 to $678 million for fiscal year 1977. That represents a drop of almost 25 percent—$202 million.

Mr. PASTORE. Mr. President, will the Senator yield on that point? Last year we appropriated $809 million, including the Juvenile Justice Act program. The administration asked for $600 million for LEAA. We were ready to put in enough to go back to the amount that was appropriated in the previous year, the $809 million. In the meantime the House increased it by $140 million. When we went to conference we added another $15 million, so we are pretty close now to the efforts of Congress to the amount that was appropriated last year.

Mr. HUMPHREY. The point I make, and maybe the Senator can help me——

The PRESIDING OFFICER. The Senator's 1 minute has expired. Who yields time?

Mr. McCLELLAN. I yield 2 minutes on the bill.

Mr. HUMPHREY. If the amendment of the Senator from Indiana does what the distinguished Senator from Nebraska has said, in other words, takes $47 million from other programs—and I believe that is what the indication was—then the thing to do here, since we have got a problem of crime in this country that is second to none, and is a greater threat to our security than anything from external forces—the real problem that affects the people of this country today is the crime problem, and every citizen knows it—why do we not increase the authorization by $47 million. That is not going to bankrupt the budget.

We spend millions of dollars around here to protect us from the Russians. We have more problems with the people on the street than we do with the Russians.

Mr. HRUSKA. Mr. President, will the Senator yield? The appropriation bill for this item has been passed and enacted into law and, therefore, we have this ceiling and, hence, the necessity, if we increase one category we have to shift and reprogram the funds from many other programs to make up the increase in one category. That is our problem. If this were an appropriation bill the answer would be simple.

Mr. HUMPHREY. May I say to the Senator, we do have supplementals that come along, and the Senator and I have been here long enough so that we know the argument made here that the funds of the amendment of the Senator from Indiana will take money away from other essential programs——

Mr. McCLELLAN. That is right.

Mr. HUMPHREY. What the Senator is saying is that it would take money away because of the appropriation process. All I am saying here is to make it clear to the Appropriations Committee "if you increase the appropriations said amount when the supplemental comes up you can take care of it."

The PRESIDING OFFICER. (Mr. HOLLINGS). The Senator's time has expired.

Mr. McCLELLAN. There is $1 billion authorized, but we have appropriated this year $753 million, which includes $75 million specifically under the Juvenile Delinquency Act, not included in

the moneys that will be available for other purposes.

Now, the amendment would earmark $129 million for juvenile delinquency programs, to the exclusion of other programs, in addition to the $75 million under the Juvenile Justice Act; am I correct?

Mr. BAYH. No, with all respect, my friend is not correct, and if I could have just a minute——

Mr. McCLELLAN. What is the amount, what does the Senator's amendment take?

Mr. BAYH. The present law requires, the law passed in 1974, when the figure we were spending for LEAA was $698 million less than the $753 million we now are spending.

Mr. McCLELLAN. But we have had these increases.

Mr. BAYH. When we decided in 1974 to change things, to start to reorder our priorities to match our needs, we said we were going to spend $140 million Crime Control Act priorities on young people through juvenile crime and delinquency programs.

Mr. McCLELLAN. That is correct.

Mr. BAYH. We are spending more now on LEAA than then.

Mr. McCLELLAN. That came to 19.15 percent, did it not, of the total expenditure for parts C and E that year?

Mr. BAYH. That is accurate.

Mr. McCLELLAN. That is what we are trying to continue.

Mr. BAYH. That is accurate. But what has happened, because of the way the Senator from Arkansas is approaching this, instead of spending $112 million he would have us spend $82 million, and the Senator from Indiana urges that we take that 19.15 percent figure that we decided was the minimal amount we were going to spend back in 1972, and let us——

Mr. McCLELLAN. May I say to the Senator, to get the record straight, it was September 1974 when the Juvenile Justice Act was enacted when this figure was fixed at a minimum; not in 1972?

Mr. BAYH. The Senator is absolutely correct. As the author of the Juvenile Justice Act, I assure the Senator that it was passed in 1974. But the figure we decided on in 1974, when the bill was passed, was the latest figure we had from LEAA, which was the 1972 figure.

Mr. McCLELLAN. But in fiscal year 1975—the first time the $112 million came out of any money under the maintenance of effort provision—we had an appropriation of $880 million.

Mr. BAYH. Yes.

Mr. McCLELLAN. Now we are down to $753 million.

Mr. BAYH. Yes. But we were using the juvenile component of the 1972 figure.

Mr. McCLELLAN. All right. Now, in addition to that, since then the Juvenile Justice Act has been enacted, and appropriation made of $75 million for 1977 under that act over and above the $112 million.

Mr. BAYH. But, may I say to my colleague, that was part of the 1974 agreement.

Mr. McCLELLAN. It was not an agreement. We are talking about facts.

Mr. BAYH. Well, the agreement I just read in the RECORD shows that we said we were going to put that floor under juvenile delinquency programs at $140 million, and then, in addition to that enact and fund the prevention programs that the Senator from Rhode Island has strongly supported.

Mr. McCLELLAN. On the basis of the appropriation that we were spending then that was agreed to. The pending bill would continue the same percentage, but not the same dollar amount. This is only fair to the other programs as funds available drop.

Now, let me make this observation. The Senate can do what it wants to do. It is not my provision. It belongs to all of us, but I do not want to do an injustice to these other programs, in order to do more justice, if we want to call it that, to the juvenile delinquency program.

The Senators can correct this situation in the proper way with a supplemental appropriation bill when it comes along. Just increase the appropriation for the juvenile delinquency program. Then you do not do injury, you do not do injustice, to these other criminal justice programs.

Mr. PASTORE. If we do that will we be within the authorization?

Mr. McCLELLAN. Yes. We have $150 million as an authorization for juvenile delinquency.

Mr. PASTORE. In other words, this would be the responsibility of the Appropriations Committee?

Mr. McCLELLAN. Yes. You have $150 million authorized; you only have appropriated $75.

Mr. PASTORE. I will not be here after January, but if that supplemetnal comes up before January I will put it in.

Mr. BAYH. The Senator from Rhode Island can cite to us how his efforts on behalf of these programs have been fought every step of the way by those in this administration who say "We do not need any money in your prevention program, Senator PASTORE, Senator BAYH, because we have it in the LEAA Crime Control Act program." In other words, it is now you see it and now you do not.

Mr. McCLELLAN. Mr. President, I am simply suggesting that we should not do an injustice to good programs here in order to do a little more for something else, when the opportunity to do more for the other is still available. We can use the appropriation process if we want to. I think that is the way to handle this. I have suggested it from the beginning of this discussion, and I still think that that is the way it should be handled.

Mr. BAYH. Mr. President, will the Senator permit me to deal with that particular point on the bill's time just briefly? Will the Senator permit me a couple or 3 minutes to deal with that?

Mr. McCLELLAN. I believe I have 10 minutes left on the bill. I have been yielding time on the bill.

Mr. BAYH. The Senator has been very kind.

The PRESIDING OFFICER. The Senator has exactly 10 minutes.

Mr. McCLELLAN. How much time?

The PRESIDING OFFICER. Ten minutes.

Mr. McCLELLAN. I yield 3 minutes.

Mr. BAYH. I think it is important—to emphasize that I do not want to penalize these other programs and my amendment will not penalize other programs, but it will require these existing programs to devote some of their efforts to juveniles.

The fact of the matter is the law now requires $140 million—in effect only $112 million—out of LEAA moneys plus $75 million out of the prevention program established by the Senator from Rhode Island and the Senator from Indiana. That is what the law is right now. Now we have to decide whether we are going to step back from the progress we made in 1974.

Mr. HUMPHREY. Mr. President, will the Senator yield at that point?

Mr. BAYH. It is important to point out that my amendment will not damage other programs, but merely require them to devote 19.15 percent of their efforts toward juvenile delinquency.

Mr. McCLELLAN. If the Senator wants to increase it $17 million over and above what the law is now——

Mr. BAYH. Just a minute. The money earmarked by my amendment is going to be attributable to these other programs that the Senator from Arkansas thinks are going to be injured. We are going to say to these other programs, when you are involved in the training of judges spend at least 19.15 percent to train juvenile judges; in training police officers spend at least 19 percent to train police officers to better handle juvenile crime; spend 19 percent of court reform funds on juvenile courts so that we do not have to have juveniles who have been arrested, for serious violent crimes on a regular basis out roaming the streets because of overcrowded courts, or judges faced with inadequate facilities in which to place juveniles.

I do not want to destroy these other categories.

Mr. HUMPHREY. Will the Senator yield?

Mr. BAYH. Yes.

I appreciate the Senator from Arkansas' patience.

Mr. HUMPHREY. This is a very difficult issue for us because there are arguments on both sides. As the Senator from Arkansas has pointed out, there is another solution.

The amendment of the Senator from Indiana, as I understand it, would amount to a sum total of $129 million.

Mr. BAYH. The money is already available, but it would mandate that amount for juvenile delinquency programs.

Mr. HUMPHREY. The bill, as reported by the Senator from Arkansas, provides $82 million.

Mr. BAYH. That is accurate.

Mr. HUMPHREY. The Senator has been getting $112 million.

Mr. BAYH. That is accurate. We thought the 1974 act provided $140 million.

Mr. HUMPHREY. Why not settle for $112 million for 1 year?

Mr. McCLELLAN. That does an injustice to these other programs.

Mr. HUMPHREY. It does less.

Mr. BAYH. I tried to get it adopted in the committee.

Mr. HUMPHREY. Why not try here? It permits, again, the process to work, which I think the Senator from Arkansas is correct on, the appropriations process.

Mr. PASTORE. Will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. PASTORE. If we follow the Senators' plan, do we take away anything from other categories?

Mr. HUMPHREY. Yes; some.

Mr. PASTORE. Why do we not add that to the authorization?

Mr. McCLELLAN. We already have the authorization.

Mr. HUMPHREY. I found out in my colloquy with the Senator from Arkansas, there is adequate authorization.

Mr. McCLELLAN. A billion dollar authorization for this program.

Mr. PASTORE. Is this an authorization bill we are talking about or is it an appropriation bill?

Mr. McCLELLAN. An authorization bill.

Mr. HUMPHREY. That is what I understood.

Mr. PASTORE. If the Senator's plan does not take away from anybody else——

The PRESIDING OFFICER. The 3 minutes have expired.

Does the Senator from Arkansas yield time?

Mr. HUMPHREY. There is time on the bill.

Mr. McCLELLAN. I have 8 minutes left on the bill.

The PRESIDING OFFICER. There are 7 minutes left.

Mr. McCLELLAN. Seven now, for all other amendments.

Mr. HUMPHREY. Well, 1 minute will take care of this.

Mr. McCLELLAN. Yes.

Mr. HUMPHREY. Is it not a fact that if we add $47 million to the authorization, using the line of argument of the Senator from Rhode Island, it takes care of all problems insofar as the authorization is concerned?

Mr. McCLELLAN. We already have the authorization.

Mr. HUMPHREY. The Senator said we have a new authorization bill.

Mr. PASTORE. The Senator says the authorization would take it away from somebody else, so raise it so that it will not.

Mr. McCLELLAN. The appropriation takes it away, not the authorization. The appropriation has already been made.

The PRESIDING OFFICER. The 1 minute has expired.

Mr. PASTORE. May we have another minute?

Mr. HUMPHREY. I shall be offering an amendment to add $47 million to the total authorization.

Mr. PASTORE. So why do we not extend a bit of time here and do it in an easier way?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CANNON (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "yea." If I were at liberty to vote I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. GARY HART), the Senator from Indiana (Mr. HARTKE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. HUGH SCOTT) is absent on official business.

The result was announced—yeas 61, nays 27, as follows:

[Rollcall Vote No. 408 Leg.]

YEAS—61

Abourezk	Gravel	Muskie
Bayh	Hart, Philip A.	Nelson
Beall	Haskell	Packwood
Bellmon	Hatfield	Pastore
Biden	Hathaway	Pearson
Brock	Hollings	Proxmire
Brooke	Humphrey	Randolph
Bumpers	Inouye	Ribicoff
Byrd, Robert C.	Jackson	Roth
Case	Javits	Schweiker
Chiles	Johnston	Sparkman
Church	Kennedy	Stafford
Clark	Leahy	Stevens
Culver	Long	Stevenson
Dole	Magnuson	Stone
Domenici	Mathias	Symington
Durkin	McGee	Taft
Eagleton	McGovern	Weicker
Fong	McIntyre	Williams
Ford	Morgan	
Glenn	Moss	

NAYS—27

Allen	Garn	Nunn
Baker	Griffin	Percy
Bartlett	Hansen	Scott,
Bentsen	Helms	William L.
Burdick	Hruska	Stennis
Byrd,	Huddleston	Talmadge
Harry F., Jr.	Laxalt	Thurmond
Curtis	Mansfield	Tower
Eastland	McClellan	Young
Fannin	McClure	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cannon, against

NOT VOTING—11

Buckley	Hartke	Pell.
Cranston	Metcalf	Scott, Hugh
Goldwater	Mondale	Tunney
Hart, Gary	Montoya	

So Mr. BAYH's amendment (No. 2048) was agreed to.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that my vote on the Bayh amendment No. 2048 may be changed from "nay" to "yea."

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing rollcall vote has been changed to reflect the above order.)

Mr. BAYH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FORD). Who yields time?

Mr. McGOVERN. Mr. President, will the Senator from Arkansas yield me about 3 minutes?

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. Senators will please take their seats and take their conversations to the cloakroom.

The Senator from Arkansas.

Mr. McCLELLAN. Mr. President, on behalf of the Senator from California (Mr. TUNNEY), I ask unanimous consent that Mr. Benjamin Pollock be accorded the privilege of the floor for the purpose of monitoring this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, will the Senator now yield to me for a brief colloquy?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that this colloquy be considered a discussion of an amendment. I have yielded so much time on the bill that I only have 6 or 7 minutes left. I ask unanimous consent that the colloquy be considered a discussion of an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, first of all, I commend the committee, and particularly the distinguished chairman, for having taken what I think is an important step toward recognizing that rising crime rates are not confined to our major cities alone, but that smaller towns and even rural areas have also experienced an alarming increase in crime in recent years. In many instances, local authorities do not have the resources to cope effectively with these new problems.

I am pleased to note that the language of section 408, the so-called high crime impact grant provisions, seems clearly intended to insure that smaller communities and predominantly rural jurisdictions which experience rising rates of crime shall also be eligible for assistance under this program.

If my interpretation of the committee's intent is correct, these smaller jurisdictions should be able to compete on an equal footing with the major cities for high impact assistance, and I think the same considerations ought to be made by LEAA administrators when they are promulgating the guidelines under which these grants are made.

If I am correct, LEAA administrators ought to be aware that there should be no discrimination against smaller communities in the procedures established to evaluate applications and award grants under the section.

I believe that it is most important to make this intent clear because I am

aware that at least some proponents of this program wish to earmark the funds for the exclusive use of a few major cities. Earmarking of this kind would make over half the States and all of our nonurban co-munities ineligible for high crime impact assistance, regardless of what their circumstances might be.

I will say to the Senator from Arkansas that I do not deny that larger urban areas need assistance, and I am a strong supporter of programs to revive and strengthen the cities, but at the same time I could not support discrimination against the millions of Americans who reside in smaller cities, smaller towns, and rural areas, where crime is also a very serious problem.

So I would like to direct two questions to the Senator from Arkansas, to make sure I have not misunderstood the intent of the committee in framing the language of section 408.

First of all, I shall ask the chairman if, in his view, I am correct in assuming that eligibility under this section will be of a general nature, and there is no intent on the part of the committee to exclude jurisdictions from eligibility simply on grounds of population.

Mr. McCLELLAN. I say to the distinguished Senator so far as the committee is concerned, and so far as the language of the bill is concerned, his assumptions are correct. There is certainly no intent of which I know and I believe I can disclaim any intent on the part of any member of the comi ttee to single out only the larger cities.

Is that what the Senator has in mind?

Mr. McGOVERN. Yes.

Mr. McCLELLAN. If that had been our intent, we would have so specified. We would have said "high crime areas in cities above certain population." As the provision is now, there is nothing to prevent the administrator from finding that a high crime situation exists in any county or city without regard to population or location.

I assume it would be so administered. However, I would assume that attention under this provision will generally be given to those larger cities where there is a high incidence of crime. But there is certainly nothing in the measure as written that would prevent the administrator from finding that there was a high incidence of crime in any locality or community, and approving a grant accordingly.

Mr. McGOVERN. Mr. President, I am glad to be reassured by the chairman that my interpretation of the provision was correct.

That being the case, does the chairman also concur in my view that the LEAA should be expected to take into account these broad considerations of eligibility when they are promulgating regulations, definitions, and guidelines and when it comes time to make the grants? Does the Senator see any reason why smaller communities that have a high crime problem should be excluded in the way the guidelines are drawn or in the way the grants are processed?

Mr. McCLELLAN. I think, to be practical, we know that there is a substantial incidence of crime almost everywhere throughout the country. What places the administrator will select for grants under this special provision, of course, I do not know. All I can do is assure the Senator there is nothing in this law, in my judgment, that prevents the administrator from approving an application or a grant in any community under this program where there is established to his satisfaction that there is a high incidence of crime. Any community where there is a high incidence of crime is eligible under this bill. That is all I can assure the Senator.

Mr. HUMPHREY. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. Yes, I yield to the Senator.

Mr. HUMPHREY. I appreciate very much the colloquy the Senator from South Dakota entered into with the distinguished Senator from Arkansas because it does help build legislative history. We always have attention given to the high rates of crime in the so-called metropolitan areas. One of the reasons for it is they have daily newspapers, investigative reporters, and they generally have more accurate statistical information in the metropolitan police departments. But more recent reports from the Federal Bureau of Investigation reveal that the rise in crime in America is in the smaller towns and the rural areas, that there has been an outflow, so to speak, of crime.

I simply wish to build this legislative record to this point, that there will be those of us here watching to see how this program is administered.

I live in a county that is 40 miles west of Minneapolis. The incidence of crime in that county has gone up considerably in the last 5 to 10 years and in part because of increased population pressure and changes in the type of economy, and I simply wish to be sure that the counties in my State, which are not all metropolitan—we only have three metropolitan areas, Duluth, Minneapolis, and St. Paul, the immediate region—the administrator of this program keeps in mind what the trend is in crime, and the trend in crime is that there is a more rapid growth rate in crime in the so-called smaller communities, in rural areas, than there is in the large urban areas.

I think that is what the Senator from South Dakota is getting at.

Mr. McGOVERN. That is precisely the assurance that I was trying to get and I think the Senator from Arkansas, the chairman of the committee, has made clear that there is no way under the terms of this legislation that the administrator of this program is being invited to exclude smaller communities.

When we talk about the high impact of crime we are not only talking about the cities. We are talking about every State in the Union. We are talking about the modest-sized communities, the small communities, and the rural areas. It is very important to make the legislative history very clear that those administrators of this program would be in clear violations, as I understand the committee's intent, if they were to establish some arbitrary population figure and say, "We are just going to help the 50 largest cities," or "We are just going to help the 25 largest cities." This is a national program to deal with the problem of crime in every State in the Union, and I am very grateful to have the assurances on this point.

Mr. DOLE. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. Yes; I yield to the Senator from Kansas.

Mr. DOLE. The Senators from South Dakota and Minnesota expressed concern to me because they are Senators representing small urban areas and rural areas. I have not taken time to read the same arguments made by the distinguished Senator from South Dakota. But based on the colloquy with the distinguished chairman, I am satisfied it cannot be interpreted that way. I am satisfied with the response of the distinguished Senator from Arkansas, and I appreciate the Senator from South Dakota raising the question.

Mr. President, the Senator from Kansas wishes to clarify a provision in S. 2212, the Crime Control Act of 1976. It is my understanding that the definition of the term "high crime areas" in section 408 is not necessarily restricted only to large metropolitan areas.

HIGH CRIME AREAS

It is my understanding that about $40 million is authorized for high crime impact grants during fiscal year 1977 under section 408, and that the guidelines for these grants are to be drawn up by LEAA—The Law Enforcement Assistance Administration.

Top-ranking law enforcement officials in Kansas are concerned that there is an assumption on the part of Federal officials that high crime areas are only in large metropolitan areas. They are concerned that in the guidelines drawn up by LEAA, predominantly rural areas which may have a high crime rate will be excluded.

LIMITED RESOURCES

Any assumption that only large metropolitan areas are high crime areas would certainly not be valid. For, as Kansas law enforcement officials have pointed out, crime rates are not necessarily related to total population.

In Kansas for example, we have 14 cities with a population of over 20,000 and one city with a population of over 200,000. Yet Kansas law enforcement officials indicate to me that the crime problem in many of our smaller urban areas is comparable to that in large metropolitan areas, except that smaller cities have fewer resources to deal with the problem.

In Lawrence, Kans., last year there was an increase in the crime rate of 23 percent over the previous year. The per capita crime rate in Junction City, Kans., was 105.1 per thousand in 1975 and it was 98.9 per thousand in Kansas City, Kans., in the same time period.

These per capita crime rates in Kansas compare to 73.7 per thousand in Chicago, Ill.; 93.1 per thousand in Atlanta, Ga.; and 99.1 per thousand in Dallas, Tex. These are three of the eight metropolitan areas which have previously received grants under the high crime impact section.

So clearly, based on these crime rates, it is possible for the smaller cities to have

a larger crime problem than major urban areas. On the basis of these facts it seems self-evident to the Senator from Kansas that small cities and predominantly rural areas should not be excluded from high crime impact grants.

The high incidence of crime in less densely populated areas appears to be rising. On the average, smaller towns and rural areas in Kansas are experiencing more of an increase than the larger metropolitan areas.

One of the reasons why crime is moving out of the city and into the rural areas is apparently because more Federal funding goes to large cities for law enforcement. People who commit crimes tend to do so where they are less likely to get caught.

Until the small towns and rural areas are able to hire more law enforcement agents, crime will continue to gravitate to those less protected areas, and the crime rate in those areas will continue to rise. That is why the definition of "high crime areas" in section 408 should not be narrowly construed or limited to large cities only.

COURT CASE LOAD

Small cities are also at a disadvantage in the matter of court congestion and backlog. Only in the large metropolitan areas are there more than one assistant county attorney to present cases to the court. This situation, combined with the high crime rates in some smaller cities, may contribute to a tremendous overload to both the court system and the law enforcement agency in a smaller urban area.

Section 408 specifies that high crime impact grants may be made to those areas where assistance is needed to help cope with heavy court loads. This is another reason why the inclusion of small cities in the definition of high crime areas is important.

Mr. President, again, it is my understanding that it is not the intent of section 408 to exclude small urban areas from the definition of "high crime areas." Perhaps the managers of the bill would like to comment on this.

Mr. McGOVERN. Mr. President, I thank the Senator from Arkansas and the distinguished chairman.

Mr. McCLELLAN. As I recall, we have $50 million authorized for this program, and there is $40 million in the appropriation bill that was passed this year. I do not know how far $40 million will go. But certainly there is enough from that $40 million for some smaller communities and rural cities, rather than in the metropolitan area, to have some participation in this program where there is high incidences of crime.

Mr. McGOVERN. I thank the Senator, and I appreciate the chairman's assurance.

The PRESIDING OFFICER. The bill is open for further amendment.

UP AMENDMENT NO. 237

Mr. STEVENS. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes unprinted amendment No. 237.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, after section 28, add a new section as follows:

"Sec. 31. Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

"(a) After section 225(c)(6) add a new paragraph:

"(7) The adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000, located within States which have no city with a population over 250,000."

"(b) Add a new subparagraph (d) as follows:

"(d) No city should be denied an application solely on the basis of its population."

Mr. STEVENS. Mr. President, at present the Juvenile Justice and Delinquency Prevention Act of 1974 regulations restrict cities with a population of under 250,000 from applying directly for certain special emphasis discretionary grants.

In Alaska the total population of the State is about 330,000 as of the 1970 census. About 180,000, or over one-third of the entire State population resides in Anchorage, the largest city in Alaska. While the population is comparatively small, the cities in Alaska are not exempted from juvenile delinquency problems. In the past 2 years, Alaska has experienced a major population growth directly related to the building of the trans-Alaska pipeline. A major impact of this population increase has been experienced in Alaskan cities where unemployment and high prices create a condition which fosters crime.

The applicant eligibility restriction is not unique to Alaska. There are 21 States in the Nation which have no city with a population over 250,000 as of the 1970 census. Therefore, all are restricted, as Alaskan cities, from applying directly for these LEAA grants.

Mr. President, I ask unanimous consent that a list of these 21 States, with the major city in each, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Alaska—Anchorage	189,000
Arkansas—Little Rock	132,403
Connecticut—Hartford	158,017
Delaware—Wilmington	80,386
Idaho—Boise	74,990
Iowa—Des Moines	201,404
Maine—Portland	65,116
Mississippi—Jackson	153,960
Montana—Billings	61,581
Nevada—Las Vegas	125,787
New Hampshire—Manchester	87,754
New Mexico—Albuquerque	243,751
North Carolina—Charlotte	241,178
North Dakota—Fargo	53,365
Rhode Island—Providence	179,116
South Carolina—Columbia	113,542
South Dakota—Sioux Falls	72,488
Utah—Salt Lake City	175,885
Vermont—Burlington	38,633
West Virginia—Huntington	74,315
Wyoming—Cheyenne	40,914

Mr. STEVENS. Mr. President, I have been in contact with the Justice Department on this matter, but my appeals to have these regulations changed have been rejected. The Office of Juvenile Justice and Delinquency Prevention stated in a June 22, 1976 letter to me that their priorities have "developed out of pressing juvenile crime concern, such as youth gangs, which are particularly acute in large cities."

I am certainly aware of the gang problem that exists in the Nation's major metropolitan areas, however, our priorities must also take into account the juvenile crime that is most evident in the small cities of the Nation. Again, I maintain that a small population does not eliminate juvenile delinquency.

I am quite concerned at this time that this population requirement will continue to restrict many deserving cities in many States. I propose that this requirement may be waived in cities with a population of 40,000 or more in States which have no city over 250,000 in population. These cities should be allowed to apply directly to LEAA for juvenile delinquency special emphasis programs, authorized by the Juvenile Justice Delinquency Prevention Act of 1974.

Again, I emphasize that my amendment does not mandate that these people be given money. What it does is to eliminate the arbitrary restriction that currently prevents any city in 21 States from applying directly to LEAA. It would permit the city of Cheyenne, which has just over 40,000 population and is the largest city in the State of Wyoming, to make a direct application to LEAA.

There should be at least one city in each State that participates in this program. That is the intent of this amendment.

I have discussed the amendment with the managers of the bill and those involved. I hope the managers of the bill will see fit to accept the amendment.

Again I call the attention of the Senator from Arkansas to the fact that this amendment does not mandate any grants to these cities. It means that they can apply directly to LEAA—at least one city from each State can do so—for this type of assistance.

In my State, for example, with a large population center, they are required to apply through the State, under present regulations. As the State has to deal with all the cities, the possibility of one major area being able to get assistance is removed. I think Congress intended eligibility for the program in the larger metropolitan areas in each State, even though our large metropolitan areas in relation to cities such as New York, Chicago, and Los Angeles, are quite small.

I hope the managers of the bill will accept my amendment, which I think is reasonable in context.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I understand that the Senator has conferred with the Senator from Indiana with respect to this amendment. It does have some impact, I believe, on the Juvenile Justice Act of 1974 which was processed by the subcommittee chaired by the Senator from Indiana. Am I correct?

Mr. STEVENS. That is correct.

Mr. McCLELLAN. This applies to the Juvenile Delinquency Act alone.

Mr. STEVENS. Yes.

Mr. McCLELLAN. Those funds are administered by LEAA, so it does have an impact on this program.

Mr. STEVENS. Yes, it does.

Mr. McCLELLAN. I have no objection to the amendment, if it is simply a matter of trying to protect the Senator's State, to make certain that regulations do not regulate it out of the program. That is what I understand he is triyng to do.

Mr. STEVENS. That is correct. I have discussed it with the Senator from Indiana and with the Senator from Nebraska and his staff. I hope the amendment will be accepted.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, the amendment and its rationale have been presented to this Senator and members of my staff. It is not a mandatory situation at all. It is a matter of adding a new element which can voluntarily be taken into consideration in the distribution of the special emphasis funds under the Juvenile Justice Act.

It meets a real problem in the 21 States that do have the limited population to which the Senator refers.

I have no objection; I think it would be well to adopt the amendment, and I shall vote for it.

Mr. McCLELLAN. Mr. President, unless there is some other discussion, I am perfectly willing to accept the amendment.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

UP AMENDMENT NO. 238

Mr. DURKIN. Mr. President, I ask unanimous consent that the three amendments I have at the desk be considered en bloc and that they be in order at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) proposes unprinted amendments en bloc numbered 238.

Mr. DURKIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 10, line 23, immediately after the word "State", strike the language inserted by unprinted amendment No. 228, and insert the following: "or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75% judges."

On page 11, line 2, immediately after the word "report", strike the language inserted by unprinted amendment No. 228, and insert the following: "or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75% judges."

On page 11, line 22, immediately after the word "resort", strike the language inserted by unprinted amendment No. 228, and insert the following: "or a judicial agency authorized on the date of enactment of this Act by State law to perform such funtion, provided it has a statutory membership of at least 75% judges."

Mr. DURKIN. Mr. President, yesterday, the Senator from Georgia (Mr. NUNN) offered three amendments en bloc. The three amendments that are now before the Senate make a technical change in those amendments. The amendments have been cleared with the Senator from Georgia. It is my understanding that they have been cleared with the staffs of the floor managers.

With respect to the State planning agency, the amendment of the Senator from Georgia provided that it could add the language which would allow it to be any judicial agency authorized by State law to perform the function as well as the chief justice, because in Georgia the State Judicial Council is the proper group.

My amendments would do two things. They woud provide that the judicial agency to perform the functions must have a statutory, specified membership of at least 75 percent court members and that they must be in existence and have that authority as of the date of the act. This is to insure that no new agency be created and that the judicial planning function remains with the judiciary.

(At this point, Mr. HASKELL assumed the Chair.)

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. DURKIN. I am happy to yield.

Mr. McCLELLAN. If I correctly understand, the three amendments are the same but they have to be placed in three different places in the bill. They simply would rewrite the amendments offered yesterday by the distinguished Senator from Georgia, which were accepted. Am I correct?

Mr. DURKIN. Yes.

Mr. McCLELLAN. Has the Senator from New Hampshire conferred with the Senator from Georgia about this?

Mr. DURKIN. Yes; my staff has conferred with his, I have talked with the Senator from Georgia, and he concurs in the language.

Mr. McCLELLAN. Mr. President, I accepted the amendment offered by the distinguished Senator from Georgia yesterday and this does not do any violence to that amendment. It broadens it, as I understand it. Is that correct?

Mr. DURKIN. Right. The effect is that the Judicial Planning Agency, if there is to be a judicial council, would have to be 75 percent judges in existence and have the statutory authority as of the effective date of the act.

Mr. McCLELLAN. I wanted to be sure that the Senator from Georgia has been consulted and has no objection to it.

Mr. DURKIN. He has no objection to it.

Mr. McCLELLAN. Mr. President, I say to the Senator from Nebraska that I am perfectly willing to accept the amendment if the Senator is. It is just a rewriting of the amendment accepted yesterday.

Mr. HRUSKA. Mr. President, I am willing to accept it.

Mr. McCLELLAN. Mr. President, I am willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 239

Mr. BIDEN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIDEN. I ask unnaimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, between lines 20 and 21, insert the following:

SEC. 18. (a) Section 453 of such Act is amended by—

(1) striking out "and" at the end of paragraph (11);

(2) striking out the period at the end of paragraph (12) and inserting "; and" in lieu thereof; and

(3) adding at the end thereof the following:

"(13) sets forth minimally acceptable physical and service standards to construct, improve or renovate State and local correctional institutions and facilities funded under this part."

(b) Section 454 of such Act is amended by adding at the end thereof the following: "The Administration shall, in consultation with the States, develop minimally acceptable physical and service standards for the construction, improvement and renovation of State and local correctional institutions and facilities funded under this part.".

On page 25, line 21, strike out "Sec. 18." and insert in lieu thereof "Sec. 19.", and redesignate the succeeding sections of the bill accordingly.

Mr. BIDEN. Mr. President, the present bill, S. 2212, to authorize the extension of the Law Enforcement Assistance Administration—LEAA—retains the section introduced in 1970 known as part E, which earmarks Federal funds for correctional institutions and facilities.

Under the amendment which I propose, State and local governments seeking funds under part E would have to incorporate, within their proposed State plan, minimum physical and service standards for their prisons.

In other words, these governments would have to tell the LEAA what kind of standards they were attempting to meet in seeking the funds.

Hopefully, the LEAA would be tough here and make sure that no plan was approved without standards which meet minimum concepts of human decency and justice.

All potential recipients of funds for the construction, improvement, and renovation of correctional facilities would incorporate minimal standards in their development plans for the approval by the administration or be ineligible for part E funding.

The House Judiciary Committee has included similar provisions in its version of the bill.

Mr. President, the need for this amendment has become abundantly clear when we recognize the central role our prisons play in our criminal justice system.

Recently, many of us have been talking about making our sentencing structure fairer. We have been talking about the need to restore the concept of accountability to those convicted of crime; about the idea of "just deserts" for criminal offenders.

We have been talking about identical sentences for identical crimes.

We have been talking about equal justice for all.

We have been talking aobut mandatory minimum sentences.

In short, we have been talking about the need to toughen our approach to the criminal justice system. Yet, all of us must remember that just talk does not do a whole lot. First, it seems to me, Mr. President, that we must talk about the conditions within prisons, whether they are humane and whether, if they are not humane, judges are going to refuse to sentence people to those prisons—not that they do not deserve to go to prison but because we have not set up the structure to incarcerate them if sent there.

Mr. President, all of this must remain just talk until we have decent, humane prisons in which to sentence people.

When I first looked at the bill before us today, S. 2212, I considered offering an amendment to provide a greater authorization for prison construction and prison renovation.

But, when I looked at what happened to the money we have already spent in this area, some $500 million over the last 5 years, it became clear to me that we could not simply throw more money at this problem, because so far, we are not getting our money's worth.

The General Accounting Office, in a report dated April 5, 1976, concluded that some jails, despite having received LEAA funds, were in such poor condition that they appeared similar to other jails which had been closed by courts because of their condition.

I am not talking about minor cosmetic defects or standards just short of unrealistic luxury.

The fact is that physical conditions in some jails which have benefited from LEAA funds border on the barbaric.

This GAO report calls for, and dramatizes the need for, minimum standards.

My amendment would assure that a sense of worth and human dignity is preserved in correctional institutions while at the same time we are deciding that we have to build more prisons and put more offenders, who should be accountable for their actions, in those prisons.

As countless studies have shown, nothing is so dangerous as the conditions which dehumanize the prisoner. Overcrowding, idleness, unsanitary living quarters, and eating facilities, inadequate diets, inadequate hygiene facilities and the like, breed hostility, contempt, and unrest, and can turn the detainee in a local jail, a possible first offender, into an embittered criminal of the most hardened nature.

We must work to correct this.

The means to such improvement are not contained in piecemeal projects which leave prisons in a substandard state, or in State-designed proposals for substandard prisons.

We cannot afford to continue funding projects which result in facilities which are still unacceptable. That is both inhuman and a serious waste of money.

We must insure that what work will be done will be substantial and will be significant enough to upgrade correctional facilities and institutions in accordance with minimally agreed standards.

This amendment will not detract from one of the advantages of LEAA—the flexibility it provides in coping with the myriad criminal justice problems which vary from State to State and from locality to locality.

It does not expropriate power away from the States.

It does not reorder State spending priorities.

It merely writes into law a provision which has been tacitly acknowledged if not actually implemented, a provision which is long overdue.

The feasibility of written standards has been endorsed by many correctional study groups: The National Clearinghouse for Criminal Justice Planning and Architecture; the National Sheriffs' Association; the National Advisory Commission on Criminal Justice Standards and Goals, by the American Correctional Association, and others.

The Congressional Select Committee on Crime, in its June 26, 1973, report "Reform of our Correctional Systems," applauded the National Advisory Commission findings and recommended the implementation of their findings.

Furthermore, LEAA itself has commented that in its judgment, the National Clearinghouse for Criminal Justice Planning and Architecture and the National Advisory Commission on Criminal Justice Standards and Goals have provided the cornerstone for the States to develop jail standards.

The groundwork for minimal standards has already been laid.

It only remains for the States, in consultation with the LEAA, to develop written standards which must be abided by if the States are to receive Federal moneys.

In the past, LEAA has provided guidelines for State plans in the areas of prison construction or improvement.

However, while reviewing State plans, LEAA has not forced them to meet minimum standards, nor kept close watch on how the funds have been spent.

Little effort, in my opinion, has been made to discern whether jail projects are going for minor, low-priority improvements, or for redressing depersonalizing conditions. This must be changed.

If States wish to address minor problems with their own funds, this, however regrettable in my opinion, is their prerogative.

But, as the GAO has pointed out, "the Federal Government has some obligation to bring about improvements when its funds are spent."

LEAA and the States should insure that block grant funds are used to bring local jails up to certain minimum standards for physical conditions and programs to assist inmates.

LEAA cannot allow its funds to cover minor projects when improvements leave the facilities in a consistently substandard state.

Nor can LEAA provide stop-gap building funds if long-term problems such as structural collapse appear possible.

The specific standards need not be unreasonable.

And they will not be as the products of joint efforts on the part of the administration and the States.

Indications are that their aims will be successful.

It has been argued that some less progressive States, unwilling to raise the matching funds mandated by LEAA for specified prison improvements up to minimum standards, might choose to opt for no improvements at all.

While this is a possibility, I feel the chances of total inaction are slight.

Recent court rulings have shown that where the legislature fears to tread the judiciary does not.

U.S. District Court Judge Frank N. Johnson, in a ruling last January, ordered the State prison system of Alabama to meet specific minimum standards within 2 years or close.

His logic was simple: the severe overcrowding and unsanitary conditions in Alabama prisons was evidence of "cruel and unusual punishment" and consequently, unconstitional.

In 1974, a New York magistrate, following similar reasoning, found the conditions at the Men's House of Detention in Manahattan to be so poor as to be unconstitutional.

As a result, this old structure, known widely as the Tombs, was closed.

Case law in other jurisdictions substantiates my belief that there is an increasing willingness on the part of the bench to insure that prison operations meet minimally humane requirements, and make sure that prisoners are deprived of only those rights expressly or by necessary implication, taken from them by law.

Very frankly, Mr. President, I do not know how anyone could argue against this amendment.

It will not merely assure that our prisons begin to meet standards of decency and justice, it will also assure that our LEAA funds are well spent.

It gives us the best of both worlds.

In conclusion, Mr. President, if we do not upgrade the prisons in the State and local jurisdictions, very shortly the judiciary will begin to follow the lead in Alabama and New York and begin to impose a prohibition on the use of the prisons.

In short, the desire of most of us is to insure that people, who, after having full advantage of all due process procedures and all the appeals, are convicted of committing serious crimes do, in fact,

go to jail. In other words, we want to make sure they are meted out a punishment that has some concept of just deserts in it.

Implicitly, judges are saying, "We are not sending people to prison because of the conditions of those prisons," and they are putting them on probation. Explicitly, some courts are now saying, "We will not put people in jail and we are going to close them because you have not met minimal standards."

Finally, Mr. President, it is a waste of Federal money for us not to do something substantive about a problem that we all recognize exists.

I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, I have examined the amendment and I have no objection to it.

Mr. HRUSKA. Mr. President, if the Senator will yield me 3 minutes, I would like to make a comment or two about it.

Mr. McCLELLAN. I yield to the Senator from Nebraska.

Mr. HRUSKA. I have no objection to the amendment. In fact, I would like to commend the Senator from Delaware in his efforts with respect to part E of the LEAA bill. Part E was not a part of the basic statute until several years after the original version was adoped in 1968.

My understanding of the amendment is that there will be another element added to section 453, which will constitute another consideration for the administration to take into account in making a grant for the purpose of constructing, improving, or rehabilitaing correctional facilities nationwide.

It is not a requirement on the part E program, it is only one of the optional elements and, as modified by the Senator from Delaware, I see no objection to it, and I would be happy to vote in its favor.

Mr. BIDEN. I would like to thank the managers of the bill for accepting the amendment, and I yield back the remainder of my time.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

UP AMENDMENT NO. 240

Mr. PERCY. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes unprinted amendment No. 240.

Mr. PERCY. Mr. President. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, after section 28, add the following new section:

SEC. 29. Subsection (c) of section 5108 of title 5, United States Code, is amended by:

(a) repealing paragraph (8); and

(b) substituting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS–16, 17, and 18;"

SEC. 2. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(105) Commissioner of Immigration and Naturalization, Department of Justice.

"(106) United States attorney for the Northern District of Illinois.

"(107) United States attorney for the Central District of California."

"(108) Director, Bureau of Prisons, Department of Justice.

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

SEC. 3. Section 5316 of title 5, United States Code, is amended by:

(a) repealing paragraph (44);

(b) repealing paragraph (115);

(c) repealing paragraph (116);

(d) repealing paragraph (58); and

(e) repealing paragraph (134).

Mr. PERCY. This amendment would raise from Executive Level V to Executive Level IV certain high level Federal Government positions. These positions are Commissioner of Immigration and Naturalization, U.S. attorney for the Northern District of Illinois, U.S. attorney for the Central District of California, Director of the Bureau of Prisons, and Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

In addition this amendment would enable the Attorney General to place 32 positions in GS–16, GS–17, and GS–18 personnel slots. One of these positions would be in the Bureau of Prisons and the other 31 could be allocated by the Attorney General to meet critical needs throughout the Department of Justice.

Mr. President, I yield back my time unless it is necessary to have any time to respond to any comments made by the manager of the bill.

Mr. McCLELLAN. I yield myself 3 minutes. I had no advance knowledge of this proposed amendment.

Mr. PERCY. Mr. President, will the Senator use his microphone so the Senator from Illinois can hear him?

Mr. McCLELLAN. Mr. President, as I started to say, I had no advance knowledge of this amendment. In addition, this is an amendment that raises salaries. It would not even come under the jurisdiction of the subcommittee that processed this bill. The salaries that are involved, the positions that are involved, are something which possibly should have study by some other committee. My present view is that this should not be done on the floor of the Senate.

I am not at the moment raising an issue but I do not think it is germane. I am not sure the Senator should propose nongermane amendments to this bill, especially where this subcommittee had no jurisdiction of the subject matter.

Mr. PERCY. Mr. President, the distingished Senator said he had no advance knowledge. It is the understanding of the Senator from Illinois that the Senator's staff has discussed it with the staff of the distinguished Senator from Arkansas and that it was accepted and recognized as a highly desirable position taken by the Department of Justice, desired by the Attorney General, and that this would be an appropriate time to do it. I understood there would be no objection to it.

Mr. McCLELLAN. Well, I can tell the Senator that I never agreed to not interpose an objection to it. It may have been left with the staff here. Maybe they considered it nongermane and did not present it to me.

I would be glad to support it in a separate bill.

I say this in all candor and kindness, once we start taking nongermane amendments to this bill—and I have tried to be most generous, Mr. President, in taking amendments that had any merit that were germane—we are inviting some amendments that would be very difficult and very distressing to try to deal with in the processing of this legislation.

I hope that my distinguished friend from Illinois will cooperate with us to that extent and not press for the enactment of a nongermane amendment.

I favor the substance of his amendment. I would strongly support it as a separate bill. As I said, if this were the only amendment that could come up that is nongermane, I would be tempted to accept it. But I am confronted with other possibilities and probabilities that are not pleasant to contemplate in terms of processing this legislation.

Mr. PERCY. If the Senator from Illinois modified the amendment to confine it to the 32 positions, GS–16, GS–17, and GS–18, which it is the understanding of the Senator from Illinois would be germane, if we so modified the amendment, would the Senator from Arkansas consider accepting it then?

Mr. McCLELLAN. I will ask the Parliamentarian.

I have no objection to taking any part that is germane.

If I understand the Senator, that would be subparagraphs (a), (b), and (8); in other words, section 1 of his amendment? I would like to ascertain if the first part of the amendment is germane.

The PRESIDING OFFICER (Mr. HASKELL). The title which the Senator seeks to amend is title V dealing with compensation of certain employees of the United States, and this is under the jurisdiction of another committee, the committee headed by Senator McGEE of Wyoming; and one of the tests of germaneness is whether or not the amendment, if introduced as a bill, would be referred to the committee that is now handling the bill before the Senate.

The amendment also introduces a subject not in the bill.

For these reasons, the Chair would rule the Senator from Illinois' amendment is not germane if a point of order is raised.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCLELLAN. I suggest the time not be taken out of either side.

The PRESIDING OFFICER. Without objection, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent to withdraw the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2060, AS MODIFIED

Mr. MORGAN. Mr. President, I send to the desk a modified version of amendment 2060, providing for grants through the Justice Department to States which need to establish or to improve their antitrust law enforcement capability. The modified amendment adds a new section to part C of the Crime Control Act of 1976 instead of part G.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. MORGAN) proposes amendment numbered 2060, as modified.

Mr. MORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 24, between lines 19 and 20, insert the following:

SEC. 16. Part C of title I of such Act is amended to include the following new section—

"SEC. 309. (a) The Attorney General is authorized to provide assistance and make grants to States which have State plans approved under subsection (c) of this section to improve the antitrust enforcement capability of such State.

"(b) The attorney general of any State desiring to receive assistance or a grant under this section shall submit a plan consistent with such basic criteria as the Attorney General may establish under subsection (d) of this section. Such plan shall—

(1) provide for the administration of such plan by the attorney general of such State;

(2) set forth a program for training State officers and employees to improve the antitrust enforcement capability of such State;

(3) establish such fiscal controls and fund accounting procedures as may be necessary to assure proper disposal of and accoun''ng of Federal funds paid to the State including such funds paid by the State to any agency of such State under this section; and

(4) provide for making reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his function under this section, and for keeping such records and affording such acess thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

(c) The Attorney General shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section.

(d) As soon as practicable after the date of enactment of this section the Attorney General shall, by regulation, prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this section among the States.

(e) Payments under this section shall be made from the allotment to any State which administers a plan approved under this section. Payments to a State under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

(f) The Comptroller General of the United States or any of his authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this section.

(g) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any State receiving a grant under this section, finds—

(1) that the program for which such grant was made has been so changed that it no longer complies with the provisions of this section; or

(2) that in the operation of the program there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such Sttae by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any program pursuant to this part which is being carried out by such State and which is not involved in the noncompliance.

(h) As used in this section the term—

(1) "State" includes each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "attorney general" means the principal law enforcement officer of a State, if that officer is not the attorney general of that State; and

(3) "State officers and employees" includes law or economics students or instructors engaged in a clinical program under the supervision of the attorney general of a State or the Assistant Attorney General in charge of the Antitrust Division.

(i) There are authorized to be appropriated to carry out the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979.

Mr. MORGAN. Mr. President, the language in this amendment remains the same. What it would do is to add $10 million a year for 3 years to be used for seed money to help the various States create or build divisions of antitrust enforcement in the various offices of the State attorneys general.

I want to point out, Mr. President, that the amendment carries its own authorization and will take no funds from any LEAA program. We need not fear any difficulty with our budget resolution because this same measure, or substantially this same measure, has already been passed by the Senate as a part of S. 1136. The bill received very substantial support in the Senate, but the House Judiciary Committee has been rather slow to act. Therefore, I think it behooves us to repass this legislation.

The amendment is entirely appropriate to the Crime Control Act because it does attack crime—crime which robs the consumer, crime which robs the small businessman and taxpayer, as surely as a thug with a gun robs them. It encourages States, through their attorneys general, to make sure that the small businessman's livelihood, and the consumer's hard-earned money, are not taken from them by illegal acts. The antitrust laws were created to preserve the free enterprise system from those who would wreck it by naked restraint of trade. They were created to save the small businessman from the monopolist, and to keep alive the chance that any responsible person may enter the marketplace as his own boss.

Mr. President, in my opinion, as a former attorney general, this is one of the most important ways the Federal Government can be of assistance to State law enforcement efforts and thereby of assistance to consumers and small businessmen.

I am convinced that this is the area in which antitrust law enforcement may be carried out by elected officials close to the people, without giving the appearance of a powerful Federal Government harassing business.

The cases of antitrust violations at the State levels are clear and can be grasped by the average person. He can see exactly how lawbreakers rob him in the marketplace and he needs someone to go to bat for him. Clearly, the Federal Government is too far removed to do this in most cases. It takes the Justice Department's manpower to go after the huge giants reaching for cohplete monopoly power.

It is going to take the State to stop the erosion of the free enterprise system when the erosion takes place on a smaller level.

Let me mention one example: A constituent of mine in North Carolina, a small businessman, contacted me recently. He was about to be run out of business in a general area of our State by a national company which had moved into the area with false, cutrate prices. What the national company was doing was charging far less for its services and goods than it charged in any of its territories anywhere else in the United States. Of course, we all know that once it could force the local operators out of business, it could charge what it wanted.

This kind of thing not only hurts consumers, leads directly to inflation, and defeats small business. But could the U.S. Justice Department, which would do well to hold its own against the giants, go to court to save this small business or the thousands across the country? Of course they could not. They simply do not have that kind of manpower.

In my particular case, I told the man to go to the North Carolina attorney general's office because when I was an attorney general I was able to get funds from the legislature to build antitrust enforcement capacity. It was obvious that there was a need for antitrust enforcement in North Carolina, and there is a need in every State of the Union. But it is very hard to get legislators to vote money to set up antitrust divisions. They are made weary by the propaganda machines of those who oppose law enforcement in the area of antitrust.

That propaganda tries to hang the label of "antibusiness" on those who favor enforcing the very laws made to protect free enterprise.

But those State legislators are going to see who is really against business when their attorney general sues to protect small, local businesses from the predatory and illegal attacks of out-of-state

giants. And they will see where the public interest is really served, when the State no longer has to pay with the taxpayers' money for asphalt or concrete pipe on which the price has been fixed.

In North Carolina, we were able to attack price-fixing in contracts for milk sold to the schools, at a savings to every parent in the State who sends his children off to school with lunch money.

Mr. President, the effects of sound State-level antitrust enforcement are immediate. We need more of it.

I might add that we have recently passed a bill setting forth strict procedures by which the States may sue price-fixers for damages to consumers living within their jurisdictions. We have created a mechanism by which, for the first time, an elected official close to the local scene can prevent price-fixers from keeping the take from thousands of illegal overcharges involving small items.

Antitrust enforcement benefits the consumer, the small businessman, and any honest businessman. But to achieve that enforcement takes more than statutes. It takes staff. Almost all States have good antitrust law. I am proud to say that North Carolina's antitrust law predates the Sherman Act, and it is model law.

But almost all States are lacking in trained staff to carry out the law. Let me refer to a 1974 study by the National Association of Attorneys General, State Antitrust Laws and their Enforcement.

Legislation alone does not insure antitrust enforcement . . . Antitrust activity depends upon available staff, and staff depends upon available funds . . . . Data obtained by the Committee on the Office of Attorney General indicates that the amount of staff and the amount of funding for antitrust are severely restricted in most states.

The publication provides a chart of antitrust staffing and funding for each State, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TABLE 3.—ATTORNEY GENERALS' ANTITRUST BUDGETS AND OTHER ANTITRUST FUNDS

	Current annual antitrust budget	Is there a revolving fund?
*Alabama	(No separate budget)	No.
*Alaska	do	No.
*Arizona	$112,759	Yes.
*Arkansas	(No separate budget)	No.
*California	$350,000	No.
*Colorado	$22,000 [1]	No.
**Connecticut	$52,041 (estimate)	No.
*Delaware	(No separate budget)	No.
*Florida	do	No.
*Georgia	do	No.
**Hawaii	do	No.
*Idaho	None	No.
**Illinois	$175,000 (estimate)	No.
**Indiana	(No separate budget)	No.
*Iowa	$125,000	No.
Kansas	(No information)	
*Kentucky	(No separate budget) [2]	No.
Louisiana	(No information)	
Maine	do	
*Maryland	$50,000	Yes.
Massachusetts	(No information)	
*Michigan	(No separate budget)	No.
*Minnesota	$190,000	No.
Mississippi	(No information)	
*Missouri	$40,000	Yes.
**Montana	$6,000 (estimate)	No.
*Nebraska	$100,000 (estimate)	No
*Nevada	(No separate budget)	No.
**New Hampshire	do	No.
*New Jersey	do	Yes.
*New Mexico	do	No.
*New York	do	No.
*North Carolina	$125,000	No.
*North Dakota	(No separate budget)	No.
*Ohio	$300,000 (approximate)	Yes.
*Oklahoma	(No separate budget)	Yes.
*Oregon	$75,000	Yes.
*Pennsylvania	$75,000	No.
*Rhode Island	(No separate budget)	No.
*Samoa	do	No.
South Carolina	(No information)	
**South Dakota	$2,560	No.
*Tennessee	(No separate budget)	No.
*Texas	$50,000 (estimate)	No.
*Utah	(No separate budget)	No.
*Vermont	do	No.
*Virgin Islands	do	No.
*Virginia	$40,000 (estimate)	No.
*Washington	$171,030 (July 1, 1973–June 30, 1975).	No.
**West Virginia	$22,000 (estimate)	No.
*Wisconsin	$218,000	No.
*Wyoming	(No separate budget)	No.

[1] Colorado: Supplemental by $18,000 from Governor's fund.
[2] Kentucky: All antitrust litigation is on a contingent fee basis.
*1974.
**January 1973.

TABLE 4.—ATTORNEY GENERALS ANTITRUST STAFFS

	Attorneys	Secretary clerical	Law clerks	Other
Alabama	[3] 1	0	0	0.
Alaska	0	0	0	0.
Arizona	[3] 2	[3] 2	0	2 part-time investigators.
Arkansas	0	0	0	0.
California	[3] 8 [3] 1	[3] 5 [3] 5	0	2 full-time paralegal (plus 1 part-time); 1 full time economist, 1 full-time auditor.
Colorado [1]	[3] 1 [3] 1	[4]	0	5 (law students for research).
Connecticut [5]	[3] 2	[3] 1	0	0.
Delaware [1]	[3] 1	[3] 1	0	0.
Florida [1]	[3] 3	[3] 3	0	1 full-time administrative assistant.
Georgia [1]	[3] 2	[3] 2	0	0.
Hawaii [6]	0	0	0	0.
Idaho [1]	0	0	0	0.
Illinois [5]	[3] 5	[3] 3	0	1 full-time investigator.
Indiana [6]	0	[3] 13	[3] 13	0.
Iowa [1]	[3] 4	[3] 1 0	[3] 1	3 full-time investigators.
Kansas	[3] 2	0	0	0.
Kentucky [1]	[3] 1	[3] 1	0	0.
Louisiana [1]	[3] 3	[3] 2	0	0.
Maine (no information).				
Maryland [1]	[3] 2	[3] 1	[3] 2	1 full-time investigator.
Massachusetts (no information).				
Michigan [1]	[3] 1	[3] 2	0	1 researcher.
Minnesota [1]	[3] 1 [3] 1	[3] 1	[3] 1	0.
Mississippi (no information).				
Missouri [1]	[3] 2	[3] 2	0	0.
Montana [6]	[3] 1	[3] 1	0	0.
Nebraska [1]	[3] 1	[3] 1	0	0.
Nevada [1]	[3] 1	[3] 1	0	0.
New Hampshire [5]	[3] 1	[3] 1	0	0.
New Jersey [1]	[3] 10	[3] 9	0	13 full-time investigators, data experts; accountants; microfilm operators, economists.
New Mexico [1]	0	0	0	0.
New York [1]	[3] 9	[3] 2 [3] 4	[3] 2 [3] 4	4 full-time investigators.
North Carolina [1]	[3] 4	[3] 3 [3] 1	[3] 2	2 full-time economists; 1 full-special agent (plus 3 part-time).
North Dakota [1]	[3] 1	[3] 1	0	0.
Ohio [1]	[3] 10	[3] 5	[3] 3	1 full-time investigator; 1 full-time data analysist, 1 full-time administrative assistant.
Oklahoma [1]	[3] 1	0	0	0.
Oregon [1]	[3] 1	[3] 1	[3] 1	1 full-time executive assistant.
Pennsylvania [1]	[3] 1	[3] 2	0	2 part time investigators.
Puerto Rico [6]	[3] 5	[3] 7	0	3 full-time economists; 1 full-time accountant.
Rhode Island [1]	[3] 1	[3] 1	0	0.
Samoa [1]	0	0	0	0.
South Carolina (no information).				
South Dakota [1]	[3] 2	0	0	0.
Tennessee [1]	[3] 3	[3] 3	0	0.
Texas [1]	[3] 3	[3] 1	[3] 1	0.
Utah [1]	0	0	0	0.
Vermont [1]	0	0	0	0.
Virgin Islands [1]	[3] 1	[3] 1	0	0.
Virginia [1]	[3] 1 [3] 1	[3] 1	[3] 1	0.
Washington [1]	[3] 1	[3] 1	0	0.
West Virginia [5]	[3] 1	[3] 1	0	0.
Wisconsin [1]	[3] 6	[3] 2 [3] 1	[3] 2	3 full-time investigators.
Wyoming [1]	[3] 1 [3] 1	0	0	0.

[1] Data from 1974 COAG questionnaires.
[2] Part time.
[3] Full time.
[4] Use AG secretarial pool.
[5] Data from January 1, 1973 COAG memorandum.
[6] Data from 1971 COAG publication.

Mr. MORGAN. Mr. President, I believe these charts show very clearly what is needed. They show just how inadequate our enforcement effort is, contrary to the claims of those who want to depict small businessmen as reeling under the attack of a huge governmental antitrust machine.

This amendment will improve that situation, and it will do so in a manner agreeable to all those of us who believe strongly in the principles of States' rights. The States are ideally situated to protect the rights of the consumer, the small businessman, and the honest businessman of any size. By means of this amendment, we will give the States the funds to make a beginning.

I want to point out that the authority to make these grants is given the Attorney General, not only because that is the way the Senate passed S. 1136, but also because several States have tried to use LEAA funds and found it does not

work. LEAA is not structured to fight white collar crime, and cannot render the assistance the States would need. The Justice Department has the expertise. Besides, in order to get Federal help for antitrust development, the States have had to get their grants under the organized crime division of LEAA. That is a subterfuge, and in one case it has resulted in a former narcotics specialist, on loan to LEAA, attempting to help a State antitrust department. The Justice Department is better equipped to handle this, unles we amend the LEAA act itself to provide for antitrust.

Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Will the Senator yield me 3 minutes on the amendment?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, I believe the Senator from North Carolina is to be complimented for his interest in antitrust enforcement. A good many of us know of the prominent place he occupied in the antitrust enforcement field when he was attorney general for his home State of North Carolina.

We are, however, Mr. President, functioning under a rule of germaneness. I have observed that both the contentions and the reasons given by the Senator for adopting this amendment are that it would not be effective to have it under the auspices of LEAA as a fund granting agency.

It would come directly under the Attorney General. I also observe that it would create a new activity in the LEAA under part G, as proposed, which embraces not only criminal activity, but civil enforcement as well.

I wonder if, under those circumstances, it would not be well to ascertain whether or not this amendment is germane in that situation, and perhaps for other reasons.

The PRESIDING OFFICER. Has the Senator made a point of order?

Mr. HRUSKA. No, I am asking the Parliamentarian whether—I do not know that I would be qualified to ask for a point of order at this time, since the time has not expired.

Mr. MORGAN. I agree.

The PRESIDING OFFICER. The Chair then assumes that the Senator is making a parliamentary inquiry as to the germaneness of this provision.

Mr. HRUSKA. I, therefore, make a parliamentary inquiry, Mr. President, as to whether or not the pending amendment is germane.

The PRESIDING OFFICER. The Chair observes that part C, appearing on page 15 of the bill, deals with grants for law enforcement. The amendment does the same thing, adding a new one, and for that reason the Chair thinks that the amendment is germane.

Mr. HRUSKA. Mr. President, I did not get the reference to the page. Page 16 of the bill?

The PRESIDING OFFICER. Page 15 of the bill, part C, the title of that part being "Grants For Law Enforcement Purposes."

Mr. HRUSKA. However, Mr. President, under the printed amendment, a new part is sought to be created, part G, and it embraces not only criminal law enforcement but civil law enforcement as well.

The PRESIDING OFFICER. The Chair would inform the Senator that the amendment has been modified to add the item as a subsection under part C.

Mr. HRUSKA. But, Mr. President, may I call the Chair's attention to the fact that the Law Enforcement Assistance Administration is not involved in the amendment? It speaks in terms of grants to be made by the Attorney General.

The PRESIDING OFFICER. The Chair is aware of that, but considers the amendment germane for the reasons previously stated.

Mr. HRUSKA. I temporarily yield the floor, Mr. President, so that I may consult further with my stuff.

The PRESIDING OFFICER. Who yields time? The Senator from Arkansas has time remaining on the amendment; does the Senator yield time?

Mr. McCLELLAN. Mr. President, I can hardly reconcile the Chair's ruling with respect to the germaneness of this amendment. I think it is an erroneous judgment. I have no particular objection to the objective of the amendment. I have taken the position that I hoped to avoid any nongermane amendments to this bill.

The Chair may rule, of course, that it is germane. However, it deals with a different program outside LEAA to be administered by the Attorney General and even deals with civil matters, which are not covered by the bill; it is pretty hard for me to reconcile it as being germane.

I do not know whether a point of order will be made. I do not think a point of order is in order until all the time has been used up by the proponent of the amendment. So I will wait and see what develops.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. How has the Chair ruled, or has the Chair ruled?

The PRESIDING OFFICER. The Chair stated in response to a parliamentary inquiry that he thought it was germane.

Mr. McCLELLAN. The Chair, I believe, ruled that it was germane.

Mr. MANSFIELD. I see. Has the Chair ruled?

Mr. McCLELLAN. Well, he has indicated he would so rule.

Mr. MANSFIELD. It was a parliamentary inquiry?

Mr. McCLELLAN. Yes, but the ruling has not been——

Mr. MANSFIELD. Formalized?

Mr. McCLELLAN. Yes. I just do not want to get this bill opened up to nongermane amendments.

CRIME CONTROL ACT OF 1976

The Senate continued with the consideration of the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Mr. BEALL. Mr. President, I rise in support of S. 2212 which would, if enacted, better enable the Law Enforcement Assistance Administration to provide continued and better assistance to every branch of State and local government in the organized war against crime in the United States.

In 1968 the Congress recognized the critical need for the Federal Government to take positive action to reduce crime in our Nation. As a result of that concern the LEAA was created by the Omnibus Crime Control and Safe Streets Act of 1968. Recognizing that law enforcement and crime prevention is best addressed at the State and local levels of government, Congress established a Federal administration whose primary responsibility was to funnel huge sums of money—over $4.1 million through July 1975—with only a minimum of control from Washington. Over the years LEAA has been successful in many respects; however, in other respects it has been noticeably deficient. The bottom line is that despite the untiring efforts of Federal, State, and local officials crime has not been reduced. Indeed, it has increased by epidemic proportions.

Some critics point to increased crime rates and suggest that the LEAA be abolished. Mr. President, I believe that to abandon the program would undoubtedly be a mistake; but, to simply reauthorize it without remedying its shortcomings would also be a mistake.

I am extremely pleased, therefore, that my colleagues have accepted my amendment to require each State planning agency to include in their annual comprehensive plans provisions for the development of programs and projects

for the prevention of crimes against the elderly unless the SPA makes an affirmative finding that such a provision is unnecessary in that State. In addition, I believe it is important to note the incorporation in S. 2212 of major provisions from S. 3043, cosponsored by me earlier this session. Among those adopted are the following:

First, the bill would allow for the voluntary establishment of judicial planning committees—JPC's—to represent State judiciaries in the formulation of comprehensive State plans. Under this approach, the court of last resort of each State may create a JPC and be responsible for choosing its members.

By establishing judicial planning committees, the proposed bill would better enable local circuits and districts to participate in the planning process, thereby insuring that a more appropriate share of grant funds will be spent for the judiciary to alleviate the critically congested and backlogged caseloads confronting judges, court administrators, and prosecutors.

Although some progress is being made through implementation of the Speedy Trial Act, we must do more to insure that the court system is able to increase its capability to deal with the problem. I believe that the establishment and funding of judicial planning committees will be a great asset because it will allow courts to hire additional personnel and also provide the impetus for more efficient planning.

Second, under the provisions of the proposed bill, cities, urban counties or local government units would be authorized to submit comprehensive plans to State planning agencies—SPA's. Once approved by the SPA, a "mini block grant" would be awarded to the local agency without the need for further action on each individual project application. This important feature will do two things: First, it would provide local planning offices with adequate participation in the development of the comprehensive planning for a particular area. Through this process, local agencies can develop plans, set priorities, and evaluate programs which are tailor made to meet the needs of the particular community. At the same time the SPA's will retain the responsibility for insuring comprehensiveness from a regional and statewide standpoint; and second, as a practical matter this new system would eliminate an incredible amount of red-tape.

No longer would it be necessary to file grant applications on a one-by-one basis for projects which have been previously approved by the SPA and the LEAA in the State's comprehensive plan. The existing system is extremely cumbersome, totally unnecessary and should be amended.

Third, provisions are made in the proposed bill for the continuation of LEAA funds previously directed to areas of the country suffering from particularly high crime rates. We have been advised by local criminal justice officials that although the LEAA's high impact anticrime program represented only a small percentage of impacted areas' crime budgets the benefits of the program have been highly significant. The major localities who have participated in the program, such as Baltimore, Md., have indicated that the funds have been successfully used in the fight against stranger-to-stranger crimes—homicides, rapes, robberies, and aggravated assaults—but are concerned that existing funding levels have expired. S. 3043 would insure the continuation of this successful LEAA program.

Fourth, the proposed amendments deal with the administrative deficiencies under the current law by requiring LEAA for the first time to establish followup procedures to monitor the effectiveness of the State programs. In essence the LEAA would be responsible for conducting both programmatic and fiscal audits of each plan to determine the impact and value of such programs in reducing and preventing crime.

The problem with the present setup is that the comprehensive plans, once approved by LEAA have become an end unto themselves without followup reviews to determine whether or not the plans were implemented as approved or if in fact the programs have had an impact on the crime rates.

If these changes are made you and I, as taxpayers, will get more for our money and the chances of reducing crime will be greatly enhanced.

Fifth, because of the continued risk of further problems with the overall program, I belevie that the inclusion in the bill of extensive congressional oversight authority provisions is extremely important to moitor the progress of the program. The oversight authority would be accomplished by requiring LEAA to submit an annual report detailing its policies and priorities for reducing crime, its evaluation procedures, the number of State plans approved and disapproved, and other criteria which will clearly indicate the amount and quality of work by the administration.

Mr. President, while I recognize that enactment of this LEAA reauthorization bill cannot be expected to result in the complete subsidence of violence in our society, it does represent a significant step toward that goal. With the inclusion of those provisions which I have discussed, I believe we will be getting the most for our tax dollars while at the same time turning the tables on the criminal by returning credibility to the old adage that "crime does not pay."

Mr. NELSON. Mr. President, it is only with serious reservations that I will vote for S. 2212, extending the authorization of the Law Enforcement Assistance Administration (LEAA).

The reservations stem from the fact that LEAA's performance has been extremely disappointing since its creation and this legislation does not fully resolve some of the basic problems besetting the Agency. The decision to vote for the legislation reflects my belief that S. 2212 is a good faith response to some of the perceived problems and moves in the right direction, although in an ad hoc, incomplete fashion.

LEAA has been in existence since 1968. Obviously, an agency that has expended over $4 billion has some positive accomplishments to show for it. However, there is little doubt that LEAA has been an Agency with serious problems. In introducing legislation to reform LEAA, Senator KENNEDY called LEAA "one of the worst managed agencies in the U.S. Government." This description has been verified by the GAO and OMB which have frequently criticized those LEAA programs which have been studied. Two independent studies of LEAA have been conducted, both highly critical of the Agency. A study by the Twentieth Century Fund recommended wholesale changes in the program and a greatly reduced role for the Agency. A study by the Center for National Security Studies, which has not yet been released to the press, called for the program to be completely discontinued.

There is widespread agreement about the reasons for LEAA's failings. At a time when crime as a political issue was most volatile, LEAA was presented, amidst great fanfare, as the Federal Government's war on crime. Through efforts like the high impact cities anticrime program, LEAA created unreasonable public expectations that crime could be reduced quickly, by massive expenditures in the law enforcement area. The overselling of LEAA focused public attention on crime statistics, glossed over the complexity of crime and the criminal justice system, and inevitably caused public disillusionment when swift improvements were not forthcoming.

LEAA has continued to suffer from the inability of Congress or the agency itself to define its mandate: Is the agency's principal goal to reduce crime or to upgrade the criminal justice system? Victor Navasky, an astute analyst of the law enforcement issues, addressed this problem in the background paper for the Twentieth Century Fund's report:

> The distinction between the goal of reducing crime and that of improving the criminal justice system may be a mere semantic quibble. But it also may reflect a profound difference in priorities and perspectives between the traditional, hartline, punitive law enforcement agenda and a more adventurous criminal justice strategy. The failure of both Congress and LEAA to resolve the question of mandate has resulted in confusion within and about the agency, in the formulation of conflicting criteria for resource allocation (hence, in a wasteful use of resources), and in abrupt policy shifts on the part of successive administrators.

The problem of the agency's mandate relates closely to a second basic problem: establishing a relationship between the Federal and State governments. Because crime and law enforcement have traditionally been an area handled at the State and local level, Congress concluded that LEAA should distribute most of its funds in the form of block grants to permit States and localities to address their own problems in their own ways.

However, appealing the theory, in practice, Congress has not been willing to distribute billions of dollars in Federal funds without placing strings on the money. In 1971, seeing that the police had received 66 percent of the LEAA action money in its first years of operations while correctional institutions received

only 10 percent. Congress passed legislation earmarking an amount equal to 20 percent of the LEAA action money to corrections. In 1974, troubled that the LEAA was slumping on the juvenile justice concerns, Congress passed the Juvenile Justice Act, establishing within LEAA an entire administrative structure to insure that juvenile issues received more attention and funding.

This year, the same pattern is being followed. The hearings clearly established, and the Twentieth Century Fund report agrees, that the courts have been badly shortchanged under LEAA. S. 2212 responds to these findings by insuring greater judicial participation in the State planning process and requiring LEAA to examine States' master plans to insure that they "provide an adequate share of funds for court programs"—section 303(d).

The passage of S. 2212 leaves these dilemmas partially unresolved. This bill does not clearly articulate the mandate of LEAA, nor is it a final determination of whether State or Federal priorities will ultimately govern LEAA. But the direction of S. 2212 is clear. By taking steps which will increase funding for the State courts, the Senate is again saying—as it did in the areas of juvenile justice and corrections—that the States have not allocated the funds in a way acceptable to Congress. S. 2212 represents another step moving LEAA away from its early overwhelming concern with funding law enforcement efforts—with its preoccupation with crime statistics and glamor police hardware—to an overall effort to upgrade the criminal justice system. This movement is encouraging and deserves support.

One other problem deserves mention. In the past 8 years, LEAA has funded literally thousands of programs. It is universally agreed that for the most part the Agency has no idea what has worked successfully and what has not. The Agency has not made a rigorous review of State proposals at the outset when they are submitted and has conducted no effective valuation of the programs as they progress.

Because there is no simple solution to the crime problem, the chief value of a program like LEAA is that it permits experimentation with a wide range of different approaches to the problem. This value is negated when no serious attempt is made to evaluate the programs and separate the wheat from the chaff. Fortunately, there is increasing recognition within Congress and LEAA of the importance of monitoring and evaluating the programs funded. According to the Judiciary Committee report on S. 2212, "pursuant to the provisions of the Crime Control Act of 1973, LEAA has undertaken a serious evaluation effort that is just now beginning to show its effect * * *."

As part of this effort, for example, in 1975, the LEAA prepared a compendium of selected criminal justice programs, describing more than 650 programs, summarizing their reported impact on crime or the criminal justice system and pinpointed one-third of those deemed especially innovative. S. 2212 further spells out the LEAA's obligations to evaluate and monitor approved programs. The bill provides that "prior to its approval of any State plan, the administration shall evaluate its likely effectiveness and impact"—section 303(b)—and requires LEAA to "establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the administration of both the comprehensiveness and impact of programs * * *"—section 501.

I am hopeful that the changes required by S. 2212 will help LEAA correct past deficiencies. At present, the major flaws in the program have produced the worst of both worlds: an unwieldy Federal bureaucracy snarling the States in regulations and redtape without playing a meaningful oversight role. Yesterday, the Senate by a narrow vote rejected a Biden amendment to cut the reauthorization of the program from 5 years to 3. Three years would give LEAA and the States ample time to plan programs and show Congress whether the reforms of S. 2212 have taken hold, and it is my hope that the legislation as it emerges from conference will reauthorize the program for not more than 3 years.

Mr. MATHIAS. Mr. President, crime is one of many problems in metropolitan areas that shows no respect for jurisdictional lines. Criminals, as well as the social and economic problems that breed them, are not confined by city, county, or even State lines. In our major urban areas, crime is not simply a central city problem or a suburban problem; it is a metropolitan problem.

The Crime Control Act of 1976 would continue programs of financial assistance to State and local governments. While S. 2212 recognizes the States and general purpose local governments as the primary units for addressing the crime problem, funds can also be awarded to combinations of local governments. In this light, I hope that LEAA will continue to support cooperative efforts by the many jurisdictions in metropolitan areas to coordinate their criminal justice planning and implementation activities.

There are 38 metropolitan areas in the Nation which cross State boundaries. These 38 areas contain almost 55 million people and the ability of our Federal programs to operate effectively in interstate metropolitan areas has an impact on one quarter of the Nation's population. With this in mind, I hope that the programs we are considering today will be administered with special attention to the needs of interstate metropolitan areas. Specifically, by making grants available to regional councils of governments I believe that the LEAA program can help to address the metropolitan crime problem on a metropolitan basis.

STATEMENT ON MORGAN AMENDMENT NO. 2060 TO S. 2212

Mr. PHILIP A. HART. Mr. President, I support the amendment of the distinguished Senator from North Carolina (Mr. MORGAN). With one exception, the amendment is identical to section 4 of S. 1136 which passed the Senate on December 12, 1975. The exception substitutes fiscal year 1979 for the year 1976 because that fiscal year is now over.

S. 1136 has widespread bipartisan support. It was introduced by Senator HUGH SCOTT and myself, and is cosponsored by Mr. ABOUREZK, Mr. BAYH, Mr. BIDEN, Mr. BROCK, Mr. BROOKE, Mr. CHILES, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. DOLE, Mr. DOMENICI, Mr. EAGLETON, Mr. GARN, Mr. GRAVEL, Mr. GARY W. HART, Mr. HARTKE, Mr. HASKELL, Mr. HATHAWAY, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. JOHNSTON, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MONDALE, Mr. MORGAN, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PERCY, Mr. PROXMIRE, Mr. RIBICOFF, Mr. HUGH SCOTT, Mr. STEVENSON, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS.

The Judiciary Committee report on this provision stated:

C. ASSISTANCE TO STATES

To supplement the Federal antitrust enforcement effort, the bill authorizes a 3-year program of assistance and grants to States to improve their antitrust capabilities. S. 1136 would authorize to be appropriated not to exceed $10 million annually for fiscal years 1976, 1977, and 1978, and not to exceed $2.5 million for the transition period ending September 30, 1976. These funds are intended as seed money, and the program will terminate at the expiration of fiscal year 1978 (i.e., September 30, 1978).

D. ASSISTANCE TO STATES

S. 1136 establishes a program of assistance and grants to States to improve their antitrust enforcement capabilities. The States represent an untapped source of substantial potential in the antitrust area. State interest is high, and a number of States have formed special antitrust units. Others are utilizing existing State personnel. Presently, however, the overall number of personnel committed is inadequate due to budgetary constraints and lack of training, although most States desire to increase their antitrust efforts. Section 5 of S. 1136 would provide seed money and is designed to get State antitrust efforts off the ground. The funds could be used for training, for clinical programs in cooperation with law schools, for additional personnel, for cases, or for whatever approach a State wishes to take to enhance its antitrust capability provided it is in compliance with the section 5(b) plan and section 5(d) regulations. Its efforts could be carried out under Federal or State antitrust statutes, and could be criminal or civil in nature.

After 3 years the seed money will cease. It is hoped that the States will then have a viable antitrust program to supplement the Federal effort. This can be especially useful to combat local price fixing, local customer or territory allocations, local boycotts, and other local anticompetitive conduct effectively beyond the reach of the Federal Government. It can also serve to supplement the Federal effort against nationwide conspiracies and monopolies.

Mr. President, at the annual meeting of the National Association of State Attorneys General, the following resolution was passed unanimously:

RESOLUTION XI. S. 1136

Whereas, the National Association of Attorneys General recognizes the vital importance of vigorous enforcement of the antitrust laws to a freely competitive economy and the consumers' interests therein; and

Whereas, this Association believes that enforcement of the antitrust laws on the state level is a significant and emerging force toward this end; and

Whereas, this Association recognizes that antitrust enforcement requires substantial resources because of the highly technical nature thereof; and

Whereas, this Association believes that Federal financial assistance to state enforcement is appropriate in light of the direct impact on the national economy of intensified enforcement; and

Whereas, S. 1136, pending in the United States Senate, would authorize appropriation of $10,000,000 to state attorneys general offices for assistance in antitrust enforcement; Now therefore be it

Resolved That:

1. This Association strongly endorses passage of S. 1136; and

2. This Association urges the Congress to act promptly on this legislation; and

3. This Resolution be communicated to the appropriate committees and Members of Congress; and

4. The Association's Washington Counsel is authorized and directed to take all reasonable and appropriate steps to communicate this Association's strong support for passage of S. 1136 and to inform members of this Association of the progress and results thereof; and

5. The Special Subcommittee on Legislation of this Association's Antitrust Committee shall monitor and coordinate efforts of the Washington Counsel and members of the Association in regard to said legislation.

Mr. President, this amendment is necessary because S. 1136 is hopelessly bogged down in the House. In my judgment, the LEAA amendment route represents the only realistic possibility of securing the enactment of even part of S. 1136 this Congress. The amendment does not change the LEAA authorization contained in S. 2212; nor does it take funds from other LEAA programs. It does not violate the congressional budget resolution. It merely repasses part of a bill (S. 1136) already passed by the Senate. I hope my colleagues will support the amendment and I thank Senator MORGAN for raising this issue.

Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendment introduced by the distinguished Senator from North Carolina (Mr. MORGAN).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER LAYING ASIDE FURTHER CONSIDERATION OF S. 2212 UNTIL MONDAY, JULY 26, 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside until Monday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

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Senate

Crime Control: By 87 yeas to 2 nays, Senate passed S. 2212, authorizing funds through fiscal year 1981 for programs of the Law Enforcement Assistance Administration, after agreeing to committee amendment in the nature of a substitute to which had at first been amended by adoption of—

(1) Modified Morgan amendment No. 2060, authorizing $10 million annually for three years to assist the States to establish antitrust enforcement facilities;

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(2) Morgan (for Bentsen) amendment No. 2054, to encourage use of Federal funding for early case assessment programs; Page S12432

(3) Roth amendment No. 2058, to encourage the development and operation of crime prevention programs in communities or neighborhoods; Page S12433

(4) Percy amendment No. 241, to remove supervisory DEA personnel from the Civil Service System, and increase to from Executive Level V to Executive Level IV position of Deputy Administrator for Administration, LEAA; and Page S12434

(5) By 81 yeas to 4 nays, Robert C. Byrd unprinted amendment No. 242, limiting the term of service of the FBI Director to one 10-year term, effective June 1, 1973. Page S12436

Pages S12431–S12455, S12471–S12477

CRIME CONTROL ACT OF 1976

The Senate continued with the consideration of the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Mr. MORGAN. Mr. President, I ask unanimous consent that Mr. Charles Kern of the staff of the Committee on the Judiciary be accorded the privilege of the floor during consideration of this bill and all votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I strongly suport the amendment of the Senator from North Carolina. This amendment would give LEAA the authority to make grants to State attorneys general for the purpose of bolstering enforcement of antitrust laws at the State level.

This provision is not new to the Senate. We gave it overwhelming approval when it came to the floor last year as part of S. 1136, reported favorably from the Senate Judiciary Committee. It is consistent with the President's emphasis on antitrust enforcement as the best regulator in the Nation's marketplace, and it is consistent as well with encouraging States to become the first line of enforcement of laws benefiting their residents.

Mr. President, Massachusetts has been at the forefront of the States in enactment of consumer protection legislation, including truth-in-lending laws, no-fault insurance, and others. But Massachusetts does not have its own State antitrust laws—at least not yet. Legislation is presently pending which would establish a set of laws paralleling the Sherman and Clayton Acts, providing for criminal and civil remedies against their violation.

But this new proposal will be but an empty promise if there are not adequate funds to support its enforcement. Senator MORGAN'S amendment would make the funds available to the State for fulfillment of that promise.

As of now, Attorney General Bellotti is pursuing the rights and welfare of the people of Massachusetts with all the authority and resources available to his office. For example, there are currently cases or investigations involving drug price fixing, automobile fleet discount price fixing, monopolization by milk cooperatives, automobile repair price fixing, and more. Other inquiries are on the drawing board. But there is only one single antitrust attorney on the attorney general's staff. Clearly the people of my State are getting the most for their money from the efforts of the present attorney general, and they would receive even fuller protection against antitrust violators if the attorney general's resources were increased.

The Senate has shown its dedication to competition in our economy, and the Senate Judiciary Committee has been at its most productive level with regard to antitrust legislation in recent decades. The committee has approved legislation to require divestiture of the major oil companies and to inject under a uniform Federal standard more competition into regulatory decisionmaking. Legislation repealing protection for State fair trade laws has already been signed into law. And the Senate has passed comprehensive antitrust enforcement legislation earlier this spring in H.R. 8532, containing an important parens patriae title. Finally, of course, we have passed S. 1136, providing additional funds to Justice and the FTC for antitrust enforcement activities, and funding for State antitrust enforcement. We now have a chance to make this last measure law, and with it also to give meaning to the prospective parens patriae authority which both the House and Senate has approved.

The States need the funds that this amendment would provide, and this is an appropriate bill for the amendment.

Mr. MORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I believe that the pending business is the amendment of the distinguished Senator from North Carolina (Mr. MORGAN).

The ACTING PRESIDENT pro tempore. That is correct.

Mr. McCLELLAN. Do I have 4 minutes remaining?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. McCLELLAN. I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. MORGAN. Mr. President, since our discussion on the floor of the Senate last week, I have had occasion to discuss the amendment with the distinguished Senator from Arkansas and the distinguished Senator from Nebraska. I believe we have reached an acord that they would accept the amendment, with the idea that in conference they will be able to work out any difficulties they may have with it.

Mr. McCLELLAN. Mr. President, I am prepared to accept the amendment, with the understanding, as indicated by the distinguished Senator from North Caroline, that we may have some problems with it in conference. I have not talked to Senator HRUSKA about it, but I believe the Senator from North Carolina has.

Mr. MORGAN. Yes.

Mr. McCLELLAN. The Senator from North Carolina assures me that the Senator from Nebraska is agreeable to it. I am willing to accept the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment, No. 2060, as modified, was agreed to.

AMENDMENT NO. 2054

Mr. MORGAN. Mr. President, I call up amendment No. 2054, which has been offered by Senator BENTSEN.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. MORGAN), on behalf of the Senator from Texas (Mr. BENTSEN), proposes amendment numbered 2054.

Mr. MORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 22, strike out "; and" and after line 22 insert the following:

"(13) The establishment of early case assessment panels for any unit of local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible from the time of the bringing of charges, to determine the feasibility of successful prosecution, to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes, and to concentrate prosecution efforts on cases with a high probability of successful prosecution."; and

Mr. MORGAN. Mr. President, this amendment was offered and proposed by Senator BENTSEN.

Senator BENTSEN is out of town this morning. I have read and studied the amendment, and I concur with it. I shall read for the record the statement that Senator BENTSEN would have made had he been present this morning:

I support Amendment #2054, to amend S. 2212, the Crime Control Act of 1976. This Act, which we will be discussing today, is an important step forward in the federal effort to combat rising crime. We are all indebted to the distinguished Senator from Arkansas, who has labored long and hard and wisely to produce this bill that I am proud to support.

My amendment would add paragraph 13 to Section 301(a) and would serve to highlight and encourage the use of federal funding for a program that has proven an invaluable aid to State and local law enforcement.

I speak of early case assessment, a program in which Federal funds finance efforts at the local level to employ experienced prosecutors to analyze criminal cases immediately upon their entry in to the criminal justice system. These prosecutors target and expedite cases involving violent crimes. They immediately interview witnesses, who might otherwise disappear, a situation that severely hampers prosecution efforts. They eliminate cases that should never be brought to trial due to weak or non-existent evidence or for any other reason.

Mr. President, this program allows the prosecution, which is burdened with a heavy caseload in spite of limited resources, to concentrate on those cases that would most wisely be prosecuted, either due to the violence of the crime or the winnability of the case. This program encourages a fair and efficient setting of priorities, and in the process it makes law enforcement efforts more effective and therefore, more successful in those cases that are most crucial, especially those that involve violence against our fellow citizens.

Mr. President, competent case screening has been done in a few cities, like New York

St. Louis, and Houston. In my home state, a number of municipalities have experimented with this approach, and all of the prosecutors involved support this effort, encourage it, and stand behind this amendment, which would encourage its use. They know it as an invaluable managerial technique that has saved the prosecution valuable resources, the courts valuable time, and the public a considerable amount of money. This program has reduced the caseload, sometimes by as much as 20%—and most of the cases that were eliminated would not have been won, and would therefore have led to a waste of money and resources. Case assessment allowed the money to be better spent on other cases.

Mr. President, early case assessment, by reducing the caseload and setting orderly priorities, has helped court efficiency. This has provided for speedier justice and more fairness. It has saved money. For example, it has been estimated that 80% of police overtime is the result of court delays, and case assessment can reduce this waste.

It has protected the rights of defendants who would have been acquitted only after a lengthy, expensive, and unnecessary ordeal. Case assessment screens out many of these cases. This is a program that protects the innocent, and facilitates the prosecution of the truly dangerous.

Furthermore, it has reduced the abuse of plea-bargaining that has allowed so many dangerous offenders to escape punishment, especially in high crime areas.

Mr. President, my amendment is very simple. It adds a paragraph describing briefly this highly successful program, and highlights the fact that federal funding may be used for it. It brings this effort to the forefront. It will *not mandate* case assessment. It *will encourage* its use.

This is a program that has worked wherever tried, and has proven a blue-ribbon investment of the federal dollar. It has probably saved far more than its cost. It has led to greater fairness and efficiency. It has made justice more just—law enforcement more effective—Federal spending more wise—and our streets a little more safe.

It is an approach worth encouraging, and a proven procedure that others would hopefully recognize and utilize. This is the purpose of my amendment. I urge adoption of this amendment as one step in the right direction to help curb the violence that plagues so many of our streets and communities.

Mr. President, on my own, I wish to point out that this is a clear indication to me of the value of the LEAA program through the years. I had a great deal of experience with this program for 6 years as attorney general in my State and I would be the first to admit that there has been a tremendous amount of wasted money in the program; but, as I have said time and time again, any time that we are involved in a crash program to solve a difficult problem, we are going to have wasted money. By delegating to States and the local authorities the authority to innovate and to come up with new ideas, we have developed successful techniques such as the one that has been described by Senator BENTSEN in his statement this morning, which I think has been helpful to the criminal justice system. This is one of those programs that I have learned about that I hope I can carry back to my State in North Carolina.

Mr. President, there has been an awful lot of debate around the Nation in recent months and years about the death penalty. I have never been particularly concerned so much about the severity of punishment. As one who has spent 25 years of his life in the law, I am not convinced that severity of punishment is as important as a deterrent to crime as is swift and sure justice. I think this program that Senator BENTSEN has described, which was, apparently, an innovation of the bar in the State of Texas, is one program that might very well be used by other States such as my own to expedite the administration of justice and to bring these cases to trial. So, while I am presenting this amendment this morning for the distinguished Senator from Texas in his absence, I want to concur wholeheartedly with it and urge its evaluation and consideration by other States.

I thank the Chair.

The PRESIDING OFFICER (Mr. HUDDLESTON). The question is on agreeing to the amendment.

Mr. McCLELLAN. Mr. President, Senator BENTSEN discussed this amendment with me some two or three times during the floor consideration of this bill. I advised the Senator that I believe the LEAA, under existing law, has the authority to finance an advisory panel of the kind that this amendment would provide for. I do not think there is any doubt about that. Senator BENTSEN feels that if this provision is added to the law, it would place special emphasis on this problem and probably encourage the States and the Administrator of the LEAA to give special consideration to projects of this nature. It is related, Mr. President, to a very serious situation; that is, the lack of early identification of repeat offenders and perpetrators of violent crimes for expeditious trial and swift punishment. If it gives any promise of expediting the disposition of those cases and moving toward swifter justice, then I think we should support it. I do not know how much effect it will have, but I can find no objection to the amendment. Therefore, I am willing to accept it. I believe that Senator HRUSKA is agreeable to accepting it.

Mr. President, I am ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to

AMENDMENT NO. 2058

Mr. ROTH. Mr. President, I call up my amendment 2058.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, after line 22, insert the following:

"(13) the development and operation of crime prevention programs in which members of the community participate, including but not limited to 'block watch' and similar programs;".

Mr. ROTH. Mr. President, I shall be very brief. My amendment helps implement the Javits-Roth amendment that was accepted a few days ago. At that time, there was extensive discussion as to the merits of community action in the fight against crime. The Javits-Roth amendment provided for the establishment of a unit to conduct or encourage such community programs. My amendment adds a paragraph 13 to section 301(b), which is the section that authorizes grants for the purposes set out in the following paragraphs. My paragraph spells out with particularity that one of the purposes of this legislation is to encourage the development and operation of crime prevention programs in communities or neighborhoods. During the discussion of the Javits-Roth amendment, I discussed at considerable length the success of a Delaware suburban community, Jefferson Farm, in developing such a program that has been very visible and very successful in decreasing crime in that community.

The intention or the initiative on the part of the local citizens in developing such a program was the very type of innovative program that those of us who helped author the bill in 1967 had in mind.

As a member of the House Judiciary Committee at that time it was my intent to create a vehicle that would help citizens help themselves at the local level in their fight against crime, and I believe that, in extending this legislation for 5 years, we should make it abundantly clear we want the funds to flow into such community efforts.

Mr. President, that is the purpose of my amendment, to make it clear that this is the congressional intent, and I hope the managers of the bill will accept this amendment.

Mr. McCLELLAN. Mr. President, the distinguished Senator from Delaware has made a very fair and succinct explanation of what the amendment would do. I see no objection to it.

I think the Senator cleared it, did he not, with the distinguished Senator from Nebraska (Mr. HRUSKA)?

Mr. ROTH. Yes, that is correct. I have discussed it with the Senator from Nebraska. He said it was acceptable to him.

Mr. McCLELLAN. I did not think he had any objection to it.

Mr. ROTH. I thank the manager.

Mr. McCLELLAN. I do not think there is any objection to the amendment. Therefore, I am willing to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICE. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 241

Mr. PERCY. Mr. President, I send to the desk an unprinted amendment to S. 2212.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) for himself, Mr. RIBICOFF, and Mr. NUNN, proposes an unprinted amendment No. 241.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, immediately after line 23, add the following:

SEC. 29. (a) One year after the date of enactment of this Act, all positions in the Drug Enforcement Administration, which was established under section 4 of the Reorganization Plan Numbered 2 of 1973, as amended, to which grades GS–15 or above of the General Schedule under section 5332(a) of title 5, United States Code, apply are excepted from the competitive service.

(b) The incumbents of such positions occupy positions in the excepted service and the provisions of section 7501 and 7512 of title 5, United States Code, shall not apply to such incumbents.

(c) Under regulations prescribed by the Civil Service Commission, any incumbent of such position may—

(1) transfer to a similar position in the competitive service in another agency if such incumbent is qualified for such position, or

(2) within one year of the date of enactment of this Act transfer to another position in the Drug Enforcement Administration to which grade GS–14 of the General Schedule under section 5332(a) of title 5, United States Code, applies.

Any individual who transfers to another position in the Drug enforcement Administration shall be entitled to have his initial rate of pay for such position set at a step of grade GS–14 which is nearest to but not less than the rate of pay which such individual received at the time of such transfer. If the rate of pay of such individual at the time of such transfer is greater than the rate of pay for step 10 of grade GS–14, such individual shall be entitled to have his initial rate of pay for such position set at step 10 but such individual shall be entitled to receive the rate of pay he received at the time of such transfer until the rate of pay for step 10 is equal to or greater than such rate of pay.

Subsection (c) of section 5108 of title 5, United States Code, is amended by:

(1) repealing paragraph (8); and

(2) substituting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS 16, 17, and 18";

(e) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(105) Commissioner of Immigration and Naturalization, Department of Justice.

"(106) United States attorney for the Northern District of Illinois.

"(107) United States attorney for the Central District of California."

"(108) Director, Bureau of Prisons, Department of Justice.

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

Section (f). Section 5316 of title 5, United States Code, is amended by:

(1) repealing paragraph (44);

(2) repealing paragraph (115);

(3) repealing paragraph (116);

(4) repealing paragraph (58); and

(5) repealing paragraph (134).

Mr. PERCY. Mr. President, the first part of this amendment, which relates directly to LEAA funding, is identical to S. 3657, the Drug Enforcement Administration Improvement Act of 1976, which I introduced along with Senators NUNN and RIBICOFF on July 2, 1976. It provides for the removal of all upper-level supervisory personnel in the Drug Enforcement Administration—DEA—from the civil service system. This involves those positions of grade GS–15 and above—some 162 people in this 4,200 person agency.

The individuals in such positions who do not elect to remain in their positions in the excepted service would have a 1-year grace period during which they could either:

Transfer to a similar position for which they are qualified in another agency which is protected by the civil service; or

Transfer to a grade GS–14 position in DEA with no loss in salary or pension rights.

Mr. President, this portion of the amendment is supported by the Justice Department, the Attorney General and the Deputy Attorney General. I have discussed the amendment with them, and also the Director of the DEA. It would place these DEA supervisory positions on a basis comparable to those at the FBI. Certainly there is a need for greater managerial flexibility and for the ability to move people about at one policy-making level in a law enforcement agency of this kind. I firmly support this amendment, and offer it on behalf of Senators RIBICOFF, NUNN, and myself.

The second part of this amendment would raise from executive level V to executive level IV certain high level Federal Government positions, including Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

In addition this amendment would enable the Attorney General to place 32 positions in GS–16, GS–17, and GS–18 personnel slots. One of these positions would be in the Bureau of Prisons and the other 31 could be allocated by the Attorney General to meet critical needs throughout the Department of Justice.

Again, Mr. President, this is fully supported by the Attorney General and the Deputy Attorney General. I have discussed it with them, and they are very anxious to have this provision adopted.

I ask unanimous consent to have printed in the RECORD at this point material in further clarification of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUSTIFICATION FOR DRUG ENFORCEMENT ADMINISTRATION PERSONNEL CHANGES

The first part of this amendment is identical to S. 3657, the Drug Enforcement Administration Improvement Act of 1976, which I introduced along with Senators Nunn and Ribicoff on July 2, 1976. It provides for the removal of all upper-level supervisory personnel in the Drug Enforcement Administration (DEA) from the civil service system. This involves those positions of grade GS–15 and above—some 162 people in this 4,200 person agency.

The individuals in such positions who do not elect to remain in their positions in the expected service would have a one year grace period during which they could either:

Transfer to a similar position for which they are qualified in another agency which is protected by the civil service; or

Transfer to a grade GS–14 position in DEA with no loss in salary or pension rights.

I would like to first discuss some of the reasons why this amendment is germane to S. 2212:

DEA and LEAA have closely related responsibilities in the area of drug law enforcement. Quoting directly from LEAA's Sixth Annual Report:

"LEAA's grant programs for drug abuse control emphasize enforcement. Because DEA has related responsibilities, the two Agencies frequently work together to coordinate programs and policies. LEAA also supports several DEA programs with grant funds."

DEA supplies an agent to all but one of the LEAA regional offices. This agent, on DEA's payroll, serves full-time as the drug enforcement expert for the LEAA regional office, and receives administrative support from that office.

LEAA and DEA have established a Joint Planning and Policy Review Group to develop a "comprehensive strategy for their joint efforts in drug control." This Joint Planning and Policy Review Group, formed by a memorandum of agreement signed by the Administrators of DEA and LEAA, is composed of three members from each agency, and meets at the call of either DEA or LEAA. approximately $17 million *excluding* its funding for the DEA Task Force program over the last three fiscal years.

LEAA has provided $7.15 million in funding for the DEA Diversion Investigation Unit program over the last three fiscal years.

In addition to this substantial direct funding of DEA programs, LEAA spends a considerable amount of money on other law enforcement activities aimed at the control of drug abuse. For example, such drug abuse related expenditures by LEAA amounted to approximately $17 million *excluding* its funding of DEA programs for fiscal 1975 alone.

And, perhaps most importantly, S. 2212 is the *Crime Control* Act of 1976, and there is a direct causal link between drug abuse and crime. In his April 27, 1976 message to Congress on drug abuse, President Ford states that law enforcement officials estimate that *as much as one-half of all street crime* is committed by drug addicts to support their habits. That is, one-half of all robberies, one-half of all muggings, one-half of all burglaries, are caused by drug abuse.

So the real question before the Senate is not whether an amendment designed to improve the Drug Enforcement Administration is germane to S. 2212. *Clearly it is.* Rather, the question is whether this proposal to remove the top supervisory positions in DEA from the civil service system would improve the agency. And, I think the record is equally clear on this point—it would.

S. 3657, the Drug Enforcement Administration Improvement Act of 1976, which forms the body of this amendment, grew out of the investigation by the Permanent Subcommittee on Investigations into the Federal drug law enforcement effort.

The Investigations Subcommittee's June–July, 1975 hearings showed that during DEA's first two years, a period in which heroin addiction was growing to epidemic proportions, the agency was beset by mismanagement, internal strife, and some serious integrity problems.

A major obstacle to the successful resolution of these problems has been the restrictions imposed upon the Administrator of DEA by the civil service personnel policies under which the Agency operates.

Because of rigid civil service rules and regulations, an Administrator interested in upgrading the quality of DEA personnel and the effectiveness of agency programs, does not have the administrative flexibility needed to make those major personnel changes he deems necessary. Furthermore, when the Administrator seeks to fill key supervisory positions from within the Agency, his choice is severely limited by civil service rules which ordinarily prohibit an employee from advancing more than one full grade per year. This problem is especially acute at the crucial top levels of the Agency, where the Administrator's choice may be limited to as few as two or three potential appointees.

This amendment is an attempt to solve this problem by giving the Administrator of DEA the greater managerial flexibility he so desperately needs to better run the agency.

The record of the hearings held by the Senate Permanent Subcommittee on Investigations strongly supports this proposal. After an extensive review of internal difficulties at DEA and its predecessor agencies, the Subcommittee has concluded that this reform is essential to the effective management of the agency. As the Subcommittee report, which was released last Sunday, concludes:

"It is the finding of the Subcommittee that DEA personnel should not be covered by civil service rules and regulations. The Subcommittee believes a fair method of disengaging DEA or any successor organization from civil service would be to give personnel a 1-year grace period during which they could see other Federal employment covered by civil service with their rights intact. In turn, should prsonnel choose to remain in place, they would, after the 1-year period, lose all rights and protections previously provided them under civil service."

In addition, I have been in contact with various individuals who have had experience, either working in, or dealing with DEA. Former Deputy Attorney General Laurence Silberman, former Acting DEA Administrator of DEA Andrew C. Tartaglino, Watergate Special Prosecutor and former Acting DEA Chief Inspector Charles Ruff, and other senior officials both in and out of the Department of Justice have all expressed strong support for this legislation. Perhaps Mr. Silberman, who as Deputy Attorney General was the official primarily responsible for oversight of DEA, most cogently summed up the need for this legislation in his testimony before the Subcommittee on Investigations:

"I think this committe . . . could do something that would be of enormous help for DEA and for the Justice Department, and that is to pass legislation to take civil service away from DEA and give them the same personnel status as the FBI.

"If you do that, you will end up with a much better DEA, which will be less susceptible to corruption.

"As you dug into this investigation, I think this committee has become aware that the protections which civil service gives employees, while very valuable, are probably inappropriate in an organization engaged in direct law enforcement. You have a higher degree of discipline and you need a higher degree of flexibility of management."

As the ranking minority member of the Permanent Subcommittee on Investigations, I am firmly convinced of the need for this measure. And I am very pleased to have been joined in introducing S. 3657 by Senator Nunn, Acting Chairman of the Subcommittee, and Senator Ribicoff, a member of the Subcommittee and Chairman of the full Government Operations Committee. Both were active participants in the Subcommittee's inquiry into the Federal drug law enforcement efforts, and both have indicated an acute understanding of the enormous need for greater managerial flexibility at the highest levels of DEA.

Before I conclude, I would like to emphasize one point in particular. This amendment is not intended as a means of capriciously punishing those individuals now in supervisory positions in DEA. Indeed, many of these individuals are men of the highest integrity, and are very dedicated and competent law enforcement officials.

Nor is this amendment intended to serve as a precedent for the wholesale removal of Government agencies from the civil service system. Rather, it is a recognition of the fact that Federal law enforcement agencies constitute a special case. In these agencies, the opportunities for "corner-cutting" and outright corruption are so great that a more flexible personnel system is needed to ensure the integrity and effectiveness of agency personnel.

Mr. President, this amendment is absolutely essential to the most effective operation of the Drug Enforcement Administration. In view of the close connections between DEA and LEAA, the tremendous importance of DEA's role in the fight against drug abuse, and the enormous impact which its efforts have on crime, especially in our cities, I think that this is an especially appropriate and important amendment to be offering to S. 2212, the Crime Control Act of 1976.

JUSTIFICATION FOR DEPARTMENT OF JUSTICE PERSONNEL CHANGES

SECTION 1

Section 5108 of title 5 of the United States Code authorizes specific officers of the Department of Justice to place positions in grades GS-16, GS-17 and GS-18 in addition to positions that may be placed in those grades by th U.S. Civil Service Commission from the quota of 2,754 positions authorized by section 5108(a). Subsection (c)(2) permits the Director of the Federal Bureau of Investigation to place 140 positions in GS-16, GS-17 and GS-18; subsection (c)(4) authorizes the Commissioner of Immigration and Naturalization to place 11 positions in GS-17; and subsection (c)(11) authorizes the Law Enforcement Assistance Administration to place 25 positions in GS-16, GS-17 and GS-18.

The Attorney General, by virtue of subsection (c)(7), may place 10 positions of Warden in the Bureau of Prisons in GS-16. Under subsection (c)(8), he may place one position in GS-16. Additional GS-16, GS-17 and GS-18 classifications needed for positions in the Department must be obtained from the Governmentwide quota administered by the Civil Service Commission pursuant to section 5108(a).

Clearly, certain subordinate officers enjoy more generous allocations of these special supergrade authorizations than the Attorney General. It is equally clear that the subordinate officers are permitted greater discretion in the use of the authorizations, i.e., their authorizations are not restricted to designated positions or to single, specific grades as are the Attorney General's authorizations. Of greater importance, however, is the fact that the number of GS-16, GS-17 and GS-18 positions available to the Department as a whole is insufficient to meet the actual needs of the Department. The critical need for a small number of GS-16 authorizations which might be assigned to positions of outstanding trial attorneys who represent the United States in some of the most important litigation before the bar today is but one example.

The proposed legislation would enable the Attorney General to place 32 positions in GS-16, GS-17 and GS-18. This would include the one position (continuously allocated to the Bureau of Prisons since its authorization) provided by the existing subsection (c)(8). Therefore, it would make available to the Attorney General 31 additional positions to be allocated to meet critical needs throughout the Department.

SECTION 2 AND SECTION 3

Commissioner of Immigration and Naturalization

The Commissioner of Immigration and Naturalization is charged by the Congress and by the Attorney General with responsibility to administer and enforce the Immigration and Nationality Act and all other laws relating to immigration, including, but not limited to, admission, exclusion, deportation, naturalization and citizenship. This includes investigating alleged or known violations of the immigration and nationality laws, patrolling the borders of the United States, registering and fingerprinting aliens in the United States, preparing reports on private bills pertaining to immigration matters and recommending prosecution in Federal courts when deemed advisable. The Immigration and naturalization Service, which he heads, is comprised of more than 9,000 employees in over 300 locations within the 50 States.

Unlike level V bureau directors in some of the other cabinet-level departments, the Commissioner of Immigration and Naturalization reports directly to the head of the Department, rather than to an assistant secretary or an assistant attorney general. He is responsible for the management of a self-sufficient organization which receives only very general policy direction from the Department of Justice headquarters. He has a high level of responsibility for presenting and defending his program to the Congress and the general public. Placing this position in executive level IV would result in better alignment of the position with positions of assistant attorney general and Director, Community Relations Service, all of which are in executive level IV, and with positions of Administrator, Drug Enforcement Administration, and Administrator of Law Enforcement Assistance, both of which are in executive level III. United States Attorneys for the Central District of California and the Northern District of Illinois.

Each United States attorney is responsible, within his district, for prosecuting all offenses against the United States; prosecuting or defending, for the Government, all civil actions, suits, or proceedings in which the United States is concerned; appearing in behalf of the defendants in all civil actions or proceedings pending in his district against any collectors or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to those officers, and by them paid into the Treasury; and instituting and prosecuting proceedings for the collection of fines, penalties and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings.

The Central District of California, headquartered in Los Angeles, and the Northern District of Illinois, headquartered in Chicago, have grown substantially in size of staff and volume of work since the positions of the respective United States attorneys for each were placed in executive level V in 1965. Placing the positions in executive level IV would bring them into better alignment with the positions of United States attorney for the District of Columbia and the Southern District of New York respectively, both of which are in level IV. The table which follows compares the workloads of the Central District of California and the Northern District of Illinois with that of the Southern District of New York.

WORKLOADS OF SELECTED U.S. ATTORNEY'S OFFICES, FISCAL YEAR 1975

	California Central	Illinois Northern	New York Southern
Cases filed	1,614	2,210	2,483
Cases terminated	9,018	1,957	1,954
Cases pending	2,157	2,507	4,406
Grand jury proceedings	1,361	547	790
Matters received	8,503	6,296	4,139
[illegible] of workforce	187	148	229
Man-hours in court	22,291	15,212	24,718

Mr. PERCY. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I have conferred with the distinguished Senator from Nebraska regarding this amendment. We have consented to accept this amendment with the understanding that the distinguished Senator will not press for his amendment with respect to firearms and explosives. It is a good amendment from its merits. I have no objection to it. With the understanding that we have worked out, I am willing to take the amendment if the distinguished Senator from Nebraska will agree.

Mr. HRUSKA. Mr. President, the RECORD should show that the chairman of the subcommittee and I have discussed this amendment, and I concur in the statement which he has just made.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PERCY. Mr. President, at this moment I would simply like to seek the advice and counsel of my distinguished colleagues. I have no further amendments to offer.

On July 20 Senator LONG and I submitted amendment No. 2042, which would correct a deficiency in existing law to make it absolutely clear that convicted felons, drug addicts, mental incompetents, and certain other dangerous individuals would be prohibited from possessing and dealing in firearms, ammunition, and explosive materials under any circumstances—whether or not a specific link with interstate commerce could be found in each and every instance. This amendment is necessary to clarify congressional intent regarding similar provisions in existing law which the Supreme Court found to be ambiguous.

Because there is serious doubt about the germaneness of this amendment to S. 2212, I shall not offer the amendment today. However, I will introduce it as a bill this afternoon, and I hope that the distinguished managers of S. 2212—the senior Senators from Arkansas and Nebraska—will agree to insure prompt consideration of this amendment in the Judiciary Committee. Because this is only one small aspect of the highly sensitive gun control issue on which virtually all of my colleagues can agree, I hope that the committee will act swiftly to report those provisions in a form which will receive prompt consideration on the Senate floor.

The reason that the Senator from Illinois asks for prompt consideration of this matter by the Judiciary Committee is that it would simply clarify congressional intent concerning existing law. Indeed, hearings have been held on this question in both the Senate and the House Judiciary Committees during the consideration of broader gun controls bills, where strongly favorable testimony was given.

It is the earnest hope of Senator LONG and myself—and particularly Senator LONG as it was his amendment that was adopted in 1968—that the Judiciary Committee give early consideration at a committee meeting in the near future to the bill which we will introduce jointly this afternoon.

I ask if my distinguish colleague would be prepared at this time to respond and give the Senator from Illinois guidance on this matter.

Mr. McCLELLAN. Mr. President, if it is introduced as a bill I have no objection to it, at least I have no objection to undertaking to expedite its processing.

There is this contingency, as the distinguished Senator from Illinois recognizes: Once you take up a gun control bill, almost any amendment containing a gun control issue would probably be germane. We do have that problem. I do not know that this matter would be referred to the Subcommittee on Criminal Laws and Procedures. My recollection is that the Subcommittee on Juvenile Delinquency as well may have an interest in it. But there would be no disposition on my part, I can assure the Senator, to delay prompt consideration of this measure on its merits. I might have objection to some amendments that could be offered to it.

I want the distinguished Senator to know that I do appreciate his cooperation in trying to help move the pending bill to a conclusion here today. I wish to express my personal thanks to him for his cooperation in that respect.

I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. I thank the Senator.

Mr. President, the substance and the content of the proposed amendment to which reference was made by the Senator from Illinois is meritorious and very much needed, in my judgment.

The amendment referred to by the Senator from Illinois would seek to cure an unduly restrictive interpretation by the Supreme Court in the Bass case of a provision in the Omnibus Crime Control and Safe Streets Act of 1968. It ought to be corrected, and I hope in due time, by the procedure indicated, that it will be.

There are other considerations, of course, to which the Senator from Arkansas has referred, when it comes to the matter of processing, reporting, and considering a general gun control bill; but we will have to meet those as they appear.

Mr. McCLELLAN. Mr. President, I say to the Senator I think this bill has merit and should pass without unnecessary delay. I want to cooperate in that respect.

Mr. PERCY. Mr. President, I wish to express my appreciation to my colleagues. This proposal should not be encumbered by anyone who would attempt to use it as a vehicle for something that would be delayed in the Senate.

The NRA has taken the very clear position that we ought to keep guns away from criminals and felons, which is exactly what this amendment would do. I hope we can confine it to that narrow issue, and have this Congress act in the few weeks which remain in this session. Certainly it takes time to process these matters, but if we can keep it clean, addressing only this point, then this Congress could do something that would help take crime off the streets and keep guns away from felons and others who certainly should be prohibited by Federal law from having them.

I thank our distinguished colleagues and I assure the Senator that Senator LONG and I will work closely with him in expediting this matter to whatever extent we can.

I appreciate very much the consideration on the previous amendment.

Mr. McCLELLAN. Mr. President, I appreciate the amendment made by the distinguished Senator from Illinois. I shall work with him to the end that hopefully we can pass this bill as a clean bill.

Time is yielded back on the amendment.

UP AMENDMENT NO. 242

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes unprinted amendment No. 242.

At the end of the bill, add the following new section:

SEC. 29. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.".

Mr. ROBERT C. BYRD. Mr. President, the Senate has twice by rollcall vote unanimously passed legislation that I have offered amending title VI, section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968, limiting the term of office of the Director of the Federal Bureau of Investigation to a single 10-year term.

On October 7, 1974, the Senate passed S. 2106 by a vote of 70 to 0. During this Congress, the Senate passed S. 1172 by a vote of 85 to 0 on March 17, 1975. To date there has been no action on this legislation by the other body—none.

However, I offer the language of S. 1172 as an amendment to S. 2212 because I believe this is important legislation which the other body should act upon before the close of the 94th Congress, and it is apparent that S. 1172 will not be out of committee on the House side in time for floor action this year.

This amendment would aid in insulating the FBI Director against politically

motivated manipulation from the executive branch by giving the office a tenure of 10 years; and, at the same time, it would minimize the dangers of autocratic control of the Bureau by a Director, who might build up a concentration of power over a long period of time, by placing a limitation on the amount of years that one man may serve as Director of the FBI.

Until 1968, the Director of the Federal Bureau of Investigation was an appointee of the Attorney General. In 1968, Congress passed Public Law 90-351, title VI, section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968, which amended title 28, United States Code, section 532, making the Director of the Federal Bureau of Investigation a Presidential appointment subject to the advice and consent of the Senate.

There was no provision in the 1968 statute as to the duration of the appointment of the FBI Director. It became apparent during the confirmation hearings on L. Patrick Gray to be FBI Director that if high executive branch officials could attempt to misuse the FBI by means of unjustified requests to an Acting Director who wished to be nominated as permanent Director, then the same tactics could be applied to an incumbent FBI Director who had no protection of a fixed term for his position.

Under the provisions of my amendment, there is no limitation on the constitutional power of the President to remove the FBI Director from office within the 10-year term. The Director would be subject to dismissal by the President, as are all purely executive officers.

However, the setting of a 10-year term of office by Congress would, as a practical matter, preclude—or at least, inhibit—a President from arbitrarily dismissing an FBI Director for political reasons, since a successor would have to be confirmed by the Senate.

Mr. President, the merits of this amendment are, I believe, obvious as are the reasons for presenting it to the other body as a part of S. 2212.

I discussed the amendment with the managers of the bill, and I trust that the Senate will again adopt this legislation.

Mr. McCLELLAN. Mr. President, as just stated by the distinguished Senator from West Virginia, this legislation has unanimously passed the Senate on two occasions. Apparently the Senate is very strong for it.

If we accept this amendment, which I propose to do, this will give the House of Representatives an opportunity to take action. If they prefer to move on the bill already pending in the House of Representatives they can do so; if not, we discuss it and have an opportunity to vote for or against it on this bill.

I conferred with the distinguished Senator from Nebraska. I do not believe he has any objection to it. It is the desire of the Senate that this provision of law be enacted. I am willing to take the amendment if it as agreeable with the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, the Senate has acted favorably on the measure during a previous session of the Congress. If the inclusion as an amendment to this measure will assist in getting it consideration by the other body, I think it would be a good thing. I concur with the chairman of the subcommittee that it would be well to accept the pending amendment.

Mr. ROBERT C. BYRD. Mr. President, before the vote, I ask unanimous consent that hearings that were conducted on this bill—and I believe we had 1 day of hearings on the bill and they are not very lengthy—at least be excerpted in their more important parts and be printed in the RECORD before the vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Excerpts from the hearings before the Subcommittee on FBI Oversight of the Committee on the Judiciary, United States Senate on S. 2106, March 18, 1974]

TEN-YEAR TERM FOR FBI DIRECTOR

(Monday, March 18, 1974)

U.S. SENATE, SUBCOMMITTEE ON F.B.I. OVERSIGHT, COMMITTEE ON THE JUDICIARY,

Washington, D.C.

The subcommittee met, pursuant to notice, at 10:40 a.m., in room 2228, Dirksen Senate Office Building, Senator Robert C. Byrd (chairman), presiding.

Also present: Thomas D. Hart, committee counsel to the subcommittee and Louise Garland, subcommittee researcher.

Senator BYRD. The subcommittee will come to order.

Today, this subcommittee begins hearings on a bill, S. 2106, which will do much to restore the faith of the American people in an institution whose respected reputation has been one of the many victims of the sorry events popularly termed "The Watergate Affair."

The Federal Bureau of Investigation has had an illustrious history as the Nation's chief law enforcement agency, but in recent years the need for more control over the vast bureaucracy which is the Bureau, has become evident.

The politicization of the Bureau, while always a potential threat in the past, become a reality as the Bureau and its Acting Chief became, in effect, an arm of the administration in its campaign for reelection, and subsequent efforts to suppress the truth behind the sordid background of that campaign.

The legislation proposed in S. 2106 is an effort not only to remove the taint of political manipulation which enshrouded the Federal Bureau of Investigation, but also to prevent future administrations of either party from employing the vast powers of the Nation's foremost law enforcement agency for political needs and/or ideological proclivities.

S. 2106 will amend the Safe Streets and Omnibus Crime Control Act of 1968 to provide that the term of the Director of the Federal Bureau of Investigation will be 10 years and that he will be eligible to be reappointed for one additional term of 10 years.

A 10-year term is desirable because it would generally overlap the tenure of a two-term President and would eliminate many of the pressures that could be brought to bear on the Director if he were to be reappointed every 4 years. A 10-year term is also preferable to a term of, for instance, 7 years, inasmuch as the latter could fall within the Presidency of the man who originally appointed the Director.

In this way, the Director can be more effectively insulated from political pressures liable to be placed on him by a President, and he will not be considered a politically oriented member of the President's "team."

The Bureau, both in fact and in popular perception, would then be restored to the independent and professionalized crime fighting status which was its original purpose and which is its purpose today.

The passing of Mr. J. Edgar Hoover, with resultant disarray in the ranks of the Bureau, pointed up the need and provided the opportunity for the Congress to assert its role in overseeing the operations of the FBI and insuring that the agency is divorced from political influence.

Even before the death of Mr. Hoover efforts were begun to restore congressional control and establish congressional input in the naming of the Director and the operations of the agency.

In 1968, legislation was enacted to provide for the appointment of the FBI Director by the President with the advice and consent of the Senate. At the time of that enactment, the words of the columnist Joseph Kraft were recalled in debate on the floor of the Senate. His description of the level of disrepute to which the old Bureau of Investigation had fallen at the time J. Edgar Hoover was appointed Director in 1924, while exaggerated in its present-day applicability, should be heeded in light of the disclosures regarding the FBI during the term it was headed by a temporary Director.

Mr. Kraft described the condition of the Bureau of Investigation in 1924 as follows:

"A private hole-in-the-corner goon squad for the Attorney General. Its arts were the arts of snooping, bribery, and blackmail. It acted independently of the rest of the Government and without reference to other law enforcement agencies. Its agencies were political hacks and con men."

The quotation will be found on page 13181 of the Congressional Record, Volume 114, May 14, 1968. There is no need now to recount the familiar litany of abuses that surfaced during the confirmation hearings of Acting Director L. Patrick Gray, last summer. But the activities of Mr. Gray—his political speechmaking in strategic States for the President, his use of the Bureau and its agents for the collection of data to be used for political campaign purposes, and his destruction of politically damaging documents at the suggestion, apparently of administration assistants, demonstrated an obsequious loyalty to the administration which could, had it gone unchecked, have gone far in turning the Bureau into a political action agency for the President.

The Bureau must be restored to its former respected and influential status and steps must be taken by the Congress to help to insure that political manipulation of the agency is no longer possible.

The proposed legislation to be considered will go a long way toward achieving that purpose. By providing for a fixed term for the Director, this bill will prevent the formation of a fiefdom, lorded over by an autocratic director. It will also accomplish the purpose of insulating the Director from the political pressures that are present when appointment and reappointment depend on the pleasures of a particular President.

The bill is, therefore, a dual preventative of abuses that have crept into the operation of the Federal Bureau of Investigation in recent years.

While a strong Director with years of experience and tenure which extends over the terms of many Presidents may result in an independent agency free from the political ambitions of anyone in the administration, the tendency toward autocratic rule, ideological rigidity, and reluctance to innovate is present.

A fixed term, and a term that does not

coincide with the choosing of a President and the change of his administration, will serve to prevent both the accretion of power in the hands of one man and the political manipulation that can result from a short-term Director, subject to the whim of a President to whom he owes his appointment.

The vast resources of the Federal Bureau of Investigation and the power and influence that these resources imply, demand that the agency be accountable for its actions and free from the political ambitions of a particular administration.

"The FBI is not just another division of the Justice Department, whose directors can be picked out of a list of loyal political servitors." Pincus, "The Nation," November 1972.

To place the exceptional resources of the FBI in the hands of a potential empire builder, or a politically oriented servant of the President, would be disastrous for both the Bureau and the country. The Congress must prevent this from happening by exercising its oversight functions and by enacting legislation such as the bill to be considered here today, which will aid in restoring the FBI to its proper role in the American Government, and help to prevent the reoccurrence of the tragic erosion of public confidence in the FBI that befell it last year.

Mr. Kelley, are you familiar with the bill, S. 2106?

Mr. KELLEY. Yes, sir.

Senator BYRD. I wish to thank you for appearing before the subcommittee today. Do you have a prepared statement with reference to S. 2106 that would reflect your opinions toward that legislation?

Mr. KELLEY. Yes, sir.

Senator BYRD. Would you proceed with that statement, please? You may read it in its entirety. You may highlight it. In any event, it will be placed in the record as it is written.

I would hope that you would read it in its entirety.

Mr. KELLEY. I will, sir.

Senator BYRD. Thank you very much. It is very brief.

STATEMENT OF HON. CLARENCE M. KELLEY, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. KELLEY. My statements today with regard to the leigslation under consideration constitute my personal views as Director of the FBI.

In my statement before the Committee on the Judiciary in June, 1973, I indicated that 9 years would be a proper term for the Director of the FBI.

From a personal standpoint, I am perfectly satisfied with the current status. I am confident that during my time in this position, there will be no successful pressure exerted on me to use the FBI for partisan political purposes.

Since the FBI is, and I feel should remain, part of the Department of Justice, the Director should be answerable to and take direction from the Attorney General of the United States.

It would be improper for the Director to disregard the responsibilities imposed upon the FBI by law or to disobey legitimate guidance and lawful orders of the Attorney General.

I do not anticipate that I will receive orders which are unethical or political in nature, but I feel it is incumbent upon the Director to refuse any effort to use the FBI for purposes other than its lawful responsibilities.

I would not object to legislation setting a definite term since it might contribute toward countering the impression that an appointment of any Director was for political purposes. I also feel that the position of Director should not necessarily change hands with each administration which will give the incumbent a greater sense of independence.

I originally mentioned a term 9 years, since I believed that period would minimize occasions when the appointments would coincide with a change in administrations. Whether the term is for 9 years, or 10 years, makes little difference to me as long as this consideration is taken into account. Either period would provide the incumbent a sufficient feeling of independence.

Senator BYRD. Does that complete your statement, Mr. Kelley?

Mr. KELLEY. Yes, sir.

Senator BYRD. The Justice Department has advised the subcommittee that they are sending only one witness, Mr. Kelley, on the bill and that his testimony reflects the view of the Department.

Now, Mr. Kelley, you have now been the Director of the FBI for almost 9 months. During that time, have you formed an opinion as to what the role of the FBI should be in today's society?

Mr. KELLEY. Yes, sir, I have.

Senator BYRD. Would you state it?

Mr. KELLEY. I feel, Senator, that the FBI certainly should perfrom its duties as an investigative agency as well as possible, and that it should at all times make itself responsive to the needs of the citizens to the fullest extent provided by law.

I feel it is most important that we not become isolated; that we not become provincial; that we consider all possibilities and from them choose the best course of action.

For these reasons, I have looked forward to discussions with this Oversight Committee. I do not feel we should ever sequester ourselves so that we have only the view of the law enforcement officer, but that we should have the general view which will help us to perform in the best interest of the Nation.

In consideration of this particular bill, I had this philosophy very strongly in mind. It is possible, with a lengthy term of office. without constraints, to become somewhat isolated and somewhat opinionated, and to foresake the idea that you must remain alert to changing conditions.

In other words, I feel that law enforcement in this era needs to recognize the changes and the complexities of society and we need the assistance of knowledgeable people. This, in essence, is a generalization that we are to be responsible to the law and to the people.

Senator BYRD. Do you think that the Bureau's proper place in our framework of Government is that of being a part of the executive branch? A part of the Department of Justice within the executive branch?

Mr. KELLEY. I do, sir.

Senator BYRD. What are the advantages and what are the disadvantages of such a structure in which the FBI is a part of the Department of Justice within the executive branch?

Mr. KELLEY. First, I should say I came from local law enforcement where prosecution and enforcement are separate. I do not feel, however, this is necessarily the proper role in Federal law enforcement.

In local law enforcement, much of the work is preventative or by virtue of having come onto a violation in the course of work.

In Federal law enforcement, it is more of an activity after the fact. In other words, the crime is committed and then the investigation starts. I think, in this latter role, it is well to be in close communication with the prosecutive efforts. And, I feel, having worked the major portion of my life in this atmosphere, that this is a most satisfactory situation.

I might state, parenthetically I have felt no restraints in this position. I feel the Department of Justice has placed no barriers to the proper enforcement of the law.

Perhaps that is a fortituous circumstance, but I do not think it is. I think this is a natural consequence of an organization whose units work well together.

One of the statements I made during my confirmation hearings was that there certainly should be a very close check on the Office of Director, and that there should be great care taken in choosing the Director.

The choice, insofar as nomination, is that of the Executive. The confirmation rests in the Senate, however. It is most essential to choose one who can work within the established framework, one who will not try to create an empire within his own organization.

I have had a very happy relationship as a member of an FBI which is part of the Department of Justice. My personal principles will forbid this type of relationship from becoming distorted and perhaps oppressive. I do support strongly the present structure of having the FBI as a part of the Justice Department within the executive branch.

Senator BYRD. You do not see any disadvantage to the present structure wherein the Federal Bureau of Investigation is within the Department of Justice? This structure makes the Director of the FBI responsible to the Attorney General. This could result in a situation where the director would be responsible to an Attorney General who wore two hats—one as the chief legal officer of the Nation and two as the top political advisor to the President.

You do not see any conflicts or any disadvantages to this situation?

Mr. KELLEY. Not really, Senator. I suppose that under practically any system, were you to speculate about what might happen under certain conditions, you could raise some critical issues.

I think, however, that having chosen a person with the determination to resist any pressure to give way to political influences, the problems which could arise are minimal. I am confident that when the Senate confirms an FBI Director, its Members will have done their work well. I believe the dedication within the FBI, the fine work that is done by its members, and their complete subjugation to duty, will seize a Director and he will be motivated in a like manner.

I know problems can arise, but I do not visualize any grave ones within this situation. The careful selection of personnel, always a hallmark within the FBI, is the best assurance I know of in this regard.

Senator BYRD. Now, Mr. Kelley, if the FBI were removed, by statute, from the Department of Justice and established as an independent agency, would this have any advantages for the FBI, either actual or as perceived by the public, in your opinion?

Mr. KELLEY. This would be similar to the situation applicable to local law enforcement. It works there; I presume it could work in this situation. But I would prefer to work under circumstances as they now exist.

Senator BYRD. You would prefer to operate under the present structural setup?

Mr. KELLEY. I would, sir.

Senator BYRD. What would be the disadvantages of such a separate organizational arrangement?

Mr. KELLEY. I think great rapport is created when you become a part of a whole. This is what exists among the various bureaus which comprise the Department of Justice.

We meet to consider common problems. There is a joining of our efforts toward solutions. And, generally, a position of unity rather than division results.

I have found that under the divided system which exists at the local level that sometimes the needs of the law enforcement unit, are not recognized quite as readily or reacted to as quickly as they should be.

The Attorney General, in the Department of Justice, represents both the prosecutive and the enforcement groups, and I feel, at least in my experience, he has given ample consideration to each. Were the two functions not coordinated by a single head, one or both, might become oppressive.

Through this unification, the prosecutive portion is supportive of law enforcement. Within the Department a constant effort is made to keep it supportive. At the same time, this places us, the people in law enforcement, in an atmosphere conducive to our working within legal restraints and responsive to the legal interpretation and the full recognition of the restraints of a particular law.

I suppose it makes us a team rather than two teams.

Senator BYRD. It is still your feeling, therefore, as you stated during your confirmation hearings before the Judiciary Committee on June 20, 1973, with respect to your appointment, that a Director of the FBI would feel greater independence from political pressures from within the executive branch if he were assured of a definite tenure of office?

Mr. KELLEY. Yes, sir, and I spoke of "a" Director. Insofar as I am concerned personally, I have always worked without any tenure, and I have felt throughout those 34 years perfectly comfortable without it.

I still feel comfortable without it, but I think there would be some who would, perhaps, feel more comfortable with the term established.

I have a strong feeling that I should be responsive to needs. And if I should cease to satisfy those needs, something should be done about me. So far as I am concerned personally, I am satisfied with a day-by-day situation.

Senator BYRD. In your time as Director of the FBI, have you felt that pressure of any type has attempted to be exerted upon you by the President?

Mr. KELLEY. Senator Byrd, not once.

Senator BYRD. Any of his aides?

Mr. KELLEY. Not once.

Senator BYRD. By your superiors in the Justice Department?

Mr. KELLEY. Within the Department of Justice, it has been completely without any improper influence. It has been, as a matter of fact, a very satisfactory, happy relationship.

Senator BYRD. The bill that is being considered today, S. 2106, would apply to you. Do you have any personal feeling about that, one way or another?

Mr. KELLEY. No, sir, I have no personal feeling. And, as I said in the confirmation proceedings, if it were to exclude me, I would not object at all. But if it is, in the wisdom of Congress, decided to make this applicable to me, I will work under it.

Senator BYRD. If this bill is enacted, your term would not expire until mid-1983—2 years past the time when you would have reached the mandatory Federal retirement age of 70.

Do you think the retirement age should be waived by Executive order in such a case so that a Director of the FBI, in this case yourself, could finish the entire 10-year term?

Mr. KELLEY. I think that at 70 years of age retirement should be mandatory, and my term should not be extended an additional 2 years.

Senator BYRD. How do you personally feel about the mandatory retirement age for positions such as the Office of Director of the FBI?

Mr. KELLEY. I would recommend that retirement be mandatory at 70 years of age, no matter what the health or capability of the Director might be.

Senator BYRD. You do not feel that in the event you remain in good health, that you should be allowed to serve out your 10-year term, even though, at the expiration of that term, you would be 72 years of age?

Mr. KELLEY. No. I feel retirement should be mandatory at 70.

Senator BYRD. This bill's primary goal is not to guarantee a 10-year job for the Director of the FBI. The FBI Director is a highly placed figure in the executive branch and he can be removed by the President at any time, and for any reason that the President sees fit.

This bill does not change that. But it does make it clear that the Congress does not want any President to use the seat of the FBI Director as he may those of his Cabinet officers, in playing games of musical chairs.

The 10-year term carried in this bill is intended to stabilize the Office of FBI Director from political pique and from political influence, but it cannot, and does not intend to encase the occupant of that position in a fallout shelter from the standpoint of appointment and reappointment. At the same time that this legislation intends to give some security to the tenure of the FBI Director, there remains the necessity for on-going congressional oversight of the Bureau.

It seems to me that the FBI must be responsive to checks and balances and if we feel it is necessary to insulate the FBI in one respect, I think it is important that there should be an avenue for discussion, from time to time, of operating procedures and other matters, in forums such as this, with the Director of the FBI.

One of the practical problems involved here, of course, is that you are a very busy man and so are the members of this subcommittee. I wonder if the best course may not be for you to designate members of your staff to be responsive to members of the subcommittee staff, and in the areas where it would be felt necessary, hearings could be scheduled to air them and to solicit public reaction to the alternatives.

Would this manner of procedure be acceptable to the Bureau?

Mr. KELLEY. This is to be a meeting between the members of the committee staff and the staff of the FBI to discuss publicly the problems within?

Senator BYRD. No, no, I am asking whether or not it would be well for you to designate certain members of your staff who would respond to requests for information by the subcommittee staff. The FBI staff designated by you would maintain contacts with the staff of the Judiciary Committee, especially this subcommittee that has jurisdiction over the FBI. In areas where the staffs felt it necessary, hearings could be scheduled, periodically, to air these areas by the subcommittee.

What I am asking you is, should there not be a close working relationship between the staff—the people on this subcommittee—and some certain designated staff people in your organization?

Mr. KELLEY. Senator, I not only think there should be, but I look forward to that relationship. I think that we should be in an oversight-type of procedure and work well together. We will cooperate completely.

Senator BYRD. Will you inform the committee, then, of what steps you take in this regard?

Mr. KELLEY. We have contacted Senator Eastland, and he has appointed an Oversight Committee, and we have, since then, described publicly some of the matters which we hope we can do in pursuance of this. We are ready, anytime the committee desires, to meet to go over the problems that we have to discuss those problems which the Oversight Committee feels we have.

We are ready and we will meet just as soon as the committee indicates it wants to meet.

Senator BYRD. Will you designate, then, such person or persons on your staff and inform the chairman of the Oversight Committee as to the identity of those parties?

Mr. KELLEY. I will, sir.

Senator BYRD. One of the basic questions that needs to be fully explored is the derivation of the FBI's authority for its various functions. Some of this authority is by explicit statute, while in other areas, implied Presidential powers are relied upon.

Would you supply to this subcommittee a digest of the statutes and the Executive orders relied upon by the FBI for its authority in its various functions.

Mr. KELLEY. Yes, sir, we will supply that.

[The information referred to follows:]

FBI JURISDICTION

The basic authority for investigative activities of the FBI is derived from Title 28 USC § 533 which authorizes the Attorney General to appoint officials to (1) Detect and prosecute crimes against the United States; (2) Assist in the protection of the person of the President; and (3) Conduct other such investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General.

Title 28, Code of Federal Regulations, Section 0.85, sets forth the general functions of the FBI as defined by the Attorney General. Included is the delegation of responsibilities to the FBI to:

1. Investigate violations of the laws of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency.

2. Carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950, and December 15, 1953, designating the FBI to take charge of investigative work and matters relating to espionage, sabotage, subversive activities, and related matters.

Additionally, Title 18 USC § 3052 confers upon investigative personnel of the FBI the power to carry firearms, serve warrants and subpoenas, and make arrests without warrants under certain circumstances.

Accordingly, there is no question as to the FBI's jurisdiction and authority to investigate violations of Federal statutes which impose criminal sanctions. The FBI obviously is charged with the responsibility to investigate violations of Federal laws such as those involving kidnapping and bank robbery, as well as those relating to espionage, sabotage, and sedition.

The question is not really whether the FBI has the authority to investigate crimes against the United States but whether its authority is limited to investigating crimes after they have occurred with no authority to perform a preventive law enforcement function.

The record is clear that historically law enforcement agencies have performed the dual function of investigation of crime and crime prevention. It would be difficult to believe that the FBI would be forced to take no action until after the commission of a crime when its capabilities would permit it to develop prior information regarding a kidnaping or a bank robbery and thus be in a position to thwart the criminal act. Likewise, there have been no serious claims made that the FBI should refrain from extensive counterespionage activities designed to identify foreign agents and prevent the theft of vital and extremely sensitive national secrets affecting the security of our country.

It would seem to follow that the FBI also has the authority and the responsibility to identify and follow the activities of individuals and groups who secretly or publicly advocate or engage in activities which are in violation of the laws of the United States

designed to preserve the security of this country and its citizens.

A recent decision in the Second Circuit of the United States Court of Appeals appears to be in point. In this case the Director of the FBI and others were used in a civil action by The Fifth Avenue Peace Parade Committee and other plaintiffs for alleged invasion of constitutional rights and invasion of privacy. The plaintiffs complained that an FBI investigation conducted immediately prior to the November 14–16, 1969, Moratorium Demonstration in Washington, D.C., had a chilling effect upon the exercise of the plaintiffs' constitutionally protected activity. The purpose of the FBI's investigation in this case was to determine the number of individuals who would be coming to Washington, their mode of transportation, time or arrival, and to detect individuals who had a potential record of violence.

With regard to the FBI's authority to conduct the investigation, the court said, "Beyond any reasonable doubt the Federal Bureau of Investigation had a legitimate interest in and responsibility for the maintenance of public safety and order during the large demonstration planned for Washington, D.C. In fact, had it been ignored the agency would be properly chargeable with neglect of duty." The court went on to say no matter how peaceful the intention of the organizers the assemblage of the vast throng planning to protest the Viet Nam action and to express their sincere and conscientious outrage, presented an obvious potential for violence and the reaction of the Government was entirely justifiable. The court said, "That reaction was not to deter, not to crush constitutional liberties but to assure and to facilitate that expression and to minimize controversy which in the end would harm the cause of the plaintiffs more than the disruption or violence would injure the Nation." (480 F2d 326 (1972)) The court not only condoned the FBI's prior investigation of a constitutionally protected activity, it went further by stating that the FBI had a duty.

There follows a listing of those Federal statutes and Executive Orders considered most pertinent to the FBI's responsibilities in protecting the Nation's internal security. Basic criminal statutes are omitted although some of the individuals the FBI has investigated for intelligence purposes have been involved in ordinary criminal activity.

In conclusion, the FBI is a lawfully created agency which has been given jurisdiction and authority to investigate crimes against the United States. It has the authority to take preventive action in connection with its responsibilities and indeed even the duty to take such action. Nevertheless, the FBI is cooperating with the Department of Justice to more clearly define the scope of the FBI's authority in the intelligence gathering field with the view that ultimately recommendations may be made to the Congress for legislation spelling out specifically the FBI's responsibility in this field.

STATUTORY JURISDICTION OF THE FBI IN FOREIGN COUNTERINTELLIGENCE AND DOMESTIC SUBVERSIVE INVESTIGATIONS

Activities against foreign governments

Title 18 U.S.C. Section 956—Conspiracy to injure property of foreign government.

Title 18 U.S.C. Section 958—Commission to serve against a friendly nation.

Title 18 U.S.C. Section 959—Enlistment in foreign service.

Title 18 U.S.C. Section 960—Expedition against friendly nation.

Title 18 U.S.C. Section 961—Strengthening armed vessel of foreign nation.

Title 18 U.S.C. Section 962—Arming vessel against friendly nation.

Advocating the overthrow of the governments

Title 18 U.S.C. Section 2381—Treason.

Title 18 U.S.C. 2382—Misprison of treason.

Title 18 U.S.C. Section 2383—Rebellion or insurrection.

Title 18 U.S.C. Section 2384—Seditious conspiracy.

Title 18 U.S.C. Section 2385—Advocating overthrow of government.

Antitrust laws

Title 18 U.S.C. Section 2101, 2102—Riots.

Title 18 U.S.C. Section 231, 233—Civil Disorders.

Atomic Energy Act of 1954

Title 42 U.S.C. Section 2077—Unauthorized Dealings in special nuclear materials—Handling by persons.

Title 42 U.S.C. Section 2122—Prohibitions governing atomic weapons.

Title 42 U.S.C. Section 2131—License required.

Title 42 U.S.C. Section 2138—Suspension of licenses during war or national emergency.

Title 42 U.S.C. Section 2165—Security restrictions—On contractors and licenses.

Title 42 U.S.C. Sections 2274–2277—Restricted data.

Title 42 U.S.C. Section 2278a–2278b—Trespass upon commission installations and photographing.

Bombings

Title 18 U.S.C. Section 841–844—Importation, manufacture, distribution and storage of explosive materials.

Civil rights

Title 18 U.S.C. Section 245—Federally protected activities.

Crimes on Government reservations

Title 18 U.S.C. Section 13—Laws of states adopted for areas within Federal jurisdiction.

Title 18 U.S.C. Sections 81, 113, 1111, 1112, 1113, 1363, 2111—Arson, assault, manslaughter, murder, robbery and burglary, destruction of buildings.

Destruction of Government property

Title 18 U.S.C. Section 1361—Government property or contracts.

Espionage

Title 18 U.S.C. Section 792–799—Harboring, gathering, transmitting, photographing, sale, disclosure of defense information.

Title 50 U.S.C. Section 783—Attempt to establish totalitarian dictatorship.

Firearms acts

Title 26 U.S.C. Section 5812—Transfers.

Title 26 U.S.C. Section—5822—Making Firearms.

Title 26 U.S.C. Section 5842—Identification of Firearms.

Title 26 U.S.C. Section 5861—Prohibited Acts.

Title 18 U.S.C. Sections 921–922—Unlawful Acts.

Title 18 U.S.C. Appendix Section 1202—Receipt, possession, transportation of firearms.

Fraud against the Government

Title 18 U.S.C. Section 1001—Statements.

Interstate travel in aid of racketeering

Title 18 U.S.C. Sections 1951–1952—Racketeering enterprises.

Loss of United States nationality

Title 8 U.S.C. Sections 1481–1483—Loss of nationality, dual nationals, restrictions on expatriation.

Title 18 U.S.C. Sections 911, 1015—False claim of citizenship.

Neutrality matters

Title 22 U.S.C. Section 1934—Munitions Control.

Title 22 U.S.C. Section 401—Illegal exportation of war materials.

Private correspondence with foreign governments

Title 18 U.S.C. Section 953—Private correspondence with foreign governments.

Protection of foreign officials and official guests of the United States

Title 18 U.S.C. Section 1116—Murder.

Title 18 U.S.C. Section 1201—Kidnaping.

Title 18 U.S.C. Section 112—Protection of officials and guests.

Title 18 U.S.C. Section 970—Protection of property.

Protection of U.S. officials and employees

Title 18 U.S.C. Section 111—Assaulting, resisting, impeding.

Title 18 U.S.C. 1114—Protection.

Title 18 U.S.C. 2231—Assault or resistance.

Title 18 U.S.C. Section 351—Congressional assassination, kidnaping, assault.

Title 18 U.S.C. Section 1751—Presidential assassination, kidnaping, assault.

Registration acts

Title 18 U.S.C. Section 951—Agents of foreign governments.

Title 22 U.S.C. Sections 611–621—Foreign agents registration Act.

Title 50 U.S.C. Sections 851–858—Individuals with knowledge of espionage or sabotage.

Title 18 U.S.C. Section 2386—Registration of certain organizations.

Sabotage

Title 18 U.S.C. Sections 2152–2154—Fortifications, destruction of war material, production of defective war material.

Strategic facilities

Title 18 U.S.C. Sections 2155–2156—Destruction of national defense materials, production of defective national defense material.

Title 50 U.S.C. Section 797—Security regulations.

Sedition

Title 18 U.S.C. Sections 2387–2390—Activities affecting armed forces, during war, recruiting for service against the United States, enlistment to serve against the United States.

Executive orders

Executive Order 10450—Security requirement for government employment.

Senator BYRD. You may recall when you testified here during your confirmation hearings, you and I discussed the legal foundations for domestic intelligence gathering activities by the FBI?

Mr. KELLEY. Yes, sir.

Senator BYRD. I indicated at that time, and I reiterate now, my uneasiness with the vagueness of the implied Presidential power which is construed as authority for the FBI in its domestic intelligence gathering work. Have you had an opportunity to study this area in any greater detail since those hearings?

Mr. KELLEY. I have reviewed it, but certainly, not, as completely as has the group which has been appointed by me in our Bureau to make this study.

I would say that we look forward to discussing this with the Oversight Committee for any recommendations and to give committee members the opportunity of exploring some of the areas where we find problems.

We will work together, Senator.

Senator BYRD. Very well.

Also, during those confirmation hearings, I believe we concluded that in areas such as domestic intelligence gathering, we would feel more secure in the future knowing that there were statutory guidelines for such procedures, rather than vague, implied powers.

Have you requested your staff, in light of those hearings—or will you request your staff, if you have not already done so—to begin to devise appropriate language so that

this subcommittee might study the area and provide adequate statutory authority in areas in which it is now lacking?

Mr. KELLEY. Yes, sir.

Senator BYRD. Now when you respond in the affirmative, as you have, does this mean you have already requested that this be gotten underway? Or that you will request such?

Mr. KELLEY. We already have set this research in motion.

As a matter of fact, Senator, this has been under study by the Intelligence Division of the Bureau since October 1971, and substantial redirection has been accomplished since then. Results of this study were furnished the Office of Legal Counsel of the Department of Justice as one of my first official acts after becoming Director, and the study is continuing.

Mr. John Elliff, assistant professor, Department of Politics, Brandeis University, Waltham, Mass., has been requested to make comments on our study and he has. I have talked with Mr. Elliff and I think there is a meeting of minds as to this very proposition. He and officials of our Intelligence Division have met for 1 whole day to discuss domestic intelligence gathering, and additional meetings are anticipated.

We will make a presentation as to his findings also. Mr. Elliff's credentials are very impressive, and my contacts with him indicate he has great capability. We certainly appreciate his interest in this matter.

His father was in the Department of Justice. He is a scholar and wants to do what is appropriate for both the Department of Justice and the FBI.

Senator BYRD. Then, are you stating to the subcommittee today, that this effort is already underway to devise appropriate language which would provide adequate and clear statutory authority in the areas where it is now lacking?

Mr. KELLEY. I say that we have started this study—I think it will be very difficult to legislate a completely viable set of guidelines. It is going to be something that will take a great deal of study, but we have embarked upon it and hopefully we will be able to bring up something that will be workable.

Senator BYRD. During your confirmation hearings, you were somewhat uncertain in your response when I asked what controls existed within the FBI to limit surveillance of groups and individuals—who, in fact, made the operative decision to infiltrate an organization, and whether or not there were controls on such practices, and if there were controls, what they were.

Now have you proceeded to explore this area, with the idea in mind of developing controls and standards and guidelines, when you are dealing with the civil liberties of large numbers of our citizens?

Mr. KELLEY. Yes, sir; I have, Senator. And I am satisfied, in my own judgment, there are very adequate controls.

I must recognize that mine is a rather "police" or "law enforcement" view, and this must be tempered with the considerations of others who can, perhaps, look at it from a different viewpoint.

But insofar as my personal feelings, I am satisfied that right now we are recognizing, to the fullest, the rights of individuals and are not engaged in capricious, careless, or illegal investigatory activities.

Senator BYRD. Mr. Kelley, do you see any disadvantages to a 10-year term, with the possibility of reappointment to a second 10-year term for the Director?

Mr. KELLEY. I would say to keep in mind that I recommended the 70-year mandatory retirement. I have no objection to a continuation of a term of office so long as it does not go beyond age 70.

In other words, were he to start at 50, and to be up for reappointment at 60, I would have no objection to another 10-year term. If he were starting at 55, and at 65 go for reappointment—I would say, restrict it to 5 years. But I have no objection if the age 70 limitation is not voided.

Senator BYRD. I take it that you do see advantages in this approach over what would be the situation in the event a Director were to be appointed only for 4 years with the possibility of a 4-year reappointment? Or, a 7-year appointment with the possibility of reappointment for 7 years, and so on?

If you do see advantages in the 10-year maximum, 2-term approach, what are those advantages over the 4-year term, or over the 7-year term?

Mr. KELLEY. I think that the 10-year term gives you the condition where it will go beyond the political administration periods. This gives the opportunity to continue with what has been, hopefully, a good direction of the FBI which will not be changed just because of the change in administration.

Within this framework, you will have some freedom from political pressures which conceivably could be exerted.

Senator BYRD. Do you feel that the two 10-year terms, inasmuch as they provide assurance of civil service retirement, would be helpful in the securing of able men to serve as Directors of the agency? Whereas, with a short term of say 4 years, the possibility of reappointment to a second term, or to a third, or a fourth term, that there is not that guarantee of tenure of office that is necessary in the recruitment of the kind of talent needed?

Mr. KELLEY. I agree to this. And, I think with the Senators confirming a man they think is capable and dedicated to the proper method of procedures, this will be achieved.

There will be independence and there will be a choice in recruitment of a person who can properly fill this position.

Senator BYRD. Is the work of the Director so unique and the responsibilities such, of the office, and the work of the FBI itself so peculiar, as to require more than 4 years for the Director, as his initial term?

Does he need longer than this to become acclimated to the agency, and to begin to leave his imprimateur on its organizational structure, et cetera?

Is there a disadvantage in a short term that you could talk to the committee about?

Mr. KELLEY. I think, to a considerable extent, this depends on the man. A man coming from within the FBI, already is well acquainted with the procedures and policies, and his orientation into the position of Director would be much shorter.

But whether he be from within or without the Bureau, for him to do a good job, there is a certain amount of orientation he must go through. I think a man from within the FBI could well do this within 4 years, perhaps even a shorter period of time, but he still needs and deseryes more than 5 years to establish and achieve his goals.

I therefore subscribe to the 10-year period as necessary to build and to perpetuate a fine organization.

This is, as a matter of fact, a splendid organization, Senator. And I find that one of the main capabilities which a Director must have is balance. He must recognize he is in a position of great authority, and handle this authority in a very sensitive manner to achieve proper balance. Certainly he must not give way to any personal desires.

It is natural for a man to try to build somewhat of a wall around himself, for protection, I suppose. But, if he has 10 years, he can devote himself to the job at hand, rather than to trying to protect himself.

Senator BYRD. I take it, then, that it would be conducive to the better morale and the better discipline and the efficiency of the Agency, if the people within the Agency saw a longer tenure of office with respect to the Director than that of, say, a 4-year term, or even a 7-year?

Mr. KELLEY. I am confident that is true.

Senator BYRD. All right, thank you very much, Mr. Kelley.

Mr. KELLEY. Thank you, Senator.

Senator BYRD. We appreciate your appearance and your contribution to the testimony with respect to the bill.

Our next witness is Prof. John Elliff of the Department of Politics at Brandeis University, Waltham, Mass.

Professor Elliff has testified before the Judiciary Committee on FBI matters in the past, and since 1966, has conducted research on the various aspects of the Justice Department and the FBI.

He was a research fellow at Brookings Institute and has written many papers published on the FBI.

Professor Elliff, we welcome you back to the Judiciary Committee's Subcommittee on FBI Oversight.

Mr. ELLIFF. Thank you very much

Senator BYRD. You have a prepared statement, I believe?

It is not one that would be cited for its brevity, but nevertheless, I am sure, as to its contents, it would be worthwhile, I think, for you to read it in its entirety.

You are the second, and last, witness I believe, so the subcommittee has ample time, unless you would prefer to hit the highlights of the statement? I thank you should be the judge as to how you should proceed.

In any event, it will be included in the record in its entirety.

Mr. ELLIFF. I may skip over a few portions that may be repetitive, although I tried to do it as tightly as I could.

Senator BYRD. Very well.

STATEMENT OF JOHN T. ELLIFF, ASSISTANT PROFESSOR, DEPARTMENT OF POLITICS, BRANDEIS UNIVERSITY, WALTHAM, MASS.

Mr. ELLIFF. Mr. Chairman, I wish to thank you for this opportunity to present a statement of my views in support of legislation providing for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation.

Prior to 1968, the FBI Director was simply a bureau chief in the Justice Department who was appointed and could be removed at any time by the Attorney General.

Congress, in 1968, made the office subject to Presidential nomination and Senate confirmation, as are other subcabinet appointees and agency heads. However, the 1968 measure established no firm expectation as to what should constitute the normal duration of the FBI Director's appointment; his retention or dismissal was left up to the complete discretion of the President.

During the past year, a series of disclosures—many related directly or indirectly to the Watergate affair—have underscored the need to establish a greater degree of independence for the FBI Director from unlimited Presidential control.

Hence, the proposal for a fixed term of office for the FBI Director is one step toward insuring that this most sensitive Agency of Government is kept free from partisan political influence.

* * * * *

Senator BYRD. Thank you, Professor Elliff, for a very interesting, informative, and thoughtful statement.

You have indicated that you might prefer a single 10-year term, rather than a provision that is contained in this bill for reappointment to a second 10-year term.

Would you like to elaborate further in this regard? I would be very interested in your going to greater length into this question in indicating why you think a single 10-year term would be better, and then weigh that against the two-term provision in this bill and see if you at the end come out with the single term being preferable in your opinion.

Mr. ELLIFF. Well, the disadvantage, it seems to me, of the reappointment for a second term is that toward the end of that first term, or perhaps in the latter half of that first term, a younger Director—again, we are speculating about 15, 20 years from now—might feel that in order to assure his reappointment, he would have to cultivate the kind of relationships to the White House, the kinds of relationships to Members of Congress, that would be politicizing in terms of the Bureau's operations. He might seek to serve that second President, whose decision it would be for his reappointment, given the fact that he had been appointed by a previous President, and that with the passing of the 10 years some of the abuses that have existed in the past with respect to services done for Presidents, and with respect to the responsiveness to Presidential demands as opposed to policies developed by the Justice Department might start coming back into the Department.

I do not think this would happen under Mr. Kelley, for one reason because of the mandatory retirement age. But with a younger Director, it might happen.

Now, on the other hand, some of the people whom I have talked to like this bill very much because it is a flexible bill. On the one hand, it does still allow the President to remove the Director short of the 10-year period, although he would have a heavy burden in explaining such a removal; and it also allows the flexibility for the Director to continue on. And I think that is the greatest advantage of it, that it does allow sufficient flexibility to be built in.

Now, in weighing those two, I think the question is: Does an FBI Director need more than 10 years to do the job? I would think not. I would think that within 10 years the Director could come in, reevaluate those Bureau policies that he chose to reevaluate, establish those policies for the future, and implement them, and then at the end of 10 years be satisfied in having done his job for 10 years.

The Comptroller General is 15 years. I do not think he is eligible for reappointment. It seems as if a long period like this would be sufficient for a Director to have the impact; that it would be sufficient for the morale of the organization.

On the other hand, there is the problem of who is going to take his place. Does he become, so to speak, a lame duck Director, with the possibility that subordinates would start jockeying, toward the end of that 10 year term, as Mr. Sullivan did seeing that Mr. Hoover was getting older and would not last forever.

It is hard to come down one way or the other. There are competing advantages and disadvantages on both sides. I had thought initially that the reappointment was all right, but as I sat through the hearing this morning, I thought, Mr. Kelley is going to have 10 years or 8 years, and that is probably going to be plenty. Ten years would probably be plenty; and that one might like to be able to give to the President and the Congress a clear opportunity every 10 years to be able to select a new man.

And so I am not willing to push so hard as to say it ought to be changed, but I think there ought to be some thought about it. And that really was not explored earlier. It was one question that I was hoping you would ask to Mr. Kelley. It had come to me while I was sitting in the audience.

Senator BYRD. Do you, as a general rule, look with favor upon the appointment of a Director from within the FBI, or would you think that it is preferable to go outside the FBI and select a Director?

Mr. ELLIFF. I think it is preferable to go outside.

Senator BYRD. All other things being equal, if such a hypothetical could be advanced.

Mr. ELLIFF. I think it is very preferable to go outside the FBI. In fact, that might take care of one of these problems. Mr. Kelley had been in the FBI, but he was outside when he was appointed. It seems to me that a Director coming in from outside can have fresh perspective; yet he also has his highest aides as the career men. I would be very much inclined to have it established as a practice that the Director come from outside the Bureau. I think it gives that kind of opportunity to look at the policies from a different perspective and give them a degree of oversight.

Senator BYRD. Do you not think this would have a damaging effect on the morale of the people within the FBI who feel that there is no incentive for them, knowing that they could never advance to the office of Director?

Mr. ELLIFF. That would be a clear disadvantage of it; and yet, one feels that if people start jockeying for positions toward the end of a term of a Director, if he has a term, then that might be unhealthy.

I would not write it into the statute, but I would say whenever it comes up there should be great weight given to the need for an outsider's perspective. The career man can aspire to being Associate Director, and Associate Director, really the operating head of the Bureau, seems to me to be a position of great prestige within the Bureau and great importance in the structure of Federal justice. So that I would think aspiring to be Associate Director would be sufficient to maintain the morale.

Senator BYRD. One of the factors in support of the proposed second 10-year term is that of guaranteeing civil service tenure to a person who might be selected from outside Government service. To offer him the possibility of 20 years of service might enhance the selection of capable individuals.

Do you think that is really worth the weight?

Mr. ELLIFF. I do not think so. I think the opportunity to be Director of the Federal Bureau of Investigation is going to be a very—that these ancillary benefits would not, I think, be of great weight over and above the opportunity to exercise the influence on policy and on the direction of a great agency for that length of time. I think those are the rewards that people who would aspire to that position would want to have as the rewards and the additional rewards that pertain to civil service status would not seem to me to be nearly of as great a weight in an individual's decision in this.

Senator BYRD. If the term of a Director were limited to one 10-year period, would there not be the possibility of a Director becoming politically oriented toward the end of his term in the hope that he would be appointed by the next administration to another high Government position; whereas if he knew that he could serve as Director of the FBI for a second term, I suppose there would be that same incentive there perhaps to politically orient himself with the upcoming administration in order to get himself reappointed.

I suppose there is really no way to completely remove the possibility of one's attempting to endear himself to an incoming administration in order to become reappointed or to be appointed to some other high position.

Mr. ELLIFF. I think what needs to be stressed is that—and this is the Senate's role—that the decision to reappoint if that continues in the bill, the decision to reappoint be made on grounds of professional competence; and that in its confirmation role the Senate require that kind of criteria to be adopted by the President and use that kind of test when examining a Director for reconfirmation.

In a sense I had felt that perhaps this bill is little more really than the effect of a joint resolution of Congress saying do not change the FBI Director automatically when a new President comes in. That is really what we are concerned about. We are concerned about those election years. We are concerned about those transition periods. And this bill goes one step farther than that. But I think if it is passed there should be the clearest intent of the legislative history of the bill in a report that the committee might prepare to indicate that the purpose is that this not be a job that changes hands when a new President comes in and changes all of the jobs.

Senator BYRD. Well, the reconfirmation by the Senate is the one greatest guarantee against the politicization of the Bureau by Directors, is it not?

Mr. ELLIFF. Yes, I think so. Well, I think it is the tension between executive and legislative; and I also do not realy believe it is a sufficient safeguard. I think there are other safeguards that need to be built into more continuing institutional and legal provisions governing the Bureau, especially in the intelligence area, in order to safeguard against either ideological proclivities or partisan political influence.

Senator BYRD. Yes.

Suppose you would indicate by extention of your answer what some of the other steps are that you think ought to be taken to protect the Director, to insulate him against the political pressures from the administration, from the Attorney General; at the same time protect the Congress and the people against his becoming too independent.

Mr. ELLIFF. As Mr. Kelley related to you, I am engaged now in research on this question; and I have not yet formulated all of the answers by any means. I hope to work on it for perhaps the next year or so before I am ready really to say what I think all down the line.

But one of the things that I have been thinking about, for example, is the area you explored with Mr. Kelley this morning about the legal foundation for intelligence powers. I think you should know that there seems to be somewhat of a conflict in the present position of the Bureau and the position of the Department on this.

In its latest annual report, in discussing internal security and its internal securty responsibilities, the Bureau omits any reference to Executive orders. But last month Deputy Assistant Attorney General Kevin Maroney testified before the House Internal Securtiy Committee on the question of FBI authority in this area; and he cited a number of Executive orders, both numbered Executive orders and informal, less formal directives.

So that this is an area of some confusion, I think, at present within the Department and the Bureau. It is an area that I think needs to be clarified very greatly so that some kind of statutory framework could be laid out which links the authority of the Bureau not to vague Presidential powers, but to an expression of purpose from the Congress.

Another step that I have been thinking about is the establishment of some form of Security Intelligence Review Board. It would have an independent status. There are a number of things that the Bureau does that civil libertarians have argued should be subject to court order. You ought to get a court warrant for every national security wiretap, for example, or that we ought to have court warrants for certain kinds of infiltration.

And my reading, a least of the Supreme Court's decisions and the attitude of the Justices is that they are very reluctant to take on the responsibility of having to decide what they believe are often questions that are hard to categorize within constitutional boundaries.

That is one of the reasons why I am interested in the idea of a review board that would undertake a more continuing supervisory role vis-a-vis the Bureau of Intelli-

gence Operations, more perhaps than an oversight committee of Congress which can engage in after the fact review, but, because of the demands placed on the Congress by so many responsibilities, would make it very difficult for it to consider a particular kind of decision that had to be reached before action could be taken.

If Congress and the Attorney General could jointly appoint such a Security Intelligence Review Board that would advise the Attorney General or perhaps, indeed, have statutory functions with respect to approving certain surveillance measures—that then would provide that the Attorney General would not be the only check.

Now, I suggest on the record of the past, sometimes perhaps even the Attorney General has been bypassed in these unilateral relationships between the White House and the Bureau. But in any event, the Attorney General and the appropriate Assistant Attorney General or the Deputy Attorney General, given the subject matter, and in the security intelligence area a review board might be one way of establishing a continuing oversight so that there would be a greater amount of assurance of the legitimacy of every request, and you would not have the power of national security, wiretapping for example, abused as it apparently was by the White House in the wiretapping of people for whom there is the flimsiest of justification—at least according to the Foreign Relations Committee examinations of those records.

So those two elements, at the very least, seem to me to be important in the area I am interested in, the security intelligence area.

A third area has to do with the investigation of particular criminal offenses outside of intelligence, and that would deal with the Watergate investigation itself, and the possibility that an Attorney General or a President might be the subjects of or have deep personal involvement in the subject matter of an FBI investigation.

And there, I think that the—whether as a permanent feature of the Department of Justice, or as an option that ought to be considered from time to time—the creation of a Special Prosecutor's Office with the authority to direct the Bureau's investigation with respect to certain special investigations, ought to be kept as another alternative dealing with a different kind of problem than the intelligence problem.

So those are some of the options, it seems to me, that are available.

Senator BYRD. You have said that you see no particular advantage to the 20-year tenure, which at least might appeal to a person who is being considered for appointment to the Directorship. Certainly it might, in the minds of some people, affect his decision as to whether or not to accept the original appointment.

Would you suggest that a second term be limited to less than 10 years, say 5 years, so that we would not be raising the prospect of 20 years, a tenure of 20 years, for any person?

In other words, he would be appointed to a term of 10 years with the possibility of reappointment and confirmation by the Senate to a term of, say, 5 years just to limit the two terms then to 15 years.

Mr. ELLIFF. I like the 15-year figure mainly because it is the term that the Comptroller General has, and it is the figure that has, it seems to me, some precedent; although I am not sure whether there are other positions that do. And the 20-year figure does seem to be longer than necessary for a man to be able to do the job. And there might be time for fresh perspectives to be brought in, in less than 20 years.

So that the 5-year provision might deal with that problem somewhat better. Also, reappointment for 5 years as opposed to 10 might be less of an inducement to politicking for that reappointment. It would give him a chance to complete the job that he had been doing, if there are things really left to be done toward the end of that 10 years that he has set in motion and would like to complete. Fifteen years seems to be plenty of time.

Senator BYRD. Would you then, if you had your choice, support a 15-year overall tenure—10 years the first term, 5 years the second?

Would you prefer that approach over the two 10-year terms as provided in this bill?

Mr. ELLIFF. It sounds like a reasonable adjustment—I hate to say compromise—but it sounds like a reasonable adjustment that recognizes and that expresses perhaps the concern of the Congress about some of these considerations, and yet still preserves the flexibility which is, I think, the great advantage of the two terms. It does give a degree of flexibility that just a rigid 10 years does not allow.

Senator BYRD. You apparently—and I am asking—it will be repetitious here—you apparently give little weight to the argument that deals with civil service tenure.

Mr. ELLIFF. I feel that the cost to the President in removing a Director midterm, in less than 10 years or less than 15 years, ought to be essentially the costs that are involved in defying the clear intent of the Congress; that they would be essentially political costs. And that there not be any—that his position be subject to Presidential removal without having to go through civil service procedures.

Now, I may be unfamiliar with what civil service procedures are.

Senator BYRD. No. I do not think I made my question clear. You apparently do not give great weight to the idea that a person ought to at least have the prospect of serving for 20 years in a position covered by civil service so as to qualify for retirement at the end of that 20 years, at the end of the second term.

You do not give too much weight to that aspect of this bill?

Mr. ELLIFF. I guess I am not familiar with the civil service laws well enough.

Senator BYRD. I have introduced three bills. One provided for a 4-year term, one provided for a 7-year term, and S. 2106 provides for a 10-year term. On the Judiciary Committee there is a great deal of support for limiting the term of the FBI Director. And I think I sensed a consensus among members in support of two 10-year terms, the argument being that this would at least offer to the prospective appointee a sufficient amount of service to qualify him for retirement at the end of his second term. Apparently you do not give too much weight to that argument; that does not appeal to you, that aspect of it? I gather you would prefer the 10-year appointment with the possibility of a 5-year reappointment for various reasons which you have very eloquently and articulately outlined.

And you would prefer such an approach over the two 10-year terms, because you feel that that really is getting to be quite a lengthy period of service for any Director of the FBI. In other words, that is almost half as long as J. Edgar Hoover's tenure.

Mr. ELLIFF. I assume that what you are saying is that at the end of 15 years the Director who retired at that point and had no other prior Government service would get no retirement benefits at all?

Senator BYRD. Unless he might continue in service in some other position for an additional 5 years, so that he could fill out his 20 years.

Mr. ELLIFF. Well, other—I mean, an Assistant Attorney General may or may not have satisfied this; and I am sure Henry Petersen will, but the other Assistant Attorneys General who would come in for shorter periods of time, they would look forward to the prospect of going back to their law practice.

Now, I would assume that an FBI Director would look forward to the prospect of moving on to some other position in the field of law enforcement; that certainly, given the degree of law enforcement research and consulting activities that are under way by private firms and so on, that he would have employment offers of great prestige. And I cannot imagine that an FBI Director unless he was fired with disgrace, would have any trouble being able to find the wherewithal after he left office.

Senator BYRD. What you are saying then, if I understand you, is that the honor, the prestige, the challenge, and the importance of this position are such that the mere fact that there is not a prospect for serving 20 years and thus meeting the requirements for retirement from Civil Service, should not discourage the selection of the best talent for the position.

Mr. ELLIFF. That is what I am saying, although with the caveat that perhaps—you know, I am a younger person, and retirement does not loom large in the future. And perhaps I do not fully understand the concerns that might be present in the mind of someone who is 55 years old or 50 years old who is considering this kind of a job.

Senator BYRD. Senator Hart asked that the record show that he was necessarily absent due to the death of a member of his staff.

May I say also that the record will be left open for 5 days for the insertion of statements on behalf of Senators who were unable to attend the hearing today.

I wish at this point in the record to insert excerpts from the hearings before the Committee on the Judiciary of the U.S. Senate, 93rd Congress, the first session, on the nomination of Clarence M. Kelley of Missouri to be Director of the Federal Bureau of Investigation—those excerpts which bear upon the subject matter of this bill, to wit, the appointment of the Director of the FBI, the tenure of office, and so forth.

I ask the staff to excerpt such pertinent statements from those hearings as would be applicable to the record here.

I also ask the staff to excerpt from the hearings before the Committee on the Judiciary of the U.S. Senate on the nomination of William D. Ruckelshaus of Indiana to be Deputy Attorney General.

I went at some length into this subject matter dealing with the tenure of the Director of the FBI; and I elicited from Mr. Ruckelshaus during those confirmation hearings his opinions with regard to the necessity for such legislation. And in view of the fact that he had served as Acting Director for some period of time, I felt that his opinion could be very valuable in this regard.

I therefore ask that the appropriate extract from those hearings be inserted in the record on the hearings on this bill; and I would like for them to be inserted, not in the small type, but that they should appear as they appear in the confirmation hearings.

[The excerpts referred to appear in the appendix.]

Senator BYRD. Now, I would include in this part of the record the bill S. 2106, a bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of the Director of the Federal Bureau of Investigation.

[The bill, S. 2106, follows:]

"[S. 2106, 93d Cong., 1st sess.]

"A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a ten-year term for the appointment of the Director of the Federal Bureau of Investigation

"Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new section:

"'(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may be reappointed in accordance with subsection (a) of this section for only one additional term.'."

Senator BYRD. Professor Elliff, I certainly want to express appreciation on behalf of the subcommittee for the effort that you have made in appearing before the subcommittee today and for your very, very fine and comprehensive statement. I found it to be extremely interesting, and I know it will be extremely helpful to the subcommittee in its further consideration of this bill and to the full committee.

I appreciate so much your continued cooperation with the Committee. You have contributed services to the committee heretofore, and you are doing so again today. And we hope we will be able to call on you again in the future.

Mr. ELLIFF. Thank you very much.

Senator BYRD. The subcommittee stands adjourned. The hearings are closed.

[Whereupon, the hearing in the above-entitled matter was adjourned, subject to the call of the Chair, at 12:45 p.m.]

APPENDIX

Excerpts from nomination hearings of Clarence M. Kelley to be Director of the FBI before the Senate Judiciary Committee, June 19–25, 1973, pages 102–105.

Senator BYRD. That is what I am seeking here, that degree of independence which would assure that the FBI, under the wrong Director, under the wrong Attorney General, under the wrong President, will not be used as a private police force or White House secret-police force, a political instrument of the party in power at a given time.

Wht is your judgment as to the tenure of office—the Director and the Deputy Director should have? Do you believe there ought to be a set tenure, a 4-year term, 7-year term, a 15-year term, a term without possibility of reappointment, a shorter term with the possibility of reappointment, or a situation in which there would be one appointment but which required reconfirmation at some point? What would be your views on it?

Mr. KELLEY. I first, in consideration of this possibility, thought that 9 years would be the proper term. I do feel that there is a greater independence achieved through tenure. I do feel that in my own case, where I have for the past 33 years had only a day-to-day type of tenure has in turn been very comfortable for me. I feel that if you err, you are going to be caught up and it is much easier for the administration to get rid of a person who does so. In balancing them, however, I feel that there should be tenure, I have not settled in my own mind about the number of years.

Senator BYRD. Do you feel that a greater degree of independence on the part of the Director would be assured and that less likelihood of an attempt to endear oneself politically to an administration or to a Presidential candidate, would be best assured if a Director could not be reappointed? Would the good that would result from this outweigh the possible harm that might result if a Director in such a position would become authoritarian or feel that he could become a law unto himself?

Mr. KELLEY. Again, I think a great deal should be said for the fact that this man should be chosen very carefully and that this committee has a tremendous duty to choose carefully before confirming. I don't understand the need for saying that after the term he cannot be reconfirmed and continued. I do feel that it does give him a measure of independence were he so inclined to not succumb to political pressure. However, I suppose I assume too much in saying that through a selection process, you should be able to get the right man. You feel that possibly isn't the answer. I frankly think it is. I would not feel uncomfortable to continue myself on a day-by-day basis. I feel that is a responsibility that as a public official, I must have, that if I do wrong, I get out and you can certainly accept that as my principle. But if some feel more comfortable and more independent and free from the taint of political pressure under tenure, all right; that is the cushion that they should have.

Senator BYRD. I don't think that gets to the basic need here, Mr. Kelley. What would you think of having a 15-year term, let's say, with reconfirmation necessary midway in the term, reconfirmation by the Senate? Not reappointment, but reconfirmation.

Mr. KELLEY. I would see—I can't think of anything particularly wrong with that. That is quite a length of time. But on the other hand, it is an accumulation of experience in the meantime which would be helpful.

I am in my 12th year being police chief. I can't say that I feel that is too long. Mr. Hoover was for many more years than that and he remained just as steady and steadfast throughout the entire period.

I don't think, in other words, it is the term, necessarily, but if that be a comfort to some, all right.

Senator BYRD. Would you think that 7 years would be too short a term?

Mr. KELLEY. I am inclined toward 9.

Senator BYRD. Why 9 in preference to 7? Why not 11?

Mr. KELLEY. I don't—I can't tell you. I really don't known.

Senator BYRD. Do you feel, Mr. Kelley, that a 7-year term would not provide the incentive——

Mr. KELLEY. Would not what?

Senator BYRD. Would not provide the desirable incentive to a Director and would not give him enough time to get into the job and to get his feet into the ground, so to speak? Is this why you think that 7 years would be too short and you have opted for 9?

Mr. KELLEY. I would recommend that if any candidate for this post ever told you it took him 7 years to get going, you had better look for a new one.

Senator BYRD. Well, let me respond to that. You show me the Senator who, in his first 6 years, really got going. Not many of them. It takes a while. I should think. It might not take you that long, because you have already had 21 years of experience in the Bureau. But be that as it may, you feel that 7 years is too short?

Mr. KELLEY. Yes, sir.

Senator BYRD. I would like to—can you once more address yourself to the question as to whether or not a Director should be eligible for reappointment? Let's say with a 9-year term?

Mr. KELLEY. With a 9-year term?

Senator BYRD. Yes.

Mr. KELLEY. And this would mean that he would, after the 9, be eligible another 9?

Senator BYRD. Yes, he would be eligible for——

Mr. KELLEY. I would say that were I to continue with this, I would say that this could be, after the 9 years, be shortened, because you can have in such an event someone who could well go into an age at which time he would be unable to do the job, possibly, as he should. And it could well be a health matter. So I would have to say that this should be reduced. How much, I don't know. But I think after that, it could well be that it could be reduced considerably.

Senator BYRD. And you are saying that a prospective Director could serve a 9-year term and then be eligible for reappointment to a lesser term, say 5 years or 7 or 3 years?

Mr. KELLEY. Yes, sir.

Senator BYRD. Would you suggest that he also be eligible for a third term?

Mr. KELLEY. I can't give you any real clear answer to that. It could well be that you could have a man at 40, which would mean that he could continue for as much as 20 years. And, I could well imagine that such a person could contribute considerably. There is a general feeling in police circles that you can be chief of police too long and you need some new blood so that there can be innovative ideas and readjustments and the avoidance of some of the things that stereotypes the organization, I would want to be very careful before I would say go to any period such as over 20 years.

In the FBI, you could serve and be eligible for retirement after 50. One of the greater comforts for the agents is the fact that they are entitled after 20 years of service to retire at 50, and I think that right within that itself is a degree of independence. But when you go well beyond the 50, I think you are possibly going to run into problems whether you would authorize a man to go 20 years or more.

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Excerpts from nomination hearings of William D. Ruckelshaus to Deputy Attorney General before the Senate Judiciary Committee, August 2, September 12 and 13, 1973, pages 100–104.

Senator BYRD. In your opinion, Mr. Ruckelshaus, has the FBI Director, who is by statute responsible to the Attorney General, insulated enough from the executive branch to be able to conduct an arm's-length investigation of possible criminal violations within the executive branch?

Mr. RUCKELSHAUS. I think he is, and I do not think it is possible, I would say before making that categorical statement, I do not think it is possible ever completely to isolate or insulate the Director of a law enforcement agency which is part of the administrative branch apart from the integrity and capacity of the individual Director himself. Ultimately that responsibility and power has to be located somewhere and you cannot ever rule out human nature as one of the ingredients in the leadership of any agency such as the FBI.

But I do think there needs to be a balance struck between the Director of the FBI being responsive to the executive branch and his being independent from any unreasonable or unjustifiable requests made of him by the President or anybody in the executive branch, and part of the problem is, I think, addressed in some of the bills that you have offered that are presently pending in Congress, that involve mechanisms for attempting to strike this balance between independence and responsiveness.

Senator BYRD. What recommendations, if any, would you have which could assist in insulating the Director from the executive branch more so then he is at the present time and at the same time leaving him appropriately responsive to the executive branch?

Mr. RUCKELSHAUS. I think one of the bills you have introduced would serve that purpose. If the President were to appoint the Director of the FBI for a period of years, one of your bills says 10 years, even though the President maintained the authority which I think under the Constitution he probably has to remove him, the fact that he was appointed for a period of years would force the President to have to have a very good cause in order to remove him, and he would have to make a public statement about what the cause was. That decision would again be reviewable by the Congress

in either the FBI Oversight Subcommittee or the Judiciary Committee of which it would be a branch.

So that this would give the Director, unlike the usual Presidential appointee who serves not for a period of years but completely at the whim of the President, a good deal of insulation from a political removal and if that period of years were unconnected to the usual Presidential cycle, then there would be a clear expression on the part of Congress that just because a new President came in or a new party, this would not necessarily mean he should automatically remove the Director of the FBI as he would other cabinet and subcabinet officers.

Senator BYRD. I have introduced, I believe, three bills, one which would provide for a 4-year term, one which would provide for a 7-year term, and one which would provide for a 10-year term, with the possibility of reappointment and reconfirmation. Which of these three bills do you feel would be most advisable, most practicable, and most likely to help insulate the Director of the Bureau from pressure from any administration under either political party?

Mr. RUCKELSHAUS. Well, I personally would favor the 10-year bill, with a one chance for reconfirmation for an additional 10 years, for a variety of reasons.

I think, in the first place, there needs to be some significant period of time in which a Director is assured, as long as he serves with good purposes, is assured as being in charge of the FBI because the policies that he wants to implement for that law enforcement agency need some time to take hold. The people, the agents in the Bureau itself need to have some continuity in the directions they are receiving from the top. So that I think a more extended period of time than is usual in the executive branch in the FBI would be beneficial.

I also think that if you have a 4-year term, it is likely to fall in the Presidential cycle or even if you take it out of that cycle, the temptation to remove the Director every 4 years would be pretty great and it would make it more difficult to insulate it from the political wind of change in the country.

I think it is probably advisable to suggest by statute that after a period of 10 years the FBI Director, if he is going to be reappointed by a President, should come up to the Congress for an exhaustive and general review of his service as the Director of the FBI so that, unlike the Oversight Subcommittee where you would have a continuing review and oversight of what the FBI is doing, in this instance you would have a more general chance to review his tenure, to review what he had done, to get a chance to discuss with him the philosophy of how he was running the FBI and whether this philosophy was in keeping with what the Congress felt it should be, and the President, to direct the FBI for the next decade.

I think this would be beneficial. I think that the fact that the Director of the FBI knew at some time he was going to have to come back up to Congress for reconfirmation would be an inhibiting force on his acting in an irresponsible or too independent manner.

Senator BYRD. I subscribe to that.

I also subscribe to the idea, which I have put into the form of legislation, of the need for reapportionment and reconfirmation of Cabinet officers, and I think it might have somewhat the same effect on them.

Can you think of other steps which could be taken to avoid even the appearance of the FBI Director being subject to political pressure from the White House?

Mr. RUCKELSHAUS. Well, I think it is difficult to say that there can be any mechanistic steps taken that could accomplish that, but I do think the Director himself, by the public posture he takes, can reinforce or reassure people in the country that he is acting independently of any unjustifiable pressure from the White House or from any place else in the executive branch, or in the society for that matter.

Senator BYRD. Could I interrupt you at that point?

Would legislation providing for a 10-year term strengthen his independence in this particular area?

Mr. RUCKELSHAUS. Yes, I think it would.

Senator BYRD. It would enable him to take a stronger posture of independence before the people?

Mr. RUCKELSHAUS. Yes, I think it clearly would, and I think that, given the circumstances that have occurred in the last 12 to 14 to 16 months, where we have seen a shift in public opinion from some complaining that the Director was too independent to suddenly complaining that he is too responsive, while it shows the difficulty any Director is going to have in striking this balance, it points out to Mr. Kelley in graphic fashion that a balance has to be struck, and that he cannot just totally ignore what the public is saying are important areas for him to get into, such as organized crime or civil rights or whatever the issue might be.

On the other hand, he has to be willing at all times to say, if he is asked to do something unjustifiable or illegitimate, "I am simply not going to do that and if I am pressed to do that I will have to resign." And if he is willing to do that, this in itself is sufficient insulation from illegitimate requests being made. I think that that distinction has been drawn very sharply over the last several months, and it is bound to have been a very impressive attitude.

Senator BYRD. When you were Acting Director of the FBI, to whom were you responsible primarily, to the Attorney General?

Mr. RUCKELSHAUS. To the Attorney General.

Senator BYRD. Did you also consider yourself responsible to the President?

Mr. RUCKELSHAUS. Yes, I did; but my channel of reporting to the President was through the Attorney General and not through any White House aides themselves. However, I think if the President had requested that he would like to talk to me personally about any matter involving the FBI that I ought to be responsive to that request. It could be because of the peculiar position of the Director of the FBI as the chief investigative officer of the country that from time to time, the President would like to discuss with him matters involving the Justice Department, that he might have knowledge of, that he would not want to discuss directly with the Attorney General. But as a rule, and I would say it would only be a significant exception to that rule, the lines of reporting of the Director should be to the Attorney General.

Senator BYRD. Did you consider yourself responsible to any of the President's assistants?

Mr. RUCKELSHAUS. No, I did not.

As a matter of fact, when I discussed with the President my serving as Director of the FBI, I specifically asked him that question. I said, "Supposing I am asked by a staff member of the White House to do something in your name, my present feeling is that I should refuse to do so unless I get that direction specifically from you," and he said he agreed that I should answer to him as far as any direction from the White House was concerned.

Senator BYRD. Did you consider yourself responsible to the Congress?

Mr. RUCKELSHAUS. Yes, and, in fact, while I was in the FBI, having just come from an agency which every time we did anything we were hauled up for a hearing, in the Environmental Protection Agency, usually before three or four committees, I was somewhat surprised that, given the controversy that surrounded the FBI, I was not dragged up for a hearing before some committee in the Congress to respond to these charges. That is what gave rise to my conviction that an FBI Oversight Subcommittee or an Oversight Committee that had that responsibility, maybe in this and some others, would be a good thing.

Senator BYRD. Would you have felt easier looking to the possibility that you might eventually become Director of the FBI, although you expressed disclaimers to that effect, if at that time there had been a congressional Oversight Committee and if there had been an established tenure of office for the Director of the FBI?

Mr. RUCKELSHAUS. I do not know that my mind would have changed about my desire to be the Director or not to be the Director. It was based on a lot of considerations that did not have much to do with that, but I do think anybody coming into the FBI, while an Oversight Subcommittee might seem to a career agent or somebody who has been in the FBI most of their lives, as an unnecessary irritant to what they were trying to do, that as a citizen of this country I think effective congressional oversight is absolutely essential of the number one law enforcement agency in the country. I believe that any director with significant scope should feel the same way, that this provides him with insulation against unjustifiable pressure within the executive branch, it provides him with an ear to the people of the country because the members of any oversight subcommittee in the Congress have been elected by the people, and they are able to translate to him the feelings that people have about what he is doing that he has no other way of getting. So I think that that, plus the tenure, should be welcomed by any Director of the FBI.

Senator BYRD. Mr. Ruckelshaus, would you recommend, or would you feel favorably disposed toward the establishing of an FBI Oversight Subcommittee in the Appropriations Committee?

At the preesnt time, as you know, there is an Oversight Subcommittee which has responsibility with regard to the CIA in the Appropriations Committee. It is the Intelligence Operations Subcommittee, and it is composed of the ranking members of the Defense Subcommittee of the Appropriations Committee.

Do you feel that a similar subcommittee to provide oversight in connection with the FBI should be established in the Appropriations Committee?

Mr. RUCKELSHAUS. Well, Senator, I really have not thought that through. I do think that the only hesistancy I would have about endorsing it is that it does seem to me that there is a need somewhere in Congress to focus this oversight responsibility over an agency like the FBI, because what the oversight committee would have to do is to develop procedures so that the Congress could be exposed to the sensitive material that the FBI deals with so that they can have a better idea of precisely the problems they face, and if you have a proliferation of these kinds of committees, the chances of that procedure really working effectively, I think, are somewhat diminished.

I do think there is, again, on the other hand, an obvious interest on the part of the Appropriations Committee as to how moneys are spent by the FBI and how they allocate the resources that they have.

So I really would have to give that some thought in order to answer you better.

Senator BYRD. Mr. Ruckelhaus, you have expressed your support for the bill providing for a 10-year term and which can be followed by a possible reappointment for 10 years for the Director. Do you feel that this bill, if passed, would have any deleterious effects, or do you see any reason why it should not be

passed now and thus be effective with respect to Mr. Kelley's tenure of office?

Mr. RUCKELSHAUS. There are constitutional problems, as I understand them, as far as that goes, concerning the present Director. It is the same question that the Congress has had before it in the past involving the retroactivity of congressional confirmation of, or reconfirmation in this case, of somebody who has already been appointed. So that it may be that the language of the bill itself, in order to be sure of standing constitutional muster, would have to be written in such a way that it was applicable to Mr. Kelley's successor.

But again, I think that is something that Congress and the Justice Department, the administrative branch, ought to study very carefully and work out.

Senator BYRD. Do you not think it would be desirable for it to apply to the present Director?

I think both of us feel that he is going to be an excellent Director, and certainly there is no reflection upon him in my saying this; but I think the recent experience with the directorship necessitates an immediate establishment of a tenure of office in order to insulate the Director from pressures, and in order to give him the added independence that he needs from those pressures.

Mr. RUCKELSHAUS. I certainly feel that the logic in favor of having the 10-year tenure for the Director applies to the present Director just as it would to any of his successors.

The PRESIDING OFFICER (Mr. MORGAN). The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The bill is open to further amendment.

Mr. MANSFIELD and Mr. McCLELLAN addressed the Chair.

Mr. McCLELLAN. Mr. President, are there any more amendments?

The PRESIDING OFFICER. If there are no further amendments——

ORDER FOR VOTE TO OCCUR AT 1:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 1:30 p.m. today a rollcall vote occur on my amendment and that rule XII be waived, that immediately thereafter, without any intervening motion, debate, amendment, or point of order, the bill, S. 2212, proceed to third reading, and that a vote then occur on the bill on final passage.

Mr. HRUSKA. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Chair inquiries of the Senator from West Virginia if he desires to vitiate the vote by which his amendment was just agreed to.

Mr. ROBERT C. BYRD. Yes; I ask unanimous consent that that vote be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD, Mr. MANSFIELD, and Mr. McCLELLAN addressed the Chair.

Mr. McCLELLAN. Mr. President, has action been taken on the unanimous-consent request of the distinguished Senator from West Virginia?

Mr. MANSFIELD. No.

Mr. McCLELLAN. I did not think it had.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. There is no objection. I just wondered if an order had been made as requested by the distinguished Senator from West Virginia.

Mr. MANSFIELD. Has that unanimous-consent request been granted, Mr. President?

The PRESIDING OFFICER. Yes, it has.

Will the Senator add to the request a vote on the committee amendment, as amended, before third reading?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays on UP amendment 242.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to request the yeas and nays on passage of the LEAA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, today we are considering a bill which would extend for 5 years the authorization for the Law Enforcement Assistance Administration, LEAA, at an average level of over $1 billion per year, and would also provide for certain changes in the operation of that agency.

First, I would like to commend the members of the Judiciary Committee for the outstanding work they have done in the preparation of this legislation. Senators JOHN MCCLELLAN and ROMAN HRUSKA, who were pioneers in the area of Federal law enforcement assistance, have been instrumental in the development of the bill we now have before us. Senator KENNEDY has also added significantly to S. 2212 through several excellent amendments which he offered and which were accepted by the committee. Together, they have produced a bill which in general is worthy of our support.

However, there is one provision of S. 2212 about which I have serious reservations. Because there is a substantial body of evidence suggesting that LEAA may be beset by certain major problems, I would have preferred a bill which provided for only a 2- or 3-year reauthorization.

Over the next 18 months, the Government Operations Committee will be undertaking a major investigation into LEAA's goals, performance, and effectiveness. I feel strongly that the Congress would have been well advised to await the outcome of this comprehensive investigation before extending the authorization of LEAA for a more prolonged period of time. In recognition of the difficulties which have troubled this agency, the House passed a bill, H.R. 13636, which provides for only a 1-year reauthorization of LEAA. It seems likely that the conferees on these bills will agree to a 2- or 3-year reauthorization. I would personally prefer that. If it were not for the likelihood that such a compromise will be reached, I would be offering an amendment to S. 2212 to provide for only a shorter reauthorization for this agency.

LEAA represents the major Federal effort to provide financial and technical assistance to State and local law enforcement and criminal justice agencies. It was created in 1968, largely in response to the rapidly rising crime rates, by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90–351; 82 Stat. 197; 42 U.S.C. 3701 et seq.). It was reauthorized in 1970 and 1973.

In its 8 years of existence, LEAA has spent $4.99 billion, largely in the form of block grants to the States. Its authorizations increased from $100 million in 1969 to $1 billion for 1975, and its appropriations from $63 million in 1969 to $895 million in 1975. For the current fiscal year, LEAA is authorized at $1.25 billion, and has been granted appropriations of $809.6 million.

Yet in spite of this outlay of nearly $5 billion, LEAA has not demonstrated that it has had any significant impact on the crime rate or on the criminal justice system. Indeed, except for an unexplained decline in 1969, crime has continued to increase at an alarming rate—up 18 percent in 1974, and 11 percent in the first 9 months of 1975 according to FBI statistics.

Over the past few years, several reports have been released which have been, in yarying degrees, critical of LEAA's performance.

An OMB report in 1974, while giving LEAA credit for establishing State criminal planning agencies, concluded that "it is impossible to determine, however, if this has resulted in a lower crime rate than would otherwise have occurred." OMB further reported that—

LEAA funds have been used for projects which have little or no relationship to improving criminal justice programming, funds are so widely dispersed that their potential impact is reduced, the absence of program evaluation severely limits the agency's ability to identify useful projects and provide for their transfer, and too frequently LEAA funds have been used to subsidize the procurement of interesting but unnecessary equipment.

Over the past 2 years, GAO has issued a series of critical reports on various LEAA projects. That agency has criticized LEAA for generally failing to develop a national anticrime strategy. GAO cited inadequate guidance and management, inadequate definition of program objectives, inadequate evaluation of program results, and various other deficiencies in LEAA's operations and allocation of funds.

In 1972, following hearings held the previous year, the Subcommittee on Legal and Monetary Affairs of the House Committee on Government Operations issued a stinging indictment of LEAA. The subcommittee reported that LEAA funds had been diverted for political purposes, wasted on high consultants' fees, and spent excessively on limited-use equipment. It concluded that LEAA's

block grant program had "had no visible impact on the incidence of crime in the United States."

Independent research organizations have also released reports critical of LEAA. A Twentieth Century Fund special task force concluded recently that "LEAA's performance has left much to be desired," and a draft report prepared by the Center for National Security Studies urged that LEAA be dismantled, since it "is unclear as to its mission, and what it has attempted it has done poorly."

Taken together, these reports suggest that the nearly $5 billion which LEAA has spent to date had not been an effective allocation of the taxpayers' moneys. These critics have charged that this agency has, from the beginning, been plagued by some very serious difficulties. More specifically, summarizing from the above reports and other studies, those problems cited most often include charges that:

There has been substantial ambiguity surrounding the agency's mandate which has seriously hampered LEAA's performance. Successive Administrators have described LEAA's principal purpose alternately as (i) reducing crime, or (ii) improving the criminal justice system.

The rapid succession of top management both within LEAA and the Department of Justice has caused confusion, instability, lack of continuity, and waste. Since the agency was created eight years ago there have been 7 Attorneys General, and 4 Administrators of LEAA.

The agency's use of block grants as the system by which it distributes some 85 percent of its funds has serious flaws. The system as administered by LEAA lacks both the flexibility of general revenue sharing, and the federal policy leadership provided by categorical grants-in-aid.

The agency has made poor use of the 15 percent of its funds which it distributes through discretionary grants. Too much of this money has gone to unimaginative block grant type programs.

There has been inadequate evaluation by LEAA of those programs for which it has provided funding. As a result of these sloppy or non-existent evaluation techniques, there has been no real effort to identify and expand those programs which might be successful, or to terminate those which are failures.

Political factors have played too large a role in LEAA decision-making, especially in the choice of "target cities" for federally funded special projects.

LEAA has spent too much money capriciously, and therefore placed too great an emphasis on gadgetry and sophisticated hardware. It has not paid sufficient attention to trying to deal with the underlying causes of crime.

LEAA has allocated too great a share of its resources to police, to the exclusion of the other two components of the criminal justice system—correctional institutions, and, to an even greater degree, the courts.

The National Institute of Law Enforcement and Criminal Justice, LEAA's research arm, has lacked direction and failed to establish any coherent agenda or priorities for law enforcement research. As a result, we are no closer to understanding the answers to basic questions about the causes of crime now than we were when LEAA was formed eight years ago.

LEAA's Law Enforcement Education Program (LEEP), which spends over $40 million yearly for the education of approximately 100,000 individuals employed or preparing for employment in criminal justice agencies, has been considered by some as an expensive boondoggle. Not enough attention has been given either to the quality of the curriculum of participating institutions, or to determining how best to attain the goals of the program.

In sum, critics charge that LEAA has failed to reduce crime or to improve the criminal justice system, and it has failed to play a leadership role in the struggle against rapidly rising crime rates. They charge that it has not been an effective means for allocating massive public funds, and seriously challenge the utility of the Federal Government's current role in this area.

Without wishing to prejudge the validity of any of these charges, it seems clear that they go so much to the core of Fedreal involvement as to warrant a full investigation into the performance of this controversial agency.

The Government Operations Committee is now planning to undertake such a comprehensive inquiry to be chaired by our distinguished colleague, Senator METCALF. I shall serve as ranking minority member. We anticipate that our investigation will take some 18 months, including numerous sets of oversight hearings, and intensive staff inquiries. We will be looking into the full range of LEAA's activities. Our goal is to address the fundamental questions of LEAA's purpose and effectiveness, with a view toward determining what changes, if any, should be made in the agency's underlying mandate in order to improve its performance, as well as to assess the appropriate role for the Federal Government in dealing with crime.

Because of the importance of not suddenly cutting off Federal aid to State and local governments in their fight against crime, LEAA should be continued on an interim basis. However, in view of the planned investigation by the Government Operations Committee, and the serious questions which have been raised concerning this agency, I feel that it would be premature and unwise to reauthorize LEAA for a prolonged period at this time.

For this reason, I strongly urge that, in conference, a 2-year reauthorization of LEAA to September 30, 1978, at a level of $1 billion per year be agreed to. Such a compromise would allow the continued existence of LEAA, and would also require it to come up for reauthorization shortly after the conclusion of the Government Operations Committee's investigation. This would be ideal timing for considering the findings and recommendations of that inquiry.

The Twentieth Century Fund's special task force recognized the wisdom of acting in this manner. As their report concludes:

This Task Force urges only a one or two-year reauthorization, a cutback in proposed level of authorization, (which was 1.3 billion per year), and a thorough Congressional investigation of LEAA.

And, in recent editorials, both the New York Times and the Chicago Tribune called for a thorough congressional investigation to precede any extended reauthorization of LEAA:

From the May 14, 1976, New York Times:

Before Congress approves the Ford Administration's bill to invest $6.8 billion over the next five years in the Law Enforcement Assistance Administration, it had better take a very hard look at how this agency has used the first $4.5 billion since it was created with great hopes and hullabaloo seven years ago.

From the May 12, 1976, Chicago Tribune:

Before its lease on the federal treasury is renewed, LEAA should receive rigorous evaluation. It has not been an unequivocal success."

I ask unanimous consent that these editorials be included in the RECORD at the conclusion of my remarks.

I would again like to commend Senators MCCLELLAN and HRUSKA for their continuing interest and vigilance in the area of Federal law enforcement assistance. And they have both also done an admirable job of floor managing this important piece of legislation.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, May 12, 1976]

CAN FEDERAL MONEY FIGHT CRIME?

This is the year of decision for the Law Enforcement Assistance Administration [LEAA]. Its life was extended for three years in 1973, by a voice vote in Congress, with authorization to spend a billion or more dollars a year. The Ford administration recommends a fresh five-year authorization, and funding at $1.3 billion a year. But before its lease on the federal treasury is renewed, LEAA should receive rigorous evaluation. It has not been an unequivocal success.

An independent study, reported by the Associated Press, has concluded that the federal government's crime-fighting efforts have had little effect and that LEAA "should be abolished." The report says, "The nation is in no better position today than it was when the Omnibus Crime Control and Safe Streets Act of 1968 was enacted. Crime has increased and no solutions to the crime problem are on the horizon."

A task force of the Twentieth Century Fund has published a report on LEAA with a somewhat less severe conclusion. But it says, "LEAA, as currently structured and administered, has generally failed to carry out the mission Congress gave it." This report calls for a drastic restructuring of LEAA and "more vigorous" congressional oversight. Failing that, this task force urges "only a one- or two-year authorization, a cutback in the proposed level of authorization, and a thorough congressional investigation."

Not all the blame for the futility of federal crime-fighting should be put on LEAA, which in addition to its own direct spending has transferred vast sums to state agencies. At state and city levels, as well as federal, many decisions have been made which have benefited the people who got the money rather than potential victims of prevented crimes. As the Twentieth Century Fund task force said, unless "the states and localities have the will to use funds and intellectual leadership effectively, even the most interventionist federal program cannot succeed."

Donald Santarelli, near the end of his tenure as head of LEAA, made an informed and devastating comment on his experiences in government. In an interview that got far more publicity than he intended, Mr. Santarelli reportedly said, "I've just seen too many deals. People really don't care about

the quality of the performance and the quality of the service you deliver. Extraneous considerations, the liaisons, relationships, political alliances" are what matter. As if to illustrate his point, the latest report on LEAA characterized one of its programs as "an irresponsible, ill conceived, and politically motivated effort."

Can turning over hundreds of millions of federal dollars to federal, state, and municipal public officials to "fight crime" accomplish much? The guide lines are necessarily vague. But there are many definite opportunities to blow money on political friends, futile reports and studies, expensive but nearly useless gadgetry, and unproductive overhead.

If the federal authorities do not look, the ultimate spenders of the money will find innumerable ingenious ways to divert public funds into undeserving private pockets. If they do look, or are compelled by litigation to look, controversies such as Chicago's about race discrimination in the Police Department occur. The distance is great and the number of selfish outstretched hands is large between Washington and the streets, stores, and homes that are the scenes of crimes.

As LEAA itself once said, in a criticism of a plan for the FBI to computerize crime records, under our system of government responsibility for law enforcement is primarily vested in state and local authorities. There may be no practical way for the federal government to fight crime by appropriating billions explicitly for that purpose. At least, there is reason to doubt that LEAA has found a way, or ever will. Its good works [such as studies of victimization rates and of the treatment of court witnesses] have so far been too small to return for the billions appropriated to it.

[From the New York Times, May 14, 1976]

RESTRUCTURING LEAA

Before Congress approves the Ford Administration's bill to invest $6.8 billion over the next five years in the Law Enforcement Assistance Administration, it had better take a very hard look at how this agency has used the first $4.5 billion since it was created with great hopes and hullabaloo seven years ago. The avowed purpose of its enabling legislation—the Omnibus Crime and Safe Streets Act—was to help the states and cities reduce crime. On that broad test alone, something is amiss; last year there was an 18 percent increase in reported crimes.

L.E.A.A. is not just another experimental agency but one of the growing bureaucracies in the Federal Government. It receives half of the Justice Department's budget; its proposed funding of over $1 billion a year is more than twice the budget for the Federal Bureau of Investigation. The F.B.I., with all its shortcomings and abuses, at least has a clear mandate; L.E.A.A. is an agency that is overestimated and undersupervised.

Although L.E.A.A. has provided grants for a number of useful projects, there has developed an undue emphasis on police hardware and insufficient funds for courts and corrections. In the first years of the agency, between 60 and 80 percent of its resources went to police. The Federal Office of Management and Budget recently found that L.E.A.A. funds have been used for projects that have little relationship to improving criminal justice.

A new report by an independent Twentieth Century Fund task force on the workings of the L.E.A.A. provides the background for an inquiry by Congress. It recommends a basic clarification of the agency's legislative mandate, dismantling of regional bureaucracies, and other reforms.

In the process of restructuring L.E.A.A., the task force proposes that the agency function as a research institute to originate and evaluate programs in law enforcement and criminal justice. High priority would be given to improving methods of analyzing criminal statistics. In the past, doubts have arisen about the accuracy of the F.B.I.'s annual crime figures.

Another independent research group, the Center for National Security Studies in Washington, maintains that L.E.A.A. has failed to reduce street crimes and burglaries and the agency should be abolished altogether. This is too drastic a step in light of the continued need for Federal funding in law enforcement. We believe a more rational approach exists in the Twentieth Century Fund's task force conclusion that calls for restructuring of the agency and a thorough Congressional investigation of its functioning.

Mr. THURMOND. Mr. President, I rise in support of current legislation to continue the Law Enforcement Assistance Administration.

LEAA's operation at the State and local level in South Carolina has been of vital importance.

The Agency's approach is the essence of what all Americans support—decisionmaking at the State and local levels where the basic responsibility for programs lie.

Under LEAA funding, initial studies of South Carolina revealed overlapping jurisdictions, manpower duplication, deficient training, hiring standard variances, research inadequacies, inadequate data collection, insufficient recordkeeping, and many other problems. Court dockets were overcrowded, and sentencing procedures varied. Police and sheriffs' departments had insufficient or outmoded equipment, and the State corrections officers lacked adequate training.

Mr. President, since 1968 LEAA has awarded South Carolina approximately $54 million to improve and update its criminal justice capabilities, and this money has been well spent.

A study of South Carolina crime analysis results revealed that the primary impediment to further development was a lack of data. Now a criminal justice information system is being implemented. Through this information system, the State has established a computerized communications and information storage and retrieval capacity which serves the State and local law enforcement agencies. It has developed a model law enforcement recordskeeping system to collect uniform crime report data. Additionally, the State has established interagency coordination to exchange information.

LEAA moneys have laid the groundwork for a system of coordinated law enforcement communications through a statewide radio communications plan that permits point-to-point communications between State and local law enforcement agencies.

Court case backlogs are on the decrease through the reassignment of some judges and the addition of others as the result of an LEAA subgrant which pinpointed excessive case buildups.

Mr. President, the judiciary received early benefits from LEAA funding through a statewide study of the courts system and that system has continued to improve. One of the current significant block grant efforts for the judiciary includes a $100,000 award through the court administrator's office to a legislative study committee. The committee will analyze case flow management and study the implementation of a new and unified system. Additionally, a recent block grant award of $60,000 to the supreme court addresses the problem of increasing caseloads in the appellate and trial courts.

The most pressing problem facing South Carolina is found within the State's correctional system. Existing facilities are extremely overcrowded. Decreases in State and local resources are making the situation more difficult, and this is one reason why LEAA's work is so important.

An extensive study of the State's corrections system was prepared by the South Carolina Office of Criminal Justice Programs and resulted in a proposed model system for detention and rehabilitation in the State.

The addition of basic equipment to State and local corrections agencies as well as the renovation of existing facilities and construction of new ones has been the basic thrust of the corrections effort in South Carolina.

LEAA has supported several programs to assist offenders in obtaining the education and vocational training that will enhance their opportunities to secure jobs upon release and, hopefully, keep them from returning to prison. One project placed more than 1,000 inmates in jobs. Other noninstitutional programs have provided diversion, treatment, and community supervision. Diversion treatment for alcohol and drug-related offenders from the county criminal courts provided services to 1,243 clients and 418 job placements in fiscal year 1974. Costs of incarceration for these individuals, estimated at $213,350, were eliminated and resulted in considerable savings to the taxpayer. Just as important is the fact that the individuals become economically self-sufficient and further reduced the drain on tax dollars. Followup studies indicate a recidivism rate of 36 percent while the rate for similar individuals averages 50 to 77 percent.

These are the kinds of programs, Mr. President, that people often neglect to mention when discussing LEAA. They are humanistic, person-to-person programs that make up a high proportion of the Agency's activities. They are cost effective but have an even larger benefit to society in helping restore whole lives.

Juvenile justice is another area in which LEAA is working hard to salvage lives. Since the Office of Juvenile Justice began operations last June, South Carolina has received one grant of $200,000 for juvenile justice programs and is earmarked to receive $283,000 under the current budget.

In addition, the State Department of Youth Services was selected for a $15 million grant under LEAA's deinstitutionalization of status offenders program that will provide alternatives to incarceration for juveniles charged with offenses such as running away and truancy.

Mr. President, these are some of the reasons why I feel so strongly about the need for quick action on reauthorization of LEAA. The Agency has been responsible for many excellent programs in South Carolina and a cutback in funds could seriously hamper these development and perhaps cause tremendous backsliding in the work that has already been done—work with great merit that is just now gaining impetus.

For these reasons, I urge that the Senate reauthorize LEAA for 5 years and continue the vital crime control assistance it provides.

Mr. BIDEN. Mr. President, throughout the debate on the extension of LEAA, I think I have made my position quite clear. The agency is just not doing the job we want it to do. And we are fooling the American people in saying that we are using LEAA to fight crime.

I continue to believe that we must do a major restructuring of the Agency. Many of LEAA's problems are pointed out in a recent article in the Wall Street Journal. The article states:

So far, the Law Enforcement Assistance Administration's biggest accomplishment seems to have been to prove that Washington can't do much about street crime across the nation.

Mr. President, I wholeheartedly agree. But, just because LEAA has failed does not mean we have to stop trying. We have got to find a new approach. This bill does not represent that approach and consequently, I will vote against it.

I ask unanimous consent that the Wall Street Journal article be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL LAW ENFORCEMENT AID

(By Mitchell C. Lynch)

WASHINGTON.—Back in 1972, amid lots of law-and-order hoopla, the Nixon administration embarked on a $160 million "high impact" project to cut down the crimes people fear most—murder, robbery, mugging, rape and burglary.

To show that the administration meant business, the White House produced Vice President Spiro Agnew and Attorney General John Mitchell to announce the program. One of the goals, they said, was to reduce those crimes in eight cities by 20% in five years. "High Impact" was to serve as a hallmark, a testament to the principle that with federal money and knowledge cities and towns could once and for all make their streets safe.

"High Impact" has turned out to be a dud.

Violent crime in those eight cities has "worsened overall," says a federally financed study of the project. The whole thing was "an irresponsible, ill-conceived and politically motivated effort to throw money at a social program," says the Center for National Security Studies, a private research organization. What's more, the center says, the federal agency running that program should be abolished.

That agency is the Law Enforcement Assistance Administration (LEAA) and officials over there are getting used to that sort of criticism; many people think the agency is a dud. It was formed in 1968 to come up with innovative ideas to help states and municipalities fight crime. Since then—eight years and $4 billion later—the violent crime rate across the country has risen 60%.

So far, the agency's biggest accomplishment seems to have been to prove that Washington can't do much about street crime across the nation. Indeed, the LEAA experience has led many crime experts to conclude that there isn't any obvious solution to the nation's crime problem.

"I once was optimistic," says Henry S. Ruth, who headed a special commission that led to LEAA's establishment. But now, after examining the problem from every angle, Mr. Ruth says, "I'm not."

LEAA'S LONGEVITY

LEAA's term expires at the end of October, and in view of all the criticism it might seem likely that Congress would refuse to extend the agency's life. But interviews on Capitol Hill suggest that legislation to continue LEAA's operations will pass routinely.

The main reason is that, despite controversies about its work, the agency has a lot of political backing. LEAA channels federal funds to states and municipalities, and it's a rare politician who will vote against the idea of sending crime-fighting money to the law enforcers back home.

And then there's the "do-something" factor. As a Senate staff man puts it, "because more and more people are worried about crime, there's a tremendous amount of pressure for the government to 'do something.' The problem is that nobody knows just what the hell to do. Everybody knows what we can't do, and that is to pull out altogether."

It's becoming commonplace for lawmakers to publicly criticize LEAA and then either sponsor or support legislation to keep the agency in existence.

A good example is Sen. Edward Kennedy. "The American people simply aren't getting a fair return on the $4 billion tax bill," the Massachusetts Democrat said recently. His staff has compiled lots of evidence that could be used by Senators and Congressmen to rationalize killing LEAA. But Sen. Kennedy, who is chairman of a judiciary subcommittee that has held hearings on LEAA, favors legislation to extend the agency's life. "You can't just throw out something like that," Mr. Kennedy says. "I mean, you have to make sure it gets a fair test."

The Ford administration has asked Congress to renew the agency for five years and give it an annual budget of $1.2 billion, up from the current level of about $800 million. The Senate is expected to vote next month on legislation that is generally in line with the administration's proposal. Pending in the House, meanwhile, is a bill that would extend the agency's life for one year with a budget of more than $800 million.

Thus, LEAA probably will continue lurching along trying—among other things—to figure out what causes crime in the first place. That's a tough job. "Sociologists will tell you that neighborhood environment is a cause," says an LEAA official. "But then how come one neighborhood has a high crime rate and an identical one in another city has a lower one?"

"Logic," says a federal law-enforcement expert, "doesn't always prevail." For instance, LEAA once figured that one way to catch more robbers was to cut down on the so-called "response time," the period between when a robbery victim calls the police and when the police actually arrive on the scene.

But while spending millions of dollars to supply local police with computers and fancy communications gear, LEAA officials came across a curious bit of information in interviewing crime victims: the median time between when a person is robbed and when he calls the police is 45 minutes, long enough for a robber to stroll across town and stick up somebody else.

"We've even run across cases where grocery store owners wait on the rest of their customers before they pick up the phone and call the police," an LEAA worker says.

(LEAA isn't the only organization that has made wrong assumptions about law and order. The International Association of Chiefs of Police persuaded some South American governments a few years ago that the best way police could disperse mobs was to blast the rioters with water. After all, IACP said, those "water tanks" worked wonders in Northern Europe. What was overlooked, though, was the Northern-clime people get cold and uncomfortable when drenched on a chilly day. Hot-weather people get refreshed. "It was like opening a fire hydrant in Harlem," and LEAA staffer says, "The rioters actually got invigorated.")

One of LEAA's problems, according to some experts, is its federal-state formula. Under it, states receive 85% of LEAA's money in block grants for projects they devise themselves. The remaining 15% goes to projects devised in Washington. To some people, this means LEAA merely subsidizes state or municipal programs rather than overseeing the development of experimental projects—which, if successful, could be used in other states and municipalities.

For example, LEAA is financing more than 100 studies on how to improve the way crime victims and witnesses are treated by the courts. But some authorities argue that the agency should finance, say three studies—one in a big-city court, another in a medium-sized city and the third in a small town. From the lessons learned, LEAA then would pass on recommendations to all courts.

"We aren't in the subsidy business," says Richard Velde, head of LEAA. Mr. Velde says Washington should only show the way, letting states and municipalities pick up—and pay for—programs or ideas they find appealing.

Another criticism of the agency is that police departments get a disproportionately large share of LEAA's money, at the expense of the other two branches of law enforcement—the courts and the corrections systems. Indeed, nearly 50% of the money the agency has spent so far has gone to the police, less than 15% to courts and less than 40% to correction facilities and programs.

This imbalance could tend to further distort the law enforcement system. Suppose the police become more proficient and make more arrests. The workload of the ill-prepared courts increases. If the corrections system is inadequate, prisons become overcrowded. Judges become reluctant to send criminals to overcrowded prisons. Police become less willing to make arrests.

Something akin to this is happening in Washington, D.C. Some judges here are threatening to commute the terms of prisoners because corrections facilities are so overcrowded.

From all this emerges the question: is LEAA good for anything?

Certainly, says law enforcement authority Henry Ruth, once the critics and politicians lower their expectations. "LEAA isn't going to do much about the crime rate for a long time to come," Mr. Ruth says. To him and some other experts, the agency deserves credit for having developed some worthwhile ideas and for disproving the validity of some law-enforcement theories.

THE FAMILY CRISIS UNIT

One highly regarded LEAA idea is the family crisis unit being adopted by police departments. Under it, police are trained to settle potentially fatal family disputes by trying to calm down the adversaries. "This sounds simple—so simple that many people think it's elementary," an LEAA researcher says. "But we're dealing with persuading police *not* to make arrests, to calm an explosive situation and leave without bringing anybody with them."

One of the myths LEAA recently exploded was the long-held value of detectives in

solving crimes. An agency study showed that, except in homicide cases, detectives have a poor record. The benefits of the study: cities could save themselves money by cutting back their detective forces and leaving more of the investigations to patrolmen.

The importance of LEAA, says Deputy Attorney General Harold Tyler, is that it can try experiments that may turn out to be flops. This is something states and cities can't afford to do, he says.

All this comes under what LEAA terms "improving the criminal justice system," a rubric that isn't solely related to cutting down the crime rate. Experts say this is useful because police still operate much as they did a century ago, most courts are places of despair where criminals and victims are treated with equal scorn, and most prisons are little more than warehouses packed with criminals serving their time. "These are the areas we need to work on," says Gerald Caplan, director of LEAA's research branch.

As noble as it sounds, that kind of talk doesn't please some people. They see it as a means for LEAA to shirk its original purpose, reducing crime. "Congress didn't call it [the law establishing LEAA] the Criminal Justice Improvement Act," says Douglas Cunningham, who heads California's system of channeling LEAA funds to counties and municipalities in that state. "Congress called it the Safe Streets Act, and as far as I'm concerned our job is to concentrate on fighting crime.

"If we can't do that," he adds, "then this country is in trouble."

Mr. DOMENICI. Mr. President, I have been fortunate in having had an unusually good opportunity for getting to know the Law Enforcement Assistance Administration. As a former member of the New Mexico Governor's Council on Criminal Justice Planning, I saw LEAA at work on a day-to-day basis. I was impressed with what I observed. The improvement throughout the State's criminal justice system that I witnessed just would not have been possible without the technical assistance and State leadership that the LEAA legislation has made possible. Let me give you a few brief examples.

For the past 3 years New Mexico has had an action program to provide annual funding through grants to the State supreme court and the New Mexico Judicial Council to develop new or improved legislation and regulations and court procedures. These grants have resulted in the development of uniform jury instructions for felony cases, rules and procedures for youth court, criminal procedure rules for magistrate courts and district courts as well as State rules of evidence.

Mr. President, I am convinced to a moral certainty that needed as they were, these reforms would not have been accomplished by today were it not for the impetus that the LEAA program has produced in New Mexico.

Not quite a year ago the State created a three-member parole board, which was given $112,500 in LEAA funds and directed to promulgate parole standards. This has enabled New Mexico to establish procedures for interviewing parole candidates and investigating their backgrounds. And although many people had for a long time felt that the State parole program needed these improvements, nothing had been done about it until LEAA was able to give us the wherewithal to get things moving.

Mr. President, I would also like to mention in passing the State's first offender program, which is a statewide initiative to demonstrate and evaluate the effectiveness of systematic youth court diversion services. More than 20 communities are currently involved. The juvenile offenders are being given family-centered counseling to reduce conflicts and improve communications. Reduced recidivism rates have resulted.

Mr. President, I would like to note the fact that LEAA is more than just a Federal agency that hands out funds for interesting State ideas. Had the Congress not acted in 1968, there simply would be no statewide planning in New Mexico through which State and local officials and other experts reviewed New Mexico's total needs every year and created better ways of meeting those needs.

Moreover, LEAA provides technical help when States need sophisticated resources that are in limited supply. This includes such matters as prison architecture, automated data systems, innovative new communications programs, and civil rights compliance aid that is quite impossible for a thinly populated State as is New Mexico to provide by itself. In other words, in the years since LEAA was created, it has become a clearinghouse on information and resources and special skills that each one of the 55 States and territories once had to obtain themselves. I believe this basic change is frequently overlooked during partisan debates over whether or not State and local law enforcement and criminal justice officials have done as much as they can to reduce crime. It is clear to all of us that each individual in the criminal justice community—legislators, police officials, judges, corrections authorities, and all the others—can personally do more to make his or her work effective. However, the essential question in the discussion of LEAA is whether or not it has helped these individuals to do a better job? I believe the answer must be affirmative.

Before there was an LEAA there was no mechanism for getting everyone to cooperate in making New Mexico's criminal justice system operate more rationally. I believe that LEAA must be allowed to continue so that the forward momentum we have built up during last 7 years can go forward. We must make sure that our promising new beginnings are allowed to develop better programs for future generations as they have for us.

Another reason I support this legislation is because the attorney general of the State of New Mexico, Toney Anaya, has written me indicating his approval of it and urging me to vote in the affirmative. Some of the reasons for Attorney General Anaya's position are stated in his letter to me dated July 16, 1976. I request unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. DOMENICI. Mr. President, although I support this bill and will vote for its passage, I am somewhat concerned with the availability of law enforcement funds and other assistance to smaller communities. New Mexico boasts some 41 communities under the population figures of 1,000 which by the way, some States probably consider with envy since small communities usually mean smaller problems. Mr. President, these small communities often cannot acquire very basic needs for law enforcement because the carefully planned paperwork required by rules and regulations is simply too great a burden. Moreover, these communities usually do not have funds needed to match or supplement a Federal grant for the specific uses of technical assistance or equipment purchases.

Whether the need is merely a police squad car or as simple as a two-way radio, such a request should not be lost in the shuffle of ever-changing regulations or lack of required matching funds simply because the small communities in the country are unable to so provide matching funds or deal with the complicated paperwork required.

I plan to involve myself in looking for solutions to these problems so that such communities plagued with an increased crime rate, typical these days to almost every community, urban or rural, will have greater flexibility in addressing unique local situations.

EXHIBIT 1

STATE OF NEW MEXICO,
DEPARTMENT OF JUSTICE,
Santa Fe, N. Mex., July 16, 1976.

Senator PETE DOMENICI,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMENICI: Congress is presently considering legislation that would reauthorize the Law Enforcement Assistance Administration (LEAA) and would appropriate funds for its continued operation. I am writing to encourage your support of this legislation and its funding because of its impact upon law enforcement and criminal justice agencies in New Mexico at all levels.

The problems to be solved in our criminal justice system in New Mexico are so numerous and staggering as to be mind-boggling. With each passing day in office as Attorney General of the State, I am becoming increasingly aware of the magnitude of this problem.

A recent survey done by the staff of the New Mexico Governor's Council on Criminal Justice Planning (GCCJP) has produced some very shocking statistics. Some of the information produced by the study revealed the following bleak picture for New Mexico. First of all, we know that not every crime that is committed is reported to a law enforcement agency. Of those that are reported, only 25%, or one out of every four, ever result in an arrest. That is also true nationally. Thus, just bearing those two factors in mind, one can readily see that only a small percentage of crimes committed ever result in any kind of action being taken by the criminal justice system against the alleged criminal.

It was even more alarming, however, to learn that of the few individuals responsible for crime that are ever arrested, the probability of them ever being successfully prosecuted for their alleged crimes is very minute. The GCCJP study found that of the Part 1 crimes (murder, rape, robbery, assault, burglary, larceny, and motor vehicle theft) committed in this state, few individuals are ever successfully prosecuted for them. For example, the study showed that only 37% of those arrested for murder are successfully prosecuted, 8% of those arrested for rape are successfully prosecuted, 35% of those arrested for robbery are successfully prosecuted, 17% of those arrested for assault are successfully prosecuted, 37% of those arrest-

ed for burglary are successfully prosecuted, 45% of those arrested for larceny are successfully prosecuted, and only 19% of those arrested for motor vehicle theft are ever successfully prosecuted.

Many explanations can be given for some of the above statistics which would temper their impact, however, the fact still remains that not all crimes are reported, that only 25% of those that are reported result in arrest, and that few of those that are arrested are ever successfully prosecuted. The problem becomes even more grave and the picture even more dismal when one considers the fact that the above statistics basically do not address themselves to problems of white collar crime and organized crime in New Mexico.

I believe these statistics indicate to us that we need to improve all segments of the criminal justice system in this State. This would include improving our investigative resources (such as local police departments, county sheriffs, and the New Mexico State Police), our prosecuting capabilities, our judicial system, and addressing the problem of educating the public to insure public support for law enforcement. There is no way that sufficient progress can be made against crime in New Mexico without additional resources and a streamlining of existing capabilities. Only by additional assistance such as can be provided by LEAA, can we hope ot make any headway in our fight against crime in New Mexico.

I would encourage you to not only support reauthorization of LEAA for at least five years to insure a longer range attack on the crime problem but to increase LEAA's funding beyond its current budget to insure that additional resources are made available to New Mexico.

I recognize that some law enforcement agencies and legislators in New Mexico have expressed dissatisfaction with the requirements that are placed upon them and upon the State as conditions in order to receive LEAA money. Nevertheless, I believe that difficulties with LEAA can be resolved through the Governor's Council on Criminal Justice Planning and that LEAA will understand some of our problems and adjust the requirements to deal with them. Of course, if Congress legislatively places too many restrictions upon the states, there would be little that LEAA could do administratively to assist. The interest of New Mexico can best be served by continuing LEAA. My staff and that of the New Mexico Council on Criminal Justice Planning are available to meet with you at any time to provide details on how substantial and detrimental the loss of LEAA funds would be throughout New Mexico.

Again, I greatly encourage your support of LEAA, If you have any questions on this matter, please feel free to contact me.

Sincerely yours,

TONEY ANAYA,
Attorney General.

Mr. WILLIAMS. Mr. President, I support the provision in the Crime Control Act, authorizing the Law Enforcement Assistance Administration to fund programs to reduce and prevent crimes against elderly persons.

As chairman of the Senate Committee on Aging's Subcommittee on Housing for the Elderly, I have been deeply concerned about crime against persons living in federally assisted housing.

We have been told time and time again—and with heartrending documentation—that older Americans are the most vulnerable victims of theft, burglary, terrorism, and other forms of violence.

Dr. Robert Butler—now the Director of the National Institute on Aging and a Pulitzer Prize winning author—says "old people are victims of violent crime more than any other age group."

Statistics released by LEAA in May show that this trend is accelerating in most crime categories. Crimes of violence, rape, robbery, assault, and larceny—all these forms of victimization—exhibited higher proportionate increases for those over 65 than for the population as a whole.

The reasons for this alarming trend are many. Older persons are less able physically to detect, avoid, and resist crime. Their meager incomes force them to remain in the decaying portions of our cities where the crime rate is highest. All too often, our federally funded public housing is the scene of crime because of lax security, poor building design, and other reasons.

The effect on the old is devastating. Many of the Nation's elderly are virtually prisoners in their own homes—day and night—because of the fear of crime. When an older person becomes the target of a criminal attack, the psychological result is often severely damaging and irreversible. And physical injuries from which a younger person might quickly recover can be crippling or fatal.

Hopefully, LEAA funds will be used for increased building security, escort services, improved lighting, and new strategies aimed at turning the tide of personal assaults. Education can be a useful weapon too in alerting the elderly to the traps laid by con men and the purveyors of various frauds.

This is important because the elderly are often easy prey for these less violent crimes. Loneliness, anxiety about declining health, a shrinking bank account, impaired powers of judgment, and ignorance of many common rip-off schemes are but a few of the reasons that older persons fall victim to con artists. A comprehensive education program could prevent much of this type of victimization.

The need for new and comprehensive strategies to protect older Americans from crime has never been clearer. The new LEAA authorization clause, along with the recently signed Statement of Understanding between LEAA and the Administration on Aging, are two positive steps.

Freedom from fear is a high priority for all Americans, and especially older Americans. Passage of S. 2212 would represent positive action in implementing this goal.

RESEARCH ON THE NATURE AND EXTENT OF CRIME AND DELINQUENCY ATTRIBUTABLE TO WOMEN

Mr. BAYH. Mr. President, through conversations with those at LEAA conversant with the Attorney General's authority under part D training, education, research, demonstration, and special grants, including Administrator Velde, I have been assured that the National Institute of Law Enforcement and Criminal Justice is authorized to conduct research regarding the actual nature and extent of crime and delinquency attributable to women. In view of the clear and unmistakable authority of LEAA to conduct these vitally necessary assessments, I have decided to withhold my relevant amendment, to S. 2212, the Crime Control Act of 1976.

My amendment would authorize the LEAA National Institute of Law Enforcement and Criminal Justice to carry out research to assess the actual nature and extent of crime and delinquency attributable to women. Further, it would authorize the Institute to undertake a comprehensive evaluation of progress made to date by correctional programs and the criminal and juvenile justice systems to eliminate discrimination on the basis of sex within these systems.

In fact an LEAA task force on women concerning juvenile justice and delinquency has made recommendations to the Attorney General that support the thrust of my amendment. I ask unanimous consent that the recommendations regarding the Law Enforcement Assistance Administration task force study and other relevant excerpts from the report of the National Commission on the Observance of International Women's year—pages 157–160 and pages 292–296—"To Form a More Perfect Union" be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM "TO FORM A MORE PERFECT UNION" JUSTICE FOR AMERICAN WOMEN

(A report of the National Commission on the Observance of International Women's Year)

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION TASK FORCE STUDY[m]

The IWY Commission recommends elimination of discrimination based on sex within all levels of the juvenile justice system. To reach that goal, the Commission urges that the Law Enforcement Assistance Administration (LEAA):

Act on the recommendations of the LEAA Task Force on Women concerning the Office of Juvenile Justice and Delinquency Prevention; and

Upgrade the status of women within that agency.

Discussion

As the LEAA Task Force report documents, discrimination against women and girls in the criminal justice system appears to be a serious, pervasive problem in statutes, courts, and correctional agencies. The situation is particularly critical because the usual statistic collection fails to disclose disparities in treatment.

The Child Development Committee specifically urges Federal action on four recommendations of the LEAA Task Force on Women concerning juvenile justice and delinquency prevention:

1. Develop strategies to increase State support for female juvenile offender programs.

2. Assure that State juvenile delinquency plans analyze the needs of disadvantaged youth and that program statistics include sex and minority classifications.

3. Fund research that analyzes treatment of female juveniles by the courts, referral agencies, and the community, with special emphasis on status offenders.

4. Fund programs that specifically focus on the needs of the female juvenile at all stages of the juvenile justice system, from referral to postadjudication.

The Child Development Committee proposes that, as a means to review progress in correcting inequities in the entire juvenile justice system, the Civil Service Commission be directed to conduct hearings that examine discriminatory policies and practices outlined

in the report of the LEAA Task Force on Women.

A Grants Management Information System printout on grants made by the LEAA from 1969 to 1975 confirms a lack of attention to the needs of the female juvenile offender. Only about 5 percent of all "juvenile delinquency discretionary projects" and only 6 percent of the "block juvenile grants" were for specifically female-related programs. None of the grants included a research effort on special characteristics of, or different treatment of, female juvenile offenders.

There is also evidence of sex discrimination in staffing within the juvenile justice system, particularly where males dominate in critical decisionmaking posts. A current 5-year study by the National Assessment of Juvenile Corrections has found that of 49 executives in juvenile justice agencies only 10 were female.

One of the ways in which girl offenders are discriminated against is through court-ordered physical examinations, specifically gynecological examinations. During the years 1929–1955, about 70 to 80 percent of the adolescents referred to the Honolulu Juvenile Court were examined, compared to 12 to 18 percent of the male population. "Notations such as 'hymen ruptured,' 'hymen torn—admits intercourse,' and 'hymen intact' were routine, despite the fact that the condition of the hymen is usually irrelevant to health or illness. Further, gynecological examinations were administered even when the female was referred for offenses which did not involve sexuality such as larceny or burglary." [52]

STATUS OFFENDERS [53]

The IWY Commission recommends that State legislatures undertake as a high priority the establishment of more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants, and, when appropriate, first fenony offenders, with the ultimate goal of eliminating as many status offenders as possible from juridiction of the juvenile courts.

The Commission further urges that the juvenile justice system eliminate disparties in the treatment of girls by courts and correctional agencies.

Discussion

Clearly, young girls suffer most from court procedures dealing with the status offenses, i.e., conduct that would not be criminal if committed by adults. Truancy, incorrigibility, and sexual delinquency are the three primary status offenses with which girls are charged. Young females are not only more likely to be referred to courts and detained for status offenses, but they are also held longer than boys referred for such conduct.

One midwestern study of more than 800 juvenile court referrals found these typical proportions: 28 percent of the boys had been brought to court for "unrully offenses," compared with 52 percent of the girls.[54] At the juvenile detention home, a coeducational youth facility, running away and sex offenses accounted for 60.7 percent of all the female delinquent referrals; moreover, girls on the average stayed there three times as long as boys.[55]

Such discrimination based on the sex of status offenders traditionally has been upheld on grounds of "reasonableness." Only since 1970 have some State laws permitting longer sentences for females than males been found in contravention of the 14th amendment and a violation of the Equal Protection Clause of the U.S. Constitution.[56]

The courts' traditional attitude reflects society's sexual double standard, which has demanded that the traditional American family exert greater control over a daughter's behavior in order to protect virginity (or virginal reputation). The "good" adolescent female is never sexual, authough she must be sexually appealing. Compared to the teenage male, she has a much narrower range of acceptable sexual behavior. As a result, even minor deviance may be seen as a substantial challenge to society and to the present system of sexual inequality.[57] Promiscuous young women are found to be unpalatable. "The young man gets a wink and a look in the opposite direction." [58]

As a result, female juveniles are more likely to be incarcerated than are adult women. "Adult women get a better shake when it comes to crimes than do juvenile girls. There is a reluctance to jail women, but not juveniles,"[59] the Child Development Committee was told.

All too frequently, detention and police personnel suggest that it is necessary to lock up girls "for their own safety and well-being." [60]

The wording of status offense codes is so vague as to allow this kind of discretionary action against girls thought to be "in moral danger." Until 1972, a Connecticut law made it a crime for "an unmarried girl to be in manifest danger of falling into habits of vice." [61]

Ironically, the "status offense" category works in favor of some classes and against others. Of the status offenders in the District of Columbia courts, 80 percent are from white suburban areas; the urban, minority youth is more likely to be classified under the more serious category of delinquent.[62]

Female status offenders when they are institutionalized enjoy less recreation than boys and have poorer quality counseling and vocational training. And many existing programs continue to exploit girls in traditional sex roles; the emphasis may be on training to become cosmetologists or domestic workers.

Adolescent status offenders may be channeled into more serious charges: a 13-year-old girl who violates a court order against truancy, for example, may be reclassified into the more serious category of "delinquent" for the same behavior. Repeat runaways may face the same harsh treatment if their States have not chosen to adopt provisions of the Runaway Youth Act, which is Title III of the Juvenile Justice and Delinquency Prevention Act of 1974.

Title III specifically found that "the problem of locating, detaining, and returning runaway children should *not* be the responsibility of already overburdened police departments and juvenile justice authorities", and declared, "It is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure." However, only States that apply for funding under the act must demonstrate that they adhere to these requirements.

While recommending that, when possible, all so-called status offenses be removed from juvenile court jurisdiction, the Child Development Committee cautions against any tendency to charge these minors with more serious offenses such as delinquency.

In testimony to the Child Development Committee, the Honorable Eugene Arthur Moore, Probate Juvenile Court Judge, Oakland County, Michigan, Secretary of the National Council of Juvenile Court Judges; President of the Children's Charter, Inc.; said he felt that status offenders should be allowed in the juvenile court only after there has been positive judicial finding that no other community resource can meet their needs.

Judge Moore urged, as does this committee, that every juvenile court judge should be an advocate within his community to lead that community toward developing the necessary resources both within and without the juvenile court. "The judge must be a catalyst and motivation in the community towards the development of preventive and rehabilitative programs."

A special program of the Office of Juvenile Justice and Delinquency Prevention has already awarded $11 million in grants to various government and nonprofit agencies to facilitate deinstitutionalization of status offenders.[63]

In Oakland County, Michigan, is found a model example of joint community effort by citizens, government, and juvenile court officials to provide coordinated youth assistance, delinquency prevention programs, and a rehabilitative camp for young people. The committee commends this county's programs to the attention of action-oriented youth-serving groups in other communities.

ORIGINAL VERSION

The Child Development Committee recommends that State legislatures eliminate status offenses, used to discriminate against young women, from the jurisdiction of juvenile courts, and that States establish more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants, and when appropriate, first felony offenders.

FOOTNOTES

[51] Recommendation approved by Child Development Committee Jan. 13, 1976; by IWY Commission Jan. 16, 1976.

[52] Meda Chesney-Lind, "Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2 (Fall 1973).

[53] Recommendations approved by IWY Commission February 26–27, 1976. The recommendation approved by the Child Development Committee Jan. 10, 1976, but revised by the Commission, is reprinted on p. 160 under the heading "Original Version."

[54] Peter C. Kratcoski, "Differential Treatment of Delinquent Boys and Girls in Juvenile Court," *Child Welfare*, Jan. 1974, vol. LIII, no. 1, p. 17.

[55] Meda Chesney-Lind, "Judicial Enforcement on the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2, Fall 1973.

[56] Rosemary Sarri, "Sexism in the Administration of Juvenile Justice," paper presented to National Institute on Crime and Delinquency, Minneapolis, June 16, 1975.

[57] Chesney-Lind, *op. cit.*

[58] Testimony of John Rector, Staff Director and Chief Counsel, U.S. Senate Juvenile Delinquency Subcommittee to Child Development Committee, Jan. 9, 1976.

[59] Testimony of Wallace Mlyneic, Codirector, Georgetown Juvenile Justice Clinic, Wash., D.C., Jan. 9, 1976.

[60] "Children in Custody: Advance Report on the Juvenile Detention and Correctional Facility Census of 1972–73," Law Enforcement Assistance Administration, 1975.

[61] Sarri, *op. cit.*

[62] From testimony of Joan A. Burt, Wash., D.C., Parole Board, to Child Development Committee hearing Jan. 9, 1976.

[63] Department of Justice, Nov. 1976 evaluation report on the impact of programs on women for IWY Commission on Program Impact, the IWY Interdepartmental Task Force.

WOMEN OFFENDERS*

The IWY Commission recommends that each State Bar Association review State laws relating to sentencing, and their application, to determine if these practices discriminate against women, and that each State review and, where needed, reform its practices relating to women in jails, prisons, and in community rehabilitation programs, with a special emphasis on:

Improved educational and vocational training opportunities in a nonstereotyped range of skills that pay enough to support a family;

*Recommendations approved by Special Problems of Women Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

Making available legal counsel and referral services;

Increased diversion of women offenders, both before and after sentencing, to community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release; attention to the needs of children with mothers in prison;

Improved health services emphasizing dignity in treatment for women in institutions;

Protection of women prisoners from sexual abuse by both male and female inmates and by correctional officers;

Utilization of State funds to recruit better qualified corrections personnel with the parallel goal of increasing the number of women at all staff levels in correctional institutions.

The IWY Commission further recommends that State Commissions on the Status of Women be supported by State governments in establishing task forces to focus on the needs of women offenders.** These task forces should make regular inspections of all women's detention facilities. Members should include lawyers and judges. Furthermore, the task forces should provide legal counseling and referral services. The press and public should be kept informed of task force observations.

Has there been an increase in violent female crime?

Recent sensational articles on the rapid rise in the female arrest rate present an incomplete portrait of the women offenders especially since the bulk of the female crime increase is in economically motivated "property" offenses such as larceny, forgery, fraud, and embezzlement and is often related to drug addiction and abuse. The greatest increase has been for larceny.

Claims are being made that women are becoming more dangerous or that there is an invidious connection with the growth of the women's rights movement.

The statistics behind these pronouncements are found in the FBI's Uniform Crime Reports for 1972, based on 2,430 law enforcement agency records. They show that in 1972, crimes and arrests among women escalated at a rate of 277.9 percent of the 1960 female arrest rate. The increase for male crime between 1960 and 1972 was 87.9 percent.[1] The FBI shows that women offenders now account for 10 percent of violent crime, but in fact this proportion has remained constant over the last 20 years.[2]

The high point in female violence appears to have occurred in the mid-fifties when females accounted for more than 13 percent of all violent crime. Today's figure is one-third lower.[3]

In the past 12 years, as crime detection rates have improved, so have the female arrest rates for certain types of nonviolent crimes increased: embezzlement is up 280 percent for women, 50 percent for men; larceny up 303 percent for women, 82 percent for men; burglary up 168 percent for women, 63 percent for men. "The typical female offender has not committed murder or robbery . . . she is a small scale petty thief often motivated by a poor self-image and the desire for immediate economic gain."[4]

A potent pressure operating here could be the decline of real income for women from 60 percent of a man's earning in 1969 to 57.9 percent in 1972. In addition, women are facing certain unemployment; they are often the last hired at "equal opportunity" workplaces and the first fired under conventional seniority systems. The 1972 FBI arrest figures, cited above, do not reflect population increases, the absence of males during the Viet-Nam occupation, or the effect of inflation which has pushed up the cost of many stolen articles into the felony range.

Another overlooked factor: statistics from the 1960's often did not separate arrests of males and females. In those days, statistics on women frequently were lumped with those on men or ignored.[5]

Tom Joyce, an ex officio member of the National Resource Center on Women Offenders, has predicted:

"If the distorted image of an increasingly violent and dangerous female offender takes hold and affects planning policies, such as the building of new female prisons (rather than improving alternative programs), that will cause more harm than good, both for the typical offender and for society in general."

Educational training

On a national basis, women in prison receive little or no vocational training or job placement assistance which would enable them to support themselves and their children upon release. Education and work release programs for women offenders are substantially fewer than those for male offenders. A 1973 *Yale Law Journal* survey,[6] showed that vocational programs offered to women offenders range from one pogram to a high of six. The average in female institutions surveyed was 2.7 programs, compared to 10 programs on the average for male institutions. One institution offered 39 vocational programs for its male residents.

Where job training is available in women's facilities, it still tends to reinforce stereotypes of acceptable roles.[7] Charm courses are not uncommon: Four were funded by LEAA grants between 1969–75. Allowable work for women in prison is frequently sewings, laundering, or cooking; women offenders in Georgia have provided maid services to the residents of that State's central mental hospital.

At least 15 percent of the current female population in prisons is "functionally illiterate"[8] (reading below sixth-grade level). Catherine Pierce, Assistant Director of the National Resource Center on Women Offenders, suggests that this situation has broad implications for the use and understanding of employment notices, job applications, food stamp applications, and rental and housing contracts by women who are ex-offenders.

Apparently no statistics are being compiled or recorded on recidivism rates and level of literacy. Reading problems can only complicate reentry into society from an institution. How far can the illiterate, ill-trained woman get on one bus ticket and a few dollars? More than half the States gave departing offenders less than $48 each in 1974; two States provided no money.[9]

The Special Problems of Women Committee urges corrections training systems to follow the excellent example set by Washington Opportunities for Women (WOW), which seeks to place female probationers in apprenticeship openings in nontraditional well-paying occupations such as construction, meatcutting, and Xerox repair.

In Houston, One America, Inc. tests and counsels female probationers and parolees for placement in programs to train electricians and plumbers.

The Maryland Corrections Institution for Women in Jessup, Maryland trains women as welders and carpenters. Of 59 women graduating in June 1975 and trained in welding 41 were placed on jobs. The National Resource Center on Women Offenders,[10] founded by the American Bar Association in June 1975 to gather and disseminate information on female offenders, is a valuable clearinghouse on rehabilitation projects and developments in women's corrections.

Children of offenders

Unlike their male counterparts, 70 to 80 percent of women in penal institutions are responsible for children. And upon release, these women must often resume sole support of their children. Without sound vocational training, the returning mother struggles hard to provide, and a simple theft begins to look easy.

Once a mother is incarcerated, the children she leaves at home must be placed with relatives or institutionalized. (There is much evidence to indicate that children of offenders often become the next generation's offenders.) Most female prisons are located in rural isolated areas making visits between mother and child extremely difficult.[11] Because seven States have no institutions for women, female offenders are boarded in nearby States. In these cases, contacts with family and children are often broken.

The committee endorses the concept of community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release—as a way to combine practical education experiences, rehabilitation, and family contact.

The Women's Prison Association[12] counted five States, in a 1972 sample of 24, which contracted with nearby States for imprisonment of female offenders. The Association asked,

"Why can't these States sponsor a small facility which would house women near their families and lend itself to improved programs for job training, individual counseling, and schooling?"

Establishing facilities becomes most likely when citizen groups press for action. The committee urges local and area Commissions on the Status of Women to act as catalysts for change.

Health services

The corrections administrators of women's institutions are responsible for appropriate health services. The Special Problems of Women Committee endorses as a guide for those administrators and for Commission on the Status of Women task force inspection teams the standards listed by Mary E. King and Judy Lipshutz in vol. 1, no. 3, *The Women Offender Report*. They include:

Physical exams given with maximum concern for the woman's dignity;

Prompt and regular treatment for all illnesses while incarcerated;

Twenty-four-hour emergency treatment available in State institutions and local jails;

Insured humanitarian detoxification;

Proper and confidential medical records on each prisoner;

Family planning services, including access to contraceptives and family planning education;

Health education classes for inmates;

Regular exercise;

Attention to menstrual and gynecological problems; and

Female medical personnel included on health staff.

In addition, the committee is concerned that physical exams be administered only by licensed physicians or nurse practitioners, and that treatment for illnesses be both prompt and appropriate.

Staff

Only 12 percent of the correctional work force in the United States are women, and few of those women are in top- and middle-management positions. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals issued a 600-page report listing 130 suggested standards for correction agencies. Section 14.3 called for correctional agencies to recruit and hire women for all varieties of work.

In August 1975, the American Bar Association's policymaking House of Delegates urged corrections systems to increase the number of women and minority group employees at all staff levels. This body asked for special staff attention to the essential job of attract-

**An excellent model for such an effort is run by the Pennsylvania Commission on the Status of Women.

Footnotes at end of article.

ing women, urging special recruitment and training machinery and programs to attain that objective. The committee endorses those policies.

Most jails are not built, programmed, or staffed to look after females. Separation of men and women is difficult, and there are no matrons in some facilities.

Patsy Simms, a freelance writer who has interviewed more than 50 women serving time in southern jails or in work-release programs, has submitted to the Special Problems of Women Committee a report on the absence of matrons where females are behind bars. In many cases she found no matrons at all, or at best "paper matrons"—female radio dispatchers or the wives of jailers and sheriffs. Ms. Simms reminded the committee that a "paper matron" was on duty "two halls and 65 feet away" the night Clarence Alligood died in JoAnn Little's cell.

According to a *Raleigh News and Observer* survey of 47 county jails in the eastern part of North Carolina, only 19 of the counties have 24-hour matron service and adequate separation of men and women. Under these conditions, prevention of sexual abuse is not probable.

Further inequities in the justice system

Statutes in several States call for longer sentencing for female offenders than for males for the same offense.[13] Cases upholding disparate legislative sentencing schemes based on sex have reasoned that, compared with male criminals, females are more amendable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement.

Some courts are taking positive action against inequities in the jail system. In *Barefield* v. *Leach* [14] a Federal court in New Mexico held that female inmates and male prisoners are entitled to equal treatment; and the fact that the number of women offenders is small is no excuse for unequal vocational training, unequal access to legal materials, unequal recreational facilities, or unequal opportunities to earn time off for good behavior.

"At the time when some professionals in corrections are proclaiming that rehabilitation does not work, we are finding that for most female offenders, rehabilitation has not be tried,"

reports Ruth R. Glick, Director of the National Study of Women's Corrections Programs.[15] In general, no clearly defined philosophy of corrections has been tested and applied to women's correctional programs. Consequently, the large number of institutions and community-based programs seem to lack internal consistency, i.e., "the need to control runs counter to expressed desire to teach women to assume responsibility for their own behavior."

YOUNG ADULT CONSERVATION CORPS [16]

The IWY Commission recommends that special attention be given to attracting and recruiting young minority women, especially blacks, Hispanics, Asian-Americans, and Native Americans, into the Youth Conservation Corps to a year-round program for young persons up to age 24, and that the President support legislation extending the Corps.

Background

Of the more than three million young persons under age 24 presently unemployed in this country, the group most disadvantaged is the nonwhite minority female youth, ages 16–19. (The committee has had to assume that these figures reflect most racial or ethnic minorities, since further data breakdowns have not been available.)

Compared to a national average of 8.3 percent, the young minority women's unemployment rates in December, 1975, were 37.9 percent for ages 16–19, and 19.6 percent for ages 20–24. Other unemployment percentages for December 1975, for comparison, are:

Nonwhite young men: 31.2 percent for ages 16–19, 20 percent for ages 20–24;

White young men: 18.6 percent for ages 16–19, 11.6 percent for ages 20–24; and

White young women: 16.0 percent for ages 16–19, 9.6 percent for ages 20–24.

Department of Labor statistics for December showed 1,600,000 young people under 19 were unemployed; 1,576,000 ages 20–24. Parts of this large, restless, and unproductive reserve of young people are in danger of becoming a burden to society; on any given day, there are close to 8,000 juveniles held in jails in the United States. The average daily population in juvenile detention facilities (with girls held longer and for less serious crimes than boys) is over 1,200 with close to 500,000 held annually in such facilities.[17]

Starting in the summer of 1971, one experimental approach began to provide learning experiences and employment to jobless youths aged 15–18. Sixty-thousand youths were enrolled in the pilot version of Youth Conservation Corps (YCC), a Federal training-work program in conservation and the environment.

YCC enrollment figures have shown increasing female participation, from 41.3 percent in 1972 up to 49.2 percent in 1975. The percentage of female participation is now almost identical to the national distribution for 15–19 year olds.

Female teenagers have expressed the most satisfaction with the YCC program: 68 percent said they "really liked it" in a 1972 multiple-choice questionnaire, compared to 57 percent of the boys. YCC activities have reached far beyond the usual low-paying or dead end options for minority female youth: both sexes have learned to perform jobs related to reforestation; trail and campground improvement; forest fire fighting; and insect, flood, and disease control on public lands, among others.

There are some initial, and still unresolved, problems with both underrepresentation and dissatisfaction of minorities in the program, however. The underrepresentation resulted from policy and budget restraints limiting recruitment to areas near the YCC camps (away from urban areas), so that most of the campers have been from small towns or rural areas. In 1972, 82 percent of the participants were white; only 7 percent were black; 6 percent American Indian; 3 percent Spanish speaking.

As might be expected, evaluations of the YCC's summer camps have indicated the need to adapt the program to better serve minority groups.[18] The committee urges continued study and effort toward this goal with increasing attention to recruiting a more representative proportion from unemployed young minority women and to providing services to meet the needs of women with limited English-speaking ability.

A bill to amend the Youth Conservation Corps Act of 1970 (S. 2630), introduced on November 6, 1975, seeks to extend the pilot summer format of the conservation training program to a year-round operation for young adults up to age 24. The ultimate employment level could reach more than one million young persons annually with participants seeding grasses to control and prevent erosion, operating tree nurseries and planting seeds or tree cuttings, channeling streams, stabilizing, banks, building small dams, fighting grass fires, and building new roads and park areas, among other activities.

Because of the Special Problems of Women Committee sees this valuable program as an investment in preserving both natural and human resources and as an excellent training opportunity for young *minority women*, particularly those from the urban setting, the committee urges continued expansion and improvement of Conservation Corps activities.

FOOTNOTES

[1] In actual numbers, of course, female crime remains a small fraction of male crime; in 1971, approximately 18 of every 100 persons arrested for a serious crime were women, and of those convicted, nine of 100 were women, and only three of every 100 persons sentenced to a State or Federal prison were women. (Impact State to IWY Interdepartmental Task Force, Law Enforcement Assistance Association (LEAA), Nov. 24, 1975.)

[2] Laura Crites, Director; Catherine Pierce, Asst. Director, National Resource Center on Women Offenders.

[3] Tom Joyce, "A Review: Sisters in Crime," p. 6. *The Woman Offender Report*, vol. I, no. 2, May/June 1975.

[4] *Ibid.*

[5] Laurel L. Rans, Women's Arrest Statistics. *The Woman Offender Report*, vol. 1, no. 1. Mar./Apr. 1975.

[6] Vol. 82.

[7] LEAA Impact Statement prepared for IWY Interdepartmental Task Force.

[8] Sept. 1975 survey by American Bar Association, Commission on Correctional Facilities and Services Clearinghouse for Offender Literacy.

[9] Kenneth J. Lenihan, "The Financial Resources of Released Prisoners," Bureau of Social Science Research Inc., Wash., D.C., Mar 1974 draft, p. 9.

[10] 1800 M St., NW., Wash., D.C. 20036.

[11] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 31, 1976.

[12] Founded in 1845, 110 2d Ave., New York. N.Y., 10003.

[13] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 18. 1975.

[14] Civ. no. 102-82, Dec. 18, 1974.

[15] An LEAA-funded program, 2054 University Ave., Room 301, Berkeley, Calif. 97404. Quoted in *The Women Offender Report*, vol. 1, no. 3, July/Aug. 1975.

[16] Recommendation approved by Special Problems of Women Committee Feb. 6, 1976; by IWY Commission Feb. 27, 1976.

[17] "Female Delinquency: A Federal Perspective," statement of Mary Kaaren Jolly, Editorial Director and Chief Clerk, U.S. Senate Subcommittee to Investigate Juvenile Delinquency, before the National Congress for New Directions in Female Correctional Programming, June 30, 1975, Chicago, Ill.

[18] Among the reports: John C. Scott, B. L. Driver, Robert W. Marans, "Toward Environmental Understanding, and Evaluation of the 1972 Youth Conservation Corps," Survey Research Center, Institute for Social Research, the University of Michigan, Ann Arbor, Mich., 1973.

Mr. BAYH. Mr. President, the Nation's effort to deal with the problem of children in trouble has been an abject failure. As chairman of the Subcommittee to Investigate Juvenile Delinquency of the U.S. Senate Judiciary Committee, I am acutely aware of the flagrant maltreatment of youthful offenders, of the brutal incarceration of noncriminal runaway children with hardened criminals, and of bureaucratic ineffectiveness which has marked the grossly inadequate Federal approach to the prevention of delinquency and rehabilitation of delinquents.

I am reminded of testimony about the "El Paso Nine" before my subcommittee at one of our initial hearings assessing the juvenile justice system. They were not mad bombers, vicious criminals, or

political radicals, but youngsters with troubles. Five were young women, the oldest was 17. Each one had been commited to a State institution without legal representation or benefit of a judicial hearing. Of the five, most had been committed for having run away only once. Beverly J., for example, was sent to the Gainsville State School for Girls because she stayed out until 4 a.m. one night. Alicia M. was sent to the same school when she was 17 because she refused to work.

This tragic story is repeated over and over again around the country. Children are in trouble. We neglect or mistreat our children, and then when they react in socially unacceptable ways—not usually crimes—we often incarcerate them. We call them neglected or dependent or, even more euphemistically, persons in need of supervision, but whatever the label, these youngsters often end up in common jails. Fully 50 percent of all children in juvenile institutions around the country could not have been incarcerated for the same conduct had they not been minors. Children are continually incarcerated for running away from home, being truant from school, being incorrigible, or being promiscuous.

It is not surprising that many of the prejudices our society has against females are reflected in the juvenile justice system, but the ramifications of such discrimination and bias are shocking. Girls are arrested more often than boys for status offenses—running away, truancy, and the MINS, PINS, and CINS violations—minors, persons, and children in need of supervision. And girls are jailed for status offenses longer than boys.

Between 70 and 85 percent of adjudicated young females in detention are there for status violations compared with less than 25 percent of the boys. Thus, there are three to four times more young women than young men in detention for noncriminal acts.

Additionally, the available research and evidence adduced by my Subcommittee shows that a female is likely to be given a longer term of confinement than a male and that her parole will be revoked for violations less serious than for male revocation. In responding to these facts which affirm gross discrimination, the director of a State institution for young women explained:

> Girls, unlike boys, offend more against themselves than against other persons or property.

What she really meant was that often girls—not boys—are locked up for engaging in disapproved sexual conduct at an early age; that our society applies the term "promiscuous" to girls but not to boys.

Such arbitrariness and unequal treatment, at a minimum produces more criminals. It is well documented that the earlier a child comes into the juvenile system, the greater the likelihood that the child will develop and continue a delinquent and criminal career. Another disturbing reality is that juvenile records normally go with children if arrested as an adult. What this means is that young women incarcerated for running away from home or arguing with their parents—incorrigibility—will have a criminal record for life and if arrested as an adult will more likely be incarcerated.

The basic problem is that we have not been willing to spend either the time or the money necessary to deal with the diverse set of problems children in trouble present to us. We must not continue to ignore today's young delinquent for all too often he or she is tomorrow's adult criminal. Our young people are entitled to fair and humane treatment and our communities are entitled to be free of persons who threaten public safety. My approach has been to apply the commonsense adage that an ounce of prevention is worth a pound of cure.

We need to develop different ways of treating children in trouble. We need to establish group foster homes for the neglected; halfway houses for runaways, and community-based programs for the serious juvenile delinquents. We need 24-hour crisis centers and youth service bureaus to help young people find the services which they need. And we need a greatly expanded parole and probation system to provide supervision and counseling for the large majority of children who never should face institutionalization.

In 1974 Congress overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415 (S. 821). This measure, the product of a 3-year bipartisan effort which I was privileged to lead, provides for a constructive and workable approach in a joint Federal, State, and local effort to control and reverse the alarming rise in juvenile crime. The act is designed specifically to prevent young people from entering our failing juvenile justice system, and to assist communities in developing humane, sensible, and economic programs for youngsters already in the system to help the estimated one million youngsters, the majority of whom are young women between the ages of 11 and 14, who run away each year. It provides Federal assistance for local public and private groups to establish temporary shelter-care facilities and counseling services for youths and their families outside the law enforcement structure.

In addition to what we have accomplished to date, we need to focus more specifically on the manner in which and the frequency with which females are entering the juvenile justice system. We must assure equal treatment for these young women and see to it that assistance is available to them on an equal basis.

We must see to it that the preponderance of delinquency research and study is no longer exclusively male in its orientation, for it is essential that we know more about what can be done to prevent the personal tragedies involved in the ever increasing contribution females are making to the escalating levels of delinquency and serious crime. Some assert that the proliferation of dangerous drugs and their epidemic level of abuse are responsible, others cite society's gradual adoption of egalitarian attitudes devoid of sexism as the explanation; and, several argue that modern, more efficient methods of collecting and keeping female crime statistics are the answer. Perhaps, all of these are contributing factors, but it is certain that we know far too little.

It is often said, with much validity, that the young people of this country are our future. How we respond to children in trouble will determine the individual futures of many of our citizens. We must make a national commitment that is commensurate with the importance of these concerns. The young people women and men as well as the rest of us deserve no less.

CRIME CONTROL ACT OF 1976

The PRESIDING OFFICER. The hour of 1:30 having arrived, under the previous order, the Senate will now take up the consideration of S. 2212, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD) on which the yeas and nays have been ordered.

Mr. MANSFIELD. And that calls for an FBI director with a limit of 10 years?

The PRESIDING OFFICER. The Senator is correct, 10 years.

The question is on agreeing to the amendment of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Pennsylvania (Mr. HUGH SCOTT) is absent on official business.

The result was announced—yeas 81, nays 4, as follows:

[Rollcall Vote 415 Leg.]

YEAS—81

Abourezk	Garn	Nelson
Allen	Glenn	Nunn
Baker	Goldwater	Packwood
Bayh	Gravel	Pastore
Beall	Griffin	Pearson
Bellmon	Hansen	Pell
Biden	Hart, Gary	Percy
Brock	Hart, Philip A.	Proxmire
Brooke	Hatfield	Randolph
Buckley	Hollings	Ribicoff
Bumpers	Hruska	Roth
Burdick	Huddleston	Schweiker
Byrd, Harry F., Jr.	Humphrey	Scott, William L.
Byrd, Robert C.	Jackson	Sparkman
Cannon	Johnston	Stafford
Case	Kennedy	Stennis
Church	Laxalt	Stevens
Clark	Leahy	Stone
Culver	Long	Symington
Curtis	Magnuson	Taft
Dole	Mansfield	Talmadge
Domenici	McClellan	Thurmond
Durkin	McClure	Tower
Eagleton	McGee	Welcker
Fannin	McGovern	Williams
Fong	McIntyre	Young
Ford	Morgan	
	Moss	

NAYS—4

Bartlett	Javits	Mathias
Helms		

NOT VOTING—15

Bentsen	Haskell	Montoya
Chiles	Hathaway	Muskie
Cranston	Inouye	Scott, Hugh
Eastland	Metcalf	Stevenson
Hartke	Mondale	Tunney

So the amendment of Mr. ROBERT C. BYRD was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending business is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Illinois (Mr. STEVENSON) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Pennsylvania (Mr. HUGH SCOTT) is absent on official business.

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 416 Leg.]

YEAS—87

Abourezk	Glenn	Morgan
Allen	Goldwater	Moss
Baker	Gravel	Muskie
Bartlett	Griffin	Nelson
Bayh	Hansen	Nunn
Beall	Hart, Gary	Packwood
Bellmon	Hart, Philip A.	Pastore
Brock	Haskell	Pearson
Brooke	Hatfield	Pell
Buckley	Hathaway	Percy
Bumpers	Helms	Randolph
Burdick	Hollings	Ribicoff
Byrd, Harry F., Jr.	Hruska	Roth
Byrd, Robert C.	Huddleston	Schweiker
Cannon	Humphrey	Scott, William L.
Case	Jackson	Sparkman
Chiles	Javits	Stafford
Church	Johnston	Stennis
Clark	Kennedy	Stevens
Culver	Laxalt	Stone
Curtis	Leahy	Symington
Dole	Long	Taft
Domenici	Magnuson	Talmadge
Durkin	Mansfield	Thurmond
Eagleton	Mathias	Tower
Fannin	McClellan	Welcker
Fong	McClure	Williams
Ford	McGee	Young
Garn	McGovern	
	McIntyre	

NAYS—2

Biden	Proxmire

NOT VOTING—11

Bentsen	Inouye	Scott, Hugh
Cranston	Metcalf	Stevenson
Eastland	Mondale	Tunney
Hartke	Montoya	

So the bill (S. 2212), as amended, was passed, as follows:

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1976".

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(a) by inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."; and

(b) by deleting the fourth paragraph and substituting in lieu thereof the following new paragraph:

"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 Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, 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.".

SEC. 3. Section 101(a) of title I of such Act is amended by inserting a comma after the word "authority" and adding "policy direction, and control." and by adding the following: "There shall be established in the Administration an appropriate organizational unit for the coordination and management of community anticrime programs. Such unit shall be under the direction of the Deputy Administrator for Policy Development. Such unit shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

PART B—PLANNING GRANTS

SEC. 4. Section 201 of title I of such Act is amended by adding after the word "part" the words "to provide financial and technical aid and assistance".

SEC. 5. Section 203 of title I of such Act is amended to read as follows:

"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 or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1979. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan and necessary revisions thereof 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 States; and

"(4) assure the participation of citizens and community organizations at all levels of the planning process.

"(c) The court of last resort of each State or a judiciary agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 judges, may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 percent judges and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts.

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

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

"(3) develop, in accordance with part C, an annual State judicial plan for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. Except to the extent disapproved by the State planning agency for the reasons stated in section 304(b), the annual State judicial plan shall be incorporated into the comprehensive statewide plan.

"(e) If a State court of last resort, does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units 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 finding 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 funds made available to the judicial planning committee and 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.

"(g) The State planning agency and any other planning organization for the purposes of this 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 to be 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 this 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 provision of local, State, or Federal law."

SEC. 6. Section 204 of title I of such Act is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking the words "expenses, shall" and inserting in lieu thereof "expenses shall".

SEC. 7. Section 205 of title I of such Act is amended by—

(a) inserting ", the judicial planning committee," after the word "agency" in the first sentence;

(b) deleting "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(c) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration.".

SEC. 8. Part B is amended by inserting at the end thereof the following new section:

"SEC. 206. At the request of the State legislature (or a legislative body designated by it), the comprehensive statewide plan or revision thereof shall be submitted to the legislature for its review, comment, or suggested amendment of the general goals, priorities, and policies that comprise the basis of that plan or revision prior to its submission to the Administration by the chief executitve of the State. The State legislature shall also be notified of substantial modifications of such general goals, priorities, and policies, and, at the request of the legislature, these modifications shall be submitted for review, comment, or suggested amendment. If the legislature (while in session) or an interim legislative body designated by the legislature (while not in session) has not reviewed, commented on, or suggested amendments to the general goals, priorities, and policies of the plan or revision within forty-five days after receipt of such plan or revision, or within thirty days after receipt of substantial modifications, such plan or revision or modifications thereof shall then be deemed approved.".

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 9. Section 301 of title I of such Act is amended by—

(a) inserting after the word "part" in subsection (a) the following: ", through the prevision of Federal technical and financial aid and assistance,";

(b) deleting the words "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with the administration of justice";

"(c) deleting the words "the approval of" from paragraph (7) of subsection (b) and inserting in lieu thereof "notification to";

(d) deleting the words "and coordination" from paragraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation";

(e) inserting after paragraph (10) of subsection (b) the following new paragraphs:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and to improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; training of judges, court administrators, and support personnel of courts; support of court technical assistance and support organizations; support

of public education programs concerning the administration of criminal justice; equipping of court facilities; and multiyear systemwide planning for all court expenditures made at all levels within the State.

"(12) The development and operation of programs designed to reduce and prevent crime against elderly persons.

"(13) the development of programs to identify the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and the establishment of procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 and section 303 (a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.

"(14) The establishment of early case assessment panels for any unit of local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible from the time of the bringing of charges, to determine the feasibility of successful prosecution, to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes, and to concentrate prosecution efforts on cases with a high probability of successful prosecution."; and

"(15) The development and operation of crime prevention programs in which members of the community participate, including but not limited to 'block watch' and similar programs."; and

(f) inserting the following sentence after the second sentence of subsection (d): "The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.".

SEC. 10. Section 302 of title I of such Act is amended by redesignating the present language as subsection (a) and adding the following new subsections:

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions 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 maximum extent practicable, the relationship of the plan to other relevant State or local law 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 provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) 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 the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.".

SEC. 11. Section 303 of title I of such Act is amended by—

(a) striking out subsection (a) up to the sentence beginning "Each such plan" and inserting in lieu thereof the following:

"(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 or an approved revision thereof (not more than one year in age) which conforms with the purposes and requirements of this title. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act. 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. No State plan shall be approved as comprehensive unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.";

(b) deleting paragraph (4) of subsection (a) and substituting in lieu thereof the following:

"(4) specify procedures under which local multi-year and annual comprehensive plans and revisions thereof may be submitted to the State planning agency from units of general local government or combinations thereof to use funds received under this part to carry out such plans for the improvement of law enforcement and criminal justice in the jurisdictions covered by the plans. The State planning agency may approve or disapprove a local comprehensive plan or revision thereof in whole or in part based upon its compatibility with the State comprehensive plan and subsequent annual revisions and modifications. Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans;";

(c) inserting after the word "necessary" in paragraph (12) of subsection (a) the following language: "to keep such records as the Administration shall prescribe";

(d) deleting "and" after paragraph 14 of subsection (a), deleting the period at the end of paragraph 15 and inserting in lieu thereof ": and", and adding the following new paragraph after paragraph 15:

"(16) Provide for the development of programs and projects for the prevention of crimes against the elderly, unless the State Planning Agency makes an affirmative finding in such plan that such a requirement is inappropriate for the State.";

(e) deleting subsection (b) and substituting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. No award of funds that are allocated to the States under this part 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.";

(f) inserting in subsection (c) after the word "unless" the words "the Administration finds that"; and

(g) inserting after subsection (c) the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs. In determining adequate funding, consideration shall be given to (1) the need of the courts to reduce court congestion and backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

SEC. 12. Section 304 of title I of such Act is amended to read as follows:

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

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in ac-

cordance with this title, is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan in the State comprehensive plan to be submitted to the Administration.".

SEC. 13. Section 306 of title I of such Act is amended by—

(a) inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a): "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such illegal remedies as are necessary."; and

(b) amending subsection (b) by striking "(1)" and inserting in lieu thereof "(2)".

SEC. 14. Section 307 of title I of such Act is amended by deleting the words "and of riots and other violent civil disorders" and substituting in lieu thereof the words "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system".

SEC. 15. Section 308 of title I of such Act is amended by deleting "302(b)" and inserting in lieu thereof "303".

SEC. 16. Part C of title I of such Act is amended to include the following new section—

"SEC. 309. (a) The Attorney General is authorized to provide assistance and make grants to States which have State plans approved under subsection (c) of this section to improve the antitrust enforcement capability of such State.

"(b) The attorney general of any State desiring to receive assistance or a grant under this section shall submit a plan consistent with such basic criteria as the Attorney General may establish under subsection (d) of this section. Such plan shall—

"(1) provide for the administration of such plan by the attorney general of such State;

"(2) set forth a program for training State officers and employees to improve the antitrust enforcement capability of such State;

"(3) establish such fiscal controls and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State including such funds paid by the State to any agency of such State under this section; and

"(4) provide for making reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his functions under this section, and for keeping such records and affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

"(c) The Attorney General shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section.

"(d) As soon as practicable after the date of enactment of this section the Attorney General shall, by regulation, prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this section among the States.

"(e) Payments under this section shall be made from the allotment to any State which administers a plan approved under this section. Payments to a State under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

"(f) The Comptroller General of the United States or any of his authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this section.

"(g) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any State receiving a grant under this section, finds—

"(1) that the program for which such grant was made has been so changed that it no longer complies with the provisions of this section; or

"(2) that in the operation of the program there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any program pursuant to this part which is being carried out by such State and which is not involved in the noncompliance.

"(h) As used in this section the term—

"(1) 'State' includes each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(2) 'attorney general' means the principal law enforcement officer of a State, if that officer is not the attorney general of that State; and

"(3) 'State officers and employees' includes law or economics students or instructors engaged in a clinical program under the supervision of the attorney general of a State or the Assistant Attorney General in charge of the Antitrust Division.

"(i) There are authorized to be appropriated to carry out the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979.".

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

SEC. 17. Section 402 of title I of such Act is amended by—

(a) deleting "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General";

(b) deleting "and" at the end of paragraph (7) of subsection (b); changing the period to a semicolon at the end of paragraph (8) of subsection (b) and inserting "and" thereafter; and adding the following new paragraph to that subsection:

"(9) to conduct studies and undertake programs of research, in consultation with the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, to determine the relationship between drug abuse and crime, and between alcohol abuse and crime; to evaluate the success of the various types of treatment programs in reducing crime; and to report its findings to the President, the Congress, the State planning agencies, and units of general local government."; and

(c) adding the following sentence at the end of the second paragraph of subsection (c): "The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title."; and

(c) adding at the end of such section the following new paragraph: "The Institute shall, before September 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such as mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education and Welfare, the General Accounting Office, Federal, State and local criminal justice agencies and other appropriate public and private agencies.".

SEC. 18. Part D is amended by adding the following new section:

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 19. (a) Section 453 of such Act is amended by—

(1) striking out "and" at the end of paragraph (11);

(2) striking out the period at the end of pargaraph (12) and inserting "; and" in lieu thereof; and

(3) adding at the end thereof the following:

"(13) sets forth minimally acceptable physical and service standards to construct, improve or renovate State and local correctional institutions and facilities funded under this part.".

(b) Section 454 of such Act is amended by adding at the end thereof the following: "The Administration shall, in consultation with the States, develop minimally acceptable physical and service standards for the construction, improvement and renovation of State and local correctional institutions and facilities funded under this part.".

SEC. 20. Section 455 of title I of such Act is amended by—

(a) deleting the word "or" in paragraph (a)(2) and inserting "or nonprofit organizations," after the second occurrence of the word "units," in that paragraph; and

"SEC. 408. (a) The Administration is authorized to make high crime impact and serious court congestion grants to State planning agencies, units of general local government, or combinations of such units. Such grants are to be used to provide impact funding to areas which are identified by the Administration as high crime or serious court congestion areas having a special and urgent need for Federal financial assistance. Such grants are to be used to support programs and projects which will improve the law enforcement and criminal justice system or the capability of the courts to eliminate congestion and backlog of criminal matters.

"(b) Any application for a grant under this section shall be consistent with the approved comprehensive State plan or an approved revision thereof.

(b) inserting the following at the end of subsection (a): "In the case of a grant 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 the funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

PART F—ADMINISTRATIVE PROVISIONS

SEC. 21. Section 501 of title I of such Act is amended by inserting the following sentence at the end thereof: "The Administration? shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juve-

nile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

SEC. 22. Section 507 of title I of such Act is amended to read as follows:

"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 as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

SEC. 23. Section 509 of title I of such Act is amended by deleting the language "reasonable notice and opportunity for hearing" and substituting in lieu thereof the following: "notice and opoprtunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

SEC. 24. Section 512 of title I of such Act is amended by striking the words "June 30, 1974, and the two succeeding fiscal years" and inserting in lieu thereof "June 30, 1976, through fiscal year 1981".

SEC. 25. Section 515 of title I of such Act is amended to read as follows:

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in said comprehensive plan;

"(2) assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbusement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its comprehensive plan, a financial analysis indicating the percentage of Federal funds to be allocated under the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(2) 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, institutions, or international agencies in matters relating to law enforcement and criminal justice.

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

SEC. 26. Section 517 of title I of such Act is amended by adding the following new subsection:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 303(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who, by reason of their knowledge and expertise in the areas of law enforcement and criminal justice and related fields, are well qualified to serve on the Advisory Board.".

SEC. 27. Section 519 of title I of such Act is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall submit a comprehensive report to the President and the Congress on activities pursuant to the provisions of this title during the preceding fiscal year. The report shall include—

"(a) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(b) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies;

"(c) the number of comprehensive State plans approved by the Administration without substantial changes being recommended;

"(d) the number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended;

"(e) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(f) the number of programs funded under this title discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime or improving and strengthening law enforcement and criminal justice;

"(g) the number of programs funded under this title discontinued by the State following the termination of funding under this title;

"(h) a financial analysis indicating the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system;

"(i) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs;

"(j) an analysis of the manner in which funds made available under section 306(a)(2) of this title were expended; and

"(k) a description of the Administration's compliance with the requirements of section 454 of this title.".

SEC. 28. Section 520 of title I of such Act is amended by—

(a) striking subsection (a) and inserting in lieu thereof the following:

"(a) 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 $250,000,000 for the period July 1, 1976, through September 30, 1976, $1,000,000,000 for the fiscal year ending September 30, 1977, $1,100,000,000 for the fiscal year ending September 30, 1978, $1,100,000,000 for the fiscal year ending September 30, 1979, $1,100,000,000 for the fiscal year ending September 30, 1980, and $1,100,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title, such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities or serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources. 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 purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.";

(b) striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.15 per centum of the total appropriation for the Administration.".

SEC. 29. Section 601 of title I of such Act is amended by—

(a) inserting after "Puerto Rico," in subsection (c) the words "the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands,"; and

(b) inserting at the end of the section the following new subsections:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch.

"(q) The term 'court' or 'courts' shall mean a tribunal or tribunals having criminal jurisdiction recognized as a part of the judicial branch of a State or of its local government units.

"(r) The term 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title.".

SEC. 30. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for

the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.15 per centum of the total appropriation for the Administration.".

SEC. 31. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end of the section the following new subsection:

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

SEC. 32. Section 301(c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end of the section the following: "In the case of a grant for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt commerce in such property, the Administration may increase the Federal share of the cost theerof to the extent it deems necessary."

SEC. 33. Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(a) After section 225(c)(6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred fifty thousand.".

(b) Add a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population.".

SEC. 34. (a) One year after the date of enactment of this Act, all positions in the Drug Enforcement Administration, which was established under section 4 of the Reorganization Plan Numbered 2 of 1973, as amended, to which grades GS-15 or above of the General Schedule under section 5332(a) of title 5, United States Code, apply are excepted from the competitive service.

(b) The incumbents of such positions occupy positions in the excepted service and the provisions of sections 7501 and 7512 of title 5, United States Code, shall not apply to such incumbents.

(c) Under regulations prescribed by the Civil Service Commission, any incumbent of such position may—

(1) transfer to a similar position in the competitive service in another agency if such incumbent is qualified for such position, or

(2) within one year of the date of enactment of this Act transfer to another position in the Drug Enforcement Administration to which grade GS-14 of the General Schedule under section 5332(a) of title 5, United States Code, applies.

Any individual who transfers to another position in the Drug Enforcement Administration shall be entitled to have his initial rate of pay for such position set at a step of grade GS-14 which is nearest to but not less than the rate of pay which such individual received at the time of such transfer. If the rate of pay of such individual at the time of such transfer is greater than the rate of pay for step 10 of grade GS-14, such individual shall be entitled to have his initial rate of pay for such position set at step 10 but such individual shall be entitled to receive the rate of pay he received at the time of such transfer until the rate of pay for step 10 is equal to or greater than such rate of pay.

(d) Subsection (c) of section 5108 of title 5, United States Code, is amended by:

(1) repealing paragraph (8); and

(2) substituting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS-16, 17, and 18;".

(e) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(105) Commissioner of Immigration and Naturalization, Department of Justice.

"(106) United States attorney for the Northern District of Illinois.

"(107) United States attorney for the Central District of California.

"(108) Director, Bureau of Prisons, Department of Justice.

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

(f) Section 5316 of title 5, United States Code, is amended by:

(1) repealing paragraph (44);

(2) repealing paragraph (115);

(3) repealing paragraph (116);

(4) repealing paragraph (58); and

(5) repealing paragraph (134).

SEC. 35. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.".

(During the course of the preceding vote, Mr. DOMENICI and Mr. BAKER, consecutively, assumed the chair as Presiding Officer.)

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 2212.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I wish to express my thanks to colleagues, particularly those on the subcommittee and on the Committee on the Judiciary for their cooperation and assistance in moving this bill to final enactment in the Senate.

I wish also to express my appreciation to members of the staff of the Subcommittee on Criminal Laws and Procedures, the professional staff members particularly—Paul Summitt and Mr. Dennis Thelen for their special work in the processing of this bill.

TEXT OF HOUSE OF REPRESENTATIVES

REPORT NO. 94-1155 WITH

HOUSE OF REPRESENTATIVES JUDICIARY

COMMITTEE BILL H.R. 13636

94TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 94-1155

EXTENSION OF LEAA

MAY 15, 1976.--Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

together with

ADDITIONAL, SUPPLEMENTAL, AND INDIVIDUAL VIEWS

(including cost estimate and comparisons of the Congressional Budget Office)

[To accompany H.R. 13636]

The Committee on the Judiciary, to whom was referred the bill (H.R. 13636) to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 5, line 15, insert immediately after "criminal jurisdiction within the State;" the following: the development of uniform sentencing standards for criminal cases;

Page 11, line 23, strike out "and".

Page 12, line 6, strike out the period and insert in lieu thereof "; and".

Page 12, immediately after line 6, insert the following:

> "(21) identifies the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and establishes procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176 (e)(1)) in responding to such needs.

Page 12, line 22, immediately after "(d)" insert "(1)", and page 12, immediately after line 25, insert the following new paragraph:

(2) Section 306(a)(2) is further amended by inserting immediately before the period at the end thereof the following: ", but no less than one-third of the funds made available under this paragraph shall be distributed by the Administration in its discretion for the purposes of improving the administration of criminal justice in the courts, reducing and eliminating criminal case backlog, or accelerating the processing and disposition of criminal cases".

Page 14, immediately above line 9, insert the following:

"The Institute shall, in consultation with the National Institute on Drug Abuse, make continuing studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies, and, upon request, to units of general local government.

Page 15, line 2, strike out "and (20)" and insert in lieu thereof "(20), and (21)".

Page 15, line 12, insert "construct," immediately before "improve".

Page 15, line 12, strike out "local jails" and insert in lieu thereof "State and local correctional institutions and facilities".

Page 15, line 14, insert "construction," immediately before "improvements".

Page 15, line 15, strike out "local jails" and insert in lieu thereof "State and local correctional institutions and facilities".

Page 15, line 19, insert "construction," immediately before "improvement".

Page 15, line 20, strike out "local jails" and insert in lieu thereof "State and local correctional institutions and facilities".

Page 16, strike out line 16 and all that follows down through line 18 on page 21 (section 109 of bill), and insert in lieu thereof the following:

CIVIL RIGHTS ENFORCEMENT PROCEDURES

SEC. 109. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and inserting in lieu thereof "Except as provided in section 518(c), whenver the Administration".

(b) Section 518(c) of such Act is amended to read as follows:

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

"(2)(A) Whenever there has been—

"(i) notice or constructive notice of a finding, after notice and opportunity for a hearing, by a Federal court or administrative agency, or State court or administrative agency, to the effect that there has been a pattern or practice in violation of subsection (c) (1); or

"(ii) a determination after an investigation by the Administrator that a State government or unit of general local government is not in compliance with subsection (c) (1);

the Administrator shall, within 10 days after such occurrence, notify the chief executive of the affected State, or of the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be in compliance with subsection (c) (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance.

"(B) In the event a chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief exectuive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), by the Administrator, and by the Attorney General. At least 15 days prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administrator and the Attorney General detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports the Administrator shall send a copy thereof to each such complainant.

"(C) If, at the conclusion of 90 days after notification under subparagraph (A)—

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

"(ii) a court has not granted preliminary relief pursuant to subsection (c) (3);

the Administrator shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Except as otherwise provided in this paragraph, such suspension shall be effective for a period of not more than 120 days, or, unless there has been an express finding by the Administrator, after notice and oppor-

tunity for a hearing under subparagraph (E), that the recipient is not in compliance with subsection (c)(1) not more than 30 days after the conclusion of such hearing, if any.

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

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

"(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, if that order or judgment covers all the matters raised by the Administrator in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c)(1) by such court; or

"(iii) the Administrator pursuant to subparagraph (E) finds that noncompliance has not been demonstrated.

"(E)(i) at any time after notification under subparagraph (A), but before the conclusion of the 120-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within 30 days of such request unless a court has granted preliminary relief pursuant to subsection (c)(3).

"(ii) Within 30 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in subparagraph (C), the Administrator shall make a finding of compliance or noncompliance. If the Administrator makes a finding of noncompliance, the Administrator shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c)(3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

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

"(F) Any State government or unit of general local government aggrieved by a final determination of the Administrator under subparagraph (E) may appeal such determination as provided in section 511 of this title.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of general local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necesary or appropriate to insure the full enjoyment of the rights described in this section. Where neither party within 45 days after the bringing of such action has been granted such preliminary relief with regard to the suspen-

sion or payment of funds as may be otherwise available by law, the Administrator shall suspend further payment of any funds under this title to the program or activity of that State government or unit of general local government until such time as the court orders resumption of payment, notwithstanding the pendency of administrative proceedings pursuant to subsection (c)(2).

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

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

Page 25, line 13, strike out "and".

Page 25, line 18, strike out "expenditures." and insert in lieu thereof the following:

expenditures; and

"(10) a complete and detailed description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act."

Page 27, strike out lines 4 through 8 and redesignate the succeeding subsection accordingly.

Page 28, lines 18 and 19, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978".

Page 29, lines 2 and 3, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978".

TECHNICAL AMENDMENTS

Page 6, line 2, insert a period immediately after "Act but before the close quotation mark.

Page 13, beginning in line 2, strike out "between" and all that follows down through "paragraph" in line 4 and insert in lieu thereof the following: "immediately after the sentence beginning with 'In the case of a grant under such paragraph' ".

Page 15, line 3, strike out the period immediately following "title" and insert a semicolon in lieu thereof.

Page 16, line 11, strike out "States" and insert "State" in lieu thereof.

Page 22, strike out lines 13 and 14.

Page 22, line 16, strike out "518" and insert in lieu thereof "519".

Page 22, beginning in line 17, strike out "as so redesignated by section 10(c) of this Act".

Page 27, line 2, strike out "general" where it appears after "officials of" and insert "general" immediately after "units of".

Page 28, line 4, insert a comma immediately after "Rico".

I. Purpose

H.R. 13636 would amend the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 *et seq.*), known as the Crime Control Act of 1973 (Pub. L. 93-83), to reauthorize the Law Enforcement Assistance Administration (LEAA) for one year; conduct comprehensive evaluation programs; develop initiatives for citizens to participate in fighting crime; follow stated procedures for enforcement of civil rights legislation; use its discretionary funds to attack criminal case backlog and delay; develop standards and criteria for programs to improve State and local correctional facilities; and focus attention on funding programs to reduce crime against the elderly.

II. Statement

LEAA was created in 1968 for the purpose of assisting State and local governments in their law enforcement activities to reduce crime. Congress in 1973 amended the Crime Control Act to improve and strengthen law enforcement and other components of the criminal justice system. At that time, the process by which local goverments receive their monies was streamlined and the original Act was amended to provide for enforcement of appropriate Federal civil rights legislation. This legislation extended the authority of LEAA for three years. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act which created a program emphasizing the reduction of juvenile delinquency, which is also administered by LEAA.

LEAA's present three-year authorization expires June 30, 1976. Beginning on February 19 of this year, the Subcommittee on Crime of the House Committee on the Judiciary held ten days of hearings on several bills introduced to reauthorize the agency. The Subcommittee's members heard forty-five witnesses during the course of the hearings, chosen because they represented diverse segments of the criminal justice system. Most witnesses were recipients of grants from the Law Enforcement Assistance Administration. Others were representatives from the functional components of State and local criminal justice programs—courts, corrections and police—who testified to their successes, failures and needs. Five Members of Congress testified to express their concern over LEAA actions. Each had submitted proposals in the form of bills to amend the Crime Control Act to return the Administration to its dual purpose of reducing crime and improving the criminal justice system. In addition, the Subcommittee was privileged to hear from key officials in State and local governments about their experiences with Federal funding to reduce crime.

The Omnibus Crime Control and Safe Streets Act of 1968 legislation was based on the acknowledgment that crime is essentially a local problem and the tools to combat crime exist at the local level. Federal criminal justice funding, therefore, has been administered through a block grant approach for the past 8 years. The pure block grant concept has been modified slightly in succeeding legislation. Part E, which authorized a certain category of funds to be spent on corrections programs and facilities, represents a legislative departure from a true block grant process to a type of a categorical aid program. The Juvenile Justice Act had further categorized the Act by requiring separate money and administration for juvenile delinquency.

A. BILLS CONSIDERED BY THE COMMITTEE

The Subcommittee considered the following bills in its deliberations:

H.R. 9236, the Administration's proposal to extend the agency for five years, making minor changes to its administration including a $50 million authorization for funding to areas of high crime incidence;

H.R. 8967, by Mr. Rodino at the request of the National Conference for State Court Chief Justices, which would set aside 20 percent funds for the planning and implementing of projects to benefit the Judiciary;

H.R. 7411, by Mr. Breckinridge, which would give control of the State Planning Agencies to the State legislatures;

H.R. 8011, H.R. 8540, H.R. 1274, H.R. 11791, H.R. 12464, H.R. 11194, H.R. 11851, H.R. 11852, H.R. 11951, H.R. 12366 and H.R. 13129, which would require provisions in the Omnibus Crime Control and Safe Streets Act of 1968, as amended for the prevention of crimes against the elderly;

H.R. 12362, by Ms. Holtzman, which would develop procedures for the evaluation of programs and projects as to their success and effectiveness in reducing crime. It would also provide for detailed annual reporting to Congress by LEAA and a one year authorization of the Agency. It would create a structure for mini block grants and set aside funds for reduction of crime against the elderly;

H.R. 12364, by Ms. Jordan, which would create procedures by which LEAA would enforce civil rights legislation; and

H.R. 11251, by Mr. Blanchard, which would increase funding to the States by LEAA and require speedy trial procedures to be instituted on the State level.

These bills were given thorough consideration by the Subcommittee during the hearings. They reflect various responses to major issues raised during the hearings concerning the management and policies of the Law Enforcement Assistance Administration.

B. SUBCOMMITTEE HEARINGS

The Subcommittee wished to know and understand the views of members of the criminal justice system, as well as the views of those citizens who come into contact with the system, with respect to the successes and failures of the Law Enforcement Assistance Administration.

The hearings were structured in a way that allowed for informed criticism of agency actions to be heard by the Subcommittee members prior to testimony by the Administration. To that end, the first witnesses called were representatives of the General Accounting Office (GAO), who have been evaluating the activities and policies of LEAA for the last 3 years. GAO has published 25 reports on the administration and management of LEAA. Digests of those important reports are contained in the Subcommittee record.

The Subcommittee members were privileged to hear from the Chairman of the Advisory Commission on Intergovernmental Relations (ACIR), a congressional commission established to survey and evaluate the block grant approach to Federal funding as opposed to categorical funding or a revenue sharing approach. The Commission

concluded that the block grant concept was one that should be perpetuated in the field of Federal funding to combat crime.

Another witness who could be considered critical of the agency was Sarah Carey, a Washington, D.C. attorney representing the Center for National Policy Studies, who has published several reports entitled *Law and Disorder* analyzing LEAA funding policies. Donald Santarelli, a former LEAA administrator, appeared before the Subcommittee to discuss perceived changes in Administration policy and emphasis since his departure.

The Subcommittee sought to be aware of the position of individuals who participated in the system. To that end, it heard from representatives of the functional components of the criminal justice system. The police were represented by Glen King of the International Association of Chiefs of Police. Three judges, including Justice Howell Heflin of the Supreme Court of Alabama, who represented the National Conference of State Court Chief Justices, promoted the views of the court segment. Two representatives of the corrections community also appeared.

Since crime has been considered a State and local problem, and since the State and local governments are charged with the responsibility of administering Federal funds, the Subcommittee heard testimony from a Governor, several mayors, a State legislator, county commissioners and State and local criminal justice planners who apply for and disburse Federal funds.

The academic community was represented by Dr. A. F. Brandstatter, Dr. Herman Schwendinger, Dr. Paul Takagi, and Dean John F. X. Irving. Testimony was also received from many representatives of community groups who wish to participate in crime reduction and prevention in partnership with government.

The issue of proper enforcement of civil rights laws by LEAA was raised in testimony by members of the American Civil Liberties Union and the National Urban League, accompanied by Mr. Renault Robinson and Ms. Penelope Brace, plaintiffs in lawsuits against LEAA alleging grantee violations of Federal laws prohibiting discrimination on ground of race or sex and the Administration's failure to either secure compliance or terminate funding.

Well into the hearings, Deputy Attorney General Harold Tyler, Administrator Richard Velde, and National Institute Director Gerald Caplan testified before the Members, who had by then been exposed to informative testimony from previously mentioned witnesses.

Finally, the Subcommittee was most privileged to receive testimony from 5 Members of Congress possessed of intimate knowledge spanning the eight years of LEAA's existence, of the operation of the program and the need for change. Each member introduced a bill which was considered by the Subcommittee. The Chairman of the Committee, Representative Peter W. Rodino, Jr., participated in the Subcommittee hearings on several occasions.

ISSUES CONSIDERED BY THE SUBCOMMITTEE

The Subcommittee undertook to review the LEAA authorizing legislation as well as to perform oversight of the Administration and management of the program. Several major issues deserving legislative attention arose during the course of the hearings.

1. Evaluation and Research

In 1973 Subcommittee Number 5 of the Committee on the Judiciary initiated legislation that would require the National Institute of Law Enforcement and Criminal Justice to evaluate programs being funded on the basis of objectively-determined standards. The State plans themselves were required to provide assurance that the programs and projects funded under the Act would maintain data and information necessary to allow the Institute to perform meaningful evaluation. The evaluation effort was intended to assist LEAA and Congress in determining whether Federally funded projects had helped to prevent or reduce crime or improve the criminal justice system.

The General Accounting Office made two reports to Congress on the effect of the 1973 legislation recommending evaluation. The reports were entitled, "Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime," March 19, 1974, and "Progress on Determining Approaches which Work in the Criminal Justice System," October 21, 1974.

The Subcommittee, in its hearings, explored two areas of concern arising out of LEAA's attempts to evaluate their programs. The first was the lack of objective standards and criteria by which some indication of success or failure of similar projects could be determined. The second was the failure of the National Institute of Law Enforcement and Criminal Justice to tie together the outcome of its research into successful projects to the funding policies of the agency. Several times the Subcommittee members were told of highly successful projects which had been identified by the Institute, but in no case was there any knowledge as to whether these projects had been replicated elsewhere. The issues then discussed were: whether the Law Enforcement Assistance Administration should begin to establish standards and criteria that would apply when Federal monies are used for certain projects, and whether the Institute should be instructed to identify projects which have demonstrated success and further disseminate information on those projects to State Planning Agencies.

H.R. 13636 would authorize the development of state uniform evaluation programs, with guidance from the National Institute, on standards and criteria for determining success or failure of individual projects or programs. The Institute would receive these evaluations, determine which projects have been successful and then disseminate that information to the States. This would encourage funding types of programs which had been determined to be successful through past experience.

2. *Failure to Reduce Crime*

Most often raised during the Subcommittee hearings was the issue of whether this Nation is any closer now, after eight years, to knowing what causes crime and what can be done to reduce it. The entire spectrum of Federal efforts to reduce crime was examined. Since there is a dual congressional mandate to reduce crime and to improve the criminal justice system, and since there has been some progress in coordinating and improving law enforcement, the Subcommittee sought to determine what effect LEAA has had on crime reduction in the United States. A renewed concern arose in the committee for the citizens who live in constant fear of crime against their persons or their

dwelling places. In several places in H.R. 13636, the intent of reducing and preventing crime and juvenile delinquency has been reaffirmed.

3. *Community Participation*

One of the most important issues persued by the Subcommittee was the need for community participation in preventing crime. In 1973 and 1974, P.L. 93-83 was amended to provide that LEAA may make grants from its 15 percent discretionary funds to private nonprofit organizations. In addition, citizens and community groups became requisite members of supervisory panels of State Planning Agencies. Funding authority exists in the Act in Sec. 301(b) which would authorize community patrol activities and neighborhood participation in crime prevention to be areas open to Federal funding with approval of the local government or local law enforcement and criminal justice agencies. Even so, it was stated in the hearings that LEAA did not wholeheartedly accept the spirit and letter of the law and actively promulgate community incentives. This was due in part to a change of administration in the Agency. The former LEAA administration created a national priority program of citizen's initiative which now has been abandoned. In one case, LEAA went to a State and initiated a partnership with local community groups to prevent crime, raised expectations and then held back on promised funds. The issue of whether Federal attention should focus on citizen participation in reducing crime, and how, was a prominent one in the Subcommittee's deliberations.

There are four sections in H.R. 13636 which address this problem. The first creates a program of Community Anti-Crime Assistance within LEAA. The bill then assures participation of community organizations and citizens at all levels of the planning process. This encompasses such entities as civil rights groups, poverty groups, church organizations, welfare rights organizations and individuals who speak for underrepresented segments of the community. Since professional law enforcement personnel are already well represented this gives nonprofessional concerned citizens a strong voice. The planning units must make an active effort to recruit such representatives. The Act has been amended to allow block grant funding of such organizations by the State Planning Agencies with notification to, rather than approval of, the local government or local law enforcement agency. Finally H.R. 13636 authorizes $15,000,000, to be administered through LEAA's discretionary grant fund for the purposes of encouraging neighborhood participation in crime prevention. The types of programs which could be funded under these sections include, but are not limited to: escort service for the elderly; guides on home protection; youth diversion projects; child protective services; neighborhood watch programs; court watchers' programs; block mothers; police neighborhood councils; youth advisors to courts; clergymen in juvenile courts programs; volunteer probation aide programs; advisory councils in community based corrections; and volunteers in gang control.

4. *Enforcement of Civil Rights Legislation*

In 1973, the Congress adopted subsection 518(c) of title I of the Omnibus Crime Control and Safe Streets Act authored by Representative Barbara Jordan, a member of the Committee. It provides a

broad prohibition against the use of LEAA funds for a discriminatory purpose or effect. The amendments provide ample authority for LEAA to initiate civil rights compliance investigations, make findings, seek voluntary compliance, temporarily suspend payments, hold administrative hearings, order corrective actions and permanently terminate payments. The response of LEAA to the 1973 civil rights amendments has been less than minimal. In December, 1975, two years and four months after the enactment of the 1973 amendments, LEAA published in the Federal Register proposed regulations to implement the 1973 amendments.

LEAA has never terminated payment of funds to any recipient because of a civil rights violation. Despite positive findings of discrimination by courts and administrative agencies, LEAA has continued to fund violators of the Act.

The Subcommittee members were assisted by Miss Jordan and guided by the testimony of a plaintiff in a civil rights discrimination lawsuit against LEAA in devising a legislative remedy to LEAA's inaction. The Committee adopted an amendment in the nature of a substitute proposed by Miss Jordan for the language in H.R. 13636 as reported by the Subcommittee. The concept of providing procedures for enforcement of civil rights legislation remained identical, but the substitute contained several technical changes. The procedures require that recipients of LEAA funds be prohibited from excluding from participation in, denying benefits of, or denying employment on the basis of race, color, national origin, sex, religion or creed in any program funded by LEAA.

5. Further Categorization of the Omnibus Crime Control and Safe Streets Act

As mentioned in a previous section, since 1971 the Act has been amended to set aside a certain percentage or amount of money from the Part C block grants funds to be used in specialized activities, corrections and juvenile justice. There exists in the Act also Sec. 301(d), which limits to one-third the amount of State block grant money which can be spent on salaries of criminal justice and law enforcement personnel. It was suggested in testimony that Congress reverse the trend of categorizing the block grant and give State and local governments maximum flexibility within the block grant framework to determine the appropriate mix of stimulative system building programs to provide Safe Streets assistance. The policy behind decategorization is to give recipients actual flexibility in arriving at an appropriate functional and jurisdictional funding balance and in adapting Federal aid to their own needs.

On the other side, an influential group of State court chief justices appealed to Congress to legislatively assist the underfunded court segment of the system by assigning it a categorical funding percentage. The need for maintaining the independence of the judiciary was an area of concern to the Subcommittee in its deliberations concerning the need for increased court funding. The Subcommittee weighed very carefully the need for swift, sure and fair disposition of cases and the need for more resources to be provided to the Nation's state court systems, with the objectives of the block grant funding processes. It was recognized also that the court system is composed not only of

members of the judiciary, but also of prosecutorial agents, defenders and in some cases probation and family counseling departments. The Subcommittee and the Committee resisted attempts to categorize the program by rejecting proposals which create a separate Part F funding category, either for State courts or for high impact anti-crime programs.

6. Impact Cities

LEAA has twice attempted national scale projects to bring about improvements in city and county programs to reduce crime by direct financing. The Pilot Cities Program was begun in 1970, with a projected cost of $30 million. Eight cities—Albuquerque, Charlotte, Dayton, Des Moines, Norfolk, Omaha, Rochester, and Santa Clara County—were chosen as test locations of how to use new, innovative ideas to fight crime which could later be applied nationally. The program was to operate for five years. As a result of inadequate program development and financial planning and critical findings in a GAO report entitled, "The Pilot Cities Program; Phaseout Needed Due To Limited National Benefit," February 3, 1975, the program was discontinued.

In January of 1972, the High Impact Anti-Crime Program was inaugurated by LEAA after three months of preparatory planning. Again, eight cities with a high incidence of crime were chosen to be the recipients of a total of $160 million in LEAA discretionary funds over a two-year period. The cities were: Atlanta, Baltimore, Cleveland, Dallas, Denver, Portland, Newark and St. Louis. The goals of the program were to reduce the incidence of five specific crimes by 5 percent in two years and 20 percent in five years and to improve criminal justice capabilities by demonstration of a comprehensive crime oriented planning, implementation and evaluation process. Under the sponsorship of the National Institute, the MITRE Corporation conducted a two-year examination of the Impact Cities Program. The MITRE evaluation showed that some of the same problems of administration and management existed during the Impact Cities Program as were existent in Pilot Cities. The MITRE report was released at the same time the Subcommittee hearings were proceeding.[1]

The Administration requested in its proposed bill to amend the Crime Control Act by adding a $50 million program which would come from the total LEAA appropriation to provide funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities.[2]

Recognizing the need for increased attention to crime in the cities, the Subcommittee had to decide whether the proposed program would be managed in a way that showed understanding of the results of the previous Pilot Cities and Impact Cities Programs. H.R. 13636 as reported to the Committee did not contain an allocation of $50 million or $100 million for high crime areas. Relying on testimony from representatives of the U.S. Conference of Mayors and National League of Cities, the Subcommittee found that the methods used in the Impact Cities Program were not necessarily the appropriate way to reduce crime. Instead, such a program would create a new bureaucracy, loaded

[1] MITRE Corporation, *High Impact Anti Crime Program, National Level Evaluation*, January, 1976.
[2] H.R. 9236.

with red tape, requiring that each unit of local government that wanted to participate write two comprehensive plans. More importantly, the $50 million or $100 million would have been subtracted from the general pot of money going to all localities and would then be used for only a few. Because the 1977 appropriations level is only $600 million, the sum to be allocated to high crime areas would have been ¼ or ⅛ of all the Part C monies available this fiscal year. The Committee reached the same conclusion by rejecting amendments which would create a category of funding for some type of high impact anti-crime program.

7. Legislative Input into the Planning Process

The State legislatures play an important role in the funding of Federal criminal justice projects in the States by appropriating matching and "buy-in" funds and making decisions about State assumption of the cost of Federal projects. Even though the legislatures set up the State Planning Agency in twenty States, the program still is viewed as a governor's program because the SPA is an executive agency in all States. In addition, the funds for which the SPAs plan comprise only 5 percent of the dollars available in the State for the operation of criminal justice programs. In many States the legislature has no real say in planning and policy decisions for Federal criminal justice funds, yet it is expected routinely to fund programs submitted by the governor and the SPA. Lack of legislative involvement makes it difficult to mesh LEAA money with other State criminal justice outlays. On the other hand, the need for swift reliable Federal funding was recognized in 1973 when the Committee presented procedures for streamlining the funding process. Congress has to be sure not to upset this structure which provides funding for local projects efficiently. The Subcommittee was faced with the issue of how to incorporate into the Act a mandate for State legislative input into the planning process. Testimony was presented which showed cases where SPA-planned criminal justice projects which were in direct conflict with State statutes or projects found in a bill previously defeated in the legislature, were approved and funded anyway. In light of numerous legal interpretations of the Crime Control Act by LEAA's Office of the General Counsel, which held that State legislative attempts to determine State priorities destroy the comprehensiveness of the plan, the Committee had to act to clarify this issue. H.R. 13636 adds a new section to the Act which would allow State legislatures an advisory review of State comprehensive plans emanating from the State Planning Agencies.

8. The Law Enforcement Education Program

The Law Enforcement Education Program (LEEP) is authorized in Section 406 of the Act. The House Appropriations Committee is responsible for appropriating funds for that program. In January, 1976, the President, in his Executive Budget Message, requested elimination of the program. Although the Subcommittee on Crime has general authorization, jurisdiction and legislative and oversight responsibility for the quality of this program, it does not have jurisdiction over the specific funding of the program itself. Questions about the quality of the educational institutions which have arisen since the inception of the LEEP program were pursued vigorously in the hearings. It was found that there are schools such as the School of Criminal Justice at Michigan State University, which was founded in

1936, that provided excellent curricula or criminal justice students. Too, there are schools of dubious quality and distinction with uneven curricula and unaccredited teaching staffs which have a large enrollment of LEEP recipients. The Subcommittee considered the issue of whether LEAA should establish guidelines and criteria to determine the quality of the educational programs it subsidizes prior to funding.

9. Concern For Crime Against the Elderly

The Subcommittee considered three bills sponsored by over a hundreds Members of Congress to focus funding on programs which prevent, reduce or treat crimes against the elderly. The Members received testimony that stated: According to the most recent National Crime Panel Survey Report issued for the year 1973, the victimization rate for crime against persons aged 65 and over is 31.6 per thousand for the country as a whole. This means that, out of 22.4 million senior citizens in the United States, almost 700,000 are victimized each year. Approximately 50 percent of all crimes against the aged go unreported because of the senior citizen's fear or inability to contact the proper authorities. In two places in H.R. 13636, funding and planning authority is mandated in projects to prevent and treat crime against the elderly.

10. Development of Standards and Criteria for Construction Renovation and Improvement of State and Local Correctional Facilities

The Subcommittee heard testimony and received a report from the General Accounting Office which questioned whether LEAA funds should be spent to improve local jails that remain inadequate even after Federal funds are spent.[3] They requested that Congress indicate the extent to which the block grant concept allows LEAA and the States to adopt agreed-upon minimum and national standards when using Federal funds for certain types of projects. The Subcommittee bill would require LEAA and the States to develop minimally acceptable physical and service standards for improvement and renovation of local jails. Each application for funding under Part E which would make such improvements would also have to incorporate a plan with those standards before receiving Federal funds. The Committee reinforced and extended these requirements by making them applicable to the construction, improvement and revovation of "State and local correctional facilites." As a result, for the first time legislation exists which directs LEAA to develop agreed—upon minimum standards that would apply when Federal monies are used for certain types of projects. This would help insure that Federal funds are used to continually improve the criminal justice system. Two GAO reports [4] recommended that the appropriate legislative committees take these steps.

11. Length of Authorization and Level of Funding

The Subcommittee hearings focused on the future of the Federal funding effort to reduce crime. In the past eight years, LEAA has provided to State and local governments, throughout its block grant

[3] "Conditions in Local Jails Remain Inadequate Despite Federal Funding for Improvements," GGD-76-86, April 5, 1976.
[4] *Id.* "Difficulties of Assessing Results of LEAA Projects to Reduce Crime," B-171019, March 19, 1974.

funding process, more than $4 billion in Federal funds. This money has supported more than 80,000 criminal justice projects. The Subcommittee looked very carefully into the activities of the Law Enforcement Assistance Administration in preventing and reducing criminal activity.

Major difficulties were found in the operation and management of the LEAA program. The Committee has found no evidence that the program has helped to reduce crime or isolated specific programs that reveal why the crime rate increases and provide guidance on what to do to reduce it. LEAA was found deficient in its evaluation and monitoring of projects. Several major changes are evidenced in H.R. 13636. There is a requirement for a comprehensive evaluation component to the program. The bill requires a detailed annual report to Congress. The Committee has instituted a new program of community crime prevention. In the Committee's view, extending this program for one year gives notice to LEAA that it is on trial status. Congress recognized the problem of crime is so great that the Federal Government must continue to assist the states in dealing with it. LEAA in this year must prove it can effectively address that problem. H.R. 13636 sets out new program goals for LEAA to meet in the next year, and it will then be evaluated in terms of those goals.

The program is extended for one year at a $880,000,000 level of funding. In addition $220,000,000 is authorized for the transitional quarter. This is the present appropriations level for LEAA.

12. Coordination of and Research into Drug Abuse Programs

The Committee received reports that the United States is experiencing a new epidemic of drug abuse and will probably experience a significant increase in drug related crime. In the White Paper on Drug Abuse prepared by the Domestic Council and in the President's recent message to Congress, it was estimated that the direct cost of drug abuse to the nation ranges between $10 billion and $17 billion a year and law enforcement officials have estimated that up to 50% of all robberies, muggings, burglaries and other property crimes are committed by addicts to support their expensive habits. There is still some argument as to the precise nature of the relationship between drug abuse and crime and a vacuum of hard data on the nature of that relationship. At the present time, there is only sporadic coordination between the State Planning Agencies which fund drug abuse programs and the Single State agencies which plan for treatment and facilities for drug abusers. The State Planning Agencies have not been reporting to Congress on the results of their programs and standards and regulations surrounding them. To remedy these problems, the Committee adopted three amendments which would authorize the Institute to do research into the relationship between crime and drug abuse, require coordination between Single State Agencies and State Planning Agencies and require reporting to Congress on the effects of their programs.

D. TITLE II

Clause II of Rule XXI states that "(n)o appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law".

The Department of Justice was created by Act of Congress in 1870. Under Rule X, legislative jurisdiction of nearly all activities within the Department reposes within this Committee. The Department, however, is not required to come before the Committee, nor indeed before the larger Congress for authorization of appropriations.

The Act of 1870 creating the Department, and subsequent creation of subdivisions within the Department and authorization of certain activities of the Department are treated in themselves as the requisite authorization of appropriations.

Title II of H.R. 13636 provides that no sums shall be deemed to be authorized to be appropriated for the Department of Justice for any fiscal year beginning after October 1, 1978. That is, beginning with fiscal year 1979, the Department of Justice will require authorizing legislation from the Congress in order to qualify for the appropriating process.

The Committee believes that it cannot adequately or responsibly discharge its oversight responsibilities without enacting the provisions of Title II. The constitutional trauma of recent years convinces us that our citizens require a responsible and vigilant oversight by the Congress if confidence is to be maintained in the institutions of federal government. No component of the Federal system is more sensitive to abuse and more fundamental to our liberties than the administration of justice. The Department of Justice, of course, is at the heart of that process.

A thorough and orderly authorization scrutiny of Justice Department functions and activities will better serve the interests of the Congress and, more importantly, the American people. The Committee realizes, of course, that it may be that not every last activity within the Department is within Judiciary Committee jurisdiction. Certain isolated functions may be within the legislative jurisdiction of other standing Committees, and no effort is contemplated that would in any manner interfere with or affect the legislative jurisdiction and prerogatives of any other standing Committee.

Indeed, because of even the possibility of these very narrow and isolated areas of potential conflict, and in order to carefully plan for the appropriate discharge of its added responsibilities, the Committee unanimously adopted an amendment postponing the effective date of Title II from fiscal 1978 to fiscal 1979. But in passing the Title, the Committee is solidly committed to achieving that kind of oversight contemplated by every one of the recently enacted Legislative Reorganization Acts, and to effecting that vigilance expected by the American people.

III. Conclusion

It is almost nine years since the President's Commission on Law Enforcement and the Administration of Justice reported that a significant reduction of crime would be possible if society would prevent crime before it happens by strengthening law enforcement, reducing criminal opportunities, developing a far broader range of techniques with which to deal with offenders and removing existing injustices in the system. The Crime Commission called for more operational and basic research into the problems of crime as well as the infusion of Federal money to police, courts and correctional agencies

to improve their ability to control crime. In response to the Crime Commission's report, Congress created LEAA. Since then Congress has twice extended its authority. Once again, Congress is called upon to reauthorize the agency. The Subcommittee ascertained in its hearings that improvements have indeed come about in the criminal justice system. Unfortunately, there has not been a corresponding reduction of crime. The Crime Control Act has been found to be basically sound in concept but not always in execution. To remedy that, the Committee reports this bill to the House and in doing so quotes Mr. Victor Lowe, Director of the Government Division of the General Accounting Office, who was the first witness at the Subcommittee hearings:

* * * * * * *

> What are most people concerned about when they think of the LEAA program? While we have not conducted a poll, we would guess their primary concern, right or wrong, is whether the effort has reduced crime. Since the crime rate has increased, they assume the program has failed. Any such conclusion, however, must be tempered by several points: The Congress never clearly stated that the goal of the program was primarily to reduce crime. Total expenditures for the LEAA program between fiscal years 1969 and 1975 represented only about 5 percent of all moneys spent for State and local criminal justice efforts. Thirty-three of the fifty-five State criminal justice planning agencies established by the LEAA legislation in 1968 acknowledged that they still had not been given authority by their States in 1975 to plan for the allocation of all monies within the State going to criminal justice activities. They only planned for the use of LEAA funds. Thus, it is unreasonable to say the LEAA program has failed because the crime rate has increased. But is it unreasonable for people to question whether government, in general, has failed because the crime rate continues to increase? We think not. One of the primary concerns of most people, according to a recent Gallup poll, was crime and its increase. We do not believe either the Congress or the Executive branch can ignore that concern in determining whether to extend the LEAA program in its present form. Recognizing that the money provided by LEAA's efforts was not sufficient to directly affect the crime rate, we believe the more appropriate way to assess the worth of the program is to ask: Are we any closer now, after eight years of the LEAA program, to knowing why the crime rate increases, and what to do to reduce it? We believe the answer is no.

IV. Committee Approval

In compliance with clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives, the Committee states that on May 12, 1976, a quorum being present, the Committee favorably reported H.R. 13636, with amendments, by a rollcall vote of 29 ayes, 1 noe.

V. Oversight Statement

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Crime, established under clause 2(b)(1) of rule X of the House Rules and rule VI(f) of the Rules of Procedure of the Committee on the Judiciary, made pursuant to its oversight responsibility over activities of the Federal Government related to the Prevention of Crime and its jurisdiction over appropriate Federal Laws, as codified in chapter 46 of title 42, United States Code. Pursuant to its responsibilities under clause 2(m)(17) of the House Rules, the Committee has determined that legislation should be enacted as set forth in H.R. 13636, as amended.

VI. Cost of This Legislation

A. COMMITTEE ESTIMATE

In compliance with clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the Committee estimates that, if enacted, H.R. 13636, as amended, would result in an additional cost to the Government of $220,000,000 for the transitional quarter beginning July 1, 1976, and ending September 30, 1976, and $895,000,000 for the fiscal year ending September 30, 1977, in accordance with the specific authorization levels set forth in Section 110(a) of the bill.

B. ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, as timely submitted prior to the filing of this report, is set forth below.

1. Purpose of Bill

This bill authorizes $895 million in FY 1977 for the Law Enforcement Assistance Administration (LEAA). Of this total, $15 million is specified for grants for community crime prevention efforts. In addition, this proposed legislation does the following: establishes an Office of Community Anti-Crime Programs, develops procedures to facilitate greater participation in LEAA decision-making by state legislatures, judicial appointees, and private citizens. Finallly, emphasis is placed upon improvement of criminal justice administration.

2. Cost Estimate

[In millions of dollars; fiscal years]

	1977	1978	1979	1980	1981
Authorization level	895				
Costs	188	421	277	9	

3. Basis of Estimate

The LEAA has several different program components, each with a different spend-out rate—planning grants, matching grants to states

and local governments to strengthen law enforcement, technical assistance efforts, and special training programs, among others. Except for the crime prevention programs ($15 million), this legislation does not specify the authorizations for the various programs. Consequently, this analysis adopts the same program allocation as specified in the President's budget. The spend-out rates are based upon recent historical experience with this program.

VII. Oversight Findings and Recommendations of the Committee on Government Operations

In compliance with clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee states that no findings nor recommendation of the Committee on Government Operations were submitted to the Committee in a timely fashion to allow an opportunity to consider such findings and recommendations during its deliberations on H.R. 13636, as amended.

VIII. Inflationary Impact Statement

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee states that the enactment into law of H.R. 13636, as amended, will have no inflationary impact on prices and costs in the operation of the economy.

IX. Section-by-Section Analysis of H.R. 13636 as Amended

TITLE I—LAW ENFORCEMENT ASSISTANCE

Section 101—Augmented Authority of the Attorney General

This section amends Section 101(a) of existing law by placing the Law Enforcement Assistance Administration under the general authority, policy direction and general control of the Attorney General of the United States. In the present Act, the Administration exists only under the general authority of the Attorney General. This would allow the Attorney General to assure the development of policies and priorities of the Administration in a way that he has not heretofore done.

Section 102—Community Anti-Crime Assistance Programs

Section 102 is one of four sections in the Act which addresses the issue of neghborhood participation in crime reduction programs. [*See* analyses of Sections 105, 106 and 110.] This section amends existing law to create an Office of Community Anti-Crime Programs under the Deputy Administrator for Policy Development. The Office would provide technical assistance to community organizations to enable them to apply for grants from LEAA for programs to reduce and prevent crime. The grants would be made from the sums authorized to be administered through the LEAA discretionary fund for this purpose. Community groups would receive assistance from the administration in developing applications for programs to their state planning agencies.

The LEAA Office of Community Anti-Crime Programs would act in a coordinated capacity with those Federal agencies which already

have authority to assist in community programs to prevent crime. Mentioned in the bill is the Community Relations Division of the Department of Justice, but that is not to be considered exclusive. ACTION has developed volunteer programs through VISTA which should be studied, and other grant agencies such as the Department of eHalth, Education, and Welfare (HEW), have developed juvenile delinquency programs and anti-dropout programs. Care should be taken not to duplicate already existing programs as well as to replicate projects proven successful in other geographical areas. Dissemination of data on successful programs to citizens and community groups is an additional responsibility of the Office.

In addition, this bill amends Section 301(b)(7) of the present law to allow citizen groups when applying for block grants to the State Planning Agencies (SPA's) to do so with notification to, rather than approval of, the local government office. This would remove the possibility of politically-determined decisions on such programs.

Two further sections create the funding for this program. The bill authorizes $15,000,000 to be administered through the discretionary fund of LEAA for the purposes of neighborhood participation in crime prevention as enumerated in Section 301(b)(7) of the Act, as amended by the bill.

Finally, the bill assures the participation of citizens and community organizations in all levels of the planning process by requiring in Section 203 of the Act that LEAA take steps to achieve representation of citizen groups, church, organizations, poverty groups, civil rights groups and others on supervisory councils and regional planning boards.

Section 103—State Legislatures

Section 103 amends Part B of the Act by adding at the end a new section 206 dealing with legislative input into the planning process. The purpose of the amendment is to allow the State legislatures, which plan for and allocate 95 percent of their statewide criminal justice expenditures, to have a review capability over the plans for the other 5 percent which comprises Federal funds. If a legislature so requests, it may review and advise upon the comprehensive State plan for LEAA funds developed by the State planning agency prior to the submission of the plan to LEAA. If the legislature were not in session, or under any other circumstances, it could designate an interim body to perform the review. The review would be of the general goals, priorities and policies of the plan. It would consider whether any of the proposed projects would conflict with State statutes or previous legislative acts. If the plan has not been reviewed within 45 days after receipt, it would be deemed reviewed anyway. This section does not give approval or disapproval power to State legislatures over the plans. It should do more to bring the executive State planning agency into general comprehensive statewide planning for criminal justice expenditures. It would also deter the office of the general counsel in LEAA from issuing opinions which limit legislatures' action in this area.

Section 104—Judicial Participation in the Planning Agency and Consolidation of Regional Planning Units

This section amends Section 203(a) of existing law by inserting a new sentence which requires that not less than two of the members of

each State Planning Agency supervisory board shall be appointed from a list of nominees supplied by the courts. The court of last resort, as defined in Section 113(d) of the bill, would provide the list. This would assure representation on the State Planning Agency of members of the functional component of the criminal justice system which has been found to be underfunded in the past. The 1975 study by the Special Study Team on LEAA Support of the State Courts found that, in States which had active judicial participation in the planning process, generally a larger share of action funds were awarded to courts.

The second part of Section 104 would allow and encourage State Planning Agencies which establish regional planning units (RPU) to use, to the maximum extent possible, the boundaries and organization of existing general purpose regional planning bodies. This language is included to relieve problems found by ACIR in its study of the effectiveness of regional criminal justice planning units. Integration of criminal justice planning with other Federally supported planning efforts would enhance functional coordination, bolster the credibility of the plan, improve the utilization of professional planning staff and increase monitoring and evaluation efforts.

This change would encourage States which have not already done so to link their regional planning units to generalist-oriented multifunctional planning bodies such as councils of governments. Crime reduction is related to many other concerns—environment, health, economic development, and transportation—that also have regional significance. Additionally, because of the limited amount of Part B planning funds available under the Act, many RPUs are inadequately staffed and would benefit by being part of the local councils of governments.

Section 105—Citizen and Community Participation

[*See* discussion, *Section 102*]

Section 106—Amendments to Part C

Amendments to Section 301

Section 301 presently provides to LEAA a funding authority for specified types of programs and projects.

H.R. 13636 would add the words "reduce and prevent crime and to" to Section 301(a) to reinforce the congressional mandate.

This section would repeal Section 301(b)(6) of the existing law which allows for the training of law enforcement personnel to control riots and other violent civil disorders. This section arose under the original 1968 Act which passed in Congress in the wake of Dr. Martin Luther King, Jr.'s death and the ensuing riots. The language is harsh and does not reflect the present intent of the Committee. Any training of law enforcement personnel, such as bomb school, which is legitimate may still take place under the authority of Section 301(b)(2).

This bill amends Section 301(b)(7) to allow for greater flexibility in the funding of citizens and community groups. [*See* discussion, Section 102.]

Subparagraph (10) of H.R. 13636 would create an additional funding authority for the development of programs to improve the avail-

ability and quality of justice in the courts. This section refers specifically to strengthening the criminal court system in all of its clauses but one. The clause which authorizes collection and compilation of judicial data and other information on the work of the courts and its agencies necessarily considers that assignment and calendaring of criminal cases is sometimes dependent upon civil cases, and data concerning civil case backlog may be useful in creating a court management system.

Subparagraph (11) would encourage funding of programs and projects designed to prevent crime against the elderly. Programs to assist the elderly are referred to again in amendments to Section 303.

Amendments to Section 303

Section 303 develops the rules for State planning agency application to LEAA for funding and sets out the standards for comprehensiveness in State plans.

Several technical amendments have been made to Section 303. Section 303(a) is amended by removing those sentences which allude to substantive definitions of "comprehensiveness" and replacing those sentences in the enumerated sections below in Section 303(b).

A new Section 303(b) is created, beginning with the words "no State plan shall be approved as comprehensive unless the administrator finds that the plan. . . ." Following this new subsection are 20 enumerated paragraphs. The first two are from Section 303(a). The third refers to programs which pay special attention to crime against the elderly. The fourth simply transposes the original definition of "comprehensiveness" from Section 601 of existing law to Section 303, where it clearly belongs. All further changes to Section 303 are for renumbering, except for the addition of paragraphs (20) and (21).

Paragraph (20) requires State plans to provide for the development of impact evaluation procedures. Procedures would be directed toward the evaluation of each program or project in terms of (1) whether it achieves the specific purpose for which it was intended; (2) whether its achievements are consistent with the goals of the State plan; and (3) what impact it has on reducing crime and strengthening law enforcement and criminal justice.

The section also requires the implementation of such procedures "to the maximum extent feasible." This envisions that procedures will be developed in the course of the year, based upon the past experience with evaluation and upon feedback from the Institute. [See explanation of Section 402 amendments *infra.*] Projects getting underway during the year should have an evaluation component built in, or at a minimum, be structured (in terms of standards, purposes, and reporting requirements) so as to allow evaluation. Existing projects should be evaluated as evaluation procedures are tested and refined. Thus, feasibility, refers primarily to the readiness of evaluation procedures, rather than the availability of funds, although massive expenditures on the evaluation of old programs are not contemplated.

Paragraph (21) would impose an additional requirement in order for a State plan to be considered "comprehensive" under Part C (Block grants for Law Enforcement Purposes) and Part E (Grants for Correctional Institutions and Facilities). Specifically, the amendment would require State Planning Agencies to coordinate their efforts in developing programs to respond to the special needs of drug-dependent persons who came into contact with the criminal justice

system. The amendment is therefore designed to mandate procedures calling for joint efforts by the SPAs and SSAs in identifying the treatment needs of drug and alcohol abusers.

Existing subsections (b) and (c) would be repealed as a technical amendment.

New subsection (c) also pertains to evaluation. Section 303(a)(4) requires that States pass through to localities the percentage of the State's Part C funds that corresponds to the percentage of total law enforcement expenditures in the State which are made by localities. Thus, if 60 percent of the funds spent on law enforcement in the State are spent by localities (rather than the State government), 60 percent of Part C funds must go to localities.

The proposed section allows a State to exempt up to 10 percent of its Part C funds from the passthrough requirement if the funds are used in a statewide evaluation program. In other words, if, at present, local governments get 60 percent and the State governments get 40 percent, under the exemption, local governments would get 54 percent, and the State government would get 36 percent plus 10 percent for evaluation.

Uniform, statewide evaluation is preferable on the grounds of (1) development of expertise, (2) comparability of results, and (3) establishment of a reliable evaluating mechanism. While the bill does not mandate that type of evaluation program, it should at least not prevent it. The proposed provision removes what is an effective bar to statewide evaluation programs.

Amendments to Section 306(a)

Section 306(a) presently directs the division of appropriated sums as follows: 85 percent for grants to the States; and 15 percent to LEAA discretionary grants.

Subsection (d)(1) of the bill would amend Section 306(2) to include in those funds available for discretionary distribution by LEAA any funds authorized for the purposes of community participation in crime reduction. This ties into Section 110(a) of the bill, which authorizes $15,000,000 for this purpose for fiscal year 1977.

Subsection (d)(2) of the bill would amend Section 306(a)(2) of existing law to require that no less than one-third of discretionary funds be used for improving the administration of criminal justice in the courts. This would assure that the court component of the criminal justice system, including prosecutorial and defender services, would receive funds to reduce criminal case backlog and accelerate the processing and disposition of criminal cases.

Section 306(a) is further amended to allow the Administration, rather than the States, to bring suit against Indian tribes if they contravene grant provisions. This would remove an obstacle existent in some states which prevents grants to Indian tribes.

Section 106(f) of the bill amends Part C of existing law by repealing Section 307. The present section was included to provide special emphasis to prevention and control of organized crime and riots and civil disorders and since the section carries no substantive weight, it is funding. Since Congress' interest is no longer focused on riots and civil disorders and since the section carrier no substantive weight, it is repealed.

This section includes one technical amendment.

Section 107—Amendments to Part D

The first subsection adds the words "reducing and preventing crime" to Section 401 to once again affirm congressional intent.

Subsection (b) amends Section 402(c) to require the Institute to make evaluations and receive and review results of evaluations from the States. This ties in with the amendments to Section 303 of existing law encouraging statewide uniform evaluation procedures. It makes clear the responsibility of the Institute to receive evaluations from the States of all LEAA programs and projects; moreover, it allows the Institute to perform itself any additional evaluations of State or nationwide programs which it deems advisable.

The new sentence added at the end of the second paragraph of subsection (c) gives the Institute the responsibility for establishing uniform standards for performing and reporting evaluations. While the States are mandated to develop procedures for evaluation, evaluations must be performed according to professional standards and reported in a manner which allows comparison of results. The Institute, as the professional research arm of LEAA, is responsible for assuring that this is done.

Under this section, the Institute would propose standards for evaluation and reporting. The States would develop their procedures in accordance with these standards. The section provides for continuous consultation between the Institute and the States so that the standards can be revised and refined as experience dictates.

The new paragraph added to Section 402 gives the Institute the responsibility for identifying successful projects and directed the LEAA administrator to circulate lists of such projects. The Institute is the logical party for identifying successes since it will be receiving evaluations.

It is expected that the results of these evaluations would be considered when decisions are made about future projects to be funded.

Section 402(c) is amended further by adding a sentence requiring the National Institute of Law Enforcement and Criminal Justice in conjunction with the National Institute of Drug Abuse (NIDA) to conduct studies to determine the relationship between drug abuse and street crime and to analyze the success of the various drug treatment programs (i.e. methadone maintenance, drug free, residential community-based) in reducing crime.

Section 402(b)(3) of existing law was amended by subsection 107 (c) of the bill to strike the words "and to evaluate the success of correctional procedures." This paragraph of section 402(b) of the Act is the one which authorizes the Institute to carry out programs of behavioral research into the causes of crime. The research would cover all components of the criminal justice system. The reason for the deletion was to redirect the Institute toward pure research into the root, social and economic causes of crime. Instead of earmarking particular funds to the Institute for this purpose, this section was chosen to be the vehicle of promulgating congressional intent to have the Institute spend more time in research and less time in developing technological improvements for law enforcement. Although on its face it seems negative, it would not exclude studies on the success of correctional procedures but would include them in the general research agenda.

Section 108—Amendments to Part E, Which Allocates Categorical Funds to Corrections

Section 108 amends Sections 453 and 454 of the existing Act with one technical amendment [108(a)] and two substantive amendments [108 (b) and (e)].

Section 453(13) and 454 would be amended in light of the recommendations of GAO's recent report. The law would require that LEAA consult with the States to set up minimally acceptable standards for State and local correctional facilities. No funding for improvement or renovation of such facilities will ensue unless the project is in keeping with the standards.

Section 108(d) of the bill would include in the types of programs to be funded by LEAA discretionary funds under Part E, "private nonprofit organizations." This would make Part E consistent with Part C.

Subsection (e) of the bill would allow grants to be made to Indian tribes with an increased Federal share of the matching funds if a tribe under consideration does not have sufficient funds to provide the match.

Section 109—Civil Rights Enforcement Procedures

The Committee bill substitutes a new subsection for subsection (c) of Section 518 in the current law. The purpose of the new subsection is to provide a mandatory procedure which the Administration must follow in the event a recipient of LEAA funds is determined to have used those funds for a discriminatory purpose.

Current law prohibits recipients of LEAA funds from discriminating on the basis of race, color, national origin or sex. The Committee has broadened that provision so as to also prohibit discrimination on the basis of religion and creed. Other major civil rights provisions currently prohibit discrimination on the basis of religion. Specifically, Title II of the Civil Rights Act of 1964 prohibits discrimination on the basis of religion in places of public accommodation. Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of religion in employment, and Title VIII of the Civil Rights Act of 1968 prohibits discrimination on the basis of religion in housing. It is the intent of the Committee that the term "religion" be interpreted in accordance with the above-referenced statutes.

If there has been a finding by a Federal or State court, or a Federal or State administrative agency, that LEAA funds have been used in a discriminatory manner; or a determination as the result of LEAA's own investigation that LEAA funds have been used in a discriminatory manner, then the Administrator of LEAA must send notice of the finding or determination of noncompliance to the Governor (if the State is the violator) or the Governor and the chief executive officer of the city or county (if a locality is the violator).

The Committee wants to especially note that when it requires that a triggering court or agency finding be a "pattern or practice" finding, it is merely precluding an isolated instance of discrimination practiced against a single individual from triggering an LEAA noncompliance notice. Anything beyond a single or isolated instance involving a single individual is intended to trigger such LEAA noncompliance notice. It is not intended that only class action findings will trigger such notices.

The Committee bill requires the Administration to send out appropriate noncompliance notices after any Federal or State court has found that a recipient has engaged in a pattern or practice of prohibited discrimination. The bill also requires that such notices be sent after any Federal or State agency makes a finding of pattern or practice discrimination, if it has provided the respondent with notice and opportunity for a hearing. The bill specifically requires that such noncompliance notices are to be sent by the Administration within 10 days after it receives notice of such findings or within 10 days after there has been publication of the finding.

Essentially, the Committee bill will require the Administration to honor the discrimination findings of State and Federal courts and State and Federal agencies by then beginning its own enforcement process with the sending out of noncompliance notices to recipients found by others to have discriminated. The bill will require that LEAA monitor publications which publish such findings of courts and agencies and, within 10 days of publication of a nondiscrimination finding, the LEAA noncompliance notice must be issued. Alternatively, LEAA must issue such a notice within 10 days after it receives valid notification, by any means, of a Federal or State court or agency finding.

The Committee intends that the Agency determination should be one which is made after a thorough investigation, conducted either on the basis of a complaint or as part of a compliance review. This determination is to be made after an investigation, but before any formal administrative hearing is conducted. Under current procedures used by LEAA, the Director of the Office of Civil Rights Compliance makes a determination of compliance or noncompliance after a field investigation, after the recipient has been informed of the charges, and after the recipient has been given an opportunity to submit documentary information regarding the allegation of discrimination. The Committee expects this procedure to remain in effect.

The noncompliance notice based on an LEAA investigation must be sent within 10 days after noncompliance has been determined. Then ensues a period of 90 days in which nothing happens to the flow of funds. It is a 90-day grace period in which the recipient is given an opportunity to come into compliance. If, at the end of 90 days after notification, voluntary compliance has not been secured, the payment of LEAA funds to the recipient is temporarily suspended. Suspension may be limted to the specific program or activity found to have discriminated, rather than all of the recipients' LEAA funds.

For example, if discriminatory employment practices in a city's police department were cited in the notification, LEAA may only suspend that part of the city's payments which fund the police department. LEAA may not suspend the city's LEAA funds which are used in the city courts, prisons, or juvenile justice agencies.

At any time after notification, the recipient may request an administrative hearing, which the Administrator must initiate within 30 days. Suspension may also be triggered by the filing of a law suit by the Attorney General in which he alleges a discriminatory use of LEAA funds; and if, after 45 days after the filing of the suit, the court has not awarded preliminary relief enjoining suspension pend-

ing the outcome of the litigation. Suspension is limited to 120 days. However, if an administrative hearing is still in process, suspension can last no longer than 30 days after the completion of the hearing.

Payment of the suspended funds resume if: After a hearing, the recipient is found to be in compliance; the recipient voluntarily comes into compliance; or the recipient complies with a court order.

If, after funds have been suspended for 120 days and no hearing has been requested, the Administrator must make a finding of compliance or noncompliance based upon the record before him or her. If, after funds have been suspended for 120 days, compliance is not secured or a hearing has not absolved the recipient, LEAA funds must be terminated. Terminated funds can never be recaptured at a later date: But, if the program comes into compliance at a later date, new payments may begin. In private civil actions, the court may, in its discretion, grant to a prevailing plaintiff reasonable attorney fees. Under the present Act, both Federal and State courts have recognized the right of citizens to bring civil actions against the United States or recipient government to remedy violations of the statutes. The right of action is continued under the bill.

Section 110—Extension of the Program and Authorization of Appropriations

H.R. 13636 reauthorizes the Agency for fifteen months, the authorization to end on September 30, 1977. The level of funding is authorized to be $220,000,000 for the transition quarter and $880,000,000 for the following fiscal year. $15,000,000 are authorized for the purposes of grants under Section 301(b)(7).

Section 111—Reporting to Congress Annually

This is the section which requires LEAA to submit an annual report to Congress. The new Section 519 explains in detail the information requested by Congress to be presented in the final report. This section is consistent with a one-year authorization period and will assist Congress in performing its oversight functions in the upcoming year.

Section 112—Regulations Requirement

The bill would amend Section 521 of the Act to require LEAA to develop reasonable and specific time limits in relation to the new civil rights procedures and independent audits.

Section 113—Definitions Amendments

Section 601(m) has been deleted from this part and its language has been transferred to Section 303(b).

A new definition has been included as subsection (o) of Section 601 for "local elected officials." The reasons for this is that a key feature of the block grant instrument is the enhancement of the power position of elected chief executives and legislators and top administrative generalists *vis-a-vis* functional specialists. For example, the Safe Streets Act calls for the creation of intergovernmental, multi-functional supervisory boards at the State and, where used, regional levels. In the 1973 amendments to the Act, Congress affirmed this position by requiring that a majority of the members of regional planning unit (RPU) boards be local elected officials. However, some confusion has arisen over who qualifies as a "local elected official." In some States, sheriffs are considered in this category. This imprecision leads to

inconsistent representational policies and effectively thwarts the objective of Congress in mandating such representation. For example, approximately one-third of the regional and local officials responding to an ACIR survey indicated that the 1973 requirement had produced no effect on RPU supervisory board decision-making. The Act specifies that "local elected official" refers to chief executives and legislators—not elected law enforcement or criminal justice functionaries.

New subsection (g) defines "court of last resort."

Section 114—Trust Territory of the Pacific

This section makes clear that the trust territory of the Pacific, the Mariana Islands, is eligible for grants under the Act.

Section 115—Conforming Amendment to the Juvenile Justice Act

This section makes technical changes necessary to sections in the Juvenile Justice Act corresponding to those in the Omnibus Crime Control and Safe Streets Act.

TITLE II. DEPARTMENT OF JUSTICE AUTHORIZATION

Title II of H.R. 13636 would not allow any sums to be appropriated for any fiscal year beginning on or after October 1, 1978, to the Department of Justice, except as specifically authorized by act of Congress with respect to such fiscal year. This would bring the Department of Justice under the authorizing jurisdiction of Congress.

X. Departmental Views

STATEMENT OF HON. HAROLD R. TYLER, JR., DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE BEFORE THE SUBCOMMITTEE ON CRIME, MARCH 4, 1976

Mr. Chairman, I wish to thank you and the members of the Committee for the opportunity to testify on reauthorization for the Law Enforcement Assistance Administration.

In his message on crime, the President spoke of three ways in which the Federal government can play an important role in law enforcement. It can provide leadership to State and local governments by enacting laws which serve as models for other jurisdictions and by improving the Federal criminal justice system. In addition, it can enact and vigorously enforce laws covering criminal conduct that cannot be adequately handled by local jurisdictions. Finally, it can provide financial assistance and technical guidance to State and local governments in their efforts to improve their law enforcement systems. LEAA is the means by which the Federal government performs this last and important function.

As you know, when LEAA was established by the Omnibus Crime Control and Safe Streets Act of 1968, it was the first Federal program to rely primarily on block grants to States rather than on categorical grants for specific purposes to smaller units of government. In establishing the LEAA program, Congress recognized the essential role of the States in our Federal system. The Act reflects the view that, since crime is primarily a local problem and criminal justice needs vary widely, a State is generally in a better position than the Federal government to determine its own criminal justice needs and priorities.

Under the LEAA block grants, States have spent their grant funds according to their perceived needs. Under the basic block grant approach embodied in Part C of the Act, however, LEAA is intended to be much more than a mere conduit for Federal funds. Although, as you know, basic block grant funds are allocated annually to each State on the basis of population, each State is required to consider certain factors and develop an approved State plan before becoming eligible to receive funds. These factors are set forth in Sections 301 through 304 of the Act. Thus, the LEAA program encourages each state, in cooperation with the units of local government, to engage in a comprehensive analysis of the problems faced by the law enforcement and criminal justice system in that State. In reviewing the State plans, LEAA is responsible for ensuring that LEAA funds are expended for the purposes intended by the Act, while leaving to the States the responsibiilty for designating the projects which will receive funds.

The LEAA funding program does not consist exclusively of block grants. LEAA also makes categorical grants for corrections programs and law enforcement education and training. In fiscal year 1975, $113 million, or approximately 14 per cent of the LEAA budget, was allocated to categorical grants for correctional institutions and facilities, and $40 million, or approximately 4.6 per cent of the LEAA budget, was allocated to the law enforcement education and training categorical grant program. These programs have provided needed visibility and emphasis in these special areas.

In addition, LEAA conducts a discretionary grant program designed to "advance national priorities, draw attention to programs not emphasized in State plans, and provide special impetus for reform and experimentation within the total law enforcement improvement structure created by the Act."

One obvious and lasting contribution of the discretionary grant program is the work of the National Advisory Commission on Criminal Justice Standards and Goals. This Commission, funded by LEAA, has issued a series of reports with numerous specific suggestions for improvement of law enforcement and the criminal justice system. In response to the Commission's work, Congress has required that each State establish its own standards and goals for the expenditure of LEAA block grant funds. Since 1973, LEAA has provided over $16 million in discretionary funds to 45 states to assist them in the development of these standards and goals, which are already reflected in the State comprehensive plans now being submitted to LEAA.

The discretionary grant program also permits funding of demonstration programs designed to test the effectiveness of promising approaches to difficult problems. An important current example is the Career Criminal Program. In recent years, there has been a growing appreciation of the amount of crime committed by repeat offenders, often while they await disposition of outstanding charges against them. Last year, President Ford asked the Department of Justice to develop and implement a program to deal with career criminals, with the objectives of providing quick identification of persons who repeatedly commit serious offenses, according priority to their prosecution by the most experienced prosecutors, and assuring that, if convicted, they receive appropriate sentences to prevent them from in-

mediately returning to society to victimize the community once again. LEAA discretionary grants are now financing such programs in eleven cities. If they prove successful, it is expected that they will be institutionalized in those communities, with the State and local governments assuming the cost, and widely imitated elsewhere.

Complementing the discretionary grant program is the National Institute of Law Enforcement and Criminal Justice. As the research arm of LEAA, the Institute presently serves to encourage and evaluate new programs and to promote the nationwide implementaion of those which are successful. Its current activities include projects concerning crime prevention through environmental design, the reduction of sentencing disparity, the efficacy of police patrols, and the evaluation of the impact of federal assistance on the national criminal justice system.

In essence, we believe that the present balance between discretionary and block grants provides for appropriate Federal initiative in the law enforcement area, while preserving a sizable block grant program that is responsive to State and local priorities. LEAA's current structure provides support for the continuum of services needed for an effective enforcement program. These include basic and applied research to identify new approaches to solving problems, discretionary grants to demonstrate these programs in selected areas, and block grants to implement them, and other programs, on a nationwide basis. The success of each of these is interdependent.

H.R. 9236 embodies several clarifications and refinements that we believe would improve the efficacy of the LEAA program. First of all, H.R. 9236 proposes that the Act be clarified by expressly stating that LEAA is under the policy direction of the Attorney General. The Act now provides that LEAA is within the Department of Justice, under the "general authority" of the Attorney General. In accordance with this language, the Attorney General is deemed ultimately responsible for LEAA. To make this responsibility meaningful, the Attorney General must concern himself with policy direction. Under the proposed language change, responsibility for the day-to-day operations of LEAA and particular decisions on specific grants will remain with the Administrator, as they are now. The proposed additional language will make clear what is now assumed to be the case. Close cooperation between the Department and LEAA should not only enhance the activities of LEAA, but increase its helpfulness to the Department as well. As part of the effort to promote this, H.R. 9236 also proposes that the Director of the Institute be appointed by the Attorney General.

In our view, the LEAA program could also be strengthened by establishment of an expert advisory board as suggested by H.R. 9236. It is envisioned that the board, appointed by the Attorney General, would review priorities and programs for discretionary grant and Institute funding, but would not be authorized to review and approve individual grant applications. The discretionary funds awarded in fiscal year 1975 were at the level of $183 million. I believe it will be useful to have an advisory board take an overview of the discretionary grant program as it proceeds, so that the Administrator and his staff will have the benefit of both criticism and encouragement from informed persons outside the Federal system. The views of the Board would not be binding, but I am sure they would be helpful.

H.R. 9236 also aims at further clarification of the Act's intention to improve the law enforcement and criminal justice system as a whole, including State and local court systems. As the President noted in his message on crime, "Too often, the courts, the prosecutors, and the public defenders are overlooked in the allocation of criminal justice resources. If we are to be at all effective in fighting crime, State and local court systems, including prosecution and defense, must be expanded and enhanced." We continue to be committed to the belief that the block grant approach affords the best means of addressing this problem, which varies in dimension from State to State. In order to emphasize the importance of improving State and local court systems, however, H.R. 9236 proposes that a provision be added in order to explicitly identify improvement of court systems as a purpose of the block grant program. While the proposed provision would not require the States to allocate a specific share of block grant funds for court reform, it would provide a clear basis for rejecting plans that do not take this interest into account.

Several LEAA studies suggest that many State and local court systems do not have a capability to plan for future needs. Thus, they have been handicapped in participating in the comprehensive state planning process, which is the key feature of the LEAA program. H.R. 9236 would make clear that block grants can and should be used to enhance court planning capabilities. In addition, $1 million of fiscal year 1975 discretionary funds have been earmarked for this purpose. Together, these efforts should increase the capacity of court systems to compete for block grant funds.

The court system should also benefit from the proposal in H.R. 9236 authorizing the Institute to engage in research related to civil justice, as well as criminal justice. In many respects, civil and criminal justice are integrally related. In the context of court systems, for example, the civil and criminal calendars often compete and conflict. Judges and juries frequently hear both criminal and civil cases, and the same management systems may apply to all cases. In addition, measures affecting Federal courts invariably have effects on State and local courts. Thus, it is proposed that the Institute retain its emphasis on State and local law enforcement and criminal justice, but be permitted to fund appropriate civil justice and Federal criminal justice projects as well. Accordingly, it is proposed that the Institute be renamed the "National Institute of Law and Justice."

H.R. 9236 also proposes providing increased resources for areas with high crime rates through the discretionary grant program. As the President noted in his crime message, "In many areas of the country, especially in the most crowded parts of the inner cities, fear has caused people to rearrange their daily lives." For them, there is no "domestic tranquility."

This condition poses a difficult dilemma for the Federal government. Although substantial LEAA funds constitute a relatively small portion of the annual criminal justice expenditures in this country, representing only 6 percent of the national total. The Federal government could not afford to underwrite a nationwide war on crime through the block grant system. Indeed, as the concept of LEAA affirms, it would be inappropriate for the Federal government to attempt to do so. Nevertheless, there is an immediate, human need for more to be done.

We believe that this need can most appropriately be addressed by increasing LEAA discretionary grants for demonstration programs in areas with the highest incidence of crime and law enforcement activity—typically urban centers.

H.R. 9236 also includes several significant provisions regarding prevention of juvenile delinquency. One would authorize the use of LEAA discretionary funds for the purpose of the Juvenile Justice and Delinquency Act of 1974. A complementary provision would eliminate the related maintenance of effort requirements of the Crime Control Act and of the Juvenile Justice Act.

Authorizing use of LEAA discretionary funds to implement the Juvenile Justice Act would integrate this program with the other activities administered by LEAA. If LEAA is given this authority, the need for the maintenance of effort provisions, which are inconsistent with the philosophy of the block grant approach, would significantly diminish. The States would be free to determine their own juvenile justice needs, while LEAA would be free to finance innovative programs or compensate for perceived misallocations of resources at the State level. The suggested changes do not, of course, reflect any weakening in our resolve to tackle the important problem of the juvenile offender. It is a most important problem.

I will be pleased to respond to any questions you may have on H.R. 9236 and on the general issue of reauthorization for LEAA.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

* * * * * * *

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority, *policy direction, and general control* 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 two Deputy Administrators 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. One Deputy Administrator shall be designated the Deputy Administrator for Policy Development. The second Deputy Administrator shall be designated the Deputy Administrator for Administration.

(c) There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the "Office"). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

(3) provide information on successful programs of citizen and community participation to citizen and community groups.

* * * * * * *

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 within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention. *Not less than two of the members of such State planning agency shall be appointed from a list of nominees submitted by the chief justice or chief judge of the court of last resort of the State to the chief executive of the State, such list to contain at least six nominees. State planning agencies which choose to establish regional planning units shall utilize, to the maximum extent practicable, the boundaries and organization of existing general purpose regional planning bodies within the State.* The regional planning units within the State shall be comprised of a majority of local elected officials.

(b) The State 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[.] *; and*

(4) assure the participation of citizens and community organizations at all levels of the planning process.

SEC. 206. At the request of the State legislature while in session or a body designated to act while the legislature is not in session, the comprehensive statewide plan, or any revisions or modifications thereof, shall be submitted to the legislature for an advisory review prior to its submission to the Administration by the chief executive of the State. In this review the general goals, priorities, and policies that compromise the basis of that plan, or any reviews or modifications thereof, including possible conflicts with State statutes or prior legis-

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lative Acts shall be considered. If the legislature or the interim body has not reviewed the plan, or revision or modifications thereof within forty-five days after receipt, such plan, or revisions or modifications thereof, shall then be deemed reviewed.

* * * * * * *

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 *reduce and prevent crime and 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) * * *

* * * * * * *

[(6) The organization, education, and training of regular law enforcement and criminal justice 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)](*6*) 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] *notification to* the local government or local law enforcement and criminal justice agency.

[(8)](*7*) 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)](*8*) 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 post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervison of potential repeat youthful offenders.

[(10)](*9*) The establishment of interstate metropolitan regional planning units to prepare and coordinate plans of State and local governments and agencies concerned with regional planning for metropolitan areas.

(10) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; the development of uniform sentencing standards for criminal cases; training of judges, court administrators, and support personnel of courts having criminal jurisdiction; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; and equipping of court facilities.

(11) The development and operation of programs and projects designed to prevent crime against the elderly person.

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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. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act. [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. No State plan shall be approved as comprehensive, unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice. 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 les than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceeding 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 approximately balanced allocation of funds between the State and the units of general local government in the State and among such units;

[(4) provide for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

[(5) 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 descriptions 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 enforcement and criminal justice, plans and systems;

[(6) 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;

[(7) provide for research and development;

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

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

[(10) 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;

[(11) 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;

[(12) 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;

[(13) 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;

[(14) provide funding incentive 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; and

[(15) provide for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of such application or part thereof to the State planning agency at a later date.

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 criminal justice and in conformity with the State plan.]

(b) No State plan shall be aproved as comprehensive unless the Administrator finds that the plan—

(1) includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice;

(2) provides for 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;

(3) provides for attention to the special problems of prevention and treatment of crime against the elderly;

(4) is a total and integrated analysis of the problems regarding the law enforcement and criminal justice system throughout the State, establishes goals, priorities, and standards, and addresses methods, organization, and operation performance, and the physical and human resources necessary to accomplish crime prevention, the identification, detection, and apprehension of suspects and offenders, and institutional and noninstitutional rehabilitative measures;

(5) provides for the administration of such grants by the State planning agency;

(6) provides 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;

(7) adequately takes 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;

(8) provides for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

(9) incorporates innovations and advanced techniques and contains 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 descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational system 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 the other relevant State or local law enforcement and criminal justice plans and systems;

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

(11) provides for research and development;

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

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

(14) demonstrates 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;

(15) sets 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;

(16) provides 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;

(17) provides 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;

(18) provides 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;

(19) provides for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disdisapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is

not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of any such application or part thereof to the State planning agency at a later date;

(20) provides for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice; and

(21) identifies the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and establishes procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176(e)(1)) in responding to such needs.

Any portion of the per centum to be made available pursuant to paragraph 6 of this subsection in any State in any fiscal year not required for the purposes set forth in such paragraph 6 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 criminal justice and in conformity with the State plan.

(c) The requirement of subsection (b)(6) shall not apply to funds used in the development or implementation of a statewide program of evaluation, in accordance with an approved State plan, but the exemption from said requirement shall extend to no more than 10 per centum of the funds allocated to a State under section 306(a)(1).

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SEC. 306. (a) the funds appropriated each fiscal year to make grants under this part shall be allocated by the Administrations 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, *plus any additional amounts that may be authorized to provide funding for the purposes of section 301(b)(7)*, 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 organi-

zations, according to the criteria and on the terms and conditions the Administration determines consistent with this title, *but no less than one-third of the funds made available under this paragraph shall be distributed by the Administration in its discretion for the purposes of improving the administration of criminal justice in the courts, reducing and eliminating criminal case backlog, or accelerating the processing and disposition of criminal cases.*

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. *Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and pursue such legal remedies as are necessary.* The limitations on the expenditure of portions of grants for the compensation of peronnel 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 or 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.

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

SEC. [308] *307*. 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 purpose 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)] *303* 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.

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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 *reducing and preventing crime by* 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 assist in the development and support of 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];

* * * * * * *

(c) The Institute shall serve as a national and international clearinghouse for the exchange of 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] *to make evaluations and to receive and review the results of evaluations of the* 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, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate information about such criteria and procedures to State planning agencies.*

The Institute shall, before the end of the fiscal year ending June 30, 1976, survey existing and future personnel needs of the Nation in the field of law enforcement and criminal justice and the adequacy of Federal, State and local programs to meet such needs. Such survey shall specifically determine the effectiveness and sufficiency of the training and academic assistance programs carried out under this title and relate such programs to actual manpower and training requirements in the law enforcement and criminal justice field. In carrying out the provisions of this section, the Director of the Institute shall consult with and make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, Federal, State and local criminal justice agencies and other appropriate public and private agencies. The Administration shall thereafter, within a reasonable time develop and issue guidelines, based upon the need priorities established by the survey, pursuant to which project grants for training and academic assistance programs shall be made.

The Institute shall, in consultation with the National Institute on Drug Abuse, make continuing studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies and, upon request, to uits of general local government.

The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them 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), and shall describe 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. 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) * * *

* * * * * * *

(10) complies with the same requirements established for comprehensive State plans under paragraphs [(1), (3), (5), (6), (8), (9), (10), (11), (12), (13), (14), and (15) of section 303(a)] *(5), (7), (9), (10), (12), (14), (15), (16), (17), (18), (19), (20), and (21) of section 303(b)* of this title;

(11) provides for accurate and complete monitoring of the progress and improvement of the correctional system. Such monitoring shall include rate of prisoner rehabilitation and rates of recidivism in comparison with previous performance of the State or local correctional systems and current performance of other State and local prison systems not included in this program; [and]

(12) provides that State and local governments shall submit such annual reports as the Administrator may require[.]; *and*

(13) sets forth minimally acceptable physical and service standards agreed upon by the Administration and the State to construct, improve or renovate State and local correctional institutions and facilities. A plan incorporating such standards shall ren be a condition for acquiring Federal funds for construction, improvements and renovations of State and local correctional institutions and facilities.

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. *The Administration shall, in consultation with the States, develop minimally acceptable physical and service standards for the construction, improvement and renovation of State and local correctional institutions and facilities.*

In addition, the Administration shall issue guidelines for drug treatment programs in State and local prisons and for those to which persons on parole are assigned. The Administrator shall coordinate or assure coordination of the development of such guidelines with the Special Action Office For Drug Abuse Prevention.

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, *or private nonprofit organizations*, 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.

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PART F—ADMINISTRATIVE PROVISIONS

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SEC. 507. (*a*) 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.

(*b*) *In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.*

* * * * * * *

SEC. 509. [Whenever] *Except as provided in section 518(c), 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. 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 two succeeding fiscal years.]

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) 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.

[(c) (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 (c)(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 a reasonable time 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 concurrently with such exercise—

[(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. 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.]

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

(2)(A) Whenever there has been—

(i) notice or constructive notice of a finding, after notice and opportunity for a hearing, by a Federal court or administrative agency, or State court or administrative agency, to the effect that there has been a pattern or practice in violation of subsection (c)(1); or

(ii) a determination after an investigation by the Administrator that a State government or unit of general local government is not in compliance with subsection (c)(1);

the Administrator shall, within 10 days after such occurrence, notify the chief executive of the affected State, or of the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be in compliance with subsection (c)(1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance.

(B) In the event a chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), by the Administrator, and by the Attorney General. At least 15 days prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to each complainant, if any, with respect to such

violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administrator and the Attorney General detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports the Administrator shall send a copy thereof to each complainant.

(C) If, at the conclusion of 90 days after notification under subparagraph (A)—

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

(ii) a court has not granted preliminary relief pursuant to subsection (c) (3);

the Administrator shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Except as otherwise provided in this paragraph, such suspension shall be effective for a period of not more than 120 days, or, unless there has been an express finding by the Administrator, after notice and opportunity for a hearing under subparagraph (E), that the recipient is not in compliance with subsection (c) (1) not more than 30 days after the conclusion of such hearing, if any.

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

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

(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, if that order or judgment covers all the matters raised by the Administrator in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c) (1) by such court; or

(iii) the Administrator pursuant to subparagraph (E) finds that noncompliance has not been demonstrated.

(E) (i) At any time after notification under subparagraph (A), but before the conclusion of the 120-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within 30 days of such request unless a court has granted preliminary relief pursuant to subsection (c) (3).

(ii) Within 30 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in subparagraph (C), the Administrator shall make a finding of compliance or noncompliance. If the Administrator makes a finding of noncompliance, the Administrator shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c) (3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

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

(F) Any State government or unit of general local government aggrieved by a final determination of the Administrator under subparagraph (E) may appeal such determination as provided in section 511 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of general local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriated United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section. Where neither party within 45 days after the bringing of such action has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Administrator shall suspend further payment of any funds under this title to the program or activity of that State government or unit of general local government until such time as the court orders resumption of payment, notwithstanding the pendency of administrative proceedings pursuant to subsection (c)(2).

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

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

[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. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including:

(A) the amounts expended for each of the components of the criminal justice system,

(B) the methods and procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

(C) the descriptions and number of programs and projects, and the amounts expended therefore, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

(D) the descriptions and number of programs and projects, and amounts expended therefore, which seek to replicate pro-

grams and projects which have demonstrated success in furthering the purposes of this title,

(E) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have achieved the specific purposes for which they were intended and the specific standards and goals set for them,

(F) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have failed to achieve the specific purposes for which they were intended or the specific standards and goals set for them, and

(G) the descriptions and number of program areas and related projects, and the amounts expended therefor, about which adequate information does not exist to determine their success in achieving the purposes for which they were intended or their impact upon law enforcement and criminal justice;

(2) a detailed explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

(3) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

(4) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

(5) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

(6) the number of programs and projects with respect to which a discontinuation, suspension, or termination of payments occurred under section 509, or 518(c), together with the reasons for such discontinuation, suspension, or termination;

(7) the number of programs and projects funded under this title which were subsequently discontinued by the States folowing the termination of funding under this title;

(8) a detailed explanation of the measures taken by the Administration to audit, monitor, and evaluate criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime;

(9) a detailed explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities, and criteria upon which the Administration based such expenditures; and

(10) a complete and detailed description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act.

SEC. 520.(a) [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, $1,000,000,000 for the fiscal year ending June 30, 1975, and $1,250,000,000 for the fiscal year ending June 30, 1976.] *There are authorized to be appropriated for the purposes of carrying*

out this title not to exceed $22,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, and not to exceed $880,000,000 for the fiscal year ending September 30, 1977. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977, for the purposes of grants for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(7) of this title. 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) * * *

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(d) Within one hundred and twenty days after the enactment of this subsection, the Administration shall promulgate regulations establishing—

(1) reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of this title; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and

(2) reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this title for compliance with the provisions of this title.

[(d)](e) 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.

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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 of Puerto Rico, *the Trust Territory of*

the Pacific Islands. and any territory or possession of the United States.

* * * * * * *

[(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 noninstitutional rehabilitative measurs.]

[(n)](*m*) The term "treatment" includes but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

[(o)](*n*) "Criminal history information" includes records and related data, contained in an automated criminal justice informational system, compiled by law enforcement agencies for purposes of identifying criminal offenders and alleged offenders and maintaining as to such persons summaries of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation and release.

(o) The term "local elected officials" means chief executive and legislative officials of units of general local government.

(p) The term "court of last resort" means that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. The term "court" means a tribunal recognized as a part of the judicial branch of a State or of its local government units having jurisdiction of matters which absorb resources which could otherwise be devoted to criminal matters.

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SECTION 23 OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes consistent with the provisions of [section 303(a)(1), (3), (5), (6), (8), (10),

(11), (12), and (15)] *paragraphs (5), (7), (9), (10), (12), (15), (16), (19), and (20) of section 303(b)* of title I of the Omnibus Crime Control and Safe Street Act of 1968. In accordance with regulations established under this title, such plan must—

(1) * * *

* * * * * * *

designate the State planning agency established by the State under section 203 of such title I as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State planning agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, and (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66⅔ per centum of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewidse basis;

(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local

government's part of the State plan, to that agency within the local government's structure (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, whether expended directly by the State or by the local government or through contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional treatment, or rehabilitative service;

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, and any other designated community-based diagnostic, treatment, or rehabilitative service:

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureau and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

(D) comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(q) of the Public Health Service Act (42 U.S.C. 201(q)));

(E) Educational programs or supportive services designed to keep delinquents and to encourage other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs;

(H) provides for a statewide program through the use of probation subsidies, other subsidies, other financial incentives disincentives to units of local government, or other effective means, that may include but are not limited to programs designed to—

(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

(iii) discourage the use of secure incarceration and detention;

(11) provide for the development of an adequate research, training, and evaluation capacity within the State;

(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;

(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator;

(15) provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

(16) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(17) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(18) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(19) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant), to the extent feasible and practical, the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(20) provide that the State planning agency will from time to time, but not less often then annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(21) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act.

(b) The State planning agency designated pursuant to section 223(a), after consultation with the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

(d) In the event that any State fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224.

(e) In the event the plan does not meet the requirements of this section due to oversight or neglect, rather than explicit and conscious decision, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to public and private agencies in that State for special emphasis prevention and treatment programs as defined in section 224.

SUPPLEMENTAL VIEWS OF ELIZABETH HOLTZMAN AND ROBERT McCLORY

While H.R. 13636, as reported, contains a number of substantial and extremely important improvements over the present LEAA program, we regret that it does not assure adequate Federal aid to areas plagued by violent crime.

Crimes such as murder, rape, robbery, aggravated assault and burglary are the greatest direct threat to most Americans. We believe LEAA should be required to make a substantial effort to combat these crimes in the areas where they are most prevalent.[1] The Administration shares this view, as we believe, does most of the public. It is, therefore, unfortunate that the Committee did not accept the amendments we offered to fund such an effort.

We will continue to work for a major attack on violent crime in high crime areas when H.R. 13636 comes to the House floor. The program we will recommend will build on the successes of LEAA's High Impact Anticrime Program (despite the statements of some, evaluation of this program has shown some achievements against violent crime in cities), and avoid its failures. Thus, under our amendment, applicants for funds will have to state specific objectives for their projects, show how these objectives can be achieved, and demonstrate their ability to administer projects efficiently. Funds will be awarded on the basis of the incidence of violent crime within the particular city, county or combination of jurisdictions, and upon the quality of the proposed projects. Rigorous evaluation and supervision should increase effectiveness and reduce waste.

With sufficient funding, improved planning, and careful implementation, the program we propose should make major progress against the fear and reality of violent crime in America.

ELIZABETH HOLTZMAN.
ROBERT MCCLORY.

[1] Cities with more than 250,000 population, for example, have a rate for violent crime that is 22 percent higher than the national average, twice as high as smaller cities, and four times as high as rural areas.

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ADDITIONAL VIEWS OF HON. ROBERT McCLORY, HON. HAMILTON FISH, JR., HON. TOM RAILSBACK, HON. CHARLES E. WIGGINS, HON. WILLIAM S. COHEN, HON. M. CALDWELL BUTLER, AND HON. EDWARD W. PATTISON

Although some of us have reservations about parts of this bill, as a general matter we support it in its substance as an appropriate revision of the enabling legislation creating the Law Enforcement Assistance Administration. However, we are seriously concerned with one aspect of the Committee bill: its fifteen-month period of authorization. Our concern is based, first, on the fact that a short-term authorization will seriously interfere with the proper functioning of LEAA programs both in Washington, and in the States and localities. Second, we are concerned that the short-term authorization will make impossible the proper implementation of the new responsibilities vested in LEAA by this bill. Third, we believe that the justifications for the short-term authorization are unrealistic and that they ignore the legislative realities of the next twelve months.

INTERFERENCE WITH EXISTING PROGRAMS

First, a short-termed authorization is unwise because it interrupts long-term criminal justice and crime prevention planning and funding by State and local recipients of LEAA funds. Somehow the Committee misperceives the LEAA as a large Washington bureaucracy which controls the entire planning and funding process. In fact, the LEAA is a block grant program administered primarily by State and local units of government. Thus, any interference with the program is, in reality, an interference with State and local officials who control and dispense the bulk of LEAA funds.

By limiting the period of authorization, the Committee bill would inject an overwhelming sense of insecurity into the State and local planning process. State and local criminal justice officials, unsure of continuing fundings, would be reluctant to undertake long-range projects. Local LEAA planners would be unwilling to hire personnel to implement programs. Indeed, because of the possibility of decreased funding or program termination, qualified personnel would be discouraged from applying for available jobs. Further, there would be an unwillingness on the part of localities to raise matching funds for programs which might be drastically changed or terminated.

The most immediate effect would be on planning and implementation of existing LEAA programs. One example should suffice: In the last few years, a comprehensive program in the area of corrections has been developed. The objective of the corrections program is to develop and utilize hypotheses concerning techniques, methods, and programs for more effective correctional systems and improved

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capabilities of corrections, with special attention to offender rehabilitation and diversion of drug abuse offenders. Developing and demonstrating innovative, system-oriented programs and monitoring and evaluating the outcome of such efforts requires substantial time, effort, and funding commitments. Fifteen months is an unrealistic period to accomplish such objectives.

Not only would the short-term authorization interfere with reasoned planning and implementation of existing long-term projects, it would also encourage States and localities to continue funding the types of projects which have been criticized during the Subcommittee hearings and the Committee debates. The constant refrain of criticism has been that LEAA projects are shortsighted, short-term programs concentrating on the law enforcement systems improvements rather than in-depth research and innovation. It has been contended that LEAA and the State planners have not concentrated sufficiently on projects determined at identifying and eliminating the causes of crime. Severe criticism has been imposed on the entire LEAA system for excessive purchases of "hardware". In varying degrees we share these concerns. Nevertheless, rather than responsibly dealing with the problem of short-term projects, the Committee chooses to reinforce this trend by including short-term authorization, the effect of which would be to continue such projects.

Clearly a fifteen month authorization would only serve to diminish the returns from investments already made and narrow the scope of continuation of these investments.

DEROGATION OF NEW RESPONSIBILITIES

Our second concern with a short-term authorization is that it will interfere with the implementation of the new responsibilities imposed by this bill on LEAA and the State and local governments. The most important new responsibility involves the evaluation of the impact of LEAA funded programs. Evaluation of projects is a complex task. The "science" of evaluation is a newly emerging social science discipline, and the goals and methods of evaluation are still unclear. Evaluation of projects is expensive, and it is time-consuming. Indeed, there are very few experienced "criminal justice evaluators" because no such profession exists. In the light of these realities surely it is clear that merely planning the new evaluation effort could take two years. And yet, the Committee imposes a time limit of fifteen months.

The same difficulty pertains to the Committee's new provisions on "community involvement" and "court funding". LEAA has been criticized by some for not sufficiently involving citizens in the criminal justice planning process. Thus a requirement of such involvement is included in this bill. Citizen involvement is not something that can be easily or swiftly accomplished. It takes time, it takes planning, it takes much effort, and it takes longer than fifteen months. Similarly, provisions included in the bill require long-term study and planning of the problems of the administration of criminal justice in the courts. Studies of bail reform, or speedy trial, or disparate sentencing are by their nature long-term efforts. No responsible State or local planner would undertake such studies under the threat of change or termination caused by the short-term authorization of this bill.

The predictable result of the limited authorization will be to undermine these newly granted responsibilities. Thereby, the important new objectives of this bill will be prevented by the unreasonable time limits.

JUSTIFICATION OF SHORT-TERM IS SPECIOUS

Advocates of the short-term authorization have attempted to justify their position primarily by saying that the LEAA program is in need of substantial review and oversight by the Congress, and that a short-term authorization would facilitate such review. It is difficult for us to understand how a long-term authorization in any way prevents the Congress from engaging in meaningful oversight of this program. On the other hand, given the Congressional schedule for the next twelve months, a short-term authorization ensures that we will repeat the unfortunate rush of this year to meet the May 15 deadline imposed by the Budget Act. Certainly there is no time left in this Congress for any in-depth review of the LEAA program. Within the next few months we will recess for four weeks for the two national conventions. Currently, we are scheduled to adjourn the Congress by October 2, but even if we return after the election there certainly can be no in-depth review of LEAA in the few remaining weeks of a lame duck Congress. At the beginning of the next Congress, as in every Congress, the Committee and its Subcommittee will not be constituted until mid-February. Thus, no meaningful oversight could begin until the beginning of March. Such oversight would necessarily be cursory and would result in no thoughtful consideration of the LEAA, simply because the Subcommittee actions and the Committee actions will be required by the Budget Act to be completed by May 15, 1977. It is clear therefore that the fifteen-month authorization prevents rather than permits in-depth oversight of the LEAA program.

In varying degrees we share the above concerns. Some of us believe that the authorization should be for two years, some believe it should be for three years, and some for five. Nevertheless, we are all convinced that a fifteen-month authorization is a serious misjudgment and we shall support efforts to extend it to a more reasonable period consistent with our individual views.

ROBERT MCCLORY.
HAMILTON FISH, JR.
TOM RAILSBACK.
CHARLES S. WIGGINS.
WILLIAM S. COHEN.
M. CALDWELL BUTLER.
EDWARD W. PATTISON.

INDIVIDUAL VIEWS OF HON. ROBERT McCLORY

Although I have joined with several members of the Committee in Additional Views on the question of short-term authorization, and in the Views of Ms. Holtzman on the question of the high crime program, I feel constrained to offer a few additional observations on some amendments which I offered in the Committee and which were rejected.

My first amendment would have stricken the new definition of the term "local elected officials" which is included in section 113 of the bill. Under section 203 of the Act, there is a requirement that regional planning units be comprised "of a majority of local elected officials". Since that requirement was added to the Act, the following types of local elected officials were counted toward the majority in compliance reviews of local plans: elected sheriffs, elected prosecutors, elected judges, as well as elected executive and legislative officials. By including all these officials, the broad spectrum of law enforcement, administrative, and fiscal responsibilities were represented on the regional planning units which determined how LEAA funds were to be dispersed.

The new definition of the term "local elected officials" would limit the majority of regional planning units to chief executive and legislative officials of general units of local government. Such a requirement, in my opinion, is unwise because it would give mayors, city councilmen, and county board chairmen and members, a monopoly over the distribution of LEAA funds. If, for example, a regional planning unit is comprised of ten members, six would, by this definition, be required to be executive and legslative officials. This would derogate the requirement of 603(a) that regional planning units be representative of law enforcement and criminal justice agencies, including agencies preventing juvenile delinquency, citizens groups, community organizations, law enforcement agencies such as police, prosecutors, and sheriffs, and the courts, because only four slots would remain for representatives of all these groups. This limitation is unwise and will narrow the scope of comprehensive planning demanded by this Act. When we reach the Floor, I will reoffer my amendment to strike this new definition.

My second concern regards the problem of giving local units of government more autonomy in the planning and dispersement of LEAA funds. During the Subcommittee and Committee debates, the Chairman of the Subcommitte offered an amendment to existing law that would have destroyed the LEAA program by permitting local units of government to bypass State planning agencies. During these debates I successfully opposed these amendments.

However, there is some validity to the notion that local governments are subjected to an excessive amount of red tape and bureaucratic review by State planning agencies. Therefore, during the Committee debates I offered an amendment which would have maintained the

requirement that State planning agencies approve local plans, but which would have allowed localities to receive and administer funds directly after general approval of their plan by the SPA. This would allow the State planning agencies to maintain overall control of the State-wide comprehensive planning but it would also allow localities to administer their own programs on a project-by-project basis. I am seriously considering offering this amendment again when this bill reaches the Floor.

ROBERT MCCLORY.

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HOUSE OF REPRESENTATIVES FLOOR ACTION ON

H.R. 13636 WITH TEXT OF H.R. 13636 AS

PASSED BY THE HOUSE OF REPRESENTATIVES

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

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House of Representatives

Law Enforcement: House completed all general debate and began reading for amendment H.R. 13636, to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968—but came to no resolution thereon. Proceedings under the 5-minute rule will continue tomorrow.

Pending when the Committee of the Whole rose was an amendment that sought to strike out language prohibiting funds for improving state and local correctional institutions unless such improvements comply with Administration and State standards.

Agreed to:

A series of committee amendments en bloc;

A series of amendments of a clarifying nature;

An amendment to the committee amendment requiring that the civil rights enforcement procedures comply with the provisions of the revenue sharing bill as passed by the House;

A series of technical amendments; and

An amendment which retains the language of present law requiring the approval of local governments for law enforcement program grants (agreed to by a recorded vote of 253 ayes to 133 noes). Earlier, the amendment was rejected by a division vote of 38 ayes to 57 noes.

Rejected:

A committee amendment adding language requiring that no less than one-third of discretionary funds be used for improving the administration of criminal justice in the courts (rejected by a recorded vote of 173 ayes to 214 noes);

An amendment extending the authorization for three years (rejected by a recorded vote of 119 ayes to 268 noes);

An amendment authorizing mini-block grants to general units of local government (rejected by a division vote of 42 ayes to 50 noes);

An amendment which sought to retain the present law definition of "local elected officials" in the Regional Planning Unit representation requirement; and

An amendment in the nature of a substitute which sought to require mutual resolution of differences between the State chief executive officer and the State legislature over statewide plans prior to submission to the Administration.

H. Res. 1246, the rule under which the bill was considered, was agreed to earlier by a yea-and-nay vote of 388 yeas.

Pages H9274–H9309

PROVIDING FOR CONSIDERATION OF H.R. 13636, EXTENSION OF LEAA

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1246 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1246

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13636) to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

(Mr. MURPHY of Illinois asked and was given permission to revise and extend his remarks.)

Mr. MURPHY of Illinois. Mr. Speaker, House resolution 1246 is an open rule providing 2 hours of general debate on H.R. 13636, the Law Enforcement Assistance Administration authorization. The resolution also provides that the bill be read for amendment under the 5-minute rule by titles instead of by sections.

H.R. 13636 amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Law Enforcement Assistance Administration for 1 year. This bill authorizes $895 million for fiscal year 1977, earmarking $15 million for grants for community crime prevention activities. An additional $220 million is authorized for the transition quarter.

An Office of Community Anticrime Programs is established by this bill to provide technical assistance to community organizations applying for grants from LEAA for programs to reduce crime.

H.R. 13636 requires that LEAA consult with States to establish minimally acceptable standards for State and local correctional facilities. This bill broadens the provision in the present act to also prohibit discrimination on the basis of religion and creed by recipients of LEAA funds and mandates the procedure to be followed by LEAA in the event of noncompliance.

The bill further provides that any annual appropriations for the Justice Department after October 1, 1978 must be authorized by a specific authorization.

H.R. 13636 focuses funding on programs to prevent crime against the elderly and authorizes the National Institute of Law Enforcement to study the relationship between street crime and drug abuse. It is significant that statistics show that the direct cost of drug abuse to the Nation ranges between $10 billion and $17 billion a year. Law enforcement officials estimate that almost 50 percent of all robberies, muggings and other property crimes are committed by addicts supporting their expensive habits.

Mr. Speaker, I urge the adoption of House Resolution 1246 that we may discuss and debate H.R. 13636.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to speak out of order.)

CORRECTION OF THE RECORD

Mr. ANDERSON of Illinois. I take this time, Mr. Speaker, merely to ask for a change in the RECORD at page H9223 of the CONGRESSIONAL RECORD for August 30, 1976. My remarks on the subject of the amendment to the rule that was adopted on the estate and gift tax bill state that "all amendments must be printed in the RECORD by September 21." The statement should read "prior to September 1."

Therefore, Mr. Speaker, I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. LOTT. Mr. Speaker, under House Resolution 1246 the House may resolve itself into the Committee of the Whole for the consideration of H.R. 13636, a bill to extend the Law Enforcement Assist-

ance Administration for 1 year. This is a 2-hour, open rule providing for the legislation to be read for amendment by titles instead of by sections.

H.R. 13636 proposes to extend the authority of LEAA until September 30, 1977, at a total cost of $1,115,000,000. The bill would revise the standards for the comprehensiveness of State plans and the method of application for LEAA grants. The legislation is designed to develop initiatives for citizens to participate in fighting crime, and special attention is given to reduction of crime against the elderly. Provision is made for the use of discretionary funds to attack the criminal case backlog and delay. Finally, there is a requirement that minimally acceptable standards be developed for State and local correctional facilities.

The Law Enforcement Assistance Administration has been of significant benefit to State and local governments throughout the country in the development of their anticrime programs. While LEAA has not been a panacea in our efforts to reduce crime, it has aided in improving law enforcement techniques as well as the general administration of criminal justice.

Mr. Speaker, some reservations exist concerning certain aspects of this bill; and it is my understandin that amendments may be offered pursuant to these reservations. However, to my knowledge no one objects to the passage of the rule. I support its adoption.

Mr. Speaker, I have no requests for time.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. RUSSO. Mr. Speaker, I object to to vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 43, as follows:

[Roll No. 680]

YEAS—388

Abdnor	Beard, R.I.	Brown, Ohio
Adams	Beard, Tenn.	Broyhill
Addabbo	Bedell	Buchanan
Alexander	Bell	Burgener
Allen	Bennett	Burke, Calif.
Ambro	Bevill	Burke, Fla.
Anderson, Calif.	Biaggi	Burke, Mass.
Anderson, Ill.	Biester	Burleson, Tex.
Andrews, N.C.	Bingham	Burlison, Mo.
Andrews, N. Dak.	Blanchard	Burton, Phillip
Annunzio	Blouin	Butler
Archer	Boggs	Byron
Armstrong	Boland	Carney
Ashbrook	Bolling	Carr
Ashley	Bowen	Carter
Aspin	Brademas	Cederberg
Badillo	Breaux	Chisholm
Bafalis	Breckinridge	Clancy
Baldus	Brinkley	Clausen,
Baucus	Brodhead	Don H.
Bauman	Brooks	Cleveland
	Broomfield	Cochran
	Brown, Calif.	Cohen
	Brown, Mich.	Collins, Ill.
	Collins, Tex.	Jarman
	Conable	Jeffords
	Conte	Jenrette
	Conyers	Johnson, Calif.
	Corman	Johnson, Colo.
	Cornell	Johnson, Pa.
	Cotter	Jones, N.C.
	Coughlin	Jones, Okla.
	D'Amours	Jones, Tenn.
	Daniel, Dan	Jordan
	Daniel, R. W.	Kasten
	Daniels, N.J.	Kastenmeier
	Danielson	Kazen
	Davis	Kelly
	Delaney	Kemp
	Dellums	Ketchum
	Dent	Keys
	Derrick	Kindness
	Derwinski	Koch
	Devine	Krebs
	Diggs	Krueger
	Dingell	LaFalce
	Dodd	Lagomarsino
	Downey, N.Y.	Landrum
	Downing, Va.	Latta
	Drinan	Leggett
	Duncan, Oreg.	Lent
	Duncan, Tenn.	Levitas
	du Pont	Lloyd, Calif.
	Early	Lloyd, Tenn.
	Eckhardt	Long, La.
	Edgar	Long, Md.
	Edwards, Ala.	Lott
	Edwards, Calif.	Lujan
	Eilberg	Lundine
	Emery	McClory
	English	McCloskey
	Erlenborn	McCollister
	Esch	McCormack
	Eshleman	McDade
	Evans, Colo.	McDonald
	Evans, Ind.	McEwen
	Fary	McFall
	Fascell	McHugh
	Fenwick	McKay
	Findley	McKinney
	Fisher	Madden
	Fithian	Madigan
	Flood	Maguire
	Florio	Mahon
	Flowers	Mann
	Flynt	Martin
	Foley	Mathis
	Ford, Mich.	Mazzoli
	Ford, Tenn.	Meeds
	Fountain	Melcher
	Fraser	Metcalfe
	Frenzel	Meyner
	Frey	Mezvinsky
	Gaydos	Michel
	Giaimo	Mikva
	Gibbons	Milford
	Gilman	Miller, Calif.
	Ginn	Miller, Ohio
	Goldwater	Mills
	Gonzalez	Mineta
	Goodling	Minish
	Gradison	Mink
	Grassley	Mitchell, Md.
	Gude	Mitchell, N.Y.
	Guyer	Moakley
	Haley	Moffett
	Hall, Ill.	Mollohan
	Hall, Tex.	Montgomery
	Hamilton	Moore
	Hammer-schmidt	Moorhead, Calif.
	Hanley	Moorhead, Pa.
	Hannaford	Morgan
	Hansen	Moss
	Harkin	Mottl
	Harrington	Murphy, Ill.
	Harris	Murphy, N.Y.
	Harsha	Murtha
	Hayes, Ind.	Myers, Ind.
	Hechler, W. Va.	Myers, Pa.
	Heckler, Mass.	Natcher
	Hefner	Neal
	Henderson	Nedzi
	Hicks	Nichols
	Hightower	Nix
	Hillis	Nolan
	Holland	Nowak
	Holt	Oberstar
	Holtzman	Obey
	Horton	O'Brien
	Howard	O'Neill
	Howe	Ottinger
	Hubbard	Patten, N.J.
	Hughes	Patterson, Calif.
	Hungate	Pattison, N.Y.
	Hutchinson	Paul
	Hyde	Pepper
	Ichord	Perkins
	Jacobs	Pettis
		Pickle
		Pike
		Poage
		Pressler
		Preyer
		Price
		Pritchard
		Quie
		Quillen
		Railsback
		Randall
		Rangel
		Regula
		Reuss
		Rhodes
		Richmond
		Riegle
		Rinaldo
		Risenhoover
		Roberts
		Robinson
		Rodino
		Roe
		Rogers
		Rooney
		Rose
		Rosenthal
		Rostenkowski
		Roush
		Rousselot
		Roybal
		Runnels
		Ruppe
		Russo
		Ryan
		St Germain
		Santini
		Sarasin
		Sarbanes
		Satterfield
		Scheuer
		Schneebeli
		Schroeder
		Schulze
		Sebelius
		Seiberling
		Sharp
		Shipley
		Shriver
		Shuster
		Sikes
		Simon
		Skubitz
		Slack
		Smith, Iowa
		Smith, Nebr.
		Snyder
		Solarz
		Spellman
		Spence
		Staggers
		Stanton, J. William
		Stark
		Steed
		Steiger, Wis.
		Stratton
		Stuckey
		Studds
		Sullivan
		Symington
		Symms
		Talcott
		Taylor, Mo.
		Taylor, N.C.
		Thompson
		Thone
		Thornton
		Traxler
		Treen
		Tsongas
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vander Veen
		Vanik
		Vigorito
		Waggonner
		Walsh
		Wampler
		Waxman
		Weaver
		Whalen
		White
		Whitehurst
		Whitten
		Wiggins
		Wilson, Bob
		Wilson, C. H.
		Wilson, Tex.
		Winn
		Wirth
		Wolff
		Wright
		Wydler
		Yates
		Yatron
		Young, Fla.
		Young, Ga.
		Young, Tex.
		Zablocki

NAYS—0

NOT VOTING—43

Abzug	Green	Peyser
Bergland	Hagedorn	Rees
Bonker	Hawkins	Roncallo
Burton, John	Hays, Ohio	Sisk
Chappell	Hébert	Stanton, James V.
Clawson, Del	Heinz	Steelman
Clay	Helstoski	Steiger, Ariz.
Conlan	Hinshaw	Stephens
Crane	Jones, Ala.	Stokes
de la Garza	Karth	Teague
Dickinson	Lehman	Wylie
Evins, Tenn.	Matsunaga	Young, Alaska
Fish	Mosher	Zeferetti
Forsythe	O'Hara	
Fuqua	Passman	

The Clerk announced the following pairs:

Mr. Zeferetti with Mr. Hagedorn.
Mr. Lehman with Mr. Fish.
Mr. Chappell with Mr. Conlan.
Ms. Abzug with Mr. Young of Alaska.
Mr. Hawkins with Mr. Steelman.
Mr. Helstoski with Mr. Wylie.
Mr. Hébert with Mr. Peyser.
Mr. Green with Mr. Steiger of Arizona.
Mr. Bergland with Mr. Forsythe.
Mr. Clay with Mr. Heinz.
Mr. Sisk with Mr. Del Clawson.
Mr. Bonker with Mr. Crane.
Mr. Matsunaga with Mr. Jones of Alabama.
Mr. Fuqua with Mr. Karth.
Mr. John Burton with Mr. Mosher.
Mr. de la Garza with Mr. James V. Stanton.
Mr. Passman with Mr. Rees.
Mr. O'Hara with Mr. Stephens.
Mr. Roncallo with Mr. Dickinson.
Mr. Stokes with Mr. Evins of Tennessee.
Mr. Teague with Mr. Hays of Ohio.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF LEAA

Mr. CONYERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13636) to amend title I, Law Enforcement Assistance, of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 13636, with Mr. ROSENTHAL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. CONYERS) will be recognized for 1 hour, and the gentleman from Illinois (Mr. MCCLORY) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Chairman, I begin this debate and discussion by yielding such time as he may consume to the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

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

Mr. RODINO. Mr. Chairman, I rise in support of this legislation.

Before speaking in support of this legislation, I would like to commend the chairman of the subcommittee, the gentleman from Michigan (Mr. CONYERS), and the gentleman from Illinois (Mr. MCCLORY), who have ably guided the committee in its deliberations on this very comprehensive measure.

Mr. Chairman, I proudly sponsored this legislation back in 1968 when this legislation at that time was conceived as an important component of the Omnibus Crime Control and Safe Streets Act.

Mr. Chairman, a simple walk in too many of our communities will remind us that we in this Nation are not winning the tragic battle against street crime.

It has been nearly a full decade since the President's Commission on Law Enforcement and Administration of Justice told us what every American knew too well:

> There is crime in America, more than ever reported, far more than ever is solved, far too much for the health of the nation.

But the Crime Commission told us something else as well:

> America can control crime if it will . . . it must welcome new ideas and risk new actions. It must resist those who point to scape goats, who use facile slogans about crime by habit or for selfish ends. It must recognize that the government of a free society is obliged not only to act effectively but fairly. It must seek knowledge and admit mistakes.

In 1968, partly in response to the report of the President's Commission, we passed the Omnibus Crime Control and Safe Streets Act, a comprehensive Federal program to assist the States and localities in reducing crime and improving the Nation's criminal justice system.

Billions of dollars have been spent pursuant to that legislation, administered by the Law Enforcement Assistance Administration—LEAA—established within the Department of Justice by title I of the 1968 act.

Three times now the Congress has been asked to extend the life of LEAA. In 1970 and 1973, the Judiciary Committee concluded exhuastive hearings and we wrote in committee and on the floor numerous amendments addressing the deficiencies in the administration of the program.

It is that process that we are engaged in again today—it is a process that has consumed much of the time of the Subcommittee on Crime and the full Judiciary Committee since January of this year.

Severe criticisms have been leveled against LEAA's performance. Much of that criticism, I am afraid, is at least partially justified. But there have been some notable LEAA successes, and the Agency's potential at least is enormous.

LEAA has succeeded mightily, I believe, in fostering coordination between previously disparate elements of the criminal justice system, and has done a fine job of encouraging and developing the planning capabilities of local and regional units.

We are unquestionably better able today to assess and understand the interdependency of police needs, court needs, and correctional needs. We have put our local law enforcement institutions in better touch with each other, and have greatly increased their capacity to develop long-range planning.

But do we know—after 7 years and $5 billion—just what works and what does not work in the fight against crime? Do we better understand the causes of crime? Has LEAA developed its evaluation capabilities so that the Congress is

better equipped to efficiently allocate scarce Federal resources to give the States and local communities the tools they need to prevent crime and to upgrade the criminal justice system?

In large part the answer to those questions is an unfortunate "no."

Therefore, a major feature of H.R. 13636 is language mandating the improvement of LEAA evaluation programs. It is essential that measurable standards and criteria be developed for the use of these Federal moneys. In that regard, the National Institute of Law Enforcement and Criminal Justice is being instructed to identify those projects which have demonstrated success and to disseminate information regarding those projects to the State planning agencies responsible for the administration of the grant program.

There are numerous other features of H.R. 13636 that greatly improve upon the present act. The Judiciary Committee' 64-page report deals with them in great detail and I shall not take the committee's time to outline them all.

I would like to highlight at least several, however, in my remarks at this time.

Perhaps most important, four sections of the bill address the need for increased community participation in the crime prevention process.

The first of these new provisions creates a program of community anticrime assistance within LEAA. The bill also assures participation of community organizations and citizens at all levels of the planning process. Church groups, civil rights groups, neighborhood organizations, and individuals who speak for underrepresented segments of the community are all brought into the process. Planning units are mandated to make an active effort to recruit these representatives, so that nonprofessional concerned citizens can be heard just as are the more usual representatives of professional law enforcement personnel.

The act has been amended to allow block grant funding of community organizations by the SPA's. In addition, $15 million in discretionary funds are authorized for the encouragement of neighborhood participation in crime prevention through such programs as police neighborhood councils, neighborhood watch programs, escort service for the elderly and volunteers in gang control.

Other new provisions in the bill tighten the civil rights enforcement mechanisms so that discrimination in the grant program is kept in even firmer check, provide State legislative input into the criminal justice planning process, and establish as a special priority prevention of crime against the elderly.

Finally, I am greatly pleased that the committee adopted three amendments which I authored to coordinate research into drug abuse programs.

The committee received reports that the United States is experiencing a new epidemic of drug abuse and will probably experience a significant increase in drug related crime. In the White Paper on drug abuse prepared by the Domestic Council and in the President's recent message to Congress, it was estimated that the direct cost of drug abuse to the Nation ranges between $10 billion and $17 billion a year and law enforcement officials have estimated that up to 50 percent of all robberies, muggings, burglaries, and other property crimes are committed by addicts to support their expensive habits. There is still some argument as to the precise nature of the relationship between drug abuse and crime and a vacuum of hard data on the nature of that relationship.

At the present time, there is only sporadic coordination between the State planning agencies which fund drug abuse programs and the single States agencies which plan for treatment and facilities for drug abusers. The State planning agencies have not been reporting to Congress on the results of their programs and standards and regulations surrounding them. To remedy these problems, the committee adopted three admendments which would authorize the institute to do research into the relationship between crime and drug abuse, require coordination between single State agencies and State planning agencies and require reporting to Congress on the effects of their programs.

Mr. Chairman, let me conclude by saying that I need not remind the Members of the many criticisms of LEAA that are both current and valid. Too much has been spent on police hardware, too little has been done to upgrade evaluation procedures, too few results, quite frankly, are visible in the crime reduction statistics.

Congress must keep a steady hand on the administration of this program. Nothing is as close to our citizens as the safety of our communities, and given LEAA's overall record, and given the dollar amounts at issue, it would be irresponsible for this House to grant the agency any kind of multiyear extension. Let us take another look in a year. Let us see if the program cannot be turned around. The committee very wisely rejected Justice Department proposals to extend LEAA for 5 years, and amendments in full committee markup to grant a 3- or even a 2-year extension were soundly defeated.

I personally am committed to the future of a Federal anticrime assistance program, and I have no doubt that I shall be supportive of efforts in that direction at the appropriate time. But we must maintain the vigilance over LEAA that only a relatively short extension can provide.

I urge, Mr. Chairman, a favorable vote on H.R. 13636, and I commend the Subcommittee on Crime and its able chairman, Mr. CONYERS, and its distinguished ranking member, BOB MCCLORY, for their long and hard work in bringing it to the floor today.

Before concluding, Mr. Chairman, I wish to include the following remarks concerning title II of the committee's bill.

TITLE II

Clause II of rule XXI states that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

The Department of Justice was created by act of Congress in 1870. Under rule X, legislative jurisdiction of nearly all activities within the Department reposes within the Committee on the Judiciary. The Department, however, is not required to come before the Judiciary Committee, nor indeed before the larger Congress for authorization of appropriations. Each year, the Department is funded directly by appropriation bills not individually or specifically authorized by law. The act of 1870 creating the Department, and subsequent creation of subdivisions within the Department and authorization of certain activities of the Department have been treated in themselves as the requisite authorization of appropriations.

Title II of H.R. 13636 provides that no sums shall be deemed to be authorized to be appropriated for the Department of Justice for any fiscal year beginning after October 1, 1978. That is, beginning with fiscal year 1979 the Department of Justice will require authorizing legislation from the Congress in order to qualify for the appropriating process.

The committee believes that it cannot adequately or responsibly discharge its oversight responsibilities without enacting the provisions of title II. The constitutional trauma of recent years convinces us that our citizens require a responsible and vigilant oversight by the Congress if confidence is to be maintained in the institutions of Federal Government. No component of the federal system is more sensitive to abuse and more fundamental to our liberties than the administration of justice. The Department of Justice, of course, is at the heart of that process.

The committee believes that a thorough and orderly authorization scrutiny of Justice Department functions and activities will better serve the interests of Congress, and more importantly, the American people. The committee realizes, of course, that it may be that not every last activity within the Department is within Judiciary Committee jurisdiction. Certain isolated functions may be within the legislative jurisdiction of other standing committees, and no effort is contemplated that would in any manner interfere with or affect the legislative jurisdiction and prerogatives of any other standing committee.

Indeed, because of even the possibility of these very narrow and isolated areas of potential conflict, and in order to carefully plan for the appropriate discharge of its added responsibilities, the committee unanimously adopted an amendment postponing the effective date of title II from fiscal year 1978 to fiscal year 1979. But in passing the title, the committee is solidly committed to achieving that kind of oversight contemplated by every one of the recently enacted legislative reorganization acts, and to effecting that vigilance expected by the American people.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. CONYERS. Mr. Chairman, as the chairman of the subcommittee on the

Committee on the Judiciary that has worked with this measure for over the last year, I am very pleased to hear the commendations from the chairman of the full committee, the distinguished gentleman from New Jersey (Mr. RODINO). Mr. Chairman, I sincerely appreciate his remarks.

It has been a difficult piece of legislation because at the heart of LEAA are the considerations of what the philosophy of crime ought to be at the Federal Government level. On that question, there are many honest and genuine differences of opinion. We think that we have, at least for the time being, satisfactorily reconciled a sufficient number of them to present to the Members H.R. 13636 and urge their considered support of the bill.

As the Members know, it was in 1966 that then President Lyndon Johnson signed into law this first attempt in our Nation's history to reduce and prevent crime at the State and local level with Federal aid, a difficult question, one that is fraught with constitutional considerations, as well as practical considerations. It was called the Omnibus Crime Control and Safe Streets Act. I say at the outset of this discussion it has never done what it was intended to do. If it had, we might not even be here with a bill today.

In Detroit, we have seen recent examples of the fear that has been generated on the part of some citizens and some homeowners because of youth gangs which make it unsafe for them to walk the streets in daylight or at night. This Nation, sadly enough, has experienced an increase rather than a decrease in violence over these last 10 years.

Mr. Chairman, last year alone reported crimes jumped 18 percent. This was thought to be the largest single increase since the FBI began collecting national statistics some 50 years ago. Not only that, the court systems of our Nation are overloaded and remain overloaded, notwithstanding that this committee has brought the speedy trial act into the Federal legislation, which is being emulated at the State level by many of the State courts.

But a program such as Operation Sting, in which decoy policemen were engaged in selling stolen articles to fences, points up one of the real sharp broblems we are confronted with. A roundup of criminals trying to fence these stolen articles produced nine of whom had been arrested in a similar roundup before, but they had not adequately been processed by the criminal justice system. The courts were unable to deal with the problem. Far worse than that, the jails and the State prisons remain severely overcrowded. I cannot underscore too heavily the impact on our penal system, in terms of their inadequacy and, of course, the recidivist rate, which continues to mount, in which repeated offenders become those most likely to commit crimes once they are released.

I think we in this body owe our citizenry an obligation to consider the ramifications of the Law Enforcement Assistance Administration legislation before us this afternoon. When some of these prisons and local jails get assistance in the form of Federal funds, as bad as I have described the situation, they frequently do not use them to improve the physical conditions to the point where they are habitual, so it only makes using the word, "rehabilitation," a cruel joke—a joke that does not go unnoticed, incidentally, upon the inmates whose bitterness, whose vindictiveness, and whose feelings of abuse are frequently reflected in their conduct when they return to the general population.

I commend to the Members the GAO's most recent report on this subect in which they analyzed it in great detail.

The increase in violence, even among law-abiding citizens, is one that I think ought to concern us equally. Television propagates this violence daily. Even though 70 percent of our Nation wants to increase the regulations that we have over gun control, we refuse to act despite the demands of the people.

I think that it is only fair to point out that 69 killings occur every day, and that 13,070 murders occurred last year through firearms in the United States. In the face of all this crime, in the face of this increased propensity for violence, and in the face of the increasing notation of violence in our television and media programing, it seems to me that this subcommittee had an overriding obligation to take a long, hard look at LEAA and bring to us, to the best of their abilities, their distinct impressions upon this subject as the representatives on the subcommittee.

This agency, created by the Omnibus Crime Control and Safe Streets Act, can attack the problem. The question is: What has LEAA done? It has as a matter of fact spent millions of dollars on research into advanced police technology. I do not mean to be disparaging, but they have perfected shoes with changeable soles for the police, they have studied therapy research to measure the heart beats of police officers, and they have provided $40,000 patrol cars.

I suppose that is research of one kind or another, but the point is they have done painfully little to research the root causes of crime.

No, I do not stand here before the Members charging the Research Institute of LEAA with the obligation of coming up with the answers to crime. They are not capable of that, and I would not force that upon them. We have asked them, though, to be more responsive and more incisive in examining some of the roots of crime and spelling them out to us instead of this constant overemphasis of hardware which cannot advance any of our understanding about the nature of crime and how we might treat it—not to end it but to reduce it, not to make it something that does not happen but to find out how we can get it under control and how we can treat it as governmental representatives far more responsibly than we have in the past.

Let me tell the Members about some of the interesting people who joined us in this kind of research that went on. One that left a profound impression on me was the police chief of Boston, Robert DeGrazia, who in his own way, I think, is a significant member of the law enforcement team that characterizes his police force and many others across the United States.

I say that because in a moment of candor he said, "Let's be frank about it. In one sense there is very little that even the police can do about crime. Violent street crime"—and this is coming from a police commissioner—he said, "is for the most part a product of unemployment, broken homes, usually a rotten education, and sometimes drug addiction or alcoholism."

They are victims, frankly, of many of the social and economic ills that we do not, when we talk about law enforcement and crime control, consider within the proper scope of the territory that we are to examine.

Mr. Chairman, I think that the gentleman has made an extremely important point; and it has guided my analysis of the subject matter. That was the responsibility of our subcommittee.

LEAA too frequently has become carried away with the mistaken notion that the police, in ever greater numbers and with more gadgetry alone, can control crime. I dispute that. I do not think that it can be done. I think that our experiences to date, 8 or 9 year later, establish at least that premise beyond peradventure.

Mr. Chairman, I must agree with the Commissioner of Police of Boston when he says that the system Congress has perpetuated now does very little to reduce crime; and in one sense, it lets crime continue.

I asked the Deputy Attorney General, Mr. Harold Tyler, himself a former distinguished judge, at our subcommittee hearings a very simple but important question: "What is the Justice Department doing to develop a policy to attack all kinds of crime and not just street crime? Your subcommittee chairman argues that street crime cannot be handled in isolation. The people who commit street crime are also aware of white-collar crime. They are also aware of organized crime. They are also aware of governmental crime and governmental lawlessness."

The Deputy Attorney General promised me on the record that he would send some material on the policy that has been developed by the Justice Department to attack all kinds of crime.

Mr. Chairman, as members of this subcommittee are my witnesses, I can say that 4 months later, to this date, he has sent me the copy of the latest LEAA Annual Report and the Justice Department Annual Report, along with a couple of his speeches.

This, I think, is not a totally adequate response to the policy statement question that I raised. If the Justice Department has espoused no real direction, how can we expect that LEAA, with its present direction of overemphasis on police technology, is going to do any better?

Therefore, I appear, Mr. Chairman, on behalf of the committee to seek passage of this bill reported to the House on May 15 of this year and, of course, receiving an open rule, to extend the authorization of the Law Enforcement Assistance Administration through Sep-

tember 30, 1977. That is 1 fiscal year plus a 3-month transition period.

Mr. Chairman, if the Members have not been able to detect it from my presentation, I have severe reservations about this bill. It does not answer the question sufficiently of what the root causes of crime are. However, I am not here to blame LEAA. I am here to guarantee that our subcommittee is going to begin the kind of oversight that will lead us, working with LEAA, to find what I consider to be the more likely causal factors that we must determine before we start talking about methods, before we begin passing on costly programs, and before we begin the work of legislating that too frequently, because of all the considerations with which we are familiar, require that we move at some time before we have done the pr planning and before we have undertaken the oversight.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Colorado.

(Mr. EVANS of Colorado asked and was given permission to revise and extend his remarks.)

Mr. EVANS of Colorado. Mr. Chairman, I am pleased to hear the gentleman from Michigan (Mr. CONYERS) making the statements that he has, for I join him in having great misgivings about what we have been doing in LEAA and in questioning how much money has been spent, how it has been spent, and possibly whether some of it was even needed.

Mr. Chairman, I have had the feeling that actually what we have had here is just another revenue-sharing program, without zeroing in on the areas that the gentleman has referred to and which we must do.

Therefore, Mr. Chairman, I am glad that this bill is just for 1 year. I am glad that the committee has looked into it as it has and that it feels unsettled about the record of LEAA.

I want to say that had we come up with a bill for a 5-year authorization I would have been constrained to vote against it for that simple reason. I am delighted that the committee came up with a 1-year extension so that we can better get into this and find out what has and could be done and what our policy should be.

Mr. CONYERS. Mr. Chairman, may I say to my colleague, the gentleman from Colorado (Mr. EVANS), that this decision was not easily arrived at. I would remind the Members that we, 3 years ago, on an amendment offered by myself in the Committee on the Judiciary, voted a 1-year extension. We went to conference and compromised it to 3 years. We are back 3 years later and the one thing we were caught between was at least a 1-year extension or no years. Because we have come back with very little to show after nearly $1 billion has been consumed almost on an annual basis during that 3-year period. And I felt that we in the House at least should vote for a 1-year extension.

We think this is an important part of the logic on this bill. I appreciate the support of the gentleman from Colorado (Mr. EVANS) on the premise under which we are operating.

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

Mr. CONYERS. I yield to the distinguished gentleman from Illinois (Mr. HYDE), a member of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding and I want to commend the gentleman for a superb job of shepherding this important and controversial legislation to the point it now is before this House.

I will agree with the gentleman that much more emphasis needs to be placed on penology, on developing more sophisticated methods of dealing with inmates in our jails.

It seems to me that at least in practice LEAA has spent an awful lot of time and effort on hardware and on building local police stations, things that should be done by local effort. Local resources are inadequate when they are directed toward the more complex problems of modern penology. In addition the court system, which is a very important part of law enforcement, still needs a lot of attention.

I look forward to the effective oversight that I know LEAA will be receiving from the gentleman's subcommittee.

Mr. Chairman, if I may just add a couple of more points, the gentleman from Michigan (Mr. CONYERS) has asked what the Justice Department is doing about the terrible problem of crime. I would ask what Congress is doing about helping restore the family as the basic unit of society? We look to all sorts of reasons why we have high crime, why the erosion of authority and the respect for basic rights is no longer there, and yet we see programs in this country designed to erode the concept of the family. For instance, we have a welfare system that subsidizes people for not keeping the family unit together.

Mr. CONYERS. Mr. Chairman, may I say to my colleague, the gentleman from Illinois (Mr. HYDE), that these are precisely the kind of questions that, too frequently in this body are not applied within the realms of law enforcement, crime prevention, and legislative responsibility. I quite agree that the social consequences, whether they be legislative, whether they be environmental, whether they be geographical or whether they have ethnic overtones, show why there is the increase in corrections, not only in the dispensation of these huge amounts of money, but in terms of trying to direct a national policy that will ultimately have far more success than we have had. We owe it, regardless of what conclusions we may ultimately come to about it, to at least examine it.

I am very deeply grateful to the distinguished gentleman from Illinois (Mr. HYDE), for the work that he has done on the committee, to his faith in the committee and to say that frankly that is what this subcommittee is going to be doing.

In 1971 we began examining corrections. As the Members know, there is politicking going on in terms of what parts of the law enforcement agencie receive what part of these programs. We put in a mandatory 20 percent for correctional institutions. That was probably one of the most important amendments that were adopted on LEAA. I am sorry to say to the Members that now that the GAO has reviewed our legislative work, they are not happy with the consequences that have resulted, even though we have earmarked it as a program that was supposed to be directed toward crime. And we want to emphasize to our legislative leaders so as to make sure that corrections, which does not have political clout in most States, could get more money. Those results have not, quite frankly, been successful, but we are going to continue to work on the point that the gentleman emphasized.

Mr. HYDE. Mr. Chairman, will the gentleman yield further for one more question?

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

Mr. HYDE. I thank the gentleman for yielding.

Lastly, it just seems to me to be a classic demonstration of hypocrisy for the media in this country, the printed media, to editorialize against violence, and then to turn five or six pages over in their newspaper and find the most vicious, violent movies are advertised in all their lurid detail because there is a buck in it. Some day the molders of opinion in America will decide that the buck that they make out of that advertising is not worth the cost to society in glorifying crime.

I thank the gentleman.

Mr. CONYERS. I appreciate those comments.

What does the bill do? It attempts to redirect the priorities of LEAA modestly. I say that because we have not engaged in a full review of oversight. We have a projection that begins even in the final months of the 94th Congress, and we have been bold enough to project a tentative schedule into the 95th Congress in which we are going to begin to examine methodically the major components of LEAA. But here we make in this 1-year extension a very modest series of changes. We have found, first of all, that there is a lack of standards of objective criteria, which can simply indicate whether the grant, the project, the program to which LEAA has given money has been succesful or has been a failure. We do not mean by that just to ride herd ruthlessly over four recipients of Federal money out in the States; we really seek an honest response to an honest question. Did the project work? If it did, is it being replicated?

This committee has found instance after instance in which a successful project in one State was unheard of in a neighboring State because they were going about it on a completely different tangent which, judging from the successes of the program in the neighboring State, would have been the best method for them to follow as well. We think this is a fair and serious criticism to level against LEAA at this time.

Several times we were told that there is an evaluation component. We know that there have been evaluation com-

ponents. We know that there has been civil rights legislation in LEAA. But they have not worked. They have not been enforced. They have not been fully observed to this subcommittee's satisfaction.

Another item in the program that this bill focuses attention on is the program which would begin to give some special treatment to the high incidence of crime that afflicts the elderly, many of whom are living on rather low incomes, I am sorry to say, in this country and in whom the incident rate of crime is higher than it is for the rest of the population. We have an extensive amendment also which sets out procedures for a new way of enforcing the civil rights provisions of LEAA, a reasonable way that serves notice upon the parties, that does not operate presumptively, that sets about in a method to resolve fairly the allegations of discrimination, and I hope that it will be given thorough consideration.

In addition, H.R. 13636 requires developments of standards and criteria for renovation of the correctional facilities that the gentleman from Illinois has discussed.

We require now that LEAA report annually to the Congress the results of their projects designed to reduce crime and additionally, thanks to the chairman of the full committee, the gentleman from New Jersey, we now are focusing special attention upon the coordination and research of the many varied drug abuse programs that go on about the country in what I think is accurate to describe as a most uncoordinated fashion.

The Department of Justice presently exists under a continuing authorization and title II of this bill would require that the Department come ultimately under the jurisdiction of the Committee on the Judiciary for authorization purposes alone.

In addition we have created for the first time with the LEAA an Office of Community Anticrime Assistance, an office which would provide technical assistance to community organizations, neighborhood groups, and citizens who would want to work with local law enforcement people in preventing crime in their neighborhoods and reducing the amount of mischievous activity that might be going on with the young gangs or the like.

This bill allocates a modest $15 million for that purpose. I say to the Members that in one sense that is the most important part of the bill that I lay before this Committee today because I have tried now for 3 years to develop the notion that no number of police officers can end the crime in any city unless they have the cooperation of its citizenry. Detroit has a population of 1.3 million people and it has about 3,500 policemen even with the additional Federal funds. There is no way that small number of uniformed officers can effectively patrol the fifth largest city in the Nation.

So I have argued for the demystification, if I may say that, of law enforcement activity and the notion that all of us as citizens should begin to understand and participate and cooperate with our local law enforcement agencies.

But how can our citizens do that when we have had case after case of a neighborhood group that would, if they had only a couple of walkie-talkie radios, fully supplement the police effort in a large police precinct in an urban area, but we have seen the frustrations and we have heard them before the subcommittee time after time, when they say they have had finally to go in desperation to their Senators or Congressmen or both, and the whole effort ended up running into such a bureaucratic mess that usually the group had disbanded in disgust with their morale completely shattered and their belief completely shattered that they could in any kind of effective way cooperate with their local police agency.

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

Mr. CONYERS. I yield to the gentleman from New Jersey, the chairman of the Committee on the Judiciary.

Mr. RODINO. I expressly break in here on the subcommittee chairman in order to point out that these community programs are very important. Only recently I read in the newspaper where a citizens' community program had effectively been able to curtail crime in its particular neighborhood.

In my own city of Newark, N.J., there have been several citizens' anticrime projects, community programs in which citizens have gotten together in order to try to help reduce crime. There was a senior citizens escort program in the North Ward, and a tenant security guards project in the Columbus Home and the Stella Wright and Stephan Crane housing projects. It was enormously difficult to maintain funding levels for these projects, and I am greatly pleased that some of these programs at least are in fact being continued.

This is one of the important areas of this legislation and something for which I commend the gentleman.

Mr. CONYERS. I thank the chairman, because the gentleman from New Jersey knows, coming from an urban area as he does, that the police cannot do it alone.

We see something far more important than a $15 million allocation involved here. This could be the beginning, I say to my colleagues, of the kind of cooperation that communities must necessarily give their police precincts if we are ever going to get on top of this problem. It is one thing for a policeman to come into a community wondering if he is welcome and liked or is going to be the subject of violence and hostility himself.

It is another thing for them to know that because of the provisions that we have made in this legislation for citizens, to cooperate with them. There is a real relationship that exists beyond the annual visit to the police station or the policemen's field day and those kinds of activities that are really, frankly, superficial at best.

So that we think we may have begun a much deeper beginning in terms of strengthening the relationship between people and their servants, the police.

Mr. Chairman, a couple other points I think we should know that are involved in this bill. One is the need for legislative review of State plans for the Federal criminal justice dollars that would insure conformity to a Federal criminal for State goals and priority procedures. What I am talking about is that now we have begun to expand beyond the Governor's office, I think that one of the things this hearing or this set of hearings have proved over the last several months is that too frequently the way a State office takes care of an LEAA program is that the Governor appoints one person who sets up an office and he becomes literally the czar of all Federal moneys dealing with crime. He is the spokesman and representative of the Governor, so his word, of course, means more around that State than any other person.

The committee has seen in its judgment the appropriateness of beginning to let these programs be reviewed with State legislators; that is, not giving them any authority to change them, but that they be brought before them. In some States now they have gone as far as including the LEAA funding moneys in the State appropriation process, so that it is made far more public and it is subject to examination for coordination in a way that it has not been before.

There are those who would go further and give the State legislatures more direct authority here than to have a discretionary review upon request of the State planning agency program for that particular State.

Mr. Chairman, we give attention to the need for State court planning to reduce the backlog and delays in criminal courts. We recognize the need, quite frankly, for at least two members of the judiciary to be participating in the State planning agency, and so we have provided for that in our legislation.

We endeavor to provide Federal control over the Federal moneys distributed, as well as to respond to the most urgent needs of the cities and of our citizens who are involved in sometimes fearful circumstances, sometimes exaggerated circumstances, and sometimes very, very real circumstances.

So out of those considerations, Mr. Chairman, I am going to offer an amendment to finish and I think perfect this bill concerning many block grants in which we will give some of those larger governmental units that opportunity to plan directly with LEAA in Washington; but at the same time be subject while going up the hill to the review of the State planning agency. We think this is a very important no-cost amendment.

The final result, Mr. Chairman, is that we have an authorization here for $895 million that will extend through the period of fiscal year, October 1, 1977.

Now, because of the exigencies of the way this Congress works, the appropriations bill, as we know, has already been passed; that is for $753 million, plus a transitional amount to be determined. We now present before the House a bill that sets up the planning grants in part B.

Part (C) deals with the very important

action funds, the grants for law enforcement. The planning grants which are used for the purposes described in its title are $60 million annually. The action funds are to be divided between State planning agencies in each State, and is $355 million. Each State gets a $200,000 grant, plus an additional amount based on a population formula allocation.

Then, in part (D), we deal with the training, education, the research arm, the demonstrations and special grants such as the life program.

Part (E) deals with grants for correctional facilities, training and demonstration, $44 million 300 thousand. Correctional facilities grants for part (E) are $72 million.

The remaining provisions are administration, definitions, the criminal penalties and the requirement of the Attorney General's biannual report. I commend this bill, H.R. 13636, to the full committee's attention.

Mr. Chairman, President Lyndon Johnson, in 1968, signed into law the broadest attempt in our Nation's history to reduce and prevent crime at the State and local level with Federal aid. The Omnibus Crime Control and Safe Streets Act has never done what it set out to do—make our Nation's streets safe. I only have to look to my own home town, Detroit, to see fear on the part of citizens and home owners of youth gangs which make it unsafe for them to walk the streets in daylight or at night. This Nation has experienced an increase rather than a decrease in violence these last 10 years.

Last year along reported crimes jumped 18 percent. This is thought to be the largest increase since the FBI started collecting national statistics 50 years ago. Not only that, the court systems of our Nation remain overloaded. A program as Operation Sting right here in Washington points that out. A roundup of criminals trying to fence stolen articles produced nine who had once before been arrested in a similar roundup but who had not been adequately processed by the court system. Far worse than that, local jails and State prisons remain in a severly overcrowded state. And when they do get some assistance in the form of Federal funds, they do not always use it to improve the physical conditions to a point where they are habitable, never mind capable of providing rehabilitation. This situation was best examined in GAO's most recent report on "local jails."

The increase in violence even among law abiding citizens worries me the most. Television propogates violence daily. Even though 70 percent of our Nation favors strong gun control laws, Congress refuses to act to respond to their demands; 69 killings occur every day and 65 of them are committed with handguns. In one year 13,070 murders were committed with firearms in the United States. The U.S. population is currently growing at the rate of 1 percent per year while handguns are multiplying at a rate of 6¼ percent per year. In the face of all this crime and violence and in the face of a proliferation of the instruments used to commit violent crimes—the Subcommittee on Crime took a long hard look at LEAA, the agency created by the Omnibus Crime Control and Safe Streets Act to attack the problem.

What has LEAA done? It has spent millions of dollars on research into advanced police technology. They have perfected shoes with changeable soles for police, Dick Tracy watches to measure a policeman's heartbeat, and 40,000 patrol cars; but they have done little research into the real causes of crime. Police Commissioner Robert DiGrazia of Boston has recently confessed that there is little police can do about crime. Violent street crime, he says, is for the most part the product of poverty, unemployment, broken homes, rotten education, drug addiction and alcoholism as well as other social and economic ills. LEAA has become carried away with the mistaken notion that police in ever greater numbers and with more gadgetry can alone control crime.

I must agree with the police chief of Boston when he says that the system Congress had perpetuated right now lets the rich get richer and the poor get poorer and lets crime continue.

I asked Deputy Attorney General Harold Tyler at our subcommittee hearings what the Justice Department is doing to develop a policy to attack all kinds of crime—streets crime, white collar crime, organized crime, and government crime. He promised me, on record, a voluminous amount of material on policy advanced by his department to approach a solution. After 4 months he sent me a copy of the LEAA annual report and the Justice Department Annual Report and a couple of his speeches. This is clearly an inadequate response and an inadequate policy statement. If the Justice Department has espoused no real direction and if LEAA's present direction is toward police technology, then where are we really going?

I am appearing today on behalf of the Committee on the Judiciary to seek passage of H.R. 13636. This bill was reported to the House on May 15, 1976 and received an open rule on June 2, 1976. It extends the authorization of the Law Enforcement Assistance Administration through September 30, 1977. But I have severe reservations about this bill. It does not answer the questions sufficiently of what are the root causes of crime and what can we do to get at them.

What the bill does do, is make an attempt to redirect the priorities of the Law Enforcement Assistance Administration. The committee found a lack of objective standards and criteria by which some indication of success or failure of the LEAA projects could be determined. Several times we were told of highly successful projects which had been identified by the Institute, but in no case was there any knowledge as to whether these projects had been replicated elsewhere. The bill contains an evaluation component which would remedy that situation.

This bill focuses attention on programs which would prevent, treat, and reduce crime against the elderly. H.R. 13636 contains an extensive amendment which sets out procedures for enforcement of civil rights legislation in the LEAA Act.

H.R. 13636 requires development of standards and criteria for the renovation and improvement of State and local correctional facilities and requires that LEAA report annually to Congress on the results of their projects designed to reduce crime. Additionally, the bill focuses attention on coordination and research of drug abuse projects.

The Department of Justice presently exists under a continuing authorization and title II of this bill would require that the Department come under jurisdiction of the Committee on the Judiciary for authorization.

We have created within LEAA an Office of Community Anti-Crime Assistance, which would provide technical assistance to community organizations and citizens who want to work to prevent crime in their neighborhoods. The bill would allocate $15 million for the purposes of improvement of police-community relations, community patrol activities, and encouragement of neighborhood participation in public safety efforts.

The committee was also concerned with the need for legislative review of State plans for Federal criminal justice dollars to insure conformity with State goals, priorities, and procedures. Section 103 of H.R. 13636 insures State legislature's advisory review of State plans upon request.

The bill gives attention to the need for a State court planning capacity toward reducing case backlog and delay in the criminal courts. It recognized the need for at least two members of the State planning agency supervisory board to represent the judiciary and mandates LEAA to spend one-third of its discretionary funds to programs to improve the administration of justice in courts. H.R. 13636 endeavors to provide Federal control over Federal moneys distributed for the purpose of reducing and preventing crime, as well as response to the most urgent needs of the citizens of our country who find themselves practically paralyzed by the fear of crime.

I know there still exist deficiencies in the agency that this bill does not address. The agency is in need of major restructuring. A 1-year trial period is offered to LEAA by this bill. During this year the Subcommittee on Crime will be conducting extensive oversight of the operations of the agency in carrying out the new mandates this bill provides. After this year I expect Congress will meet again to perform some major surgery on the agency and to address the needs and fears of the citizens of this country.

I thank my colleagues on both sides of the aisle for the analysis, the discussion, the debate and the compromise that brings this bill to the floor at this time.

Mr. McCLORY. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. McCLORY. Mr. Chairman, I do not think I will undertake to respond to all of the deficiencies in the existing law, or the administration of it, over a long period of time, to which the chairman of

the subcommittee, the gentleman from Michigan, has made reference; nor do I think I want to delineate in detail all of the accomplishments of the Law Enforcement Assistance Administration during the period of its existence since 1968. I think, however, it is important for us to recognize what this law was intended to do and what, in my opinion, it has largely accomplished.

If we look at the purposes of the law, we will find that it is not intended that an agency here in Washington should assume responsibility for taking care of the entire criminal justice system or its law enforcement responsibilities throughout the 50 States. Quite the contrary, we recognized in this legislation at its outset that we were looking to the local law enforcement agencies and we were looking to the States to handle the entire subject of law enforcement, and this measure was to provide some Federal direction, some Federal leadership, some Federal support for the local and State people to handle the job.

So, I think that when criticism is leveled, as it is, and it is a very popular them these days, at a Federal agency, we should recognize that the implementation of this entire program has been at the local and State levels. If there has been misuse or misapplication of funds, if we want to criticize the expenditure of funds for hardware, so-called, instead allocating a greater share for police salaries, as some people would like LEAA funds to be devoted, we should criticize those who are in charge of law enforcement at the local level.

I rise in general support of this legislation to extend the law. I might say at the outset that I think it is clear that we should extend the law for not less than 3 years. When I think of extending this legislation for only 1 year with the year to start in just a few weeks, and think of the fact that we will have a new Congress in January. I can see only confusion ahead. The committee will not be organized until around February or March, and we will have other business to attend to. When we think how long it took us to handle this extension, it can be seen that it would be virtually impossible, during the few months that would be available next year, to undertake another whole revision of this entire subject.

So I think out of fairness to the agency, out of fairness to our States and to our local law enforcement people, to the local and State planning agencies, we ought to give them a chance at least to find out what changes we are making and how to apply the law with respect to the changes in the law which are being made.

Mr. Chairman, I rise in general support of H.R. 13636, to extend and reauthorize the Law Enforcement Assistance Administration, reported some months ago by the Committee on the Judiciary. I must state at the outset that there are several serious defects contained in the bill which should be corrected before it is passed by this body. But rather than beginning my remarks with criticism of the bill, I prefer to take a more positive approach at the outset by describing briefly the process which led to the favorable reporting of this legislation and by discussing a number of the issues raised by the bill itself.

Since its creation in 1968, the LEAA program has come up for congressional review twice—in 1970 and 1973. Each time, with some minor readjustments, the Congress extended and reaffirmed the concept of block grant assistance to the State and local governments in support of law enforcement and the administration of criminal justice. However, almost since LEAA's birth, the concept of block grant funding, and the LEAA itself, have come under some criticism from quarters both inside and outside the law enforcement, academic and congressional communities. Much of the criticism was directed at specific aspects of the program which were said to be deficient either in motivation or in administration. Based on a GAO report which is now more than 5 years old, some critics charge that local law enforcement officials spend too much of their grant funds on "hardware."

Mr. Chairman, let me interject at this point that the entire concept of a block grant program is that the ultimate decisionmaking should be in the hands of the grantees. In this case the local governmental bodies have the principal responsibility for law enforcement—and we want to keep it that way.

Certainly not all law enforcement hardware, including communications systems, correctional facilities, and all of the other tools that are involved in law enforcement and criminal justice—should be regarded as improper. Indeed, the needs of the local community are generally known best by the local law enforcement officials. By and large, those in local government are in strong support of this modified special revenue-sharing program. While it provides but a small percentage of the total expenditures made for law enforcement and criminal justice, this Federal program has provided virtually the only source of funds for innovations upon which improved programs of law enforcement and criminal justice must depend.

However, I must point out that in the subcommittee hearings substantial criticism was leveled at the LEAA program as a whole. Some of the criticism was based on a rejection of the basic philosophy of the program—that a block grant program of assistance to States and localities was fundamentally defective. Other criticism was based on the feeling that the success of LEAA was to be measured by the percentage decrease of the crime rate. Because the crime rate has increased, the conclusion was that the whole LEAA program, composed of thousands of separate projects was a failure.

It was in such an atmosphere that the hearings on the 1976 reauthorization were undertaken early this year. From February 19 to April 1, the Subcommittee on Crime conducted 10 days of oversight hearings into LEAA, at which 45 witnesses appeared. The hearings were essentially a superficial attempt to review the major areas of criticism of the agency and became primarily a forum for critics of LEAA to voice their various concerns. It seems fair to say that nothing of any real substance came from the hearings, and rather than any indepth oversight they provided only a headline analysis of some rather complex issues.

Perhaps the most important issue considered during the hearings was the general question of whether there is adequate evaluation of the some 80,000 projects which are funded through the various LEAA funding processes. More simply stated the question was whether either LEAA as a national administration, or the State and local recipients of the LEAA funds have been paying sufficient attention to the identification of projects which are successful in the accomplishment of their goals. A similar concern was expressed during the reauthorization hearing of 1973, and the result of that process was to include in the 1973 reauthorization bill several provisions which required LEAA, primarily through the National Institute of Law Enforcement and Criminal Justice "to evaluate programs and projects . . . 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 of this title."

Nothing could be more crucial to the success or failure of a program than a determination of whether its various component projects are a success or failure. To some extent it became clear that the National Institute had undertaken to fulfill the mandate of the 1973 act, by beginning a thorough process of review of funds projects. This new effort seeks to identify the projects many of which have been highly successful and to identify them and disseminate them through the law enforcement community. Another important preliminary conclusion that came from the hearings was that the science of evaluation was a new and emerging one. It seems that weighing the impact of a particular criminal justice program, or even devising a method by which that impact would be determined, are things not yet easily accomplished.

Mr. CHAIRMAN. It is most unfortunate that the committee report seems to indicate that LEAA's evaluation effort is virtually nonexistent. Nothing could be further from the true fact of the matter. The fact is that over the 3 years since the 1973 evaluation amendments, the National Institute has undertaken a careful plan to begin to effectively implement the mandate of Congress. The strategy of the National Institute has been first to assess the results of Institute-sponsored research and to evaluate criminal justice projects at the national, State, and local levels. Second, the Institute has sought to begin building an evaluation expertise in State and local agencies, and to devise better evaluation tools and methods. To implement these two goals several programs have been developed. The most promising is the national evaluation program which sponsors a series of phased evaluation studies of specific approaches and programs already operating within the criminal justice system. Each of these studies analyzes ongoing projects with similar objectives and strategies. In fiscal 1975 there were 18 evaluations in the first phase of study in the following topic areas:

Youth Service Bureaus.
Juvenile Diversion.
Alternatives to Incarceration of Juveniles.
Juvenile Delinquency Prevention Projects.
Alternatives to Custodial Detention of Juveniles.
Operation Identification Projects.
Citizen Crime Reporting Programs.
Citizen Patrol Projects.
Specialized Police Patrol Operations.
Police Crime Analysis Projects.
Traditional Preventive Police Patrol.
Neighborhood Team Policing Projects.
Police Intelligence Units.
Pre-Trial Screening Projects.
Pre-Trial Release Programs.
Court Information Systems.
Indigent Defense Programs.
Residential Inmate Aftercare (Halfway Houses).
Furloughs for Prisoners.
Intensive Special Probation.
Early Warning Robbery Reduction Projects.
Treatment Alternatives to Street Crime Projects.

In fiscal 1976 grants were to be awarded for evaluation studies in the following areas:

Police Juvenile Units.
Juvenile Court Intake Units.
Citizen Victim Service Projects.
Street Lighting Projects.
Security of Urban Transit Systems.
Co-ed Correctional Institutions.
In-Prison Disciplinary and Grievance Procedures.
Institutional Education Programs for Inmates.
Employment Services for Releasees and Probationers in the Community.

Clearly these studies will have significant impact on LEAA funding when they are completed.

Additional evaluation efforts within the National Institute are substantial. Within the Institute a central clearinghouse for evaluation information has been established within the National Criminal Justice Reference Service. The Office of Evaluation also maintains liaison with the planner/evaluators in each of LEAA's regional offices. In addition, the National Institute's Office of Evaluation has supported an evaluation results dissemination conference to help LEAA personnel learn about evaluation results and evaluative techniques through discussion of selected professional evaluations.

In the area of program evaluation, a number of important projects have been considered, including demonstration evaluation, evaluation of the development and implementation of criminal justice standards and goals, and an evalution of the LEAA grants totaling almost $4.5 million for career criminal programs. In the area of evaluative research, specific efforts have been directed at methodology development, methodology standardization, and deterrent effectiveness.

Mr. Chairman, another promising project is the model program development. Under this program an attempt is made to identify and develop model programs that have demonstrated success or shown promise.

Models are drawn from three sources: Exemplary projects, prescriptive packages, and research applications.

Exemplary projects focus national attention on outstanding criminal justice programs across the country which are suitable for transfer to other communities. To be considered exemplary, a project must have demonstrated consistent success for at least 1 year in reducing a specific crime or in achieving measurable improvement of a criminal justice service. Other criteria for selection involve cost effectiveness, availability of evaluation data, suitability for transfer, and willingness of the sponsoring agency or community to provide information to other communities on the project.

Approximately 10 exemplary projects are selected each year following a rigorous screening process. Nominations are submitted by State planning agencies—SPA's—LEAA Regional Offices—RO's—and other groups with an interest in criminal justice, provided they are endorsed by the appropriate SPA and RO. The candidate projects are then prescreened by the Institute, and the most promising programs are submitted to a contractor for on-site validation. The validation reports are then submitted to an advisory board which makes the final determination on the programs' exemplary status. The board is made up of representatives of the SPA's and LEAA central and regional offices.

For those programs designated exemplary, the Institute develops a brief brochure and a more detailed manual for widespread dissemination. For selected exemplary projects, audiovisuals and training materials are also developed.

Currently materials have been developed on community-based corrections, a prosecutor management information system, a public defender service, a juvenile diversion project, and a neighborhood youth resources center.

Prescriptive packages provide criminal justice practitioners with background information and operational guidelines in selected program areas that will assist them in implementing or improving activities in these areas. They are a synthesis of the best methods and procedures now in operation throughout the country.

In developing a prescriptive package, researchers visit projects throughout the country to cull and consolidate the most successful new techniques into a single handbook. While theory is not ignored, the emphasis is pragmatic and recommended procedures are based on the most current, hard information available. One or more model programs are presented in a sufficiently detailed manner for implementation in whole or part in a suitable environment.

Along with the composite program model, the prescriptive package identifies a number of planned variations derived from field experience: First, proven approaches which are not included in the composite model because of limited applicability, but which may be useful to specific communities, second, those approaches which appear promising for widespread application, but are not yet fully tested, third, entirely new concepts proposed by the grantee as a result of his research. The grantee should provide guidance in the experimentation and testing of such components as part of a systematic research plan to enhance the program's overall goal attainment and effectiveness.

Topic areas for fiscal 1976 Prescriptive Packages include the following:

Regionalization and Consolidation of Police Services.
Use of Technology in the Courts.
Prosecutor Case Screening.
Residential Treatment in Lieu of Incarceration.
Correctional Programs for Women.
Use of Paraprofessionals in Probation and Parole.
Solutions to School Violence Problems.

Current Prescriptive Packages include:

Crime Scene Search and Physical Evidence Handbook.
Evaluative Research in Corrections.
Guide to Improved Handling of Misdemeanant Offenders.
Methadone Treatment Manual.
Neighborhood Team Policing.
Police Crime Analysis Units.
Diversion of the Public Inebriate from the Criminal Justice System.
Improving Police Community Relations.

TO BE PUBLISHED

Amelioration of Physical Child Abuse.
Rape and Its Victims.
Use of Para-legals in Public Defenders' Offices and Correctional Institutions.
Use of Volunteers in the Juvenile Justice System.

Research applications are selected from research results in priority problem areas that promise immediate and widespread impact on criminal justice operations. The innovation is then tested, and materials are prepared for distribution which show an operating agency the advantages of the technique, how it should be implemented, what training is involved, and some idea of the costs.

Mr. Chairman, I have gone to these great lengths to describe the evaluation effort of LEAA because the Committee Report conveniently forgets to mention any of these innovative and exciting programs. Instead, the report implies a criticism of the agency for not accomplishing some undefined goal of tying evaluative efforts to the funding mechanism. It seems to me to be undeniably clear from my description of the evaluation effort that much valuable activity is underway. Clearly it is a disservice to the agency and to the Congress to insist that a process that might reasonably take decades to complete, be finished within 3 or 4 years.

Nevertheless, I do think that the new provisions in the bill will be of some value in adding the administration in furthering its evaluation effort.

Mr. Chairman, I intend at the appropriate time to offer several amendments. One principal amendment which I hope will be accepted—or passed overwhelmingly would extend the authority of the Law Enforcement Assistance Administration for a period of 3 years—instead of the 15-month extension provided in the committee bill. With almost 3 months of the proposed 15-month extension already behind us—the present bill is barely a 1-year extension.

What with planning process at the local, regional, and State levels, and the new requirements imposed by this bill, it would seem to me to be illogical and unfair to all concerned to provide for less than a 3-year extension. The administration requested a 5-year extension. The

other body has authorized a 5-year extension.

Some opponents of my 3-year extension amendment try to comfort me by assuring me that the 3-year extension will be approved in conference.

Let me say that that is not my way of legislating on the most important Federal program in support of local law enforcement and criminal justice. The local and State officials who are going to implement the programs which we are authorizing here deserve to have a law which will enable them to plan—and carry out law enforcement and criminal justice programs—responsibly.

Mr. Chairman, in addition to the issue of the evaluation of projects funded by LEAA, there were three important issues considered during the subcommittee's hearings on LEAA which are treated in this bill: community participation in the LEAA planning and funding process; LEAA's supposed failure to enforce its civil rights mandate; and the underemphasis of court gunding in LEAA programs.

COMMUNITY PARTICIPATION

The current authorizing legislation permits, but does not require, LEAA and the State and local planning units to provide funds to citizen and community groups desiring to get involved in the criminal justice system. During the hearings of the Subcommittee on Crime, it appeared that the discretion to fund such groups had not been fully utilized by the national, State, and local planning units which disbursed Federal funds. During the hearings, representatives of local and national citizens groups, among them the director of the Washington Bureau of the National Urban League, who testified that there was a serious underemphasis of community involvement, especially minority community involvement in the fight against crime. They strongly urged that specific emphasis be added to the new authorization legislation which would encourage and require the involvement of citizens.

The bill as reported by the Committee on the Judiciary attempts to fulfill those recommendations by adding several new provisions to the enabling legislation. While I support the general concept of community involvement, and while the thrust of the new provisions is in the right direction, I have a serious concern that a few aspects of these provisions are undesirable. First, while I think that an Office of Community Participation is a desirable component of the national LEAA, I question the wisdom of creating such an office by legislative fiat. The difficulty is that such an office created by statute becomes perhaps too permanent an addition to the LEAA bureaucracy. Indeed, there seems to be little or no chance to alter this office or place it in a different section of the national LEAA office even if such alteration or placements is desirable for reasons of administrative or fiscal efficiency. It seems to me that it would have been far wiser to mandate that LEAA accomplish certain objectives of community involvement, and then leave it to them to determine in what office those objectives would fall.

However, that failing is not nearly as serious as the amendment to the act which deals with the requirement that funding to local groups be "approved" by the criminal justice agencies which will receive the assistance of such funded groups. The bill as drafted changes the current requirement of approval to one only of notification. So, if this bill were to pass, the criminal justice agency to receive assistance from community groups would have no power to prevent the funding of those groups, but would only be notified that such funding is to be granted. This, it seems to me, is extremely unwise because it bypasses the intelligent procedure set up to insure that citizen participation augment the already existing effort of local criminal justice and law enforcement agencies. Certainly, we do not want to force community groups on law enforcement without their consent and approval. This notification requirement seems to fly in the face of reasoned administration of the criminal law, and therefore, an amendment will be offered to restore the original provision.

CIVIL RIGHTS

The subcommittee spent one full hearing day on the issue of LEAA's enforcement of the civil rights provision added to the enabling legislation to the 1973 act. During those hearings, we heard from several persuasive witnesses from the American Civil Liberties Union, and the Chicago and Philadelphia police forces. These witnesses described to the members their strong view that police departments of many cities throughout the United States have, to varying degrees, been receiving LEAA funds after having been found to have discriminated against minorities—blacks, chicanos, and women—in hiring, promotion, and other personnel practices. Unfortunately, the subcommittee was not given the benefit of the views of the LEAA on this issue because there is now a civil lawsuit pending against LEAA and several of its officers, which states as a cause of action their supposed failure to enforce the civil rights mandate contained in the present act.

In my view, the factual allegations surrounding LEAA's exercise of its civil rights responsibilities are complex and confusing. Extensive pleadings have been filed in the pending lawsuit by the plaintiffs and the defendants, which have been at least briefly considered by some of the subcommittee members and their staffs. The responsibility of LEAA and its failure to enforce aggressively the pertinent civil rights provisions does not emerge from these pleadings as unmistakably clear. There is evidence that LEAA did try to influence the course of the hiring and personnel practices of the offending police departments, but there is also evidence that the influence was not remarkably successful. One thing that does emerge from the subcommittee's civil rights hearings and the various documents submitted to the members is that the several police departments in question were discriminating. It seems also clear that some of these departments were, during the course of this discrimination, receiving Federal moneys.

It is my view that the argument surrounding LEAA's performance in the area of civil rights is caused by a fundamental difference in the understanding of the purpose and intent of the remedies contained in the civil rights provisions of the act. On the one hand, there are those who believe that the termination provisions of the act, that is—the cutoff of Federal funds—should be used freely when evidence of discrimination is found. On the other hand, there are those who view the LEAA program as one primarily for assistance to State and local criminal justice agencies for use in the long range fight against crime. This latter school of thought holds that fund termination is the most drastic remedy available and should be used sparingly. Because of these differences certain ambiguities have arisen in the determination of how the civil rights provisions of the act should be administered. Therefore, in my view, a clarification of the intent of the Congress is needed to establish just when and how the various procedures contained in the act should be used.

The amendment added in the bill before us today sets essentially a timetable for procedures determining the entitlement of a local recipient of LEAA funds after that recipient has been found to have discriminated in violation of the act. Thus, the duties of LEAA will be clear, and the threat of fund cutoff will be equally as clear to the fund recipients. Hopefully, this amendment will eliminate charges and countercharges of what should have been done in this important area. Thereby the objectives of the act both as to criminal justice funding and nondiscrimination will be accomplished.

COURT FUNDING

Another important issue considered by the subcommittee was the degree to which the courts have been ignored in the disbursement and distribution of LEAA moneys. Led primarily by the National Conference of Chief Justices, the various court officials throughout the country argued that, as structured, the LEAA funding mechanism in the States was dominated by the law enforcement community. Therefore, it was argued, the courts, being underrepresented on State and local planning agencies, were receiving a disproportionately low share of LEAA moneys. The subcommittee gave these arguments serious consideration and concluded for a variety of reasons that the situation was not as dire as the judges portrayed it.

The basic conclusion of the subcommitte was that while it was true that the courts had been traditionally underfunded, the reason for such underfunding was not an institutional bias within the LEAA apparatus, but rather a slowness of judges and court personnel to become involved in the planning and funding process. This slowness was the result of the traditional conservatism of the judicial branch, and because of its reluctance to become involved in a process which was perceived to infringe

on the traditional independence of the judiciary.

However, the testimony and evidence before the subcommittee demonstrated that when the judicial branch did become involved in the LEAA planning and funding process, it faired quite well. The subcommittee found that the best example of such judicial involvement was the State of Alabama in which the Chief Justice of the Alabama Supreme Court accomplished a modernization and unification of the State court system in part by the use of substantial LEAA funds—received both through the State block grant funding process and through the national LEAA discretionary funding mechanism. This modernization was also accomplished with no sacrifice of the judicial independence of the Alabama court system.

Thus the subcommittee concluded that the stringent categorization of the LEAA program in favor of the courts was not only unwise as a matter of general policy, but was also unwarranted by the facts. Instead, the subcommittee and the committee included provisions in the bill to encourage the judges to become more involved in the existing funding process. This was accomplished by a provision insuring that at least two members of the state planning agency for each State be selected from a list submitted to the Governor by the State's chief justice. Another provision was added which states in much more detail the requirements to which State planning agencies must look in evaluating the needs of the courts.

Unfortunately, in the full committee an amendment to the bill was added requiring that at least one third of the discretionary funds available to the national LEAA Administrator be used for the purpose of speeding criminal trials. That provision is unwise. It reduces the amount of discretionary funds for all other legitimate purposes. Also, it disregards the principle that States should have primary responsibility for reforming their own court systems. Thus a substantial proportion of the discretionary funds are earmarked for a certain purpose—a laudable one to be sure—when events could transpire to make it clear that such a proportional distribution of funds is not needed, or that another area of need is so much more compelling that the courts area should not be preferred. Because of these reasons, when the appropriate time occurs, I will offer an amendment to remove that earmarking.

Mr. Chairman, I am pleased to be able to tell you what has happened in Illinois generally and in my district, in particular, with LEAA funds. We have heard many criticisms of the use of LEAA funds for equipment. Let me give you some examples of the productive use of LEAA funds for equipment.

Geneva, St. Charles, and Batavia—in Kane County, have a tri-city dispatch system that has resulted in a coordinated communications system to reduce response time. This LEAA-supported project has led to a joint record system and has heightened cooperation among the three communities in the criminal justice area. In Lake and McHenry Counties, a judicial automated records system which provided a management information system and computerized records system for court services was supported by LEAA's technology transfer program. Other substantial use of LEAA funds was made in 1973 and 1974 with a work release program. The National Association of Counties selected this program as the best work-release program in the Nation at that time.

In Kane County, in my district, local officials have used both LEAA block and discretionary funds for a major, new criminal justice facility. This project was first funded in fiscal year 1972 and 1973, and I assure you it is an asset to the county. The National Clearinghouse for Criminal Justice Planning and Architecture at the University of Illinois, supported by LEAA, assisted our local officials and added a great deal to the utility and effectiveness of this facility. We are all very pleased when "brick and mortar" money comes from the Federal level to construct a worthwhile facility in our districts.

I can point to many excellent grants in my district—projects that have worked, are working, and are making a contribution to the improvement of criminal justice. Operation DARE, a project in cooperation with the Illinois Department of Corrections, has had the goal of lowering the recidivism rate among offenders by finding stable and meaningful employment upon release from prison. This LEAA program has been instrumental in finding jobs for approximately 2,000 exoffenders.

Another program of particular note is Family Crisis Intervention Training. This workshop has an outgrowth of earlier LEAA-sponsored research on techniques to help police handle one of their most frequent and dangerous assignments—family disturbances. Program results have demonstrated a reduction in police injuries and deaths, as well as a reduction in client assaults and homicides following the use of the intervention techniques. There are many other worthwhile training programs such as the Citizen Dispute Settlement Training Program, the Juvenile Diversion and Family Counseling Training, Police Crime Analysis Unit Training, Neighborhood Team Policing, and many others which increase the skills and knowledge of criminal justice practitioners. LEAA is contantly striving to improve and update criminal justice education. Through the Law Enforcement Education Program—LEEP—a significant contribution has been made in this regard. There are over 50 schools in Illinois utilizing the LEEP program to provide college education to law enforcement personnel.

Under the LEAA Discretionary Grant Program, Illinois was awarded funds to establish a combined Agency Drug Enforcement Unit. This led to en excellent block grant program, establishing Drug Enforcement Units on a regional basis throughout the State.

In Chicago, LEAA is funding the Chicago Cook County Treatment Alternatives to Street Crime program. This program is attempting to reduce drug related crime by diverting offenders from the criminal justice system into community-based treatment services.

Significant projects also have been funded in the courts, such as the Financial Crimes Bureau which provides specialized assistance to local prosecutors and the Illinois Statewide Trial Level Defender System in cases involving complex legal issues. LEAA also funds a Witness Information Services program which provides needed services for victims and witnesses in misdemeanor cases.

I, for one, want to see these efforts continued. These examples are more than adequate to justify the continuation of the LEAA program. I am certain my colleagues can also cite successful and outstanding LEAA-supported programs in their respective districts, and will agree that the continuation of the Law Enforcement Assistance Administration is essential.

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

Mr. McCLORY. I yield to the gentleman from Massachusetts.

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

Mr. CONTE. Mr. Chairman, I rise in support of this measure to authorize continued funding of the Law Enforcement Assistance Administration.

Created in 1968 for the purpose of assisting State and local governments in the prevention of crime, the LEAA is also dedicated to improvements in every phase of the criminal justice system. While the present authorization will continue under the assumption that crime is largely a local problem and that the tools to combat it must exist at the local level, the unpleasant truth remains that in spite of improvements in the criminal justice system, the crime rate continues to rise.

Incorporated in this bill are authorizations for community action programs, for the enforcement of civil rights legislation, for attacking the criminal case backlog, for improving correctional facilities, and for giving more attention to programs to combat crime against the elderly.

Even though the LEAA makes up only about 5 percent of a State's crime prevention funding, that 5 percent has done a considerable amount of good in the last 8 years. In that time, the LEAA has provided more than $4 billion through its block grant program to State and local governments. That money has supported more than 80,000 criminal justice projects, projects which have had a significant impact on the quality of justice in this country. As serious as the crime problem remains, without the LEAA it would be considerably worse.

While I join many of my colleagues in having reservations about certain portions of this bill, particularly in the overly short period of authorization, I am hopeful that we will correct some of those problems through amendments on the floor. In general, this bill authorizes a

sound and proven approach to crime prevention and control, and I urge its adoption.

Thank you.

Mr. McKINNEY. Mr. Chairman, since its inception in 1968, the Law Enforcement Assistance Administration has been the focus of hard accusations and severe criticism, which in the face of an ever increasing national crime rate are difficult to contest. The agency has been cited for its inefficiency and ineffectiveness and has been referred to as "the biggest pork barrel of them all." Yet, in spite of the small return that the American taxpayer has received from the four billion dollars already expended by the agency, both Houses of Congress are prepared to commit an additional $1.1 billion to extend the life of these controversial programs.

Mr. Chairman, I do not question the wisdom of utilizing Federal tax dollars to assist our communities in their fight against crime. Nor do I concur with the over-ambitious expectations of those who hold the LEAA responsible for the elimination of crime's cancerous growth over and above the 5 percent contribution which this agency makes to our total State and local law enforcement expenditures. However, Mr. Speaker, the annual barrage of statistics, which this year alone reflect a 10-percent increase in the national crime rate, repeatedly warn us of the need to re-evaluate the spending priorities of our law enforcement programs.

Ever since the era of the Great Society, Americans have come to realize that massive Federal financial assistance is not the only answer to our Nation's ills. Clearly, the $4 billion expended on the LEAA programs bear this out. The outpouring of additional dollars in recent years, to the "high crime areas", specifically our urban centers, has not only resulted in a 10-percent increase in urban crime, but at the same time, crime in the suburbs rose 9.7 percent. New England alone experienced a 16.4 percent increase in violent crimes in the past year. Assuredly, the special financial emphasis placed on riot control procedures can hardly be credited with the elimination of the chaos and destruction which once plagued our cities.

What I have questioned in the past and fear in the future is continued emphasis being placed on development, promotion, and use of technically sophisticated anticrime apparatus, rather than on increased efforts to challenge and eliminate the scource of criminal activity. Newly directed efforts must be waged to prevent todays neglected delinquents from becoming tomorrow's criminals. The development of diversion programs, rehabilitative and counseling activities represent a sound investment in our attack aginst crime and may well alleviate the demand for development of additional anticrime technology.

Wisely, the 1976 LEAA reauthorization bill we are discussing today, contains provisions which will assist state judicial systems in reducing court congestion as well as revising court criminal and procedural rules. Further, program evaluation requirements are gaining increased recognition and importance and should improve the effectiveness of LEAA programs.

Unfortunately, Mr. Chairman, preevaluation of these new directions are impossible and the number of those who are convinced of the capability to improve the agency's effectiveness are few in number. While the vote on the 1976 LEAA reauthorization may well be a forgone conclusion, the future existence and effectiveness of the Law Enforcement Assistance Administration is very much in question. I await the results.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New York (Ms. HOLTZMAN) a member of the subcommittee.

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

Ms. HOLTZMAN. Mr. Chairman, I first want to compliment the gentleman from Michigan (Mr. CONYERS) for the leadership he has shown in bringing this bill to the floor. The bill, which incorporates many of the provisions of H.R. 12362, which I introduced, is designed to improve the Law Enforcement Assistance Administration in a way that will protect the interests of the public in effective crime fighting effort, and protect the interests of the Congress in having an agency that will do its job efficiently and successfully.

Mr. Chairman, LEAA has spent, since its creation, about $4.5 billion. There has been much criticism of its operation in the past. Much of that criticism is fully justified, and substantial improvement is needed.

I do not believe, in all candor, that this bill solves all of LEAA's problems. We are still going to need to improve the operation of this program. But the bill that is before us today makes an important beginning. It improves the operation of LEAA's programs substantially and, at the same time, holds the agency on a very short leash so that Congress can review its operation and come back in a short period of time with additional improvements.

Mr. Chairman, I would like to note some of the substantial improvements that I believe this bill makes.

First, the bill makes speeding criminal trials, on the State level, a specific objective of LEAA. I believe that all of us understand how much the failure of cases to go to trial quickly has demoralized the police and the public, and made people wonder whether justice truly can be done in the criminal courts. Crowded courts can lead to "revolving door justice" and to plea bargaining for too lenient sentences.

In addition, the bill requires that one-third of the discretionary funds available to the LEAA Administrator be spent to aid the States in speeding criminal trials. The money can be used to support the prosecutorial and defense functions, as well as the courts. It is important that people arrested for crimes be tried quickly and justice done.

The second major area in which this bill makes a substantial improvement over the law in the past is in its requirements with respect to evaluation. I think it is fair to say that whatever efforts have been undertaken by LEAA with regard to evaluation of LEAA programs, we need to do considerably more in the future to learn which programs have been effective and which have failed.

I believe this bill will achieve that end by requiring that State projects be evaluated to determine their impact on crime and by requiring the National Institute for Law Enforcement and Criminal Justice to identify successful projects and disseminate information about them.

This bill also makes a major improvement in the area of congressional oversight. I noted before the problems which I and many others have found with LEAA. One of the ways of avoiding problems in the future is to assure that the Congress engages in detailed oversight over operation of the program. This bill requires, for the first time, detailed reporting by LEAA to the Congress and provides for a 1-year authorization, so that we can review LEAA's progress next year.

The other areas that I think are important are ones that expand the scope of the LEAA anticrime effort. The bill requires State plans to include ways in which to deal with crime against the elderly. This is an area that has been long neglected, and I am pleased to see that the bill requires local efforts to deal with this problem. In a provision that was suggested by the chairman of the Committee on the Judiciary, LEAA will now have to focus its efforts on trying to deal with the very serious problem of crime caused by drug abuse.

I would also like to point out that the bill has very important civil rights provisions which will assure that all Americans, regardless of race, religion, or sex will be treated equally in LEAA-funded programs.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. CONYERS. Mr. Chairman, I yield 1 additional minute to the gentlewoman from New York.

Ms. HOLTZMAN. I would also like to compliment the chairman of the subcommittee for title II of the bill which gives to the House Committee on the Judiciary the power to make authorizations for the Department of Justice. It is crucial for the Congress and for the country that the process by which the Department of Justice receives its funds receives the greatest amount of scrutiny and care, and I am very pleased to see the provision in the bill.

The CHAIRMAN. The time of the gentlewoman has again expired.

Mr. McCLORY. Mr. Chairman, I yield 1 additional minute to the gentlewoman from New York.

Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentlewoman for yielding.

I would like to commend the gentlewoman on her support of an amendment which she proposes to offer when we get to that stage which I will be supporting in behalf of the so-called program for the

high crime area. This is something that is supported by the administration and by the Department of Justice, and it is extremely important that we utilize this program to the extent possible to focus on those areas where crime is most prevalent, where we have a very high rate of crime. I want to commend the gentlewoman on the amendment and indicate that I intend to fully support it.

Ms. HOLTZMAN. I will tell the gentleman that I appreciate his support and commend his leadership in this respect. I think the bill can be greatly improved now by making LEAA focus funds on assisting localities that suffer from a high rate of violent crimes, burglary, rape, and the like. It is essential that effective answers be found to these crimes which cause the greatest damage and fear to Americans.

Mr. Chairman, I yield back the remainder of my time.

Mr. McCLORY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

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

Mr. WIGGINS. Mr. Chairman, I have been a supporter of the Law Enforcement Assistance Administration program from its inception, and I want to be a supporter of this bill but, frankly, I am finding it increasingly difficult to be so. In order to best explain my concerns, let me recall a bit of history.

Congress found as a fact in 1968 that there was a high incidence of crime in the United States which threatened the peace, security, and general welfare of the Nation and its citizens. Although the problem was admittedly national in scope, Congress properly concluded that its solution required a vigorous local response. In 1968 we devised a structure to provide Federal funds to States and units of local government so as to allow State government the opportunity better to discharge these responsibilities. This approach was consistent with the concept of revenue sharing which was then in better favor than it is today. I supported that concept then and I do today, so long as its central premise is not abandoned. The centerpiece of revenue sharing, whether it be general or special, is Federal financial support of activities within the jurisdiction of the States, with a minimum of Federal control.

This concept if followed is supportive of our Federal system, rather than infected with the seeds of its destruction which may result from a proliferation of federally directed categorical programs.

And so it was in this spirit that LEAA was launched in 1968. Funds were provided and Federal control over the disposition of those funds was only minimal.

Since that great day in 1968 an evolutionary process has occurred which has gradually diverted this program into the more traditional Federal categorical program.

Amendments were added which required States to give emphasis to juvenile delinquency programs and State prisons. The bill before us carries the evolutionary process further by federally mandated community anticrime programs, the allocation of funds earmarked for the courts, and a mandatory focus upon the high crime areas. Amendments will be offered, I am told, permitting the Federal funding to be used more extensively for police payrolls and to require something called a "bill of rights" for police officers.

In addition it is proposed that we set construction standards for local detention facilities and mandate special State attention to drug offenders.

Oh, how far we have strayed from the original philosophical underpinnings of this special revenue sharing program.

And the end, I fear, is not in sight.

This evolutionary process is, I suppose, inevitable. Given our splendid ability to spend money and our self-delusion of infinite wisdom here in Washington, the ultimate destruction of a program, conceived with the best of intentions, may well be preordained.

My plea is not to kill this bill with good intentions. Have faith, I say to my colleagues, in the Federal system and the ability of our local government to do its job.

Realism prevents me from taking the time of the House under the 5-minute rule to offer a comprehensive set of amendments—although frankly I may test the waters a couple of times—which will remove the Federal Government from the law enforcement business.

At this juncture such a major restructuring of the bill is probably hopeless, but I strongly urge my colleagues: Do not do further damage than has already been done and resist those amendments representing a further encroachment upon local responsibility.

Now since my time has not fully expired, let me tell the Members some of the areas of this bill which trouble me.

We have had a Federal requirement in the bill to establish construction guidelines for local jails. Is that a good idea or a bad idea? I am prepared to admit that perhaps some of the local penal institutions are not models of liberalism but on the other hand proper respect for the Federal system gives the States the opportunity to do right and to make a mistake as well.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. MANN), a member of the subcommittee.

Mr. HANSEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 681]

Abzug	Fish	Neal
Adams	Ford, Mich.	O'Hara
Alexander	Forsythe	Passman
Andrews, N.C.	Fraser	Peyser
Archer	Fuqua	Rangel
Baucus	Green	Rees
Beard, R.I.	Gude	Riegle
Beard, Tenn.	Harsha	Runnels
Brademas	Hawkins	St Germain
Brown, Mich.	Hays, Ohio	Santini
Buchanan	Heinz	Sarbanes
Burke, Calif.	Helstoski	Scheuer
Burton, Phillip	Henderson	Sisk
Cederberg	Hinshaw	Skubitz
Chisholm	Holt	Staggers
Clay	Horton	Stanton, James V.
Cochran	Howe	Steelman
Collins, Ill.	Jacobs	Steiger, Ariz.
Conlan	Jarman	Stephens
de la Garza	Jones, Ala.	Stuckey
Derwinski	Kar h	Sullivan
Diggs	LaFalce	Teague
Downing, Va.	Lehman	Udall
Drinan	Lloyd, Calif.	Wright
Duncan, Oreg.	Mathis	Wylie
Edwards, Calif.	Matsunaga	Young, Alaska
Esch	Meeds	Zeferetti
Eshleman	Mikva	
Evins, Tenn.	Mosher	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSENTHAL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13636, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 346 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from South Carolina (Mr. MANN) is recognized for 5 minutes.

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

Mr. MANN. Mr. Chairman, I am sorry that those Members who are now here due to the quorum call did not have the opportunity of hearing the gentleman from California, Mr. WIGGINS, a little bit earlier express his concern involving the further categorization of that block grant program known as LEAA.

You know, one of our problems is throwing money at a problem that we do not know the answer to and in the LEAA program we have such a program; and if money is to be thrown, then it might go across a little bit easier if we let it be thrown at the State and local levels, where, I submit, they are better able to identify the problem and to hit it effectively.

Mr. Chairman, if we really read a committee report sometimes we can find something significant in it. I did just that, I looked at the committee report and it says:

The Omnibus Crime Control and Safe Streets Act of 1968 legislation was based on the acknowledgment that crime is essentially a local problem and the tools to com-

bat crime exist at the local level. Federal criminal justice funding, therefore, has been administered through a block grant approach for the past 8 years.

The problem now is that we are getting away from that block grant approach.

If we look at the proposed LEAA budget for 1977, we will see it is for $753 million, which is in accord with the appropriation bill that we passed. If we look further, we will see that the grants to states out of the $753 million is $306 million, which is considerably less than 50 percent.

There are further grant funds of a categorical type, such as discretionary funds, made incidentally, on the basis of decisions in Washington on what is to be done with the money, and that is $54 million.

Then there are the high crime area grants, and that is $40 million; and there are funds for planning in the amount of $60 million.

There will be an amendment proposed by the gentlewoman from New York (Ms. HOLTZMAN) and the gentleman from Illinois (Mr. MCCLORY) suggesting an authorization of $50 million for the high crime area program. As I indicated in a Dear Colleague letter to the Members, most of the Members have gotten some uncertainties and some static about the LEAA program because of the failure of the high impact crime programs that we have already tried. But this one is going to be different, I guess. The Dear Colleague letter issued by the sponsors recites concerning their amendment:

For example, we add a provision designed to insure that grants can be awarded only if grantees can demonstrate their ability to administer the grant effectively.

Isn't that remarkable. I shudder to think that we would ever let anybody have money unless they have demonstrated, at least to an agency, that they know how to spend it. What troubles me a little bit is that we have relied upon the support of States and local governments for increasing these funds, as we did in the House in June, on the basis that we would use those funds for State and local purposes.

The gentlewoman from New York (Ms. HOLTZMAN) in her speech on the floor of the House recited support from the National Association of State Attorneys General, the American Bar Association, the National Association of Counties, the National League of Cities/U.S. Conference of Mayors, the National Governors Conference, and so forth. I am quoting:

The reason these organizations have supported this amendment is because the appropriations bill will cut from LEAA's block grant programs for the States and localities anywhere from 33 to 49 percent of the moneys they received last year, depending upon what happens in the authorization bill.

This is a very substantial cut which is going to devastate some of these programs.

The gentleman from Illinois (Mr. MCCLORY) further said somewhat the same thing, and so we were able to increase the funding, holding it out to the States and local governments. But now we are going to take it back. We are going to put it in another category. We are going to earmark $40 or $50 million of it for a high impact crime program.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from South Carolina.

Mr. MANN. What is a high-impact-crime area? I am sure that they will say that they have broadened the discretion of LEAA in determining what a high-impact-crime area is.

The report of the FBI that came out last week showed that the increase in crime in this country for last year was 10 percent in suburban areas, 8 percent in rural areas, 7 percent in municipalities of 250,000 to 1 million, 6 percent in municipalities of 1 million or more. Where is the high-crime area?

Where do we need this money? Do we want $50 million worth of cure, or do we want $50 million worth of prevention? If we want $50 million worth of prevention, let us let it go under the general block C grant program to States and local governments.

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

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

Mr. CONYERS. I thank the gentleman for yielding.

The point that I wish to pursue, and this continues our debate from the appropriation bill which inexplicably preceded the authorization bill, is that it is not justified that this money shall come out of the funds that will be going to State planning agencies, but more importantly, it is going into a program that has not proven to be workable. We have uncontroverted, impartial reports—LEAA funded—from corporations that were paid to evaluate it that said the impact cities and the pilot cities program did not work. That is why I do not support it.

Mr. MANN. LEAA paid $2.4 million to evaluate their high-impact program of $160 million, and the news that came from it caused law-enforcement-oriented Jim Mann, the prosecutor from Greenville, S.C., to receive many questions concerning his support for LEAA; because the high-impact program received such terrible marks.

So let us let the States and local governments have this money and do what they can do better than Washington can do.

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

Mr. MANN. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I would like to respond briefly. The amount that both the House and the Senate voted for in the LEAA appropriation bill was substantially more than $100 million because the Congress believed that there ought to be additional money for effective crime fighting.

The amendment the gentleman from Illinois (Mr. MCCLORY) and I will offer affects only $34 million of that additional appropriation of $154 million.

Secondly, our amendment does not deal simply with high crime areas. It deals with the incidence of violent crime. Rural areas could qualify, suburban areas could qualify, and urban areas could qualify.

The amendment we will offer differs substantially from the program that came under criticism before, but it does urge States and localities that suffer from a high incidence of violent crime, including burglary and assault and rape, to deal effectively with these crimes. That, I believe, is an important objective.

Mr. MANN. In response let me say that I think each community probably knows what its problems are.

Mr. MCCLORY. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.).

(Mr. ROBERT W. DANIEL, JR. asked and was given permission to revise and extend his remarks.)

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, critics of the LEAA program insist that it is, with this authorization extension, on trial—and rightfully so. No Federal program of this magnitude should be automatically and uncritically perpetuated. Nevertheless, I would like to submit, before we vote on this amendment, that a 15-month extension does not provide a fair and useful test.

A shortchanging of the law enforcement effort makes no more sense than the Congress delay in approving revenue-sharing money. With a mere short-term extension, the Law Enforcement Assistance Administration cannot hope for the long-term commitment of criminal justice officials, planners, experts, and highly qualified personnel. The new responsibilities this bill confers on LEAA—ranging from in-depth evaluation of its crime-fighting effectiveness, to the encouragement of community involvement—underscores the need for a more prolonged effort. Nothing about such a long-term crime-fighting program would prevent meaningful oversight by the Congress, and nothing in conventional wisdom would indicate that the Congress can responsibly carry out that oversight in the midst of an election season.

Mr. Chairman, I sincerely hope that my colleagues will not encourage LEAA to simply stockpile more hardware, a frequent criticism, by denying it the leeway to adequately plan anything more.

Mr. EDGAR. Mr. Chairman, I rise in support of H.R. 13636 which authorizes $985 million to extend the life of the Law Enforcement Assistance Agency for 1 year. I wish to congratulate the Judiciary Committee for its success in striking a responsible balance in responding to the dilemma of continuing the LEAA mandate. The committee clearly recognized that the accelerating crime rate faced by State and local authorities demands Federal financial assistance in the form of block grants. However, as pointed out in the report filed by the committee, the problems of the LEAA and the criticisms leveled at the Agency during the last several years were not glossed over. LEAA has failed to meet its minimum expectations after 7 years and over $4 billion. In recommending only a single year extension of the LEAA mandate, instead of for 5 years as proposed by the ad-

ministration, the Congress will be serving notice that the Agency has much more work to do internally. The Agency must reassess its programs and management and tune them for providing a maximum punch for crime control, prevention, and related research.

Mr. Chairman, violent crime is no longer only symptomatic of urbanized areas. Virtually all of our citizens, whether in our cities, our suburbs, or our less-populated areas, live in fear of being victimized by hoodlums. Our quality of life has been threatened not only by crime, but also by the fear of crime. Thousands of career criminals mug, rob, and burglarize with virtual impunity because our present system of justice cannot cope with the necessary processing. For most of these criminals, crime does pay. My own congressional district, within Delaware County, Pa., is comprised mostly of small townships and boroughs. It has been the scene of a series of related, but so far unexplained and unsolved murders of young girls during the last several years. Criminal elements have operated without punishment for decades in Delaware County. Triffic in illegal drugs has reached disgraceful magnitudes. Local and State officials in my area have been virtually powerless to bring lawbreakers to justice.

Mr. Chairman, I feel that Congress has an important role in supplying resources for crime-fighting to State and local officials. But such resources must include more than helicopters and sophisticated wiretaps. More than expensive hardware is required to provide security to our citizens. LEAA has been criticized often for placing too much emphasis on the supplying of technologically advanced equipment, and not enough on improving other phases of the criminal justice system. Apprehending violators of the law is only the first step in the legal and judicial maze which characterizes this system. The other phases have been correctly described as a "revolving door." If we are ever serious about our attempt to rid society of this threat which terrorizes many of us, we must find an effective strategy for keeping career criminals off the streets, rehabilitate first offenders, and provide alternatives to a life of crime for our youth. There are few deterrents to criminals, because they are put back on the streets with probation, suspended sentences, and unrealistically lenient sentences. Plea bargaining also impacts negatively in being a deterrent to criminal activity. LEAA must provide the leadership to reverse this. Funds are needed for law enforcement hardware, of course. But funds are also needed for more courts, more judges, more district attorneys, and more correctional facilities. These important areas of law enforcement have been neglected, and I feel that priorities of the Agency, and also of local and State law enforcement, should be refocused upon these law enforcement needs other than hardware. I also strongly believe that crime-fighting funds should be targeted to reduce crime against senior citizens, and for reducing the epidemic of crime in our schools.

Mr. Chairman, I have cosponsored legislation which I feel promotes this redirection of priorities, and is sensitive to where the true need for funding lies. One such bill, H.R. 13897, would permit Federal and District of Columbia courts to deny pretrial release, under certain circumstances, to those charged with committing violent crimes. The bill would give to judges the discretion to detain a suspect based upon the suspect's threat to the community, after the first offense. Current law provides for this discretion only after repeat offenses. The bill makes other changes which are consistent with the philosophy of detaining those who are most likely to commit crimes upon release.

Another important step in fighting crime would be the enactment of H.R. 14014. I cosponsored and support this bill, which would establish a commission to promote the establishment of sentencing guidelines. I strongly believe that arbitrary sentencing fails to serve notice to a criminal that he or she can expect to serve a certain prison sentence for the commission of a crime. I have also endorsed and cosponsored two bills which would establish additional mandatory sentences for certain crimes. The first, H.R. 13016, would mandate an additional sentence for crimes committed with firearms. The second, H.R. 9914, would provide an additional sentence for those who attempt to obtain narcotics or other illegal substances from retail pharmacies by force.

To combat crimes in our schools, I have cosponsored and supported H.R. 9662, the Juvenile Delinquency in Our Schools Act. This bill is designed to allow every student to be educated free from the fear of personal harm and physical intimidation.

Mr. Chairman, it has not been demonstrated that the LEAA has been effective in either reducing crime, or even understanding why crime is committed. However, ending Federal support of crime-fighting activities will certainly not help. In supporting this bill, I will continue to monitor the activities of the LEAA. If the improvement in agency policies and results do not improve dramatically, I will support a different mechanism for providing aid to our crime-beleaguered communities. However, a 1-year reprieve for the LEAA is enough time for the Agency to show our colleagues in the Congress that it can improve its effectiveness and earn the right to continue as a separate agency.

Mr. ROGERS. Mr. Chairman, section 107 of this bill amends section 402(c) of the act to require the National Institute of Law Enforcement and Criminal Justice in conjunction with the National Institute of Drug Abuse to conduct studies to determine the relationship between drug abuse and street crime and to analyse the success of the various drug treatment programs in reducing crime.

I must say that I think it is appropriate that the Federal Government's efforts to combat crime should include the development of a better understanding of the interplay between drug abuse and the commission of crime.

As you know, Congress has already provided authority to the National Institute on Drug Abuse to conduct studies of the outcomes and effectiveness of the various types of drug abuse treatment programs. In 1972, in Public Law 92-255, we gave the Special Action Office on Drug Abuse the authority to evaluate treatment progams and treatment outcomes. This authority was delegated to the Division of Narcotic Addiction and Drug Abuse, now the National Institute on Drug Abuse. And just last year we passed legislation creating the Office of Drug Abuse Prevention in the White House.

Further, in sections 411 and 410(a)(6) of Public Law 92-255, the Secretary of Health Education of Welfare was authorized to conduct audits of the treatment programs to determine their outcomes and to conduct evaluations of these treatment approaches. Finally, in Public Law 94-237, we revised the technical assistance authority to include determination of program outcomes.

On the basis of these authorities, NIDA has been conducting studies of treatment outcomes, to determine the extent to which each approach has resulted in reduction of drug dependence by participants, the extent of return to dependence, and indeed I might say has included in all of its outcomes studies a determination of the commission of crime by program participants.

These medical studies, which have been conducted by the Department of Health, Education, and Welfare, will of course be available to the Justice Department, and I am certain HEW will continue to cooperate in including in its medical studies of treatment effectiveness information which will assist the Justice Department in developing a better understanding of the relationship between various treatment alternatives and crime.

Mr. BINGHAM. Mr. Chairman, I rise in support of H.R. 13636 and more particularly in support of section 110(a), which authorizes $15 million for the purpose of grants for citizen anticrime patrols and the encouragement of neighborhood participation in crime prevention. I am pleased to note that this program received a $15 million appropriation last June and that the Senate has passed on to us an authorization bill which anticipates expenditure of these funds forthwith by LEAA.

Moreover, I am highly gratified that H.R. 13636 affords Congress, for the first time, the opportunity to vote on a bill which contains the essential ingredients of legislation I first introduced in December of 1971, to provide moneys for community anticrime groups. I have reintroduced and testified upon similar legislation, which would authorize expenditure of Federal moneys to aid citizens' organizations, in the 93d and 94th Congresses. Finally today Congress has before it legislation which will put these programs into action.

Before I touch upon what I believe are the many strengths of this program as is, let me briefly note what this program is not. It is not a plan to fund citizen vigilante groups. It is not a program to replace our vital uniformed police officers. It is not a program to put weaponry into the hands of citizens who would help fight crime.

What this provision for aid to citizen anticrime groups does represent is a

chance to help citizens involve themselves in our national fight against crime. The citizen anticrime patrol program offers a chance for communities to organize themselves in this effort, to help supplement our overburdened police forces, to offer them extra eyes and ears.

Since 1971, when I first introduced a bill entitled the Citizen Anticrime Patrol Assistance Act, I have heard from many citizen anticrime groups located around the country and they have indicated their enthusiastic support for this kind of legislation. While their costs are generally small, they support their programs out of their own pockets, and many citizens who would like to participate find it difficult to do so because of the cost. They report that small amounts of Federal assistance, such as would be provided by section 110(a) of H.R. 13636, would do a great deal to stimulate citizen involvement in organizing anticrime programs. And with the crime rate ever-climbing—indeed there was a 27-percent leap in just the past 2 years—I feel that it is crucial that citizens concerned about crime and afraid for their safety are offered this opportunity for involvement in our national anticrime efforts. The benefits reaped in terms of public confidence, neighborhood stabilization, and reduced incidence of crime far outweigh the relatively small cost to the Federal Treasury.

Since 1968, it has been the policy of the Federal Government to aid States in their fight against crime by offering nondiscretionary block grants. There have usually been no restrictions on how States spend this money, but for the stipulation that it aid in law enforcement. When the States have become pressed by the tight economy, they have applied these Federal grants to basic law enforcement necessities instead of innovative programs like citizen anticrime organizations. Too often has Federal money ended up being spent for superfluous weaponry and hardware; too infrequently has it been spent to involve the community in fighting crime. Thus, I believe it important that Congress earmark this $15 million once again and channel it into this community-based program.

There is a community anticrime group operating right here on Capitol Hill under a small grant of $23,000 from LEAA discretionary funds. But as this group, the Capitol East Community Crime Council notes in a letter which was printed in Monday's RECORD at E4721:

> Programs such as ours are just beginning and their funding is painfully meager. By the time state and local Boards and Commissions review all the requests for funding, the often non-represented citizen group—which is small and very local to the community area—finds little left for funding the citizen program.

It is just this sort of bureaucracy—which insulates innovative community groups from sources of Federal support—which we must strip away by supporting H.R. 13636 and its provision for direct funding of citizen anticrime groups by LEAA.

Not long ago, I had the pleasure of riding in an anticrime patrol radio car from the Concourse-Mosholu Community Action Group as it made its rounds protecting a neighborhood in my district. I was impressed by the number of people on the streets after dark. These groups are not vigilantes. They are the eyes and ears of a local police force which cannot be everywhere; they serve to supplement the police force, to open lines of communication between concerned citizens and their peace officers. The group I visited includes some 2,000 families who employ foot patrols, block watchers, walkie-talkies, alarm systems, and radio cars in their rounds.

It is important for the Federal Government, which claims to be concerned about the continuous rise in the crime rate, to offer financial assistance to such citizens who are willing to donate their time and effort to fight crime. The citizen anticrime patrol moneys authorized in section 110(a) provide a focus for such action. For such a program to be effective, it is vital that Congress support this section and thus guarantee that help will go directly from the Federal Government to citizen anticrime groups, bypassing the massive State and local bureaucracy. This guarantee is provided in the appropriation bill, Public Law 94-362 and is anticipated by the Senate-passed LEAA authorization. I urge my colleagues here in the House not to tamper with this wisdom and to support H.R. 13636 and section 110(a) here today.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of H.R. 13636, the Law Enforcement Assistance Administration 1-year extension. This measure revamps LEAA evaluation procedures, authorizes grants to community crime prevention organizations, establishes minimum standards for LEAA-supported correctional facilities, provides funds to prevent crimes against the elderly, develops standards for programs to improve State and local correctional facilities, authorizes LEAA to initiate civil rights compliance investigations, provides for the coordination of and research into drug abuse programs, and requires the use of LEAA discretionary funds to be used to improve the administration of criminal justice in the courts.

Mr. Chairman, two areas of particular interest to me that are included in this measure are the prevention of crime against the elderly and drug abuse.

As cosponsor of H.R. 12464, one of several measures before the Judiciary Committee amending the Omnibus Crime Control and Safe Streets Act of 1968 in order to include the prevention of crimes against the elderly, I am pleased that the committee adopted this measure and that H.R. 13636 provides funds and planning authority to focus on the prevention of crime against our Nation's senior citizens.

Criminal attacks on senior citizens have reached serious proportions. According to the 1973 National Crime Panel survey report that was cited by the Judiciary Committee in its report accompanying H.R. 13636, the victimization rate for senior citizens is 31.6 per thousand which, translated into human tragedy, means that each year approximately 700,000 out of 22.4 million senior citizens have been victimized or are subject to victimization. This tragedy and human suffering is compounded by the fact that approximately one-half of all crimes against the elderly are unreported, making an accurate assessment of the problem that much more difficult.

With regard to drug abuse, the committee's report stated:

> At the present time, there is only sporadic coordination between the State Planning Agencies which fund drug abuse programs and the Single State agencies which plan for treatment and facilities for drug abusers. The State Planning Agencies have not been reporting to Congress on the results of their programs and standards and regulations surrounding them. To remedy these problems, the Committee adopted three amendments which would authorize the Institute to do research into the relationship between crime and drug abuse, require coordination between Single State Agencies and State Planning Agencies and require reporting to Congress on the effects of their programs.

Mr. Chairman, this is precisely the sort of thing that the newly created House Select Committee on Narcotics Abuse and Control, of which I am a member, is designed to examine and, hopefully, to remedy; namely, to develop a comprehensive study and review of all of the problems of drug abuse and control and to coordinate the work of the seven congressional committees having disparate interests in narcotics and the numerous Federal departments and agencies of the executive branch of the Federal Government administering a plethora of narcotic programs and policies.

Mr. Chairman, notwithstanding the numerous problems confronting LEAA, to which many of my colleagues have addressed themselves, I urge support of H.R. 13636 in order to help us wage an effective war against crime.

Mr. SCHEUER. Mr. Chairman, I would like to call attention to a provision in H.R. 13636 which is designed to help solve the serious problem of crimes against the elderly. This measure, which is similar to legislation which I introduced with 30 other Members last session, would require the States in submitting their plans for LEAA funds, to pay special attention to the problems of the prevention and treatment of crimes against the elderly.

We all are aware of the dismal statistics on the increase in crime. Serious crime in the United States rose 17 percent in 1974. While this statistic is frightening to everyone, it is more disconcerting to our senior citizens. A recent Harris poll indicates that the elderly rank fear of crime as by far their most serious problem.

Unfortunately, the fear is justified. In 1975, the Law Enforcement Assistance Administration conducted studies of victims of crime in 26 large cities. These studies indicate that elderly persons are victims of personal larceny at a rate of 19 per 1,000 as compared to a rate of 6 per 1,000 for 20-year-olds; that women over 65 are 6 times more likely to be robbed than other persons; that more than half of all robbery victims are women over 55; and that, in one large city, half the victims of crime who were

over 60 suffered physical injury as a result of the crime.

Not only are older people singled out as objects of crime to a greater degree than other people, but also the effect of victimization upon them is generally far more devastating than the effects of criminal attack upon younger people.

Because an older person is more likely to have a reduced or low income, the impact of even a small financial loss through crime is relatively greater for him than for a younger person.

Because of greater physical frailty, an older person is more easily injured in an encounter, his injuries tend to be more severe, and he recovers more slowly—if at all.

The impact of criminal victimization on older people, however, is not confined solely to financial loss and physical injury—the social and psychological impact of victimization on the elderly can be just as severe. Older people are so afraid of becoming victims of street crime, that they impose self-imprisonment. This self-imposed isolation is particularly important because it affects all older people, both those who have actually been victimized and those who see themselves as potential victims. By remaining in their homes, elderly citizens are cut off from participation in many social service programs.

It is time for us to attack this problem by developing comprehensive programs on the State and local level to combat effectively crimes against the elderly. Programs to reduce the incidence of crimes against the elderly by educating elderly citizens about realistic ways to avoid victimization, reducing criminal opportunities, alerting the elderly to real dangers while at the same time dispelling imagined fears have been tried under different auspices, in different parts of the country.

Many of these programs do not require large outlays of funds. What is required is the Federal mandate to involve the States in the battle against elderly crime victimization. The LEAA authorization bill provides such a mandate. I commend the chairman and his committee for including this provision in the bill.

Mr. JOHNSON of California. Mr. Chairman, I strongly support the many programs of the Law Enforcement Assistance Administration.

The funds provided by LEAA to states and localities represent an important supplement to their law enforcement and criminal justice resources. While LEAA funds account for only 5 percent of the national expenditures for criminal justice activities, the impact of these funds are important. They permit states to be innovative and to experiment with new and advanced crime prevention techniques.

With LEAA help, California has developed a master plan for criminal justice information systems. A fairly extensive network of Youth Service Bureaus has been developed to divert young people from the formal juvenile justice system, offering alternatives to secure incarceration of these youths. The California Narcotics Information Network has greatly assisted narcotics enforcement efforts throughout the State, as well as in surround States. Through the California Center for Judicial Education and Research, over half the State's judges have received continuing education, as have a majority of other court personnel.

I could go on for some time about the successful projects supported by LEAA funds in California which have been reported to me. In fact, the projects there have been so important that most have been continued with State or local funds after Federal startup funds have ceased. I am sure that the California experience with the LEAA program is not isolated, and that many other jurisdictions have similarly benefited.

The Federal Government cannot be expected to act on behalf of the States to perform their law enforcement activities and attempt to reduce crime. What it can do, however, is provide to the States resourcts with which to try new approaches in the field. LEAA has done a good job in this regard, and the agency's assistance to hard-pressed States and localities should not be substantially reduced at a time when this type of aid is so crucial.

In the First Congressional District, which I have the honor of representing, we have received over $37 million in LEAA block subgrant funds over the last 4 years. These funds have been used effectively and efficiently at the local government level to make a positive effect on the reduction of crime. Another $28 million came into the 14 counties of my district through LEAA nonblock discretionary grants.

I urge my colleagues to support continued authorization of the LEAA programs.

Mrs. SPELLMAN. Mr. Chairman, one of the most serious concerns of the citizens of our Nation is the ever-present threat of being the next victim of a criminal act. With this fact on our minds, we meet today to decide whether the Law Enforcement Assistance Administration should be allowed to continue, and, if so, in what form and at what cost to these same citizens.

Eight years ago our colleagues, faced with angry demands from their constituents to act to control the inexorable rise in the Nation's crime rate, enacted the Omnibus Crime Control and Safe Streets Act of 1968—creating the Law Enforcement Assistance Administration to assist and coordinate our State and local governments' efforts to reduce crime. Now, many Members of the House of Representatives question the wisdom of that action. For, after 8 years of existence, my respected colleagues on the Subcommittee on Crime, unable to ignore statistics which show that the national rate of crime has not been slowed, have concluded that LEAA has not achieved the goals that were promised.

We must realize that the rise in criminal activity which prompted the enactment of the Omnibus Crime Control and Safe Streets Act did not occur suddenly. The disrespect for our laws, symptomatic of so many of our society's imperfections, spread slowly, from city to city, city to town, town to town, over a period of many years. It was not as if our law enforcement agencies were overwhelmed by an explosive epidemic—unable to muster ample force, strategically deployed, to control the outbreak. Rather, this slow but steady rise demonstrated clearly that our law enforcement agencies were not equipped with the technology, organization, or knowledge to deal with this crisis.

In 1968, our colleagues understood that, in light of the deepseated causes underlying this situation, a complete restructuring of our criminal justice system was necessary. The long-range goals being, first and foremost, systems designed to prevent crime. If these preventions fail, system had to be designed to apprehend, prosecute, confine, and rehabilitate offenders with the maximum effectiveness and efficiency. Because these reforms are so extensive, is 8 years long enough to complete them?

In Prince Georges County, Md., LEAA funds and technical assistance have been used to improve senior citizen protection, for prisoner rehabilitation, for law enforcement training, to create a paraprofessional program to reduce the workload of the police and the courts, for a system of criminal-justice evaluation. LEAA has helped to establish programs to prevent juvenile delinquency and to counsel juvenile delinquents; to establish a drug rehabilitation program, and a program to investigate white-collar crime, and to improve and streamline the court system. Most importantly, it has increase cooperation between our local law enforcement departments. All of these programs have shown great promise and many have resulted in constructive reductions in crime. I would not like to see those programs destroyed because LEAA has not been renewed.

I certainly agree that the structure of LEAA, as it now exists, could be improved. Its inability to monitor and distribute information concerning effective programs is a severe fault, a is its method of self-evaluation. However, H.R. 13636 corrects those faults. Furthermore, the amendments which have been proposed to encourage local planning units to study and develop the most effective methods to deal with their local crime problems, and provide State legislature with more significant input into the use of Federal funds, surely will enhance the sensitivity of grant distribution.

The many measures which have been put forth to strengthen LEAA confirm what I believe to be a widely held conviction among my colleagues—that the Law Enforcement Assistance Administration is an essential weapon in the fight against crime. Although it is imperfect, the Congress can, and must, correct these mistakes for the sake of the health and safety of all Americans.

I urge the Members of the House of Representatives to approve a 3-year extension of the Law Enforcement Assistance Administration, at full funding, to give this agency the time to fulfill its vital responsibilities.

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

Mr. CONYERS. Mr. Chairman, we on this side of the aisle have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by titles.

The Clerk read as follows:

H.R. 13636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—LAW ENFORCEMENT ASSISTANCE

AUGMENTED AUTHORITY OF ATTORNEY GENERAL

SEC. 101. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after "authority" the following: ", policy direction, and general control".

OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

SEC. 102. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the 'Office'). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

STATE LEGISLATURES

SEC. 103. Part B of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new section:

"SEC. 206. At the request of the State legislature while in session or a body designated to act while the legislature is not in session, the comprehensive statewide plan, or any revisions or modifications thereof, shall be submitted to the legislature for an advisory review prior to its submission to the Administration by the chief executive of the State. In this review the general goals, priorities, and policies that comprise the basis of that plan, or any reviews or modifications thereof, including possible conflicts with State statutes or prior legislative Acts, shall be considered. If the legislature or the interim body has not reviewed the plan, or revision or modifications thereof within forty-five days after receipt, such plan, or revisions or modifications thereof, shall then be deemed reviewed.".

JUDICIAL PARTICIPATION IN PLANNING AGENCY

SEC. 104. Section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately before the last sentence the following: "Not less than two of the members of such State planning agency shall be appointed from a list of nominees submitted by the chief justice or chief judge of the court of last resort of the State to the chief executive of the State, such list to contain at least six nominees. State planning agencies which choose to establish regional planning units shall utilize, to the maximum extent practicable, the boundaries and organization of existing general purpose regional planning bodies within the State.".

CITIZEN AND COMMUNITY PARTICIPATION

SEC. 105. Section 203(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof the following: "; and"; and

(3) by adding at the end the following:

"(4) assure the participation of citizens and community organizations at all levels of the planning process.".

AMENDMENTS TO PART C

SEC. 106. (a) Section 301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately before "improve and strengthen" the following: "reduce and prevent crime and to".

(b) Section 301(b) of such Act is amended—

(1) by striking out paragraph (6);

(2) by redesignating paragraph (7) as paragraph (6), and, in such paragraph as so redesignated, by striking out "the approval of" and inserting "notification to" in lieu thereof;

(3) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(4) by adding at the end the following:

"(10) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; training of judges, court administrators, and support personnel of courts having criminal jurisdiction; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; and equipping of court facilities.

"(11) The development and operation of programs and projects designed to prevent crimes against the elderly person.".

(c) Section 303 of such Act is amended by striking out all that follows the sentence that ends with "and section 223 of that Act.", and inserting in lieu thereof the following:

"(b) No State plan shall be approved as comprehensive unless the Administrator finds that the plan—

"(1) includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice;

"(2) provides for 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;

"(3) provides for attention to the special problems of prevention and treatment of crime against the elderly;

"(4) is a total and integrated analysis of the problems regarding the law enforcement and criminal justice system throughout the State, establishes goals, priorities, and standards, and addresses methods, organization, and operation performance, and the physical and human resources necessary to accomplish crime prevention, the identification, detection, and apprehension of suspects and offenders, and institutional and noninstitutional rehabilitative measures;

"(5) provides for the administration of such grants by the State planning agency;

"(6) provides 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 program 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;

"(7) adequately takes 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;

"(8) provides for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

"(9) incorporates innovations and advanced techniques and contains 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 descriptions 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 enforcement and criminal justice plans and systems;

"(10) provides for effective utilization of existing facilities and permits and encourages units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(11) provides for research and development;

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

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

"(14) demonstrates 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;

"(15) sets 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;

"(16) provides 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;

"(17) provides 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 Natfonal 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;

"(18) provides 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;

"(19) provides for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part of each fairly severable part of such thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of any such application or part thereof to the State planning agency at a later date; and

"(20) provides for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice.

Any portion of the per centum to be made available pursuant to paragraph 6 of this subsection in any State in any fiscal year not required for the purposes set forth in such paragraph 6 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 criminal justice and in conformity with the State plan.

"(c) The requirement of subsection (b)(6) shall not apply to funds used in the development or implementation of a statewide program of evaluation, in accordance with an approved State plan, but the exemption from said requirement shall extend to no more than 10 per centum of the funds allocated to a State under section 306(a)(1).".

(d) Section 306(a)(2) is amended by inserting immediately after "to the grant of any State," the following: "plus any additional amounts that may be authorized to provide funding for the purposes of section 301(b)(7),".

(e) Section 306(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting between the present third and fourth sentence of the unnumbered paragraph the following: "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and pursue such legal remedies as are necessary.".

(f) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 307 and by redesignating section 308 as section 307.

(g) Section 307 of such Act, as so redesignated by subsection (f) of this section, is further amended by striking out "302(b)" and inserting "303" in lieu thereof.

AMENDMENTS TO PART D

SEC. 107. (a) Section 401 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "reducing and preventing crime by" immediately before "improving law enforcement and criminal justice".

(b) Section 402(c) of such Act is amended—

(1) in the second paragraph, by striking out "to evaluate" and inserting in lieu thereof the following: "to make evaluations and to receive and review the results of evaluations of";

(2) in the second paragraph, by adding at the end the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate information about such criteria and procedures to State planning agencies."; and

(3) by inserting immediately before the final paragraph the following:

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

(c) Section 402(b)(3) of such Act is amended by striking out ", and to evaluate the success of correctional procedures".

AMENDMENTS TO PART E

SEC. 108. (a) Section 453(10) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(10) complies with the same requirements established for comprehensive State plans under paragraphs (5), (7), (9), (10), (12), (13), (14), (15), (16), (17), (18), (19), and (20) of section 303(b) of this title;".

(b) Section 453 of such Act is amended by—

(1) striking out "and" at the end of paragraph (11);

(2) striking out the period at the end of paragraph (12) and inserting "; and" in lieu thereof; and

(3) adding at the end the following:

"(13) sets forth minimally acceptable physical and service standards agreed upon by the Administration and the State to improve or renovate local jails. A plan incorporating such standards shall be a condition for acquiring Federal funds for *construction*, improvement and renovation of local jails.".

(c) Section 454 of such Act is amended by adding at the end the following: "The Administration shall, in consultation with the States, develop minimally acceptable physical and service standards for the improvement and renovation of local jails.".

(d) Section 455(a)(2) of such Act is amended by inserting immediately after "combinations of such units," the following: "or private nonprofit organizations,".

(e) Section 507 of such Act is amended—

(1) by inserting "(a)" immediately after "SEC. 507."; and

(2) by adding at the end the following new subsection:

"(b) In the case of a grant 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. Where a States does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to wave State liability and may pursue such legal remedies as are necessary.".

CIVIL RIGHTS ENFORCEMENT PROCEDURES

SEC. 109. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever" and inserting in lieu thereof the following: "Except as provided in section 518(c), whenever".

(b) Subsection (c) of section 518 of such Act is amended to read as follows:

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

"(2)(A) Whenever there has been—

"(i) notice or constructive notice of a finding of discrimination in violation of subsection (c)(1) by a Federal or State court or administrative agency,

"(ii) notice or constructive notice of the filing of a lawsuit by the Attorney General alleging such discrimination, or

"(iii) an investigation resulting in an initial determination by the Adminstration (prior to a hearing under subparagraph (D)) that a State government or unit of general local government is not in compliance with subsection (c)(1),

the Administration shall, within ten days of such occurrence, notify the chief executive of the affected State, or of the State in which the affected unit of general local government is located, of the noncompliance, and shall request such chief executive to secure compliance.

"(B) In the event the chief executive secures compliance, the terms and conditions with which the recipient agrees to comply shall be set forth in writing and signed by the chief executive (and by the chief executive and the chief elected official of the unit of general local government in the event of a violation by a unit of general local government), the Administration and the Attorney General of the United States. Within fifteen days prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to all complainants, if any. The chief executive (or the chief elected official shall file semiannual reports with the Administration and the Attorney General detailing the steps taken to comply with the agreements. Within fifteen days of the receipt the Administration shall send to all complainants, if any, a copy of such compliance reports.

"(C)(i) If, at the conclusion of sixty days after notification, such chief executive fails or refuses to secure compliance, the Administration shall—

"(I) notify the Attorney General of such

chief executive's failure or refusal to secure compliance, and

"(II) suspend further payment of any funds made available under this Act to that State government, or to that unit of general local government.

Such suspension may be limited to the specific program or activity cited by the Administration in the ntoice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days (or not more than thirty days after the conclusion of a hearing under subparagraph (D)) unless within such period there has been an express finding by the Administration, after notice and opportunity for a hearing pursuant to subparagraph (D), that the recipient is not in compliance with subsection (e)(1).

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

"(I) such State government or unit of general local government enters into a compliance agreement approved by the Administration and the Attorney General in accordance with subparagraph (B);

"(II) such State government or unit of general local government complies fully with the final order or judgment of a Federal court; or

"(III) after a hearing, the Administration finds that it has failed to demonstrate noncompliance.

"(D) At any time after the notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall conduct within thirty days of such request or ninety days after notification, whichever is later. Within thirty days of the conclusion of the hearing, or, in the absence of a hearing, within the one-hundred-and-twenty-day period referred to in subparagraph (C), the Administration shall make a finding of compliance or noncompliance. If the Administration makes a finding of noncompliance, the Administration shall—

"(i) notify the Attorney General in order that the Attorney General may exercise his responsibilities under subsection (3);

"(ii) terminate payment of funds made available under this Act; and

"(iii) if appropriate, seek repayment of such funds.

"(E) Any State or unit of general local government aggrieved by a finding of the Administration under subparagraph (D) may appeal such finding as provided in section 511.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of general 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 an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, including the termination or repayment of funds available under this Act, or placing any further payments under the Act in escrow pending the outcome of the litigation.

"(4)(A) Upon application of the plaintiff, and in such circumstances as the court deems just, the district court may appoint an attorney and may authorize the commencement of the action without the payment of fees, costs, or security. A State court may do likewise to the extent such appointment or authorization is not inconsistent with the laws of that State.

"(B) The court may grant as relief to the plaintiff any temporary restraining order, preliminary or permanent injunction, or other order, including the suspension, termination, or repayment of funds available under this Act, or placing any further payments under this Act in escrow pending the outcome of the litigation, together with costs and reasonable attorney fees.

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

"(3) Whenever the Attorney General has reason to believe that a State government or unit of general local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section. Where neither party within forty-five days after the bringing of such action has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Administrator shall suspend further payment of any funds under this title to the program or activity of that State government or unit of general local government until such time as the court orders resumption of payment, notwithstanding the pendency of administrative proceedings pursuant to subsection (c)(2).

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

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

EXTENSION OF PROGRAM; AUTHORIZATION OF APPROPRIATIONS

SEC. 110. (a) Section 520(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of carrying out this title not to exceed $220,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, and not to exceed $880,000,000 for the fiscal year ending September 30, 1977. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977, for the purposes of grants for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(7) of this title.".

(b) Title I of such Act is amended by striking out section 512.

(c) Sections 513 through 528 of such Act are redesignated as sections 512 through 527.

ANNUAL REPORTS AMENDMENT

SEC. 111. Section 518 of the Omnibus Crime Control and Safe Streets Act of 1968 as so redesignated by section 10(c) of this Act, is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including:

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) the methods and procedures followed by the State in order to audit, monitor, and evaluate programs and projects.

"(C) the descriptions and number of programs and projects, and the amounts expended therefore, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the descriptions and number of programs and projects, and amounts expended therefore, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have achieved the specific purposes for which they were intended and the specific standards and goals set for them,

"(F) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have failed to achieve the specific purposes for which they were intended or the specific standards and goals set for them, and

"(G) the descriptions and number of program areas and related projects, and the amounts expended therefor, about which adequate information does not exist to determine their success in achieving the purposes for which they were intended or their impact upon law enforcement and criminal justice;

"(2) a detailed explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(3) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(4) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(5) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(6) the number of programs and projects with respect to which a discontinuation, suspension, or termination of payments occurred under section 509, or 518(c), together with the reasons for such discontinuation, suspension, or termination;

"(7) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(8) a detailed explanation of the measures taken by the Administration to audit, monitor, and evaluate criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime; and

"(9) a detailed explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities, and criteria upon which the Administration based such expenditures.".

REGULATIONS REQUIREMENT

SEC. 112. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting immediately after subsection (c) the following:

"(d) Within one hundred and twenty days after the enactment of this subsection, the Administration shall promulgate regulations establishing—

"(1) reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of this title; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and

"(2) reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this title for compliance with the provisions of this title."; and

(2) by redesignating subsection (d) as subsection (e).

DEFINITIONS AMENDMENTS

SEC. 113. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out subsection (m);

(2) by redesignating subsections (n) and (o) as (m) and (n), respectively; and

(3) by adding at the end the following:

"(o) The term 'local elected officials' means chief executive and legislative officials of general units of local government.

"(p) The term 'local jails' means any public facility for the confinement and rehabilitation of individuals charged with or convicted of criminal offenses that houses such persons for longer than forty-eight hours but, generally, not more than one year.

"(q) The term 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. The term 'court' means a tribunal recognized as a part of the judicial branch of a State or of its local government units having jurisdiction of matters which absorb resources which could otherwise be devoted to criminal matters.".

TRUST TERRITORY OF THE PACIFIC

SEC. 114. Section 601(c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "the Trust Territory of the Pacific Islands," after "Puerto Rico".

CONFORMING AMENDMENT TO JUVENILE JUSTICE ACT

SEC. 115. Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "section 303 (a) (1), (3), (5), (6), (8), (10), (11), (12), and (15)" and inserting in lieu thereof the following: "paragraphs (5), (7), (9), (10), (12), (15), (16), (19), and (20) of section 303(b)".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanmious consent that title I of 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 Michigan?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. CONYERS. Mr. Chairman, there is a series of committee amendments to title I of the bill. The amendments are printed in the report, and I ask unanimous consent that they be considered en bloc, with the exception of the so-called Jordan amendment at page 16 of the bill and the amendment that has been objected to by the gentleman from Illinois and the gentleman from California, the amendment to page 12.

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

Mr. WIGGINS. Mr. Chairman, reserving the right to object, I ask the gentleman from Michigan if one of the committee amendments includes an amendment to Part E on page 16 of the bill dealing with construction standards for local correctional institutions and facilities.

Mr. CONYERS. Yes, we have that amendment. It would be included en bloc if the gentleman has no objection.

Mr. WIGGINS. I will ask the gentleman if he will separate that amendment out because of my intention to amend that portion of the bill.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to exclude the amendments at page 15 with the other two but have the rest of the committee amendments considered en bloc.

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

Mr. BUTLER. Mr. Chairman, reserving the right to object, if I may have the attention of the gentleman from Michigan, in referring to the so-called Jordan amendment, the gentleman is referring to the amendment headed "Civil Rights Enforcement Procedures" beginning at page 23?

Mr. CONYERS. That is correct. Mr. Chairman, if the gentleman will yield, we have two bills, the reported bill and the printed committee bill, so if there is a confusion in pagination, that is the answer to it.

Mr. BUTLER. Mr. Chairman, I withdraw my reservation of objection.

Mr. WIGGINS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan (Mr. CONYERS)?

Mr. McCLORY. Mr. Chairman, reserving the right to object, does the gentleman also except from the unanimous-consent request the amendment which I think the gentleman stated was on page 12, but it is on page 13, with regard to the one-third discretionary funds for the courts?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, yes, I should say to my friend that has already been excluded from the amendments to be considered en bloc.

Mr. McCLORY. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

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

There was no objection.

The committee amendments to be considered en bloc are as follows:

Committee amendments:

Page 5, line 15, insert immediately after "criminal jurisdiction within the State;" the following: the development of uniform sentencing standards for criminal cases;

Page 11, line 23, strike out "and".

Page 12, line 6, strike out the period and insert in lieu thereof "; and".

Page 12, immediately after line 6, insert the following:

"(21) identifies the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and establishes procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176(e)(1)) in responding to such needs.

Page 14, immediately above line 9, insert the following:

"The Institute shall, in consultation with the National Institute on Drug Abuse, make continuing studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies, and, upon request, to units of general local government.

Page 15, line 2, strike out "and (20)" and insert in lieu thereof "(20), and (21)".

Page 25, line 13, strike out "and".

Page 25, line 18, strike out "expenditures." and insert in lieu thereof the following: "expenditures; and

"(10) a complete and detailed description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act."

Page 27, strike out lines 4 through 8 and redesignate the succeeding subsection accordingly.

Page 28, lines 18 and 19, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978".

Page 29, lines 2 and 3, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978".

TECHNICAL AMENDMENTS

Page 6, line 2, insert a period immediately after "Act" but before the close quotation mark.

Page 13, beginning in line 2, strike out "between" and all that follows down through "paragraph" in line 4 and insert in lieu thereof the following: "immediately after the sentence beginning with 'In the case of a grant under such paragraph',".

Page 15, line 3, strike out the period immediately following "title" and insert a semicolon in lieu thereof.

Page 16, line 11, strike out "States" and insert "State" in lieu thereof.

Page 22, strike out lines 13 and 14.

Page 22, line 16, strike out "518" and insert in lieu thereof "519".

Page 22, beginning in line 17, strike out "as so redesignated by section 10(c) of this Act".

Page 27, line 2, strike out "general" where it appears after "officials of" and insert "general" immediately after "units of".

Page 28, line 4, insert a comma immediately after "Rico".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 12, line 22, immediately after "(d)" insert "(1)", and page 12, immediately after line 25, insert the following new paragraph:

(2) Section 306(a)(2) is further amended by inserting immediately before the period at the end thereof the following: ", but no less than one-third of the funds made available under this paragraph shall be distributed by the Administration in its discretion for the purposes of improving the administration of criminal justice in the courts, reducing and eliminating criminal case backlog, or accelerating the processing and disposition of criminal cases".

Mr. McCLORY. Mr. Chairman, I rise in opposition to the committee amendment which would earmark one-third of LEAA's discretionary funds for use for court programs.

The effect of the provision would be to provide an overly disproportionate share of LEAA discretionary funds for court programs. As it is, part C discretionary funds represent only 15 percent of moneys appropriated for part C programs. The remaining 85 percent of the funds are allocated among the States as block grants. The amount of discretionary funding available is small. In fiscal year 1976, there was appropriated approximately $70 million for the part C discretionary grant program. Of the $70 million, about 20 percent or $14 million was required to be used for juvenile delinquency programs pursuant to section 520(b) of the Omnibus Crime Control and Safe Streets Act. That left about $56 million for the discretionary grant program. To set aside one-third of discretionary funds for court programs would drastically reduce the funds available for other innovative and worthwhile programs focusing on such areas as career criminals, organized crime, citizens initiatives, Indian programs, crimes against business, standards and goals efforts, et cetera.

The proposed earmarking may also discriminate against smaller States. Currently, LEAA, through the discretionary grant program, provides a small State supplement to assure the availability of a minimum part C block grant allocation of at least $1.065 million for all States. The following States are participating in this program: Alaska, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming, as well as the District of Columbia, American Samoa, Guam, and Virgin Islands. This provision in the bill could very well force LEAA to terminate providing part C block grant supplements to these States.

Any earmarking of discretionary funds would be an impediment in carrying out the objective of the LEAA discretionary grant program. LEAA is expected to use the discretionary grant funds to exert national leadership in search of new and innovative approaches to controlling crime and improving the criminal justice system in America. In carrying out this mission, LEAA must take into consideration the needs of all segments of the system. However, if one segment of the system is earmarked to annually receive a given percentage of what were previously discretionary funds, LEAA would be severely limited in effectively searching out the new and innovative approaches necessary to an improved and enlightened criminal justice system and its leadership role could be seriously—even permanently impaired.

It is my opinion that other provisions of the bill which insure that court programs are included in each State comprehensive plan and that court programs receive an adequate share of part C block funds is a preferable approach to remedy the concerns expressed by members of the State judicial bodies in testimony before the Senate Judiciary Committee.

Mr. CONYERS. Mr. Chairman, I rise in support of the committee amendment, and offer these considerations:

It has been proven in subcommittee; and this matter was debated very extensively in the full committee—that we ought to set aside for the judges, the one-third discretionary fund for the simple reason that our courts are in trouble and the judges clearly do not have the political clout to receive the kind of funding that would come out of the discretionary fund. This would not come out of the block grant. That means no money would be taken away from the States for that purpose.

I want to point out that the one-third we are talking about is only about $20 to $25 million out of the discretionary fund pot. LEAA allocated 22 percent of its fund for this purpose last year. The only problem that causes us to write it into the law in this manner—and our committee backs this fully—is the simple fact that LEAA, in exercising its discretion, may not give the courts 22 percent out of their discretionary funds this year. So, we are asking that this one-third be made available and distributed by the administration at its discretion.

They too will still have to determine where it will go, which courts it will go to, what States will benefit from it based on their impartial judgment, what types of court projects will be funded so we are not taking anything away from the LEAA administration. We are merely trying to make our views on this more emphatic to them.

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

Mr. CONYERS. I yield to the gentlewoman from New York.

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

Ms. HOLTZMAN. Mr. Chairman, I rise in strong support of the committee amendment. I would briefly say the following:

There is no question that one of the most serious problems confronting the administration of justice in this country is the "revolving door" type of justice that has plagued State court systems around the country. It seems to me terribly important for the Congress to take cognizance of this problem. In fact, it would be irresponsible for Congress to ignore this problem.

At issue is not whether the States will make a decision or the Congress will make a decision; the issue is whether the LEAA Administrator, a bureaucrat, will make a decision about crime fighting priorities or whether the Congress will make that decision.

We are talking about discretionary funds in the hands of the LEAA Administrator. We are not talking about block grant moneys that go to States. The question is whether the LEAA Administrator is to set priorities for the use of discretionary funds or whether Congress shall do so. I believe firmly that Congress should set those priorities.

I believe also that speeding criminal trials is a very important priority. If the Congress says today that speeding up the disposition of criminal cases is a problem that should be addressed, we can begin to make some progress in correcting this very serious problem that has undermined the morale of the public and has undermined profoundly the administration of justice in America.

Mr. CONYERS. Mr. Chairman, I support the arguments made by the gentlewoman from New York, and I urge that this provision be retained in the committee bill. Therefore, I urge a vote for the committee amendment.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. FISH. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I want to explain what we are considering here is a committee amendment. In order for the committee amendment to be adopted, there would have to be an "aye" vote on the amendment. I am opposing the committee amendment. Consequently, a "no" vote would strike the committee amendment and would defeat the committee amendment.

Mr. FISH. I thank the gentleman.

Mr. Chairman, the chairman of the subcommittee, who brought this bill before us today, will remember that he and I were in the conference 3 or 4 years ago on this measure and a similar situation confronted us, where the Senate had earmarked some 20 or 30 percent of LEAA authorization for juvenile justice. It was very difficult for us to go over to the other body and say, "No, we do not want x percentage of these funds marked for upgrading juvenile justice."

I think we have the same issue here today, that no matter what the merits of stressing our criminal justice system are, the issue gets down to earmarking. Maybe someone would want one-quarter or one-fifth for judges, maybe someone else would want one-quarter for something equally important, and pretty soon we get away from the original concept and we have something different. We have the Congress mandating what should be done rather than having a block grant concept. No matter how meritorious any earmarking of these funds would be, I must oppose it because we simply open

the door for one person's favorite over another person's.

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

Mr. FISH. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

The gentleman has listed about the only exceptions that there are. It is the exception to prison corrections, 20 percent in part. For juvenile justice, we have earmarked $112 million. Now we have a limitation on personnel and salaries to one-third.

We have this matter for the judges, a $20 million amendment of one-third of the discretionary fund, when 22 percent was given by LEAA's discretion last year without any such provision. We are merely trying to show that we support what they did last year, and we would like to keep it at that level. The judges are not politicians. We give them this support and create a minor exception to the block grant approach, but I do not think it is a serious one when a $700 million bill has a $20 million categorical exception.

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

Mr. FISH. I yield to the gentleman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to point out, as I mentioned before, that the committee amendment does no violence to the block grant approach. It does not even touch the block grant moneys. This amendment only deals with priorities that are discretionary with the LEAA Administrator, and the only issue is, who is to set the priority, the Administrator or the Congress?

The committee amendment does not deal solely with the courts. It deals with prosecutors and defense attorneys. It deals with how to eliminate the revolving-door system of justice, the complaints about plea bargaining, the disposition of cases, and whether it is inappropriate with a system to administer justice in an effective manner. I think we are not going to begin to deal with this problem unless Congress says, "We think this is a priority, and we are going to tell the LEAA Administrator what our priority is."

Mr. FISH. The gentlewoman, I am sure, is not inferring that there is anybody in this Chamber who is not very much aware of the problem the gentlewoman just enunciated. That is not the issue. There are so many crying needs, I wish twice as much money were involved here to deal with these issues. The question is not the urgency of the issue. The question is far more fundamental, and that is whether or not we ought to have a block grant concept or whether we are going to say, "This is what is important," and go back and say, "Forget about LEAA, forget about the block grant concept, forget about what we talked about since 1970," and say, "We in the Congress are going to say where you are going to spend the money."

Now, when we say that this is the way a certain extra percentage will be spent, that is quite a lot different from saying that in the case of salaries no more than a certain amount is going to be spent.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in modest opposition to the committee amendment; not with the full, vigorous opposition I may express later on to other provisions of the bill.

The gentlewoman from New York (Ms. HOLTZMAN) is, of course, correct that this is not destructive per se of the block grant concept, since we are dealing with that 15 percent set-aside of the discretionary funds, which is within the unique jurisdiction of a Federal officer, namely, the Administrator. But let us bear in mind that the 85 percent which is distributable pursuant to State plans can be used now for improvements in the administration of justice if the State planning agency is persuaded by the judiciary in a given State that the funds ought to be spent for that purpose.

Very frankly, I am concerned that States have given inadequate attention to the pleas of their judges and prosecutors in emphasizing within the block grants the needs of the criminal justice system.

The thrust of this committee amendment, Mr. Chairman, which is troublesome to me, is that we mandate a one-third set-aside. The funds within that category must be spent for the improvement of a criminal justice system. That will necessitate that the administrators of the criminal justice system come forth with proposals to the Administrator.

I want to tell the Members that probably no group in our governmental establishment is less competent in writing programs than is the judiciary. I suspect that they are not equipped to make claims at this time for a full one-third of these funds, but to the extent that a State judiciary is able to make a persuasive case to LEAA they are eligible for funding even if we do not adopt the committee amendment.

The problem is that we are limiting the appropriate discretion of the Administrator with respect to the expenditure of discretionary funds and mandating that one-third of the funds available to him be set aside for a purpose, even though the plans are not ready and probably will not be ready for the prudent expenditure of the funds. It is clear from the legislative history that this Congress is concerned about the judicial system. It is also clear to the Administrator that we expect that he will give greater attention than perhaps he has in the past to the needs of judicial administration. That ought to be enough without mandating the one-third set-aside.

Mr. Chairman, primarily for those reasons I intend to oppose the committee amendment.

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

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

Mr. CONYERS. Mr. Chairman, if my colleague, the gentleman from California, grants that the gentlewoman from New York (Ms. HOLTZMAN) is correct that the block grant question really is not involved here, would he object to our mandating that this 22 percent which was eventually given last year be fixed at 33 percent for this one single year? The gentleman must remember that this bill is an authorization for this period. It is only for 1 year, until October 1, 1977.

Mr. WIGGINS. Mr. Chairman, in answer to the gentleman, yes, I would.

Mr. CONYERS. Then I will urge that all the Members agree to the committee amendment.

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

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

Mr. McCLORY. Mr. Chairman, it seems to me that this is putting a unique provision into this law to mandate that not less than one-third of the discretionary funds be made available to the courts. That is quite inconsistent with the whole philosophy of this legislation in the past, and it deprives a State planning agency and the administrator of Washington of the opportunity to make the crucial decisions as to what the priorities should be in connection with the fight against crime in America.

Mr. WIGGINS. Mr. Chairman, just to conclude, this amendment is going to inhibit the States from dealing with this problem themselves. It is going to be very easy for State planning agencies to turn down requests from the State judiciary and say, "You fellows are taken care of separately under the discretionary funding available to the Administrator."

Mr. Chairman, it would be very unfortunate if it had that consequence. Therefore, I urge a no vote on this committee amendment.

Mr. BUTLER. Mr. Chairman, I move to strike the requisite number of words.

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

[Mr. BUTLER addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The question is on the Committee amendment.

The question was taken; and on a division (demanded by Mr. McCLORY), there were—ayes 16, noes 22.

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

Ms. HOLTZMAN. Mr. Chairman, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Michigan (Mr. CONYERS) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 214, not voting 44, as follows:

[Roll No. 682]

AYES—173

Adams	Giaimo	O'Neill
Addabbo	Gonzalez	Ottinger
Allen	Gude	Patten, N.J.
Anderson, Calif.	Hall, Ill.	Patterson, Calif.
Annunzio	Hanley	Pattison, N.Y.
Ashley	Hannaford	Pepper
Aspin	Harkin	Perkins
AuCoin	Harrington	Pike
Badillo	Hayes, Ind.	Price
Baucus	Hechler, W. Va.	Rangel
Beard, R.I.	Hicks	Reuss
Biaggi	Holtzman	Richmond
Biester	Howard	Riegle
Bingham	Hungate	Rodino
Blanchard	Hyde	Roncalio
Blouin	Johnson, Calif.	Rooney
Boggs	Jordan	Rose
Boland	Kastenmeier	Rosenthal
Bolling	Kazen	Rostenkowski
Bonker	Koch	Roybal
Brademas	Krebs	Russo
Breaux	Krueger	Santini
Breckinridge	Leggett	Sarbanes
Brodhead	Long, La.	Scheuer
Brown, Calif.	Long, Md.	Schroeder
Burke, Calif.	Lujan	Seiberling
Burke, Mass.	McCormack	Sharp
Burton, John	McFall	Simon
Burton, Phillip	Madden	Slack
Carney	Madigan	Solarz
Carr	Maguire	Staggers
Cleveland	Mazzoli	Stark
Conyers	Melcher	Steed
Corman	Metcalfe	Stokes
Cornell	Meyner	Stratton
Cotter	Mezvinsky	Studds
D'Amours	Mikva	Sullivan
Daniels, N.J.	Miller, Calif.	Symington
Danielson	Mineta	Thompson
Delaney	Minish	Thone
Dellums	Mink	Thornton
Dent	Mitchell, Md.	Traxler
Derwinski	Moffett	Tsongas
Diggs	Mollohan	Udall
Dingell	Moorhead, Pa.	Van Deerlin
Dodd	Morgan	Vander Veen
Drinan	Mosher	Vanik
Eckhardt	Moss	Waxman
Edgar	Mottl	Weaver
Edwards, Calif.	Murphy, Ill.	Wilson, C. H.
Eilberg	Murphy, N.Y.	Wirth
Fary	Murtha	Wolff
Fascell	Myers, Pa.	Yates
Fithian	Nedzi	Yatron
Flood	Nix	Young, Ga.
Ford, Mich.	Nolan	Zablocki
Ford, Tenn.	Oberstar	
Fraser	Obey	
	O'Hara	

NOES—214

Abdnor	Burleson, Tex.	Edwards, Ala.
Alexander	Burlison, Mo.	Emery
Andrews, N.C.	Butler	English
Andrews, N. Dak.	Byron	Erlenborn
Archer	Carter	Esch
Ashbrook	Cederberg	Eshleman
Bafalis	Clancy	Evans, Colo.
Baldus	Clausen, Don H.	Evans, Ind.
Bauman	Clawson, Del	Fenwick
Beard, Tenn.	Cochran	Findley
Bedell	Cohen	Fish
Bell	Collins, Tex.	Fisher
Bennett	Conable	Florio
Bergland	Conte	Flowers
Bevill	Coughlin	Flynt
Bowen	Crane	Foley
Brinkley	Daniel, Dan	Fountain
Brooks	Daniel, R. W.	Frenzel
Broomfield	Davis	Frey
Brown, Mich.	Derrick	Gaydos
Brown, Ohio	Devine	Gibbons
Broyhill	Dickinson	Gilman
Buchanan	Downey, N.Y.	Ginn
Burgener	Duncan, Tenn.	Goldwater
Burke, Fla.	Early	Goodling
Grassley	McClory	Gradison
Guyer	McCloskey	Rogers
Hagedorn	McCollister	Roush
Haley	McDade	Rousselot
Hall, Tex.	McDonald	Runnels
Hamilton	McEwen	Ruppe
Hammer-schmidt	McHugh	Ryan
Hansen	McKay	Sarasin
Harris	McKinney	Satterfield
Harsha	Mahon	Schneebeli
Hébert	Mann	Schulze
Heckler, Mass.	Martin	Sebelius
Hefner	Mathis	Shriver
Henderson	Meeds	Shuster
Hightower	Michel	Sikes
Hillis	Milford	Skubitz
Holt	Miller, Ohio	Smith, Iowa
Hubbard	Mills	Smith, Nebr.
Hughes	Mitchell, N.Y.	Snyder
Hutchinson	Moakley	Spellman
Ichord	Montgomery	Spence
Jacobs	Moore	Stanton, J. William
Jarman	Moorhead, Calif.	Steiger, Wis.
Jeffords	Myers, Ind.	Stephens
Jenrette	Natcher	Stuckey
Johnson, Colo.	Neal	Symms
Johnson, Pa.	Nichols	Talcott
Jones, N.C.	Nowak	Taylor, Mo.
Jones, Okla.	O'Brien	Taylor, N.C.
Jones, Tenn.	Paul	Teague
Kasten	Pettis	Treen
Kelly	Pickle	Ullman
Kemp	Poage	Vander Jagt
Ketchum	Pressler	Vigorito
Keys	Preyer	Waggonner
Kindness	Pritchard	Walsh
LaFalce	Quie	Wampler
Lagomarsino	Quillen	Whalen
Landrum	Railsback	White
Latta	Randall	Whitten
Lent	Regula	Wiggins
Levitas	Rhodes	Wilson, Bob
Lloyd, Calif.	Rinaldo	Wilson, Tex.
Lloyd, Tenn.	Risenhoover	Winn
Lott	Roberts	Wright
Lundine	Robinson	Young, Fla.
		Young, Tex.

NOT VOTING—44

Abzug	Fuqua	Peyser
Ambro	Green	Rees
Anderson, Ill.	Hawkins	Roe
Armstrong	Hays, Ohio	St Germain
Chappell	Heinz	Shipley
Chisholm	Helstoski	Sisk
Clay	Hinshaw	Stanton, James V.
Collins, Ill.	Holland	Steelman
Conlan	Horton	Steiger, Ariz.
de la Garza	Howe	Whitehurst
Downing, Va.	Jones, Ala.	Wydler
Duncan, Oreg.	Karth	Wylie
du Pont	Lehman	Young, Alaska
Evins, Tenn.	Matsunaga	Zeferetti
Forsythe	Passman	

The Clerk announced the following pairs:

On this vote:

Mr. Ambro for, with Mr. Downing of Virginia against.

Mr. Zeferetti for, with Mr. Chappell against.

Mr. Hawkins for, with Mr. Evins of Tennessee against.

Ms. Abzug for, with Mr. Passman against.

Mr. St Germain for, with Mr. Conlan against.

Mr. Matsunaga for, with Mr. Steiger of Arizona against.

Mr. Helstoski for, with Mr. Whitehurst against.

Mrs. Chisholm for, with Mr. Wylie against.

Mr. Roe for, with Mr. Wydler against.

Mr. WINN and Mr. COUGHLIN changed their vote from "aye" to "no."

Messrs. TSONGAS, BAUCUS, and STUDDS changed their vote from "no" to "aye."

So the committee amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the next committee amendment.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that all the committee amendments relating to correctional facilities be considered en bloc.

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

Mr. ROUSSELOT. Mr. Chairman, reserving the right to object, will the committee amendments still be read?

The CHAIRMAN. The committee amendments will be read.

Mr. ROUSSELOT. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 15, line 12, insert "construct," immediately before "improve".

Page 15, line 12, strike out "local jails" and insert in lieu thereof "State and local correctional institutions and facilities".

Page 15, line 14, insert "construction," immediately before "improvements".

Page 15, line 15, strike out "local jails" and insert in lieu thereof 'State and local correctional institutions and facilities".

Page 15, line 19, insert "construction," immediately before "improvement".

Page 15, line 20, strike out "local jails" and insert in lieu thereof "State and local correctional institutions and facilities"

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 16, strike out line 16 and all that follows down through line 18 on page 21 (section 109 of bill), and insert in lieu thereof the following:

CIVIL RIGHTS ENFORCEMENT PROCEDURES

SEC. 109. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and inserting in lieu thereof "Except as provided in section 518(c), whenever the Administration".

(b) Section 518(c) of such Act is amended to read as follows:

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

"(2)(A) Whenever there has been—

"(i) notice or constructive notice of a finding, after notice and opportunity for a hearing, by a Federal court or administrative agency, or State court or administrative agency, to the effect that there has been a pattern or practice in violation of subsection (c)(1); or

"(ii) a determination after an investigation by the Administrator that a State government or unit of general local government is not in compliance with subsection (c)(1);

the Administrator shall, within 10 days after such occurrence, notify the chief executive of the affected State, or of the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or de-

termined not to be in compliance with subsection (c)(1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance.

"(B) In the event of a chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation of a unit of general local government), by the Administrator, and by the Attorney General. At least 15 days prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administrator and the Attorney General detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports the Administrator shall send a copy thereof to each such complainant.

"(C) If, at the conclusion of 90 days after notification under subparagraph (A)—

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

"(ii) a court has not granted preliminary relief pursuant to subsection (c)(3);

the Administrator shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Except as otherwise provided in this paragraph, such suspension shall be effective for a period of not more than 120 days, or, unless there has been an express finding by the Administrator, after notice and opportunity for a hearing under subparagraph (E), that the recipient is not in compliance with subsection (c)(1) not more than 30 days after the conclusion of such hearing, if any.

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

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

"(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, if that order or judgment covers all the matters raised by the Administrator in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c)(1) by such court; or

"(iii) the Administrator pursuant to subparagraph (E) finds that noncompliance has not been demonstrated.

"(E)(i) at any time after notification under subparagraph (A), but before the conclusion of the 120-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within 30 days of such request unless a court has granted preliminary relief pursuant to subsection (c)(3).

"(ii) Within 90 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in subparagraph (C), the Administrator shall make a finding of compliance or noncompliance. If the Administrator makes a finding of noncompliance, the Administrator shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c)(3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

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

"(F) Any State government or unit of general local government aggrieved by a final determination of the Administrator under subparagraph (E) may appeal such determination as provided in section 511 of this title.

"(3) Whenever the Attorney General has reason to believe that a Stae government or unit of general local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section. Where neither party within 45 days after the bringing of such action has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Administrator shall suspend further payment of any funds under this title to the program or activity of that State government or unit of general local government until such time as the court orders resumption of payment, notwithstanding the pendency of administrative proceedings pursuant to subsection (c)(2).

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

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

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the committee amendment be dispensed with, and that it be printed in the RECORD.

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

Mr. BUTLER. Mr. Chairman, reserving the right to object, is that the civil rights enforcement procedures amendment?

The CHAIRMAN. The gentleman is correct.

Mr. BUTLER. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

AMENDMENT OFFERED BY MR. BUTLER TO THE COMMITTEE AMENDMENT

Mr. BUTLER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER to the committee amendment: On page 23 beginning with line 17, strike out all down through line 3 on page 29, and insert in lieu thereof the following:

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

(2)(A) Whenever there has been—

(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency (other than the Administrator under subparagraph (ii)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c)(1); or

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

the Administrator shall, within 10 days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be in compliance with subsection (c)(1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of subparagraph (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5, title 5, United States Code.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administrator and the Attorney General. On or prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administrator detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports, the Administrator shall send a copy thereof to each such complainant.

(C) If, at the conclusion of 90 days after notification under subparagraph (A)—

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

(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Administrator shall notify the

Attorney General that compliance has not been secured and suspend further payment of any funds under this tile to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than 120 days or, if there is a hearing under subparagraph (G), not more than 30 days after the conclusion of such hearing, unless there has been an express finding by the Administrator after notice and opportunity for such a hearing, that the recipient is not in compliance with subsection (c) (1).

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

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

(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Administrator in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c) (1) by such court; or

(iii) after a hearing the Administrator pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis or race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within 45 days after such filing has been granted such preliminary relief with regard to the law, the Administrator shall suspend further payment of any funds under this title to that State government or that unit of local government until such time as the court orders resumption of payment.

(F) Prior to the suspension of funds under subparagraph (C), but within the 90-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing by an administrative law judge in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (F).

(G) (i) At any time after notification under subparagraph (A), but before the conclusion of the 120-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within 30 days of such request.

(ii) Within 30 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in subparagraph (C), the Administrator shall make a finding of noncompliance, the Administrator shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c) (3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

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

(H) Any State government or unit of general local government aggrieved by a final determination of the Administrator under subparagraph (G) may appeal such determination as provided in section 511 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of funds made available under this Act, or placing any further payments under this title in escrow pending the outcome of the litigation.

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

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

(C) In any action instituted under this section to enforce compliance with section 518(c) (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

Mr. BUTLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment to the committee amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

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

Mr. BUTLER. Mr. Chairman, I offer this amendment in the nature of a substitute to the civil rights enforcement procedures of this bill for one basic reason—consistency. This amendment is offered to insure that this House of Representatives speaks clearly, concisely, and most importantly, consistently on the subject of civil rights enforcement for State and local governments' activities which are funded wholly or in part by Federal dollars. On June 10, 1976, this House adopted an amendment to the Fiscal Assistance Act Amendments of 1976—revenue sharing—offered by the gentleman from North Carolina (Mr. FOUNTAIN). The nondiscrimnation provisions contained in the Fountain amendment provided a major expansion of civil rights protections. Indeed, the amendment extended the prohibition against discrimination to all activities of local government.

In substantially every respect the amendment before you today coincides with the Fountain amendment you adopted by a vote of 233 to 172 on June 10. It is important to look at what it does and how it differs from the language in the bill, as reported.

The enforcement mechanism is composed of two separate tracks of activity. The first track permits the LEAA Administrator to determine, after an investigation by the agency or after a finding of discrimination by a Federal or State court or agency, that the recipient of the funds is in noncompliance with the civil rights provisions of the bill. When this occurs, funds will be suspended for 90 days after the recipient government is notified unless one of the following occurs: First, a preliminary hearing before an administrative law judge determines the recipient is likely to prevail on the merits; two, a voluntary compliance agreement is reached and agreed to by both LEAA and the recipient, or three, the Administrator determines that there is no basis for the charge of discrimination.

If there is no determination in a preliminary hearing within 90 days, funds will be suspended temporarily. During a subsequent 120-day period, final determinations may be made as to the existence of the discrimination. If a determination is made that discrimination exists, funds will be terminated until the recipient government comes into compliance with a court order or administrative finding. There will be no reinstatement of the funds until there is a final determination as to the existence or nonexistence of discrimination.

The suspension of funds shall not exceed 120 days after the end of the 90-day notification period or 30 days after the conclusion of a hearing unless there has been an express finding of discrimination by the recipient government.

The second track of activity is the suspension of funds as a result of a suit filed by the Attorney General. This will occur 45 days after the filing of a suit, unless preliminary relief has been granted in response to the recipient government. The Attorney General must allege a pattern or practice of discrimination in the use of the funds in the suit filed in order for funds to be suspended.

Finally, private civil actions are authorized against a State government or unit of local government where an officer or employee in an official capacity has engaged in a pattern or practice of discrimination prohibited by this section. The suit will be after the exhaustion of all administrative remedies which will be limited to 60 days from the filing of the complaint.

The most important difference between this substitute amendment and the language in the bill before you can be stated simply in two words, "due process." First,

in my amendment section 2(A)(ii) provides that the recipient has an opportunity to submit documents which could help show that it has been acting properly before the Administrator decides that information supplied to him by his investigators in fact contains all the relevant information. Now the Administrator will be able to study both sides of the story before he determines that a recipient has been discriminating and decides to initiate the time schedule contained in the section.

Second, the language in the bill as reported, provides that if a court has not granted preliminary relief within 45 days of filing an action for relief, the Administrator must suspend payment of the funds after 90 days. If our paychecks were based on a court acting within 45 days as some police officers might be, I think we would all go hungry. In any event, this amendment, like the Fountain amendment, provides for a preliminary probable cause hearing. If, in the hearing, the recipient can show that it is likely to succeed on the merits in a compliance hearing, the suspension will be deferred until the conclusion of the hearing on the merits. Remember, the burden of proof is on the recipient of the funds, not the complainant as it is in most administrative hearing procedures. If the recipient is unable to show that it is likely to succeed, the temporary 120-day suspension will proceed after the running of the 90-day period.

There are other minor changes, but most are consistent with the Fountain amendment. The following provisions of the Fountain amendment are not included in the proposal because they were not included in the committee amendment, as reported:

First. The inclusion of the words "age" and "handicapped status" in the nondiscrimination language of the section;

Second. The accompanying references to the acts which define the provisions of the nondiscrimination section;

Third. A paragraph which disclaims application of the section if the State or unit of local government proves by clear and convincing evidence that the program is not funded in whole or in part by revenue sharing funds—similar language, however, appears in both the substitute and the committee amendment;

Fourth. Authority for the Attorney General and the Secretary of the Treasury to share personnel and other resources with respect to civil rights compliance—not necessary since the LEAA Administrator works for the Attorney General;

Fifth. A requirement that regulations be promulgated by a date certain;

Sixth. A section defining the types of relief which the court may grant in private civil actions; and

Seventh. A section which authorizes the payment of reasonable attorneys' fees to prevailing plaintiffs.

The nondiscrimination language in this bill as reported was adopted at a full Judiciary Committee meeting on May 12, 1976. No witnesses testified and no views from the administration or from private witnesses were obtained. On the other hand, this substitute has been accepted by this House of Representatives. I hope this amendment will insure fair and effective enforcement of our civil rights statutes for all persons who work under and benefit from Federal funds.

Ms. JORDAN. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentlewoman from Texas.

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

Ms. JORDAN. Mr. Chairman, I thank the gentleman for yielding.

As the original author of this amendment as it appears in the committee bill, may I say that the amendment which has been offered by the gentleman from Virginia (Mr. BUTLER) does not do violence to either the concept of civil rights enforcement in this bill or to the methodology or the process which must be engaged in in effectuating and making real these civil rights provisions.

Therefore, Mr. Chairman, I would simply urge the adoption of the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BUTLER) to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. McCLORY: Page 29, lines 12 and 13, strike out "and not to exceed $880,000,000 for the fiscal year ending September 30, 1977." and insert in lieu thereof the following: "$1,000,000,000 for the fiscal year ending September 30, 1977, $1,250,000,000 for the fiscal year ending September 30, 1978, and $1,250,000,000 for the fiscal year ending September 30, 1979."

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

Mr. McCLORY. Mr. Chairman, what this amendment does is to extend the LEAA bill for 3 years, in pure and simple language.

I particularized the message with a "Dear Colleague" letter so that we all know what this is all about.

Mr. Chairman, certainly if we extended this measure for only 1 year, we can see the terrible dilemma we would be placing ourselves in, not to say all of the States and local areas that are expected to find out what is in this bill and to operate under it during the next year.

We can recognize, too, that if we only extend it for the next year and we wait for the new Congress to convene and to organize committees and to conduc' hearings before we can have a further extension of the bill next year, we will just be in complete chaos insofar as this program is concerned.

Mr. Chairman, we are putting a number of new provisions into this law. The State planning agencies are going to have to get used to it. The local areas are going to have to adjust to the changes we are making. We are providing programs for the elderly, for instance. We are providing for neighborhood programs and community-type programs that are going to have to be funded under this legislation. To put the States and the local areas in the dilemma where they are not going to know whether or not the program is going to be continued for an additional year or 2 years, of course, would place them in a horrible situation.

Mr. Chairman, I know that this program has come under criticism. We have reviewed it. We have spent time on it. There may be further revisions that are indicated. I think the principal revision we will need, in addition to what we put into the bill, is more funds for the local and State areas in order to help them in their law enforcement programs.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield for a question?

Mr. McCLORY. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, without speaking to the merits of this amendment, I would like to raise a question of whether or not there has been any consultation with the House Committee on the Budget, which is making a serious effort to bring Government spending under control. One of the means by which we are attempting to do this is to examine zero-base budgeting.

Mr. McCLORY. Mr. Chairman, I will respond to the gentleman by saying that this was cleared with the Committee on the Budget with respect to this year's authorization. We are really only authorizing 1 year at a time; and of course, we are only appropriating 1 year at a time. However, we are extending the authority of this legislation for a period of 3 years.

Of course, next year the Committee on Appropriations and the Committee on the Budget would have authority to establish the budget and to fix the appropriations for this legislation.

But, it seems to me to be a great disservice to ourselves and to the Congress that will convene here next January and to the administration that will be charged with the responsibility of this legislation for all of the States and local areas that have to undertake to operate under this legislation, and it is entirely unrealistic. I do not think our criticism against this legislation should be taken out by this committee in short rein, nor do I feel we should say we will only extend it for 1 year because we will get 3 years in the conference. Indeed, the Senate did extend the program for 5 years, and that was the recommendation of the administration, and this may be the compromise that I am offering of 3 years. But anything less than that is irresponsible, unrealistic, and entirely unfair to every law enforcement agency in this country.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman for answering my question.

Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. I will be happy to yield

further to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I would ask the gentleman from Illinois (Mr. McCLORY), Does it not appear logical to assume that each time we go in for a 3-year authorization, or a 5-year authorization, in effect, we are beginning to lock in place a sustained level of Federal spending and that is precisely opposite to what the will of the House is, apparently?

Mr. McCLORY. With respect to the law enforcement program, it seems to me that, if you plan anything less than a 3-year program you are not planning, because even the moneys we are putting in now with respect to the elderly, it will take a year or 2 before these can be studied and implemented in a period of less than 3 years, or to continue the overall governmental responsibility to fight crime and reduce the incidence of crime in this country, and to support the local law enforcement agencies in the criminal justice system it seems to me we need at least 3 years.

I urge a favorable vote on the amendment.

Mr. MITCHELL of Maryland. Mr. Chairman, I must say that I find myself in disagreement with the gentleman and with the House Committee on the Budget on this issue, if indeed the Budget Committee favors a 3-year extension.

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

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

Mr. CONYERS. Mr. Chairman, I would like to remind the members of the committee that we voted for a 2-year extension of LEAA in 1973 and probably for the same good reasons I am citing today.

We have a program that has spent $4½ billion while the rate of crime has, as the Members know, gone up 18 percent, according to the FBI uniform crime reports of 1974.

The problem is not whether we need a long range planning effort of 2 or 3 years, but whether or not we are going to be able to effect the oversight that is needed. In 1974 the Members will recall the activities of the Committee on the Judiciary with respect to impeachment hearings. In 1975 this subcommittee began the consideration of another very large measure, and now we are prepared to move into the oversight that I must candidly confess has never come from either body on this subject.

When we say we want 1 year, it means that we might end up with 2 or 3 years anyway. I am sorry to report that if we vote for 3 years then we are getting into the position of going to 4 or 5 years. I think that is entirely too long in view of the very few modest changes that are represented in this legislation that we bring to the House in this bill.

So, Mr. Chairman, it seems to me that the judgment of the subcommittee and that of the full Committee on the Judiciary in this year, and in 1973, should be very carefully considered and sustained, in our judgment.

So I would invite the Members to vote no on the McClory amendment.

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

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

Mr. ASHBROOK. Mr. Chairman, I rise at this point to say that I normally find myself in the position of favoring forward funding and in believing that local governments should have as much lead time as possible, particularly if we are going to change or phase out. But I must say that, as my chairman, the gentleman from Michigan (Mr. CONYERS) knows in the past, I am in complete accord with the gentleman on this point. I sat through the hearings. I do not think it is fair to say that I was totally unimpressed but I was singularly unimpressed with the ability of the LEAA to justify what they had done and their inability to answer because of what appeared to me to be a distinct lack of coordination.

I agree with the gentleman 100 percent. We need more oversight in this area.

Mr. CONYERS. I would point out to the gentleman, who is a member of the subcommittee, that we already have a proposed oversight that will not begin next year; it will begin this year. There is no reason why the subcommittees of the Committee on the Judiciary are not going to be able to operate, and we plan to do that. So logically we will begin to acquire the answers that we could not get during the hearings, which can only be obtained I think on a 1-year leash. It has been called a leash, and I think it has been correctly described.

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

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

Mr. McCLORY. I thank the gentleman for yielding.

I would like to point out that this was extended the last time for 3 years. We have already run beyond 3 years. The law has already expired at the present time.

Mr. CONYERS. That is precisely why we know we are not going to have our 1-year pattern in the House. Even voting 1 year, giving them 3 years, we still come back with an LEAA that does not meet with the full satisfaction of the committee.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I rise in support of the amendment. I hope the House will forgive me if I read from a memorandum addressed to me by the Attorney General of the State of New Jersey. He speaks in favor of a long-term authorization.

More important, however, is the fact that short term reauthorization is inconsistent with comprehensive, multi-level law enforcement planning. As I have noted before, we have 22 local planning units in New Jersey which are formally established and nine informal ones, all involving some 400 people. Advice and data from these units flows into the SLEPA central office staff and is translated into a State plan of almost 1,000 pages. This statewide plan is then extensively reviewed by SLEPA's 22-member governing board. Moreover, the process employed by SLEPA is that of financing promising projects for up to three years, winnowing out the bad ones on the basis of performance, and helping the good ones to continue to survive in the hope that they will be employed throughout the State. As you can see, this is a carefully and thoughtfully structured law enforcement laboratory. It cannot be sensibly sent off on new missions every few months. It requires long term reauthorization to be fully effective.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks.)

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the amendment being offered by my colleague from Illinois (Mr. McCLORY) which would extend the reauthorization of the Law Enforcement Assistance Administration for an additional 2 years—for a total of a 3-year authorization.

LEAA has been the subject of much criticism in the past months and some of this criticism has led to constructive efforts to correct deficiencies in the LEAA program. But the limitation of this authorization is more of a punitive step and will lend nothing to the correction of any program faults.

In fact, an unrealistically short authorization period will do just the opposite—it will discourage the long-range planning of State and local governments and will make these entities exceedingly hesitant to commit both their limited resources and their manpower. By limiting the possible life of this important agency we will, in effect, be preventing the long-term efforts need to reduce crime rates.

During its 8-year existence LEAA has played an important role in the American criminal justice system by providing State and local governments with funds to develop innovative anticrime programs. And amid all the criticism that crime rates have not dropped and that funds have been misused, two factors must be remembered. First, LEAA contributes only about 5 percent of the total criminal justice expenditures. Second, the reforms we have incorporated in this measure before us will help insure a more coordinated and and constructive use of funds.

California's attorney general, Evelle Younger, recently wrote me that not only is LEAA a good concept, it is worth reauthorization for a longer period than just 15 months. I completely agree with this analysis that "a mere 1-year extension will show the staff and the criminal justice participants across the Nation that Congress has little confidence in the programs; consequently the imaginative programs will be deterred and the system's best efforts will be directed elsewhere."

Furthermore, the chiefs of police in towns throughout my district, the sheriffs, the district attorneys and the coun-

ty boards of supervisors have told me of the positive impact the LEAA program has had in their local jurisdictions.

Crime or the fear of becoming a victim of crime is an issue which affects everyone of us. It is a frustratingly difficult problem to solve but one to which we must wholeheartedly dedicate our personal and financial resources. LEAA can be an effective tool in our fight against crime, but we must allow it to be through the reforms we have incorporated in this bill and the amendment which is being offered to extend its funding for 3 years. LEAA's greatest accomplishments can be found at the local level, where crime occurs and where it must be fought.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I have had occasion to examine the Governors Commission on Criminal Justice Standards and Goals by former Gov. Jimmy Carter of Georgia, and his recommendation with respect to the program in Georgia concludes as follows. He says:

> The recommendation contained in the report will take several years to implement fully.

In other words, he recognizes that in order to implement these programs, it takes time, and 3 years is not too long a time.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I would like to point out to my friend, the gentleman from Illinois, that he is prognosticating a little bit too far into the future. Mr. Carter's program is not envisioned, nor is it under debate in this particular bill that is before the Committee.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. RODINO. Mr. Chairman, reluctantly I must oppose the amendment that has been offered by the gentleman from Illinois. I know that he is vitally interested in the success of this program, but we have got to face reality, and we have got to be practical.

This program originally was intended for a 5-year period; we enunciated long-range goals, we were very optimistic. But the crime statistics have not been encouraging, and the results of LEAA programs have often been unsatisfactory. In fact, as the gentleman from Michigan has stated, some of these programs just got completely out of control because there was no opportunity to exercise oversight.

I believe that it is incumbent on us, if we now wish to properly manage the money that we allocate to fight crime under this program, to insure the opportunity to follow our legislative product—to insure the chance to examine what we have done. I believe we would be relinquishing the control that this House should exercise if we were now to recommend a 3-year program.

I believe that it is important for us to understand that once we go to conference with the Senate, which has proposed a 5-year program, that we will be in a position at least to engage in meaningful negotiation. I would hope, Mr. Chairman, we recognize the wisdom of not projecting beyond the 1 year.

I am sure the gentleman from Illinois if he has any apprehension as to where we go after this, will realize we can safely say that we will probably face more than 1 year in conference.

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

Mr. RODINO. I yield to the gentleman from New Jersey.

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

I associate myself with the remarks of my chairman.

I am mindful of the way our attorney general and our Governor feel, and I can understand their point of view. The beneficiaries of most Federal programs would like to have 3 years or 5 years; but I do not think that we can plan or reorder priorities, as Congress is going to have to do, if we make long-term commitments without periodic evaluation and oversight of Federal programs.

The Subcommittee on Crime, on which I serve, has oversight responsibility over LEAA.

I would not have supported the LEAA program in committee if I had not been assured that we were going to do the oversight this year that we did not do last year.

Mr. WIGGINS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, this whole idea of a 1-year authorization, in all deference to my chairman and subcommittee chairman, is simply foolishness. We really ought to know it lacks substantive merit and reject this 1-year authorization out of hand.

If there is anything that can be said about this whole LEAA program, it is that it mandates upon the States a high level of planning. And that is good, but how in the world can they plan for 1 year only and do so intelligently? The answer is: They cannot.

And yet how could a State make long-range comprehensive plans when the program under which its plans are to be implemented is due to expire in 1 year? That is a question I ask of the Members. There is only one answer to it: They cannot.

In addition to planning, Mr. Chairman, the plans to be effective require competent people to make the plans work, competent people to execute the plans. Who in his right mind is going to forego the opportunity of public service in another sector and contribute his energies to a program with a 1-year life? The answer is: Not the best among us. They would not attach themselves to such a program.

We are discouraging the recruitment of good people by this 1-year authorization and we are discouraging the development of good plans.

The argument has been made of course that we need oversight, and to that argument I can say only that I agree.

But whether or not the subcommittee of the gentleman from Michigan (Mr. CONYERS) conducts oversight is determined by his own energies and zeal, not by this authorization legislation. He can and should conduct oversight at any time. His duty and responsibility to conduct oversight is not triggered upon the expiration of this program. It is an ongoing responsibility and would be exercised, I am sure, under the gentleman's leadership even if we had a 3-year operation.

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

Mr. WIGGINS. Since I mentioned the gentleman's name, of course I yield.

Mr. CONYERS. Mr. Chairman, the reason I asked the gentleman to yield is the reason we bring up this new oversight capability. Spurred by my own zeal and energy, that is going to be a necessary prerequisite to any long-range planning.

Finally, there is not one program in the LEAA that is projected beyond 1 year. The system has always worked on a 1-year basis. There has never been any exception.

We understand there have been some attempts to do that, but they have never worked, so that we are appropriating 1 year, we are authorizing 1 year, we are oversighting and then we might get into the longer times.

Mr. WIGGINS. Mr. Chairman, there is a vast distinction between a program in LEAA continuing for 1 year and the entire administration continuing for only 1 year.

Mr. Chairman, let me direct my remaining remarks to the other Members in the body who are not in the Committee on the Judiciary. I ask them to call upon their experience. They have certainly had the experience of being on a committee panel with a deadline coming up later in the year in which a major ongoing program is about to expire. I will say that if your experience on other committees tracks the experience of the Committee on the Judiciary, we do our least effective oversight under that kind of time pressure. Yet we are mandating an annual crisis in the Committee on the Judiciary to respond to the expiration of this program.

Mr. Chairman, I wish to urge support for the proposal to extend the Law Enforcement Assistance Administration for 3 years.

LEAA programs are an essential element of the criminal justice and law enforcement effort in California. It is my feeling that this effort must be continued, strengthened, and expanded. This will not be possible under a 1-year reauthorization.

LEAA has provided California with the opportunity to implement desperately needed changes in criminal justice agencies on the State and local level. It has

provided for the development of criminal justice planning at all levels, thereby influencing the lives of all Californians.

I would like to point to a few concrete examples of LEAA projects which improved the criminal justice system and law enforcement within my district.

The city of Santa Ana has been provided with $179,000 to assist in the evaluation of the Santa Ana community team policing program. The community team policing program has shown considerable success at reducing overall crime, particularly burglary. More important, the program has created a forum for open dialog between the police department and the citizens of Santa Ana and has fostered a better understanding between the department and the community as a whole. The LEAA funds will allow the successful Santa Ana project to be instituted by other communities across the country and therefore share in the successes achieved in the city of Santa Ana.

The State of California has awarded $1,750,000 in LEAA funds for a county-wide consortium project for diversion of juveniles from the traditional criminal justice system. Appropriate counseling and referral are available. In essence, this project consolidated several individual projects funded by LEAA into a single, county-wide program. Twenty-three of 26 cities in Orange County are participants in the project.

LEAA funds totalling $667,000 have been awarded by the State of California to Orange County for a countywide burglary prevention program. The main emphasis will be target hardening and a primary tool will be a full-blown public education project to prevent burglary.

Mr. Chairman, the projects I have mentioned amount to a minute portion of LEAA's overall contribution to the State of California. California has been the recipient of over $420 million in LEAA funds since the Agency was created in 1968.

If the committee's proposal for a 1-year reauthorization is adopted, existing, successful programs would be placed in serious jeopardy and potential opportunities for the California criminal justice system will never be realized.

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

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

Mr. McCLORY. Mr. Chairman, I want to point out in addition to the expression of the Governor of New Jersey, the National Governors' Conference has expressed its support of this amendment. That organization is represented by all the Governors of the 50 States and they are charged with the primary responsibility for the planning agencies created under the Law Enforcement Assistance Administration, and funded through the States and the regional and local areas.

Mr. WIGGINS. Mr. Chairman, I urge an "aye" vote.

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

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take all the 5 minutes.

I think this amendment is vitally important. We are here today past the expiration date of the last 3-year extension of the authorization of LEAA and if anybody thinks we will be back here next year within a 12-month period, it just simply is not realistic.

We have heard calls for a more effective LEAA of course, this is a goal we all share. Effectiveness, however, will come from oversight which our committee has and not from annual authorization which will come before in State and local planning.

I urge a aye vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY).

The question was taken; and on a division (demanded by Mr. McCLORY), there were—ayes 22, noes 57.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 268, not voting 44, as follows:

[Roll No. 683]

AYES—119

Abdnor	Findley	Nowak
Anderson, Ill.	Fish	O'Brien
Andrews, N. Dak.	Fithian	Ottinger
Armstrong	Frenzel	Pattison, N.Y.
Bafalis	Gaydos	Pettis
Beard, Tenn.	Gilman	Poage
Bedell	Ginn	Pressler
Bell	Goldwater	Pritchard
Biester	Goodling	Quillen
Boggs	Grassley	Railsback
Bowen	Gude	Rhodes
Breckinridge	Hagedorn	Rinaldo
Brinkley	Hammer-schmidt	Risenhoover
Brown, Mich.	Harris	Robinson
Broyhill	Hillis	Ruppe
Buchanan	Hutchinson	Sarasin
Burgener	Hyde	Sarbanes
Butler	Jeffords	Schneebeli
Carter	Jenrette	Schulze
Cederberg	Johnson, Pa.	Sebelius
Clausen, Don H.	Jones, Tenn.	Seiberling
Cleveland	Kindness	Shriver
Cochran	Lagomarsino	Shuster
Cohen	Levitas	Sikes
Conable	Lloyd, Tenn.	Skubitz
Coughlin	McClory	Smith, Nebr.
D'Amours	McCloskey	Spellman
Daniel, Dan	McCollister	Stanton, J. William
Daniel, R. W.	McKinney	Talcott
Davis	Madigan	Thone
Derrick	Martin	Traxler
Dickinson	Mathis	Treen
Duncan, Tenn.	Michel	Tsongas
Edwards, Ala.	Mineta	Van Deerlin
Emery	Mitchell, N.Y.	Walsh
Erlenborn	Moore	Wampler
Esch	Mosher	Whalen
Eshleman	Mottl	Wiggins
Fenwick	Myers, Ind.	Wilson, Bob
	Myers, Pa.	Winn

NOES—268

Adams	Bingham	Carney
Addabbo	Blanchard	Carr
Alexander	Blouin	Clancy
Allen	Boland	Clawson, Del
Anderson, Calif.	Bolling	Collins, Tex.
Andrews, N.C.	Bonker	Conte
Annunzio	Brademas	Conyers
Archer	Breaux	Corman
Ashbrook	Brodhead	Cornell
Ashley	Brooks	Cotter
Aspin	Broomfield	Crane
AuCoin	Brown, Calif.	Daniels, N.J.
Badillo	Brown, Ohio	Danielson
Baldus	Burke, Calif.	Delaney
Baucus	Burke, Fla.	Dellums
Bauman	Burke, Mass.	Dent
Beard, R.I.	Burleson, Tex.	Derwinski
Bennett	Burlison, Mo.	Devine
Bevill	Burton, John	Dingell
Biaggi	Burton, Phillip	Dodd
	Byron	Downey, N.Y.
Drinan	Landrum	Regula
Duncan, Oreg.	Latta	Reuss
Early	Leggett	Richmond
Eckhardt	Lent	Riegle
Edgar	Lloyd, Calif.	Roberts
Edwards, Calif.	Long, La.	Rodino
Eilberg	Long, Md.	Roe
English	Lott	Rogers
Evans, Colo.	Lujan	Roncalio
Evans, Ind.	Lundine	Rooney
Fary	McCormack	Rose
Fascell	McDade	Rosenthal
Fisher	McDonald	Rostenkowski
Flood	McEwen	Roush
Florio	McFall	Rousselot
Flowers	McHugh	Roybal
Flynt	McKay	Runnels
Ford, Mich.	Madden	Russo
Ford, Tenn.	Maguire	Ryan
Fountain	Mahon	Santini
Fraser	Mann	Satterfield
Frey	Mazzoli	Scheuer
Gibbons	Meeds	Schroeder
Gonzalez	Melcher	Sharp
Gradison	Metcalfe	Shipley
Guyer	Meyner	Simon
Haley	Mezvinsky	Slack
Hall, Ill.	Mikva	Smith, Iowa
Hall, Tex.	Milford	Snyder
Hamilton	Miller, Calif.	Solarz
Hanley	Miller, Ohio	Spence
Hannaford	Mills	Staggers
Hansen	Minish	Stark
Harkin	Mink	Steed
Harrington	Mitchell, Md.	Steiger, Wis.
Harsha	Moakley	Stephens
Hayes, Ind.	Moffett	Stratton
Hechler, W. Va.	Mollohan	Stuckey
Heckler, Mass.	Montgomery	Studds
Hefner	Moorhead, Calif.	Sullivan
Henderson	Moorhead, Pa.	Symington
Hicks	Morgan	Symms
Hightower	Moss	Taylor, Mo.
Holland	Murphy, Ill.	Taylor, N.C.
Holt	Murphy, N.Y.	Teague
Holtzman	Murtha	Thompson
Howard	Natcher	Thornton
Howe	Neal	Udall
Hubbard	Nedzi	Ullman
Hughes	Nichols	Vander Jagt
Hungate	Nix	Vander Veen
Ichord	Nolan	Vanik
Jacobs	Oberstar	Vigorito
Jarman	Obey	Waggonner
Johnson, Calif.	O'Hara	Waxman
Johnson, Colo.	O'Neill	Weaver
Jones, N.C.	Patten, N.J.	White
Jones, Okla.	Patterson, Calif.	Whitten
Jordan	Paul	Wilson, Tex.
Kasten	Pepper	Wirth
Kastenmeier	Perkins	Wolff
Kazen	Pickle	Wright
Kelly	Pike	Yates
Kemp	Preyer	Yatron
Ketchum	Price	Young, Fla.
Keys	Quie	Young, Ga.
Koch	Randall	Young, Tex.
Krebs	Rangel	Zablocki
Krueger		
LaFalce		

NOT VOTING—44

Abzug	Fuqua	Peyser
Ambro	Glaimo	Rees
Bergland	Green	St Germain
Chappell	Hawkins	Sisk
Chisholm	Hays, Ohio	Stanton, James V.
Clay	Hébert	Steelman
Collins, Ill.	Heinz	Steiger, Ariz.
Conlan	Helstoski	Stokes
de la Garza	Hinshaw	Whitehurst
Diggs	Horton	Wilson, C. H.
Downing, Va.	Jones, Ala.	Wydler
du Pont	Karth	Wylie
Evins, Tenn.	Lehman	Young, Alaska
Foley	Matsunaga	Zeferetti
Forsythe	Passman	

The Clerk announced the following pairs:

On this vote:

Mr. Lehman for, with Mr. Ambro against.

Mr. Downing of Virginia for, with Mrs. Collins of Illinois against.

Mr. Heinz for, with Mr. Wydler against.

Mr. Conlan for, with Mr. Wylie against.

Mr. Steiger of Arizona for, with Mr. Zeferetti against.

Mr. Whitehurst for, with Mr. St Germain against.

Mr. Evins of Tennessee for, with Mr. Hawkins against.

Mr. Hébert for, with Mrs. Chisholm against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. CONYERS: Page 7, line 14, strike out "gram" and insert "grams" in lieu thereof.

Page 16, line 22, strike out "oof" and insert "of" in lieu thereof.

Page 28, line 18, strike out "harassement" and insert "harassment" in lieu thereof.

Page 6, beginning in line 2 and ending in line 3, strike out "the elderly person" and insert "elderly persons" in lieu thereof.

Page 6, line 25, insert "of suspects; adjudication; custodial treatment" immediately after "apprehension".

Page 13, line 12, strike out "(b)(7)" and insert "(b)(6)" in lieu thereof.

Page 29, line 20, strike out "(b)(7)" and insert "(b)(6)" in lieu thereof.

Page 36, line 24, insert "(14)," immediately after "(12),".

Page 35, beginning in line 8, strike out "The term 'court'" and all that follows down through "criminal matters." in line 12, and insert in lieu thereof the following: Except as used in the definition of the term 'court of last resort', the term 'court' means a tribunal or judicial system having criminal or juvenile jurisdiction.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that these technical amendments be considered as read, printed in the RECORD, and considered en bloc.

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

Mr. ROUSSELOT. Mr. Chairman, reserving the right to object, may I ask how many there are.

Mr. CONYERS. If the gentleman will yield, there are nine technical amendments which have been agreed upon by the ranking minority member of the subcommittee.

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

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

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

These technical amendments have been examined by the counsel for the minority and by counsel for the other side, and we have no objection to them.

Mr. ROUSSELOT. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. CONYERS).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 8, line 18, immediately after "plan", and before the semicolon, insert the following: ", and under which approval of such a local comprehensive plan or a part thereof entitles the unit of general local government or combination thereof to a single annual grant to carry out such plan or part".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. CONYERS. Mr. Chairman, this is the last amendment that I shall offer to the LEAA authorization bill. The Members may find the effects of this amendment on page 8, line 18, to be rather elementary.

I will take a minute to explain it, and then will open myself for any questions that may occur.

This is called the miniblock grant amendment, which would merely make clear the original intent of the Congress since 1973 to allow units of local government with a population of 250,000 autonomy in administering their projects.

This is an amendment that has been supported by various Members on the other side.

In discussing the amendment, I would like to merely emphasize that the comprehensive planning structure remains unchanged. This miniblock grant amendment would permit the larger local units of government to, in a coordinated fashion with the SPA's, submit their programs for approval and then submit their plan to LEAA. After that they would be entitled to a single annual grant from LEAA without interference by the SPA's on individual projects. In other words, after the SPA approves of a major local grant, they would be awarded their money in a block.

The significance of this for the larger units means simply that they would not have to continually go back to State planning agencies once they have been approved by the SPA. This is found to be necessary for the simple reason that the major local unit of government is the one that has usually the greatest incidence of crime, it gets the largest amount of State money, and the highest population and it usually has the most complicated plans and this miniblock grant approach would free those major units of government in a way that will not cost any further additional sums in this bill. It changes no appropriations whatsoever.

I urge that this plan which has been suggested to us in the subcommittee be incorporated as an amendment to this LEAA authorization bill. I urge the careful consideration and support of the amendment by the Members.

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

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

Mr. McCLORY. Mr. Chairman, this would change the whole philosophy of the LEAA program. It would change the philosophy in this respect that, instead of having a coordinated State program through which this is administered, the funds would go directly from LEAA to 58 different units of government that have this population equivalent of 250,000 people structure. Bear in mind that in the funding of LEAA projects, part of the funds come from the State, part come from LEAA but almost all of the programs are funded, at least in part, by the State, generally at the rate of about 50 percent. So this business of funding directly from the LEAA in Washington, directly to the local unit, is completely incongruous because the funds are going to have to come from the State anyway.

In other words, what we have done, we have imposed in the States the responsibility for establishing planning agencies. We have all of the programs coordinated through the States. The local areas develop their plans, the regional areas develop their plans, then the program is administered and funded through the State and this upsets that. Just upsets the whole program.

This is something that has been advanced by some aggressive county officials who would like to have this, and I have no doubt that the county governments are emphasizing more and more prerogatives all of the time, and they should, but in a program like this you have to operate it through the State planning agency.

I hope the amendment will be defeated, otherwise it will possibly bring chaos, and we will have a dual type of operation and administration.

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

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

Mr. ANNUNZIO. I appreciate the gentleman's yielding.

The gentleman mentioned county governments. How would this affect large cities like Chicago, these units of 250,000 or more?

Mr. McCLORY. I assume that the city of Chicago would qualify under the miniblock program, so they would be funded directly from the Federal Government. But let me point out that the funds from the State would still have to be applied for, and one would still have to go through the State planning agency for those funds.

Mr. ANNUNZIO. If the gentleman will yield further, but under this population formula of 250,000, in a city like Chicago where we have these mini-block grants, who would get the money—the city or the block organizations sponsoring the grants?

Mr. McCLORY. I would say it would be the city. But I think what the gentleman is talking about is another amendment that will be offered, because we do have to amend the bill in its present form. The bill would permit the funding of community projects without the approval of the local governmental officials just by notifying them, and that would be very, very bad. We must undertake that change, too. But it seems to me that this amendment offered by the gentleman from Michigan is not appropriate. It does change the program. It puts the LEAA in Washington in a totally different program from just being

an administrative one to being an operating one where they would fund programs directly. I just do not think this would be prudent.

Mr. ANNUNZIO. I thank my colleague, the gentleman from Illinois.

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

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

Mr. CONYERS. I thank the gentleman for yielding.

The question raised about Chicago is precisely what this amendment covers. That is that large units would be able to deal directly with Washington LEAA. They must get approval. They do not bypass the State planning agencies, but they are facilitated procedurally. Once their program is approved, the city program is approved, they do not have to keep going back to the State planning agency for approval for every part of it. It does not change any State authorization whatever.

Mr. McCLORY. Let me say this, that it would entitle them to their funds directly, but they would still have to get their allocable funds from the States, because the States enter into a sharing program. There are contributions from the States, and they would still have to go to the States. This would be very upsetting, very confusing, and I certainly hope that it will not be agreed to.

Mr. BINGHAM. Mr. Chairman, I rise in support of the excellent amendment proposed by the subcommittee chairman and wish to commend him for the fine work he has performed in shaping the legislation before us today.

The miniblock grant program to local governments serving populations of over 250,000 will greatly aid the efforts of our city governments to gain timely approval for their anticrime programs. It will help cut through the morass of redtape which presently lies between innovative ideas and fully operative programs, by permitting the cities to make a single grant application rather than going back time and again with individual applications. It will allow us to spend more money on crime prevention, less on bureaucracy.

Mr. Chairman, as just one example of how such a provision will aid our cities' efforts to battle crime, let me cite the experiences of a community group in my district, as recounted in a recent letter the group's director sent me.

This is a well-organized, expertly run community group with some expertise in cutting through the bureaucracy to gain grants for providing local services. It took these people a total of 20 months to move from original application to startup funding. They submitted draft after draft for their proposal—all of which circulated through a byzantine maze of Federal, State, and city planning agencies before they were finally returned for revisions—which then had to weather the same time-consuming process. Theirs is a horror story which is a compelling case in itself for Mr. Conyers' amendment. To add to these delays in the planning process, as this community group notes, under presently promulgated guidelines:

> Cash flow for the program is determined by a monthly vouchering process, but since it takes a minimum of 6 weeks for any voucher to be processed, first at the city level and approved, then at the state level and approved, and then for cash to be disbursed by the state to the city and from the city to the implementing agency, any project sponsor necessarily falls behind in meeting payroll and other expenses.

This is just the type of lockstep planning, with it's seemingly endless paper shuffling and interminable delay, whi . discourages innovation and effective programing. It is the type of unnecessary bureaucratic insulation between people's needs and the sources of funding which this Congress must relentlessly strip away. The amendment of the distinguished gentleman from Michigan goes to the heart of this problem and I urge my colleagues to support his efforts.

The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and on a division (demanded by Mr. McCLORY) there were—ayes 42, noes 50.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HYDE

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

The Clerk read as follows:

> Amendment offered by Mr. Hyde: Page 5, strike out all that follows (6) on line 1 through line 3 and insert a period.

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

Mr. HYDE. Mr. Chairman, one of the most important sections of this legislation concerns community service officers. The law presently reads:

> 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:

The operative language my amendment deals with is as follows:

> *Provided*, That in no case shall a grant be made under this subcategory without [the approval of] *notification to* the local government or local law enforcement and criminal justice agency.

Mr. Chairman, the bill before us changes the words "the approval of" and substitutes the words "notification to," so it reads: "Notification to the local government or local law enforcement and criminal justice agency."

The effect of this is that grants can be made, through the State of course, to local and community organizations, without the approval of the local police or local governmental authorities. It seems to me that this is wrong. This is undercutting and eroding local governmental authority.

The amendment I am offering strikes the new language and returns the language of the bill to the existing law which says these grants to local community service groups must have the approval of local government or local law enforcement agencies.

It seems to me that the primary responsibility for fighting crime is with the local police and with local governmental authorities. But to set up a form of vigilantism which can be funded without the approval of the local police, and this group is to work with local police in a cooperative effort, will create a a situation that is unwise and unworkable.

Why should the LEAA reach behind, around, over, or under local governmental authority to fund community action organizations?

The community is known best by local police, by local government, by those people who run for office and are elected by the local people, and they know the community and its problems best. The problems of these communities are not known best by a State committee, not LEAA in Washington, but the local governmental authorities and the local police. So to backdoor these people, the elected people, the community people who are appointed by the community authorities, and the local police, and to permit the funding of these community action groups simply by notifying the local authorities is a giant step toward eroding the meaning and significance of local authority.

We should strengthen that government that is closest to the people, the elected government, rather than find ways to fund programs that may or may not be compatible with the local law enforcement effort.

I think we could have a very anomalous situation by sending money into the community to an ad hoc group whose activities and whose functions are not approved and may even be at odds with the local police and the local governmental authority.

I grant there may be certain circumstances where local government is wrong, where local police are wrong, but certainly we cannot pass a law based on these aberrational situations. The idea of funding community organizations is good and we should fund these community organizations to work hand in hand with the police, but it should be done with the approval of the local police and government and not around or under them.

So I simply wish to return the law to the way it is now rather than to change it and permit funding for community organizations to be made simply with notification to the local authorities rather than with their approval.

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

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

Mr. Chairman, I think we should carefully examine the burden we are asking community service projects to be submitted to in connection with an application for funding.

First of all, the project would be reviewed by a competent criminal justice planner. Then it would be submitted to a local review board and there would be

a vote of approval or disapproval by the local board. It is then submitted, as is every other grant, to the State planning agency and then there is a vote by the State supervisory board.

I submit that that is the procedure that every other grant goes through, and no more. Why, then, should we extend an additional provision, the burden of a veto, after going through these five steps. A community service project would, under those conditions, be subject to a veto, not only by a local government official, but by a local law enforcement officer.

Now, I say to the committee that to allow the local chief of police or the precinct commander to decide which community projects should be funded between perhaps competing community projects in a given neighborhood would have a disastrous effect.

I think the police would then be engaging in politics and that is too abhorrent for any of us to countenance. Let us keep the police out of the decisionmaking process. Let us not give anybody the veto. Let us leave it to the regular chain of command, which would logically scrutinize and evaluate any and all of these community projects.

Therefore, the committee in its judgment deleted the veto requirement by local law enforcement officers or a local government official. I think it is only logical that we stick with the committee's position in this regard.

Mr. Chairman, I strenuously urge a "no" vote on this amendment.

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

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. HYDE), to which I alluded during general debate, which would restore the requirement that part C grants must be "approved" by the local government or criminal justice agency affected by them. The bill as reported would change the current approval requirement to one of only notification. Thus, if this change were to be included in the final version, the agency designated to receive assistance from community groups would have no power to prevent the funding of those groups; they would only receive notification that the funding is to be granted. I believe this is an unwise change and one which would bypass an intelligent procedure set up to insure that citizen participation augment the efforts of local law enforcement and criminal justice agencies. It seems terribly unreasonable for the Federal Government to force community involvement with law enforcement functions without the consent of the agencies affected. I must, therefore, offer this change and urge its passage.

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

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I think the amendment is motivated by the highest purpose, but it seems to me there is a basic flaw in the concept. If we have lawless elements in a community who are operating in concert with elected sheriff or law enforcement officer, obviously we are not going to gain the consent of the sheriff or the chief of police to have someone come in and oversee what is going on in that police department. We all know that among certain sheriffs and among certain law enforcement officials there is corruption. This would tie the hands of the Governors of the States and others to provide money for the proper agencies to come in and see just how efficiently and competently the local law enforcement agencies are operating or whether or not, indeed, such law enforcement officers are being corrupted by the lawless elements of the community.

For that reason, I join with the distinguished chairman of the subcommittee and urge the Members to vote down this proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and on a division (demanded by Mr. HYDE) there were—ayes 38; noes 57.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 133, not voting 45, as follows:

[Roll No. 684]

AYES—253

Abdnor	Dent	Howard
Alexander	Derwinski	Hubbard
Anderson, Ill.	Devine	Hughes
Andrews, N. Dak.	Dickinson	Hungate
Annunzio	Downey, N.Y.	Hutchinson
Archer	Duncan, Tenn.	Hyde
Armstrong	Early	Ichord
Ashbrook	Edwards, Ala.	Jarman
Bafalis	Eilberg	Jeffords
Baldus	Emery	Johnson, Colo.
Baucus	English	Johnson, Pa.
Bauman	Erlenborn	Jones, Okla.
Beard, R.I.	Esch	Kasten
Beard, Tenn.	Eshleman	Kazen
Bedell	Fary	Kelly
Bell	Fascell	Kemp
Bennett	Fenwick	Ketchum
Bevill	Findley	Kindness
Biaggi	Fish	Krueger
Biester	Fithian	LaFalce
Blanchard	Flood	Lagomarsino
Boggs	Florio	Latta
Boland	Flynt	Lent
Bowen	Ford, Mich.	Levitas
Breaux	Fountain	Lloyd, Tenn.
Brinkley	Frenzel	Lott
Broomfield	Frey	Lujan
Brown, Mich.	Gaydos	Lundine
Brown, Ohio	Giaimo	McClory
Broyhill	Gibbons	McCloskey
Buchanan	Gilman	McCollister
Burgener	Ginn	McDade
Burke, Fla.	Goldwater	McDonald
Burke, Mass.	Goodling	McEwen
Burleson, Tex.	Gradison	McHugh
Butler	Grassley	McKay
Carter	Gude	McKinney
Cederberg	Guyer	Madigan
Clancy	Hagedorn	Mahon
Clausen, Don H.	Haley	Mann
Clawson, Del	Hall, Ill.	Martin
Cleveland	Hall, Tex.	Melcher
Cochran	Hamilton	Michel
Cohen	Hammer-schmidt	Milford
Collins, Tex.	Hanley	Miller, Ohio
Conable	Hansen	Minish
Conte	Harkin	Mitchell, N.Y.
Cornell	Harris	Moakley
Coughlin	Harsha	Mollohan
Crane	Hechler, W. Va.	Montgomery
D'Amours	Heckler, Mass.	Moore
Daniel, Dan	Hefner	Moorhead, Calif.
Daniel, R. W.	Hightower	Moorhead, Pa.
Delaney	Hillis	Mosher
	Holt	Motti
Murphy, Ill.	Roe	Stuckey
Murtha	Rogers	Studds
Myers, Ind.	Rostenkowski	Sullivan
Myers, Pa.	Roush	Symington
Neal	Rousselot	Symms
Nedzi	Runnels	Talcott
Nichols	Ruppe	Taylor, Mo.
Nowak	Russo	Taylor, N.C.
O'Brien	Santini	Thone
O'Hara	Sarasin	Thornton
Ottinger	Satterfield	Treen
Paul	Schneebeli	Vander Jagt
Pepper	Schulze	Vander Veen
Perkins	Sebelius	Vanik
Pettis	Sharp	Waggonner
Pike	Shipley	Walsh
Poage	Shriver	Wampler
Pressler	Shuster	Whalen
Pritchard	Sikes	White
Quie	Simon	Wiggins
Quillen	Skubitz	Wilson, Bob
Railsback	Slack	Wilson, Tex.
Randall	Smith, Nebr.	Winn
Regula	Snyder	Wolff
Rhodes	Spence	Wright
Riegle	Staggers	Yates
Rinaldo	Stanton, J. William	Yatron
Risenhoover	Steiger, Wis.	Young, Fla.
Roberts	Stratton	Young, Tex.
Robinson		Zablocki

NOES—133

Adams	Flowers	Murphy, N.Y.
Addabbo	Foley	Natcher
Allen	Ford, Tenn.	Nix
Anderson, Calif.	Fraser	Nolan
Andrews, N.C.	Gonzalez	Oberstar
Ashley	Hannaford	Obey
Aspin	Harrington	O'Neill
AuCoin	Hayes, Ind.	Patten, N.J.
Badillo	Henderson	Patterson, Calif.
Bergland	Hicks	Pattison, N.Y.
Bingham	Holland	Pickle
Blouin	Holtzman	Preyer
Bolling	Howe	Price
Bonker	Jacobs	Rangel
Brademas	Jenrette	Reuss
Breckinridge	Johnson, Calif.	Richmond
Brodhead	Jones, N.C.	Rodino
Brooks	Jones, Tenn.	Roncalio
Brown, Calif.	Jordan	Rooney
Burke, Calif.	Kastenmeier	Rose
Burlison, Mo.	Keys	Rosenthal
Burton, John	Koch	Roybal
Burton, Phillip	Krebs	Ryan
Carney	Leggett	Sarbanes
Carr	Lloyd, Calif.	Scheuer
Conyers	Long, La.	Schroeder
Corman	Long, Md.	Seiberling
Cotter	McCormack	Smith, Iowa
Daniels, N.J.	McFall	Solarz
Danielson	Madden	Spellman
Davis	Maguire	Stark
Dellums	Mazzoli	Steed
Derrick	Meeds	Thompson
Diggs	Metcalfe	Traxler
Dingell	Meyner	Tsongas
Dodd	Mezvinsky	Udall
Drinan	Mikva	Ullman
Duncan, Oreg.	Miller, Calif.	Van Deerlin
Eckhardt	Mills	Vigorito
Edgar	Mineta	Waxman
Edwards, Calif.	Mink	Weaver
Evans, Colo.	Mitchell, Md.	Whitten
Evans, Ind.	Moffett	Wirth
Fisher	Morgan	Young, Ga.
	Moss	

NOT VOTING—45

Abzug	Hays, Ohio	Sisk
Ambro	Hébert	Stanton, James V.
Byron	Heinz	Steeman
Chappell	Helstoski	Steiger, Ariz.
Chisholm	Hinshaw	Stephens
Clay	Horton	Stokes
Collins, Ill.	Jones, Ala.	Teague
Conlan	Karth	Whitehurst
de la Garza	Landrum	Wilson, C. H.
Downing, Va.	Lehman	Wydler
du Pont	Mathis	Wylie
Evins, Tenn.	Matsunaga	Young, Alaska
Forsythe	Passman	Zeferetti
Fuqua	Peyser	
Green	Rees	
Hawkins	St Germain	

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Ms. Abzug against.

Mr. Passman for, with Mr. Byron against.

Mr. Chappell for, with Mrs. Chisholm against.

Mr. Teague for, with Mr. Stokes against.
Mr. Whitehurst for, with Mr. Hawkins against.
Mr. Wydler for, with Mrs. Collins of Illinois against.
Mr. Wylie for, with Mr. Clay against.
Mr. Young of Alaska for, with Mr. Helstoski against.
Mr. St Germain for, with Mr. Matsunaga against.
Mr. Downing of Virginia for, with Mr. Moretti against.

Messrs. SHARP, HIGHTOWER, and OTTINGER changed their vote from "no" to "aye."

Mr. GONZALEZ changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. McCLORY:

Page 34, strike out line 14 and all that follows down through line 16.

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

Mr. McCLORY. Mr. Chairman, my amendment strikes the new definition of the term "local elected officials" which is included in section 113 of the bill. Under section 203 of the act, there is a requirement that regional planning units be comprised "of a majority of local elected officials." Since that requirement was added to the act, the following types of local elected officials were counted toward the majority in compliance reviews of local plans: Elected sheriffs, elected prosecutors, elected judges, as well as elected executive and legislative officials. By including all these officials, the broad spectrum of law enforcement, administrative, and fiscal responsibilities were represented on the regional planning units which determined how LEAA funds were to be disbursed.

The new definition of the term "local elected officials" would limit the majority of regional planning units to chief executive and legislative officials of general units of local government. Such a requirement, in my view, is unwise because it would give mayors, city councilmen, county board chairmen and members block control over the distribution of LEAA funds. If, for example, a regional planning unit is comprised of 10 members, 6 would, by this unfortunate definition, be required to be executive legislative officials. This would collide with the requirement of 603(a) that regional planning units be representative of law enforcement and criminal justice agencies, including the following agencies: Those charged with preventing juvenile delinquency, citizens groups, community organizations, law enforcement agencies such as police, prosecutors, sheriffs, and the courts. A minority of only four slots would remain for representatives of all these groups. I believe this patently inequitable limitation is unwise and will significantly narrow the scope of comprehensive planning demanded by this act.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. McCLORY).

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

Mr. CONYERS. Mr. Chairman, the author of this amendment, the gentleman from Illinois (Mr. McCLORY) who was here in 1973 when this language went in, should fully know what possibly other members on the committee do not know and that is that the language the gentleman is seeking to strike, which attempts to clarify what was meant by "local elected officials."

If the Members go back to the original intent that was delineated in the hearings, and that appeared in the CONGRESSIONAL RECORD, they will see, as I refer to that RECORD of June 28, 1973, in which we clarify that we wanted the chief executive and legislative officials of the general units of local government.

That means we were trying to include by this definition of local elected officials the councilmen, the county commissioners, the local mayor and not simply the law enforcement officials who might be unintentionally considered local elected officials that we were trying to include, we were trying merely to clarify this language. This intention has been the intention of the Committee on the Judiciary not only in this year, but in 1973.

So in all fairness, if we want an LEAA that defines local officials with some specificity, I urge that we reject the amendment that is brought forward by the gentleman from Illinois (Mr. McCLORY).

Mr. Chairman, I call for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WIGGINS

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

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: Page 3, strike out all of lines 3 through 16 and insert in lieu thereof the following:

"SEC. 206. At the request of the State legislature, or a legislative body designated by it, the comprehensive statewide plan shall be submitted to the legislature for its approval, amendment or disapproval of the general goals, priorities and policies that comprise the basis of that plan prior to its submission to the Administration by the chief executive of the State. If the State legislature, or the designated legislative body, amends or disapproves the general goals, priorities or policies in whole or in part, these differences must be mutually resolved by the chief executive officer of the State and the State legislature, or the designated legislative body, prior to submission of the plan to the Administration. The State legislature shall also be notified of any substantial revision of such general goals, priorities and policies embodied in any plan previously submitted to the Administration. At the request of the legislature, or the designated legislative body, the revision shall be submitted to it for approval, amendment or disapproval. If the legislature, or designated legislative body, has not approved, amended or disapproved the general goals, priorities and policies of the plan within forty-five days after receipt of such plan, or within thirty days after receipt of the substantial revision, such plan or revision shall then be deemed approved."

Mr. WIGGINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. WIGGINS. Mr. Chairman, this amendment deals with a touchy problem. It deals with the question of who should approve a State plan within the State. I want to call the Members' attention to the present law. It says that the State planning agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. Mr. Chairman, this State planning agency is a creature of the chief executive of the State. He appoints the members of the State planning agency, and he alone has the power to select those who serve. The power vested in this permanent legislation in a Governor to influence the priorities and the goals of the criminal justice system is, frankly, enormous.

This Federal law has created what amounts to a State czar for criminal justice in each State and has designated the Governor as that czar. Many of us come from State legislative bodies, and I think that we can all appreicate the kind of tension that will develop within a State legislators and the Governor concerning the component elements of a State plan. The State legislators quite properly believe that they ought to have some say in what the priorities of the State are concerning law enforcement, especially since they are called upon to fund the State's share.

The committee recognized this problem and felt that the State legislature should have a greater voice in the development of the State plan and, accordingly, it recommended a new section to the bill, section 206 of the law, which simply says that the State plans will be passed by the State legislators for their advisory comment. Of course, the Governor need not pay any attention to the advice of the State legislators; indeed, he may reject it, and the plan which has been approved by his appointees goes to the administrator in Washington for ultimate approval.

I have proposed an amendment, Mr. Chairman, to section 206 which is in the nature of a substitute. It requires that the State plan or any major modification of the State plan go to the State legislature, and it requires that the State legislature and the Governor's representatives hammer out their differences so that when a State plan comes to Washington we know that it reflects the policy of the State itself and not just the Governor of the State.

I am mindful, Mr. Chairman, about the potential for mischief. I am mindful that Governors and their legislatures can be at such a loggerhead that they will not in fact reconcile their differences. But

there is a penalty implicit in the bill which in my opinion will prevent them from failing to act. Unless the Governor and the legislature come to an agreement, they get no funding at all of course, and that is a powerful incentive for the legislature and the Governor to reconcile their differences.

Mr. Chairman, we have a choice. The choice is between the committee bill which simply asks for a nonbinding advisory opinion, or my amendment which requires that these differences between important agencies of the Government be reconciled before the plan comes to Washington. Which of the two is in the public interest? I submit to the Members that obviously I have opted for the latter since State policy is not the manifestation of the Governor's wishes alone but rather it is arrived at in concert with the Governor and with his State legislature.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words and I would ask a question of the author of the amendment.

As the gentleman from California and the committee know, this is new language inserted because of our concern that State legislators begin to have a little bit more say about this very large subject and that we defuse the LEAA czar, as it has been termed, a little bit, so we have now put in language that allows an advisory review by the State legislatures and indeed some States are already engaging in that.

I would ask my colleague, the gentleman from California, if he envisions any constitutional impediments in the language that he has offered because we have now a legislative body perhaps operating in the executive area?

Mr. WIGGINS. If the gentleman will yield, not at all. There is not nearly the problem here that there is in other sections of the bill to which I will call the gentleman's attention in a moment. All that is included in a State plan is the reflection of State policy with respect to law enforcement and the criminal justice system. The issue is: Who propounds that State policy? Is it the Governor or all of the State legislature and the Executive of the State government? And a decision which involves them both it would appear to me would be very superior to just one.

Mr. CONYERS. We have had testimony in the subcommittee in which members of course of the State legislatures appeared before the subcommittee asking that they be given an opportunity to definitively pass upon this legislation. And although I am not strongly opposed to it, the advisory review is the first step in this legislation and I would suspect that perhaps we ought to for 1 year see how that operates before we consider moving to extending the powers of the several State legislatures.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the chairman of the subcommittee has indicated, we do have new language in this bill which does provide for input by the State legislatures and it is in response to the testimony that the representatives of the State legislatures presented to our subcommittee. We have required that the State planning agencies submit the plans to these State legislative agencies for their review and for their criticism.

If there is any conflict with existing statutes or anything of that nature, that has to be taken into consideration; but to give that State legislature the blanket authority to approve or disapprove, to accept or reject the State plan, seems to be quite inconsistent with the manner in which we have set up this legislation.

We have made a big step forward in the bill that is before us. It seems to me a good compromise, even from a legislative position.

Mr. Chairman, I am hopeful that the amendment offered by the gentleman from California will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

The amendment was rejected.

Mr. WIGGINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this 5 minutes to discuss with the chairman of the subcommittee a problem that may reach constitutional magnitude. I wish to at least alert the Congress to the difficulty in the event that anyone takes exception to the language.

I call attention to pages 3 and 4 of the bill. Section 104 is included, which has language at the end of section 203(a) of the bill. The added language, the new language, ought to raise a question. It deals with the power of the Governor to make appointments. In this bill we say that the Governor can appoint to the State planning agency nominees to the State judiciary. Now, it requires two nominees by the State judiciary, which must be appointed by the Governor. If we were to draft something like this applicable to Federal law, I think clearly it would be unconstitutional.

The question is whether or not the principles of Buckley against Valeo which limit the intrusion of the executive power to make appointments is applicable to States. I do not say for one moment that Buckley against Valeo stands for the proposition that a State constitution cannot pass on the judiciary in a legislative branch other than the executive power to make appointments; but the fact is that most State constitutions track the Federal constitution and there is a common treatment of the power of the executive in most State governments, as there is in the Federal Government.

Now, if the Members are alert to the holding of Buckley against Valeo, then I ask them to read with care the language at the bottom of page 3 of the bill as contained in part of that decision.

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

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

Mr. CONYERS. Mr. Chairman, I would say succinctly that, first of all, we are moving in a direction that would allow not less than two members of the State planning agency to be appointed from a list of nominees submitted by the Chief Justice.

Now perhaps therein lies a subtle wreath of distinction. If it does not, then these concerns may be well founded.

I would point out that the Senate has fallen into possibly the same trap, but I would assure my colleague that we will be examining this provision in terms of the court decision which the gentleman has cited much more carefully.

AMENDMENT OFFERED BY MR. WIGGINS

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

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 16, line 2, strike "(a)" and on lines 10 through 24, and on page 17, lines 1 through 5, strike the whole of section 103 (b) and (c).

Mr. CONYERS. Mr. Chairman, will the distinguished gentleman from California yield?

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

Mr. CONYERS. It is our determination on this side, and I hope it meets with the gentleman's agreement, that the Committee rise at this time.

Mr. WIGGINS. I agree.

Mr. CONYERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSENTHAL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13636) to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, had come to no resolution thereon.

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House of Representatives

Law Enforcement: By a yea-and-nay vote of 324 yeas to 8 nays, the House passed H.R. 13636, to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968.

Agreed to:

An amendment that strikes language prohibiting funds for improving state and local correctional institutions, unless such improvements comply with Administration and State standards (agreed to by a recorded vote of 211 ayes to 159 noes);

An amendment that authorizes the establishment of a National Advisory Committee on Criminal Justice Standards and Goals;

A technical amendment;

An amendment that authorizes the establishment of early case assessment panels in local governmental units with a population of at least 250,000;

An amendment that requires officers or employees of the Administrator to annually file a financial interest statement; and

The committee amendments for title II.

Rejected:

An amendment that sought to provide $50 million for LEAA's High Impact Anticrime Program to combat high fear crimes (rejected by a division vote of 5 ayes to 28 noes);

An amendment that sought to require States, as part of their plan, to establish a bill of rights for law enforcement officers (rejected by a recorded vote of 148 ayes to 213 noes);

An amendment that sought to prohibit the use of LEAA funds for the transportation of convicted felons to out-of-state athletic events; and

An amendment that sought to provide direct grants to the chief law enforcement official of each county of a State.

Subsequently, this passage was vacated, and S. 2212, a similar Senate-passed bill was passed in lieu after being amended to contain the language of the House bill as passed. Agreed to amend the title of the Senate bill.

The Clerk was authorized to correct section numbers, punctuation, and cross references in the engrossment of the amendments to the Senate bill. Pages H9407–H9437

EXTENSION OF LEAA

Mr. CONYERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13636) to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13636, with Mr. ROSENTHAL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, August 31, 1976, title I was considered as having been read, and pending was an amendment offered by the gentleman from California (Mr. WIGGINS).

Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 16, line 2, strike "(a)" and on lines 10 through 24, and on page 17, lines 1 through 5, strike the whole of section 108 (b) and (c).

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

Mr. WIGGINS. Mr. Chairman, present law requires that the administrator promulgate physical and service standards for the improvement or renovation of local jails. The committee, in the bill before us, has expanded this obvious intrusion into matters which are within a locality's jurisdiction by adding, in addition to renovation and improvements, the word "construction," so that the duty of the administrator is to promulgate physical and service standards with respect to new construction, renovation and improvement of all State and local correctional institutions and facilities which may be funded in part by LEAA funds. No Federal funds made available under this act are available for these purposes unless the States and localities accept the Federal standards.

The amendment which I have offered strikes this responsibility. Why is it, ladies and gentleman—why is it that the Federal Government is getting into the business of design and construction of local detention facilities, and I emphasize service standards, with respect to activities conducted therein? The answer, according to the committee, has been that there is a failure on the part of some of the States and some communities to design and construct "modern" facilities, or "enlightened" detention facilities.

To be sure, some States and some localities have erred, but what makes anyone in this Chamber think that the Federal administrator is infallible? If a locality makes a mistake, only its citizens suffer, and the Nation may indeed profit from the experience; but if a Federal administrator errs, the Nation as a whole suffers.

We all feel strongly, I think, about the elimination of unnecessary Federal bureaucratic intrustion into local affairs. Removing the Federal Government from the business of setting standards for the construction, modification, renovation or improvement of all local detention facilities is an opportunity to put up or shut up on our often-expressed convictions. This is a modest step, of course, but even such a modest step can leave a footprint in the shifting bureaucratic sands which others may follow.

The administrator, if my amendment is adopted, still will have the power to develop suggested standards in jail and prison design, but localities would have the option of accepting his advice or rejecting it, and they should be given that option. Unless my amendment is accepted, however, every item of construction for jail facilities will require the locality to seek prior approval of a Federal administrator and, Members of the Committee, that is simple foolishness.

Keep the faith, I say, that the people who sent us here have enough commonsense to build a local jail without Federal guidance. I urge support of my amendment.

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

Mr. WIGGINS. I yield to the gentleman from California.

Mr. GOLDWATER. Would the gentleman explain to the House, if his amendment is adopted, what then would be the conditions under LEAA funds as it pertains to the penal institutions in the local community?

Mr. WIGGINS. If a State wished to utilize its LEAA funds for the construction of a jail, subject to the dollar limitation, it could do so, but it would not have to come hat-in-hand to the Federal administrator to supervise its design in order to gain a determination as to whether it meets standards promulgated by the administrator.

Mr. GOLDWATER. In other words, if the gentleman's amendment is adopted, those funds could be used for the planning and construction of a jail, but the construction and the standards will be left up to the local restraints and conditions and desires.

Mr. WIGGINS. Of course. There is no limitation on the availability of funds for jails. It just says the architect is not going to be here in Washington.

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

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

Mr. CONYERS. Mr. Chairman, I would like to continue the discussion raised by the gentleman from California (Mr. GOLDWATER) whose question goes to the reason that this provision was incorporated rather easily by the subcommittee and accepted by the full Committee on the Judiciary and, as a matter of fact, extended in the full committee by the gentleman from Wisconsin (Mr. KASTENMEIER) whose subcommittee it is to oversight correctional facilities of a Federal nature.

The reason is that this amendment does not restrict or inhibit the nature of the kinds of facilities that would be constructed or designed by correctional administrators at the local and even at the State level. I repeat to the gentleman from California that this would not inhibit it. There is a requirement that there be established minimal standards, both physical and service in nature.

The reason that this was added was not on the whim of some members of the committee, but it was based upon the GAO reports that were fully circulated to each and every Member of the House, which attempted to prove that, even though we had set aside 20 percent of the part E funds for corrections since 1971, the fact of the matter is that the results have been much less than satisfactory.

It was based on these considerations that it was thought that we ought to require that these minimal standards be incorporated and required as a matter of law.

As the gentleman's question suggested, they do not inhibit in any way the nature of the kinds of facilities or the philosophy that the correctional officials would employ or the nature of the program that State or local units might apply for funding through LEAA.

So this provision, we think, is the result of some of the oversight that this committee was able to have made effective since the last time we considered this legislation.

For those reasons, I urge its consideration.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank the gentleman for yielding.

When the gentleman speaks of acceptable physical and service standards, that, in the case of construction, might be so many square feet to each individual, and so on; in other words, a very general standard?

Mr. CONYERS. The gentlewoman is correct.

Mrs. FENWICK. If the gentleman would yield further, I would like to ask about the service standards, which are far more complex. Could the gentleman give me an example of what the service standards would be? What does the gentleman suggest?

Mr. CONYERS. We would be talking about the number of people that would be incarcerated and how many of them would be allocated to each one of them, in terms of minimal standards of that nature.

Mrs. FENWICK. If the gentleman will yield further, what about services?

Mr. CONYERS. So far as the services themselves, for example, we found that there are inadequate toilet facilities, wash bowls, and other essential facilities in places where there have been rather substantial LEAA grants. And so this language is incorporated directly as a result of the GAO study.

Mrs. FENWICK. If the gentleman will yield further, I am confused because it seems to me we have two elements here. One is construction, and certainly the facilities would be involved, the square footage, and so on.

What I thought the gentleman meant by "services" would be certain kinds of programs or services.

Mr. CONYERS. Yes. Mr. Chairman, if the gentlewoman will allow me to respond, in a correctional facility we need probation officers, we need psychologists, and we need those people who are working in an ancillary capacity with the people in the correctional facilities.

What this attempts to do is to suggest that there ought to be some relationship between those services provided and the physical standards and the plan which is now offered and which is using Federal moneys through LEAA.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to pursue this subject a little bit because the gentlewoman from New Jersey (Mrs. FENWICK) raises some very pertinent questions.

The Administrator of LEAA does not seek the authority which is reposed in him by the language presently in the bill and would prefer an elimination of the provision as recommended by the amendment offered by the gentleman from California (Mr. WIGGINS).

Under this language every improvement and every change in a local jail would have to be approved here in Washington by LEAA. They would have to develop nationwide standards to apply to every community and every county jail and every local jail, including every improvement to be made. As the gentlewoman from New Jersey indicates, it has nothing to do with services or the training of jailers or the facilities or the food or the light or the work-release programs. It has nothing whatever to do with those items; they are not covered at all by this law.

What the Administrator has recommended and what he has undertaken to do is to establish a National Advisory Commission on Standards and Goals, and this is headed by the Governor of New Jersey, Governor Byrne. There are 15 members on this advisory commission. As a matter of fact, I will offer an amendment as soon as I get an opportunity—and I believe the amendment will be accepted—to give effect to this National Advisory Committee which has been established informally—at present.

The Advisory Committee on Standards and Goals can set standards and goals with regard to local jails, with regard to local jail services, with regard to probation officers, with regard to training, with regard to work-release programs, and with regard to all kinds of practices which relate to criminal justice and in the enforcement of law. That is something that the Administrator of LEAA definitely requires for the benefit of every community in the country.

However, to establish here by rigid legislation a requirement that the Administrator of LEAA has to pass upon every building plan or every building change that is made in every local jail is just the kind of Federal bureaucracy we want to get rid of, and I believe I can say that on behalf of the Members on both sides of the aisle, liberals and conservatives.

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

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

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

Mr. Chairman, this is the question that comes into my mind: In the light of the GAO report, in the light of my own personal experience from traveling around the country and having served in law enforcement and seeing the differences in penal institutions, and in the light of my own personal knowledge as to the deprivations and the denials of basic human comforts. I believe attention should be given somewhere along the line to those problems. I think it is the Federal responsibility to provide minimal basic standards.

Mr. McCLORY. Mr. Chairman, the gentleman is correct, and I am sure we agree that there should be standards and goals. These can be set forth very comprehensively; we can set forth standards and goals which would be generally applicable. There would be input in respect to the States and the local areas as to what those standards and goals should be.

As a matter of fact, the Advisory Committee is not only headed by Governor Byrne, of New Jersey, but is also served by Chief Justice House, of Connecticut, and by Mayor Pete Wilson, of San Diego, and by a number of other persons who are authorities, including sheriffs and other law enforcement officers who are capable of providing good input.

We do not have the bureaucratic expertise down here in Washington to pass on all these matters, and we do need comprehensive standards and goals. I believe they should be authorized by legislation and should be made available to the administration.

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

Mr. McCLORY. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, the federal system is a magnificent laboratory for experimentation and innovation. The States should be encouraged to try new ideas. However, this repudiates that philosophy. It says that infinite wisdom with respect to design of jail facilities rests here in Washington.

I ask the Members to reject that. That is inconsistent with the philosophy underpinning our federal system which says that here is an opportunity to avoid a little redtape, to save a little money, and thereby to conserve.

Mr. Chairman, I urge the adoption of the amendment.

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

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

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

I just want to read the language so that the committee will not be misguided in terms of what we are doing here.

The requirements sought to be stricken say "sets forth minimally acceptable physical and service standards agreed upon by the administration and the State to construct, improve or renovate State and local correctional institutions and facilities."

The CHAIRMAN. The time of the gentleman from Illinois (Mr. McCLORY) has expired.

(By unanimous consent, Mr. McCLORY was allowed to proceed for 2 additional minutes.)

Mr. McCLORY. Mr. Chairman, what the gentleman is reading should be read in the context of the physical and service standards for the construction, improvement, and renovation of State and local correctional institutions and facilities. In other words, it relates to construction, the physical aspects of the local jail or the county jail.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, what the provision in paragraph (13) attempts to do is that it merely suggests that since our funding to LEAA has not been successful—and that is in a GAO report; it dates from 1971 when we earmarked money to correctional facilities—that this cooperation would ensue to set minimal standards for local facilities.

I say that that does not create a bureaucracy or something that liberals and conservatives can fight about in terms of whether it is too big or too little. This points toward cooperation, and I urge its retention.

Mr. McCLORY. Mr. Chairman, I would just say that I think while it relates to construction, what it does is to result in the establishment here in Washington of rigid standards which would have to be complied with. As a matter of fact, it mandates or puts this requirement on the administration. It says that the administration shall, in consultation with the States, develop minimally acceptable standards.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, may I point out that there is nothing rigid about it. It says "minimally acceptable physical and service standards agreed upon."

That does not specify the standards.

It requires in each instance with respect to these funds only that they meet a test with respect to what these standards would be, and that then, and only then, would there be any agreement about what the minimally acceptable standard is. There is nothing rigid about it.

Mr. McCLORY. I realize that, but the Administrator has the responsibility.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

(Mrs. FENWICK asked and was given permission to rivise and extend her remarks.)

Mrs. FENWICK. Mr. Chairman, I would like to say that I understand the need for some of this. I have visited every prison in my State many, many times over; and until we get some real incentive to require that when money is used it is going to be used to produce a situation or an atmosphere in which human beings can live, no matter for how long or how short a time, we are not going to get compliance.

While these advisory commissions with goals and objectives are very inspiring, I am afraid that we have to do something about this situation.

We have a prison in my State that has a wing built in 1835 for one man, and it is now housing three and sometimes four. This is what we have to come to grips with.

Mr. Chairman, I would like to ask the chairman and the ranking member if we could possibly make a change in here. There should be construction, yes; but if we are going to mandate that, in order to get money to help to construct or change or renovate one of these disgraceful places, we commit the States to expenses that they cannot meet, there we will not get construction.

Mr. Chairman, this is what I was trying to clairfy: If we mean by "services" psychiatrists and job trainers involving the States and localities in programs with continuing expenses they cannot meet, we are not going to get the construction changes that they so urgently need as a first step.

Mr. Chairman, would the gentleman be willing to accept the elimination of the word "services" so that it would be clear?

Mr. CONYERS. Mr. Chairman, if the gentlewoman from New Jersey (Mrs. FENWICK) will yield, I appreciate, first of all, her concern on the subject of prisons and reform institutions because she has reflected this position in our committee many times before.

The gentlewoman from New Jersey should be clear that these amendments to part E are places in which money for prisons can come from the Federal Government. This, in other words, only points toward projects that are federally funded. These do not impose any requirements that a State institution make innovations which it would be unable to meet.

Mrs. FENWICK. We are talking about psychoanalysts and social workers and that will continue to go on when this appropriation is finished.

Would the gentleman be willing to remove the word "services" and leave in "construction"?

Mr. CONYERS. If the gentlewoman will yield further, Mr. Chairman, we do not think that that is the appropriate interpretation of the language that is already in the bill, so that the gentleman whose subcommittee has exclusive jurisdiction over correctional facilities, the gentleman from Wisconsin (Mr. KASTENMEIER) and I am sorry to say that he is not on the floor at this time, thought our bill was consonant with his oversight responsibility over institutional facilities, in addition to the local correctional institutions, that was in the original language.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, the gentleman from Michigan (Mr. CONYERS) has mentioned the fact that funds are available from other sources in the paragraph that would be stricken by the amendment offered by the gentleman from California (Mr. WIGGINS) it says:

A plan incorporating such standards shall be a condition for acquiring Federal Funds for construction, improvement and renovation of state and local correctional institutions and facilities.

So that it would be a continuing thing no matter where the funds came from; that is the way the language is in the bill at the present time.

Mr. CONYERS. Mr. Chairman, as the gentlewoman from New Jersey is well aware, the LEAA program is not a continuing grant that would run ad infinitum.

Mrs. FENWICK. That is what I mean.

Mr. CONYERS. So that there would be no requirements and no way that our language, either inadvertently or unintentionally could be binding upon the States and their correctional facilities programs that would extend beyond the term of the grant.

Mrs. FENWICK. What I am trying to find out, does the gentleman maintain that we cannot get money to improve the construction or renovation of an old jail unless we also have programs as a part of the securing of that money?

The CHAIRMAN. The time of the gentlewoman has expired.

(On request of Mr. CONYERS, and by unanimous consent, Mrs. FENWICK was allowed to proceed for 2 additional minutes.)

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding me the additional time.

In other words, why are we stuck with the word "services" and what does it mean? Does it mean bathroom or shower facilities or psychoanalysts or social workers?

Mr. CONYERS. If the gentlewoman will yield further, I will say it again so that everyone may understand correctly, it means that within the grant in the funds appropriated, if the services of an educational program, or vocational program or a counseling program may be planned for. I say to the gentlewoman from New Jersey that it is a condition to be agreed upon in terms of a plan to be incorporated by the officials and by LEAA and the States.

I would also say to the gentlewoman from New Jersey that if that has not been the outcome of her experience in traveling through all of the places of incarceration, institutions, and so forth, in New Jersey, I would frankly ask that she examine again the GAO report which did not particularly dwell upon the State of New Jersey, and the gentlewoman will find that the reasonableness of this request is consonant with the findings of the gentleman from Wisconsin (Mr. KASTENMEIER) whose subcommittee studies involve correctional institutions exclusively.

Mrs. FENWICK. I can only say I am sure that the GAO report is correct. But let me say further that I have worked in correctional institutions in my State for over 10 years. I know all of them. I know all about what is going on there. This would be a continuing cost that they could not meet; they cannot do it because they cannot get the money.

Mr. CONYERS. That is precisely why we put the language in so they will know what they are supposed to do with the Federal money.

Mrs. FENWICK. If we put "services" in the law, it is because we want the programs. The States and localities cannot afford the programs. The Federal money is going to stop, as the gentleman wisely said.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

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

RECORDED VOTE

Mr. WIGGINS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. WIGGINS) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 159, not voting 60, as follows:

[Roll No. 691]

AYES—211

Abdnor	Beard, Tenn.	Burke, Fla.
Ambro	Bedell	Burleson, Tex.
Anderson, Ill.	Bevill	Butler
Andrews, N.C.	Boggs	Byron
Andrews, N. Dak.	Boland	Carter
	Bowen	Cederberg
Archer	Breaux	Clancy
Armstrong	Brooks	Clausen, Don H.
Ashbrook	Brown, Mich.	
AuCoin	Brown, Ohio	Clawson, Del
Bafalis	Broyhill	Cleveland
Baldus	Buchanan	Cochran
Bauman	Burgener	Cohen

Collins, Tex.	Jarman	Quillen
Conable	Jeffords	Randall
Conte	Jenrette	Regula
Coughlin	Johnson, Pa.	Rhodes
Crane	Jones, N.C.	Rinaldo
D'Amours	Jones, Okla.	Risenhoover
Daniel, Dan	Kasten	Roberts
Daniel, R. W.	Kazen	Robinson
Davis	Kelly	Roe
Dent	Kemp	Rogers
Derrick	Ketchum	Roush
Derwinski	Krueger	Rousselot
Devine	LaFalce	Runnels
Dickinson	Lagomarsino	Sarasin
Downey, N.Y.	Landrum	Satterfield
Downing, Va.	Latta	Schneebeli
Duncan, Oreg.	Leggett	Schulze
Duncan, Tenn.	Lent	Sebelius
Edwards, Ala.	Levitas	Sharp
Emery	Lloyd, Calif.	Shipley
English	Lloyd, Tenn.	Shriver
Erlenborn	Lujan	Shuster
Eshleman	McClory	Skubitz
Evans, Ind.	McDade	Slack
Fenwick	McDonald	Smith, Nebr.
Fish	McEwen	Snyder
Fithian	McKay	Spence
Flowers	Madigan	Staggers
Flynt	Mahon	Stanton, J. William
Fountain	Mann	Steed
Frenzel	Martin	Steiger, Wis.
Frey	Mathis	Stuckey
Gaydos	Michel	Symms
Gibbons	Milford	Talcott
Ginn	Miller, Ohio	Taylor, Mo.
Goldwater	Minish	Taylor, N.C.
Goodling	Mitchell, N.Y.	Thone
Gradison	Mollohan	Thornton
Grassley	Montgomery	Traxler
Guyer	Moore	Treen
Hagedorn	Moorhead, Calif.	Ullman
Hall, Tex.	Mosher	Van Deerlin
Hamilton	Motti	Vander Jagt
Hammer-schmidt	Murtha	Waggonner
Hansen	Myers, Ind.	Walsh
Harkin	Myers, Pa.	Wampler
Harsha	Neal	White
Hechler, W. Va.	Nix	Whitehurst
Hefner	Nowak	Whitten
Henderson	O'Brien	Wiggins
Hightower	Ottinger	Wilson, Bob
Hillis	Passman	Winn
Holt	Paul	Wright
Howard	Pickle	Wydler
Howe	Poage	Wylie
Hubbard	Pressler	Yatron
Hyde	Preyer	Young, Fla.
Ichord	Quie	Young, Tex.

NOES—159

Adams	Eckhardt	Madden
Addabbo	Edgar	Maguire
Alexander	Edwards, Calif.	Mazzoli
Allen	Eilberg	Melcher
Anderson, Calif.	Evans, Colo.	Metcalfe
Annunzio	Evins, Tenn.	Mezvinsky
Ashley	Fary	Mikva
Aspin	Fascell	Miller, Calif.
Baucus	Fisher	Mills
Beard, R.I.	Flood	Mineta
Bennett	Florio	Mink
Bergland	Ford, Mich.	Moakley
Biaggi	Ford, Tenn.	Moffett
Biester	Fraser	Moorhead, Pa.
Bingham	Giaimo	Morgan
Blanchard	Gilman	Moss
Blouin	Gonzalez	Murphy, N.Y.
Bolling	Gude	Natcher
Bonker	Haley	Nolan
Brademas	Hall, Ill.	Oberstar
Breckinridge	Hanley	Obey
Brodhead	Hannaford	O'Hara
Brown, Calif.	Harris	O'Neill
Burke, Calif.	Hayes, Ind.	Patten, N.J.
Burke, Mass.	Hicks	Patterson, Calif.
Burlison, Mo.	Holtzman	Pattison, N.Y.
Burton, John	Hughes	Perkins
Burton, Phillip	Hungate	Pike
Carney	Jacobs	Price
Carr	Johnson, Calif.	Pritchard
Chisholm	Johnson, Colo.	Railsback
Clay	Jones, Tenn.	Rangel
Collins, Ill.	Jordan	Reuss
Conyers	Kastenmeier	Richmond
Cornell	Keys	Rodino
Cotter	Koch	Roncalio
Daniels, N.J.	Krebs	Rooney
Delaney	Long, La.	Rose
Dellums	Long, Md.	Rosenthal
Diggs	Lundine	Rostenkowski
Dingell	McCloskey	Roybal
Dodd	McCormack	Russo
Drinan	McFall	Santini
	McHugh	
Sarbanes	Stratton	Waxman
Scheuer	Studds	Weaver
Schroeder	Sullivan	Whalen
Seiberling	Symington	Wilson, C. H.
Simon	Thompson	Wirth
Smith, Iowa	Tsongas	Wolff
Solarz	Udall	Yates
Spellman	Vander Veen	Young, Ga.
Stark	Vanik	Zablocki
Stokes	Vigorito	

NOT VOTING—60

Abzug	Heckler, Mass.	Pepper
Badillo	Heinz	Pettis
Bell	Helstoski	Peyser
Brinkley	Hinshaw	Rees
Broomfield	Holland	Riegle
Chappell	Horton	Ruppe
Conlan	Hutchinson	Ryan
Corman	Jones, Ala.	St Germain
Danielson	Karth	Sikes
de la Garza	Kindness	Sisk
du Pont	Lehman	Stanton, James V.
Early	Lott	Steelman
Esch	McCollister	Steiger, Ariz.
Findley	McKinney	Stephens
Foley	Matsunaga	Teague
Forsythe	Meeds	Wilson, Tex.
Fuqua	Meyner	Young, Alaska
Green	Mitchell, Md.	Zeferetti
Harrington	Murphy, Ill.	
Hawkins	Nedzi	
Hébert	Nichols	

The Clerk announced the following pairs:

On this vote:

Mr. Sikes for, with Mr. Corman against.

Mr. Hébert for, with Mrs. Meyner against.

Mr. Teague for, with Mr. Murphy of Illinois against.

Mr. Nichols for, with Mr. Mitchell of Maryland against.

Mr. Chappell for, with Mr. Zeferetti against.

Mr. Conlan for, with Mr. McKinney against.

Mr. Horton for, with Ms. Abzug against.

Mr. Kindness for, with Mr. Badillo against.

Mr. Steiger of Arizona for, with Mr. Hawkins against.

Mr. Young of Alaska for, with Mr. Helstoski against.

Mr. NIX changed his vote from "no" to "aye."

Mrs. SULLIVAN and Mr. JOHN L. BURTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: Page 17, immediately after line 24 insert the following new section:

"GRANTS TO COMBAT HIGH FEAR CRIMES IN HIGH CRIME AREAS

"SEC. 109. (a) Title I of such Act is amended by inserting immediately after part E the following:

"'PART F—GRANTS TO COMBAT HIGH FEAR CRIMES IN HIGH CRIME AREAS

"'SEC. 476. It is the purpose of this part to encourage and enable areas characterized by high incidence of violent crimes and burglary to develop and implement programs and projects to reduce and prevent crimes such as murder, nonnegligent manslaughter, forcible rape, aggravated assault, robbery, and burglary.

"'SEC. 477. The Administration shall make grants under this part to units of general local government or any combinations of such units which make application in accordance with the requirements of this part and which are identified by the Administration as having a high incidence of crimes such as those listed in section 476 and a special and urgent need for Federal financial assistance.

"'SEC. 478. In order to receive a grant under this part a unit of general local government or combination of such units shall submit an application to the Administration in such form and containing such information as the Administration shall require. Such application shall set forth a plan to reduce the incidence of crimes such as those listed in section 476 and such plan shall—

"'(1) provide for the administration of such grant by the grantee in keeping with the purposes of this part;

"'(2) set forth specific goals for the reduction of any or all of such crimes; and

"'(3) comply with the requirements of paragraphs (13), (15), (16), (17), and (20) of section 303(a).

The limitations and requirements contained in the unnumbered paragraph in section 306 (a) shall apply, to the extent appropriate, to grants made under this part.

"'SEC. 479. (a) The Administration shall give special emphasis, in allocating funds among units of general local government or combinations thereof under this part, to (1) the incidence of crimes such as those listed in section 476 within such unit or combination, (2) the population of such unit or combination, (3) the likely impact of the programs or projects for which funding is sought on the incidence of such crimes within such unit or combination, and (4) the capacity of such unit or combination to administer a grant effectively and in accordance with the requirements of this part.

"'(b) Upon receipt of an application under this part, the Administration shall notify the State planning agency of the State in which the applicant is located of such application, and afford such State planning agency a reasonable opportunity to comment on the application with regard to its conformity to the State plan and whether the proposed programs or projects would duplicate, conflict with, or otherwise detract from programs or projects within the State plan.'

"(b) Parts G, H, and I of such Act are redesignated as parts H, I, and J, respectively.

"(c) Section 520 of such Act is amended by adding at the end thereof the following: 'From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of part F, but such sums shall not exceed $12,500,000 for the period July 1, 1976 through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above, and shall be in addition to funds made available for those purposes from other sources.'"

Renumber succeeding sections accordingly.

Ms. HOLTZMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Ms. HOLTZMAN. Mr. Chairman, this amendment is offered on behalf of myself and the gentleman from Illinois (Mr. MCCLORY). It is an amendment that is supported by the Justice Department.

Mr. Chairman, our amendment targets some of the LEAA funds to fight high-fear crimes—violent crimes—in areas which have a high rate of such crimes. The amendment establishes a $50 million annual fund for use in fighting

crimes such as murder, rape, robbery, aggravated assault, and burglary. The focus is on areas with a high incidence of these crimes—whether urban or suburban or rural. Funds will be awarded on the basis of an area's crime rate, the quality of the program for which funding is sought, the capacity of the local government to administer the grant, and population.

Let me point out to my colleagues here that the crimes which this amendment seeks to attack are crimes that affect and frighten Americans most. In order for people to feel secure in the streets of their cities and towns, and in their homes, we must cut the rate of violent crime and burglary. In addition crime is not uniform throughout the Nation, but is concentrated in certain areas. What this amendment would do is enable those areas that have a high incidence of high-fear crime to develop special programs to fight these crimes.

I would like now to anticipate one objection to this program. People will say, "We have had it before, and it has not worked."

Mr. Chairman, let me say to my colleagues that this argument is incorrect. We have not had a program like this before. Unlike past programs, this amendment sets specific standards. For example, cities, countries, and other local governments cannot obtain money under this $50 million program unless they demonstrate two very important things: They have to demonstrate that they would administer the grant effectively, and they also have to demonstrate that the program or the project which they want to fund is likely to have an impact on reducing crime.

There was a "high-impact" crime program in the past; but that program simply threw funds at eight cities in the country without first requiring any demonstration that the projects were likely to succeed and without requiring any demonstration that the county or the city or combinations thereof showed a capacity to administer the program.

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

Ms. HOLTZMAN. I yield to the gentleman from Tennessee.

Mr. ALLEN. Mr. Chairman, may I ask the gentlewoman a question. Would this $50 million which would be earmarked for the purposes enumerated by the gentlewoman from New York (Ms. HOLTZMAN) come in the form of additional appropriations or would it come out of other funds?

Ms. HOLTZMAN. Let me say to my friend, the gentleman from Tennessee, that the appropriations for the program have already been voted on by the House of Representatives and that the LEAA has already budgeted $40 million out of this $50 million amount for this kind of program. Therefore, if the House does not accept this program, then the $40 million that has been budgeted by LEAA could be used for other purposes.

Mr. ALLEN. If the gentlewoman will yield further, if I understand the gentlewoman correctly, does this mean that this would not increase the price of this bill?

Ms. HOLTZMAN. That is correct.

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

Ms. HOLTZMAN. I yield to the gentleman from Texas.

Mr. KAZEN. My understanding is that we have $700 million total.

Ms. HOLTZMAN. Seven hundred and fifty-three million dollars.

Mr. KAZEN. Seven hundred and fifty-three million dollars, and out of that we are going to earmark $50 million for the purposes for which the gentlewoman has stated to be expended under those conditions, is that correct?

Ms. HOLTZMAN. Let me say to my friend, the gentleman from Texas (Mr. KAZEN) that $50 million is the authorization figure. In talking about the appropriation figures, the amount to be considered would be $40 million instead of $50 million. This is an authorization bill but in actuality, this year, we are talking about a $40 million allocation out of a $753 million appropriation.

Mr. KAZEN. Mr. Chairman, what I am questioning is this, that that money will be spread all over all of the LEAA units all over our country.

Ms. HOLTZMAN. Not really.

Mr. KAZEN. But all of them would be eligible.

Ms. HOLTZMAN. Not really.

Mr. KAZEN. If they meet the criteria.

Ms. HOLTZMAN. But the criteria are very specific. You have to have, first, a high incidence of violent crime, and, thank goodness, not every county and city in the country meets that requirement.

The CHAIRMAN. The time of the gentlewoman has expired.

(On request of Mr. KAZEN, and by unanimous consent, Ms. HOLTZMAN was allowed to proceed for 3 additional minutes.)

Ms. HOLTZMAN. Not only does a county, or a combination of counties and cities, have to show a high incidence of these violent crimes to qualify under my amendment, but it has to show, as well, that it has a project that is likely to succeed, that is likely to have an impact on cutting down these crimes. Cities or counties cannot just come in and say, "We have a terrible crime problem and we will develop some program." They have to have something that is demonstrably likely to succeed.

Then they must show they can administer the grant, and that the program can be administered soundly.

I think these requirements will mean that only the best projects, and only the counties and cities that can administer them properly, will be awarded funds under this program.

Mr. KAZEN. Mr. Chairman, if the gentlewoman will yield further, that is the point that I am trying to make, that this money is going to be spread awfully thin because apparently, according to latest statistics, this type of crime has risen all over the country. There are many counties and localities that can administer this properly, and could handle this program, and the $50 million is not going to do this.

Ms. HOLTZMAN. I share the concern of the gentleman from Texas but the problem is that if we do not have this kind of a program then there is no incentive for these localities to spend money to develop effective crime fighting capabilities to deal with these violent crimes.

Mr. KAZEN. Mr. Chairman, let me say to the gentlewoman wrom New York (Ms. HOLTZMAN) that I appreciate what the gentlewoman is trying to do and I commend her for it. The only thing is that the way this is set up I doubt that it is really going to amount to anything because it will not do the job that the gentlewoman wants done.

Ms. HOLTZMAN. Mr. Chairman, I would assure my friend, the gentleman from Texas (Mr. KAZEN) that this, in my judgment, would not be a giveaway. The areas that can qualify are the ones that are hardest hit by these crimes, and they must develop effective programs and effective administrative capability before they can qualify for the funds.

Let me also say, because I see my friend, the gentleman from Michigan (Mr. CONYERS) rising to oppose me, that the argument that the "high-impact anticrime" program was a failure is not entirely accurate. I would point out to my colleagues on the floor that there was an evaluation of the prior program.

The evaluation of the prior program said that it had worked in eight cities of the country, and I will quote from that evaluation.

The CHAIRMAN. The time of the gentlewoman has again expired.

(By unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Ms. HOLTZMAN. Mr. Chairman, let me quote from the evaluation that was done on the prior "high impact anticrime" program: "Impact cities used the Federal moneys as they were intended to be used for worthwhile anticrime efforts that could not otherwise have been funded." "Eight cities in the United States now possess . . . a system capability to rationally plan, implement and evaluate their anticrime program." "Anticrime effectiveness was demonstrated at the project level for 35 impact projects representing an expenditure of about $35 million in Federal funds."

I would reiterate, as well, that my amendment contains a number of provisions that make it far superior to the program which achieved these results.

Mr. Chairman, I would urge my colleagues to support this amendment as an effort on the part of the House of Representatives to help the States and localities that are hardest hit by violent crimes develop an effective capacity to deal with these crimes.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York.

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

CORRECTION OF TECHNICAL AMENDMENTS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that, in the technical amendments previously agreed to by the Committee, the reference to page 36 be changed to page 35. to correct a typographical error.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, I do not know how long we will consider an appropriate time to spend on a $50 million amendment in a package that for 1 year sends to LEAA over $700 million. If the object of this amendment is to create money to combat high crime and the fear of crime in the high crime areas, and I read from the amendment, I would like to point out that this is just giving the Director of LEAA $50 million to do with as he wishes. If one is from an area in which major crime is not rising, then he is one of the unique Members of this body.

We are spending, Mr. Chairman, nearly $1 billion of Federal money each year and the rate of crime is increasing. Now we come up with an amendment which was rejected in the committee and in the subcommittee. As a matter of fact the idea is right out of an administration bill on the LEAA, a program which has been unfortunately roundly criticized.

I am from an area which would need a program such as this as much as the district of anybody in this body. The $50 million would not get the west side of Detroit started, much less the entire United States where there are LEAA units, coordinating councils, and local units of government who would all be entitled to apply for this money based on the fact that there was a rising incidence of crime.

The rate of crime is rising everywhere. As a matter of fact it is rising in the suburbs at a rate greater than it is in the cities of our Nation.

Mr. Chairman, if that is not bad enough, there is a second reason Members should be considering. We are raising totally false hopes in those districts and those units that are going to be trying to apply for this money if they qualify. How far is $50 million going to go among several hundred qualifying units?

We are taking a billion dollar program and doing just that. So it is going to breed senseless competition.

I think that should be considered.

Finally this program has been criticized by every impartial evaluating organization that has analyzed the previous programs sponsored by this amendment, and I refer to the report entitled "Law and Disorder," the 20th Century Fund report, the General Accounting Office report on "Pilot Cities," and the Mitre Corp. funded by LEAA itself to evaluate the program.

I will close by a quote from the Mitre Corp., not my most favorite corporation, incidentally:

> "Impact City" violent crime rates considerably worsened overall.

That is, among those cities that got money under a previous project of this nature, the crime statistics worsened.

So I ask my colleagues not to spend an unduly long amount of time on this amendment. If the Members want to have $50 million going to LEAA to allocate to an indeterminate number of cities, counties, and suburbs in a nearly $1 billion program, if they think this is going to add something to it, then I think they can agree with the gentlewoman from New York.

If the Members think a billion dollars that is fairly sensibly distributed, and for which we are providing oversight, is more desirable, then we have LEAA on a short leash, which is a more sensible approach, and then I would urge the Members to reject the Holtzman amendment.

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

Mr. CONYERS. I yield to my colleague, the gentleman from New York (Mr. FISH), briefly.

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

Mr. CONYERS. I yield to my colleague, the gentleman from New York.

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

Mr. Chairman, I want to clarify something that bothers me, that is, the need for this amendment. Why isn't it possible for localities to seek help under State plans?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(At the request of Mr. FISH, and by unanimous consent, Mr. CONYERS was allowed to proceed for an additional 2 minutes.)

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from New Rork (Mr. FISH).

Mr. FISH. Mr. Chairman, my point is, why cannot this be done under existing law? Why cannot the State plan incorporate emphasis on areas of high violent crime within their jurisdictions?

Mr. CONYERS. Mr. Chairman, I say to the gentleman from New York, that is the precise point. We have a State planning agency for that. We spend 9 percent of our funds planning, not only among the States, within the States, but on a regional basis with coordinating local units of government. We spend 9 percent of the $1 billion we get for that precise purpose. Each local unit that has an incidence of crime can create its own plan. Many of the metropolitan area plans would call for more than $50 million from the beginning.

So I agree with the logic behind the gentleman's question.

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

Mr. CONYERS. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I would just like to respond to the gentleman from New York. There is nothing to prevent any State from developing a plan to deal with the high incidence of violent crimes; but neither is there any incentive or requirement for them to do so.

The point of my amendment, in which the gentleman from Illinois (Mr. MCCLORY) joins, is to provide a financial incentive to the States with the highest incidence of violent crime to develop programs to reduce this kind of crime.

Mr. CONYERS. Mr. Chairman, with the millions of dollars going into each State planning agency, with the hundreds of millions of dollars that will go to combat crime, if anybody here thinks for a minute that a $50 million amendment proposed by the administration is going to have some serious impact on the major crime, that according to the FBI has risen 18 percent, I would say he is sadly mistaken.

Mr. Chairman, I urge rejection of the amendment.

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

Mr. Chairman, I think that the last statement of the gentleman from Michigan (Mr. CONYERS) is most significant. I must agree that the amount allocated in high crime areas is a wholly inadequate amount insofar as fighting violent crime in America is concerned; but at least it is a $40 million allocation of Federal funds for the purpose of helping to combat violent crime in those areas which have the highest incidence of such crome; burglarly, rape, murder, and so on.

It seems to me that the effort of the Federal Government today is very, very puny. As a matter of fact, we put in about 5 percent or less of the total funds to fight crime in America. It certainly is a very minor contribution which the Federal Government is making; not that we want to take over the problem of crime in America, but we should be making larger contributions to enable the local communities to undertake a better effort against crime.

Now, the Mitre Corp. report while it does show that the impact area program has not had the effect of reducing crime in the areas studied, there are some areas where certain crimes did show a reduction. The evaluation report is very valuable in establishing what kinds of programs seem to be the best in the large cities, where we have a high incidence of crime.

Mr. Chairman, this modest amendment is an initiative which has been recommended by the attorneys general to try to get at this problem of street crime and violent crime in our cities and other areas where crime is increasing. It seems to me we should support this. This is, in a sense, a separate program. It has been separately funded. It is independent of the discretionary and the block grant programs. It is an additional effort. It is a new initiative and it is something it seems to me we should certainly strongly support.

I am very pleased, in my own behalf and in behalf of the administration, which has recommended this measure, to give my support to it.

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

Mr. MCCLORY. I am happy to yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding.

I would just like to respond to some of the points that have been previously made in opposition to this amendment. The gentleman from Michigan, who argues that the amendment has too little money, argued against it in committee when it called for an expenditure of $100 million.

I think that the $50 million is better than nothing; it is better to try to help

States and localities deal with the most serious crime problems in this country than ignore the matter totally.

The second argument made is that this amendment is going to create "senseless competition." That argument seems to me absolutely incomprehensibe. Competition to find effective answers to violent crime could hardly be called senseless.

I would urge my colleagues to support this amendment.

Mr. McCLORY. I would say that some of these criticisms that have been made against the Impact Anti-Crime Program are just the traditional, proverbial critics, and are not the kinds of criticisms made by the gentleman from Michigan. I think this is a very good amendment, and I hope that it will have overwhelming support.

Mr. DANIELSON. Mr. Chairman, I move to strike the last word.

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

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

Mr. Chairman, I respectfully rise in opposition to this amendment. I am a member of the subcommittee, and have taken part in this effort that has taken place over the last year and a half. I would like to point out that LEAA, at best, should be at this time on probation. The programs that it has promoted have really not worked very well. The purpose was excellent, and it should be encouraged where possible, but actually nothing has been done by LEAA of any substantial value in contributing to the control of street crime.

I am convinced that if we were to pass this amendment and lift another $50 million out of the funds which would be available to local units of government, to the States for the control of urban crime, we would be making a great error.

Fifty million dollars taken out of the funds that would otherwise be available to each Member's State and mine to meet our own problems, invested in a discretionary government program to combat crime in high impact areas, would be a waste. If we spread out $50 million in high impact areas—heaven knows how many there are—we are going to have a drop in the bucket in each instance. The money would have no beneficial effect whatsoever.

I would like to state that the opinion I have just given the Members is not just my own. During the past year, a study was made by the Center for National Security Studies, and I would like to quote very briefly from a press story reflecting their findings of what has happened in the LEAA programs, and particularly high impact areas:

LEAA's performance in the high impact program was an irresponsible, ill-conceived and politically motivated effort to "throw money at a social program."

"Many of the cities had no idea how to effectively spend such a high level of funding in such a short period of time and complained bitterly about LEAA's lack of assistance," it added.

The high impact program "imposed multiple levels of red tape," the study said.

I want to point out that it is not just one level of red tape but multiple levels.

It criticized the program for having "no clear objective and no preconceived idea of what would work."

And, finally, it said, the program "did not produce significant results in regard to crime."

That is not my opinion. That is the opinion of an independent agency which has made a study as to what LEAA has accomplished.

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

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

Mr. McCLORY. There is no report which has been published by this organization—or individual. The Center for National Security Studies is a proverbial critic of LEAA without basis for criticizing. I will insert at this point a statement which really, clearly describes this organization:

CENTER FOR NATIONAL SECURITY STUDIES

(Sara Carey—"Law and Disorder IV")

The Members should be very cautious about basing their decisions and actions on the press accounts of the report by Miss Sara Carey of the Center for National Security Studies for several reasons:

1. Copies of the Report are not available from the Center.

2. LEAA, the subject of the alleged report, has not even been given a copy.

3. The author of the report has issued three previous attacks on LEAA and testified before the Subcommittee in both 1973 and 1976 with essentially the same criticisms.

4. The sponsoring group, the Center for National Security Studies has no established expertise or reputation for objectivity in matters of this kind.

One might wonder who the Center represents or from whom does it obtain policy direction. According to the available information, the Center lists as an "advisor" Mr. Stuart Mott, of Chicago, and as a member of its "staff", Mr. Morton Halperin.

The Center is funded by the Fund for Peace of New York City, which is, in turn, funded by the Abalard Foundation, the Field Foundation and the Stearne Foundation.

The Center's seven ongoing projects are identified as follows:

1. Democracy in the Military
2. Intelligence and the CIA
3. South Arican National Security
4. Project on National Security and Individual Rights
5. LEAA
6. Police and Military Arms Control
7. Internship Program.

Source: Congressional Research Service, Lib. of Congress.

Mr. DANIELSON. Mr. Chairman, I will reclaim my time at this point to state that the report has not yet been published. However, the person from the organization that wrote the report did appear before the subcommittee and did testify, and I have every reason to believe that the language I have just quoted which, as I did tell the Members was from a press report, will appear in the report.

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

Mr. DANIELSON. I yield to the gentleman from Michigan (Mr. CONYERS)

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I have only this comment to add to the gentleman's statement, in which I concur. If this amendment were to carry, we would be enacting into statutory language two pilot programs that have failed and were criticized, and now we come back, disregarding the oversight of the Judiciary Subcommittee, and enact it into statute.

Mr. DANIELSON. I thank the Chairman.

Mr. Chairman, I would like to point out, in closing, that putting $50 million of added discretionary money in the bureaucracy downtown is not going to end street crime in our cities. I respectfully submit that the people of Kentucky, the people of Tennessee, the people of New Jersey, the people of Illinois, the people of New York, the people of Michigan and the people of the Carolinas have a far better idea of the status of crime in their cities and in their States than some bureaucrat downtown in Washington.

For heaven's sake, let us put this money where it will do some good. I urge the Members to vote no on the amendment.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. BREAUX. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to my friend, the gentleman from California, who has quoted from a newspaper article which inaccurately describes the evaluation by Mitre Corp. I am presently holding the evaluation in my hand. It is called the Executive Summary, High Impact Anticrime Program, National Level, Final Evaluation Report, dated January, 1976. I would like to direct the attention of my colleagues to the report's conclusion which appears on page 56:

Impact cities used the Federal money as they were intended to be used, for worthwhile anticrime efforts which could not otherwise have been funded. Eight United States cities now possess the system capability to rationally plan and implement anticrime programs.

It also indicates that the program had beneficial impact on the crime rate rankings.

I know that the gentleman from California is well aware that a press report is not the same thing as the document itself, and I would ask the gentleman from California, before he makes statements about what the evaluation report shows, that he read the document itself.

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

Mr. BREAUX. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I would like to point out to the gentlewoman from New York that the report cited by the gentleman from California is not the final version because when the subcommittee held its hearings the final version was not in print.

The major author of that report testified in person before the subcommittee, and I think it is the subcommittee's conclusions and that testimony that the gentleman is making reference, if he is, to these reports.

We have had four reports. The GAO is not a partisan body. The Twentieth Century Fund is a generally highly regarded agency. The Law and Disorder Group has written about LEAA for two legislative sessions. So we have four units, Government and citizens, that have criticized the program and the genesis from which it is derived. I do not think that is in dispute, whether we support the amendment or not.

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

Mr. BREAUX. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I would like to say, in response to this statement of the gentleman from California (Mr. WIGGINS) the high crime area funds are going to be disbursed at the local level. Decisions are going to be made by the local people. It is not that we are going to send out the Federal police, or anything like that, to handle local crime. It is going to be handled locally. The funds are going to be handled locally.

We are going to be giving some Federal support to local law enforcement people in these critical areas.

Mr. MANN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

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

Mr. MANN. Mr. Chairman, I know I cannot clear up the confusion in 5 minutes, but let me start.

The gentleman from Illinois (Mr. McCLORY) has stated that this is a separate amount of money. The gentleman from Tennessee (Mr. ALLEN) asked a question and did not get the right answer.

If we do not agree to this amendment, this money is going to the States and local governments under the bill and under the appropriations act. If this amendment is agreed to, that money will be taken away from the States and local governments. It is already appropriated, but it will be taken away from the States and local governments and given to the LEAA to conduct an exercise in grantsmanship. Now, I will ask the Members to dispute that, please.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, it says specifically in the amendment offered by the gentlewoman from New York (Ms. HOLZMAN) that—

> The Administration shall make grants under this part to units of general local government or any combinations of such units . . .

This provision says that it is going to go to governmental units and not revert to the LEAA fund.

Mr. MANN. I hope they do not give it to the Federal Government, and I hope this is not a Federal law enforcement program. The gentleman is not telling me anything.

Mr. McCLORY. This is just detailing the Federal funds being used, but they are being applied and administered by units of local government.

Mr. MANN. Under this bill all of the $753 million is Federal funds, and under this bill as of right now $340 million would go to States under part C of the grant program. If we agree to this amendment, $306 million will go to States and local governments, and next year, if we agree to this amendment, $42.5 million will be taken away from States and local governments for this program.

I make the distinction between this year and next year because LEAA only plans to use $40 million of this high impact money this year, and we are authorizing $50 million, which you can be sure they will plan to use next year.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, it is my understanding that in the package of the appropriation bill we appropriated $40 million for this specific purpose.

It may be true that if we do not adopt this amendment, the funds may be reallocated, but the Committee on Appropriations and the House have already acted to appropriate and allocate the funds for this purpose, and if this purpose is defeated by the defeat of this amendment, then there may be a reallocation.

Mr. MANN. Mr. Chairman, the gentleman is mistaken. The funds are not earmarked in the appropriation bill for this program. The gentleman is mistaken.

Mr. CONYERS. Mr. Chairman, if my colleague, the gentleman from South Carolina, will yield, unfortunately, because the appropriation process preceded the authorization process, the amendment proposed by the gentlewoman from New York was offered and did succeed. So we have completed the appropriation authorization.

Ms. HOLTZMAN. Mr. Chairman, if the gentleman will yield, I never offered any such amendment to any appropriation bill

Mr. CONYERS. Then I withdraw my statement and agree that my colleague, Mr. MANN, is correct.

Mr. MANN. Mr. Chairman, it was cleaned up in conference, but if it had not been, the Committee on the Judiciary, with its great effort to acquire some oversight responsibility, could not and would not have accepted the verdict of the Appropriations Committee. We do not have authorizing responsibility with reference to the Justice Department, so we latched onto LEAA. This is our great oversight responsibility. If we let the Committee on Appropriations write this bill, then we do not have anything left.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, I suggest most charitably that the gentleman from South Carolina has not cleared up the confusion which exists here in the House.

Mr. MANN. No, I probably have not, in the gentleman's mind, cleared up the confusion.

What we have here is a program that LEAA has maintained through the use of its discretionary funds, and it can still do that through the use of its discretionary funds, as it has over the last 8 years.

We have a program that LEAA has administered through the use of its discretionary funds, and it still has its discretionary power. LEAA has used almost all of its discretionary funds—as a matter of fact, they have used $190 million—over the past several years for a pilot cities program, $30 million, and $160 million for a high impact crime area program. And we have heard what the results are. There are virtually no beneficial results.

Mr. Chairman, another bit of confusion that I would like to clear up in my own mind and perhaps in someone else's is occasioned by the assertion that having this fund under the discretionary control of LEAA creates incentives for communities to use this money.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. MANN) has expired.

(By unanimous consent, Mr. MANN was allowed to proceed for 2 additional minutes.)

Mr. MANN. To continue, Mr. Chairman, we create incentives for those communities that are good at grantsmanship, and we create a preconception here that I hate to refer to; but every time I inquire about why LEAA seems to want this program—and of course, they failed twice and maybe they want the third strike—I find that their plans downtown are labeled a "major cities program." That is the way it is labeled. I am curious about it, but that is the way it is labeled.

In any event, concerning the incentive itself to fight violent crimes, if it calls for more money to give your town or your county or your State the incentive to fight high cime or to stop violent crime if it means that in order to get it they have to get a discretionary grant from LEAA, then there is something basically wrong with our law enforcement direction and motivation.

Mr. Chairman, I am sure that their incentive would be encouraged much more if we gave them the money in the first instance, which the bill will now do. However, to require them to have to undergo competition with Detroit or New York or somewhere else is not an incentive-creating mechanism, as I see it.

If LEAA wants to have a discretionary program for demonstration purposes—and that has been our big problem; we have no evaluation of what they have done that is any good; we do not know what we have accomplished with all this money, but we do know that the crime problem is on the State and local level—if LEAA wants to put money there for demonstration and evaluation purposes, for a demonstration program, they have $54 million for that purpose in the bill as it is written.

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

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

Mr. CONYERS. Mr. Chairman, could I point out to the gentleman, in order to

supplement his remarks, that LEAA has discretionary power with respect to 9 percent of the total of this $1 billion already?

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. MANN) has again expired.

(By unanimous consent. Mr. MANN was allowed to proceed for 1 additional minute.)

Mr. MANN. Mr. Chairman, I will conclude now.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, I might point out that the discretionary power of LEAA is not an inconsiderable one. Under the allocations for 1976 we have $71,544 million. It was a little less than at other times, but that is in the general area of $50 million or $60 million in discretionary funds; and now they are asking to enact into law a $50 million program that has been proved a failure.

Mr. MANN. Mr. Chairman, in conclusion, I would like to read from a staff memorandum presented when the full committee voted down such an amendment as is offered here today. It reads as follows:

The National League of Cities, U.S. Conference of Mayors does not think this is the appropriate way of addressing the needs of the cities and counties. They do not need uncertain amounts of additional money, nor do they need the extra work of writing additional plans. What they need is autonomy in planning and implementing their projects within their own formula of allocated sums.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

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

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

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

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

Mr. McCLORY. Mr. Chairman, I asked for this time in order to set forth accurately in the RECORD what the situation is insofar as appropriation and budgeting of funds are concerned.

I think that the RECORD will show, when I make an insertion in it, that the statement which I made in support of the position of the gentlewoman from New York (Ms. HOLTZMAN) was accurate, in that there are separate funds budgeted, requested, allocated, and appropriated. It is true that we reduced the amount from $50 million to $40 million. But the $40 million is neither in the appropriation for the discretionary grant program, nor in the block grant appropriation. It is a separate appropriation. I refer you to the President's budget request and the committee's subsequent action not altering that request. In order to reprogram these funds approvals would have to be given by the Department of Justice and the Office of Management and Budget—as well as the approval of the House and Senate Appropriations Committees. None of those approvals have been given to date.

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

Mr. GOODLING. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding.

I would like to respond to the objection just made by Mr. MANN, to the effect that this is just a major cities program. It is not. Counties, rural areas, and the suburbs are eligible also, if they have a high incidence of violent crime.

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

The question was taken: and on a division (demanded by Ms. HOLTZMAN) there were ayes 5, noes 28.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. McCLORY. On page 15, after line 24, insert the following:

"(d) Add a new section to such act as follows:

"'SEC. 420(a). There is hereby established the National Advisory Committee on Criminal Justice Standards and Goals which shall consist of fifteen members including the chairman.

"'(b) Members of the Committee shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The membership shall include persons who by virtue of their training and expertise have special knowledge concerning prevention and control of crime and juvenile delinquency.

"'(c) Members appointed by the Administrator to the Committee shall serve for terms of three years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be apopinted for the remainder of such term. A member may serve as chairman for no more than two years.

"'(d) The Committee shall—

"'(1) assess and evaluate existing standards and goals for the improvement of juvenile and criminal justice systems at all levels of government;

"'(2) make recommendations for the modification or elimination of existing standards where assessment and evaluation indicate the necessity to do so;

"'(3) develop, as necessary, new standards and goals for the improvement of juvenile and criminal justice systems;

"'(4) make recommendations for actions which can be taken by Federal, State, and local governments and by private persons and organizations to facilitate the adoption of the standards and goals;

"'(5) assess the progress of Federal, State, and local governments in implementing standards and goals; and

"'(6) carry out a program of collection and dissemination of information on the implemention, assessment, and evaluation of standards and goals for the improvement of juvenile and criminal justice systems.

"'(e) The Administrator of LEAA is authorized to appoint and fix the compensation of the Executive Director and such other personnel as may be necessary to enable the Committee to carry out its functions. Such positions shall be in the excepted service.

"'(f) Members of the Committee may be allowed travel expenses and per diem in lieu of the subsistence as authorized by law for persons employed intermittently.

"'(g) Members of the Committee not otherwise employed by the United States shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for a GS-18 of the General Schedule by § 5332 of Title V of the United States Code including travel time for each day they are engaged in the performance of their duties as members of the Advisory Committee.

"'(h) Agencies and instrumentalities of the Federal Government are authorized to furnish the Committee with such information and assistance, consistent with law, as it may require in the performance of its functions and duties.

"'(i) The Committee is authorized to carry out any standard setting obligations imposed on the Administration or its Advisory Committees.

"'(j) No later than January 1, 1978 and January 1 of each succeeding year, the Advisory Committee shall submit to the Administrator, to the President, and to the Congress, a report on its actions taken under this section.

"'(k) The Advisory Committee shall make such reports and recommendations from time to time as it deems suitable to carry out the purposes of this section.'"

Mr. McCLORY (during the reading). Mr. Chairman, I ask unanimous consent that this amendment be considered as read and printed in the RECORD.

The Chairman. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Chairman, this is an amendment which I discussed with the other side. It merely provides the authority for the establishment of the Advisory Committee on Standards and Goals, to which reference was made before.

I urge the adoption of the amendment.

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

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

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

Mr. Chairman, I would like to advise the Committee that we are now coming together on both sides and I am in total support of this amendment.

Mr. McCLORY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BIAGGI

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

The Clerk read as follows:

Amendment offered by Mr. BIAGGA:

Page 35, immediately after line 17, insert the following new section:

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

SEC. 115. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by redesignating parts G, H, and I as parts H, I, and J, respectively, and by inserting immediately after part E the following new part:

"PART F—LAW ENFORCEMENT OFFICERS "'BILL OF RIGHTS

"SEC. 471. Beginning with the first fiscal year commencing not less than two years after the date of the enactment of this part, no grant under parts B, C, or E of this title

shall be made directly or indirectly, to any State, unit or general local government, or public agency, unless there is an effect with respect to such State, unit of general local government, or public agency, a law enforcement officers' bill of rights which substantially provides as a minimum the following rights for the law enforcement officers of such State, unit of general local government, or public agency:

"BILL OF RIGHTS

" 'POLITICAL ACTIVITY OF LAW ENFORCEMENT OFFICERS

" 'SECTION 1. Except when on duty or acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

" 'RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION

" 'SEC. 2. Whenever a law enforcement officer is under investigation for alleged malfeasance, misfeasance, or non-feasance of official duty, with a view to possible disciplinary action, demotion, dismissal, or criminal charges, the following minimum standards shall apply:

" '(1) No adverse inference shall be drawn and no punitive action taken from a refusal of the law enforcement officer being investigated to participate in such investigation or be interrogated other than when such law enforcement officer is on duty, or when exigent circumstances otherwise require.

" '(2) Any interrogation of a law enforcement officer shall take place at the offices of those conducting the investigation, the place where such law enforcement officer reports for duty, or such other reasonable place as the investigator may determine.

" '(3) The law enforcement officer being investigated shall be informed, at the commencement of any interrogation, of the nature of the investigation, the names of any complaints, and the identity and authority of the person conducting such investigation, and at the commencement of any interrogation of such officer in connection with any such investigation shall be informed of all persons present during such interrogation shall be asked by or through a single interrogator.

" '(4) No formal proceeding which has authority to penalize a law enforcement officer may be brought except upon charges signed by the persons making those charges.

" '(5) Any interrogation of a law enforcement officer in connection with an investigation shall be for a reasonable period of time, and shall allow for reasonable periods for the rest and personal necessities of such law enforcement officer.

" '(6) No threat, harassment, promise, or reward shall be made to any law enforcement officer in connection with an investigation in order to induce the answering of any question, but immunity from prosecution may be offered to induce such answering.

" '(7) All interrogations of any law enforcement officer in connection with the investigation shall be recorded in full.

" '(8) The law enforcement officer shall be entitled to the presence of his counsel or any other one person of his choice at any interrogation in connection with the investigation.

" 'REPRESENTATION ON COMPLAINT REVIEW BOARDS

" 'SEC. 3. Whenever a police complaint review board has been established which includes in its membership persons other than law enforcement officers of the agencies under the jurisdiction of such board, such board shall also include a fair representation of such officers.

" 'CIVIL SUITS OF LAW ENFORCEMENT OFFICERS

" 'SEC. 4. Any law enforcement officer shall have the right, and shall receive public legal assistance when requested, to recover pecuniary and other damages from persons violating any of the rights established under the law enforcement officer's Bill of Rights.

" 'DISCLOSURE OF FINANCES

" 'SEC. 5. No law enforcement officer shall be required to disclose, for the purposes of promotion or assignment, any item of his property, income, assets, debts, or expenditures or those of any member of such officer's household.

" 'NOTICE OF DISCIPLINARY ACTION

" 'SEC. 6. Whenever a personnel action which will result in any loss of pay or benefits, or is otherwise punitive is taken against a law enforcement officer, such law enforcement officer shall be notified of such action and the reasons therefor a reasonable time before such action takes effect.

" 'RETALIATION FOR EXERCISING RIGHTS

" 'SEC. 7. There shall be no penalty nor threat of any penalty for the exercise by a law enforcement officer of his rights under this Bill of Rights.

" 'LAW ENFORCEMENT OFFICERS' GRIEVANCE COMMISSION

" 'SEC. 8. (a) There shall be a commission composed of an equal number of—

" '(1) representatives of the general public,

" '(2) of law enforcement agencies of the jurisdiction, and

" '(3) of other public agencies;

with the authority and duty to receive, investigate, and determine grievances of any law enforcement officer. Grievances considered by the commission shall be limited to those alleging violations of rights under this Bill of Rights.

" '(b) A duly certified or recognized employee organization representing law enforcement officers, when requested by a law enforcement officer in writing, may act on behalf of such law enforcement officer before the commission with respect to any grievance. Such an organization may itself initiate the grievance procedure on behalf of two or more law enforcement officers.

" '(c) The commission shall have authority to require testimony under oath and the production of documents, to issue orders to protect the rights of law enforcement officers and to institute appropriate actions in court to enforce such orders.

" 'OTHER REMEDIES NOT DISPARAGED

" 'SEC. 9. Nothing in this Bill of Rights shall disparage or impair any other legal remedy any law enforcement officer shall have with respect to any rights under this Bill of Rights.'.

"SEC. 472. As used in this part—

"(1) 'law enforcement officer' means any officer or employee of a public agency, if the principal official function of such officer or employee is to investigate crimes, or to apprehend or hold in custody persons charged or convicted of crimes, and include police, sheriffs, bailiffs, and corrections guards;

"(2) 'complainant' means the person whose information was the basis for the initiation of an investigation; and

"(3) 'complaint review board' means any public body with specific lawful authority to investigate and take public action, including making reports, on charges of improper conduct by law enforcement officers, but is not a law enforcement agency, a grand jury, or other entity similar to a grand jury; and

"(4) 'law enforcement agency' means any public agency charged by law with the duty to investigate crimes, apprehend and hold in custody persons charged with crimes.".

Redesignate succeeding sections accordingly.

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. BIAGGI. Mr. Chairman, I rise to offer an amendment to H.R. 13636 the LEAA reauthorization bill. My amendment requires that States, units of local government, and public agencies which seek funds from the LEAA enact a law enforcement officers bill of rights as part of their plan. Passage of this amendment could have a profound effect on the morale of thousands of law enforcement officers in this Nation who continue to strive for the same basic civil rights and protection provided to the citizen they serve.

This amendment is identical to legislation I have introduced in each of the past three Congresses, most recently H.R. 2788 which is cosponsored by some 90 of my colleagues.

This amendment embodies a multipoint program which will guarantee that law enforcement officers are afforded the same basic civil and political rights as all other Americans enjoy.

First. Law enforcement personnel would have the right to participate in political activities while off duty and out of uniform.

Second. Law enforcement officers under investigation must be notified from the outset the nature of the complaint, all complaintants as well as those who will be present during the interrogation, and their legal rights including right to counsel.

Third. All interrogations must be conducted in a reasonable manner and while being conducted no threats of disciplinary action shall be made.

Fourth. The complete interrogation proceeding must be recorded.

Fifth. A law enforcement officer must be notified and given reasons for any punitive action taken against him prior to the effective date of such action.

Sixth. Law enforcement officers have the right to bring civil suits against all those who violate their rights under the bill of rights.

Seventh. No law enforcement officer shall be required to disclose information on personal finances as a basis for promotion.

Eighth. Adequate representation of law enforcement personnel must be provided whenever a police complaint review board is established.

Ninth. A law enforcement officers grievance commission shall be established to investigate all allegations of violations of civil rights emanating under the bill of rights.

The legislation would apply to police, sheriffs, bailiffs, and correction officers. The amendment is identical to H.R. 2788 which has 90 cosponsors. I urge your support for this most important effort.

I consider this amendment both germane and necessary to this legislation. My colleagues may recall that a great deal of criticism was heard during the hearings on this bill relative to allegations that LEAA funds and programs were being distributed in a discriminatory fashion by those States and units

of local government which themselves engaged in discrimination. As a result, strong new affirmations of civil rights protections were written into H.R. 13636, including a provision which could suspend funds for up to 120 days in any unit of government which is not in full compliance with the civil rights law in their distribution of LEAA funds. My amendment is quite consistent with this argument as it further mandates that the civil rights of law enforcement officers must also be recognized and provided for by a unit of government seeking LEAA funds.

Further on the germaneness question, I refer my colleagues to the decision of the Chair during the House consideration of my amendment to an LEAA authorization bill in 1973:

> The committee bill seeks to establish a comprehensive approach to the financing of programs aimed at improving State and local law enforcement systems. Included in this comprehensive approach is the subject of the welfare of law enforcement officers as it relates to their official duties. The issue of a grievance system for law enforcement officers is within the general subject of the improvement of State and local law enforcement systems and the amendment is germane to the bill.

As one who has been closely affiliated with law enforcement for 23 years as a member of the police department, and for 8 years a constant advocate of law enforcement legislation in Congress, I continue to be appalled over the fact that the members of the law enforcement community continue to be in the position of second-class citizens with their own departments. We do not tolerate such widespread and rampant abuses of civil rights among any other segment of our population. We have enacted landmark laws, such as the Civil Rights Act of 1964 which protects citizens and imposes civil and criminal penalties against persons public or private who encroach upon the civil rights of others.

We have established grievance commissions such as the equal employment opportunity commissions which operate virtually every government agency to protect against employment discrimination. Large sums of money are provided each year for an Office of Civil Rights in HEW to investigate alleged civil rights violations and the issuing of corrective regulations. On State and local levels, we have human rights commissions. Yet, what do the brave men and women of law enforcement have at their disposal when their civil rights have been violated? How can we expect our law enforcement personnel to go out day after day—risk their lives to protect the rights of others knowing that if their rights are violated they are almost helpless under law. An extreme example of how we extend guarantees of civil rights to Americans can be evidenced by a decision handed down several years ago by a Federal court judge for the eastern district of Virginia. The highlight of the decision was its provision calling for a basic bill of rights for prison inmates. In his decision the judge said:

> The administration of discipline within prisons disclosed a disregard of constitutional guarantees of so grave a nature as to violate the most common notions of due process and humane treatment. It is further held that in order to discipline prisoners in State penal institutions, certain due process rights are necessary.

The circumstances which lead to that court decision are similar in nature to the circumstances facing law enforcement officers today and clearly demonstrate the need for legislative relief.

Consider these other facts. Criminals from the moment of arrest are provided with their legal rights, including the right to counsel for all proceedings, a criminal can and does face his accuser, a criminal does not have to take a lie detector test, a criminal cannot be grilled for unreasonably long hours without rest. These are some of the things we do to protect criminals. How many of these basic privileges do our law enforcement personnel enjoy when they are subjects of investigation? I daresay a very few, and only in certain jurisdictions.

A point also worth remembering during the consideration of this amendment. We are dealing with civil rights guaranteed under the law. We have seen other groups in this Nation who have felt rightfully or otherwise that their civil rights have been violated advocated or actually engaged in violent activities to focus attention on their grievances. Coercive persuasion has worked. Yet the law enforcement personnel of this Nation have not resorted to violence, they continue to work, waiting, hoping that someone will hear their call for justice. We have an excellent opportunity to respond in a most affirmative manner, an opportunity we should capitalize on immediately.

Many rank and file law enforcement personnel across the Nation are aware of and strongly support my efforts to gain passage of the law enforcement officers bill of rights. Two States, Maryland and most recently California, where Governor Brown on August 18 signed into law a policeman's bill of rights, have enacted similar laws to what we are trying to pass today. In addition, the cities of Milwaukee, Seattle, and New York have enacted city ordinances which provide for a bill of rights for their law enforcement personnel. Other cities including Memphis, Tenn., and Greensboro, N.C., have included a bill of rights for law enforcement officers in the contract between the police department and the city. Certainly the actions of these States and localities demonstrates that there is support for this type of proposal. It is now time to make it a Federal law.

Failure to pass this amendment today would cause great frustration and embitterment among the law enforcement officers of this Nation. They are fully aware of the inordinately long period of time it has taken the House Judiciary Committee to complete action on the law enforcement officers bill of rights. They have heard promises but they thus far have been nothing more than empty rhetoric. I was conent to allow this legislation to go through the normal legislative channels and be considered and passed as a separate bill. The men and women of our law enforcement units are tired of waiting; let us act today, now, and clearly demonstrate our solidarity with the law enforcement officers of this Nation.

If we are going to continue to spend millions of dollars in finding ways to fight crime, let us not forget or neglect the very cornerstone of an effective crime prevention program—the men and women in charge of enforcing our laws. Let us assure our law enforcement personnel that they too can be protected by the same laws they enforce every day. Let us help bolster sagging police morale by allowing them to remove the stigma of being second-class citizens under the law. If we are successful, both the morale and the efficiency of our law enforcement personnel will improve and the effect on crime reduction will be significant.

I offer this amendment with a deep sense of personal pride. The pride of having served as a police officer for 23 years. The pride of knowing the essential roles which the brave men and women of law enforcement play toward making this a safer and better Nation. The pride of knowing how well received the passage of this amendment would be in the law enforcement community. I implore my colleagues to join with me in supporting this effort, for it is not only for the good of this legislation, it is for the good of this Nation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BIAGGI. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 5 additional minutes.

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

Mr. CONYERS. Mr. Chairman, reserving the right to object, and I shall not object, I do so merely to say to my colleague that if everyone takes this amount of time we are not ever going to get out of here.

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

Mr. CONYERS. Sure, I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I sat through the entire debate on the LEAA and listened to amendment after amendment, and even an accepted amendment that had consumed far more time.

Mr. CONYERS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. BIAGGI. Mr. Chairman, I would like to say when we started consideration of this legislation some 6 years ago it was a novel notion and there was discussion pro and con and some valid criticism. That was subsequently accommodated.

Mr. ASHBROOK. Mr. Chairman, I think what the gentleman is saying is important. I think a quorum should be present. It is very important.

Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair recognizes the gentleman from New York (Mr. BIAGGI).

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

Mr. BIAGGI. Mr. Chairman, in connection with this Bill of Rights, I have enumerated some of its provisions. I believe I started to recount its history. I introduced a motion some 6 years ago in this Congress. Each time the bill was cosponsored by 90 or 100 or 120 Members. People said it could not work, we would be interfering with the local communities, there would be conflicting jurisdiction.

I disputed them then; I dispute them now. The advantage of history, the advantage of the passage of time, the passage of time and events have proven that I was right, because in the intervening period, the State of Maryland, through the State legislature, enacted a bill of rights for police officers. On the 18th of August, of this year, Gov. Jerry Brown of California signed legislation providing for a bill of rights for police officers. By city ordinance, the city of New York, the city of Seattle, and the city of Milwaukee have passed a bill of rights for police officers. During negotiations, Memphis, Tenn., and Greensboro, N.C., have contracted a bill of rights for police officers.

What they are really saying is that we, who should have assumed the leadership and are in a position to demonstrate that leadership, failed by our dilatory conduct. The bill of rights in those areas is working, and nothing has gone awry—no chaos, no diminution in the effectiveness of law enforcement, no conflict in personnel. The bill of rights has been adopted and pursued.

Some people say, "Well, this is not the way to legislate, with an amendment avoiding procedure."

I have accommodated every criticism made during debate in the previous sessions of Congress. We have adjusted our bill. We did in fact have hearings by the subcommittee of the Committee on the Judiciary, with the gentleman from Pennsylvania, Mr. EILBERG, presiding. We have a record here of those hearings. We accommodated every criticism. So the product that is before the Members today is not a trifling submission. It is not one that is given without thought. My respect for law enforcement, my respect for the responsibility of government supersedes many other considerations. But they are not divided here. They are consistent. They are concurrent. All of our concerns are met. I do not understand those civil libertarians who would find themselves in opposition to providing basic civil rights, some of which I enumerated in the early part of my discussion, to police officers.

Is it necessary to be an intellectual and be victimized before the civil libertarians respond?

Or do we believe in the philosophy and apply it universally to every American and to every human being in this country?

I prefer to believe the latter. I am realistic enough that the former is the policy adhered to by some, but not by the majority. I am hopeful that the majority today will sustain my belief and my feeling that we do believe in civil rights and equal justice for all.

Mr. Chairman, I urge the adoption of this amendment.

Mr. CONYERS. Mr. Chairman, I rise reluctantly in opposition to the amendment.

Mr. SYMMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The Chair will count. Sixty-three Members are present, not a quorum.

The Chair announces that pursuant to clause 2 of rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

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

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

Mr. CONYERS. Mr. Chairman, I yield to my colleague, the gentleman from Illinois (Mr. RUSSO), a former member of the Committee on the Judiciary.

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

Mr. RUSSO. Mr. Chairman, I thank my colleague, the gentleman from Michigan (Mr. CONYERS) for yielding to me.

Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague, the champion of law enforcement, Representative MARIO BIAGGI. Passage of the law enforcement officers bill of rights would be considered a legislative landmark in congressional history of which we could be exceptionally proud.

After his election to Congress following an outstanding career as a New York City police officer, Congressman BIAGGI immediately introduced the law enforcement officers bill of rights. Nearly 90 other Members have also cosponsored this meritorious proposal and I am sure are working hard for its passage today.

At this late stage in our Nation's history, it seems an anomoly to me that our country's courageous law enforcement officials should be denied the same constitutional protections guaranteed to all other Americans. Many Americans take these liberties and rights for granted, but for those citizens who have ever experienced life without them the saga reads very differently. Congress has extended these safguards to other groups not previously protected and should continue this process today. This amendment seeks to add legislative substance to the constitutional provisions that protect citizens who are under criminal investigations.

Congressman BIAGGI's amendment will mandate that in order for States and localities to receive LEAA funding they must enact statutes and ordinances establishing mechanisms to guarantee law enforcement officials procedural due process. Foremost among the rights involved the sixth amendment's right to counsel and the right to be fully informed of the nature and cause of the accusation.

In an effort to encourage the orderly protection of these rights, a grievance commission must also be established by the States and localities to investigate law enforcement officials' complaints that their rights have been violated under this bill of rights. These commissions' powers are narrowly defined in the amendment and would prevent the commissions from straying outside their prescribed areas. Members of the public, law enforcement agencies, and other public agencies would compose the commissions, while the accused could be represented by a certified employee organization. Under this concept, which is similar to the Equal Employment Opportunity Commission procedure, disputes could be handled internally without the monetary expense of a court battle.

In addition to the grievance commission, the sponsor has wisely chosen to include a section authorizing a civil suit by any official who contends that his rights under any provision of the amendment have been violated. The grievance commission procedure, and the civil suit are not mutually exclusive remedies and neither are they the only statutory provisions upon which an action might be brought; other civil rights laws will remain available. A decision this past term by the Supreme Court interpreted one civil rights statute as providing the exclusive avenue upon which particular individuals could bring suit and I think that the language of this amendment will preclude any such strict interpretation by the Federal courts.

Finally, Mr. Chairman, I would like to voice my strong support for that section of the amendment that permits all law enforcement officials the right to engage in partisan political activities when off duty and out of uniform. My colleague has been assured by the distinguished chairman of the Judiciary Committee that the amendment's language will conform to that language in the Hatch Act which allows certain public officials to engage in partisan political activities. Participating in politics is probably the most basic right guaranteed in America

because all other rights flow from participation in the democratic process. The First Amendment guarantees freedom of speech to all Americans, including law enforcement officials.

Mr. CONYERS. Mr. Chairman, and members of the Committee, I would want the Members to know immediately that I do not associate myself with the remarks of the gentleman from Illinois (Mr. RUSSO), to whom I rather graciously yielded because of some time constraints of his.

Mr. Chairman, on a more serious level, I would ask the Committee to do what they have had to do on occasions in the past, that is to, with some reluctance, reject this amendment regardless of its good intentions.

The short and the simple objection to this is that if we were to pass a bill of rights for policemen at the Federal level the question that would occur would be: What about correction officers? What about other people in the law enforcement field? What of all the other members that comprise the law enforcement agencies in the several States?

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

Mr. CONYERS. I yield to my colleague, the gentleman from New York (Mr. BIAGGI), the author of the amendment.

Mr. BIAGGI. Mr. Chairman, to begin with, the gentleman from Michigan makes a valid point, except the fact of the matter is that provisions for correction officers and for sheriffs have been made and if I have, in fact, left anyone out, then it is incumbent, I would say to my friend, for the Congress to seek out those that have been denied these basic rights and provide for them.

Mr. CONYERS. That raises perhaps a more fundamental question, Mr. Chairman: What suggests to the gentleman from New York, or any Member of this body, that policemen are denied their constitutional rights? They are included within the purview of the Constitution, within the meaning of all the State constitutions and the Federal rules of evidence and procedure, and those at the State level apply to police officers as well as they do to citizens engaged in any other pursuit. So that it would seem, on the surface, highly unusual to suggest that they are in need of this special legislation, which the gentleman from New York additionally has pointed out is being passed by a number of States already? And I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, to begin with, the gentleman says why do they need it? The fact remains there must be a need, and before I enumerate the reasons, we have in the State of California just enacted legislation that answered that need. And in the State of Maryland, they did likewise.

Mr. CONYERS. Then why should the Federal Government engage in this same action?

Mr. BIAGGI. Because at long last somebody responded. The Federal Government failed to provide the leadership despite the fact that this legislation was introduced 6 years ago.

I voted with the gentleman from Michigan earlier on this afternoon when the gentleman attempted to—condition—providing funding for the correctional facilities on establishing basic standards. I agreed with the concept. I agree with it still. The gentleman says, "Well, why is it necessary?" It is necessary because we know, unfortunately, that people out in the hinterlands of our Nation do not always do the right thing, and therefore it is incumbent upon us to enact legislation that will compel them to do that.

What I am trying to do here is to establish a similar condition.

Mr. CONYERS. Why do not probation officers get included in this bill? The first thing we know, someone will be saying they need such provisions too.

Mr. BIAGGI. If the gentleman will yield further, when the facts are brought to my attention that justify, because of the peculiar nature of their work and conditions developing within that structure, that there is a need, I will be the first to include them in any legislation.

Mr. CONYERS. I should point out to the gentleman that in the hearings that were held in the Judiciary Committee, which were recommended in the previous session in 1973, when this matter came before the entire House for disposition, it was rejected at that time.

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

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

Mr. WIGGINS. I yield.

Mr. CONYERS. I thank my colleague for yielding. I would conclude here my point which is that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary held hearings and they failed to report this bill to the full committee. I wanted to make that fact known.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield so I may respond?

Mr. WIGGINS. I have just a limited period of time.

Mr. Chairman, I oppose the amendment. The amendment purports to grant to police officers something called a bill of rights. Let us understand what we are talking about. We are not talking about constitutional rights, of course, because police officers are entitled to the full protection of the U.S. Constitution, whether we have an LEAA bill or an amendment to it or not. And we are not talking about civil rights, as that term is generally understood, because the civil rights statutes of the United States already are of general application. They apply to every police officer in the land.

No, we are talking about something else under the rubric of a bill of rights. We are talking about employee benefits which police officers would like to obtain. They have been successful in some places and unsuccessful in others.

The amendment proposes federally mandated benefits to police officers.

Let me explain it just a bit further so Members will understand that these benefits accorded to police officers are not granted to other people in our society and are indeed special benefits.

First of all, all funding is conditioned upon the States and localities accepting these standards. What are these standards?

Any time a police officer is being investigated, an administrative investigation with respect to his conduct, even though no crime is alleged, these are some of the things he is entitled to.

First, no inference can be drawn against him if he refuses to cooperate with the investigation. How does that strike the Members as a matter of simple common sense?

The interrogation of the police officer can be conducted only in the police station or some regularly assigned place of duty. It could not be conducted, for example, in the home of the police officer even though that might work to his benefits.

What else?

The police officer is entitled to the name of the person making the complaint. I will tell the Members, if a citizen is accused of a crime and is interrogated by a police officer, he is not entitled to the name of his accuser. That right only ripens when the matter gets to the court, not during the investigative stage.

There is more.

The interrogation can be conducted only by one police officer. If two or three are conducting the investigation, the duty of asking questions must be assigned only to one.

The interrogation cannot be extended over an unreasonable period of time. I think that is fair.

The police officer shall be entitled to counsel during the interrogation.

This is not constitutional right. Unless the focus of an investigation points to a particular person as the one likely to be accused of a crime, Miranda rights do not arise. Nobody else in our society is entitled to an attorney during an investigative stage.

There is more.

The amendment permits police officers, if they wish to sue to recover private damages, to receive public legal assistance. Legal fees are apparently payable even to unsuccessful litigants. They are entitled to receive public legal assistance for the purpose of preparation of even a frivolous lawsuit.

And it goes on and on.

Mr. Chairman, the reason this proposal did not survive the Subcommittee of the Judiciary and has not moved forward in the last 6 years is because it is not a meritorious proposal.

I want it fully understood for the benefit of my police officer friends that I have no objection to them going to their employers and bargaining as best they can for such rights as they can extract in the normal bargaining process. But I certainly object to deciding a matter of normal labor bargaining by statute.

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

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

Mr. SEIBERLING. Mr. Chairman, of

course, a police officer would be entitled to the benefits of the Miranda rule, the same as anyone else, if he was being held for a possible trial.

Mr. WIGGINS. Oh, indeed.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield further, for that very reason he does not need to have additional protection concerning his right to counsel.

Mr. WIGGINS. That is correct.

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

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment proposed by my distinguished colleague, the gentleman from New York, Mr. BIAGGI, an amendment which would establish a policemen's bill of rights. Although our law enforcement officers, like any other citizen, are protected by the freedoms guaranteed by our Constitution, it is essential in these troublesome times to provide our policemen with an additional cloak of protection; namely, a restatement of the basic rights of police—a policemen's bill of rights. We are living during a time in which violence and disregard for the law has assumed epidemic proportions: violence pervades every aspect of our lives and oftentimes the most visible and readily identifiable representatives of the law, our law enforcement officers, are victims of the violence they are compelled to control and eradicate. It is certainly not too much for us to state for these men and women, whose life-sustaining and vital services insure our own well-being, the basic rights to which they are entitled as protectors of the peace, and as personifiers of the law.

Accordingly, Mr. Chairman, in light of the sacrifices that these law enforcers are daily called upon to make, I give my wholehearted support to the policemen's bill of rights, which I have previously cosponsored. Provisions in this bill include some very basic statements: That any investigation of an officer which might lead to "disciplinary action, demotion, dismissal, or criminal charges" should take place at a reasonable hour; that a law enforcement official should be informed of the nature of the investigation; that a complaint against the officer should be authorized; that the policeman investigated should have the right to counsel. These are basic rights guaranteed to all of us and are in no way extensions of priviliges not granted to each and every citizen. Rather, the policeman's bill of rights is merely a restatement of these basic rights, a commemoration and proclamation of our gratitude to the officers in whom our safety and well-being lie.

Accordingly, Mr. Chairman, I am pleased to support the amendment of the gentleman from New York (Mr. BIAGGI), to the LEAA appropriations bill and urge my colleagues to favorably consider this measure.

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

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I do not expect to take the 5 minutes, but I do want to say that anything we can do to encourage good citizens to become police officers we ought to do. I have noticed over the years a great number of rights that we did not think were rights at one time being extended to many groups.

Mr. Chairman, we are accused at times of doing too much for lawbreakers. There was a shootout, which turned out ao be a big one, in one of the shopping centers last year in western Pennsylvania. Two police officers tried to apprehend persons in an attempted robbery. A shooting took place. One police officer was killed and the other police officer is standing trial for the death of one of the suspects.

I do not know how much it is going to cost this officer. I do not know what the total cost is going to be or who is going to pick up the bill, but on the police officer's side we know just about what the lawyers' costs will be, much more than he earns. I would imagine that he is in a very, very sad situation at this time.

I do not know how many Members of this Congress would, under any conditions, volunteer to become an everyday patrol cop in any of our cities, any of our major cities. I have talked to a few policemen on our highways. There have been some bad incidents when stopping cars at night. There is an element of danger getting out of their cars to go up to the drivers of the cars that they stop. I would not be surprised if they are tempted to just let the speeder go, especially when they have an alert on someone who is considered to be a dangerous person and are patrolling alone. The officer has to get out of his car, and he is at the mercy of the driver of the stopped car.

I had an incident where one of my colleagues in the House told me of being stopped by a police officer. My colleague was going 5 miles over the speed limit on the Pennsylvania Turnpike. When he was stopped, he got out of his car and walked back to the policeman's car. The policeman said, "Thank you very kindly."

In the old days, a police uniform was all we needed to respect an officer. He did not need any clubs. In our small town there was one officer for the whole community, but what that uniform meant to everyone was that it represented authority. However, today it is completely ignored by a growing legion of citizens in this country who believe that police officers are some kind of tax-eating, nonworking entities, and are fair game.

I would not want to be a policeman. I do not think I would be a policeman under any conditions. I cannot conceive of anything that would force me into that uniform, because there is no respect for the uniform. Those having no respect for the uniform, have absolutely no respect for the wearer of the uniform.

It crosses all lines in this country, and especially today when so many, at times, are not themselves; some are drinking, some are hopped up, and there is no way that a policeman has any idea of what he is going to run into. Here is a broad daylight robbery attempt, and one of the suspected thieves was shot. A policeman was shot, too. They were both killed, and the surviving policeman is being tried.

This bill of rights does not bring any spectacular benefits to the police which we do not enjoy ourselves. For instance, it contains the right to counsel, along with other provisions.

Mr. Chairman, I believe the amendment ought to be accepted.

Mr. OTTINGER. Mr. Chairman I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. I am very proud to have been one of the original cosponsors, starting several years ago, of the legislation which underlies this. The amendment is offered by a joint sponsor who probably knows more about the police and their problems than any other Member of this body, my friend and colleague, MARIO BIAGGI, who before he came here was the most decorated police officer in the State of New York.

I think this bill of rights is important for psychological reasons as much as anything else. The profession of police officer is one of the very, very few where a man is asked to put his life on the line every day, to risk his life to protect ours and to protect our property. Today the police, I think with considerable justification, are very demoralized.

They feel they do not have the support of the community. They feel that they are taking many of these risks and we do not provide adequate money for courts to quickly process the arrests that they make. They see people who they know are criminals going free, and the community does not seem to care.

I have examined the points in this bill of rights very carefully. I do not think there is anything objectionable from the civil rights point of view. I think I am as strong an advocate of civil rights as anybody in this body. I think this will give an acclamation by the Congress of the United States that it supports the important work that the police do for us and it wants to give a vote of confidence to those policemen and women. I think we should adopt the amendment.

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

Mr. OTTINGER. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to several points that were made by the gentleman from California (Mr. WIGGINS). He said a police officer could be confronted and not answer and avoid interrogation.

Nothing could be further from the truth. He could be subjected to charges and he could be subjected to due process. The question is, while he is subjected to interrogation he must have the right of counsel. In many cases that is denied him. That is the point.

Another reference was made to the provision of the bill which says a man should be interrogated by one interrogator, and he finds that objectionable.

The days of Humphrey Bogart, James Cagney, and all of these gangster movies, are over, with the dark room, the big light and 10 or 12 people interrogating from different parts of each room. We

have case law established that that is improper. That is improper and shall not be practiced. They cannot be used on the worst of criminals. They must be interrogated by a single interrogator. He can be provided with as much as he likes, in the form of questions, but multiple interrogation is regarded as cruel and harassing.

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

Mr. OTTINGER. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I would like the gentleman to know, and all of those who are considering the support of this amendment, that it went through another subcommittee of the Committee on the Judiciary, and they failed to report it. This amendment has nothing whatever to do with LEAA, even ignoring the constitutional defects, which are very serious in nature. If the gentleman asks me what they are, I simply say to the gentleman that we would be passing some additional constitutional rights for one class of employee in this country, when all of the others which are now on the books, both Federal and State, apply to police officers. I know of no constitutional provisions that exclude a citizen who happens to be in law enforcement. We would be embarking upon most dangerous constitutional grounds.

Mr. OTTINGER. Mr. Chairman, I decline to yield further at this time.

It seems to me that we implement constitutional protection in all kinds of ways, in all kinds of laws, all the time. There is no class of people more deserving of protection than our police.

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

Mr. OTTINGER. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, to begin with, I would not want to put the nine men sitting on the Supreme Court out of business. It is not for us to determine the constitutional questions.

No. 2, so far as the Constitution and its provisions for all of the people of the United States, they have been there since our Founding Fathers put it together. If that was properly implemented, as it should be, there would be no need for all of the civil rights legislation. But the fact of the matter is that it has not been, and it has required specific legislation from many different areas. If it requires more from another area, then so be it. But why deny any group any of their rights?

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment, with all due respect to the gentleman from New York.

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

Mr. McCLORY. Mr. Chairman, the gentleman's amendment would make receipt of LEAA grants by all State and local governments participating in the program contingent upon those governments adopting a law enforcement officer's bill of rights. This means that every government unit in the country must adopt the specified bill of rights or lose their LEAA funds. The amendment establishes formalized procedures for the redress of grievances of law enforcement officers as well as specifying these officers' rights, including the right to engage in political activity.

Mr. Chairman, the Federal Government should not be involved in prescribing to State and local governments the nature of relationships with their own law enforcement personnel. This is a matter for collective bargaining. The amendment represents an unwarranted intrusion of Federal authorities into the activities of these jurisdictions. It also places a new string on the Federal funds which may cause participants in the LEAA program to drop rather than be coerced into adopting particular changes. It is contrary to our federal system and goes against the clear intent of the LEAA program. In fact, the LEAA legislation explicitly prohibits Federal direction of local law enforcement practices.

This is not the first time that a proposal to establish federally dictated law enforcement officers' rights has been introduced in the Congress. Legislation which would accomplish this has been introduced and considered in the last several Congresses. The Department of Justice has consistently opposed its enactment, and the Congress has repeatedly declined to act favorably on it. I strongly urge that my colleagues again reject this unwise proposal.

Mr. FLOWERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I do not want to belabor this point. I think it has been spoken to sufficiently and in detail. I reluctantly oppose the amendment offered by my good friend, the gentleman from New York (Mr. BIAGGI).

Everything that has been said in opposition to it is basically correct. There are many constitutional problems connected with some of the provisions of the so-called Bill of Rights. It would create, one might say, a preferred class of citizens, the police officers, giving them, if it is possible under our Constitution—although I do not think so—greater rights than those of other people, including employees of municipalities of counties. This is not the place for it. That has been said over and over again. It is not the place for this kind of action.

Any matter of this magnitude ought to be considered on its own merits. Perhaps there is room for a so-called policeman's bill of rights in the Federal statutes. I do not think this particular version thereof ought to be in the Federal statutes, but perhaps something else could be proposed. I believe it ought to be considered on its own merits.

There are mechanisms for bringing something like this to the floor, whether or not the subcommittee of the Committee on the Judiciary approves it. I do not serve on the subcommittee, but it apparently does not approve this action either.

Let us do this in due course and not try to attach it hodge-podge onto another piece of legislation that in and of itself is most important in protecting the rights of policemen as well as the rights of citizens.

This bill needs to be passed soon, and action like this will only impede its passage. Let us vote down this amendment. I say that although I can certainly understand there will be some political problems to some Members if they do so, but let us exercise some courage here and vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 33.

Mr. BIAGGI. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, role XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. BIAGGI) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 213, not voting 69, as follows:

[Roll No. 692]

AYES—148

Addabbo	Cleveland	Hanley
Allen	Collins, Tex.	Hannaford
Ambro	Conte	Harsha
Anderson, Calif.	Cotter	Hechler, W. Va.
Annunzio	Crane	Hefner
Archer	D'Amours	Hicks
Ashbrook	Daniels, N.J.	Hillis
Aspin	Davis	Holland
AuCoin	Delaney	Holt
Bauman	Dent	Howard
Beard, R.I.	Derwinski	Hubbard
Bevill	Devine	Hughes
Biaggi	Dodd	Hyde
Blanchard	Downey, N.Y.	Jacobs
Bolling	Duncan, Tenn.	Jones, N.C.
Breaux	Edgar	Karth
Brodhead	Eilberg	Kemp
Burke, Fla.	Evans, Ind.	Keys
Burke, Mass.	Fary	Krebs
Burton, John	Fascell	LaFalce
Burton, Phillip	Flood	Lent
Byron	Florio	Lloyd, Calif.
Carney	Ford, Mich.	Lloyd, Tenn.
Carr	Gaydos	Lundine
Carter	Giaimo	McDade
Clausen, Don H.	Gilman	Madden
	Ginn	Maguire
	Guyer	Mathis

Melcher	Patten, N.J.	Schulze
Miller, Ohio	Patterson, Calif.	Shipley
Mills	Paul	Shriver
Minish	Pepper	Slack
Mitchell, N.Y.	Perkins	Smith, Nebr.
Moakley	Pike	Snyder
Moffett	Pressler	Solarz
Mollohan	Price	Spellman
Moore	Quillen	Stanton, James V.
Moorhead, Calif.	Rangel	Stratton
Morgan	Rinaldo	Symms
Mottl	Risenhoover	Thone
Murphy, N.Y.	Roe	Traxler
Murtha	Roncalio	Vigorito
Natcher	Rooney	Walsh
Nedzi	Rostenkowski	Waxman
Nix	Rousselot	Weaver
Nowak	Russo	Winn
Oberstar	Santini	Wolff
O'Brien	Sarasin	Wydler
O'Hara	Sarbanes	Yatron
Ottinger	Schroeder	Zablocki

NOES—213

Abdnor	Gibbons	Myers, Ind.
Adams	Goldwater	Myers, Pa.
Anderson, Ill.	Gonzalez	Nolan
Andrews, N.C.	Gradison	Obey
Andrews, N. Dak.	Grassley	O'Neill
Armstrong	Gude	Passman
Ashley	Hagedorn	Pattison, N.Y.
Bafalis	Haley	Pickle
Baldus	Hall, Ill.	Poage
Baucus	Hall, Tex.	Preyer
Beard, Tenn.	Hamilton	Pritchard
Bedell	Hammer-schmidt	Quie
Bennett	Hansen	Railsback
Bergland	Harkin	Randall
Biester	Harris	Regula
Bingham	Hayes, Ind.	Reuss
Blouin	Hébert	Rhodes
Boland	Henderson	Richmond
Bowen	Hightower	Roberts
Brademas	Holtzman	Robinson
Breckinridge	Hungate	Rodino
Brooks	Ichord	Rogers
Brown, Mich.	Jarman	Rose
Brown, Ohio	Jeffords	Rosenthal
Buchanan	Jenrette	Roush
Burgener	Johnson, Calif.	Roybal
Burke, Calif.	Johnson, Colo.	Runnels
Burleson, Tex.	Johnson, Pa.	Satterfield
Burlison, Mo.	Jones, Okla.	Scheuer
Butler	Jones, Tenn.	Seiberling
Cederberg	Jordan	Sharp
Clawson, Del	Kasten	Shuster
Clay	Kastenmeier	Simon
Cochran	Kazen	Skubitz
Cohen	Kelly	Smith, Iowa
Conable	Ketchum	Spence
Conyers	Koch	Stanton, J. William
Cornell	Krueger	Stark
Coughlin	Lagomarsino	Steed
Daniel, Dan	Landrum	Steiger, Wis.
Daniel, R. W	Latta	Stephens
Danielson	Leggett	Stokes
Dellums	Levitas	Symington
Derrick	Long, La.	Talcott
Dickinson	Long, Md.	Taylor, Mo.
Diggs	Lott	Taylor, N.C.
Dingell	Lujan	Teague
Downing, Va.	McClory	Thompson
Duncan	McCloskey	Thornton
Eckhardt	McDonald	Treen
Edwards, Ala.	McFall	Tsongas
Edwards, Calif.	McHugh	Udall
Emery	McKay	Ullman
English	Madigan	Van Deerlin
Erlenborn	Mahon	Vander Jagt
Eshleman	Mann	Vander Veen
Evans, Colo.	Martin	Vanik
Evins, Tenn.	Mazzoli	Waggonner
Fenwick	Metcalfe	Wampler
Findley	Mezvinsky	Whalen
Fish	Michel	White
Fisher	Mikva	Whitehurst
Fithian	Milford	Whitten
Flowers	Miller, Calif.	Wiggins
Flynt	Mineta	Wilson, Bob
Foley	Mink	Wirth
Ford, Tenn.	Mitchell, Md.	Wylie
Fountain	Montgomery	Yates
Fraser	Moorhead, Pa.	Young, Fla.
Frenzel	Mosher	Young, Ga.
Frey	Moss	Young, Tex.

NOT VOTING—69

Abzug	Bonker	Chappell
Alexander	Brinkley	Chisholm
Badillo	Broomfield	Clancy
Bell	Brown, Calif.	Collins, Ill.
Boggs	Broyhill	Conlan
Corman	Hutchinson	Ruppe
de la Garza	Jones, Ala.	Ryan
Duncan, Oreg.	Kindness	St Germain
du Pont	Lehman	Schneebeli
Early	McCollister	Sebelius
Esch	McCormack	Sikes
Forsythe	McEwen	Sisk
Fuqua	McKinney	Staggers
Goodling	Matsunaga	Steelman
Green	Meeds	Steiger, Ariz.
Harrington	Meyner	Stuckey
Hawkins	Murphy, Ill.	Studds
Heckler, Mass.	Neal	Sullivan
Heinz	Nichols	Wilson, C. H.
Helstoski	Pettis	Wilson, Tex.
Hinshaw	Peyser	Wright
Horton	Rees	Young, Alaska
Howe	Riegle	Zeferetti

Messrs. TALCOTT, LONG of Maryland, BUCHANAN, HÉBERT and HANSEN changed their vote from "aye" to "no."

Mr. HUGHES changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BIAGGI. Mr. Chairman, I had originally intended to introduce an amendment which would deal with the very vital and pressing problems in cities in connection with law enforcement, but after some conversation with the chairman of the full committee and my colleague, the gentleman from New Jersey (Mr. RODINO), it is my understanding that we will have hearings in connection with this problem and, as a consequence, I will not introduce the following amendment:

AMENDMENT TO H.R. 13636, AS REPORTED OFFERED BY MR. BIAGGI

Page 35, immediately after line 25, insert the following:

ASSISTANCE TO PREVENT POLICE LAYOFFS CAUSED BY BUDGETRY PROBLEMS

SEC. 116. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following:

"PART J—ASSISTANCE TO PREVENT POLICE LAYOFFS CAUSED BY BUDGETARY PROBLEMS

"SEC. 680. The Administration is authorized to make grants under this part to eligible units of general local government to enable such units to retain or reattain employment levels of essential law enforcement and criminal justice personnel which would have to be reduced or have been reduced because of such units' bona fide budgetary problems.

"SEC. 681. A unit of general local government may receive grants under this part if the Administration determines, upon such application as the Administration shall by regulation require, that—

"(1) the essential law enforcement and criminal justice personnel who, during a period commencing on or after January 1, 1975, have been released, or would but for assistance under this part be released, from employment as such personnel equals or exceeds 5 percent of the total law enforcement and criminal justice work force employed by that unit;

"(2) such release of such personnel resulted or would result from the bona fide budgetary problems of such unit; and

"(3) the most recent available rate of reported crime as determined by the Administration for such unit of general local government equals or exceeds the national average rate of reported crime as determined by the Administration for the same time period for which such most recent available rate is computed.

"SEC. 682. The amount of assistance under this part to a unit of general local government during a Federal fiscal year shall equal, subject to the availability of appropriated money for such grants, the sum needed by the grantee unit for such year to retain or reattain the level of employment of essential law enforcement and criminal justice personnel which existed or exists before the release referred to in paragraph (1) of section 681."

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

Mr. BIAGGI. I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding.

Mr. Chairman, I want to assure the gentleman from New York (Mr. BIAGGI) that I recognize there is a need to consider the amendment which he was about to offer. I think, however, it is a matter that should be discussed thoroughly, that should be aired thoroughly, and in committee before acting on it. And I assured the gentleman from New York that we would hold hearings in the Committee on the Judiciary in the next session of Congress.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. CONYERS. I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Illinois (Mr. MCCLORY) concerning an amendment that I had proposed introducing but which I will not, because it has been brought to my attention by general counsel that the thrust of the amendment may already be in the law. I would like to verify that and certify it, to some extent.

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

Mr. CONYERS. I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. I thank the gentleman for yielding.

Mr. Chairman, the purpose of section 301(d) is to limit the use of LEAA funds to pay for salaries of personnel engaged in the routine, day-to-day activities of law enforcement. The purpose of the entire act has been—and continues to be—the promotion of innovative programs in law enforcement and criminal justice. That is why in prior Congresses we have indicated our intention that LEAA funds should not be used simply to increase the size of the regular police force or to provide for salary increases. However, it has always been our intention that such funds be used to pay for personnel engaged in innovative programs designed to improve and strengthen law enforcement and criminal justice. In my opinion, the last sentence of section 301(d) permits the use of funds for such purposes without any reservation. That sentence is as follows:

The limitations contained in this subsection shall not apply to the compensation of

personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs.

This sentence makes unnecessary any provision that LEAA have the authority to waive the limitations of section 301 (d) for innovative programs.

Mr. KOCH. Mr. Chairman, I thank the gentleman for that clarification, because the fact is, so far as I understand it up until now, that it had been thought by many that there was this limitation. This discussion will make it clear to LEAA that there is no artificial one-third limitation in the program as described by the gentleman.

Mr. Chairman, again I thank the gentleman for the clarification.

Mr. Chairman, will the gentleman yield for one additional point?

Mr. CONYERS. Yes, I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, for the purposes of clarification and for the benefit of those reading the RECORD, I wish to include at this point the amendment that I would have offered.

The amendment is as follows:

AMENDMENT TO H.R. 13636, AS REPORTED OFFERED BY MR. KOCH

On page 6, insert immediately after line 3 the following new subsection (c) and redesignate succeeding subsections accordingly:

(c) Section 301(d) of such Act is amended by inserting immediately after the second sentence the following: "The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.".

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: Page 5, beginning on line 7, strike out everything down through "justice;" on line 11 and insert in lieu thereof:

"(10) The definition, development, and implementation of programs and projects designed to improve the functioning of courts, prosecutors, defenders, and supporting agencies, reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the administration of criminal justice in the courts;".

Ms. HOLTZMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Ms. HOLTZMAN. Mr. Chairman, this is a technical amendment that is offered simply to clarify language in the existing bill. It amends section 106(b)(4) of the bill, which makes speeding criminal trials and eliminating trial delay specific objectives of State plans. My amendment removes an unintended emphasis on mechanical rather than human components of the trial process, and recognizes the integral roles of the prosecution and defense in speeding criminal trials.

The amendment is being offered at the suggestion of the National District Attorneys Association and the National District Attorneys Association and the National Legal Aid and Defender Association.

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

Ms. HOLTZMAN. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I have examined the amendment, and we have no objection to the amendment.

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

Ms. HOLTZMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are perfectly satisfied with the amendment, and we are prepared to accept it.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MYERS OF PENNSYLVANIA

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Pennsylvania: Page 29, line 20, immediately after "title", insert the following: "No money authorized to be appropriated by this title shall be made available for the interstate transportation or out-of-State sustenance of persons held in custody and convicted of armed robbery, homicide (other than involuntary manslaughter), rape, or an analogous crime under applicable State law as determined by the Administration, if such transportation or sustenance is for the purpose of facilitating participation in an athletic event in a State other than the State in which such person is so held".

Mr. MYERS of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

(Mr. MYERS of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. MYERS of Pennsylvania. Mr. Chairman, the Pittsburgh Post Gazette carried a front-page story on May 25 telling of two convicted murderers who were given 10-day, all-expenses-paid vacations to Las Vegas, Nev., to participate in the National Golden Gloves boxing championships. The trip was made possible through the cooperation of the Amateur Athletic Union and the State Bureau of Correction. The Bureau of Correction program was financed through an LEAA grant. Even though one of the boxers was eliminated on the fifth day of the competition and the other on the sixth, both were permitted to remain in Las Vegas until the competition ended.

Although the Governor of Pennsylvania's justice commission justified these long trips by felons convicted of violent crimes as a "fitness training experience for sociably dormant inmates," I feel that cross-country trips by men convicted of violent crimes were unjustifiable under the circumstances.

Mr. Chairman, there have been events which have led to undesirable results by the release of violent criminals. I think the use of LEAA funds to not only release criminals for events such as this but to transport them interstate and across a number of State borders presents an unreasonable risk to the general society. I would like to think that the Governor's office could use LEAA grants without strings attached at the Federal level.

However, I think this is one example of an extreme use for which we should not permit the funds to be put.

Mr. Chairman, it is this type of example that frustrates Congressmen like myself in trying to answer constituents' questions about how Federal funds are wasted. I think it is an example of irresponsibility at the State level and that the funds could be used to improve the facilities rather than in transporting a couple of violent criminals to a sporting event.

For these reasons, Mr. Chairman, I offer this amendment to restrict the Governors from transporting violent criminals for these purposes.

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

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

Mr. CONYERS. Mr. Chairman, I think that I have the amendment, and I will ask the gentleman if this is correct, that no money be authorized from LEAA funds for the transportation of convicted felons for the purpose of engaging in athletic activities; is that the thrust of the gentleman's amendment?

Mr. MYERS of Pennsylvania. Mr. Chairman, if the gentleman will yield, the thrust of the amendment is to prohibit the interstate transportation of violent criminals through the use of LEAA funds. It does not prevent the Governors from transporting them intrastate.

Mr. CONYERS. Does the gentleman mean convicted felons, not unapprehended criminals? Is that correct?

Mr. MYERS of Pennsylvania. I am not sure of the point that the gentleman is making.

Mr. CONYERS. Is the gentleman from Pennsylvania talking about persons who have been convicted pursuant to State or Federal law and are in an incarcerated condition and are then engaging in athletic activities and that LEAA funds are involved? Is that correct?

Mr. MYERS of Pennsylvania. The thrust is that they cannot take the prisoners out of the correctional institution and transport them somewhere for an athletic event.

Mr. CONYERS. Then, Mr. Chairman, understanding that to be the purpose of this amendment, I am not unsympathetic with the fact that this has caused problems in the past.

It has occurred. I think the incidents that the gentleman has in mind, which motivated this amendment, are very few in number; but I think it would be highly unusual in this kind of legislation for

us to determine a point as remote as this one.

Mr. Chairman, I would think that the corrections officials and certainly LEAA authorities in the several States, as a result of the incidents that the gentleman has in mind, which motivated his amendment, would certainly try to preclude and to minimize the kind of incident about which the gentleman complains.

For that reason, Mr. Chairman, I would really feel reluctant to accept or support an amendment of this nature. I would oppose it and call for a vote if there is no further discussion.

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

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

Mr. McCLORY. Mr. Chairman, I support the position of the gentleman from Michigan (Mr. CONYERS).

I likewise am going to oppose this amendment. It certainly would impose a limitation on the penal authorities and on those undertaking programs of rehabilitation.

Therefore, Mr. Chairman, I urge that the amendment be defeated.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I would say that a vote against the amendment essentially is a vote to condone this type of activity. I think the American public would view it that way, and that is the reason that I have brought the amendment to the floor.

Mr. CONYERS. Mr. Chairman, I want everyone in the committee to know that a vote against this amendment would not condone or support or in any way demonstrate any kind of approval of the activity of which the gentleman complains. That would not be correct at all.

There are a number of other ways to correct a situation of this kind, such as through the Governors of the several States, through the penal or correction authorities; and there are various associations and organizations which would not approve of this kind of incident.

However, I think that on the basis of one incident, for us to raise this to the level of an amendment to a Federal law would be highly inappropriate.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. PEPPER. Mr. Chairman, I would like to have the attention of the distinguished chairman of the subcommittee, the gentleman from Michigan (Mr. CONYERS), who is handling this bill and say that I strongly support the Federal Government's participation in trying to curb and punish crime in this country. I think on the whole the law enforcement administration has made a saluatory contribution toward the suppression and punishment of crime in this country. But, Mr. Chairman, I have been very much disappointed that LEAA seems to have put its principal emphasis upon the orthodox approach to the crime problem rather than innovative procedures and inquiries. It would appear that primarily LEAA is not putting sufficient emphasis on the preventive aspects of crime, employing innovative procedures to find the causes of and to prevent juvenile crime.

As an example, Mr. Chairman, I asked the staff of the distinguished gentleman from Michigan a few minutes ago to see a statement of how the money of LEAA was being expended. They showed me some figures that 5 percent, that is about $50 million of the amount that LEAA received of nearly $1 billion, was spent on juvenile justice cases and the whole area of juvenile crime—$50 million out of about $1 billion. Yet I think the distinguished gentleman from Michigan (Mr. CONYERS) will agree with me that about one-half of all the arrests for serious crime in this country is of people under 18 years of age. So it would appear one-half of the crime population is getting 5 percent of the funds of the Federal Government designed to curb crime in this country.

Just recently I have been in touch with some people who are thinking in terms of setting up a national institute to study the cases of young people who just do not seem to fit into the community, who drop out of school, who although intelligent are unable to learn, and the like.

It would seem to me, Mr. Chairman, that LEAA should be encouraging this kind of innovative research into this problem of dealing with young people and trying to keep a bent limb from growing up into a twisted tree.

I would like to invoke the comments of the distinguished gentleman from Michigan (Mr. CONYERS), who I know is so much interested in curbing all aspects of crime, to speak upon that subject.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, the gentleman from Florida (Mr. PEPPER), makes an extremely important point, and it is one of major concern to the subcommittee. We cannot tell the gentleman how much money has been spent in preventive operations because we do not have that kind of a breakdown. I hope that we will. But the gentleman is correct that about 5 percent of the total allocation of some $810,677,000 in 1976, or about $39 million, went into the juvenile justice system. Part C of the State action program could, of course, contain as many programs, that the gentleman would prefer, as they choose, but we do not have any evidence on how much they are. The National Institute could also be engaged in research but we cannot pull out their total research activities directed toward this. So I must say to the gentleman that it may be more than merely 5 percent that we have reported to the gentleman.

But, Mr. Chairman, the point of the remarks made by the gentleman from Florida (Mr. PEPPER), are quite accurate that until we who are involved with LEAA begin revising the percentages, as well as the day-to-day operational activities, the procedural and the planning and the technology of the programs, we are still going to be closing our minds and our attention to that great area in which juveniles are getting pulled into the system and becoming hardened criminals in the process, and frequently becoming the recidivists which cause the great trouble.

Mr. PEPPER. Mr. Chairman, we certainly hope that the distinguished chairman, the gentleman from Michigan (Mr. CONYERS), and his committee will indicate to the LEAA that we are looking toward the time when it will be more innovative particularly in preventing youth crimes in its program in the future.

Mr. CONYERS. Mr. Chairman, let me say to the gentleman from Florida that we will certainly do that. I want to assure the gentleman from Florida that, as my predecessor on the Select Committee on Crime, as the chairman, that we are very sensitive indeed to his remarks.

The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MYERS).

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

Mr. MYERS of Pennsylvania. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BREAUX

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

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 12, in line 10, strike out "and" and in line 18, strike out "needs." and insert in lieu thereof the following: "needs; and

"(22) provides for the direct grant to the chief law enforcement official of each county in the State of at least that percent of an amount equal to 20 percent of the money available under section 306(a)(1) of this title which equals the percent of the population of such State that resides in such county, as determined by the Administration.

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be considered as read.

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

There was no objection.

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

Mr. BREAUX. Mr. Chairman, I do support H.R. 13636, legislation to extend the Law Enforcement Assistance Administration, as I realize that it has contributed to combating crime in the United States; however, my amendment would channel funds directly to the chief law enforcement official of each county which in the case of Louisiana is the sheriff of each parish (county). I feel that my amendment would greatly improve this legislation.

In my own State of Louisiana, there is an unusual local government structure which provides that the local parish (county) governing body, the police jury, does not have law enforcement jurisdiction but, rather, law enforcement responsibility is the function of the sheriff's department, an entirely separate constitutional body.

One result is that when local parish governing bodies receive Federal revenue

sharing funds, many are not distributing a portion of these funds to the parish sheriff departments. "Public safety" is merely a suggested area in which these funds may be spent. There is no legal requirement that funds be spent in any particular category, as one goal of Congress was to get away from big government in Washington telling local governments what they should do, a goal which I strongly support.

In addition, in some parishes, as a result of Federal revenue sharing, local police juries are able to cut back on parish taxes, an action which subtracts from the operating budget of the sheriffs which is based on tax collections in the parish. The end result is that sheriffs are not being helped by Federal revenue sharing, but are actually being hurt by a reduction in their revenues caused indirectly by Federal revenue sharing.

Since, in most instances, local funds are sent directly to the local governing units, I think that those individuals directly responsible for providing law enforcement and who bear the brunt of the burden insofar as fighting crime is concerned, should receive a direct portion of the LEAA funds.

Direct funding to these chief enforcement officials will provide increased funds for demonstration projects involving new criminal justice concepts and for those criminal justice programs that address their most pressing needs. Since the block grant concept is to give the local governments the leading voice in how to set up their crime reduction programs and use of funds, direct funding to chief law enforcement officials will enhance the block grant concept.

These law enforcement officers have demonstrated acute needs for assistance in the development and implementation of projects and programs to combat criminal activities and LEAA was created for the purpose of assisting State and local governments in their law enforcement activities to reduce crime. Any reauthorization of LEAA should satisfactorily recognize the responsibility and role of chief law enforcement officers.

My amendment to section 303 of H.R. 13636 would provide for the direct grant to the chief law enforcement official of each county in the State of at least that percent of an amount equal to 10 percent of the money available under section 306(a)(1) of this title which equals the percent of the population of such State that resides in such county, as determined by the administration.

Although I do realize that this problem is one that is unique to Louisiana, I do not wish to give the impression that our police juries are not equally and responsibly distributing Federal revenue sharing funds. However, since the chief law enforcement officer in Louisiana is an independent governing agency, direct grants under LEAA will increase the amount of funds coming into their department and can be used for such important matters as drug enforcement, equipment, construction, increasing the salaries of their employees which may be low as compared to the national level, and most importantly, assisting them in their overall efforts to reduce crime.

I am hopeful that my colleagues will see fit to support me in my efforts.

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

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

[Mr. CONYERS addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX)

The amendment was rejected.

AMENDMENT OFFERED BY MRS. FENWICK

Mrs. FENWICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. FENWICK: On page 16, line 16, strike "and" following "physical" and on page 16, line 17, strike out "services" and on page 17, line 3, following "physical" strike out "and services".

Mrs. FENWICK. Mr. Chairman, I do not think I will take more than a minute.

Mr. Chairman, this is a correction which I hope we can replace in the bill. It provides that the States, the localities, can receive money for construction, provided they have certain proper standards that are agreeable to both the State and the Administrator. It strikes the word "services," so that the States would not be required to establish long-term programs that they may not be able to fund.

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

Mrs. FENWICK. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, do I understand the gentlewoman's amendment would attempt to reinsert into the bill the entire language that was deleted by the Wiggins amendment, with the exception that the gentlewoman is keeping out two words?

Mrs. FENWICK. Three words. I think maybe there were four, "and services," and "and services" would be removed, so that the construction elements would remain as they were in the original bill and we would replace that authorization.

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

Mrs. FENWICK. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to indicate a willingness to support this amendment. I would like a moment to explain why.

Mr. Chairman, I think that this amendment is consistent with the findings that the GAO has made about LEAA grants that have gone under section E to correctional institutions; but they have found necessary to report that the conditions remain inadequate, despite the Federal funding improvements which have gone on since 1971, as the gentlewoman knows.

Mrs. FENWICK. If the gentleman does not mind, I do not want to take the time of the House because this was debated earlier, but we have many, many very bad prisons, jails, and county lockups in our States. This amendment would require that if we are going to renovate and build new facilities, some care is going to be taken as to the square feet allotted in the cell; as to the numbers that can be put in one cell. There is a shocking situation now, and I really think that we must put back some kind of teeth in the bill. We have an advisory committee which has objectives and goals as to what we should do in construction and renovation of prisons, but without any teeth.

This amendment says, "If you want some Federal money, you are going to have to sit down with us and talk about what kind of standards you are going to provide for people who are incarcerated."

Mr. CONYERS. If the gentlewoman would yield further I would be grateful to her. I think the section that this cures was in the original bill. It was the gentlewoman's fear that the line that contains "service" be subject to the coordination of both LEAA and State corrections officials, or LEAA grantees, whichever they may be, and would lead to the requirements of services that might go beyond the expiration of the LEAA grant, thereby encumbering the State with an obligation which it might not be able to sustain.

If that is the point of the gentlewoman's amendment, I am very happy to announce that I have reached an agreement with her, and I hope the amendment will be restored to the bill.

Mrs. FENWICK. Mr. Chairman, I apologize to the gentleman. My amendment refers to the original of the bill, and not to the section which has been cut out by the Wiggins amendment.

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WIGGINS. Mr. Chairman, I regret that I was not on the floor at the time the amendment was read, but listening to the discussion leads me to the conclusion that the gentlewoman from New Jersey is offering to amend a section of the bill which has been deleted by an earlier amendment.

If, in fact, that is the amendment, it is rather late for me to make a point of order with respect to it, but we are amending something which is not in the bill to be amended.

The CHAIRMAN. The Chair has examined the Wiggins amendment, which struck out, on page 16, lines 10 to 24, down through line 5 on page 17. For that reason, in response to the gentleman's parliamentary inquiry, the gentlewoman's amendment would have no effect.

Mrs. FENWICK. Mr. Chairman, I should have included in my amendment the restoration of the original phraseology, omitting only those three or four words.

The CHAIRMAN. Would the gentlewoman perhaps seek unanimous consent to withdraw her amendment, and at her leisure and prerogative redraft the amendment consistent with the situation the bill is in as of now?

Mrs. FENWICK. Mr. Chairman, I do so.

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

Mr. McCLORY. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman will state his reservation of objection.

Mr. McCLORY. The reservation of objection is this, Mr. Chairman: The committee has already taken out, with respect to this section, by deleting it. The reason for my reservation is to inquire of the Chair whether or not it is appropriate to reconsider, without a motion to reconsider by which the vote was taken, the identical section which is already omitted.

The CHAIRMAN. The motion to reconsider is not in order in the Committee of the Whole. By unanimous consent, the gentlewoman may withdraw her amendment.

Is there objection to the request of the gentlewoman from New Jersey?

Mr. McCLORY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK).

Mr. WIGGINS. Mr. Chairman, I have another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WIGGINS. Mr. Chairman, if I understood the Chairman's ruling on the previous parliamentary inquiry, there is nothing to be amended and we are voting on nothing.

The CHAIRMAN. In respect to the gentleman's very thoughtful parliamentary inquiry, the Chair has previously stated that the amendment offered by the gentlewoman from New Jersey would in fact be null and void. But under the parliamentary situation and the objection of the gentleman from Illinois, the Chair has no choice but to put the question on the amendment, and the members of the Committee will make such decision as they deem appropriate under these circumstances.

PARLIAMENTARY INQUIRIES

Mr. McCLORY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman objected. Objection has been heard.

The gentleman will state his parliamentary inquiry.

Mr. McCLORY. Mr. Chairman, on my reservation of objection, I made my parliamentary inquiry as to whether or not it was appropriate to reinsert language which had already been deleted.

The CHAIRMAN. The Chair will state that language which has been stricken cannot be inserted; but other language can be inserted that is germane to the bill.

Mr. McCLORY. Mr. Chairman, did I understand accurately the request of the gentlewoman, that she wanted to reinsert the language except for these words?

The CHAIRMAN. The gentlewoman's request was to withdraw the amendment and she would offer another amendment, which is her total prerogative.

Mr. McCLORY. Mr. Chairman, I have no objection to the gentlewoman withdrawing the amendment.

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

Mr. MANN. Mr. Chairman, I object to the unanimous consent request.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 23, noes 20.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. KRUEGER

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

The Clerk read as follows:

Amendment offered by Mr. KRUEGER: Page 6, at the end of line 3, strike out the quotation mark and period which follows, and insert immediately after line 3, the following:

"(12) The establishment of early case assessment panels under the authority of the appropriate prosecuting official for any unit of general local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible after the time of the bringing of charges, to determine the feasibility of successful prosecution, and to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes.".

The CHAIRMAN. The gentleman from Texas (Mr. KRUEGER) is recognized for 5 minutes in support of his amendment.

Mr. KRUEGER. Mr. Chairman, a program of early case assessment employs a panel of experienced prosecutors under the authority of the district attorney to study cases immediately upon their entrance into the criminal justice. It is the job of these panels to assure the expeditious trying of repeat offenders and those charged with violent crimes. I believe that swift trials, an idea envisioned by our forebears as a guarantee to individual liberty, will also prove a significant deterrent to crime. Our distinguished colleague in the other body, Mr. ROBERT MORGAN, former attorney general of the State of North Carolina has stated:

As one who has spent 25 years of his life in the law, I am not convinced that severity of punishment is as important a deterrent to crime as is swift and sure justice.

It is also the function of these early case assessment panels to examine a case, pointing out its strengths and weaknesses to the prosecutor. Through this mechanism, frivolous cases will be removed from the docket of our already overcrowded court system.

To conclude my brief presentation I would like to make two points. First, this amendment in no way alters the form of our Nation's criminal justice system. The district attorney has always had the authority to choose which cases will be prosecuted.

My amendment does not abrogate this authority. It simply enables the district attorney to empanel a group of criminal justice experts to assist him in the discharge of his duties. Second, it should be noted that this amendment does not require the establishment of early case assessment panels. It simply expresses the opinion of the Congress that such action would be in keeping with the purposes for which LEAA was established.

I urge my colleagues to support the passage of this amendment, and, thereby, to further the movement of our justice system toward the notion of reducing recidivism by speeding the procedures whereby repeat offenders may be brought to trial.

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

Mr. KRUEGER. I yield to the distinguished gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I just want to say that we have had occasion to examine the amendment offered by the gentleman from Texas (Mr. KRUEGER) and we accept the amendment on this side.

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

Mr. KRUEGER. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, we feel the same way on this side. The amendment is acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. KRUEGER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MYERS OF PENNSYLVANIA

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Pennsylvania: On page 34 after line 6 add the following:

SEC. 113. After section 527 of the Omnibus Crime Control and Safe Streets Act of 1963 as redesignated by section 10(c) of this Act, add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 520. (a) Each officer or employee of the Administrator who—

"(1) performs any function or duty under this act; and

"(2) has any known financial interest in any person who applies for or receives financial assistance under this Act;

"Shall, begin on February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the proceeding calendar year. Such statement shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may

identify specific positions within the Administration which are of a nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

Mr. MYERS of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

(Mr. MYERS of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. MYERS of Pennsylvania. Mr. Chairman, this amendment is the so-called sunshine-in-Government amendment that the gentleman from West Virginia (Mr. HECHLER) and I have been offering to a number of authorization bills.

What the amendment does is it simply requires those individuals in the agency who are involved in policymaking decisions and who can affect grants to disclose any financial problems in relation to those grants. It does not require a full financial disclosure on the part of persons who are not in this position, but where a conflict of interest would be occurring it would be the responsibility of those members of the agency to reveal that conflict.

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

Mr. MYERS of Pennsylvania. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, there is nothing offensive to the committee in this amendment, and we are delighted to accept it.

Mr. MYERS of Pennsylvania. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MYERS).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to title I, the Clerk will read.

The Clerk read as follows:

TITLE II—REQUIREMENT FOR SPECIFIC AUTHORIZATION OF JUSTICE DEPARTMENT APPROPRIATIONS

SEC. 201. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning after October 1, 1977, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning after October 1, 1977.

Mr. McCLORY (during the reading). Mr. Chairman, I ask unanimous consent that title II 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 Illinois?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 28, lines 18 and 19, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978"

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Committee amendment: Page 28, lines 18 and 3, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978".

The committee amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ROSENTHAL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13636) to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, pursuant to House Resolution 1246, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

Mr. McCLORY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 324, nays 8, not voting 98, as follows:

[Roll No. 693]

YEAS—324

Abdnor	Ashley	Biaggi
Adams	Aspin	Biester
Addabbo	AuCoin	Bingham
Allen	Bafalis	Blanchard
Ambro	Baldus	Blouin
Anderson, Calif.	Baucus	Boggs
Anderson, Ill.	Bauman	Boland
Andrews, N.C.	Beard, R.I.	Bolling
Andrews, N. Dak.	Beard, Tenn.	Bonker
Annunzio	Bedell	Bowen
Archer	Bennett	Brademas
	Bergland	Breaux
	Bevill	Breckinridge
Brodhead	Harsha	Passman
Brooks	Hayes, Ind.	Patten, N.J.
Brown, Mich.	Hechler, W. Va.	Pattison, N.Y.
Brown, Ohio	Hefner	Pepper
Buchanan	Henderson	Perkins
Burke, Fla.	Hicks	Pike
Burke, Mass.	Hightower	Poage
Burleson, Tex.	Holland	Preyer
Burlison, Mo.	Holt	Price
Burton, John	Holtzman	Quie
Burton, Phillip	Howard	Quillen
Butler	Hubbard	Railsback
Byron	Hughes	Randall
Carney	Hungate	Rangel
Carr	Hyde	Regula
Carter	Ichord	Reuss
Cederberg	Jacobs	Rhodes
Clausen, Don H.	Jarman	Richmond
Clay	Jeffords	Rinaldo
Cleveland	Jenrette	Risenhoover
Cochran	Johnson, Calif.	Roberts
Cohen	Johnson, Colo.	Robinson
Collins, Ill.	Johnson, Pa.	Rodino
Collins, Tex.	Jones, N.C.	Roe
Conable	Jones, Okla.	Rogers
Conte	Jones, Tenn.	Rooney
Conyers	Jordan	Rose
Cornell	Kasten	Rosenthal
Coughlin	Kastenmeier	Rostenkowski
D'Amours	Kazen	Roush
Daniel, Dan	Kelly	Runnels
Daniel, R. W	Kemp	Russo
Daniels, N.J	Krebs	Sarasin
Danielson	Krueger	Sarbanes
Davis	LaFalce	Satterfield
Delaney	Latta	Scheuer
Dellums	Leggett	Schroeder
Dent	Lent	Schulze
Derrick	Levitas	Seiberling
Derwinski	Lloyd, Calif.	Sharp
Dickinson	Lloyd, Tenn.	Shipley
Diggs	Long, La.	Shriver
Dingell	Long, Md.	Shuster
Dodd	Lott	Skubitz
Downey, N.Y.	Lujan	Slack
Downing, Va.	Lundine	Smith, Iowa
Drinan	McClory	Smith, Nebr.
Duncan, Oreg.	McCloskey	Snyder
Duncan, Tenn.	McDade	Solarz
Eckhardt	McEwen	Spellman
Edgar	McFall	Spence
Edwards, Ala.	McHugh	Stanton, James V.
Edwards, Calif.	Madden	Stark
Eilberg	Madigan	Steed
Emery	Maguire	Steiger, Wis.
English	Mahon	Stephens
Erlenborn	Mann	Stokes
Evans, Colo.	Martin	Stratton
Evans, Ind.	Mathis	Symington
Evins, Tenn.	Mazzoli	Taylor, Mo.
Fary	Melcher	Thompson
Fenwick	Metcalfe	Thone
Findley	Mezvinsky	Thornton
Fisher	Michel	Traxler
Fithian	Mikva	Treen
Flood	Milford	Tsongas
Florio	Miller, Calif.	Udall
Flowers	Miller, Ohio	Ullman
Flynt	Mills	Van Deerlin
Foley	Mineta	Vander Jagt
Ford, Mich.	Mink	Vander Veen
Ford, Tenn.	Mitchell, Md.	Vanik
Fountain	Moakley	Vigorito
Fraser	Moffett	Waggonner
Frenzel	Mollohan	Walsh
Gaydos	Montgomery	Waxman
Giaimo	Moore	Whalen
Gibbons	Moorhead, Calif.	White
Gilman	Morgan	Whitehurst
Ginn	Mosher	Whitten
Goldwater	Moss	Wiggins
Gonzalez	Murphy, N.Y.	Wilson, Bob
Gradison	Murtha	Wilson, C. H.
Grassley	Myers, Ind.	Wilson, Tex.
Guyer	Myers, Pa.	Winn
Hagedorn	Natcher	Wirth
Haley	Neal	Wolff
Hall, Ill.	Nedzi	Wright
Hall, Tex.	Nix	Wydler
Hamilton	Nolan	Wylie
Hammer-schmidt	Nowak	Yates
	Oberstar	Yatron
Hanley	Obey	Young, Fla.
Hannaford	O'Hara	Young, Ga.
Harkin	O'Neill	Young, Tex.
Harris	Ottinger	Zablocki

NAYS—8

Crane	Hansen	Simon
Fascell	McDonald	Weaver
Goodling	Paul	

NOT VOTING—98

Abzug	Heckler, Mass.	Peyser
Alexander	Heinz	Pickle
Armstrong	Helstoski	Pressler
Ashbrook	Hillis	Pritchard
Badillo	Hinshaw	Rees
Bell	Horton	Riegle
Brinkley	Howe	Roncalio
Broomfield	Hutchinson	Rousselot
Brown, Calif.	Jones, Ala.	Roybal
Broyhill	Karth	Ruppe
Burgener	Ketchum	Ryan
Burke, Calif.	Keys	St Germain
Chappell	Kindness	Santini
Chisholm	Koch	Schneebeli
Clancy	Lagomarsino	Sebelius
Clawson, Del	Landrum	Sikes
Conlan	Lehman	Sisk
Corman	McCollister	Staggers
Cotter	McCormack	Stanton,
de la Garza	McKay	J. William
Devine	McKinney	Steelman
du Pont	Matsunaga	Steiger, Ariz.
Early	Meeds	Stuckey
Esch	Meyner	Studds
Eshleman	Minish	Sullivan
Fish	Mitchell, N.Y.	Symms
Forsythe	Moorhead, Pa.	Talcott
Frey	Mottl	Taylor, N.C.
Fuqua	Murphy, Ill.	Teague
Green	Nichols	Wampler
Gude	O'Brien	Young, Alaska
Harrington	Patterson	Zeferetti
Hawkins	Calif.	
Hébert	Pettis	

The Clerk announced the following pairs:

Mrs. Keyes with Mr. Karth.
Mrs. Chisholm with Mr. Jones of Alabama.
Ms. Abzug with Mr. Conlan.
Mr. Zeferetti with Mr. Horton.
Mr. Corman with Mr. Kindness.
Mrs. Meyner with Mr. Steiger of Arizona.
Mr. Murphy of Illinois with Mr. Young of Alaska.
Mr. Badillo with Mr. McKinney.
Mr. Hawkins with Mr. du Pont.
Mr. Helstoski with Mr. Forsythe.
Mr. Sikes with Mr. Esch.
Mr. Chappell with Mr. Bell.
Mr. Nichols with Mr. Steelman.
Mrs. Burke of California with Mr. Ruppe.
Mr. Lehman with Mr. Peyser.
Mr. Meeds with Mr. Heinz.
Mr. Sisk with Mr. Fish.
Mr. St Germain with Mr. Rees.
Mr. Fuqua with Mrs. Pettis.
Mr. Riegle with Mr. Pressler.
Mr. de la Garza with Mr. Hillis.
Mr. Moorhead of Pennsylvania with Mrs. Heckler of Massachusetts.
Mr. Minish with Mr. Armstrong.
Mr. Matsunaga with Mr. Ashbrook.
Mr. Cotter with Mr. Broomfield.
Mr. Mottl with Mr. Broyhill.
Mr. Early with Mr. Hutchinson.
Mr. Green with Mr. Lagomarsino.
Mr. Harrington with Mr. Landrum.
Mr. Hébert with Mr. McCollister.
Mr. Pickle with Mr. McKay.
Mr. Alexander with Mr. Mitchell of New York.
Mr. Brinkley with Mr. O'Brien.
Mr. Brown of California with Mr. Rousselot.
Mr. Koch with Mr. Sebelius.
Mr. McCormack with Mr. Schneebeli.
Mr. Howe with Mr. Burgener.
Mr. Patterson of California with Mr. Clancy.
Mr. Roncalio with Mr. Eshleman.
Mr. Roybal with Mr. Ketchum.
Mr. Ryan with Mr. William J. Stanton.
Mr. Teague with Mr. Del Clawson.
Mr. Taylor of North Carolina with Mr. Stuckey.
Mr. Studds with Mr. Frey.
Mr. Santini with Mrs. Sullivan.
Mr. Staggers with Mr. Devine.
Mr. Talcott with Mr. Symms.
Mr. Wampler with Mr. Gude.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2212

An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1976".

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(a) by inserting between the second and third paragraphs the following additional paragraph: "Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."; and

(b) by deleting the fourth paragraph and substituing in lieu thereof the following new paragraph:

"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 Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, 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.".

SEC. 3. Section 101(a) of title I of such Act is amended by inserting a comma after the word "authority" and adding "policy direction, and control" and by adding the following: "There shall be established in the Administration an appropriate organizational unit for the coordination and management of community anticrime programs. Such unit shall be under the direction of the Deputy Administrator for Policy Development. Such unit shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

PART B—PLANNING GRANTS

SEC. 4. Section 201 of title I of such Act is amended by adding after the word "part" the words "to provide financial and technical aid and assistance".

SEC. 5. Section 203 of title I of such Act is amended to read as follows:

"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 or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1979. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan and necessary revisions thereof 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;

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

"(4) assure the participation of citizens

and community organizations at all levels of the planning process.

"(c) The court of last resort of each State or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 percent judges, may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 percent judges, and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts.

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

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

"(3) develop, in accordance with part C, an annual State judicial plan, for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. Except to the extent disapproved by the State planning agency for the reasons stated in section 304(b), the annual State judicial plan shall be incorporated into the comprehensive statewide plan.

"(e) If a State court of last resort or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 percent judges, does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units 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 finding 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 funds made available to the judicial planning committee and 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.

"(g) The State planning agency and any other planning organization for the purposes of this 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 to be 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 organiaztion for the purposes of this 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 provision of local, State, or Federal law.".

SEC. 6. Section 204 of title I of such Act is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking the words "expenses, shall" and inserting in lieu thereof "expenses shall".

SEC. 7. Section 205 of title I of such Act is amended by—

(a) inserting ", the judicial planning committee," after the word "agency" in the first sentence;

(b) deleting "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(c) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration.".

SEC. 8. Part B is amended by inserting at the end thereof the following new section:

"SEC. 206. At the request of the State legislature (or a legislative body designated by it), the comprehensive statewide plan or revision thereof shall be submitted to the legislature for its review, comment, or suggested amendment of the general goals, priorities, and policies that comprise the basis of that plan or revision prior to its submission to the Administration by the chief executive of the State. The State legislature shall also be notified of substantial modifications of such general goals, priorities, and policies, and, at the request of the legislature, these modifications shall be submitted for review, comment, or suggested amendment. If the legislature (while in session) or an interim legislative body designated by the legislature (while not in session) has not reviewed, commented on, or suggested amendments to the general goals, priorities, and policies of the plan or revision within forty-five days after receipt of such plan or revision, or within thirty days after receipt of substantial modifications, such plan or revision or modifications thereof shall then be deemed approved.".

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 9. Section 301 of title I of such Act is amended by—

(a) inserting after the word "part" in subsection (a) the following: ", through the provision of Federal technical and financial aid and assistance,";

(b) deleting the words "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with the administration of justice";

(c) deleting the words "the approval of" from paragraph (7) of subsection (b) and inserting in lieu thereof "notification to";

(d) deleting the words "and coordination" from paragraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation";

(e) inserting after paragraph (10) of subsection (b) the following new paragraphs:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and to improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; training of judges, court administrators, and support personnel of courts; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; equipping of court facilities; and multiyear systemwide planning for all court expenditures made at all levels within the State.

"(12) The development and operation of programs designed to reduce and prevent crime against elderly persons.

"(13) The development of programs to identify the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and the establishment of procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 and section 303(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.

"(14) The establishment of early case assessment panels for any unit of local government within the State having a population of two hunderd and fifty thousand or more to screen and analyze cases as early as possible from the time of the bringing of charges, to determine the feasibility of successful prosecution, to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes, and to concentrate prosecution efforts on cases with a high probability of successful prosecution.

"(15) The development and operation of crime prevention programs in which members of the community participate, including but not limited to 'block watch' and similar programs."; and

(f) inserting the following sentence after the second sentence of subsection (d): "The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.".

SEC. 10. Section 302 of title I of such Act is amended by redesignating the present language as subsection (a) and adding the following new subsections:

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan, for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate

and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions 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 maximum extent practicable, the relationship of the plan to other relevant State or local law 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 provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) 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 the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.".

SEC. 11. Section 303 of title I of such Act is amended by—

(a) striking out subsection (a) up to the sentence beginning "Each such plan" and inserting in lieu thereof the following:

"(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 or an approved revision thereof (not more than one year in age) which conforms with the purposes and requirements of this title. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act. 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. No State plan shall be approved as comprehensive unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.";

(b) deleting paragraph (4) of subsection (a) and substituting in lieu thereof the following:

"(4) specify procedures under which local multiyear and annual comprehensive plans and revisions thereof may be submitted to the State planning agency from units of general local government or combinations thereof to use funds received under this part to carry out such plans for the improvement of law enforcement and criminal justice in the jurisdictions covered by the plans. The State planning agency may approve or disapprove a local comprehensive plan or revision thereof in whole or in part based upon its compatibility with the State comprehensive plan and subsequent annual revisions and modifications. Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approval parts of their plans;";

(c) inserting after the word "necessary" in paragraph (12) of subsection (a) the following language: "to keep such records as the Administration shall prescribe";

(d) deleting "and" after paragraph 14 of subsection (a), deleting the period at the end of paragraph 15 and inserting in lieu thereof ": and", and adding the following new paragraph after paragraph 15:

"(16) Provide for the development of programs and projects for the prevention of crimes against the elderly, unless the State Planning Agency makes an affirmative finding in such plan that such a requirement is inappropriate for the State.";

(e) deleting subsection (b) and substituting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. No award of funds that are allocated to the States under this part 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.";

(f) inserting in subsection (c) after the word "unless" the words "the Administration finds that"; and

(g) inserting after subsection (c) the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs. In determining adequate funding, consideration shall be given to (1) the need of the courts to reduce court congestion of backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

SEC. 12. Section 304 of title I of such Act is amended to read as follows:

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

"(b) After consultation with the State planning agency pursuant to subsection (c) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan in the State comprehensive plan to be submitted to the Administration."

SEC. 13. Section 306 of title I of such Act is amended by—

(a) inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a): "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."; and

(b) amending subsection (b) by striking "(1)" and inserting in lieu thereof "(2)".

SEC. 14. Section 307 of title I of such Act is amended by deleting the words "and of riots and other violent civil disorders" and substituting in lieu thereof the words "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system".

SEC. 15. Section 308 of title I of such Act is amended by deleting "302(b)" and inserting in lieu thereof "303".

SEC. 16. Part C of title I of such Act is amended to include the following new section—

"SEC. 309. (a) The Attorney General is authorized to provide assistance and make grants to States which have State plans approved under subsection (c) of this section to improve the antitrust enforcement capability of such State.

"(b) The attorney general of any State desiring to receive assistance or a grant under this section shall submit a plan consistent with such basic criteria as the Attorney General may establish under subsection (d) of this section. Such plan shall—

"(1) provide for the administration of such plan by the attorney general of such State;

"(2) set forth a program for training State officers and employees to improve the antitrust enforcement capability of such State;

"(3) establish such fiscal controls and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State including such funds paid by the State to any agency of such State under this section; and

"(4) provide for making reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his function under this section, and for keeping such records and affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

"(c) The Attorney General shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section.

"(d) As soon as practicable after the date of enactment of this section the Attorney General shall, by regulation, prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this section among the States.

"(e) Payments under this section shall be made from the allotment to any State which administers a plan approved under this section. Payments to a State under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

"(f) The Comptroller General of the United States or any of his authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this section.

"(g) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any State receiving a grant under this section, finds—

"(1) that the program for which such grant was made has been so changed that it no longer complies with the provisions of this section;

"(2) that in the operation of the program there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any program pursuant to this part which is being carried out by such State and which is not involved in the noncompliance.

"(h) As used in this section the term—

"(1) 'State' includes each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(2) 'attorney general' means the principal law enforcement officer of a State, if that officer is not the attorney general of that State; and

"(3) 'State officers and employees' includes law or economics students or instructors engaged in a clinical program under the supervision of the attorney general of a State or the Assistant Attorney General in charge of the Antitrust Division.

"(i) There are authorized to be appropriated to carry out the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979.".

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

SEC. 17. Section 402 of title I of such Act is amended by—

(a) deleting "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General";

(b) deleting "and" at the end of paragraph (7) of subsection (b); changing the period to a semicolon at the end of paragraph (8) of subsection (b) and inserting "and" thereafter; and adding the following new paragraph to that subsection:

"(9) to conduct studies and undertake programs of research, in consultation with the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, to determine the relationship between drug abuse and crime, and between alcohol abuse and crime; to evaluate the success of the various types of treatment programs in reducing crime; and to report its findings to the President, the Congress, the State planning agencies, and units of general local government."; and

(c) adding the following sentence at the end of the second paragraph of subsection (e): "The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title."; and

(d) adding at the end of such section the following new paragraph: "The Institute shall, before September 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State, and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such an mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, the General Accounting Office, Federal, State, and local criminal justice agencies and other appropriate public and private agencies.".

SEC. 18. Part D is amended by adding the following new section:

"SEC. 408. (a) The Administration is authorized to make high crime impact and serious court congestion grants to State planning agencies, units of general local government, or combinations of such units. Such grants are to be used to provide impact funding to areas which are identified by the Administration as high crime or serious court congestion areas having a special and urgent need for Federal financial assistance. Such grants are to be used to support programs and projects which will improve the law enforcement and criminal justice system or the capability of the courts to eliminate congestion and backlog of criminal matters.

"(b) Any application for a grant under this section shall be consistent with the approved comprehensive State plan or an approved revision thereof.".

SEC. 19. (a) Section 453 of such Act is amended by—

(1) striking out "and" at the end of paragraph (11);

(2) striking out the period at the end of paragraph (12) and inserting "; and" in lieu thereof; and

(3) adding at the end thereof the following:

"(13) sets forth minimally acceptable physical and service standards to construct, improve or renovate State and local correctional institutions and facilities funded under this part.".

(b) Section 454 of such Act is amended by adding at the end thereof the following: "The Administration shall, in consultation with the States, develop minimally acceptable physical and service standards for the construction, improvement and renovation of State and local correctional institutions and facilities funded under this part.".

SEC. 20. Section 455 of title I of such Act is amended by—

(a) deleting the word "or" in paragraph (a)(2) and inserting "or nonprofit organizations," after the second occurrence of the word "units," in that paragraph; and

(b) inserting the following at the end of subsection (a): "In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."

PART F—ADMINISTRATIVE PROVISIONS

SEC. 21. Section 501 of title I of such Act is amended by inserting the following sentence at the end thereof: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

SEC. 22. Section 507 of title I of such Act is amended to read as follows:

"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 as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

SEC. 23. Section 509 of title I of such Act is amended by deleting the language "reasonable notice and opportunity for hearing" and substituting in lieu thereof the following: "notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

SEC. 24. Section 512 of title I of such Act is amended by striking the words "June 30, 1974, and the two succeeding fiscal years" and inserting in lieu thereof "June 30, 1976, through fiscal year 1981".

SEC. 25. Section 515 of title I such Act is amended to read as follows:

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in said comprehensive plan;

"(2) assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its comprehensive plan, a financial analysis indicating the percentage of Federal funds to be allocated under the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

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

"(c) Funds appropriated for the purposes of this section may be expanded by grant or contract, as the Administration may determine to be appropriate.".

SEC. 26. Section 517 of title I of such Act is amended by adding the following new subsection:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who, by reason of their knowledge and expertise in the areas of law enforcement and criminal justice and related fields, are well qualified to serve on the Advisory Board.".

SEC. Section 519 of title I of such Act is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall submit a comprehensive report to the President and the Congress on activities pursuant to the provisions of this title during the preceding fiscal year. The report shall include—

"(a) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(b) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies;

"(c) the number of comprehensive State plans approved by the Administration without substantial changes being recommended;

"(d) the number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended;

"(e) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(f) the number of programs funded under this title discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime or improving and strengthening law enforcement and criminal justice;

"(g) the number of programs funded under this title discontinued by the State following the termination of funding under this title;

"(h) a financial analysis indicating the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system;

"(i) a summary of the measures takes by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs;

"(j) an analysis of the manner in which funds made available under section 306(a)(2) of this title were expended; and

"(k) a description of the Administration's compliance with the requirements of section 454 of this title.".

SEC. 28. Section 520 of title 5 of such Act is amended by—

(a) striking subsection (a) and inserting in lieu thereof the following:

"(a) 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 $250,000,000 for the period July 1, 1976, through September 30, 1976, $1,000,000,000 for the fiscal year ending September 30, 1977, $1,100,000,000 for the fiscal year ending September 30, 1978, $1,100,000,000 for the fiscal year ending September 30, 1979, $1,000,000,000 for the fiscal year ending September 30, 1980, and $1,100,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title, such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities or serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources. 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 purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.";

(b) striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.15 per centum of the total appropriation for the Administration.".

SEC. 29. Section 601 of title I of such Act is amended by—

(a) inserting after "Puerto Rico," in subsection (c) the words "the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands,"; and

(b) inserting at the end of the section the following new subsections:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch.

"(q) The term 'court' or 'courts' shall mean a tribunal or tribunals having criminal jurisdiction recognized as a part of the judicial branch of a State or of its local government units.

"(r) The term 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title.".

SEC. 30. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.5 per centum of the total appropriation for the Administration.".

SEC. 31. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end of the section the following new subsection:

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

SEC. 32. Section 301(c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end of the section the following: "In the case of a grant for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt commerce in such property, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary.".

SEC. 33. Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(a) After section 225(c)(6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred fifty thousand.".

(b) Add a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population.".

SEC. 34. (a) One year after the date of enactment of this Act, all positions in the Drug Enforcement Administration, which was established under section 4 of the Reorganization Plan Numbered 2 of 1973, as amended, to which grades GS-15 or above of the General Schedule under section 5332(a) of title 5, United States Code, apply are excepted from the competitive service.

(b) The incumbents of such positions occupy positions in the excepted service and the provisions of sections 7501 and 7512 of title 5, United States Code, shall not apply to such incumbents.

(c) Under regulations prescribed by the Civil Service Commission, any incumbent of such position may—

(1) transfer to a similar position to the

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competitive service in another agency if such incumbent is qualified for such position, or

(2) within one year of the date of enactment of this Act transfer to another position in the Drug Enforcement Administration to which grade GS-14 of the General Schedule under section 5332(a) of title 5, United States Code, applies.

Any individual who transfers to another position in the Drug Enforcement Administration shall be entitled to have his initial rate of pay for such position set at a step of grade GS-14 which is nearest to but not less than the rate of pay which such individual received at the time of such transfer. If the rate of pay of such individual at the time of such transfer is greater than the rate of pay for step 10 of grade GS-14, such individual shall be entitled to have his initial rate of pay for such position set at step 10 but such individual shall be entitled to receive the rate of pay he received at the time of such transfer until the rate of pay for step 10 is equal to or greater than such rate of pay.

(d) Subsection (c) of section 5108 of title 5, United States Code is amended by:

(1) repealing paragraph (8); and

(2) substituting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS-16, 17, and 18;".

(e) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(105) Commissioner of Immigration and Naturalization, Department of Justice.

"(106) United States attorney for the Northern District of Illinois.

"(107) United States attorney for the Central District of California.

"(108) Director, Bureau of Prisons, Department of Justice.

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

(f) Section 5316 of title 5, United States Code, is amended by:

(1) repealing paragraph (44);

(2) repealing paragraph (115);

(3) repealing paragraph (116);

(4) repealing paragraph (58); and

(5) repealing paragraph (134).

SEC. 35. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.".

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONYERS moves to strike out all after the enacting clause of the Senate bill, S. 2212, and insert in lieu thereof the provisions of H.R. 13636, as passed, as follows:

TITLE I—LAW ENFORCEMENT ASSISTANCE

AUGMENTED AUTHORITY OF ATTORNEY GENERAL

SEC. 101. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after "authority" the following: ", policy direction, and general control".

OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

SEC. 102. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the 'Office'). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate is activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

STATE LEGISLATURES

SEC. 103. Part B of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new section:

"SEC. 206. At the request of the State legislature while in session or a body designated to act while the legislature is not in session, the comprehensive statewide plan, or any revisions or modifications thereof, shall be submitted to the legislature for an advisory review prior to its submission to the Administration by the chief executive of the State. In this review the general goals, priorities, and policies that comprise the basis of that plan, or any reviews or modifications thereof, including possible conflicts with State statutes or prior legislative Acts, shall be considered. If the legislature or the interim body has not reviewed the plan, or revision or modifications thereof within forty-five days after receipt, such plan, or revisions or modifications thereof, shall then be deemed reviewed.".

JUDICIAL PARTICIPATION IN PLANNING AGENCY

SEC. 104. Section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately before the last sentence the following: "Not less than two of the members of such State planning agency shall be appointed from a list of nominees submitted by the chief justice or chief judge of the court of last resort of the State to the chief executive of the State, such list to contain at least six nominees. State planning agencies which choose to establish regional planning units shall utilize, to the maximum extent practicable, the boundaries and organization of existing general purpose regional planning bodies within the State.".

CITIZEN AND COMMUNITY PARTICIPATION

SEC. 105. Section 203(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof the following: "; and"; and

(3) by adding at the end the following:

"(4) assure the participation of citizens and community organizations at all levels of the planning process.".

AMENDMENTS TO PART C

SEC. 106. (a) Section 301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately bfore "improve and strengthen" the following: "reduce and prevent crime and to".

(b) Section 301(b) of such Act is amended—

(1) by striking out paragraph (6);

(2) by redesignating paragraph (7) as paragraph (6);

(3) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(4) by adding at the end the following:

"(10) The definition, development, and implementation of programs and projects designed to improve the functioning of courts, prosecutors, defenders, and supporting agencies, reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the administration of criminal justice in the courts; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; the development of uniform sentencing standards for criminal cases; training of judges, court administrators, and support personnel of courts having criminal jurisdiction; support of court technical assistance and support organizations, support of public education programs concerning the administration of criminal justice; and equipping of court facilities.

"(11) The development and operation of programs and projects designed to prevent crime against elderly persons.

"(12) The establishment of early case assessment panels under the authority of the appropriate prosecuting official for any unit of general local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible after the time of the bringing of charges, to determine the feasibility of successful prosecution, and to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes.".

(c) Section 303 of such Act is amended by striking out all that follows the sentence that ends with "and section 223 of that Act.", and inserting in lieu thereof the following:

"(b) No State plan shall be approved as comprehensive unless the Administrator finds that the plan—

"(1) includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice;

"(2) provides for 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;

"(3) provides for attention to the special problems of prevention and treatment of crime against the elderly;

"(4) is a total and integrated analysis of the problems regarding the law enforcement and criminal justice system throughout the State, establishes goals, priorities, and standards, and addresses methods, organization, and operation performance, and the physical and human resources necessary to accomplish crime prevention, the identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures;

"(5) provides for the administration of such grants by the State planning agency;

"(6) provides 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;

"(7) adequately takes 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;

"(8) provides for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

"(9) incorporates innovations and advanced techniques and contains 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 descriptions 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 enforcement and criminal justice plans and systems;

"(10) provides for effective utilization of existing facilities and permits and encourages units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(11) provides for research and development;

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

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

"(14) demonstrates 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;

"(15) sets 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;

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

"(17) provides 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;

"(18) provides 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;

"(19) provides for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of any such application or part thereof to the State planning agency at a later date;

"(20) provides for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice; and

"(21) identifies the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and establishes procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176(e)(1)) in responding to such needs.

Any portion of the per centum to be made available pursuant to paragraph 6 of this subsection in any State in any fiscal year not required for the purposes set forth in such paragraph 6 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 criminal justice and in conformity with the State plan.

"(c) The requirement of subsection (b)(6) shall not apply to funds used in the development or implementation of a statewide program of evaluation, in accordance with an approved State plan, but the exemption from said requirement shall extend to no more than 10 per centum of the funds allocated to a State under section 306(a)(1).".

(d) Section 306(a)(2) is amended by inserting immediately after "to the grant of any State," the following: "plus any additional amounts that may be authorized to provide funding for the purposes of section 301(b)(6),".

(e) Section 306(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after the sentence beginning with "nI the case of a grant under such paragraph:" the following: "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and pursue such legal remedies as are necessary.".

(f) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 307 and by redesignating section 308 as section 307.

(g) Section 307 of such Act, as so redesignated by subsection (f) of this section, is further amended by striking out "302(b)" and inserting "303" in lieu thereof.

AMENDMENTS TO PART D

SEC. 107. (a) Section 401 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "reducing and preventing crime by" immediately before "improving law enforcement and criminal justice".

(b) Section 402(c) of such Act is amended—

(1) in the second paragraph, by striking out "to evaluate" and inserting in lieu thereof the following: "to make evaluations and to receive and review the results of evaluations of";

(2) in the second paragraph, by adding at the end the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate infomation about such criteria and procedures to State planning agencies."; and

(3) by inserting immediately before the final paragraph the following:

"The Institute shall, in consultation with the National Institute on Drug Abuse, make continuing studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies and, upon request, to units of general local government.

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purpose of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

(c) Section 402(b)(3) of such Act is amended by striking out ", and to evaluate the success of correctional procedures".

(d) Add a new section to such Act as follows:

"SEC. 402 (a). There is hereby established the National Advisory Committee on Criminal Justice Standards and Goals which shall consist of fifteen members including the chairman.

"(b) Members of the Committee shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The membership shall include persons who by virtue of their training and expertise have spe-

cial knowledge concerning prevention and control of crime and juvenile delinquency.

"(c) Members appointed by the Administrator to the Committee shall serve for terms of three years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. A member may serve as chairman for no more than two years.

"(d) The Committee shall—

"(1) assess and evaluate existing standards and goals for the improvement of juvenile and criminal justice systems at all levels of government;

"(2) make recommendations for the modification or elimination of existing standards where assessment and evaluation indicate the necessity to do so;

"(3) develop, as necessary, new standards and goals for the improvement of juvenile and criminal justice systems;

"(4) make recommendations for actions which can be taken by Federal, State, and local governments and by private persons and organizations to facilitate the adoption of the standards and goals;

"(5) assess the progress of Federal, State, and local governments in implementing standards and goals; and

"(6) carry out a program of collection and dissemination of information on the implementation, assessment, and evaluation of standards and goals for the improvement of juvenile and criminal justice systems.

"(e) The Administrator is authorized to appoint and fix the compensation of the Executive Director and such other personnel as may be necessary to enable the Committee to carry out its functions. Such positions shall be in the excepted service.

"(f) Members of the Committee may be allowed travel expenses and per diem in lieu of the subsistence as authorized by law for persons employed intermittently.

"(g) Members of the Committee not otherwise employed by the United States shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for a GS-18 of the General Schedule by § 5332 of Title V of the United States Code including travel time for each day they are engaged in the performance of their duties as members of the Advisory Committee.

"(h) Agencies and instrumentalities of the Federal Government are authorized to furnish the Committee with such information and assistance, consistent with law, as it may require in the performance of its functions and duties.

"(i) The Committee is authorized to carry out any standard setting obligations imposed on the Administrative or its Advisory Committee,

"(j) No later than January 1, 1978 and January 1 of each succeeding year, the Advisory Committee shall submit to the Administrator, to the President, and to the Congress, a report on its actions taken under this section.

"(k) The Advisory Committee shall make such reports and recommendations from time to time as it deems suitable to carry out the purposes of this section."

AMENDMENTS TO PART E

SEC. 108. (a) Section 453(10) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(10) complies with the same requirements established for comprehensive State plans under paragraphs (5), (7), (9), (10), (12), (13), (14), (15), (16), (17), (18), (19), (20), and (21) of section 303(b) of this title;".

(b) Section 455(a)(2) of such Act is amended by inserting immediately after "combinations of such units," the following: "or private nonprofit organizations,".

(c) Section 507 of such Act is amended—

(1) by inserting "(a)" immediately after "SEC. 507."; and

(2) by adding at the end the following new subsection:

"(b) In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

CIVIL RIGHTS ENFORCEMENT PROCEDURES

SEC. 109. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and inserting in lieu thereof "Except as provided in section 518 (c), whenever the Administration".

(b) Section 518(c) of such Act is amended to read as follows:

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

(2)(A) Whenever there has been—

(i) receipt of notice of a finding, after notice and opoprtunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency (other than the Administrator under subparagraph (ii)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c)(1); or

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

the Administrator shall, within 10 days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be compliance with subsection (c)(1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of subparagraph (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5, title, United States Code.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administrator and the Attorney General. On or prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the vent of a violation by a unit of general local government) shall file semiannual reports with the Administrator detailing the step taken to comply with the agreement. Within 15 days of receipt of such reports, the Administrator shall send a copy thereof to each such complainant.

(C) If, at the conclusion of 90 days after notification under subparagraph (A)—

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

(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Administrator shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than 120 days, or, if there is a hearing under subparagraph (G), not more than 30 days after the conclusion of such hearing, unless there has been an express finding by the Administrator after notice and opportunity for such a hearing, that the recipient is not in compliance with subsection (c)(1).

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

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

(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Administrator in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c)(1) by such court; or

(iii) after a hearing the Administrator pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within 45 days after such filing has been granted such preliminary relief with regard to the law, the Administrator shall suspend further payment of any funds under this title to that State government or that unit of local government until such time as the court orders resumption of payment.

(F) Prior to the suspension of funds under subparagraph (C), but within the 90-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing by an administrative law judge in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds un-

der subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (F).

(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the 120-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within 30 days of such request.

(ii) Within 30 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in subparagraph (C), the Administrator shall make a finding of noncompliance, the Administrator shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c)(3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

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

(H) Any State government or unit of general local government aggrieved by a final determination of the Administrator under subparagraph (G) may appeal such determination as provided in section 511 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of funds made available under this Act, or placing any further payments under this title in escrow pending the outcome of the litigation.

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

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

(C) In any action instituted under this section to enforce compliance with section 518(c)(1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

EXTENSION OF PROGRAM; AUTHORIZATION OF APPROPRIATIONS

SEC. 110. (a) Section 520(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of carrying out this title not to exceed $220,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, and not to exceed $880,000,000 for the fiscal year ending September 30, 1977. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977, for the purposes of grants for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(6) of this title.".

(b) Title I of such Act is amended by striking out section 512.

ANNUAL REPORTS AMENDMENT

SEC. 111. Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including:

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) the methods and procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

"(C) the descriptions and number of programs and projects, and the amounts expended therefore, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the descriptions and number of programs and projects, and amounts expended therefore, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have achieved the specific purposes for which they were intended and the specific standards and goals set for them,

"(F) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have failed to achieve the specific purposes for which they were intended or the specific standards and goals set for them, and

"(G) the descriptions and number of program areas and related projects, and the amounts expended therefor, about which adequate information does not exist to determine their success in achieving the purposes for which they were intended or their impact upon law enforcement and criminal justice;

"(2) a detailed explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(3) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(4) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(5) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(6) the number of programs and projects with respect to which a discontinuation, suspension, or termination of payments occurred under section 509, or 518(c), together with the reasons for such discontinuation, suspension, or termination;

"(7) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(8) a detailed explanation of the measures taken by the Administration to audit, monitor, and evaluate criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime;

"(9) a detailed explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities and criteria upon which the Administration based such expenditures; and

"(10) a complete and detailed description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act.".

REGULATIONS REQUIREMENT

SEC. 112. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting immediately after subsection (c) the following:

"(d) Within one hundred and twenty days after the enactment of this subsection, the Administraiton shall promulgate regulations establishing—

(1) reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of this title; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and

"(2) reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this title for compliance with the provisions of this title."; and

(2) by redesignating subsection (d) as subsection (e).

SEC. 113. After section 527 of the Omnibus Crime Control and Safe Streets Act of 1963 as redesignated by section 10(c) of this Act, add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 520(a) Each officer or employee of the Administrator who—

"(1) performs any function or duty under this Act; and

"(2) has any known financial interest in any person who applies for or receives financial assistance under this Act;

Shall, begin on February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the proceeding calendar year. Such statement shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filling by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions within the Administration which are of a nonpolicymaking nature and provide that officers or employees

occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

DEFINITIONS AMENDMENTS

SEC. 114. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out subsection (m);

(2) by redesignating subsections (n) and (o) as (m) and (n), respectively; and

(3) by adding at the end the following:

"(c) The term 'local elected officials' means chief executive and legislative officials of units of general local government.

"(p) The term 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort', the term 'court' means a tribunal or judicial system having criminal or juvenile jurisdiction.".

TRUST TERRITORY OF THE PACIFIC

SEC. 115. Section 601(c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "the Trust Territory of the Pacific Islands," after "Puerto Rico,".

CONFORMING AMENDMENT TO JUVENILE JUSTICE ACT

SEC. 116. Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "section 303(a) (1), (3), (5), (6), (8), (10), (11), (12), and (15)" and inserting in lieu thereof the following: "paragraphs (5), (7), (9), (10), (12), (14), (15), (16), (19), and (20) of section 303(b)".

TITLE II—REQUIREMENT FOR SPECIFIC AUTHORIZATION OF JUSTICE DEPARTMENT APPROPRIATIONS

SEC. 201. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978.

Amend the title so as to read: "An Act to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.".

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 13636, was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 13636

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendments to the Senate bill, the Clerk be authorized to correct punctuation and section numbers and cross-references to reflect the will and action of the House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 13636, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TEXT OF CONFERENCE REPORT

(H.R. REP. NO. 94-1723)

WITH CONFERENCE BILL S. 2212

94TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 94-1723

CRIME CONTROL ACT OF 1976

SEPTEMBER 29, 1976.—Ordered to be printed

Mr. RODINO, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 2212]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the text of the Senate bill, insert the following:

That this Act may be cited as the "Crime Control Act of 1976".

TITLE I—AMENDMENTS RELATING TO L.E.A.A.

AMENDMENTS TO STATEMENT OF PURPOSE

SEC. 101. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended as follows:

(1) By inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title.".

(2) By striking out the fourth paragraph and inserting in lieu thereof the following new paragraph:

"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 Federal assistance. It is

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the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, 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.".

SUPERVISION BY ATTORNEY GENERAL

SEC. 102. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after "authority" the following: ", policy direction, and general control".

OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

SEC. 103. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the 'Office'). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizen participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

AMENDMENT TO PART B PURPOSES

SEC. 104. Section 201 of title I of such Act is amended by inserting immediately after "part" the following: "to provide financial and technical aid and assistance".

SECTION 203 AMENDMENTS

SEC. 105. Section 203 of title I of such Act is amended to read as follows:

"SEC. 203. (a) (1) 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 or by State law and shall be subject to the jurisdiction of the

chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1978. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"(2) The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members, shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials. State planning agencies which choose to establish regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State.

"(b) The State 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;

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

"(4) assure the participation of citizens and community organizations at all levels of the planning process.

"(c) The court of last resort of each State or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of a majority of court officials (including judges, court administrators, prosecutors, and public defenders) may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort or a

judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of a majority of court officials (including judges, court administrators, prosecutors, and public defenders) and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts, and shall include a majority of court officials (including judges, court administrators, prosecutors, and public defenders).

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

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

"(3) develop, in accordance with part C, an annual State judicial plan for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. The State planning agency shall incorporate into the comprehensive statewide plan the annual State judicial plan, except to the extent that such State judicial plan fails to meet the requirements of section 304(b).

"(e) If a State court of last resort or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of at least a majority of court officials (including judges, court administrators, prosecutors, and public defenders) does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units 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 finding 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 funds made available to the judicial planning committee and 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.

"(g) The State planning agency and any other planning organization for the purposes of this 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 to be taken at that meeting on (1) the State plan, or (2) any application for funds under this title. The State planning agency and any other planning organization for the purposes of this title shall provide for public access to all records relating to its functions under this title, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.".

JUDICIAL PLANNING EXPENSES FUNDING

SEC. 106. Section 204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking out the words "expenses, shall," and inserting in lieu thereof "expenses shall".

JUDICIAL PLANNING PROVISION AND REALLOCATION OF CERTAIN FUNDS

SEC. 107. Section 205 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by—

(1) inserting ", the judicial planning committee," immediately after the word "agency" in the first sentence;

(2) striking out "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(3) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation under this part among the States as determined by the Administration.".

STATE LEGISLATURES

SEC. 108. Part B of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new section:

"SEC. 206. At the request of the State legislature while in session or a body designated to act while the legislature is not in session, the comprehensive statewide plan shall be submitted to the legislature for an advisory review prior to its submission to the Administration by the chief executive of the State. In this review the general goals, priorities, and policies that comprise the basis of that plan, including possible conflicts with State statutes or prior legislative Acts, shall be considered. If the legislature or the interim body has not reviewed the plan forty-five days after receipt, such plan shall then be deemed reviewed.".

SECTION 301 AMENDMENTS

SEC. 109(a). Section 301 of title I of such Act is amended by—

(1) inserting immediately after "part" in subsection (a) the following: ", through the provision of Federal technical and financial aid and assistance,";

(2) striking out "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with law enforcement and criminal justice"; and

(3) striking out "and coordination" from paragraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation".

(b) Section 301(b) of such Act is amended—

(1) by striking out paragraph (6);

(2) by redesignating paragraph (7) as paragraph (6);

(3) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(4) by adding at the end the following:

"(10) The definition, development, and implementation of programs and projects designed to improve the functioning of courts, prosecutors, defenders, and supporting agencies, reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the administration of criminal justice in the courts; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; the development of uniform sentencing standards for criminal cases; training of judges, court administrators, and support personnel of courts having criminal jurisdiction; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; and equipping of court facilities.

"(11) The development and operation of programs designed to reduce and prevent crime against elderly persons.

"(12) The development of programs to identify the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers).

"(13) The establishment of early case assessment panels under the authority of the appropriate prosecuting official for any unit of general local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible after the time of the bringing of charges, to determine the feasibility of successful prosecution, and to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes.

"(14) The develoment and operation of crime prevention programs in which members of the community participate, including but not limited to 'block watch' and similar programs.".

ADDITIONAL JUDICIAL PARTICIPATION

SEC. 110. Section 302 of the Omnibus Crime Control and Safe Streets Act is amended by inserting "(a)" immediately after "Sec. 302," and by adding at the end the following new subsections:

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including bail and pretrial release services and prosecutional and defender services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions 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 maximum extent practicable, the relationship of the plan to other relevant State or local law 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 provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) 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 the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects

recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.".

STATE PLAN REQUREMENTS AMENDMENTS

SEC. 111. Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by—

(1) in paragraph (4) of subsection (a), inserting immediately before the semicolon the following: ". Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans, unless the State planning agency finds the implementation of such approved parts of their plan or revision thereof to be inconsistent with the overall State plan";

(2) inserting immediately after "necessary" in paragraph (12) of subsection (a) the following: "to keep such records as the Administration shall prescribe";

(3) striking out "and" after paragraph (14) of subsection (a), striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and", and adding after paragraph (15) the following:

"(16) provide for the development of programs and projects for the prevention of crimes against the elderly, unless the State planning agency makes an affirmative finding in such plan that such a requirement is inappropriate for the State;

"(17) provide for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice; and

"(18) establish procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176(e)(1)) in responding to the needs of drug dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers).";

(4) striking out subsection (b) and inserting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's

efforts to deal with crime. No award of funds that are allocated to the States under this part 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.";

(5) inserting in subsection (c) immediately after "unless" the following: "the Administration finds that"; and

(6) adding at the end the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects, including projects relating to prosecutorial and defender services. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs (including programs and projects to reduce court congestion and accelerate the processing and disposition of criminal cases). In determining adequate funding, consideration shall be given to (1) the need of the courts to reduce court congestion and backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

GRANTS TO UNITS; JUDICIAL PARTICIPATION

SEC. 112. Section 304 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

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

"(b) After consultation with the State planning agency pursuant to subsection (c) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title, is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan or part thereof in the State comprehensive plan to be submitted to the Administration.".

SECTION 306 AMENDMENTS

SEC. 113. Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a):

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

SECTION 307 AMENDMENT

SEC. 114. Section 307 of such Act is amended by striking out "and of riots and other violent civil disorders" and inserting in lieu thereof the following "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system".

TECHNICAL AMENDMENT

SEC. 115. Section 308 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "302(b)" and inserting "303" in lieu thereof.

ANTITRUST ENFORCEMENT GRANTS

SEC. 116. Part C of title I of such Act is amended by inserting immediately after section 308 the following new section—

"*SEC. 309. (a) The Attorney General is authorized to provide assistance and make grants to States which have State plans approved under subsection (c) of this section to improve the antitrust enforcement capability of such State.*

"*(b) The attorney general of any State desiring to receive assistance or a grant under this section shall submit a plan consistent with such basic criteria as the Attorney General may establish under subsection (d) of this section. Such plan shall—*

"*(1) provide for the administration of such plan by the attorney general of such State;*

"*(2) set forth a program for training State officers and employees to improve the antitrust enforcement capability of such State;*

"*(3) establish such fiscal controls and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State including such funds paid by the State to any agency of such State under this section; and*

"*(4) provide for making reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his function under this section, and for keeping such records and affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.*

"*(c) The Attorney General shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section.*

"*(d) As soon as practicable after the date of enactment of this section the Attorney General shall, by regulation, prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this section among the States.*

"*(e) Payments under this section shall be made from the allotment to any State which administers a plan approved under this section. Payments to a State under this section may be made in installments, in*

advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

"(f) The Comptroller General of the United States or any of his authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this section.

"(g) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any State receiving a grant under this section, finds—

"(1) that the program for which such grant was made has been so changed that it no longer complies with the provisions of this section; or

"(2) that in the operation of the program there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any program pursuant to this part which is being carried out by such State and which is not involved in the noncompliance.

"(h) As used in this section the term—

"(1) 'State' includes each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(2) 'attorney general' means the principal law enforcement officer of a State, if that officer is not the attorney general of that State; and

"(3) 'State officers and employees' includes law or economics students or instructors engaged in a clinical program under the supervision of the attorney general of a State or the Assistant Attorney General in charge of the Antitrust Division.

"(i) In addition to any other sums authorized to be appropriated for the purposes of this title, there are authorized to be appropriated to carry out the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979.".

INSTITUTE AMENDMENTS

SEC. 117. (a) Section 402 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General";

(2) in the second paragraph of subsection (c), by striking out "to evaluate" and inserting in lieu thereof the following: "to make evaluations and to receive and review the results of evaluations of";

(3) in the second paragraph of subsection (c), by adding at the end the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the

performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate information about such criteria and procedures to State planning agencies. The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title.";

(4) by inserting immediately before the final paragraph of subsection (c) the following:

"The Institute shall, in consultation with the National Institute on Drug Abuse, make studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies and, upon request, to units of general local government"; and

(5) by adding at the end of such subsection the following:

"The Institute shall, before September 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State, and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such as mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, the General Accounting Office, Federal, State, and local criminal justice agencies and other appropriate public and private agencies.

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

(b) Section 402(b)(3) of such Act is amended by striking out ", and to evaluate the success of correctional procedures".

CONFORMING AMENDMENT

SEC. 118. (a) Section 453(10) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)".

NONPROFIT ORGANIZATIONS; INDIAN TRIBES

SEC 119. Section 455 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "or" in paragraph (a)(2) and by inserting "or nonprofit organizations," after the second occurrence of the word "units," in that paragraph.

(b) Section 507 of such Act is amended—

(1) by inserting "(a)" immediately after "SEC. 507."; and

(2) by adding at the end the following new subsection:

"(b) In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

RULES AND REGULATIONS REQUIREMENT

SEC. 120. Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding the following sentence at the end: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

HEARING EXAMINERS

SEC. 121. Section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"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 as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

CIVIL RIGHTS ENFORCEMENT PROCEDURES

SEC. 122. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and all that follows down through "grantee under this title," and inserting in lieu thereof "Except as provided in section 518(c), whenever the Administration, after notice to an applicant or a grantee under this title and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

(b) Section 518(c) of such Act is amended to read as follows:

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

"(2)(A) Whenever there has been—

"(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State

administrative agency (other than the Administration under subparagraph (ii)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c) (1); or

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

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

"(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administration. On or prior to the effective date of the agreement, the Administration shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administration detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports, the Administration shall send a copy thereof to each such complainant.

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

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

"(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Administration shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G),

not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Administration after notice and opportunity for such a hearing, that the recipient is not in compliance with subsection (c)(1).

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

"*(i) such State government or unit of general local government enters into a compliance agreement approved by the Administrator and the Attorney General in accordance with subparagraph (B);*

"*(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Administration in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c)(1) by such court; or*

"*(iii) after a hearing the Administration pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.*

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

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

"*(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one hundred and twenty day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within sixty days of such request.*

"*(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one hundred and twenty day period referred to in subparagraph (C), the Administration shall make a finding of compliance or noncompliance. If the*

Administrator makes a finding of noncompliance, the Administration shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c)(3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

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

"(H) Any State government or unit of general local government aggrieved by a final determination of the Administration under subparagraph (G) may appeal such determination as provided in section 511 of this title.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

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

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

"(C) In any action instituted under this section to enforce compliance with section 518(c)(1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.".

CONFORMING AMENDMENT

SEC. 123. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 512.

ADMINISTRATIVE PROVISIONS

SEC. 124. Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in that comprehensive plan;

"(2) assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its comprehensive plan, a financial analysis indicating the percentage of Federal funds to be allocated under the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(2) 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, institutions, or international agencies in matters relating to law enforcement and criminal justice.

"(c) Funds appropriated for the purposes of this section may be expanded by grant or contract, as the Administration may determine to be appropriate.".

ANNUAL REPORTS AMENDANT

SEC 125. Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968, is amended to read as follows:

SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including—

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) a brief description of the procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

"(C) the descriptions and number of program and project areas, and the amounts expended therefor, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the descriptions and number of program and project areas, and amounts expended therefor, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the descriptions and number of program and project areas, and the amounts expended therefor, which have achieved the purposes for which they were intended and the specific standards and goals set for them,

"(F) the descriptions and number of program and project areas, and the amounts expended therefor, which have failed to achieve the purposes for which they were intended or the specific standards and goals set for them, and

"(2) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(3) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(4) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(5) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(6) the number of State comprehensive plans funded under the title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(7) the number of programs and projects with respect to which a discontinuation, suspension, or termination of payments occurred under section 509, or 518(c), together with the reasons for such discontinuation, suspension, or termination;

"(8) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(9) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs;

"(10) an explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities, and criteria upon which the Administration based such expenditures; and

"(11) a description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act.".

EXTENSION OF PROGRAM; AUTHORIZATION OF APPROPRIATIONS

SEC. 126. (a) Section 520(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of carrying out this title not to exceed $220,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, not to exceed $880,000,000 for the fiscal year ending September 30, 1977; $800,000,000 for the fiscal year ending September 30, 1978; and $800,000,000 for the fiscal year ending September 30, 1979. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977; and not to exceed $15,000,000 for each of the two succeeding fiscal years; for the purposes of grants to be administered by the Office of Community Anti-Crime Programs for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(6) of this title.".

(b) Section 520(b) of such Act is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.".

REGULATIONS REQUIREMENT

SEC. 127. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting immediately after subsection (c) the following:

"(d) Within one hundred and twenty days after the enactment of this subsection, the Administration shall promulgate regulations establishing—

"(1) *reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of section 518(c) of this title; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and*

"(2) *reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this title for compliance with the provisions of section 518(c) of this title.";* and

(2) *by redesignating subsection (d) as subsection (c).*

OPERATION STING

SEC. 128. (a) Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following new subsection:

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

(b) *Section 301(c) of such Act is amended by adding at the end of the section the following: "In the case of a grant for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt commerce in such property, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary.".*

DEFINITIONS AMENDMENTS

SEC. 129. (a) Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(p) *The term 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and*

final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort', the term 'court' means a tribunal or judicial system having criminal or juvenile jurisdiction.".

"(q) The term 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title.".

(b) Section 601(c) of such Act is amended by inserting "the Trust Territory of the Pacific Islands," after "Puerto Rico,".

JUVENILE JUSTICE ACT AMENDMENTS

SEC. 130. (a) Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.".

(b) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)".

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) After section 225(c)(6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.".

(2) Add at the end a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population.".

TITLE II—PROVISIONS RELATING TO OTHER MATTERS

DRUG ENFORCEMENT ADMINISTRATION

SEC. 201. (a) Effective beginning one year after the date of the enactment of this Act, the following positions in the Drug Enforcement Administration (and individuals holding such positions) are hereby excepted from the competitive service:

(1) positions at GS–16, 17, and 18 of the General Schedule under section 5332(a) of title 5, United States Code, and

(2) positions at GS–15 of the General Schedule which are designated as—

(A) regional directors,

(B) office heads, or

(C) executive assistants (or equivalent positions) under the immediate supervision of the Administrator (or the Deputy Administrator) of the Drug Enforcement Administration.

(b) Effective during the one year period beginning on the date of the enactment of this Act, vacancies in positions in the Drug Enforcement Administration (other than positions described in subsection (a)) at a grade not lower than GS–14 shall be filled—

(1) first, from applicants who have continuously held positions described in subsection (a) since the date of the enactment of this Act and who have applied for, and are qualified to fill, such vacancies, and

(2) then, from other applicants in the order which would have occurred in the absence of this subsection.

Any individual placed in a position under paragraph (1) shall be paid in accordance with subsection (d).

(c)(1) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be removed, suspended for more than 30 days, furloughed without pay, or reduced in rank or pay by the Administrator of the Drug Enforcement Administration if—

(A) such individual has been employed in the Drug Enforcement Administration for less than the one-year period immediately preceding the date of such action, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

(2) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be reduced in rank or pay by the Administrator within the Drug Enforcement Administration if—

(A) such individual has been continuously employed in such position since the date of the enactment of this Act, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Any individual reduced in rank or pay under this paragraph shall be paid in accordance with subsection (d).

(3) The provisions of section 7512 and 7701 of title 5, United States Code, and otherwise applicable Executive orders, shall not apply with respect to actions taken by the Administrator under paragraph (1) or any reduction in rank or pay (under paragraph (2) or otherwise) of any individual in a position described in subsection (a).

(d) Any individual whose pay is to be determined in accordance with this subsection shall be paid basic pay at the rate of basic pay he was receiving immediately before he was placed in a position under subsection (b)(1) or reduced in rank or pay under subsection (c)(2), as the case may be, until such time as the rate of basic pay he would receive in the absence of this subsection exceeds such rate of basic pay. The provisions of section 5337 of title 5, United States Code, shall not apply in any case in which this subsection applies.

JUSTICE DEPARTMENT PERSONNEL

SEC. 202.(a) Subsection (c) of section 5108 of title 5, United States Code, is amended by striking out paragraph (8) and inserting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS–16, 17, and 18;".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(109) Commissioner of Immigration and Naturalization, Department of Justice.

"(110) United States attorney for the Northern District of Illinois.

"(111) United States attorney for the Central District of California.

"(112) Director, Bureau of Prisons, Department of Justice.

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

(c) Section 5316 of title 5, United States Code, is amended by—

(1) striking out paragraph (44);

(2) striking out paragraph (115);

(3) striking out paragraph (116);

(4) striking out paragraph (58); and

(5) striking out paragraph (134).

TERM OF FBI DIRECTOR

SEC. 203. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" immediately after "Sec. 1101." and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.".

AUTHORIZING JURISDICTION

SEC. 204. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the

Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "*An Act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.*".

And the House agree to the same.

PETER W. RODINO, JR.,
DON EDWARDS,
JOHN CONYERS, JR.,
JAMES R. MANN,
GEORGE E. DANIELSON,
BARBARA JORDAN,
ELIZABETH HOLTZMAN,
ROMANO L. MAZZOLI,
WILLIAM J. HUGHES,
EDWARD HUTCHINSON (except as to section relating to antitrust),
ROBERT MCCLORY,
CHARLES E. WIGGINS,
M. CALDWELL BUTLER (except as to section pertaining to antitrust),

Managers on the Part of the House.

JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
EDWARD M. KENNEDY,
ROBERT C. BYRD,
ROMAN L. HRUSKA,
HUGH SCOTT,
STROM THURMOND,
WILLIAM L. SCOTT,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT TO TEXT

The managers recommended that the Senate agree to the amendment of the House to the text of the bill, with an amendment. That amendment will be referred to here as the "Conference substitute" and there follows an issue by issue breakdown of the Senate bill, the House amendment, and the conference substitute:

Declaration of Purpose

The Senate bill would have declared it the policy of title I (relating to law enforcement assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, to provide technical assistance to State and local governments and to stress evaluation.

The House amendment would not have changed the present overall statement of purpose.

The conference substitute will adopt the Senate provision.

Authority of Attorney General over L.E.A.A.

The Senate bill would add "policy direction and control" to the list of the Attorney General's authority.

The House amendment would add "policy direction and general control" to the list.

The conference substitute will adopt the House provision.

Community Anti-Crime

The Senate bill would require that L.E.A.A. establish an appropriate organizational unit to conduct community anti-crime coordination, technical assistance, and other programs.

The House amendment would establish an Office of Community Anti-Crime Programs in L.E.A.A. and earmark funds for grants for community anti-crime projects.

The conference substitute will adopt the House provision as to the establishment of the Office and earmark funds via the authorization section of the bill.

Planning money for "financial and technical aid and assistance"

The Senate bill would provide planning money can be used for "financial and technical aid and assistance."

The House amendment would have no parallel provision.
The conference substitute will adopt the Senate provision.

Designation of State planning agency by law

The Senate bill would mandate that all State planning agencies be established or designated by State law by 1979 rather than created by the State's chief executive without further legislative act, as is the case in some instances now.

The House amendment would leave this matter as it is in current law.

The conference substitute will adopt the Senate provision, and require the change be accomplished by 1978, since the managers are informed that this may be a technical improvement and is feasible.

Judicial membership in State planning agency

The Senate bill would mandate a minimum of three judicial members in the State planning agency and set forth a procedure for the selection of those members.

The House amendment would mandate a minimum of two judicial members in the State planning agency.

The conference substitute will adopt the Senate provision.

Regional planning units

The Senate bill would leave this issue as is in present law.

The House amendment would require, where practicable, the same boundaries and organization for the regional planning units established under this title for law enforcement purposes and general purpose regional planning units already in existence.

The conference substitute will authorize, but not require the same boundaries and organization for such units.

Multi-year planning

The Senate bill would explicitly recognize the practice of annual updates of State plans.

The House amendment would contain no parallel provision.

The conference substitute will adopt the House position.

Judicial planning committees and State judicial plan

The Senate bill would provide for the establishment of separate judicial planning committees and the preparation of separate State judicial plans, to be incorporated in the overall part C comprehensive plan as a basis for funding under title I.

The House amendment would not establish a separate plan or planning process for the judiciary.

The conference substitute will adopt the Senate approach.

Use of reverted funds

The Senate bill would make reverted funds part of the money available for discretionary grants by L.E.A.A.

The House amendment would retain current law which requires reallocation by the original population formula of reverted bloc grant funds.

The conference substitute will adopt the Senate provision, as to part B funds, but specify that those funds be used for planning purposes. As to part C, the House position is retained.

Review by State legislatures

The Senate bill would permit review of State plan by State legislatures.

The House amendment would also permit that review, but makes technical changes in the process provided for achieving it.

The conference substitute will adopt the House provision.

Part C purpose; technical assistance

The Senate bill would include technical assistance as a purpose of part C.

The House amendment would not change the present purpose statement.

The conference substitute will adopt the Senate approach.

Public Education

The Senate bill would make funds available for public education on "the administration of justice".

The House amendment would keep present law unchanged.

The conference substitute will make funds available for public education on law enforcement and criminal justice.

Approval of local officials for community programs

The Senate bill would change present requirement that local mayor or police chief approve community organization law enforcement grants to a requirement that the local official be notified of each such grant.

The House amendment would leave present requirement unchanged.

The conference substitute will adopt the House approach.

Part C funds for monitoring and evaluation

The Senate bill would permit the use of part C funds for monitoring and evaluation.

The House amendment would not change present law, which would preclude the use of part C funds for those purposes.

The conference substitute will adopt the Senate provision. This will permit the use of part C funds for monitoring and evaluation *in addition* to any other funds made available for these purposes under other parts of title I, and is *not* intended to limit access by criminal justice coordinating councils to these other funds, but to provide an additional source for increased funding of monitoring and evaluation.

Purpose of preventing, reducing crime

The Senate bill would not change part C and D statements of purpose.

The House amendment would make the reduction and prevention of crime a specific goal of part C and part D.

The conference substitute will adopt the Senate approach.

Riot control

The Senate bill would eliminate special emphasis on riot control but retain explicit authority for permissive grants, and add special emphasis on courts.

The House amendment would eliminate special emphasis on riot control and explicit statement on permissive grants, and eliminate special emphasis on organized crime.

The conference substitute will eliminate the special emphasis on riot control, but retain the special emphasis on organized crime and add a special emphasis on the courts. The explict statement on permissive grants is also eliminated, but this is not intended to preclude grants for riot control, which are also authorized, and continue to be authorized under more general paragraphs of section 301(b).

Permissive grants for judicial matters

The Senate bill would make judiciary and court related projects specifically eligible for grants under part C.

The House amendment would also make these projects specifically eligible, but adds prosecutorial and defender services as well.

The conference substitute will adopt the House provision.

Crime against the elderly

The Senate bill would add grants for crime against the elderly to both permissive and mandatory grant sections.

The House amendment would add such grants to the permissive section only.

The conference substitute will adopt the Senate provisions. The language permitting the State agency to make an affirmative finding that this requirement is inappropriate is intended only to permit such a finding where there is found to be no substantial problem with crime against the elderly in such State.

Drug Programs

The Senate bill would have added programs to identify needs of drug dependent offenders and coordinate various drug programs to the permissive grant section.

The House amendment would have added these programs to the mandatory grant section.

The conference substitute will add programs to identify needs of drug dependent offenders to the permissive grant section and procedures to coordinate various drug programs to the mandatory section. It is anticipated, however, that no State plan could be determined to be comprehensive if it fails to provide programs which are here added to the permissive section where the need for those programs has been demonstrated.

Early case assessment panels

The Senate bill would provide for early case assessment panels in the permissive grant section.

The House amendment would also provide for these panels, but specify they be under authority of appropriate prosecutor.

The conference substitute will adopt the House provision.

Block watch

The Senate bill would specify block watch programs as a permissible grant.

The House amendment would not specify this.

The conference substitute will adopt the Senate provision.

Innovative programs salary limitation exception

The Senate bill would make an additional exception to the limitation on use of grants for salaries for "innovative programs".

The House amendment would not contain any comparable provision.

The conference substitute will adopt the House provision, since it appears that the existing exception was intended to achieve the same objective.

Organization of plan requirements

The Senate bill would retain the organizational scheme of existing law for the planning requirements.

The House amendment would reorganize the planning requirements into a single sequential system.

The conference substitute will adopt the Senate provision, since various administrative determinations are cross referenced to the existing format.

Mini block grant to units and combinations

The Senate bill would liberalize the current procedure for receiving mini block grants by units of general local government and combinations of these units, and would have no minimum population requirement.

The House amendment would retain current law.

The conference substitute will adopt the House position with a modification. It is intended that the State planning agency may require the submission of such applications as necessary to assure that the requirements of title I and regulations thereunder are met.

Evaluation procedures in part C plan

The Senate bill would retain current law.

The House amendment would require evaluation procedure to be set forth in State plan.

The conference substitute will adopt the House provision.

Recordkeeping requirement

The Senate bill would provide that plan provide for recordkeeping.

The House amendment would retain present law.

The conference substitute will adopt the Senate provision.

Written evaluation by Administrator

The Senate bill would require a written evaluation of a State plan by the Administrator prior to approval.

The House amendment would have no parallel provision.

The conference substitute will adopt the Senate provision.

Adequate Part C funding for courts

The Senate bill would require adequate Part C funding for courts.

The House amendment would have no parallel provision.

The conference substitute will adopt the Senate provision with modifications.

Antitrust enforcement grants

The Senate bill would provide for antitrust enforcement grants to the States.

The House amendment had no similar provision.

The conference substitute adopts the Senate position. It is intended that the authorization of appropriations for this purpose be separate from and in addition to other authorizations under this title, and that the program be administered separately from L.E.A.A. by the Attorney General.

Appointment of Institute Director

The Senate bill would have the Attorney General appoint the Director of the Institute created under part D.

The House amendment would retain present law, under which the Administrator appoints the Director of the Institute.

The conference substitute adopts the Senate provision.

Institute studies

The Senate bill would provide for drug abuse studies, for the assisting of the Administrator in evaluative functions, and for the study of the needs of correctional facilities.

The House amendment would provide that the Institute receive as well as make evaluations of State plans, establish evaluation criteria, make continuing drug abuse studies, and make and distribute a list of successful LEAA projects.

The conference substitute will provide that the Institute shall make drug studies, and studies of the needs of correctional institutions, and that the Institute assist the Administrator in evaluations, receive as well as make evaluations of State plans, establish evaluation criteria, and make a list of successful projects.

National Advisory Committee

The Senate bill would not have a provision on this matter.

The House amendment would make statutory the national advisory committee.

The conference substitute will adopt the Senate position.

Jail standards

The Senate bill would provide that the Administration and the States set physical and service standards for correctional institutions.

The House amendment did not have a similar provision.

The conference substitute will adopt the House position.

Nonprofit organizations

The Senate bill would have provided part D grants to nonprofit organizations.

The House amendment would specify that such organizations be private.

The conference substitute adopts the Senate provision.

Administrative rules on evaluation

The Senate bill required the Administration to make rules regarding evaluation procedures.

The House amendment did not.

The conference substitute adopts the Senate provision.

Hearing examiners

The Senate bill permits the borrowing of hearing examiners from the Civil Service Commission.

The House amendment did not.

The conference substitute adopts the Senate provision.

Duplicate authorization

The Senate bill would have retained current law.

The House amendment would strike a duplicate authorization section as superfluous.

The conference substitute adopts the House provision.

Evaluation of State plans by Administrator and various administrative provisions

The Senate bill would require a detailed evaluation and makes various other administrative changes.

The House amendment had no comparable provision.

The conference substitute adopts the Senate provision.

Attorney General's advisory board

The Senate bill would create an advisory board for the Attorney General.

The House amendment would not.

The conference substitute adopts the House approach.

Annual reporting requirement

The Senate bill would require annual reports on a variety of issues and facts f om the Administration.

The House bill would also require such a report, but requires more detail.

The conference substitute will adopt the House provision with several technical changes designed to assure reporting by general program area and eliminate reporting in excessive detail.

Sunshine in government

The Senate bill did not contain a provision on this.

The House amendment would have required financial reporting by Administration employees.

The conference substitute will adopt the Senate approach.

Definitions amendments

The Senate bill would add definitions of court of last resort, court, and evaluation, and add the Trust Territory of the Pacific and the Marianas to the list of "States" for grant purposes.

The House bill would add definitions of court of last resort, court (to include juvenile courts), and local elective officials (restricting number), and add the Trust Territory as in Senate bill.

The conference substitute will use the Senate definition of court of last resort, the House definition of court, contain the Senate definition of evaluation, and add the Trust Territory. It is understood that under the terms of the "Covenant to Establish the Northern Mariana Islands in Political Union With the United States of America" the Northern Mariana Islands will be eligible for funding under title I of the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974, separate and apart from The Trust Territory of the Pacific Islands, sometime in 2978. The exact date will be determined and proclaimed by the President after approval of the Constitution of the Northern Mariana Islands by Congress but prior to the achievement of Commonwealth status. Until that time, the Northern Mariana Islands are eligible for assistance as a part of the Trust Territory of the Pacific Islands.

Juvenile justice amendments

The Senate bill would mandate a 19.15 percent funding of juvenile justice under title I and prohibit discrimination in funding against small cities.

The House amendment would do neither, but was merely a conforming amendment to reflect changes in planning requirements.

The conference substitute adopts all of the Senate and House provisions.

Drug Enforcement Administration

The Senate bill would make certain DEA positions now in the competitive service into excepted service positions.

The House amendment had no parallel provisions.

The conference substitute adopts a modified and more restrictive version of the Senate bill provisions.

Additional supergrades for Justice Department

The Senate bill would add more supergrade positions and make other promotions for the Justice Department.

The House amendment would not have this provision.

The conference substitute adopts the Senate provision with technical amendments in numbering, etc.

Operation Sting

The Senate bill specifically would make available assistance for Operation Sting type ventures to disrupt the commerce in stolen goods.

The House bill would not.

The conference substitute will adopt the Senate provision.

Authorization jurisdiction

The Senate bill had no provision on this.

The House amendment would require specific authorization of appropriations for the Department of Justice.

The conference substitute will adopt the House provision.

High crime impact grants

The Senate bill would provide specific authorization for a high crime impact program.

The House amendment would contain no parallel provision.

The conference substitute will adopt the House position.

Civil rights compliance procedures

The Senate bill would retain present law with respect to civil rights compliance procedures.

The House bill would provide extensive procedures for civil rights compliance.

The conference substitute will adopt the House provisions with modification. It is intended that compliance under section 518(c)(2)(B) includes the securing of an agreement to comply over a period of time, particularly in complex cases or where compliance would require an extended period of time for implementation. In the area of employment cases brought under this section it is intended by the conferees that the standards of title VII of the Civil Rights Act of 1964 apply.

FBI Director

The Senate bill would provide a single ten-year term for the Director of the Federal Bureau of Investigation.

The House amendment would contain no parallel provision.

The conference substitute will adopt the Senate provision.

Authorization of appropriations

The Senate bill would have authorized appropriations for five years.

The House bill would have authorized appropriations for a single year.

The conference substitute will provide an authorization of $880,000,000 for the fiscal year ending September 30, 1977, $800,000,000 for the fiscal year ending September 30, 1978, and $800,000,000 for the fiscal year ending September 30, 1979. For each of those years an additional $15,000,000 is authorized for the community anti-crime program, to be administered by the Office created by the conference substitute language.

AMENDMENT TO TITLE

The managers recommend that the bill be entitled "An Act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes". This is an amalgam of the two titles proposed by the two Houses, and does not materially differ from either title.

PETER W. RODINO, JR.,
DON EDWARDS,
JAMES R. MANN,
GEORGE E. DANIELSON,
BARBARA JORDAN,
ELIZABETH HOLTZMAN,
ROMANO L. MAZZOLI,
WILLIAM J. HUGHES,
EDWARD HUTCHINSON (except as to section relating to antitrust),
ROBERT MCCLORY,
CHARLES E. WIGGINS,
M. CALDWELL BUTLER (except as to section pertaining to antitrust),

Managers on the Part of the House.

JOHN L. MCCLELLAN,
JAMES O. EASTLAND,
EDWARD M. KENNEDY,
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STROM THURMOND
WILLIAM L. SCOTT,

Managers on the Part of the Senate.

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HOUSE OF REPRESENTATIVES FLOOR ACTION

ON CONFERENCE BILL S. 2212

No. 150—Part II

United States of America

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House of Representatives

Crime Control: By a yea-and-nay vote of 384 yeas to 6 nays, the House agreed to the conference report on S. 2212, Crime Control Act of 1976—clearing the measure for Senate action. Pages H11907–H11911

CONFERENCE REPORT ON S. 2212, CRIME CONTROL ACT OF 1976

Mr. MANN. Mr. Speaker, I call up the conference report on the Senate bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of September 29, 1976.)

Mr. MANN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

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

Mr. MANN. Mr. Speaker, before the House today is the conference report on the reauthorization of the Law Enforcement Assistance Administration. The House, on September 2, 1976, passed H.R. 13636 by a vote of 324 to 8, to reauthorize this agency for 1 more year. The Senate almost simultaneously passed S. 2212 to reauthorize the agency for 5 years. This week 13 conferees from the House and 9 from the Senate sat down to the task of reconciling 70 points of difference in the House and the Senate bills.

In the back of our minds throughout this process we knew that crime in America was rising. We know, too, that $4.4 billion had been spent by the Federal Government in 8 years through the Law Enforcement Assistance Administration to assist the States and local governments in combating crime. This is the third time Congress has been asked to extend the life of LEAA and both Houses felt the need to examine the program carefully.

Since January of this year, the Subcommittee on Crime and the full Committee on the Judiciary has spent the majority of their time attempting to work out a program of change for the Federal Government in the area of crime reduction.

Coincident to our hearings and markups several reports were issued by independent evaluators leveling severe criticisms against LEAA's performance. The House of Representatives responded to these criticisms by voting on September 2 for a 1-year authorization for LEAA to put the agency on a "short leash" in a trial status. We took the burden upon ourselves to work hard during the next Congress to perform stringent oversight of the agency to assist them in identifying which of their projects may be successful and deserving of replication. The Senate, on the other hand, opted for a long term reauthorization with special programs addressing the needs of the State court systems.

This is the backdrop upon which we came to conference. This conference substitute bill which I bring before you today addresses the major issues in conflict in the two versions in the following ways:

First. The conference accepted a 3-year authorization with $880,000,000 for the first year and $800,000,000 for each of the 2 remaining years.

Second. The conference accepted the House program for an Office of Community Anti-Crime to administer $15,000,000 per year for 3 years to assist neighborhoods in fighting crime. They also adopted the House provision relating to the need for community groups to get approval of their local government official before receipt of block grants for these purposes.

Third. The conference accepted the House civil rights compliance procedures with minor modifications.

Fourth. The conference rejected the Senate high crime area program.

Fifth. The conference accepted the Senate antitrust enforcement provisions.

Sixth. The conference accepted the Senate 10-year term for the FBI director.

Seventh. The conference accepted the House provision which would confer authorization jurisdiction over the Justice Department to Congress.

Eighth. The conference adopted both House and Senate language giving State legislatures greater input in the planning process.

Ninth. The conference accepted Senate language giving the Attorney General more policy direction and control over LEAA.

Tenth. The conference accepted provisions which would create judicial planning councils to develop mini plans for submission to the SPA's on court programs. The courts would be assured an adequate share of funds for court programs; and the planning councils would receive $50,000 in each State.

Eleventh. The conference adopted both House and Senate language requiring institute, administration, and State participation in evaluations.

Twelfth. The conference adopted House and Senate language directing LEAA to identify the special needs of drug offenders and to coordinate Federal drug programs in the States.

Thirteenth. The conference rejected Senate language which would have allowed for multiyear planning.

Fourteenth. The conference adopted Senate provisions to allow reprogramming of planning funds and kept present law in reference to part C funds.

Fifteenth. The conference rejected House language which made reduction and prevention of crime a specific goal of LEAA.

Sixteenth. The conference eliminated the special emphasis on riot control programs in accepting House language.

Seventeenth. The conference adopted the House position and did not allow for a waiver of the one-third salary limitation.

Eighteenth. The conferees retained present law in reference to miniblock grants but added language to effectuate the 1973 amendment.

Nineteenth. The conference adopted House and Senate language requiring the the National Institute to make drug studies, study the needs of correctional institutions, assist in, make and receive evaluation, establish evaluation criteria, and make a list of successful projects.

Twentieth. The conference rejected language in the House and Senate bills which would establish advisory committees.

Twenty-first. The conference rejected Senate language which would require States to meet minimum physical and service standards before renovating or improving State and local correctional facilities.

Twenty-second. The conference adopted House provisions with modifications which require detailed annual reporting to Congress.

Twenty-third. The conference rejected House language requiring financial disclosure by LEAA employees.

Twenty-fourth. The conference accepted Senate language mandating 19.15 percent of all funds be used for juvenile justice programs.

Twenty-fifth. The conference adopts the Senate provision as amended related to the Drug Enforcement Administration and also allows for 39 new Justice Department supergrades.

Twenty-sixth. The conference adopted Senate language making available assistance for "Operation Sting" ventures.

None of us are entirely satisfied with this legislation. But we feel this is a step toward making LEAA more accountable to Congress and the American people for their projects and programs designed to reduce and prevent crime in our country.

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

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report. The gentleman from North Carolina has explained many of the details of the conference report, and copies of the report are available. This was a really hard fought conference, and we had some very vigorous, strongly debated sessions.

Mr. Speaker, I am pleased to have this opportunity to voice my support for S. 2212, to amend title I of the Law Enforcement Assistance Act of the Omnibus Crime Control and Safe Streets Act of 1968. This bill, which passed the Senate in its original form on July 26 and which passed the House in a slightly different form on September 2, would among other things, reauthorize the Law Enforcement Assistance Administration for another 3 years, or until September 30, 1979. That is a position which I personally supported when we considered this legislation recently. The final vote in the House on this bill was 324 to 8, with 98 of our colleagues not voting. For the most part, we are able to prevail in conference and retain those provisions which were so strongly supported on the House floor. The major change in what passed this body was the extension of the reauthorization period from 15 months to 3 years. (I should note that the other body previously had reauthorized LEAA for 5 years).

As I mentioned earlier, I argued strongly in support of a 3-year extension through my floor amendment to accomplish that end. I was defeated. The other body, by a 6 to 1 ratio, defeated a floor amendment which would have reduced LEAA's reauthorization period to 15 months. I believe, therefore, that the 3-year compromise, as reached by the members of the conference, is a fair and equitable one. In exchange for what was somewhat of a concession on our part, insofar as the reauthorization was concerned, we were able to retain certain items, including the civil rights language jointly drafted by Mr. BUTLER and Ms. JORDAN and title II of our bill. Section 204 of title II, of course, confers on the Congress authorization jurisdiction over the Department of Justice.

At this time, perhaps it would be appropriate, as well as helpful to those who are relatively unfamiliar with the bill and with the conference substitute, to list for informational purposes some of the areas which I believe will be of the greatest interest to my colleagues.

It is unquestioned that the drug problem has been on the increase since LEAA was born in 1968. It has had as a result an unfortunate effect on the spread of crime in America. Both the Senate and House bills would have recognized the need to address these problems through LEAA fundings. The Senate bill would have added to section 301 of title I authorization for the development of programs designed to identify the special needs of drug dependent offenders and the establishment of procedures for effective coordination between State planning agencies and single State agencies. I should note that the category of "drug dependent offenders" included alcoholics, alcohol abusers, drug addicts, and drug abusers. The House bill, as a result primarily of the efforts of Chairman RODINO, similarly identified these needs but required that the new State plan should not be approved by LEAA unless it mandatorily addressed the problem. The conference substitute is a true compromise for it will add programs to identify the needs of drug dependent offenders to the permissive grant section—section 301—of the act and the coordination of various drug programs to the mandatory section of the act already mentioned. We have placed language in the statement of managers to indicate that no State plan should be determined to be comprehensive if it fails to address the problem of the need for drug programs.

When this bill was considered on the House floor, I supported our attempts to integrate into the development of comprehensive State plans the criminal justice system in its entirety, including the courts, prosecutors, and public defenders. In addition, I suported language which would have given State legislatures an opportunity to review and comment upon State plans. In this regard we were able to retain in conference our section 206 of part B. This section mandates that comprehensive Statewide plans shall be submitted to the State legislatures at their request for an advisory review prior to its submission to LEAA by the chief executive of the State. Similarly, in section 106 of our bill we sought to grant, in subsection (10), authority for the funding of court projects designed to accelerate the criminal justice system. We emphasized the funding of not only the judiciary but also prosecutorial and public defender programs which doubtless contribute immensely to the efficiency of the overall system. Mr. HUGHES offered the original amendment in the committee and Ms. HOLTZMAN amended it on the floor to include prosecutors and defenders. It was supported overwhelmingly here and included in the conference substitute. Mr. Speaker, let me interject at this point that the House was also successful in conference in retaining what I believe to be the original concept of the block grant program; that the ultimate decisionmaking responsibility in the area of planning and utilizing Federal funds to improve local law enforcement should be in the hands of the grantees, in this instance, the States. Local governmental bodies have the principal responsibility for law enforcement; I believe they should retain it.

In summary, Mr. Speaker, S. 2212 represents a triumph for the House, the Congress and, more than any other, the localities whose awesome responsibility it is to handle the omnipresent specter of crime. I urge its adoption.

In my opinion, the House position prevailed on the important parts of the report. The Members may recall that I argued vigorously for a 3-year extension of LEAA, and so when we lost to the Senate on that point, I was very pleased at the same time that we were able to prevail with regard to other points upon which we had votes here, division votes and rollcall votes, and in general the House position was supported.

There are some important improvements in the legislation. The House had put in provisions with regard to neighborhood and community anticrime programs, and that was supported in the conference. Another provision which prevailed there was that those programs, of course, would only apply when there was an approval of the local authorities with regard to such programs.

I would say, in general, that we have accomplished our mission here. We have provided the kinds of benefits for local and State law-enforcement agencies. We are giving further support to the courts in this legislation. We have, while not a generous authorization of funds, in my opinion, an adequate authorization, at least for this brief period, and I would hope that we would expand this legislation to demonstrate that it is the kind of workable program at both the Federal and State and local levels which the American people demand and are entitled to.

So I am very hopeful that there will be just an overwhelming support of this conference report.

Mr. MYERS of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Pennsylvania (Mr. MYERS).

Mr. MYERS of Pennsylvania. I thank the gentleman for yielding.

Mr. Speaker, I take this time to raise a question about section 203 of the report. I find it somewhat surprising that the Members are now faced with a conference report with a decision of whether or not we lock in the FBI Director for a 10-year term. I am aware of the fact that the other body has the responsibility for confirming directors, however, I would think the House should have a shared responsibility for determining any such term.

It seems to me that perhaps we could find ourselves in a situation where we have established the situation in which an individual would be assigned to that position for a 10-year term but who

would be of marginal value in that position, and actually we would have a very difficult situation on our hands. I question the gentleman if in fact there are provisions for removing an individual.

Mr. McCLORY. This subject was discussed at great length, and it is true that this was in the Senate bill and not in our bill. I suppose we could agree that the primary responsibility may vest in the other body, because, of course, they have the authority to advise and consent with regard to the role of the FBI Director. This is a subject which has received widespread consideration.

I might say that in the course of our discussions it seemed to be generally agreed that where a President came in and wanted the resignation of a person in the executive branch who had a fixed term of office, traditionally and as a matter of comity and as a matter of practice, the resignation may be demanded and is customarily tendered and received. Also, of course, as the Members know, there has been a great deal of interest in limiting the term of the FBI Director. I suppose it results somewhat from the almost unlimited term of the first and only FBI Director prior to Mr. Kelley, the only one who has been confirmed, at least. It does apply to Mr. Kelley. And it also may indicate a kind of confidence in the administration of an office which both the House and Senate seem to agree upon.

Mr. MYERS of Pennsylvania. If the gentleman will yield further, I would like to make it clear that I am not speaking about Mr. Kelley. The fact of the matter is, I think we are also putting ourselves in a position of perhaps at one point in time having to reject a continuation of a term of an individual who is serving well. It seems to me if we are going to address the issue of limiting terms of people in public office, we should do that in a broader scope than simply in a conference report. Although I wholeheartedly agree with the gentleman's feelings about the continuation of LEAA, I do have a great deal of difficulty with this particular section.

Mr. McCLORY. Mr. Speaker, I will say further that it is my understanding that the Supreme Court in deciding the Myers case—*Myers* v. *United States*, 272 U.S. 52 (1926)—said through Mr. Justice Taft, himself a former President, that the President is empowered by the Constitution to remove any executive officer, of which the Director of the FBI is one, appointed by him by and with the advice and consent of the Senate. This power is not subject in its exercise to the assent of the Senate and an act of Congress cannot make it so.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I would like to point out that this matter was considered by the Rockefeller commission. The recommendation made by the Rockefeller commission was for a term not in excess of 10 years for the FBI Director. The present FBI Director had an opportunity to express himself on this proposal and offered no objection.

So I think what we have done by accepting the Senate proposal for a 10-year term is to place a reasonable limitation on the length of service of the FBI Director. I believe that this proposal would insure stability, and at the same time it assures us some degree of control over this office, an office which has given us a great deal of concern because of recent disclosures. The conferees on the House side were in accord that the 10-year term is a good way to keep a check on that office.

Mr. McCLORY. Mr. Speaker, I thank the gentleman, and I apreciate the information that has been supplied by my friend, the distinguished chairman of the Committee on the Judiciary.

I might say that there was not any disagreement with regard to this section on the part of either the Members on our side or the Members of the other body, as I recall.

Mr. MYERS of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Speaker, I would like to ask the chairman of the committee if the House or the Committee on the Judiciary has in fact discussed this subject in regard to other unrelated bills or bills specifically unrelated to LEAA. Has the pulse of the House been felt on this particular item?

Mr. RODINO. Well, not the consensus of the House, but the matter has been under discussion by one of our subcommittees. The subcommittee which has oversight jurisdiction has had this matter of the FBI Director's office under considerable discussion.

I see no objection there. I think this is in keeping with all of the matters that seem to have been considered. I think it certainly would not meet with any objection; as a matter of fact, it meets with their wholehearted approval.

However, when the gentleman asks whether or not we took this particular item up and considered it, I must say we did not. I saw no necessity for it, in view of the many discussions that had taken place and the oversight that has been conducted by the Subcommittee on Civil and Constitutional Rights. The chairman of that subcommittee, the gentleman from California (Mr. EDWARDS), served on the conference committee, and he has wholeheartedly gone along with this.

Mr. McCLORY. Mr. Speaker, I agree with the chairman of the committee. I think we have discussed this informally, but not in a formal manner.

Mr. RODINO. That is correct.

Mr. McCLORY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS), a member of the conference committee.

Mr. WIGGINS. Mr. Speaker, I rise in general support of the conference report.

A conference is, by definition, a time for compromise. It is unrealistic to expect that all positions which were supported by the House and in which I believe strongly would without exception be adopted in the conference. The House has surrendered on several positions which I deem to be rather important.

I think it is unfortunate, Mr. Speaker, that we have further categorized the LEAA program with respect to judicial planning and judicial grants. This is a rather important change from the House bill. However, in the spirit of compromise, I am satisfied that the House conferees were justified in accepting this Senate language.

With respect to the FBI Director, as I understand the law, the language in this conference report is somewhat misleading and perhaps even illusory. So long as the FBI Director remain an official within the executive branch of Government, the President retains the right to discharge that FBI Director at his will, notwithstanding the fact that he may have been appointed and confirmed by the Senate for a fixed term. I do not believe there is any dispute as to the accuracy of my understanding of the law. If the gentleman from South Carolina (Mr. MANN) agrees, I will ask him to express his agreement.

Mr. MANN. Mr. Speaker, if the gentleman will yield, I concur with that interpretation.

Mr. WIGGINS. In addition, of course, to the President's power to discharge for whatever cause he deems appropriate, the Director, notwithstanding the fact that the term is fixed, would obviously be subject to impeachment, or he may resign.

Mr. Speaker, I urge a favorable vote on the conference report.

Mr. McCLORY. Mr. Speaker, I have no further requests for time.

Mr. MANN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. MAZZOLI).

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

Mr. MAZZOLI. Mr. Speaker, I rise in support of the conference report.

It was a pleasure to have served on the conference committee. I think the chairman of the committee, the gentleman from New Jersey (Mr. RODINO), and the chairman of the subcommittee, the gentleman from Michigan (Mr. CONYERS), returned a very good conference report, and I urge the Members of the House to support it.

Mr. CONYERS. Mr. Speaker, my conscience compels me to inform my colleagues in the House that I cannot support the agreement reached by the conferees on S. 2212, reauthorizing the Law Enforcement Assistance Administration. It was with the greatest reluctance that I withheld my signature from the report and it is with the same reluctance that I must oppose its adoption.

I must make clear to my colleagues that I do not oppose Federal assistance to States and units of general local government for the dual purposes of reducing crime and improving the administration of criminal justice, either in theory or in practice—far from it. Since I became a member of the Judiciary Committee, I have supported this concept enthusiastically in many forms, including the reauthorization of the agency in 1973. Furthermore, I believe that the agreement reached by the conferees reflects an honest attempt by both bodies

to remedy deficiencies in past administration of the program and improve its prospects for future success. Meaningful participation by citizens and communities in the war on crime is closer to reality than ever before because the committee and this House insisted upon the creation by law of an Office of Community Anticrime Programs within LEAA and a separate authorization of appropriations for funds for such programs to reinforce that expression of congressional intent; the other body has acceded to the merit of this proposition.

A lack of Federal leadership in enforcing civil rights laws against grantees who violate their agreements not to discriminate prompted the committee and this House to adopt comprehensive enforcement guidelines to prevent such abuses from reoccurring; the other body realized as well that the time has come for such provisions. These are but two significant examples of areas where both bodies have demonstrated a willingness to learn from the lessons of the past 8 years and to act to assure the eventual success of this program.

What troubles me—what prompts my present dissatisfaction—is that, for a second time, this change of attitude about the direction and goals of the most significant anticrime program ever conceived at the Federal level has fallen prey to other, short-sighted considerations. In 1973, the Judiciary Committee recommended an extension of LEAA for no more than 2 years, rejecting proposals for a 5-year extension which the chairman, the gentleman from New Jersey (Mr. RODINO), characterized as inconsistent with the need for "continuing and vigilant congressional oversight" of the program. As the distinguished gentleman said, the limitation of authorization for no more than 2 years would promote:

Continuing and vigilant congressional oversight [which] was necessary to insure the program's accountability, and to allow for periodic reappraisals of our fight against crime. A five-year authorization would not be consistent with that responsibility.

I agreed with my chairman:

I support the committe's bill as a distinct improvement over the present law. Moreover, the bill would require the Law Enforcement Assistance Administration to return for additional authorizations for fiscal year 1976 and thereafter, thereby insuring to the committee an automatic opportunity to make a thorough review of the progress made under the revised law in the next 2 years.

This House agreed as well, sending the 2-year reauthorization bill to conference by a vote of 391 to 0. Our conferees—myself included—returned with a 3-year compromise, fairly satisfied that the committee's objectives and this body's endorsement of them had been served.

As the steward of the commitment to "continuing and vigilant congressional oversight," I quickly discovered that the voices of discontent over the administration's execution of its responsibilities, which were responsible for the 1973 rejection of an extended reauthorization, had grown in number and force. The General Accounting Office found that, in the interim, a lack of comprehensive evaluation policies and guidelines had compounded the absence of direction and continuity uncovered in 1973.

Minority and female police officers pointed to a sorry record of civil rights enforcement on the part of LEAA, to the point where little improvement had been realized despite clear direction from the Congress 3 years ago—a conclusion affirmed by the U.S. Commission on Civil Rights. Counties, communities, and citizens complained of changing LEAA procedures, priorities and even previous commitments which effectively foreclosed opportunities for participation. Judges and court officials spoke of virtual exclusion from active planning and policy roles at the local and State levels and indifference on the part of LEAA itself to redress those grievances.

More to the point, Mr. Speaker, two independent evaluating agencies were so dissatisfied with the administration's performance toward fulfilling title I's dual mandate that one recommended total abolition of the agency and the other, reauthorization for no more than 1 year under intense congressional scrutiny in lieu of abolition. The Center for National Security Studies was unequivocal in its recommendation:

Congress should repeal Title I of the Safe Streets Act. LEAA is unclear as to its mission, and, what it has attempted, it has done poorly. Termination of the program will not cause injury to individuals, as occurs when other such social programs, such as welfare, Medicaid, or the school lunch program are reduced or terminated.

The report of the Twentieth Century Fund was no less emphatic:

The administration has proposed that LEAA be authorized in 1976 for five years at a budget of $1.3 billion per year. *The Task Force opposes five-year authorization at this time without a thorough restructuring of LEAA to eliminate its serious problems and weaknesses.*

* * * * * *

If LEAA and its program are restructured, Congress should carefully monitor the operations of the federal agency and review the findings of its evaluations of state and local programs. *If the agency is not restructured, then this Task Force urges only a one- or two-year authorization, a cutback in the proposed level of authorization, and a thorough congressional investigation of LEAA.* [Emphasis in original.]

Hearing and heeding these dissident voices, the subcommittee reported and the full Judiciary Committee adopted a 1-year extension with an authorization of appropriations at the same level as appropriated for fiscal 1976. Amendments to broaden the extension and increase the appropriations authorization were soundly defeated.

Dissatisfaction with the agency's performance among the Members of this body was even more apparent. On June 18, the House approved a fiscal 1977 appropriation of $753 million—$127 million less than last year—by a vote of 208 to 9. During its consideration of the committee's reauthorization bill on August 31, an amendment to extend the reauthorization to 3 years was rejected by better than 2-to-1—119 to 268.

By its actions, then, this House served notice upon the Law Enforcement Assistance Administration that it is dissatisfied in the extreme with the manner in which it had discharged its responsibilities under title I over the past 3 years and that its continued existence would depend entirely upon its own willingness to improve during a probationary period of 1 additional year.

I respectfully submit that, by agreeing to a 3-year reauthorization at higher authorization-of-appropriations levels, the conference committee failed in its duty to protect and faithfully execute the clearly expressed wishes of this body. For this reason and this reason alone, I must oppose the adoption of House Report 94–1723.

To correct the record, Mr. Speaker, my signature to the body of the conference report itself was not deleted, as it was from the joint explanatory statement of the managers, due to an oversight.

GENERAL LEAVE

Mr. MANN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MANN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

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

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 6, not voting 40, as follows:

[Roll No. 850]

YEAS—384

Abdnor	Blanchard	Chisholm
Abzug	Blouin	Clancy
Adams	Boland	Clausen, Don H.
Addabbo	Bolling	Clawson, Del
Alexander	Bonker	Clay
Allen	Bowen	Cleveland
Ambro	Brademas	Cochran
Anderson, Calif.	Breaux	Cohen
Anderson, Ill.	Brecklinridge	Collins, Ill.
Andrews, N. Dak.	Brinkley	Collins, Tex.
Annunzio	Brodhead	Conable
Archer	Brooks	Conte
Armstrong	Broomfield	Corman
Ashbrook	Brown, Calif.	Cornell
Ashley	Brown, Mich.	Cotter
Aspin	Brown, Ohio	Coughlin
AuCoin	Broyhill	D'Amours
Badillo	Buchanan	Daniel, Dan
Baldus	Burgener	Daniel, R. W.
Baucus	Burke, Calif.	Daniels, N.J.
Bauman	Burke, Fla.	Danielson
Beard, R.I.	Burke, Mass.	Davis
Beard, Tenn.	Burleson, Tex.	de la Garza
Bedell	Burlison, Mo.	Delaney
Bell	Burton, John	Dellums
Bennett	Burton, Phillip	Dent
Bergland	Butler	Derrick
Bevill	Byron	Derwinski
Biaggi	Carney	Devine
Biester	Carr	Dickinson
Bingham	Carter	Diggs
	Cederberg	Dingell
	Chappell	

Dodd	Kindness	Roberts
Downey, N.Y.	Koch	Robinson
Downing, Va.	Krebs	Rodino
Drinan	Krueger	Roe
Duncan, Tenn.	LaFalce	Rogers
du Pont	Lagomarsino	Roncalio
Eckhardt	Latta	Rooney
Edgar	Leggett	Rose
Edwards, Ala.	Lehman	Rosenthal
Edwards, Calif.	Lent	Rostenkowski
Eilberg	Levitas	Roush
Emery	Lloyd, Calif.	Rousselot
English	Lloyd, Tenn.	Roybal
Erlenborn	Long, La.	Runnels
Eshleman	Long, Md.	Ruppe
Evans, Ind.	Lott	Russo
Evins, Tenn.	Lujan	Ryan
Fary	Lundine	St Germain
Fenwick	McClory	Santini
Findley	McCloskey	Sarasin
Fish	McCormack	Sarbanes
Fisher	McDade	Satterfield
Fithian	McFall	Schneebeli
Flood	McHugh	Schroeder
Florio	McKay	Schulze
Flowers	McKinney	Sebelius
Foley	Madden	Seiberling
Ford, Mich.	Madigan	Sharp
Ford, Tenn.	Maguire	Shipley
Forsythe	Mahon	Shriver
Fountain	Mann	Shuster
Fraser	Martin	Sikes
Frenzel	Mathis	Simon
Frey	Mazzoli	Sisk
Fuqua	Meeds	Skubitz
Gaydos	Melcher	Slack
Giaimo	Metcalfe	Smith, Iowa
Gibbons	Mezvinsky	Smith, Nebr.
Gilman	Michel	Snyder
Ginn	Mikva	Solarz
Goldwater	Milford	Spellman
Gonzalez	Miller, Calif.	Spence
Goodling	Miller, Ohio	Staggers
Gradison	Mills	Stanton,
Grassley	Mineta	J. William
Gude	Minish	Stanton,
Guyer	Mitchell, Md.	James V.
Hagedorn	Mitchell, N.Y.	Stark
Haley	Moakley	Steed
Hall, Ill.	Moffett	Steiger, Wis.
Hamilton	Montgomery	Stokes
Hammer-	Moore	Stratton
schmidt	Moorhead,	Studds
Hanley	Calif.	Sullivan
Hannaford	Moorhead, Pa.	Symington
Harkin	Morgan	Talcott
Harrington	Mosher	Taylor, Mo.
Harris	Mottl	Taylor, N.C.
Harsha	Murphy, Ill.	Teague
Hawkins	Murphy, N.Y.	Thompson
Hayes, Ind.	Murtha	Thone
Hechler, W. Va.	Myers, Ind.	Thornton
Heckler, Mass.	Myers, Pa.	Traxler
Hefner	Natcher	Treen
Helstoski	Neal	Tsongas
Henderson	Nedzi	Udall
Hicks	Nichols	Ullman
Hightower	Nolan	Van Deerlin
Hillis	Nowak	Vander Jagt
Holt	Oberstar	Vander Veen
Holtzman	Obey	Vanik
Howard	O'Brien	Vigorito
Hubbard	O'Hara	Waggonner
Hughes	O'Neill	Walsh
Hungate	Ottinger	Wampler
Hutchinson	Patten, N.J.	Waxman
Hyde	Patterson,	Weaver
Ichord	Calif.	Whalen
Jacobs	Pattison, N.Y.	White
Jarman	Perkins	Whitehurst
Jeffords	Peyser	Whitten
Jenrette	Pickle	Wiggins
Johnson, Calif.	Pike	Wilson, Bob
Johnson, Colo.	Poage	Winn
Johnson, Pa.	Pressler	Wirth
Jones, Ala.	Preyer	Wolff
Jones, N.C.	Price	Wright
Jones, Okla.	Pritchard	Wydler
Jones, Tenn.	Quie	Wylie
Jordan	Railsback	Yates
Karth	Randall	Yatron
Kasten	Rangel	Young, Alaska
Kastenmeier	Regula	Young, Fla.
Kazen	Reuss	Young, Ga.
Kelly	Rhodes	Young, Tex.
Kemp	Riegle	Zablocki
Ketchum	Rinaldo	Zeferetti
Keys	Risenhoover	

NAYS—6

Crane	Hansen	Paul
Fascell	McDonald	Symms

NOT VOTING—40

Andrews, N.C.	Hinshaw	Pepper
Bafalis	Holland	Pettis
Boggs	Horton	Quillen
Conlan	Howe	Rees
Conyers	Landrum	Richmond
Duncan, Oreg.	McCollister	Scheuer
Early	McEwen	Steelman
Esch	Matsunaga	Steiger, Ariz.
Evans, Colo.	Meyner	Stephens
Flynt	Mink	Stuckey
Green	Mollohan	Wilson, C. H.
Hall, Tex.	Moss	Wilson, Tex.
Hébert	Nix	
Heinz	Passman	

The Clerk announced the following pairs:

On this vote:

Mrs. Boggs for, with Mr. Conyers against.

Until further notice:

Mr. Hébert with Mr. Andrews of North Carolina.

Mr. Green with Mr. Esch.

Mr. Matsunaga with Mr. Heinz.

Mr. Charles H. Wilson of California with Mr. McCollister.

Mr. Pepper with Mr. Rees.

Mr. Holland with Mr. Conlan.

Mr. Duncan of Oregon with Mr. Quillen.

Mr. Moss with Mr. Flynt.

Mr. Nix with Mr. Steiger of Arizona.

Mrs. Meyner with Mr. Horton.

Mrs. Mink with Mr. McEwen.

Mr. Howe with Mr. Hall of Texas.

Mr. Richmond with Mr. Stephens.

Mr. Charles Wilson of Texas with Mr. Landrum.

Mr. Mollohan with Mr. Scheuer.

Mr. Bafalis with Mr. Stuckey.

Mr. Early with Mrs. Pettis.

Mr. Evans of Colorado with Mr. Steelman.

Messrs. WEAVER and DELLUMS changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENATE FLOOR ACTION ON

CONFERENCE BILL S. 2212

No. 150—Part II

United States of America

Congressional Record

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Senate

Crime Control: S. 2212, authorizing funds through fiscal year 1981 for programs of the Law Enforcement Assistance Administration—cleared for the President.

Pages S17319–S17321 (see next issue)

CRIME CONTROL ACT OF 1976— CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on S. 2212, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. STONE). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today.)

Mr. ABOUREZK. Mr. President, may I ask the chairman what that conference report involves? What is the conference report?

Mr. McCLELLAN. An extension of the LEAA Act.

The conference report was signed, Mr. President, on the part of the Senate by all of the members of the conference, with the exception of Senator HART of Michigan, who was unable to attend the conference, and by all but one of the conferees on the part of the House. It has passed the House.

The report recommends that the Senate recede from its disagreement to the amendments of the House to the text of the bill and agree to the same with an amendment.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, on July 26, 1976, the Senate overwhelmingly passed the Crime Control Act of 1976, S. 2212. The principal purpose of the bill was to authorize appropriations for the Law Enforcement Assistance Administration in the next 3 fiscal years. The bill also made a number of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 which were designed to strengthen the LEAA program.

The Senate bill differed significantly from the bill passed by the House. Despite these differences and despite the very strong insistence of the House conferees on provisions of the House bill, I believe we have been successful in preserving the essential character of the Senate bill.

I would like now to review some of the major points in the Senate bill which the Senate conferees were able to insist upon and retain. I would also like to discuss a few of the House provisions which were accepted in conference.

AUTHORIZATIONS AND APPROPRIATIONS

Mr. President the Senate bill authorized appropriations for LEAA of up to $1 billion for the fiscal year 1977 and $1.1 billion for the 4 succeeding fiscal years. The House bill authorized $880 million for fiscal year 1977.

The conference provision authorizes appropriations of $880 million for fiscal year 1977, $800 million for fiscal year 1978, and $800 million for fiscal year 1979. An additional $15 million is authorized and earmarked for community anticrime programs and an additional $10 million is authorized and earmarked for antitrust programs under a new section 309 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

In addition to these authorizations, the Senate bill increased the minimum amount of planning funds available to each State under part B of the LEAA Act to $250,000. The Senate bill specified that $50,000 of these part B funds were to be made available to judicial planning committees in each State.

The appropriations bill for LEAA for fiscal year 1977 has already been enacted into law and LEAA has already distributed a significant amount of these appropriated funds to the States and units of local government. It does not have the funds necessary to provide each State with a minimum of $250,000 and to provide $50,000 to judicial planning committees in each State without supplemental appropriations. It is anticipated that LEAA will discuss this issue with its appropriations committees in an effort to determine the amount of funds that can be obtained for judicial planning committees in this coming fiscal year.

MAINTENANCE OF EFFORT FOR JUVENILE DELINQUENCY

Mr. President, the conferees agreed to a Senate provision which specifies that the administration shall maintain from the LEAA appropriation each fiscal year at least the same level of financial assistance for juvenile delinquency programs as such assistnace bore to total appropriation for the programs funded pursuant to Parts C and E of this title during fiscal year 1972.

The effect of this provision is to require that LEAA assure that of the total appropriated funds for the purpose of implementing the Omnibus Crime Control and Safe Streets Act of 1968, 19.15 per centum be expended for juvenile delinquency programs. The amendment, however, does not specify that LEAA expend exactly 19.15 per centum of each of its budget categories for juvenile delinquency control and prevention.

ANTI-FENCING PROGRAM

The conferees also agreed to a Senate amendment establishing a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. The amendment applies to income from new grants as well as to income from current LEAA grants for such projects.

REGIONAL PLANNING UNITS

The conferees rejected the House amendments which provided that the definition of local elected officials include only elected legislative and executive officials. This provision would have required a restructuring of many regional boards which oversee the LEAA program at the sub-State level. Under section 203 of the LEAA Act, these boards must include a majority of local elected officials. The amendments rejected by the conferees would have prohibited States from counting local elected judges, prosecutors, and sheriffs in determining if regional planning units include a majority of local elected officials.

CIVIL RIGHTS

The conferees agreed to a House amendment which significantly alters the civil rights compliance program now followed by the Law Enforcement Assistance Administration. The House amendment deletes the present section 518(c) of the LEAA Act and substitutes a new procedure which would be applicable to future actions taken by LEAA and by the Attorney General under the LEAA Act.

This act, when enacted, will require the Administrator, each time the Administrator receives actual notice of a finding of noncompliance with the antidiscrimination provisions of the LEAA Act, made by another Federal agency or court, a State agency or a State court, to notify within 10 days of the receipt of the notice the Governer of the noncompliance and ask the Governor to secure compliance. LEAA must also notify the Governor 10 days after it makes its own finding of noncompliance based on a complete and thorough investigation of a matter.

LEAA funds to a particular program or project in which the alleged discrimination occurred must be suspended 90 days after the Governor receives the notice from the Administrator unless, first, unless compliance is secured; and second, a hearing examiner in a preliminary hearing determines that the Governor is likely to prevail at a full hearing on the noncompliance issue.

Funding can resume only when compliance is achieved.

The act will also require LEAA to suspend funds 45 days after the Attorney General files a lawsuit against a recipient of LEAA funds and alleges that the recipient is engaging in a pattern or practice of discriminatory conduct. The suspension will occur unless either the Attorney General or the party sued by the Attorney General has been granted a motion to stay the suspension of the funds.

Finally, Mr. President, the act authorizes private parties to initiate civil actions in Federal or State courts against a State government or unit of local government or any officer or employee thereof acting in an official capacity whenever such government employee or officer has engaged or is engaging in any discriminatory act or practice prohibited by the LEAA Act. This provision is an analogy to title 42, section 1938, United States Code, which authorizes action in Federal court against State or local officials acting under color of law.

SECTION 518(b) AND GOALS AND TIMETABLES

In accepting this new provision, there is no intent to authorize the Administrator of LEAA to impose racial or sexual quotas on recipients of LEAA funds.

Section 518(b) of the act prohibits the setting of quotas. This provision was unchanged, and this provision will still bind the Administration.

LEAA does have an affirmative obligation under this law to seek to eliminate discriminatory practices, voluntarily, if possible, prior to resorting to fund termination. LEAA can request that a recipient eliminate the effect of past discrimination by requiring the recipient to commit itself to goals and timetables. The formulation of goals is not a quota prohibited by section 518(b) of the act. A goal is a numerical objective fixed realistically in terms of the number of vacancies expected and the number of qualified applicants available. Factors such as a lower attrition rate than expected, bona fide fiscal restraints, or a lack of qualified applicants would be acceptable reasons for not meeting a goal that has been established and no sanctions would accrue under the program.

CIVIL DISORDERS

The conferees agreed to the House provision which deleted the special emphasis provided in section 307 of the LEAA Act for funding of riots and other violent disorder programs. The authority to fund such programs, of course, remains in part C of the act. However, the special emphasis to such programs borne out of the riots and disorders of the 1960's is no longer deemed to be warranted.

DEFINITION OF COURTS

The inclusion in the conference report of the term "courts" of tribunals or judicial systems having either criminal or juvenile jurisdiction, as adopted from the House bill, makes it clear that, regardless of the classification of juvenile courts having jurisdiction over juvenile offenders as civil in nature, the conference considers juvenile courts to be an integral part of a State's law enforcement and criminal justice system. As such, I expect that judicial planning committees will include representation of juvenile court interests and that the annual State judicial plan will address the improvement of the State's juvenile court system.

TITLE II

Mr. President, the conferees agreed to title II of the House bill. Title II specifies that no sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for any bureau, agency, or similar subdivision of the Department of Justice "except as specifically authorized by act of Congress with respect to such fiscal year." This exception is intended to apply to LEAA programs which, as I noted above, will be authorized for fiscal years 1977, 1978, and 1979 and the programs of the Office of Juvenile Justice and Delinquency Prevention which are authorized by the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974. The authorization for the Office of Juvenile Justice and Delinquency Prevention expires at the end of fiscal year 1977 and the Senate Judiciary Committee is currently considering legislation to extend the authorization of that program. The limitations imposed by title II thus do not apply to the LEAA program or the program of the LEAA's Office of Juvenile Justice and Delinquency Prevention.

Mr. President, if I may be indulged a personal word, I have watched with great interest and some pride the growth and development of the Law Enforcement Assistance Administration since its inception in 1969.

Because of my retirement from the Senate at the end of my current term, my official interest in this remarkable agency will end, but not my interest as a private citizen concerned with the problem of crime in America.

Because LEAA is a unique agency, it has had its share of attention, along with what seems to me more than its share of criticism. No function of Government should be above criticism, but there is a responsibility on the critics to be informed, accurate, and wherever possible, constructive.

I regret to say that relatively little of the criticism of LEAA has been blessed with those qualities.

To cite a single example: The LEAA program is administered as a block grant system of Federal assistance. It was conceived as a form of special revenue sharing with 85 percent of its action funds going to States and localities to be used as those units of Government determined, free from the redtape and over regulation of categorical grant programs and subject only to the requirement that the activities be consonant with a comprehensive State criminal justice improvement plan.

Too many of those who are opposed to this concept have used LEAA as a whipping boy and have sought to judge it as a categorical grant program.

There have been shortcomings in the program. No one denies it. It is, after all, administered by mortals who are subject to error.

But even in those cases where there was less than full agreement on the use of LEAA funds, my own close study of the matter persuades me that the fault, if any, lies not with LEAA but necessarily with local police, courts, and corrections officials who actually are in

charge of administering and operating the law enforcement activities.

There is no doubt in my mind that the LEAA has already achieved one major accomplishment which no amount of criticism can ever take from it. It has established for the first time in our two centuries of existence as a nation, a true criminal justice system, in which the various components are working together. Criminal justice is akin to a three-legged stool with police, courts, and corrections making up each of its legs. If any one of those legs is weak or missing, the stool will collapse.

So, Mr. President, I expect there will be more discussion of shortcomings during the 3-year life we are granting this agency. But we should look at the whole picture and not strain at the relatively few flaws.

LEAA has unusually competent leadership in Richard Velde, its able Administrator. He has a first-rate staff, many of whom I know personally and with whom I have frequent and searching discussions.

I count it a privilege to have played a major role in the development of the LEAA and shall always regard it as one of the most important achievements of my career in the Senate.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at the proper place a statement on behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY) regarding this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

I am pleased that the House and Senate conferees have reached agreement on a three year extension of the federal LEAA program. Major structural and administrative changes will occur in the program as a result of the agreement reached in conference, and both the chairman of the conference, Mr. Rodino, and the distinguished senior Senator from Arkansas, Mr. McClellan, have my deep thanks and appreciation.

One of the most important changes called for in this LEAA reauthorization bill relates to the courts. During the course of the Senate Subcommittee hearings concerning this legislation, it became apparent that the courts were being shortchanged in terms of input and benefits. This bill hopefully changes all of that. Court related problems are given a funding priority, and statutory provisions guarantee better judicial representation on the state planning agency. Most importantly, the bill calls for the voluntary establishing of judicial planning committees in each state to plan for the needs of State and local courts.

Under this bill, members of such judicial planning committees shall be selected in the overwhelming majority of cases by the court of last resort. The court has complete discretion in selecting the members of this committee, as long as a majority are court officials. Membership may, at the discretion of the court, encompass judges, court administrators, prosecutors and public defenders. This gives the various State courts of last resort sufficient flexibility and leeway to decide how to staff these new committees.

If the court of last resort decides that membership should be limited only to judges and court administrators, the language so provides. The salient fact is that this legislation for the first time gives to the State and local courts a federal vehicle for judicial planning. The extent to which the judiciary wants to open up membership on the judicial planning committee to non-judicial members rests entirely with the judiciary. The other branches of government have no say as to this matter of membership.

I view this legislation as a substantial improvement over current law and urge its prompt enactment.

Mr. BAYH. Will the Senator permit me 1 minute?

Mr. McCLELLAN. Yes.

Mr. ROBERT C. BYRD. My rights are being protected?

The PRESIDING OFFICER. The Senator from West Virginia is correct.

NEED TO FURTHER ASSESS DRUG ABUSE AND CRIME RELATIONSHIP

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency, I am pleased that the conference version of S. 2212 includes provisions that authorize the National Institute on Law Enforcement and Criminal Justice to conduct studies and to undertake programs of research, to determine the relationship between drug abuse and crime. My subcommittee is mandated by the Senate to review and assess Federal drug control statutes and Federal drug control policy and one of the long ignored presumptions of much of the drug control policy is that predatory, revenue-generating crime is the primary source of income for drug abusers. President Ford in his drug message to Congress confidently asserts, as he did again on Monday to the International Association of Chiefs of Police in Miami, that as much as one-half of all street crime is committed by drug addicts to support their habits. Such assumptions, whether valid or not, obviously have broad impact when reflected in executive and legislative policy. There is currently legitimate debate and difference of opinion, however, regarding this particular assumption. In fact, a soon to be released report from the Panel on Drug Use and Criminal Behavior, sponsored by the National Institute on Drug Abuse, reflects grave concern about the veracity of this cornerstone of most Federal drug control policy.

As was the case with "Marihuana: A Signal of Misunderstanding" developed by the "Shafer" Commission on Marijuana and Drug Abuse which was created by our subcommittee amendment in 1970, I am certain that the NIDA "Drug Use and Crime" report will stimulate and enlighten those of us who are responsible for setting Federal drug control policy.

Similarly, the involvement of NIDA with the NILECJ in an effort to further evaluate the relationship between drug abuse and crime as well as the impact of drug treatment on crime, will help assure that the information gap in this vital area of public policy is filled. I am personally encouraged by the thrust of these provisions and will anxiously await the receipt of relevant reports to the Judiciary Committee.

Mr. President, my subcommittee heard important testimony last month on this new NIDA "Drug Use and Crime" report from the head of the panel, Dr. Robert Shellow, and I ask unanimous consent that his statement and a thoughtful article on the panel's assessment by Ms. Susan Fogg be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT SHELLOW, VISITING SCIENTIST, NATIONAL INSTITUTE ON DRUG ABUSE, TO THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, OF THE COMMITTEE OF THE JUDICIARY, U.S. SENATE, AUGUST 5, 1976

Without question, crime and drug abuse are major problems in the United States. Both the numbers and rates of crime are rising. Illicit drug use is widespread. The belief that a large share of crime is caused by illicit drug use underlies many of the policies and strategies geared to reducing crime. However, this belief is based more on the logic of conventional wisdom than on a careful scrutiny of hard evidence. To evaluate current policy on drug abuse and crime and to develop more effective policy in the future, we need facts, not assumptions or suspicions. From the point of view of social management, research serves two distinct and important functions: To develop knowledge so as to inform policy decisions, and to evaluate policy alternatives both before and after those decisions have been made.

Last October the National Institute on Drug Abuse convened a panel on Drug Use and Criminal Behavior. The membership consisted of 23 experts (15 from outside of government and eight from within) drawn from the fields of economics, law, political science, psychology, sociology, statistics, and systems analysis. The spectrum of substantive expertise covered drug-crime research, measurement of criminality, program evaluation, policy development, evaluation and implementation. Panel members represented academic and research organizations, local programs, federal executive agencies, and congressional committees with responsibility for either national crime or drug policy. Individual panel members, sub-panels along with the group as a whole, generated state-of-the-art positions on the drug-crime relationship and identified what further work is needed to firm up our understanding of that complicated matter. It is the purpose of the report of that Panel to suggest a direction for further research into drug abuse and criminal behavior, a direction which will fulfill both of these functions.

The state of the art reviews included in this report should be considered as a beginning attempt (1) to find out what we really know about the relationship between criminal behavior and drug use, (2) to identify what we still need to know, and (3) to recommend ways to secure the knowledge we need. The report itself, with its appendix of specially selected or commissioned studies, constitutes the work of the Panel on Drug Use and Criminal Behavior in pursuing these goals.

It might well be asked how any examination of the effects of drugs could possibly exclude alcohol as a drug. It is without question the most popular of consciousness altering and abused substances in our society. Its use is also intimately associated with criminal behavior, the very reason for the widespread alarm over dependency on other drugs. Unfortunately, governmental responsibility for social problems tends to be arbitrarily assigned in a categorical fashion—with the territory of drug abuse, at least for the moment, not to encompass the broad domain of alcohol. Interestingly little research has been devoted to the role alcohol use, alcoholism (addiction) or alcohol intoxication plays in the generation of criminal acts. There is no question that the role is a sizable one, different from other drugs, but perhaps greater in its impact. We catch a glimpse of what the

relative contribution of alcohol to crime might be in the recent Law Enforcement Assistance Administration survey of prisoners in state correctional facilities. Sixty-five percent claimed to be under the influence of some substance at the time they committed their offense, but it was almost 2 to 1, alcohol to other drugs (Barton). For these reasons, we must regard the work of the NIDA Panel on Drug Use and Criminal Behavior to be only part of what the full effort should be; the remainder perhaps commissioned at a later time by Nida's sister institute, the National Institute on Alcohol Abuse and Alcoholism. It is with grave reservations that we have omitted alcohol's contribution to crime.

As for the relationship between the use of other drugs and crime, the problem is partly a conceptual one. One way of putting it is: what would happen to crime rates in the United States if by some miracle the drug problem were to be eliminated? More realistically: what would happen to those rates if the supply of expensive drugs were effectively interrupted or if demand for those drugs were significantly reduced, or both? If we were to attempt an answer to either of those questions at the moment, we would have to rely on a very limited data base plus a series of unsubstantiated assumptions. Currently available studies, more often than not, are limited to a particular subgroup of the population, a single geographic area, possess some crucial methodological weakness, or in no way can be made comparable to other studies.

Consequently, in the absence of convincing data, the major assumptions underlying policy, as articulated in the recent White Paper on Drug Abuse (1975), are open to serious debate. Several key assumptions are as follows:

As supply is curtailed, street price and hence habit costs increase, thus driving regular users into treatment or alternatives in the form of other drugs. Marginal users are discouraged from entering the market. High price drives people out and prevents people from coming in. On the other side, as treatment becomes more available it attracts those who find it difficult to maintain their habits or who wish to overcome or reduce their addiction for other reasons. Furthermore, treatment may remove users permanently from the market since treatment may come at a critical time, often described as the time a user hits "rock bottom," with increased likelihood that lasting changes may be effected. Simultaneously curtailing supply and making treatment more available is assumed to produce an augmented effect.

Since its early sessions the panel has been struggling to test the validity of those very assumptions and the line of reasoning which flows from them. But before discussing the three crime-drug issues, which we might label (1) causality, the effects of (2) treatment and (3) supply reduction, we'd like to offer some definitions of drug-related crime, definitions which we believe are essential to understanding our line of thought.

To date we have considered four types of crime:

The first type is criminal behavior which is directly and primarily attributable to taking a particular drug. One aspect of this type of criminality would include any behavior which is directly patterned as a specific pharmacological effect of a substance. Although most researchers agree that there is no "robbery capsule' or "assault discette," we mention this category because some people still believe drugs can act in this way. It's not very far removed from the Anslinger era contention that marihuana leads directly and irreversibly to "reefer madness" and even to axe murders.

There is little evidence that any widely used substance produecs such highly patterned criminal behavior. General reactions, yes! Amphetamines may produce a state of general agitation in which assault on another may become more likely; and high dosages of hallucinogens may engender suspiciousness to the point of precipitating violent acts. But these are much closer to another aspect of this type of criminal behavior, namely behavior which is a direct consequence of being intoxicated with a substance. Judgment may be effected, so also coordination and emotion, but in a generalized way similar to the highly personal and conditional effects of alcohol and may similarly result in a number of individual or situation specific behaviors such as traffic offenses, aggravated assaults, or negligent homicide and other forms of violent person-directed offenses. However, isolating even these general patterns of behavior is difficult when drugs are used in combination or with alcohol (Preble & Miller, 1976).

The second type consists of the drug-defined crimes: possession, trafficking or sharing the same space as persons engaging in same. Despite their high volume, these "crimes" are not the ones that worry the panel the most because they are not crimes against property or other persons. Their importance lies primarily in serving as an indicator of the acceptance or rejection of specific legal sanctions dealing with prohibited substances.

The third type consists of criminal acts carried out in the service of maintaining drug distribution channels or networks, and insuring an uninterrupted flow of goods to wholesale and retail markets. Such crimes include hijacking, piracy, arms thefts, and bribery of public officials. Unfortunately the full scope of these crimes remains largely unknown. Information on distribution networks is ordinarily developed by law enforcement investigators who gather evidence, not at all for scientific purposes, but for the indictment and conviction of individuals as a means for curtailing supply. Though their methods may be akin to the social scientists', the criminal investigators' information is narrowly selective and confidential. It is rarely available to the scientist. Few scientists choose to gather their own data of this sort, exposing themselves to the risks but not enjoying the protections afforded law enforcement officers.

Finally, the fourth type embraces those crimes that the panel, the policy-makers, and the general public are most concerned about. They are the income generating crimes that drug users commit, both against persons and property, in order to support their personal habits. It is seen most often in people who must maintain habits involving expensive drugs, almost exclusively now the addictive narcotics. Indeed, in attempts to estimate the social costs of drug abuse, the greatest weight is given to addict crimes. In one such exercise, such crimes accounted for six of the estimated 10 billion dollars social cost of drug abuse (A D. Little, 1974 & Johns Hopkins, 1975).

Now back to the issues of casuality and the effects of treatment and supply reduction. In discussing the various aspects of the crime-drug problem, we really are talking about heroin as the drug and property offenses as the crime. For the moment this serves as the most useful model—and will most probably continue to do so until some other drug becomes so widely used and expensive to purchase as to require large amounts of cash for habit support. Whether attacking crime by reducing drug supply, drug demand and drug abuse makes sense depends on the degree to which drug abuse actually drives crime rates.

There is no question that drug abuse, most particularly heroin addiction, is statistically associated with crime. Known addicts or drug abusers commit or have committed a large amount of crime, particularly property crime. How much crime they commit is open to conjecture. There are lots of answers offered mostly in the press and to some extent in the scientific literature. There seems to be a permanent open season on estimating the amount of property crime addicts commit. Though a number of police administrators have come up with estimates between 30% and 70% (Pomeroy, 1974), it is not clear where they get their figures.

One source, of course, are the tallies of heroin users or addicts on arrest dockets or in jail. Kozel, DuPont and Brown (1972) identified 45% of a sample of those arrested in Washington in 1969 as heroin users. Forty-seven percent were identified in 1971 and 22% in 1973, (Bass, Brock & DuPont, 1976). But Washington may not be typical. The 1971 Eckerman, et al. study of central jail intakes in six cities revealed that 60% of all property crime arrests in New York involved current heroin users. However, the percentages of heroin users among arrested property offenders in St. Louis, New Orleans, Chicago, San Antonio and Los Angeles ranged only from 20-25%. A more recent study in Miami in 1974 by McBride (1976) yielded a 19% rate of current opiate use by those arrested for property offenses. These figures indicate considerable intercity variability. The differences were even more dramatic for the quite serious offense of robbery, ranging from 80% in New York to only 17% in St. Louis in the 1971 Eckerman study. A recent LEAA survey of 10,000 inmates in state correctional facilities (Barton, 1976) found 13% to have used heroin at the time of the arrest leading to the current incarceration.

Head counts of heroin users in jails and prisons, therefore, give us about the same range—13%-60%—as seat of the pants guesses by police administrators—30%-70%. Neither approach is very helpful in coming up with a single number, but perhaps to do so would be inappropriate, if not misleading.

The reason is that there will always be problems of accepting estimates based on data from the criminal justice system. In this instance, the problem lies in the fact that we know that less than 20% of all known property crimes are closed by arrest (Crime in the United States, 1974). Many of the locked up heroin users in the cities mentioned earlier came from that 20%. Whether the remaining 80% of all property crimes were committed by drug users in the same proportion as they appear on the arrest dockets is a problem which cannot be easily dealt with by making assumptions. Those who are arrested or jailed are not likely to be a random or representative sample of everyone committing property crimes. It may be that high percentages of addicts appearing in the criminal justice apparatus may simply mean that heroin addiction is dangerous to one's freedom. That is, it may affect one's criminal competence. Addicts may also be more visible to authorities and more easily caught. Conversely, the habit may disproportionately attract the criminally inept. James (1976) provides some corroboration in reporting that prostitutes with fewer arrests generally score higher on measures of competence and ability than their more frequently arrested colleagues.

As long as these hypotheses cannot be discarded, estimates of drug-induced crime based on arrest or prisoner data must remain suspect.

There is, however, a way of using this arrest or imprisonment information; but it requires some additional research, heretofore not attempted. Take, for example, the arrest studies. If drug users are more likely to get arrested than their non-using fellow criminals, the proportion of them in the arrested population will *overestimate* the drug-users' share of all crime. If they are less likely to get arrested, the arrest data will produce underestimates. To get beyond the limitations of arrest data we need to very carefully carry out a research program in which a population of both drug-using and non-drug using criminals are repeatedly inter-

viewed throughout their careers on the street. This sensitive research must be able to determine the rate of crimes committed to each arrest for every practicing criminal in the sample. It is only in this way that the arrest data, on which we have spent so much frustrating research effort over the years, will be given real meaning and utility. The same would hold for conviction and incarceration data.

There is a similar problem in extrapolating from studies of criminal behavior of drug abusers in treatment. The DARP Data (Sells, 1974) shows that 80% had been arrested prior to entering treatment. Almost 60% had been convicted or served time before treatment, and over one-third reported illegal income as their major source of support in the two months prior to enrollment in treatment. Nash's look at 34 New Jersey programs came up with pre-treatment arrest histories for 70% of clients in drug-free programs and 80% in methadone maintenance. Again the question comes up as to how well those in treatment reflect the entire population of users and addicts.

Granting that there is a statistical relationship between drug abuse and crime, though its magnitude must still be considered elusive, the question now arises as to what is the casual relationship between the two. Is drug abuse a principle cause of crime? Attempts to answer this question have for the most part followed the line of determining whether drug abusers engage in more criminal activities following initiation of drug abuse as opposed to before.

Results of previous studies on this issue are well summarized by Greenberg and Adler (1973). They point out that since 1950 those who end up regularly using heroin were in fact committing crimes and being caught before they started on the drug. Once addicted, however, their criminal involvement became intensified.

The panel, however, felt that some key issues were overlooked in this line of inquiry. They have now rephrased the question to red, "How are changes in *patterns* of drug use related to changes in *patterns* of criminality?" or more specifically, "At what level of drug use does an individual need to engage in crime as a major source of income to support drug use?"

We don't, at present, have the answer to that question, though there is some early evidence that drug use, and perhaps addiction itself, occur episodically (Robins, 1974; Winick, 1974; Waldorf, 1970; Nurco, 1975). The panel is presently carrying out analyses on several data sets to determine whether type and amount of crime differ within and between episodes of drug abuse. However, few researchers have collected data in a way that permits a clear examination of this episodic relationship.

Other possible alternative explanation must be considered. Unemployment or law enforcement emphasis certainly could be factors having a substantial impact on both drug abuse and crime. But the relative impact of all of these factors will have to be traced out through fairly sophisticated analytic techniques, not as yet applied to reliable data in the drug-crime area.

In many ways the answer to one of the fundamental questions facing policy-makers hinges on the outcome of such analyses. What proportion of all crime, principally property crime, can be attributed specifically to the financial requirements of drug habits? So much for how far we've come on the question of causality. Now let's look at the next question: Do treatment programs reduce the criminality of participants? Here, a somewhat consistent picture seems to be emerging. Illegal income generating activity and involvement with the law (arrests, convictions, imprisonment) drop off dramatically once somebody enters treatment whether it be methadone maintenance or a drug free program.

In his study of 17 New Jersey treatment programs, Nash found one-fourth of those in drug free and one-third in methadone maintenance were arrested within 17 months of starting treatment. In another study, Long and Demaree (1974) followed almost 3,500 outpatients in 31 DARP programs throughout the nation for up to 12 months. About 7% were arrested within the first six months of treatment. If we stop right there, it looks pretty good; even very good.

However, longer follow-up studies show a less dramatic effect. A recent TCU study selected a sample of 1853 former DARP clients and interviewed them up to six years following termination of treatment. By that time about one-fifth claimed that most of their income was coming from illegal sources. Almost 50% had actually spent time in jail since starting treatment. Nash too extended his study of over 34 New Jersey programs with arrest record checks occurring 20–22 months after enrollment. In the additional three to five months since the first New Jersey follow-up, the arrest figure moved from 33 up to 40%.

We feel that the most plausible interpretation of these results from diverse studies is that involvement with the criminal justice system, and possibly involvement in criminal behavior itself, doesn't entirely disappear but gets suppressed while in treatment. Actually official arrest records and DARP follow-ups are likely to underestimate criminality, both during and after treatment. As time goes on, criminality begins to return to pre-treatment levels, especially after treatment stops.

We do feel, however, that it is important to remind ourselves that heroin addiction appears to intensify already established patterns of criminal behavior. If we can accept this, it then becomes clear that treatment programs, as they are presently constituted, cannot realistically be expected to eliminate criminal behavior. We might, however, expect a reduction in criminal behavior over the short run. That is, treatment may impede an accelerating trend in criminality; a trend which would have continued had it not been checked by some form of intervention, and that may be worth the investment. In the long run, save for those who may "mature-out" of both drugs and crime, criminally may never drop below the pre-addiction level.

One way to get at the ability of treatment to check user crime is to compare persons in treatment with similar individuals accepted for treatment, but unable to follow through on it, or with a criminal-user group not in contact with treatment programs. The very limited data along these lines suggests the need for more well designed evaluation or quasi-experimental studies addressing these issues. An opportunity for doing so has been presented in LEAA's recent decision to evaluate its TASC (Treatment Alternatives to Street Crime) program.

The important thing to keep in mind is that treatment rather than consisting of a single regimen, comes in many forms and serves a wide array of clients many of whom have precious little in common with each other. For this reason real changes in the criminal behavior of some clients might well become buried, especially if the nature of the treatment, voluntary versus coerced for example, or of the clients themselves, highly criminal or marginally so, have not been taken into account.

Now let's turn to the supply side. Here, the impact of rising prices on consumption is the central question; both in terms of individual consumption and the recruitment of new consumers. It is not at all clear that gradually rising prices are inevitably accompanied by a decrease in consumption. Indeed, street ethnographers like Preble tell us that like everything else in an inflationary economy, the consumer appears to absorb gradual increases without balking and perhaps without even noticing. Dramatic and exorbitant jumps in price, however, may very well begin to empty the marketplace or force consumers to use available substitutes. Regular buyers may have to forego their use, while would-be recruits are discouraged away from experimentation. Recreational chippers may be least effected, as they pay the stiff prices for a one-shot party. Curtailment efforts which are only half-effective may produce entirely different results; possibly sharp prices but not so sharp as to reduce consumption. Just how these market mechanisms actually do work at the street level needs to be much more thoroughly studied first hand; not implied from easily obtained aggregated data. Such research must have major importance relative to federal enforcement policy and demand reduction strategies.

Despite the couple of hundred studies in the crime-drug area, the field lacks coherence and badly needs an overall program design. In the course of developing its state-of-the-art summaries, the panel was continually impressed by how little we acually know. There is no question that we lack specifically focused research in all three areas: the extent of the drug use-crime association, the impact of drug treatment on criminality, and the actual market behavior of drug consumers.

With regard to the first, three research strategies should be employed. First, we need to find out more about the drug-related criminal behavior of untreated drug users and the drug use of undetected criminals. Second, we need better data on the types and amounts of crime during different episodes of drug use. Nurco's limited study of registered Baltimore addicts is one of the few studies with reliable data of this kind. Finally, we must encourage researchers to employ more sophisticated analytic techniques to assess the impact of drug abuse on crime relative to other factors such as unemployment, social environment, law enforcement, etc. Brenner's proposed aggregate analysis of drug use, crime, and unemployment represents this approach.

In the area of treatment, we need more follow-up studies and studies designed to assess the impact of treatment on criminality. The DARP and Nash studies are two of the few long-term follow-up studies investigating post-treatment criminality. One of the key elements of treatment studies should be an estimate of the extent of criminality that would have occurred in the absence of treatment. Control group and quasi-experimental designs are mandatory for such an effort. The New Haven treatment study was one of the few that included a control group (Kleber, Harford).

Finally, so little is known about the nature of the consumer behavior of drug users that we may still be operating on insights Preble and Casey gave us almost 10 years ago; basing our social cost estimates and even our supply curtailment strategies on possibly obsolete formulations. What is known is based on ethnographic studies of particuar neighborhoods. Although such data appears to be of high quality, thus providing compelling insights it localness makes it difficult to generalize to the country as a whole. To overcome this limitation, we would propose a loose confederation of field workers in 10–12 major cities who would collect similar data on drug consumption behavior directly from street users. This could be compared to market behavior surveys of arrestees and

treatment patients. In this way we could develop better data on the price of particular drugs, the switching of drug preferences and the reactions to changes in price or availability. Only with this improved data will the power of sophisticated econometric techniques, as displayed in the Goldman study of Phoenix House clients and the Public Research Institute's Detroit Study, be fully realized.

Before concluding, however, it is important to put this attempt on the part of the Panel into proper perspective. To date, very little of the federal research effort has gone into answering questions or testing beliefs regarding the role drug use plays in criminal activity. Since 1972, less than 1 percent of all federal drug abuse dollars have been directed towards this vital policy-related issue. For this reason the Panel was faced with constructing state of the art summaries built on a rather spare substructure. It is no wonder that the Panel concludes that there is a pressing need for for research. It does so, but because it chose to duck the responsibility for deriving policy implications from previous research; but because, in many instances, that previous research did not permit the Panel to draw valid conclusions. To make more than was warranted of what little it had was judged by the Panel to be irresponsible. Consequently, what I sketched out earlier constitutes the Panel's best effort at doing what it could with what it had in hand.

[From the Boston Evening Globe, Aug. 31, 1976]

UNITED STATES STUDY FINDS NO SUPPORTIVE EVIDENCE—HEROIN-CRIME TIE CHALLENGE

(By Susan Fogg)

(The assumption that crime—predatory, revenue-generating crime—is the primary source of income for drug abusers, was found to be questionable.)

WASHINGTON.—A report that challenges a fundamental underpinning of national drug abuse policy—that heroin addiction leads to crime—is in the final drafting stages at the National Institute of Drug Abuse (NIDA).

A preliminary copy of the NIDA report prepared ever eight months by a 23-member panel of experts on drug abuse and crime, is due to be published in late September or October.

Despite the almost unquestioned conventional wisdom that assumes drug abusers are forced into a life of crime to support their narcotics habits, the report found no conclusive evidence to support the drug-crime connection.

The accepted idea that heroin is, in the words of former President Richard Nixon, "public enemy number one . . . breeding lawlessness, violence and death," is based on a number of faulty notions about the behavior of drug users and criminals, the report found.

The report focused mainly on heroin and what it termed income-generating, predatory crimes against persons and property—larceny, burglary, and robbery. Criminal behavior such as gambling, prostitution and trafficking in illicit drugs—while sources of income for drug users—were not treated in depth in the report.

The report noted that in 1975, Federal drug abuse officials estimated there was $6.3 billion in heroin-related property crimes. The assumption of an enormous social cost of drug abuse is the rationale behind current drug abuse policy, the report said.

Law enforcement agencies try to cut the supply of heroin at every level, from street-corner distributors to international smugglers, in an effort to force users into treatment.

Such a policy makes several assumptions about the behavior of drug users.

One is that the demand for heroin is inelastic—that users cannot cut down on their habit or turn to alternatives such as methadone, barbiturates or alcohol. The report found that, in fact, drug users go through periods of voluntary or involuntary abstinence and that they find alternatives to heroin when it is scarce. In at least some areas, users have come to regard methadone, rather than heroin, as the drug of choice.

The assumption that crime—predatory, revenue-generating crime—is the primary source of income for drug abusers, was found to be questionable.

What the report found is that based on the available evidence up to 50 percent of drug habit income comes from distribution and sale of drugs on the streets

A significant number of users are employed at levels comparable to non-users of the same social, economic, age and racial status, the report said.

It may be a general need for income, rather than the need of money to buy drugs, that lies behind the criminal behavior of those users who commit crimes against persons and property, the report said.

In fact the causal relationship may be the other way around; Criminality may in fact lead to drug use, as the successful criminal begins to use drugs as a luxury or status symbol, the report said.

The report found that only 20 percent of those arrested for the three pertinent categories of theft have a history of drug use, and called for studies to compare the criminal motives of users and non-users.

Dr. Robert Shellow, head of the NIDA panel that produced the report, said that heroin use "may be hazardous to freedom," because addicts are more likely to have come into contact with the police before—through narcotics busts, for example—and therefore are more likely to be picked up as suspects for other crimes.

Prevention has been the most neglected aspect of drug programs, Shellow said.

Jobs for 18- to 25-year-old, inner city males are the key to a prevention program, he said. With unemployment rates among these youths running at 61 percent, according to the Labor Department's Bureau of Labor Statistics, there is little to offset the temptation "to engage in dangerous and disturbing behavior, namely crime and narcotics addiction," Shellow said.

"People keep going after the programs, not the causes of the problems," he said. "They want more money for treatment programs and law enforcement, stiffer penalties and mandatory sentences.

"What's needed are jobs, and not just any old jobs. We've never had a real youth employment program in this country—a massive program of meaningful youth employment."

Without it, Shellow said, criminal behavior and drug abuse among inner city youth is not going to decline with the passing of the 1950s baby boom, as some social scientists have assumed, because in urban ghettos the youth population will continue to grow for years.

The report said that most treatment programs for drug abusers have as one of their goals elimination of the criminal behavior of their clients through elimination of the need to commit crimes to acquire drugs.

But the effectiveness of this strategy can be challenged on several grounds, the report found. For example, only about half of those entering treatment programs have a history of criminal behavior, the report said.

Studies of users who have left treatment programs suggest strongly that criminal behavior is suppressed among user-criminals while they are being treated, but recurs after they leave the programs.

The one factor that has been associated with successful rehabilitation of treatment program clients—both those who only used drugs and those who also engaged in crime—has been holding a job, the report said. However, vocational rehabilitation and job placement services are a feature of only a limited number of treatment programs.

To clarify the association between drugs and crime, the report called for a major research program into the behavior of drug users and criminals.

The actual cost of a daily habit should be determined, assessing it according to the actual money spent by users to purchase drugs, rather than estimating it, the report said. This is necessary because of evidence that users may be given drugs in exchange for serving in a distribution network, and that users share drugs with friends.

The price of drugs should be determined by what users, rather than undercover agents, pay for the drugs, the report said.

Through the use of professional street researchers who establish close, personal and confidential rapport with drug users, it should be possible to gauge the extent of crime committed by users, the report said.

The researchers could also determine the impact of drug policies—on both the enforcement and treatment sides—on the drug-taking and criminal behavior of users.

The report recommended that other factors—unemployment, availability or treatment and social programs, health, welfare, housing, education and job training—be assessed for their influence on drug use and crime rates, in addition to the impact of the supply of heroin.

The report recommended that a limited, experimental heroin maintenance program be established to find out whether a legal source of the drug would have beneficial effects—in drawing users into treatment who spurn methadone maintenance programs, and in reducing criminal activities of users.

The report also recommended that the reasons for the episodic nature of both drug use and criminal behavior be explored to find out what motivates individuals to give up these activities, at least for brief periods.

Shellow is a psychologist whose expertise lies in the field of criminology. He is currently on leave from Carnegie-Mellon University of Pittsburgh.

Mr. BAYH. Mr. President, as one of those involved in one of the substantive amendments which was accepted on the floor, I thank the chairman and the other conferees for the diligent way in which they fought for and sustained the Senate position on the juvenile justice portion of that bill. I know it was a tough one. My friend from Arkansas was not in complete agreement, nor was my friend from Nebraska, but they sustained

the Senate position. I want to tell them how much I appreciate it.

Mr. McCLELLAN. I thank the distinguished Senator.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. McCLELLAN. I move to reconsider the vote by which the conference report was adopted.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair continue to protect my rights.

INDIVIDUAL VIEWS OF MEMBERS OF CONGRESS

By Mr. KENNEDY (for himself, Mr. RIBICOFF, Mr. PHILIP A. HART, Mr. GARY HART, Mr. HASKELL, Mr. DURKIN, Mr. SPARKMAN, Mr. STAFFORD, Mr. MANSFIELD, Mr. PELL, Mr. INOUYE, Mr. MONTOYA, Mr. BEALL, Mr. MCGOVERN, and Mr. PERCY):

S. 3043. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes. Referred to the Committee on the Judiciary.

LAW ENFORCEMENT IMPROVEMENT ACT OF 1976

Mr. KENNEDY. Mr. President, today, at a time when the Nation's crime rate is soaring out of sight, I introduce bipartisan legislation designed to restructure one of the most poorly organized and mismanaged agencies of the Federal Government—the Law Enforcement Assistance Administration. Entitled the Law Enforcement Improvement Act of 1976, this bill follows 5 months of hearings before the Senate Subcommittee on Criminal Laws and Procedures, chaired by Senator MCCLELLAN. It is grounded in the testimony developed at those hearings and the 8-year history of LEAA.

The bill reauthorizes the agency for a limited period of 3 years, makes sweeping changes in the internal structure and management of LEAA, provides for detailed congressional oversight of the agency, and provides additional Federal financial and technical assistance to the neglected stepchild of our criminal justice system—the courts.

I view this legislation as a last opportunity by the Congress to wage an effective war on crime within the existing framework of the Law Enforcement Assistance Act. If this bill fails to correct the many common abuses which plague the administration of the act, I believe the LEAA bureaucracy should be dismantled.

Since 1968, the Law Enforcement Assistance Administration has distributed over $4 billion of the American taxpayer's money to various localities in order to combat crime. What results can LEAA point to? Crime has risen almost 60 percent the last 8 years, even higher in the cities. No segment or area of our Nation is immune. Recent statistics demonstrate that violent street crime is rising faster in our rural and suburban areas than our urban centers.

This soaring crime rate is reflected everyday in the attitudes and habits of the American public. Our elderly citizens are afraid to walk in their own neighborhoods for fear of being mugged or robbed and juvenille delinquency has reached the crisis stage.

Nor is there the slightest evidence that the Nation's crime rate has peaked. Last year violent crime was up an additional 17 percent and the outlook this year is almost unanimously looked upon as more of the same.

Certainly LEAA is not to be held solely responsible for our soaring crime rate. The war on crime is primarily a local battle and LEAA's role is, by necessity, limited.

But obviously the time has come for the Congress to take a long hard look at the LEAA program. Such a critical evaluation was denied the Congress in 1973, when LEAA was last reauthorized. At that time the subcommittee held but 2 days of hearings, and the bill was quickly whisked through the Senate. The result was that until this year the Senate has never had a real opportunity to examine the act and the performance of LEAA in any detail.

This year the subcommittee held extensive hearings which pointed out the many failings of the LEAA program. Through the testimony of various witnesses, the fundamental deficiencies of the act—both structural and administrative—were brought out in the open and publically debated. These deficiencies can generally be grouped into three areas: First, improper and insufficient evaluation by LEAA; second, poor planning priorities with the result that our local criminal courts, the pivotal center of our criminal justice system have generally received only 3 cents of every LEAA dollar and are plagued today with unconscionable backlogs and trial delays; and third, the concentration of LEAA's efforts at the State level while failing to meet the needs of both our cities and local counties.

The testimony and documentary evidence are devastating:

First, evaluation. The General Accounting Office reports that LEAA cannot properly monitor the funds it distributes and is incapable of evaluating the impact of the programs funded. The Office of Management and Budget has reached similar conclusions. Recent criticisms highlight the internal dissention which has characterized the LEAA Administration and has prevented the proper evaluation and monitoring of LEAA programs;

Second, priorities. The testimony before the subcommittee was overwhelming that local courts and judicial systems had almost been completely ignored by LEAA. The distinguished chief justice of Alabama, Howell Heflin, testified that State judiciaries were fortunate if they received 3 cents of every LEAA dollar. Over 40 chief justices endorsed the views expressed by Chief Judge Heflin. A 1975 Report of a Special Courts Study Team—commissioned by LEAA itself—concluded that the funding priorities of LEAA were seriously misdirected and that State and local courts had "not received the interest, technical assistance, or financial support from LEAA that are absolutely essential for sound growth and progress."

Indeed, in a startling development, at

the very same time that LEAA's own Administrator was testifying before the subcommittee, Attorney General Levi, who was seated next to him, was commenting on the desperate need to provide more financial assistance to the courts if the frightening problems of court delay and trial backlog are to be successfully attacked. Yet, despite these facts, LEAA continues to spend hundreds of thousands of dollars on police wristwatches, public relations, and artistic designs for LEAA publications.

Third, city and county needs. The present structure of the act precludes major assistance to local government units, whether they be our large cities or local counties. Representatives of the U.S. Conference of Mayors, and local planning groups, testified that they were unable to benefit from most of the LEAA program because the act was heavily concentrated to provide Federal assistance at the State level.

Mr. President, the bill I introduce today is designed to meet these and other objections voiced with increasing frequency during the last few years. It is designed to assure that the American taxpayer will receive a better return for his investment in the war on crime than on the $4 billion that has largely been wasted in the last 8 years.

The bill I introduce has been endorsed in large measure by the many organizations which testified during the course of the hearings—the American Bar Association, the National Conference of Chief Justices, the Council on Inter-Governmental Relations, the U.S. Conference of Mayors, and others. In addition, the Department of Justice provided able assistance in the drafting and preparation of the bill and views most of it as a long overdue reform of the act. The bill is bipartisan in the strongest sense of the word.

The bill makes the following major changes in the structure and administration of the act:

First. It reaffirms the principle that effective law enforcement remains the primary responsibility of local government and confers on LEAA the responsibility for evaluating, auditing and monitoring State programs.

In addition, the bill makes clear that the primary purpose of the LEAA program is to reduce and prevent crime. Too often in the past LEAA has been heard to argue that the Federal Act, as written, is unclear whether LEAA is a crime-fighting vehicle. This bill would end that ambiguity.

Second. It places the Federal program under the control of the Department of Justice.

Third. It allows State and local judiciaries to establish their own planning committees to plan for the judicial needs of the State. Such committees would be created by the highest court of the State and its members would be chosen by the chief justice of the State. Many witnesses testified during the Senate hearings that such independent planning committees were essential if court planning was to succeed. The committee would, however, work closely with the State planning agency in developing a judicial plan consistent with the State's overall comprehensive plan.

Fourth. It authorizes cities, urban counties, or local government units to submit a comprehensive plan to the State planning agency.

If approved, a miniblock-grant award would be made to such government units with no further action on specific project applications being required at the State level. This proposal is specifically endorsed by the Council on Intergovernmental Relations.

Fifth. It provides that Federal LEAA funds be directed to areas of the country faced with high crime incidence whether such areas be located in urban or rural sections of the Nation.

Sixth. The discretionary and block grant concepts are retained intact with one-third of the discretionary funds being earmarked to alleviate court congestion and trial delay. Without relieving our courts of such backlog and congestion, other law enforcement measures aimed at reducing crime—tougher sentencing practices, additional police, prison reform—will be of little value. I have consistently stated in recent months that financial and technical aid to State and local criminal courts is an essential prerequisite for a successful attack on crime. This bill provides the courts with such aid.

Seventh. The statutory prohibition on LEAA grants for personal compensation is repealed, thus allowing LEAA funds to be used by localities to hire more personnel, such as judges, police, and correctional officers.

Eighth. Major changes are made for the first time in the evaluation, auditing, and monitoring functions of LEAA. The bill would make the LEAA Deputy Administrator for administration responsible for LEAA's evaluation and auditing, not only of the comprehensive plans submitted to LEAA for approval, but also of the impact of programs already approved by LEAA in order to determine whether such programs were of any value in reducing and combating crime. A detailed scheme for the proper evaluation and auditing of programs is laid out in the statute.

Ninth. An advisory board, authorized by the Attorney General, established at the national level to make recommendations as to how the national discretionary funds should be spent.

Tenth. Extensive congressional oversight of LEAA is provided for the first time with LEAA being required to submit an annual report detailing, for example, its policies and priorities for reducing crime, its evaluation procedures, the number of State plans approved and disapproved, and the number of LEAA programs discontinued.

Eleventh. It authorizes LEAA to establish and implement new programs designed to aid our Nation's elderly citizens in their losing struggle against crime.

Mr. President, this bill would reauthorize LEAA for a period of 3 years at the funding level requested by the administration in its reauthorization bill. The administration would prefer a 5-year reauthorization; but I reiterate that 3 years will give the Congress more than sufficient opportunity to examine how LEAA functions under the detailed evaluation and oversight provisions I offer today. If after 3 years the Federal war on crime continues to be a losing effort and LEAA continues to flounder, I see no reason to waste $3 billion more of the taxpayers money to fund a fourth and fifth year.

Surely it is too late in the day for LEAA to say that mistakes made by the agency are merely the result of growing pains and ironing out organizational kinks. This bill is a step in the right direction. It makes fundamental changes necessary if LEAA is to wage an effective war on crime. The Congress is at the crossroads—it can simply reauthorize the LEAA program and with it 5 more years of "business as usual," or it can make a concerted effort to reconstruct and refine the Federal role in combating crime. The choice is clear. The American public cannot wait another 8 years to meet the growing threat of crime. Action is needed now if violent crime is to be controlled. The Nation's citizens are looking to the Congress to provide leadership and LEAA is the major Federal vehicle for expressing that leadership. It must be reformed.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill reauthorizing the Law Enforcement Assistance Administration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Improvement Act of 1976."

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(1) by inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive leadership and direction to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."

(2) by deleting the third paragraph and substituting in lieu thereof the following new paragraph:

"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 that the Federal Government (1) provide constructive leadership and direction to States and units of local government in the development and adoption of comprehensive plans designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) provide constructive leadership and direction to States and units of local govern-

ment in order to 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."

SEC. 3. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding after the word "authority" the words "policy direction and control."

PART B—PLANNING GRANTS

SEC. 4. Section 201 of such Act is amended by adding after the word "part" the words "that the Administration provide constructive leadership and direction", and by striking the period at the end of said section and adding the following "and evaluation by the Administration of the policies, priorities and plans needed to reduce and prevent crime."

SEC. 5. Subsection (b) of section 203 is amended by striking the dash after the word "shall" and by adding the following, "at the direction and guidance of the Administration".

SEC. 6. Section 203 is amended by:

(1) inserting in subsection (a) immediately after the third sentence the following new sentence: "Said State planning agency shall include both a representative of the chief justice or chief judge of the court of last resort and the court administrator or other appropriate judicial officer of the state. Said members shall be selected by the chief executive of the State from a list of nominees submitted by the chief justice or chief judge of the court of last resort.

(2) inserting the following new subsection after subsection (d).

"(e) In addition to the State planning agencies established under this section, a state may establish or designate a judicial planning committee for the preparation, development and revision of a state judicial plan submitted to the State planning agency under section 305 of this title. Such committee shall be created or designated by the court of last resort of each state. The chief justice or other highest ranking judicial officer of the state court of last resort shall appoint the members of the judicial planning committee and such members shall be subject to the jurisdiction of, and serve at the pleasure of, the chief justice. The Committee shall be reasonably representative of the various local and state courts of the state, including both civil and criminal trial courts, intermediate appellate courts and other courts of general or limited or special jurisdiction. All requests for financial assistance from such courts shall be received by the judicial planning committee. Said committee shall review all such requests for appropriatness and conformity with the purposes of this title and the findings and declared policy of Congress and may thereafter—

"(1) develop, in accordance with part C, an annual application to be included in the State comprehensive plan;

"(2) develop, in accordance with Sec. 302 (b), a multi-year comprehensive plan for the improvement of State court systems;

"(3) define, develop, and coordinate programs and projects for the improvement of courts of the State;

"(4) establish priorities for the improvement of the courts of the State;

"(5) collect and compile statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of the courts;

"(6) examine the state of the dockets, practices, and procedures of the courts and develop programs for expediting litigation and reducing court congestion;

"(7) provide for the revision of court rules and procedural codes within the rulemaking authority of courts or other judicial entities within the state;

"(8) provide for the investigation of complaints with respect to the operation of courts and develop such corrective measures as may be appropriate;

"(9) provide for the training of judges, court administrators and support personnel, and attorneys who regularly appear in the courts;

"(10) provide for support of public education programs concerned with the administration of justice;

"(11) provide for support of national nonprofit court technical assistance and support organizations governed or controlled by the judicial branch of government of the several states;

"(12) provide for the construction and equipping of buildings or other physical facilities which would fulfill or implement the purposes of this subsection and of section 301(b)(11);

"(13) perform other duties necessary to carry out the intent of this subsection.

"The State planning agency shall request the advice and assistance of the judicial planning committee in carrying out its functions under section 203 insofar as said functions affect the State court system and the judicial planning committee shall consult with, and shall seek the advice of, the State planning agency in carrying out its functions under this title. The expenses necessarily incurred by the judicial planning committee, including the cost of adequate staff support for the activities of the committee shall be provided by the State planning agency through a yearly grant to be provided to the committee. If a state judicial branch does not create or designate a judicial planning committee, or if the committee fails to submit a multi year comprehensive plan and annual application in accordance with the provisions of subsection (b) of section 304 of this title, then in such case the responsibility for preparing and developing such plan and application shall rest with the State planning agency."

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 7. Section 301 is amended by:

(1) inserting after the word "part" in subsection (a) the following words "that the Administration provide constructive leadership and direction."

(2) inserting after paragraph (10) of subsection (b) the following new paragraphs:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts, reduce court congestion and backlog and improve the availability and quality of justice.

"(12) The development and operation of programs designed to reduce and prevent crime against elderly persons."

(3) repealing subsection (d) of section 301.

SEC. 8. Section 302 is hereby amended by inserting the following at the end of the section: "In addition, any State judiciary desiring to participate in the preparation, development and revision of multi-year comprehensive plan under this part may establish a judicial planning committee as described in part B of this title and shall file by the end of fiscal year 1977 and annually thereafter with the Administration and State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such plan shall be based on the needs of all the courts in the State and on an estimate of funds available from all State, local as well as Federal sources. Within six months of the date of enactment of this Act and annually thereafter such committee shall submit its application for funding of programs and projects recommended by the committee to the State planning agency for review and incorporation into the comprehensive state plan submitted to the Administration in accordance with subsection (a) of this section. Each application shall conform to the purposes of this part and to the multiyear comprehensive plan for the improvement of the state court system provided for in section 203 of this title."

SEC. 9. Section 303 is amended by:

(1) deleting paragraph (4) of subsection (a) and substituting in lieu thereof the following new paragraph:

"(4) Specify procedures under which plans may be submitted annually by major cities and urban counties or combinations thereof, to use funds received under this part to carry out local comprehensive plans for law enforcement and criminal justice. Such local comprehensive plans shall be consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan. Eligibility for grants under this paragraph shall be determined on the basis of provisions and guidelines contained in Part G, paragraph (p) of the Act, and the State planning agency may approve or disapprove of the local comprehensive plan in whole or in part, based upon its compatibility with the State comprehensive plan and subsequent annual evaluations and revisions. Approval of such local comprehensive plans or parts thereof shall result in the award of funds to the major cities or urban counties or combinations thereof to implement the approved parts of their plans."

(2) striking in paragraph (12) the words "as may be" and adding the following words after the words "procedures": "as the Administration may deem".

(3) deleting subsection (b) of section 303 and substituting in lieu thereof the following new subsection:

"(b) The Administration shall have the primary responsibility of evaluating the effectiveness and impact of those State plans that it approves. No approval shall be given to any State plan unless and until the Administrtaion makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State, and that, on the basis of evaluations made by the Administration, such plan is likely to make a significant and effective contribution to the State's efforts to deal with crime."

(4) inserting in subsection (c) after the word "unless" the following words "the Administration finds that".

(5) inserting the following new subsection after subsection (c):

"(d) the Administration shall provide funds under this section to a State planning agency to fund the plan of the judicial planning committee if such committee has on file with both the Administration and the State planning agency a multiyear comprehensive plan provided for in section 203 of this title. Such multiyear comprehensive plan for the improvement of the State court system shall:

"(1) provide for the administration of programs and projects contained in the approved annual application of the judicial planning committee;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiative by the appellate and trial courts of general and special jurisdiction in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, in-

cluding but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts of general and special jurisdiction;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for approval or disapproval in whole or in part;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions 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 maximum extent applicable, indicate the relationship of the plan to other relevant State or local law 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 provided for courts and related purposes:

"(6) provide for research, development, and evalutaion;

"(7) 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 the courts;

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title;"

SEC. 10. Section 304 is hereby amended by inserting an "(a)" before the word "State" and by inserting the following new subsection at the end of the section:

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203 the judicial planning committee shall transmit the plan approved by it and the application for financial assistance based on such plan to the State planning agency. Such application shall be presumptively valid. Unless the State planning agency thereafter determines that such application is not in accordance with the purposes stated in sections 301(b)(11) and 303(d), is not in conformance with, or consistent with, the statewide comprehensive law enforcement plan or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such application in whole or in part, in the comprehensive state plan to be submitted to the Administration. If the State planning agency finds that such application does not meet the requirements of this subsection it shall notify the committee in writing within ten days after making such determination, explaining in detail the reasons for rejecting said application. The committee shall thereafter have a period of 30 days from the receipt of the State planning agency's rejection to submit a modified application. If the State planning agency finds that the application does not meet the requirements of this subsection, or if the committee does not submit a modified application within the specified period, the State planning agency shall forward such application to the Administration. A final determination of whether such application meets the requirements of this subsection shall be made by the Administration pursuant to section 308 of this title. Any application not acted upon by the State planning agency within ninety days of receipt from the judicial planning committee shall be deemed approved and incorporated into the comprehensive State plan submitted to the Administration. The State planning agency shall thereafter disburse the approved funds to the committe in accordance with procedures established by the Administration."

SEC. 11. Section 306 is amended by:

(1) inserting in paragraph (2) of subsection (a), after the words "to the grant of any State," the following: "plus any additional amounts that may be authorized to provide funding to areas characterized by high crime incidence, high law enforcement and criminal justice activity, and serious court congestion and backlog," and is further amended by substituting at the end of the paragraph a comma in place of the period, and by inserting the following: "except that no less than one-third of the funds made available under this paragraph shall be distributed by the Administration in its discretion to promote and advance the purposes mentioned in sections 301(b)(11) and 303(d) of this title."

(2) Deleting, in the paragraph following paragraph (2), after the words "to the extent it deems necessary," the following sentence: "The limitations on the expenditures 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."

(3) Inserting, in the paragraph following paragraph (2), a comma in place of the period after "private nonprofit organization" and by adding thereafter the following: "as well as moneys appropriated to courts, court-related agencies, and judicial systems."

SEC. 12. Section 307 is hereby amended by deleting the words "and of riots and other violent civil disorders" and by substituting in lieu thereof, the following: "and with programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system."

SEC. 13. Section 308 is amended by deleting the phrase "section 302(b)" and substituting in lieu thereof the words "section 302 and 515".

SEC. 14. Subsection (c) of section 402 is amended by adding the following sentence at the end of the second paragraph of that subsection: "The Institute shall also assist the Deputy Administrator for Administration of the Law Enforcement Assistance Administration in the performance of those matters mentioned in section 515 of this title."

PART F—ADMINISTRATIVE PROVISIONS

SEC. 15. Section 501 of Part F of such act is hereby amended by inserting at the end of such section the following sentence: "The Administration shall also establish under the direction of the Deputy Administrator for Administration of the Law Enforcement Assistance Administration and in accordance with the provisions of section 515 of this title such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application."

SEC. 16. Section 512 is amended by striking the words: "June 30, 1974," and inserting in lieu thereof: "July 1, 1976".

SEC. 17. Section 515 is amended to read as follows:

"SEC. 515. Subject to the general supervision of the Attorney General, and under the direction of the Administrator of Law Enforcement Assistance, the Deputy Administrator for Administration of the Law Enforcement Assistance Administration shall conduct, handle and supervise the following matters—

"(a) Review, analyze and evaluate comprehensive state plans submitted by the State planning agencies in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan take into account needed policies, priorities and plans for reducing and preventing crime as determined by the Administration. The Deputy Administrator shall, if warranted, thereafter make recommendations to the State planning agencies concerning improvements to be made in said comprehensive plans;

"(b) Assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification and execution of the comprehensive plans to determine whether the State planning agencies are coordinating and controlling the disbursement of the federal funds provided under this title in a fair and proper manner to all components of the state and local criminal justice system. To assure such fair and reasonable disbursement the Deputy Administrator may require that the State planning agencies submit, in advance and for approval a financial analysis of the federal funds to be made available under this title to each component of the state and local criminal justice system;

"(c) Develop and direct financial auditing policies, programs, procedures, and systems, including financial accounting planning and analysis to determine the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs;

"(d) Supervise and direct independent and comprehensive auditing of the comprehensive plans to assure that the programs, functions and management of the State planning agencies are being carried out efficiently and economically;

"(e) Assist in the preparation of the detailed Annual Report of the Administration to be submitted to the President and to the Congress pursuant to section 519 of this title. Such report shall describe in detail the measures taken by the Deputy Administrator to comply with the provision of this section.

"The Administrator is also authorized—

"(f) to collect, evaluate, publish and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(g) to cooperate with and render technical assistance to States, units of general local government, combination of such States or units, or other public or private agencies, organizations, institutions or international agencies 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. 18. Section 517 is amended by adding the following new subsection:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under section 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who by reason of their knowledge and expertise in the area of law enforcement and criminal justice and related fields are well qualified to serve on the Advisory Board.".

SEC. 19. Section 519 is amended to read as follows:

"SEC. 519. (a) On or before December 31 of each year, the Administration shall report to the President and to the Committee on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

(1) A detailed explanation of the policies, priorities and plans for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing leadership and direction to State and local governments pursuant to this title;

(2) A detailed explanation of the procedures followed by the Administration in reviewing, evaluating and processing the comprehensive State plans submitted by the State planning agencies;

(3) The number of comprehensive State plans approved by the Administration without substantial changes being recommended in the criminal justice policy and priorities of each State;

(4) The number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended in the criminal justice policy and priorities of each State;

(5) The number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

(6) The number of programs funded under this title which were subsequently discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime;

(7) The number of programs funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

(8) A detailed financial analysis of each State comprehensive plan showing the amounts expended among the various components of the criminal justice system;

(9) A detailed explanation of the measures taken by the Administration to audit and monitor criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime;

(10) A detailed explanation of how the funds made available under section 306(a)(2) of this title were expended.

"(b) The Committees on the Judiciary of the Senate and House of Representatives may periodically conduct public hearings to review and examine the activities of the Administration performed under this title. Such hearings may focus on the policies and priorities established by the Administration to reduce and prevent crime and the auditing, monitoring and evaluation procedures carried out by the Administration pursuant to this title."

SEC. 20. Section 520 is amended by striking all of subsection (a) and (b) and inserting in lieu thereof the following:

"(a) 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 $325,000,000 for the period July 1, 1976, through September 30, 1976, $1,300,000,000 for the fiscal year ending September 30, 1977, and $1,300,000,000 for the fiscal year ending September 30, 1978. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by high crime incidence, high law enforcement and criminal justice activities and serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above which sums shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources.

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 purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.

"(b) Funds appropriated under this title may be used for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974".

PART G—DEFINITIONS

SEC. 21. Section 601 of such Act is amended as follows:

(1) by deleting from subsection (a) thereof the words "courts having criminal jurisdiction" and substituting the words "courts as defined in subsection (q) of this section", and

(2) by inserting at the end thereof the following new subsections:

"(p) The term 'Major cities and urban counties' means units of general local government or combinations thereof having a total population of 100,000 inhabitants, or in less densely populated states those whose population exceeds four percent of their state population or those which bear a substantial financial and administrative responsibility for law enforcement and criminal justice.

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

Mr. PELL. Mr. President, I am delighted to join with my distinguished colleague from Massachusetts (Mr. KENNEDY) in sponsoring legislation to reauthorize funding for the Federal Law Enforcement Assistance Administration. I compliment the Senator on his effective leadership in this important area.

This measure contains several new ideas on how LEAA money should be distributed over the next 3 years. Senator KENNEDY has enumerated these innovative steps most eloquently. Yet this is not just reorganization for its own sake. A new and positive balance is needed in this area, and I believe that this bill satisfies this need most adequately.

In any discussion of the crime crisis in our Nation, Mr. President, an important focus of attention is the courts. Some contend that judges are too lenient, and because of their leniency criminals are punished less severely than they deserve. Others point to overcrowded dockets that require the system to push through cases at a rate beyond the speed of deliberate justice. However, one thing is certain. Our judicial system needs more attention. Responsible officials, from the Attorney General of the United States on down, are calling for greater LEAA emphasis on the courts.

I am particularly aware of the support in my own State for the concepts in this bill. Sadly the recent death of Rhode Island Supreme Court Chief Justice Thomas H. Roberts brings this thought to mind. Judge Roberts was a strong advocate of this measure. As a distinguished judge for more than 24 years, and chief justice of the Rhode Island Supreme Court for the past 10 years. Tom Roberts was eminently qualified to comment on the proper priorities for law enforcement assistance. His contribution to the deliberations of the Senate Subcommittee on Administrative Practice and Procedure was significant.

Since the time of Judge Roberts death last month, Mr. Walter Kane, the administrator of the Rhode Island Supreme Court, has informed me of the court's continued backing for this measure.

Additionally, Rhode Island's chief law enforcement official, Attorney General Julius Michaelson, has shown interest in the new concepts of this legislation.

It is clear that this bill has support from many segments of the community, and I believe it is a most worthwhile measure. I give it my full support.

Mr. BEALL. Mr. President, I am pleased to join with the distinguished Senator from Massachusetts in the introduction of S. 3043 which would, if enacted, enable the Law Enforcement Assistance Administration to provide continued and better assistance to every branch of State and local government involved in the organized battle against crime in the United States. The bill would extend the LEAA for 3 years, retain the basic structure of present law, but at the same time make substantial changes designed to improve the program.

In 1968 the Congress recognized the critical need for the Federal Government to take positive action to reduce crime in our Nation. As a result of that concern the LEAA was created by the Omnibus Crime Control and Safe Streets Act of 1968. Recognizing that law enforcement and crime prevention is best addressed at the State and local levels of government, Congress established a Federal administration whose primary responsibility was to funnel huge sums of money—over $4.1 billion through July 1975—with only a minimum of control from Washington. Over the years LEAA has been quite successful in many respects; however, in other respects it has been noticeably deficient. The bottom line is that despite the untiring efforts of Federal, State, and local officials crime has not been reduced. Indeed, it has increased by epidemic proportions.

Some critics point to increased crime rates and suggest that the LEAA be abolished. Mr. President, I believe to abandon the program would undoubtedly be a mistake; but, to simply reauthorize it without remedying its shortcomings would also be a mistake.

Accordingly, I am joining as an original cosponsor to S. 3043 in an effect to retain the best features of the existing law while legislating necessary changes to insure that the LEAA operates more efficiently in the fight to reduce crime.

As I indicated, the bill maintains the basic structure of the present law and asserts the principle that the primary responsibility for law enforcement rests with State and local units of government. However, it makes significant changes in the area of planning and law enforcement grants whereby the administration will be responsible for not only encouraging State and local units of government to develop plans for crime prevention and law enforcement, but which would also require "constructive leadership and direction" from LEAA. In addition, provisions are added to improve LEAA evaluation of State programs and to provide for more effective congressional oversight.

More specifically, the proposed bill would make the following changes:

First, it incorporates the provision of S. 1875, introduced by me in the 1st session of the 94th Congress which would require State and local units of government to develop programs designed to reduce and prevent crime against the elderly. I believe it is extremely important to understand the crime epidemic we are enduring in the United States is particularly disconcerting to senior citizens who are less able to resist becoming victims of crime.

Available data does not reveal exactly how many senior citizens are actually exposed to a high crime risk situation in a given period of time. As stated by the LEAA Administrator in a presentation to the U.S. Senate Special Committee on Aging's Subcommittee on Housing for the Elderly on August 2, 1972:

> A senior citizen who either locks himself in his apartment in fear of even venturing out into a once familiar and safe neighborhood or one who must take elaborate and unpleasant precautions whenever taking a short trip through an urban area does, in fact, reduce the chances of being victimized by crime.

A survey of various American cities shows a clearer picture of the crime threat confronting older persons. For example, a survey by LEAA of victimization rates in Baltimore, Md., indicated that persons 50 years old and older had twice the victimization rate for robbery with injury than persons aged 20 to 24 years old.

Moreover, elderly persons were found to be victims of personal larceny at a rate of 19 per 1,000 as compared to a rate of 6 per 1,000 for 20 year olds.

Many elderly people have the feeling that they must always remain at home in order to combat crime, or if they must go out, never to venture onto the city streets alone. The picture is a bleak one. Because they travel mostly by bus or subway, older people must wait for public transportation at designated points—and these points are well known to would-be assailants. Mail boxes in unguarded vestibules are the province of thieves who know when social security checks arrive.

In addition, let me note that no segment of our population is more directly affected by crime or the fear of crime. Senior citizens are all too often the victims of crimes while millions of others change their lifestyles in an effort to avoid being victimized by street criminals. It is time for us to attack this problem by developing, on the State and local level, comprehensive plans to effectively combat crimes against the elderly.

By authorizing law enforcement grants for "the development and operation of programs designed to reduce and prevent crime against the elderly" under section 301 of the Omnibus Crime Control and Safe Streets Act of 1968, we can require law enforcement officials on the Federal, State, and local levels to focus on a very important problem confronting our Nation's 20 million senior citizens.

Second, the bill would allow for the voluntary establishment of judicial planning committees—JPC's—to represent State judiciaries in the formulation of comprehensive State plans. Under this approach, it would be up to the State legislature to create the committees; and the chief judge of each State would be responsible for choosing the members. Judicial planning committees should include fair representation from the various judicial circuits throughout the State. In addition persons other than judges, from both the private and public sectors, who are knowledgeable in the area of criminal justice, should be adequately represented to insure that well rounded comprehensive programs are developed by JPC's.

By establishing judicial planning committees, the proposed bill would allow local circuits and districts to qualify for a fair share of the block grant funds and would also guarantee that a significant portion of the discretionary funds administered at the Federal level would be dispersed to alleviate the critically congested and backlogged case loads confronting judges, court administrators, and prosecutors.

Although some progress is being made through implementation of the Speedy Trial Act, we must do more to insure that the court system is able to increase its capability to deal with the problem. I believe that the establishment and funding of judicial planning committees will be a great asset because it will allow courts to hire additional personnel and also provide the impetus for more efficient planning.

Third, under the provisions of the proposed bill, cities, urban counties or local government units would be authorized to submit comprehensive plans to State planning agencies—SPA's. Once approved by the SPA a "mini block grant" would be awarded to the local agency without the need for further action on each individual project application. This important feature will do two things: First, it would provide local planning offices with adequate participation in the development of the comprehensive planning for a particular area. Through this process local agencies can develop plans, set priorities and evaluate programs which are tailor-made to meet the needs of the particular community. At the same time the SPA's will retain the responsibility for insuring comprehensiveness from a regional and statewide standpoint; and second, as a practical matter this new system would eliminate an incredible amount of redtape.

No longer would it be necessary to file grant applications on a one-by-one basis for projects which have been previously approved by the SPA and the LEAA in the State's comprehensive plan. The existing system is extremely cumbersome, totally unnecessary and should be amended.

Fourth, another important change is found in the new definition of "major cities and urban counties." The proposed definition not only reduces the eligibility number from 250,000 down to 100,000 but at the same time takes into account the needs and capabilities of small cities under 100,000 who are capable of developing their own plans and priorities for expenditures of block grant funds. Specifically, section 601 of the act is amended to include cities under 100,000 where they bear a substantial financial and administrative responsibility for law enforcement and criminal justice thereby making such localities also eligible for a share of the minigrant funds.

Fifth, provisions are made in the proposed bill for the continuation of LEAA funds previously directed to areas of the country suffering from particularly high crime rates. We have been advised by local criminal justice officials that although the LEAA's high impact anticrime program represented only a small percentage of impacted areas' crime budgets the benefits of the program have been highly significant. The major localities who have participated in the program, such as Baltimore, Md., have indicated that the funds have been successfully used in the fight against stranger-to-stranger crimes—homicides, rapes, robberies, and aggravated assaults—but are concerned that existing funding levels have expired. S. 3043 would insure the continuation of this successful LEAA program.

Sixth, it is also important to point out that this bill would repeal the present prohibition against the use of more than one-third of any law enforcement grant for compensation purposes, thereby allowing LEAA funds to be used for the hiring of more judges, police, correctional officers, and other needed personnel.

Seventh, the proposed amendments deal with the administrative deficiencies under the current law by requiring LEAA for the first time to establish followup procedures to monitor the effectiveness of the State programs. In essence the LEAA would be responsible for conducting both programmatic and fiscal audits of each plan to determine the impact and value of such programs in reducing and preventing crime.

These changes are necessary because adequate leadership and guidance has never been set by the LEAA.

More importantly, it is believed that the comprehensive plans, once approved by LEAA become an end unto themselves without followup reviews to determine whether or not the plans were implemented as approved or if in fact the programs have had an impact on the crime rates.

If these changes are made you and I, as taxpayers, will get more for our money and the chances of reducing crime will be greatly enhanced.

Closely related to the programatic and fiscal auditing features is the fact that the LEAA Deputy Administrator for the administration would be responsible for the evaluations and auditing. In addition, an advisory board, authorized by the Attorney General of the United States would be established to make recommendations regarding the way discretionary funds would be spent.

Eighth, because of the continued risk of further problems with the overall program, I believe that the inclusion in the bill of extensive congressional oversight authority provisions is extremely important to monitor the progress of the program. The oversight authority would be accomplished by requiring LEAA to submit an annual report detailing its policies and priorities for reducing crime, its evaluation procedures, the number of State plans approved and disapproved, and other criteria which will clearly indicate the amount and quality of work by the administration.

Mr. President, I am extremely hopeful that enactment of this proposed bill will provide the country with significant improvements to the law enforcement assistance program. And, while I am sure that the Senator from Massachusetts would agree that the bill cannot be expected to result in the complete subsidance of violence in our society, it does represent a significant step toward the goal of reducing crime in America. The problem is one that faces everyone of us, regardless of political philosophy. Therefore, we must all work together to turn the table on crime by establishing the most efficient mechanism possible for fighting the battle.

Therefore, I look forward to working with my colleagues in the Congress and to the hearing process which will enable experts to present their suggestions for improving our efforts even further.

FEDERAL AID FOR LOCAL LAW ENFORCEMENT—MAKING IT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, I have today introduced legislation to make important changes in the program of Federal aid for local law enforcement through the Law Enforcement Assistance Administration, and to extend the program through the fiscal year 1977.

Certainly one of the top priorities of government at all levels must be to protect Americans from the ravages of crime—the death, injury, and fear that it brings. I believe that the Federal Government—despite the rhetorical attention given to the crime problem by the President and others—has failed to meet its responsibility in this regard.

In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act, mandating the LEAA to aid State and local governments in fighting crime.

From 1969 through 1974, LEAA spent more than $3.6 billion in that effort. In that same period, according to the FBI, the crime rate increased 32 percent and the rate of violent crime increased 40 percent. This is hardly a record of achievement of which we can be proud.

I do not mean to imply that LEAA has been a total failure—many useful projects have been funded, many improvements have been made in State and local law enforcement efforts, and many of the programs funded by LEAA offer significant promise for the future. The fact remains, however, that the average American does not feel safe walking the streets of a city, many Americans do not feel safe in their own homes, and at least 1 out of every 20 Americans will be the victim of a serious personal or property crime this year.

It is clear, therefore, that we must make substantial improvements in Federal efforts to protect citizens from crime.

The bill which I have introduced today constitutes a first step toward making those vitally needed improvements. It focuses on four areas of particular concern: First, the need to speed the disposition of criminal cases; second, the problem of violent crime in urban areas; third, the unique vulnerability of elderly persons; and fourth, the need to evaluate LEAA-funded programs to see if they work or not.

Perhaps the greatest deterrent to crime is the assurance of swift and certain punishment. Trial delay and overcrowded courts, however, make justice anything but swift or certain. While no reliable nationwide figures on trial delay exist—indeed, this very absence of information demonstrates the lack of attention which has been devoted to the problems—LEAA studies in Cleveland, Indianapolis, and New York City have shown that it takes an average of 7 to 8 months just to bring a case to trial. Adding the time consumed in a trial, it is not surprising that many criminal cases drag on for 1 to 2 years or more.

Society pays for trial delay and crowded court calendars in a number of ways: defendants released on recognizance or bond commit additional crimes; witnesses move away or forget; prosecutors agree to plea bargains for probation or reduced charges in cases of serious crimes; innocent defendants who cannot raise bond are kept in overcrowded jails at public expense; and both criminals and society at large know that the criminal justice system is simply a "game" to be played and beaten.

My bill makes an important start in focusing Federal efforts on this problem. It makes reducing criminal case backlog and trial delay a specific objective of the LEAA program, and requires that States give special emphasis to those goals; it provides that one-third LEAA discretionary funds be used for speedy trial and it assures that judicial systems—which have received a disproportionately low share of LEAA funds—will be represented on State planning agencies. These are steps which can and must be taken right away to make criminal justice swift and sure.

My bill establishes a program of aid to urban areas which have high rates of so-called high fear crimes—homicide, rape, aggravated assault, robbery, and burglary. These are the crimes which are the greatest direct threat to most Americans and they deserve special attention. In addition, by focusing LEAA funds—$100 million annually—on a limited number of crimes in a limited number of areas, the program will hopefully have a substantial impact.

The prevention of crimes against the elderly is made a specific objective of LEAA aid under my bill. No segment of the population is more vulnerable to crime than elderly people who frequently live alone, often in declining neighborhoods, and who are least able to avoid or resist being victimized. In addition, an elderly person can often least afford the financial loss or physical injury which result from crime. Thus, the elderly person must be a special concern of LEAA crime prevention efforts.

Finally, my bill provides for the beginning of greatly increased evaluation of LEAA projects. The shocking fact is that with more than $4 billion in Federal funds spent to date, LEAA does not know whether the majority of its programs have worked well or not at all. One of LEAA's most important priorities is to fund new and innovative attacks on crime. But without adequate evaluation, there is no way to tell whether a new approach is valuable or worthless.

Both for reducing crime and assuring that Federal tax dollars are being spent wisely, greatly increased evaluation efforts are essential. My bill makes an important beginning in this area by requiring the National Institute of Law Enforcement and Criminal Justice to develop, in consultation with the States, procedures for evaluating and reporting the evaluation of programs, and by requiring that States begin to implement those procedures.

The bill also makes several additional improvements. It removes the requirement that no more than one-third of an LEAA grant may go to personnel costs, which limit contributed to LEAA's unfortunate concentration on "hardware." It requires detailed, regular reports to the Congress, so that we may exercise adequate oversight over LEAA. It provides that LEAA identify and circulate among the States lists of projects which have proved successful in reducing crime and improving law enforcement, so that these projects can be repeated. These are all important steps which should be taken right away.

My bill contains the minimum requirements for making LEAA truly effective in waging the war on crime. I intend in the next few days to introduce another bill which will make a major restructuring of the LEAA program. Those changes, however, will require detailed and careful consideration by the Congress. Because Congress must act to extend LEAA within the next few weeks, there is not time now to undertake that task. The bill I have introduced today, however, will furnish a 15-month period in which the LEAA program can be carefully considered, and in which an important beginning can be made towad seriously and effectively meeting the problems of crime in America.

The text of my bill follows:

H.R. 12362

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Crime Control Act of 1976".

PART A—AMENDMENT

SEC. 2. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after "authority" the following: "and policy direction".

PART B (PLANNING GRANTS) AMENDMENTS

SEC. 3. Section 203(a) of such Act is amended by inserting immediately after the third sentence the following: "Not less than two of the members of such State planning agency shall be appointed from a list of nominees submitted by the chief justice or chief judge of the court of last resort of the State to the chief executive of the State, such list to contain at least six nominees.".

PART C—(GRANTS FOR LAW ENFORCEMENT PURPOSES) AMENDMENT

SEC. 4. (a) Section 301(b) of such Act is amended by inserting immediately after paragraph (10), the following:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the availability and quality of justice.

"(12) The development and implementation of programs and projects designed to reduce and prevent crime against elderly persons.".

(b) Section 301(d) of such Act is repealed.

(c) Section 306(a) of such Act is amended by striking out the sentence which begins "The limitations on the expenditure".

(d) Section 303(a) of such Act is amended by—

(1) striking out "and" at the end of paragraph (14);

(2) striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and"; and

(3) adding at the end the following new paragraph:

"(16) provide for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice.".

(e) Section 303 of such Act is further amended by inserting after subsection (c) the following:

"(d) The requirement of paragraph (2) of subsection (a) shall not apply to funds used in the development or implementation of a statewide program of evaluation, in accordance with an approved State plan, but the exemption from said requirement shall extend to no more than 10 per centum of the funds allocated to a State under paragraph (1) of section 306(a).".

(f) Paragraph (2) of section 306(a) of such Act is amended by inserting immediately before the period at the end thereof the following: ", but no less than one-third of the funds made available under this paragraph shall be distributed by the Administration in its discretion for the purposes set forth in paragraph (11) of section 301(b)".

(g) Section 307 of such Act is amended by inserting immediately after "dealing with" the following: "(1) the reduction and elimination of criminal case backlog and the acceleration of the processing and disposition of criminal cases, and (2)".

PART D—(TRAINING, EDUCATION, RESEARCH, ET CETERA) AMENDMENT

SEC. 5. Section 402(c) of such Act is amended by—

(1) striking out "to evaluate" in the second paragraph and inserting in lieu of the material so stricken the following: "to receive evaluations, and to make and authorize such evaluations as it deems advisable of";

(2) inserting at the end of the second paragraph the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate information about such criteria and procedures to State planning agencies."; and

(3) inserting immediately after the second paragraph the following:

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

GRANTS TO COMBAT HIGH FEAR CRIMES IN HIGH CRIME AREAS

SEC. 6. (a) Title I of such Act is amended by inserting immediately after part E the following:

"PART F—GRANTS TO COMPARE HIGH FEAR CRIMES IN HIGH CRIME AREAS

"SEC. 476. It is the purpose of this part to encourageand enable areas characterized by high incidence of violent crimes and burglary to develop and implement programs and projects to reduce and prevent the crimes of murder, nonnegligent manslaughter, forcible rape, aggravated assault, robbery, and burglary.

"SEC. 477. The Administration shall make grants under this part to units of general local government or any combination of such units having a population of two hundred and fifty thousand or more which make application in accordance with the requirements of this part and which demonstrate to the Administration a high incidence of the crimes listed in section 476.

"SEC. 478. In order to receive a grant under this part a unit of general local government or combination of such units shall submit an application to the Administration in such form and containing such information as the Administration shall require. Such application shall set forth a plan to reduce the incidence of crimes listed in section 476 and such plan shall—

"(1) provide for the administration of such grant by the grantee in keeping with the purposes of this part;

"(2) set forth specific goals for the reduction of any or all of the listed crimes; and

"(3) comply with the requirements of paragraphs (9), (11), (12), (13), and (16) of section 303(a).

The limitations and requirements contained in section 306(a) shall apply, to the extent appropriate, to grants made under this part.

"SEC. 479. (a) The Administration shall give special emphasis, in allocating funds among units of general local government or combinations thereof under this part, to (1) the incidence of the listed crimes within such unit or combination, (2) the population of such unit or combination, and (3) the likely impact if the programs or projects for which funding is sought on the incidence of the listed crimes within such unit or combination.

"(b) Upon receipt of an application under this part, the Administration shall notify the State planning agency of the State in which the applicant is located of such application, and afford such State planning agency a reasonable opportunity to comment on the application with regard to its conformity to the State plan and whether the proposed programs or projects would duplicate, conflict with or otherwise detract from programs or projects within the State plan.".

(b) Parts G, H, and I of such Act are redesignated as parts H, I, and J, respectively.

ADMINISTRATIVE AND CONFORMING PROVISIONS

SEC. 7. (a) Section 601 of such Act is amended as follows:

(1) In subsection (a), by striking out "courts having criminal jurisdiction" and inserting in lieu thereof "courts."

(2) By inserting at the end thereof the following new subsection:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. The term 'court' shall mean a tribunal recognized as part of the judicial branch of a State or of its local government units having jurisdiction of matters which absorb resources which could otherwise be devoted to criminal matters.".

(b) (1) Section 512 of such Act is amended by striking out "June 30, 1974, and the two succeeding fiscal years" and inserting in lieu thereof "June 30, 1976, through the fiscal year ending September 30, 1977".

(2) Section 519 is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including:

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) the methods and procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

"(C) the number of programs and projects, and the amounts expended therefore, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the number of programs and projects, and the amounts expended therefore, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the number of programs and projects, and the amounts expended therefore, which have achieved the specific purposes for which they were intended and the specific standards and goals set for them,

"(F) the number of programs and projects, and the amounts expended therefore, which have failed to achieve the specific purposes

for which they were intended or the specific standards and goals set for them, and

"(G) the number of programs and projects, and the amounts expended therefore, about which adequate information does not exist to determine their success in achieving the purposes for which they were intended or their impact upon law enforcement and criminal justice;

"(2) a detailed explanation of the procedures followed by the Administration in reviewing, evaluating and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(3) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(4) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(5) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(6) the number of programs and projects with respect to which a discontinuation of payments occurred under section 509, together with the reasons for such discontinuation;

"(7) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(8) a detailed explanation of the measures taken by the Administration to audit, monitor, and evaluate criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime; and

"(9) a detailed explanation of how the funds made available under section 306(a)(2), 402(b), 455(a)(2), and 477 of this title were expended, together with the policies, priorities and criteria upon which the Administration based such expenditures.".

(3) Section 520(a) is amended to read as follows:

"SEC. 520. (a) 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 $337,500,000 for the period July 1, 1976, through September 30, 1976, and $1,350,000,000 for the fiscal year ending September 30, 1977. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of part F, but such sums shall not exceed $25,000,000 for the period July 1, 1976, through September 30, 1976, and $100,000,000 for the fiscal year ending September 30, 1977, and shall be in addition to funds made available for those purposes from other sources. 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 purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.".

(4) Section 521 is amended by inserting after subsection (d) the following new subsection:

"(e) Upon receipt of an application under sections 306(a)(2) or 455(a)(2) the Administration shall notify the State planning agency of the State in which the applicant is located of such application, and afford said State planning agency a reasonable opportunity to comment on the application with regard to its conformity to the State plan and whether the proposed programs or projects would duplicate, conflict with or otherwise detract from programs or projects within the State plan.".

(c)(1) Paragraph (10) of section 453 of such Act is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (16)".

(2) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "and (15)" and inserting in lieu thereof "(15) and (16)".

(d) Section 308 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "302(b)" and inserting in lieu thereof "303".

RESTRUCTURING AND UPGRADING THE FEDERAL FIGHT AGAINST CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 60 minutes.

Ms. HOLTZMAN. Mr. Speaker, I am introducing today legislation which will make significant and extensive improvements in the program of Federal aid for local crime-fighting through the Law Enforcement Assistance Administration.

I have pointed out on several occasions the failure of LEAA to have a substantial impact on reducing or preventing crime. Despite the expenditure of more than $4 billion over the past 7 years on Federal aid for State and local law enforcement, the crime rate continues to skyrocket. The latest FBI statistics, for example, show that crime increased by 9 percent nationwide in 1975, bringing the total increase in crime since LEAA began to more than 40 percent. And of course, these statistics do not show the fear, the suffering, the death, the ugly fact that many Americans do not feel safe in the streets of their cities or even in their homes.

This situation is intolerable. Although law enforcement is primarily a local responsibility, I believe the Federal Government has an important role to play. Federal aid can help financially strapped States and localities supplement their own law enforcement efforts. It can subsidize experimental approaches and help local governments find answers to particularly serious problems. The Federal Government can develop and make available technical expertise, and can keep States informed about progress in law enforcement. The Federal role, then, is one of assisting State and local governments to meet their own crime-fighting responsibilities.

LEAA has not provided adequate assistance and supplementation to local law enforcement efforts. I believe it is our responsibility, in the Congress, to correct this failure. Certainly we can no longer tolerate the waste of billions of Federal dollars on the current LEAA programs while the rising crime rate threatens the security and safety of millions of Americans.

The legislation which I am introducing today will forge the LEAA into a truly effective weapon in fighting crime. It will do so, first, by focusing Federal funds on the most severe problems in law enforcement, and second, by insuring that Federal funds are spent properly on programs that work.

I. FOCUSING LEAA EFFORTS

LEAA funds, although they amount to nearly $90 million annually, constitute only about 5 percent of total nationwide expenditures on law enforcement and criminal justice. The Safe Streets Act, under which LEAA now operates, encourages the diffusion of Federal expenditures across the entire range of law enforcement activities. As a result, a little money is spent on a great many problems, with little impact.

In order for LEAA funds to have a substantial impact, they must be concentrated on the most serious problems in law enforcement. My bill singles out three areas for concentrated effort: speeding up the processing of criminal cases, combating juvenile crime, and strengthening correctional institutions and programs.

1. SPEEDING CRIMINAL TRIALS

The bill gives top priority to speeding up criminal trials, because trial delay is at the heart of the breakdown of our criminal justice system. LEAA studies in three cities showed that it takes an average of 7 to 8 months to bring a criminal case to trial. The trial itself can consume several months more. It is, thus, not unusual for criminal cases—involving the most serious offenses—to drag on for 1 or 2 years. And recent testimony before House and Senate subcommittees has shown that the situation is getting worse.

The price for delayed trials and overcrowded courts is great. Prosecutors resort to plea bargaining in order to reduce their caseloads, which means that some dangerous criminals get reduced sentences or probation. Defendants out on

recognizance or bail may commit additional crimes. Innocent defendants who cannot raise bail are kept in jail, at public expense, while their families suffer. Witnesses move away, refuse to testify, or simply forget.

The result is "revolving door justice" which discourages police and prosecutors, disgusts the general public, and fails to deter or imprison dangerous criminals.

We can no longer afford to let trial delay make a mockery of our criminal justice system. If punishment is to provide the strongest deterrent to crime, it must be swift and certain. I believe, therefore, that Congress has a responsibility to concentrate Federal funds to help States achieve this objective.

My bill allocates 40 percent of LEAA action funds to speeding up the processing and disposition of criminal cases. It requires States to develop comprehensive multiyear plans for accelerating the criminal justice process. These plans would have to include specific annual goals for reduced case backlog and decreased trial delay.

The bill recognizes that the criminal justice process consists of interrelated components—courts, prosecutors, public defenders, and supporting agencies. It, therefore, makes funds available to each of these components. Because of the constitutional separation of powers, the bill provides an independent funding mechanism and separate planning funds for the courts. At the same time, it requires coordinated planning among all the components of the process, so that no one area becomes a bottleneck.

Finally, the bill sets up, within LEAA, an Office for Speedy Trial Assistance. This Speedy Trial Office would be responsible for providing technical assistance to the States, for reviewing State plans, and for seeing that the goals set by the States are met. While allowing the State courts and law enforcement professionals maximum freedom to develop solutions to their particular problems, it will help to assure that the Federal funds are used effectively.

Although trial delay is a serious problem nationwide, it may be less severe in some States. The bill, therefore, allows a State which does not need to spend 40 percent of its LEAA funds on speedy trial projects, to use these moneys as ordinarily block grant funds for any worthwhile law enforcement purpose. Thus, without unnecessarily restricting any State, under my bill LEAA will undertake a massive effort to improve State criminal justice systems and achieve the goal of swift and sure justice for the innocent, the guilty, and for society at large.

2. FIGHTING JUVENILE CRIME

The second area of concentration in my bill is on the problem of juvenile crime. Juveniles commit nearly half the serious crimes in America. According to LEAA, the peak age for arrest for violent crime is 18 years, followed by 17 and 16 years. The peak age for major property crimes is 16 years, followed by 15 and 17 years. And juvenile crime is increasing at a pace which far outstrips the overall rise in the crime rate. Thus, according to the General Accounting Office, from 1960 to 1973 arrests of persons under the age of 18 increased by 144 percent, while arrests of adults increased 17 percent.

Perhaps the most frightening and discouraging aspect of the juvenile crime problem is the criminal justice system's general inability to deal with juvenile offenders. It does not know how to rehabilitate them. It fails to separate runaways from hardened or severely disturbed offenders. It does not have adequate treatment facilities or alternatives to incarceration. Instead, the criminal justice system simply washes its hands of juvenile offenders, in most cases returning them untreated to the environments which created them and to the streets where they may commit additional crimes. Against this background, it is not surprising that an estimated 60 to 85 percent of juvenile offenders commit additional crimes after conviction.

While State and local governments have been unable to deal with juvenile crime, the Federal Government has been unwilling to provide help. LEAA has never funded juvenile crime programs adequately, both because of its own neglect and the low priority which States generally have given the problem. Although the Congress gave overwhelming approval to the juvenile Justice and Delinquency Prevention Act of 1974, the administration has consistently sought to reduce or prevent the funding of programs under this act.

I believe the Federal Government must lead a strenuous and sustained effort against juvenile crime. My bill requires that juvenile crime programs, whether funded under the Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act, receive at least 15 percent of Federal anticrime moneys. While the States would have a good deal of freedom in fashioning their programs to meet local needs, they would have to meet rigorous evaluation requirements to determine and demonstrate whether these programs are working.

The bill also expands the role of the National Institute for Juvenile Justice and Delinquency Prevention, to make it a useful source of technical and professional assistance. The Institute will receive evaluations of all LEAA juvenile crime programs, and will, working with the National Institute of Law Enforcement and Criminal Justice, be able to guide States toward effective programs.

I believe that the 15 percent guarantee of funding in my bill constitutes the barest minimum that should be spent on this major aspect of our crime problem. I hope that States will augment this amount with other LEAA funds, and with increased State and local expenditures on combating juvenile crime. In addition, I am hopeful that after LEAA assistance has helped States resolve the problem of trial delay, we in Congress can significantly increase the amount of Federal funds specifically earmarked for fighting juvenile crime.

3. IMPROVING CORRECTIONS

The third focus in my bill is on improving State correctional systems and programs. Prisons, traditionally the last in line for funding, have been a dismal failure. They do not "correct"; they do not rehabilitate inmates; they are breeding grounds for professional criminals; they are dehumanizing institutions which create resentment against society and disrespect for law.

It is estimated that from one-third to two-thirds of persons released from prison will commit additional crimes within 5 years after their release. While numerical estimates on recidivism rates vary widely, and while no one really knows what percentage of all crime is committed by repeaters, the enormity of the problem is undisputed.

The present LEAA act provides funds for State correctional institutions and programs. My bill retains this part of the act and allocates 15 percent of LEAA funds to this purpose.

To assure that these funds are used most effectively, the bill creates an Office of Corrections. The Office of Corrections is responsible for assisting, monitoring, and reviewing State corrections efforts. It should be a valuable source of expertise and guidance to the States, enabling them to find useful approaches and avoid unsuccessful ones. The Office will be assisted in this regard by the bill's requirement of increased evaluation of LEAA corrections programs. With its provision for stepped-up evaluation, guaranteed funding, and continuous professional assistance, my bill should produce significantly better results for Federal corrections aid efforts.

The concentration of LEAA funds on three areas of particular concern should help to resolve the problem of the diffusion of Federal anticrime efforts. I would point out, as well, that under my bill 30 percent of LEAA funds will continue to go to the States as block grants, without categorization. In addition, as I explain in greater detail later, the earmarking requirements can be waived, where appropriate, to increase the block grant funds available to a State.

II. INCREASING THE IMPACT OF LEAA PROGRAMS

I believe it is essential that we take steps to correct LEAA's second chief problem—the need to assure that LEAA funds are spent on programs that work.

Virtually every study of LEAA has concluded that its monitoring and evaluation efforts are totally inadequate. Goals for specific projects are vaguely defined or not defined at all. Projects are not evaluated in terms of their success in achieving their objectives or their impact on reducing crime. As a result, LEAA generally has no idea of which of its programs have worked and which have failed. In fact, LEAA does not even know what all of its money has been spent for.

1. SPECIFIC STANDARDS AND GOALS

My bill makes a number of improvements in this regard. In the first place, it requires each State's comprehensive plan to set forth specific standards and goals, and to indicate the role of projects in achieving those goals. This will enable State plans to be evaluated, both by LEAA and the State, for their responsiveness to local criminal justice needs.

In addition, the setting of specific goals for funded projects will establish a basis for assessing their merits and their contribution to the overall State anticrime effort.

2. IMPACT EVALUATION

The bill requires that each project funded be evaluated in terms of its success in achieving specified goals and its impact on reducing crime. This requirement is essential in making LEAA more effective, for only through such impact evaluation can useful programs be discovered and repeated, and unproductive ones avoided or terminated.

While the States are given the primary responsibility for evaluating their LEAA programs, my bill provides that evaluation will take place under the professional supervision of the National Institute of Law Enforcement and Criminal Justice. The Institute is given the authority to develop criteria for making and reporting evaluations. It will assist the States in developing evaluation procedures, and assure that evaluation results in one State are comparable with results in others.

The Institute will also serve as a clearinghouse for information about LEAA programs. It will receive evaluations of all projects, and make independent evaluations. It will be able to advise States about the most promising approaches to particular problems. In addition, working with the Speedy Trial and Corrections Offices, which the bill creates, and with the existing Office of Juvenile Justice and Delinquency Prevention, the Institute will develop particular expertise in these crucial areas. It will help these offices provide the most effective solutions for the States.

3. REPLICATION OF SUCCESSFUL PROGRAMS

A third feature intended to improve LEAA's impact is the bill's requirement that, beginning in the fiscal year 1979, each State spend at least 25 percent of its block grant, corrections, and juvenile crime funds on projects that have already demonstrated success in achieving particular ends. This requirement assures that while States are given freedom to experiment and find new answers to their problems, at least some portion of Federal funds will be spent on programs that have already been proven successful. No State would have to accept any particular program, and States would not be required to terminate projects that are promising, but at the same time, each State would be making some progress based on prior experience elsewhere.

4. REPORTS TO CONGRESS

Finally, the bill requires LEAA to provide Congress and the President with detailed reports about its activities, and about State plans and projects funded under the act. This will enable us to learn regularly how the program is working and whether changes are necessary.

Careful monitoring of LEAA programs will not only help us to assure that Federal funds are being used to their best effect. It will also assist us in reconsidering priorities under the act. My bill contains a 4-year authorization. At the end of that 4-year period, depending on circumstances, Congress could well decide, for example, to reduce the emphasis on speeding trials and increase the focus on juvenile crime or on another area entirely. We must be prepared to shift priorities so that LEAA programs remain continually responsive to the most serious crime problems.

These four requirements—the setting of specific standards and goals, impact evaluation, replication of successful projects, and increased reporting—will, in my opinion, assure both that LEAA is an effective weapon against crime and that Federal tax dollars are not simply going down the drain.

III. OTHER IMPROVEMENTS

1. INCREASED FREEDOM FOR STATES

While my bill limits the discretion of the States under LEAA by earmarking funds to certain top priority areas, it also increases the freedom with which States can use their LEAA funds.

In the first place, the bill allows a waiver of earmarking requirements. Thus a State which does not have a serious corrections problem, for example, can use corrections funds as part C block grant moneys.

The bill does away with the laundry list of objectives in part C, so that States will not be required to spread their block grant funds over the whole range of law enforcement and criminal justice activities. Thus, while the comprehensive planning process will continue at the State level States will be able to target LEAA funds according to their own needs and priorities.

The restriction that no more than one-third of an LEAA grant may go to personnel costs is eliminated. This restriction has had the unfortunate effect of concentrating LEAA expenditures on hardware of dubious value. It is unnecessary.

The bill also does away with the paperwork-producing requirement that States submit new comprehensive plans annually. Instead, the bill encourages States to engage in long-range planning, updating their plans annually to reflect such changes as are needed.

2. AID TO LOCAL GOVERNMENTS

The bill establishes a $100 million annual program of aid to cities of over 250,000 population in order to combat the crimes of homicide, robbery, rape, aggravated assault, and burglary. I described this program in detail in my statement on H.R. 12362, the predecessor to today's bill. The program focuses on the crimes which cause the greatest concern to most Americans and on the localities with the most severe crime problems. Unless an effort such as this is made on the Federal level, America's cities will continue to be shadowed by the fear and reality of violent crime.

In an effort to allow localities greater freedom in meeting their particular crime problems, my bill establishes a "mini block grant" procedure. This provision, based on the work of Senator EDWARD KENNEDY, would allow major cities and urban counties to carry out their own local plans with a minimum of State control.

The only restrictions would be that those cities and counties meet State evaluation, audit, and monitoring requirements, and that they undertake comprehensive local anticrime planning. In order to assist them with regard to the latter, the bill also increases to 50 percent the portion of LEAA planning funds which a State must pass through to its localities.

3. CHANGES IN LEAA STRUCTURE

My bill changes the structure of LEAA to accommodate the increased role of the National Institute of Law Enforcement and Criminal Justice, and to establish a clear distinction between LEAA's professional and bureaucratic functions. Thus, one Deputy Administrator is made responsible for "Research, Development, and Evaluation." That person will be in charge of the Institute, and its programs of professional and technical assistance. A Deputy Administrator for Program Management will be responsible for administering LEAA aid programs. By separating the bureaucratic and professional arms, and by placing evaluation authority on the professional side, I have sought to assure that States will receive useful guidance and technical aid from LEAA, without reams of red tape.

CONCLUSION

Mr. Speaker, I hope that Congress will act quickly on H.R. 12362, which I introduced several weeks ago, to extend and improve LEAA's programs for the next 15 months. That 15-month period will allow time for Congress to consider and, hopefully, enact the substantial changes that I am recommending today. I firmly believe that these changes are essential to making LEAA a genuinely effective Federal attack on crime.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. HRUSKA. Mr. President, within the next several days, the Senate will be considering S. 2212, the bill extending the authorization of the Law Enforcement Assistant Administration.

As part of the debate on that matter, it is likely that reference will be made to

recent news stories concerning two reports critical of LEAA.

Since the reports have surfaced since hearings on S. 2212 were closed, the Judiciary Comimttee's report does not deal with them. They have, however, been the subject of discussion in the appropriations subcommittee with jurisdiction over LEAA.

At our hearing on May 18, our colleague, Senator PASTORE, the distinguished chairman of the subcommittee, asked the Administrator of LEAA, Richard Velde, to comment on the two reports. Mr. Velde provided the subcommittee with a description of the unusual set of circumstances surrounding the press story regarding the report entitled, "Law and Disorder IV."

He noted that copies of the report are not available. The Associated Press had received only a draft report in "raw" form, and which was represented to be "subject to change." Entire chapters were reportedly missing. The report's author, a Washington attorney, has based many of her criticisms of LEAA on a distortion of the contents of a lengthy, careful, and independent study made public by LEAA more than 2 months ago. Her conclusions, which were given wide circulation by the media, are certainly subject to dispute. Administrator Velde reasonably suggested that LEAA be judged by an objective review of the facts; not on the basis of an "unavailable draft report."

During the same subcommittee hearing, Mr. Velde responded to the chairman's questions regarding a study entitled, "Law Enforcement: The Federal Role," released by the Twentieth Century Fund Task Force. The task force states that its goal is to provide an up-to-date, independent evaluation of the Law Enforcement Assistance Administration.

Mr. Velde's response included a summary of the most serious errors of the task force report. His comments suggest the report is in no sense a comprehensive examination of LEAA, and many of the task force statements indicate a serious misunderstanding of how LEAA operates and of LEAA's mission, as mandated by its enabling legislation, the Omnibus Crime Control and Safe Streets Act of 1968.

Mr. President, in order that Senators may have the benefit of the testimony taken by our subcommittee, on these matters, I ask unanimous consent to have printed in the RECORD the prepared statements of Mr. Velde.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

RESPONSE TO NEWSPAPER REPORTS CONCERNING A REPORT BY THE CENTER FOR NATIONAL SECURITY STUDIES

(By Richard W. Velde)

Earlier this month the Associated Press distributed a story based upon a so-called "independent study" which was sharply critical of the Law Enforcement Assistance Administration.

The article noted that the study is to be published by the Center for National Security Studies, that it was to be called "Law and Disorder IV," and that it was part of a series all highly critical of the LEAA program.

I would like to call your attention to the unusual set of circumstances surrounding this Associated Press story.

The first I heard about the criticism was when I read about it in the newspaper, since neither the Associated Press nor the report's author, a Washington lawyer named Sarah C. Carey, had called to LEAA's attention the fact that such a report existed. Had they done so I would have been happy to have commented on the document, which would have cleared up many errors that Ms. Carey had fallen into and which the Associated Press and its member newspapers had thereupon repeated.

As a matter of fact, the Associated Press had received only a draft report, in "raw" form, and which was represented to be "subject to change." Indeed, entire chapters were reportedly missing, making it difficult for anyone to evaluate its findings.

Shortly after the Associated Press story was printed in the newspapers, we and other Federal officials made various attempts to obtain the report so that we would be prepared to respond to questions about it from the Congress and from the public, to whom we are accountable.

When we called Ms. Carey's office the day the story appeared we were told that Ms. Carey was not available. When we called the Center for National Security Studies we were told to call Ms. Carey. When an official of the Office of Management and Budget also called the Center for National Security Studies he was told that the Center had a copy of the draft report but "Sarah Carey had ordered that the report not be given to any Government agency."

In the meantime, we receive requests for comment about Ms. Carey's charges. How could we respond when we had only second-hand and thirdhand accounts of what she was supposed to have alleged?

(The International Association of Chiefs of Police also requested a copy of the report draft, as it had heard of erroneous remarks in it attributed to the Association. However, the IACP was told it would have to wait 6 to 8 weeks.)

The unfairness of this situation—being forced by media attention to respond to an "unavailable document"—makes this attack most difficult to address. I appreciate the opportunity to try to reintroduce some objectivity into the discussion of LEAA's effectiveness.

LEAA conducts its business in the open. It expects to be criticized when it is wrong. It expects to account for its actions in all responsible forums. However, it has a right to expect that its critics adhere to common standards of truth and fairplay. This, I might add, includes news reporters as well as those who would attempt to evaluate our efforts.

I believe it is important that the Congress and the public know that neither the Center for National Security Studies nor Ms. Carey has an established reputation for expertise in criminal justice matters.

The sponsor of the report, The Center for National Security Studies is, according to the Congressional Research Service, supported by the Fund for Peace, of New York City, which, in turn, is supported by the Abalard Foundation, the Field Foundation, and the Stearne Foundation. The Center has never to my knowledge interviewed LEAA officials or discussed Ms. Carey's report with us.

The author of the report, Sarah Carey is an attorney. To the best of my knowledge she has little or no experience in the improvement of state and local criminal justice systems. Indeed, the basis for many of her criticisms of LEAA is a distortion of the contents of a lengthy, careful and independent study made public by LEAA more than two months ago. It was a comprehensive analysis by the MITRE Corporation of our High Impact Anticrime program. However, Eleanor Chelimsky, who heads the MITRE Corporation's Criminal Justice System Research Department and who wrote the High Impact analysis, has come to a conclusion directly opposite to the one reached by Ms. Carey. In a recent letter, Ms. Chelimsky commented that abolishing LEAA "would not help, it would just set the fight back by 3 years" to where we were before the program began.

Ms. Chelimsky pointed out, in addition, that it "is really not credible to say that LEAA has not made serious improvements in the criminal justice system. Just looking at Impact alone, we have seen a quantum jump in system capability, in planning and evaluation, in coordination. We have seen community involvement develop where there was none before, and we have seen crime rate decreases now, in four Impact cities (Atlanta, Baltimore, Newark and Portland) while Denver and Dallas have improved, contrary to press reports.

"These facts, however, have been overlooked by Carey. Further, the scope and arduousness of the problems confronting LEAA escape her simplistic, subjective approach.

"Subjectivity, that is the real problem. Carey makes no effort at objectivity, yet this is an essential quality of the evaluator she claims to be, or of any social scientist for that matter. Carey, however, is not a social scientist, her approach is neither scientific nor objective, she is a lawyer, concerned with prosecution. But if she is not objective, and makes no effort to be so, then there is not confidence that her conclusions are based on fact rather than fancy, on performance rather than politics."

As it happens, Ms. Chelimsky has spent some time with Ms. Carey, and this is what she said about her: "What bothers me most about [Ms. Carey's] remarks is their simplistic nature: her utterances would lead to the belief that people are either heroes or villains, frauds or saints, fascist pigs or great liberals, nothing in between. In the same way, her remarks show little understanding of the complexities involved in the planning, organization, management, implementation, coordination and evaluation of a program like Impact. Even more importantly, however, she wants no part of such understanding. On the contrary, she is quite comfortable with her monolithic view that crime is a simple problem and that we can make it go away if we just belong to the right political denomination or get rid of the bad guys. The proof of this is that she makes no suggestions as to what should be done differently and/or better to reduce crime. This, of course, is because she doesn't know. But why then, should we take seriously her opinion that LEAA 'should be abolished' if she doesn't know what to put in its place? Would she let crime continue to rise unchecked? And why would one abolish LEAA because crime rates are up? This is like abolishing NIMH because there is more schizophrenia or DOD because we have lost a battle."

My own view is that LEAA is a pioneer working in what is largely an uncharted area. It can provide a relatively limited amount of assistance—less than 5 percent of the total amount spent annually for law enforcement—and cannot reasonably be expected to reduce crime single-handedly.

But LEAA funding has stimulated state and local governments into re-thinking about many of their basic law enforcement programs. It has supported demonstration projects involving new criminal justice concepts. It has permitted the states and localities to select for funding those criminal justice programs that address their most pressing needs.

LEAA believes that program has been successful and should be judged on an objective review of the facts; not on the basis of an "unavailable draft report."

RESPONSE TO A REPORT BY THE TWENTIETH CENTURY FUND TASK FORCE

The Twentieth Century Fund Task Force recently released a study entitled: "Law Enforcement: The Federal Role." The Task Force, in the report's introduction, said its goal was to provide an up-to-date, independent evaluation of the Law Enforcement Assistance Administration.

LEAA certainly has no misgivings about a constructive analysis of its operations. A reasonable and thoughtful discussion of what LEAA is doing can only result in more effective programs for LEAA and contribute to better government, which is in the interest of LEAA and, more importantly, the nation. LEAA expects public scrutiny—indeed, welcomes it—for that is one of the most effective ways to resolve problems, especially when dealing with the complexities of the criminal justice field.

The major recommendation of the report deals with the reorganization of LEAA. The basic premise of this recommendation was proposed by the Administration three years ago and was rejected by the Congress. The proposal to employ special revenue sharing was presented by the Attorney General before Subcommittee No. 5 of the House Judiciary Committee on March 15, 1973. Here is an excerpt from that testimony:

"(The) block grant concept gave the state and local governments the leading voice in how to set up their crime reduction programs and use the funds. (It) represented an excellent first step.

"However, local control was not totally assured under block grants. And the President is now seeking special law enforcement revenue sharing to complete the course toward a fully rational criminal justice assistance program for the state and local governments.

"Under the new proposal for LEAA, special revenue sharing for law enforcement would include those funds LEAA now awards for block action grants as well as the present special grants for planning, general law enforcement training, organized crime prosecutorial training, corrections programs, technical assistance, manpower development, and education."

Congress flatly rejected the proposal and retained the block grant action program.

RED TAPE

Included in the report's revenue sharing proposal is a recommendation for the abolition of LEAA's ten regional offices. We respectfully disagree with this recommendation. These offices are very small with a heavy workload of not only administering block grants by LEAA but categorical programs as well. LEAA shares the concern of the Twentieth Century Fund about "red tape" and the Congress also has agreed.

During the Congressional oversight hearings in 1973, the Committees received testimony which was primarily concerned with delays in the receipt of funds. Only occasionally did the testimony mention paperwork requirements.

In response to these concerns, LEAA's legislation was amended to require that states either approve or disapprove any application from a local government unit within 90 days of the receipt of the application by the state criminal justice planning agency. All states have developed procedures and are in compliance with this requirement. In addition, requirements were placed upon LEAA that state plan submissions be approved or disapproved within 90 days of their submission to LEAA. Likewise, action on such state plans have all been well within the 90 day statutory limit.

LEAA also has initiated a red-tape reduction project to streamline operations as much as possible and to reduce unnecessary paperwork.

This Committee should also be aware of the following errors in fact in the Twentieth Century Fund report that LEAA in good conscience must correct for the record:

"The printed guidelines for state plans are 200 pages long." The highest number of pages ever for the guidelines was 71, generally they are 20 to 30 pages long.

"Some state plans are the work of outside consultants. . . . to LEAA's knowledge, only two states have ever used outside consultants. One state used consultants for two years, the other for one year.

Some red tape is imposed upon us by statute. LEAA has three major areas of regulation: civil rights compliance, audit and privacy and security. In two areas, civil rights compliance and privacy and security, the report states that LEAA is not doing enough. This not compatible with the overall view of the Task Force which advocates cutting down red tape. And although the Twentieth Century Fund does not mention "Audit," this is a federal oversight program common to all federal programs including general revenue sharing.

One final note on "red tape." The Twentieth Century Fund Task Force recommends that payments be made directly to individuals in the Law Enforcement Education Program (LEEP) instead of to educational institutions.

A measure was introduced in 1973 in the Senate that would have ordered LEAA to distribute LEEP funds directly to the students as the Task Force recommends. The proposal received only two votes, indicating that the Congress, too, could foresee the morass of "red tape" that such a program would entail.

In addition, evaluations of programs that make payments directly to students indicate that abuse under these plans is significant. Such a plan would remove some of the existing incentives for schools to strengthen the quality of their crime-related programs. It is conservatively estimated this would require 400 additional personnel to monitor just this function. LEAA's total staff is about 700 people.

RESEARCH

The recommendations of the Twentieth Century Fund are superficial when the Task Force addresses research. There is one side of the recommendation with which we agree and that is the need of continued and more in-house facilities.

First, the National Institute of Law Enforcement and Criminal Justice already supports a program of Research Fellows which attracts talented researchers who come to the Institute to work on innovative projects of their own design. Secondly, the Institute in its past experimented with an in-house research component and found that it was not practical with existing staffing allocations. It was not the inability to attract good researchers, but rather the immediacy of the program development monitoring demands for the external research program which quickly eroded the time of even the small staff which was concentrating on its own research. The Research Fellowship Program assures that researchers have maximum freedom to manage their own research. Given an ideal situation in which staff resources matched the demands of the program, the Institute would welcome an expansion of an in-house research capability.

The charge that "little attempt has been made to incorporate findings into the criminal justice systems at state and local levels" is false.

The fact is that the Task Force's proposals have been carried on by the Institute ever since its existence. They were strengthened with the 1973 amendments that directed the Institute, "where possible," to determine the impact of LEAA's criminal justice assistance programs. To achieve that, the Institute established an Office of Evaluation to evaluate the management and performance of selected LEAA programs, help state and local agencies to improve their evaluation capabilities and develop new evaluation tools and methodologies. It also established a National Evaluation program to assess the effectiveness of special approaches to criminal justice problems.

In addition, the Model Program Development Division of the Institute has been providing basic information to state and local units of government concerning what works and what does not work in law enforcement and criminal justice. Today, more than 5,000 practitioners and policy makers have received training as part of this program.

The Task Force claims that "too much reliance on outside research has made LEAA's research program too diffuse and unmanageable . . . little Institute sponsored research has found its way down to the states, far less to the streets . . . the Institute has been reluctant to build up their staff of in-house researchers, on the theory that first-rate talent will not want to work for the government."

The entire section relating to "in-house research" is without factual basis. Unlike the comprehensive assessments of LEAA and the Institute currently under way by the Advisory Commission on Intergovernmental Relations and the National Academy of Sciences, no staff were interviewed, no résumés were examined, no grants and contracts examined, no state and local officials surveyed. The specific statement regarding the reluctance to have in-house researchers is totally inaccurate and without foundation.

SYSTEMS AND STATISTICS

To turn to the area of data collection, LEAA agrees completely with the necessity to develop a "systematic regularized, reliable set of criminal justice statistics." The recommendation to analyze the needs and validity of existing crime statistics has already been addressed by LEAA. The National Criminal Justice Information and Statistics Service is now in the process of completing a five-year master plan for the development of improved criminal justice statistics dealing not only with the incidence of crime but the flow of the offender through the criminal justice system. In the crime reporting area, LEAA has funded the improvement of state Uniform Crime Reporting through the Comprehensive Data System program to enable the states to provide high quality crime statistics to the national collection effort. As a result of LEAA's investment in this area, 31 state statistical analysis centers are now beginning to collect good criminal justice statistics in their respective states.

As a result of efforts initiated by Project SEARCH, LEAA has created and is funding the development of a nationwide statistical system based on the flow of offenders through the criminal justice process. The strategy for implementation of this nationwide improved criminal justice statistical program focuses on the development of improved collection and analytical capabilities in the states themselves, rather than mandating a federal program.

Efforts are also under way to correlate the LEAA victimization statistics with uniform crime reports to compare victim experiences with crimes known to the police. Based on models developed with LEAA funds, state judicial information systems and offender-based corrections information systems are being implemented in many states with the requirement that these systems produce the offender-related criminal justice statistics so badly needed in the nation. The entire Comprehensive Data System program is under continual review and new guidelines are currently being issued.

The Task Force alludes to discussions over the control of a nationwide computerized criminal histories network and alleges that

conflict exists between the FBI and LEAA in control of this system. This is clearly not the case LEAA has funded the National Law Enforcement Telecommunications System to help the states exchange information not provided by the National Crime Information Center operated by the FBI. The Department of Justice has already created the Task Force-recommended review board to deal with the policy for operation of any and all systems funded or operated by Department of Justice agencies. Further, the National Crime Information Center has an advisory policy board representative of the criminal justice community to deal with these issues.

ORGANIZED CRIME

We generally agree with the Task Force's comments in the area of organized crime, but we respectfully suggest that LEAA's activities are somewhat more extensive than the report reflects. Also, this is a type of program that takes time—a lot of time—and this would hardly be possible under the one-year extension of the LEAA that the Twentieth Century Fund recommends.

POLITICS

We violently disagree with the Task Force report allegations that partisan politics has played a part in the allocation of LEAA funds.

First, the block grant concept, the population formula under which LEAA distributes most of its funds, leaves no room for political partisanship at all. Also, over the years, the agency has dealt with hundreds of state and local government officials of all political persuasions.

An overwhelming majority of those officials have in fact been members of a different political party to the Administration in Washington.

As for the specific charge that there was political pressure brought to bear in Philadelphia, I have no personal knowledge of this alleged incident. Although I was at LEAA at the time, I was not privy to any discussions or negotiations, if in fact there were any. Also, our subsequent relationships with Philadelphia suggest there was no partisanship. Our largest grant has gone to the courts. The next largest went to the special prosecutor for the investigation of official corruption in the City of Philadelphia.

PRIVACY AND SECURITY

LEAA has a complete set of privacy and security regulations and requires that in LEAA-funded criminal justice information systems, certain basic security and privacy considerations be followed.

It should be pointed out that LEAA has executed this rigorous and extensive program governing the privacy and security of information collected and disseminated as a consequence of LEAA funding. However, the serious constitutional issues involved in this area are more properly the province of Congress. Since 1971, the Department of Justice and LEAA have repeatedly offered legislative proposals to resolve these issues, but the proposed legislation has failed in Congress.

COMPREHENSIVE PLANNING

Here is an instance where the Twentieth Century Fund Task Force is for a program, and at the same time is against it! The Task Force criticizes the annual plan review, but on the other hand suggests that the comprehensive planning process be placed on a five-year cycle. This of course makes no sense at all when you consider that the Task Force has recommended in the first instance a one-year extension of the LEAA program. In the past, LEAA has favored multi-year plans which could be updated by annual plan submissions. Current LEAA guidelines permit a single plan to become the basis for multi-year funding with annual updates of changed portions of the plans.

GMIS

The LEAA grants management information system, contrary to the Task Force report, was set up to permit the effective management of the LEAA grant program, rather than in response to earlier criticisms. The grant descriptions are indeed submitted by the grantees, and properly so, and are now being checked for accuracy in the editorial process. During the last year, LEAA has undertaken a substantial effort to improve the accuracy and completeness of this record of grants. The fact that the data is not completely and accurately entered into the computer does not imply that such data is not available in manual form.

Again, LEAA has already undertaken the revision of the coding procedures and the design of the system to provide more rigorous and complete descriptive data on all categorical and block grants. The agency does require, and will increasingly insist, that grantees provide data for the system in a timely fashion. While this system does not provide all of the fiscal data required for the effective management of the program, other information systems and manual systems do exist to account for the expenditure of funds.

ONE-YEAR REAUTHORIZATION

Not only would this proposal of the Twentieth Century Fund have the effect of changing the nature of the LEAA program to the type of short-term and limited efforts which have been criticized by the Congress and others on several occasions previouly, but would also have other adverse effects on the objectives of the Safe Streets Act.

It should be emphasized that the Administration's proposal for renewing LEAA's authorization was submitted in compliance with Public Law 93-344, the Congressional Budget and Impoundment Control Act of 1974. That legislation has as one of its primary objectives the development of a long-range planning capability by the Federal Government, with program expectations stated for five years. Extension of the LEAA program for five years would be consistent with this Congressional objective and would assure stability in this aspect of federal assistance.

One of the key features of the current LEAA program is the comprehensive planning process which I mentioned earlier. This planning, to be effective, must necessarily have long-range implications.

A one-year program and the uncertainty as to future assistance would have adverse effects on state and local efforts.

The nature of the projects supported could change significantly in form, from innovative efforts expected to have permanent beneficial effects, to projects which merely continue the status quo and support normal operational expenses.

Jurisdictions would be hesitant to make a commitment to many significant undertakings because of the possibility of abrupt loss of support.

Short-term programs would also encourage the purchase of equipment by localities since a tangible benefit lasting for some time would be guaranteed. Equipment purchases would also be attractive since they require no follow-up planning or evaluation.

There could additionally be a chilling effect on the raising of matching funds by localities. Local officials may not wish to make a substantial investment in a program which could possibly remain in existence for a brief period, or which might be drastically changed in nature.

One particularly striking example of the negative results which might occur because of a reauthorization limited to one year is in the area of LEAA's corrections effort. The objective of our corrections program is to develop and utilize hypotheses concerning techniques, methods, and programs for more effective correctional systems and improved capabilities of corrections, with special attention to offender rehabilitation and diversion of drug abuse offenders. Developing and demonstrating innovative, system-oriented programs and monitoring and evaluating the outcome of such efforts requires substantial time, effort, and funding commitments. One year is an unrealistic period to accomplish such objectives.

OVERSIGHT

This paper catalogues some of the most serious errors of the Task Force report. Apparently the authors of the report do not understand the provisions of the Act which created LEAA. This is particularly distressing to LEAA because the agency spent many hours filling the requests for information by the Twentieth Century Fund. It is in no sense a comprehensive examination of the LEAA program and many of the Task Force statements indicate a serious misunderstanding of how the LEAA operates and of the LEAA's mission—as set forth by Congress in the enabling legislation.

Moreover, to quote the report, the "Task Force urges that Congress exercise more vigorous oversight regarding LEAA." The impression is that LEAA has rarely—if ever—been questioned by Congress on its programs and projects. That is patently nonsense. Both the House and Senate Judiciary Committees held oversight hearings on LEAA in 1970, 1973, and 1975. Each year, LEAA undergoes oversight before both the House and Senate Appropriation Committees. The House Governmental Operations Committee conducted extensive oversight hearings on LEAA. In fact, the testimony is 1,000 pages long! And the General Accounting Office has audited scores of LEAA programs and projects. In relation to juvenile delinquency, the Senate Judiciary Subcommittee and the House Education and Labor Committee conducted hearings in 1973 and 1974. LEAA has undoubtedly undergone a thorough scrutiny in the last eight years—not to mention the hearings representatives of the agency have testified at this year.

CONCLUSION

What is the role of LEAA? In the seven years the Agency has been in operation, there has been confusion over whether it is crime reduction or system improvement. This confusion began with President Johnson's crime message of 1967 and was continued in certain respects into the Nixon Administration. LEAA should not be held responsible for crime reduction objectives. Congress understood this and our legislation clearly and repeatedly states that the basic responsibility for improvement of the criminal justice system rests with state and local governments. They do most of the work, as well as supply most of the funds. The Law Enforcement Assistance Administration is clearly only responsible for system improvement.

Under the Crime Control Act, LEAA cannot dictate to state and local governments how to run their criminal justice systems. LEAA neither approves nor disapproves specific projects a state or city may want to support with block grant funds—unless the proposal is inconsistent with the provisions of the state's comprehensive plan. Each state makes those decisions on the basis of its own evaluation of needs and priorities. These are statutory requirements to which LEAA must adhere.

CRIME CONTROL ACT OF 1976—S. 2212

AMENDMENT NO. 1731

(Ordered to be printed and to lie on the table.)

BAYH URGES SENATE TO REJECT FORD ATTEMPT TO STIFLE JUVENILE CRIME PREVENTION PROGRAM

Mr. BAYH. Mr. President, today I am introducing an amendment to President Ford's Crime Control Act of 1976, S. 212. The purpose of the amendment is to assure that the long ignored area of juvenile crime prevention remains the priority of the Federal anti-crime programs.

Mr. President, I am not able to support the reported version of President Ford's "Crime Control Act of 1976," S. 2212, because it (sections 26(b) and 28) repeals significant provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415).

The Juvenile Justice and Delinquency Prevention Act is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate (88-1) and House (329-20) to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups, will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Law Enforcement Assistance Administration (LEAA) must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are and that the thousands of youth who have committed no criminal act (status offenders, such as runaways) are not jailed, but dealt with in a healthy and more appropriate manner.

Mr. President, I ask unanimous consent that a list of the groups to which I have just referred be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415)

American Federation of State, County and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Socal Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth; Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development _Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Council of Organizations of Children and Youth, Youth Development Cluster; members:
AFL-CIO, Department of Community Services.
AFL-CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Assocation.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescent Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Big Brothers of America.
Big Sisters International.
B'nai B'rith Women.
Boys' Clubs of America.
Boy Scouts of the USA.
National Council of Organization of Children and Youth, Development Cluster; members, continued:
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the USA.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of State Committees for Children and Youth.
National Jewish Welfare Board.
National Urban League.
National Youth Alternatives Project.
New York State Division for Youth.
Odyssey.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neignborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Van der Does, William.
Westchester Children's Association.
Wooden, Kenneth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

Mr. BAYH. An essential aspect of the 1974 act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's aim, to focus on prevention, would not be the victim of a "shell game" whereby LEAA shifted traditions juvenile programs to the new act and thus guarantee that juvenile crime prevention will be a priority.

Fiscal year 1972 was selected only because it was the most recent year in which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in

June 1973 that nearly $140 million had been awarded by the agency during that year to a wide range of traditional juvenile delinquency problems. Unfortunately, the actual expenditure as revealed in testimony before the subcommittee last year was $111,851,054. It was these provisions, when coupled with the new prevention thrust of the substantive program authorized by the 1971 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA but the national crime-fighting priority.

The subcommittee has worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent; and in fiscal year 1972, 20 percent of its funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in the House-Senate conference where it was deleted.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Despite stiff Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by the chairman of the State, Justice, Commerce, and Judiciary Appropriation Subcommittee.

It is interesting to note that the primary basis for the administration's opposition to funding of the 1974 act was ostensibly the availability of the very "maintenance of effort" provision which the administration sought to repeal in S. 2212.

Mr. President, just last week the same forked-tongue approach was again articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent to $10 million current funding for the new prevention program or in other words kill it.

The Ford administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to except a substitute percentage formula for the present law, the effect of which could substantially reduce the total Federal effort for juvenile crime prevention. But what the President seeks and what his supporters will diligently pursue is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the compromise version was reported from the Judiciary Committee. This new proposal again incorporates sections repealing the key maintenance of effort provisions. My subcommittee heard testimony on this measure last Thursday and it was clear to me that rather than an extension bill it is an extinction bill.

It is this type of double-talk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

While I am unable to support the bill which has been reported to the Senate, I am by no means opposed entirely to the LEAA program. The LEEP program for example, has been very effective and necessary in assuring the availability of well-trained law enforcement personnel. Coincidentally, however, the Ford administration also opposes this aspect of the LEAA program. Additional programs have likewise had a positive impact. But the compromise provisions in the reported measure—the measure was defeated by a vote of 7–5—voting "yea" Senators BAYH, HART, KENNEDY, ABOUREZK, and MATHIAS and voting "nay" Senators MCCLELLAN, BURDICK, EASTLAND, HRUSKA, FONG, THURMOND, and SCOTT of Virginia—represents a clear erosion of a congressional priority for juvenile crime prevention and at best proposes that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

The Ford administration has responded at best with marked indifference to the 1974 act. The President has repeatedly opposed its implementation and funding and now is working to repeal its significant provisions. This dismal record of performance is graphically documented in the subcommittee's new 526 page volume, the "Ford Administration Stifles Juvenile Justice Program." I find this and similar approaches unacceptable and will endeavor to persuade a majority of our colleagues, through sound argument and any available parliamentary tool, to reject these provisions of S. 2212 and to retain the priority placed on juvenile crime prevention in the 1974 act which has been accepted by the House Judiciary Committee.

The failure of this President, like his predecessor, to deal with juvenile crime and his insistent stifling of an act designed to curb this escalating phenomenon is the Achilles' heel of the administration's approach to crime.

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, of fear for the lack of personal security and the tremendous waste in human resources.

Few areas of national concern can demonstrate the cost effectiveness of governmental investment as well as an all-out effort to lessen juvenile delinquency.

During hearings on April 29, 1975, by my subcommittee regarding the implementation or more accurately the administration's failure to implement the act, Comptroller General Elmer Staats hit the nail on the head when he concluded: "Since juveniles account for almost half the arrests for serious crimes in the Nation, it appears that adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would be an essential step in any strategy to reduce crime in the Nation."

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no Federal solution—no magic wand or panacea—to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches, $15 billion last year while we witness a record 17-percent increase in crime, must stop.

As we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in troubl, whether we are vindictive or considerate, will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, is clearly not compatible with these objectives.

I urge my colleagues to support this amendment and Mr. President, I ask unanimous consent that the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1731

On page 33 beginning at line 11, strike out all through line 16.

On page 34, beginning at line 16, strike out all through line 23.

CRIME AND LAW ENFORCEMENT

Mr. HUMPHREY. Mr. President, the fear of crime, particularly violent crime, has appeared at the forefront of every public opinion survey of the social concerns of the American people. Only double-digit inflation, compounded by rising recession and unemployment, has even been a close, serious competitor to the people's concern over crime.

In early 1973 a Gallup poll showed that one out of every five Americans had been victimized by some type of crime between December of 1971 and December of 1972 and that in the center cities, the figures was one in three persons.

All respondents to the survey listed crime as the worst problem in their community and 51 percent said there was more crime in their community than there had been a year earlier. Only 10 percent thought that crime had diminished.

The fear of crime corrodes trust in Government at every level; it destroys the tolerance that we have for each other; and it breaks down respect for law—all of which are vital to a healthy democracy. Crime is a pervasive national concern.

And it is a concern that is justified by the facts. The Uniform Crime Reports issued by the FBI for 1974 tell us that 19 serious crimes were committed each minute that year. A violent crime—murder, forcible rape, robbery, or assault to kill—occurred every 33 seconds. There was a murder every 26 minutes, a robbery every 71 seconds, a burglary every 10 seconds, and a motor vehicle theft every 32 seconds.

But crime is by no means limited to the street crimes. White-collar crime costs American taxpayers $40 billion a year, and organized crime continues to threaten the fabric of our society.

It is no secret that our criminal justice system has failed or been found wanting in almost every stage of the crime control process—whether it is in efforts to deter crime, or in detection and apprehension, in court proceedings, or in rehabilitation and corrections.

There are no easy solutions. There is no magic formula that will eradicate crime and delinquency. No single segment of our society—no single institution—can cure this disease singlehandedly.

We must recognize crime as the complex social and economic problem it is, and we must be prepared to replace what have been piecemeal, fractured efforts with a coordinated approach which involves not only the Congress and State legislatures, but the courts, corrections and social agencies, local and State law enforcement agencies and, perhaps most importantly, individual citizens who care about making their cities and towns safe. It is going to require working together, trying out new approaches. We must be willing to dare and to pioneer in an effort to make progress.

Mr. President, I want to discuss some of the steps I believe we need to take to reduce crime and meet the goals set out in the Constitution—the establishment of justice and the assurance of domestic tranquility.

The Founders saw no conflict between these ideals. In fact, they recognized that they are interdependent in a democratic system. Domestic tranquility generally exists in a totalitarian system, but it often is at the expense of justice. By the same token, an effort to establish justice without regard to tranquility and civil peace is doomed to failure, because in the final analysis there can be no justice when "justice" for the few rains down the injustice of intimidation, fear, and unrest on the many. Indeed, the fear and the reality of crime constitute a serious injustice to many of our people.

My remarks will be but an outline, but they incorporate many of the steps I believe we must take to foster civil peace and tranquility.

STATE AND LOCAL LAW ENFORCEMENT

First, we must be committed to making improvements in the criminal justice system within the establishment framework.

This must begin with local law enforcement agencies, where the burden of law enforcement is greatest. Police and sheriff's offices must have the financial resources necessary to strengthen the tools they now have to investigate crimes and apprehend criminals.

Increased reporting of crimes, while essential to a real reduction in the incidence of crime, has brought additional burdens to local law enforcement efforts. Additional personnel will be required both to maintain persistent investigations and to insure that there are sufficient numbers of officers on patrol, to answer emergency calls, to work with the residents of the community, and simply, to be a "presence" in the neighborhood, thereby detering some crimes.

Law enforcement officials must have the staff, equipment, and communications resources necessary to answer calls promptly and maintain criminal investigations until the suspect is apprehended and brought to justice. We must continue to upgrade the quality of our law enforcement personnel by raising employment criteria and improving compensation of police officers. We must provide, through appropriate legislative action, adequate disability protection and death benefits for the families of officers who are killed in the line of duty. One hundred and thirty-two law enforcement officers were feloniously killed in 1974.

The Congress has sought to make funds available for law enforcement activities through bloc grants from the Law Enforcement Assistance Administration. It is no secret that the LEAA has come under a good deal of fire. Reforms are needed, and I am confident that they will be made. But the funds and the expertise which have been made available through Federal support must be maintained if crime is to be reduced.

But we know that money alone will not solve the problem. Almost $15 billion was spent for criminal justice activities in fiscal year 1974—15 percent more than the previous year.

Yet the number of crimes committed nationally in 1974—the most recent figures which are available—rose 17.6 percent over 1973. And criminals know that they still have a very good chance of getting away with crime. In 1974, 21 percent of the "index" crimes—murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft—were cleared. This means that in slightly more than one in five cases were law enforcement agencies able to identify the offender, gather enough evidence to bring charges, and take the suspect into custody. Somewhat more encouraging were the higher clearance figures for crimes against persons. Eighty percent of murder offenses were cleared, 51 percent of forcible rapes, and 63 percent of aggravated assaults.

We must guarantee that the resources are available to improve these figures, and an up-front commitment of funds will be required.

We must have a new emphasis on rural crime. No longer can we assume that crime is restricted to inner cities or suburbs. It has been estimated that crime in rural areas has increased some 21 percent, as compared to a 20 percent rise in suburban areas and 13 percent in larger cities.

Farmers and small businessmen in rural areas and small communities have found that they can no longer assume that they are insulated against crime. This problem is exacerbated by the fact that it is more difficult to patrol these areas adequately. We must look to the need for additional efforts to prevent rural crime and to apprehend those who victimize the people of rural America.

Efforts initiated by Congress with enactment of the Juvenile Justice and Delinquency Prevention Act must be stepped up. We must insist that the administration provide the support necessary to implement the provisions of this legislation, which was intended to provide Federal leadership and coordination of the resources necessary to develop and implement programs for the prevention and treatment of juvenile delinquency at the State and local level. There is no question that we must look for new approaches to the problem of juvenile crime.

It has been estimated that the number of juveniles arrested for serious and violent crimes increased 1,600 percent between 1952 and 1972. In its report on this legislation the Senate Judiciary Committee indicated that youths under the age of 18 are responsible for 51 percent of the total arrests for property crimes, 23 percent for violent crimes, and 45 percent for all serious crime. Between 1960 and 1970, the committee indicated, total juvenile arrests under 18 increased almost seven times faster than adult arrests.

The rates of recidivism for juvenile offenders are incredibly high—estimated to range from 60 to 75 percent. The FBI reported that 74 percent of the offenders under 20 years of age released in 1965 were arrested again by the end of 1968.

This is an area in which special research and innovative programs are required. There must be a more adequate answer to juvenile crime than simply the approach of middle age, and it is imperative that we find it.

The issue of what, if any, controls should be placed on firearm ownership has been a central issue in debates concerning law enforcement.

These discussions center, most appropriately, around handguns—specifically the so-called Saturday Night Special. Small, easily concealable guns are most often associated with violent street crime and the assault or murder of police officers. More than half of the reported homicides in 1974, 11,000, were committed with a handgun. Almost half of the reported robberies, and one-fourth of the aggravated assaults involved a gun. The safety of our schoolchildren has been threatened because many are taking handguns to school. Thirty murders were committed in 1 year in Los Angeles schools, and some 211 handguns were confiscated. This is appalling.

A poll released last year revealed that a substantial majority of the American people, 67 percent nationwide, favor registration of handguns.

The issue of gun control should not be confused by those who would misrepresent the issue. The problem is the handgun—the small, easily concealable gun which is used by criminals.

I am a sportsman. I enjoy hunting. I have not, and I would not, support efforts to prevent citizens from using guns which are used for skeet, trap, or sports competition or hunting. But it has been determined by the Bureau of Alcohol, Tobacco and Firearms that stolen and easily concealable handguns are most preferred by criminals.

The Gun Control Act of 1968 prohibited the importation of Saturday Night Specials. But because of a loophole in the law, the parts for these weapons have been imported and assembled in this country. Legislation which has been under consideration in the Congress would ban the domestic manufacture, sale, or distribution of Saturday Night Specials. President Ford has expressed support for this proposal, as have many others, and I would support such a proposal.

In addition, there is strong support for a provision which would institute a mandatory sentence for the commission of a felony in which a firearm is present.

These and other steps have been proposed, and they deserve the careful consideration of the Congress.

THE COURTS

Our courts and sentencing procedures must be thoroughly examined.

One of the most serious obstacles to the administration of justice continues to be the tangle in our court system. Expanding court dockets and inadequate budgets have brought about congestion with which the courts simply cannot cope. The real chances of serving a prison sentence for the commission of a felony are reduced by this serious situation.

It has been reported that of 730,000 adult felony arrests in New York over the past decade, 31 percent were indicted. Only 33 percent of those indicted were convicted. Of those convicted, only 38 percent were sentenced to jail.

The promise of swift and certain punishment is the surest deterrent to crime, and without expansion and modernization of our courts, this will not be a reality.

The result of this situation is that those charged with crimes end up playing a waiting game, with a good chance of never going to jail. Plea bargaining has become common, and arbitrary sentencing procedures reduce the likelihood that commission of a certain crime will bring a certain punishment.

I believe we must seriously consider the imposition of minimum mandatory sentences for certain crimes. It has been proposed that minimum sentences be imposed, for example, for the commission of a felony in which a firearm is present, for murder and other serious crimes against the person, for trafficking in heroin, and other serious offenses. We must also carefully explore mandatory sentences for crime repeaters.

The crimes for which mandatory sentencing would apply differ, but this is an idea that must be thoroughly explored if we are to make punishment swift and sure.

Another major component of our crime-fighting program should be increased emphasis on crime research. Despite efforts in this area, we still know very little about the causes of crime. What leads a youngster to embark on a criminal career? How can we prevent a young person from choosing a life of crime? Can rehabilitation be made to work? These questions and others can be answered with concentrated research efforts, just as we have found answers about the causes of many diseases. We must make a commitment to see that this is undertaken in an organized fashion.

Finally, we must involve the courts, law enforcement officials, social agencies and private organization in stepped-up efforts to prevent the institutionalization of some who find themselves in the criminal justice system, but who could be helped far better with professional assistance than by a prison sentence.

We should make efforts to keep those charged with minor crimes, some first offenders, and especially young people out of prisons, wherever possible. Pretrial diversion in a community-based corrections approach has been initiated in many areas, and we must pursue study of this approach as one way to avoid institutionalization and stigma which often comes with relatively minor offenses. Many of our prisons are institutions of higher education in crime. Where the interests both of society and the offender can be served by avoiding a jail sentence, then we should make efforts to see that this is the case.

CORRECTIONS—CRIME AND UNEMPLOYMENT

We must reinforce efforts, both within the traditional criminal justice system and outside the system to improve corrections programs. Sadly, it is commonly asknowledged that most of the programs we now have are, at best, inadequate.

Proof of the failure of our efforts to rehabilitate convicted felons lies in the rate of repeated crime. The Federal Bureau of Prisons did a study in which it traced Federal prisoners who were released in 1970. In 1972, 32 percent of them were back in prison. By 1974—4 years after their release—43 percent were back, having been convicted of committing new crimes.

A similar study was done on prisoners released in Connecticut in 1962. It revealed that 10 years later 68 percent were back in prison.

A study of the department of corrections in my own State of Minnesota of 1,000 persons parolled in 1971 and 1972 showed that 2 years later 28 percent had been reconvicted of a felony. An additional 12 percent were convicted of a misdemeanor or violated parole.

These studies show that we could reduce crime significantly by keeping those who are parolled from prison from committing new crimes. I am convinced that if we could make every offender a one-time offender, we could reduce the crime rate by an incredible percentage.

We cannot keep every offender locked up for life. Even if we had enough space in our jails, the crimes committed by most offenders do not warrant life imprisonment.

It is a fact that there are some persons who are hardened criminals who are committed to a life of crime. These

people and those who are psychotic, those who are dangerous to themselves and to society must be isolated from the community and given appropriate treatment.

But I am convinced that the vast majority of those who commit crimes can be helped. Rehabilitation is the answer to reducing the recidivism rate. I believe we can reduce the repeat rate of crime and prevent a great deal of first-time criminal behavior by addressing the human and social factors which contribute to crime.

This is the job which falls to our corrections system, but it is no secret that prison rehabilitation programs are lacking in most respects.

In many cases, the job-training programs in prisons only train people for jobs that do not exist or for jobs they are prevented from filling, or for jobs that simply do not pay what it costs a person to live.

And when an inmate is released, we give him $50 or $100 and a suit of clothes at the prison gate as he leaves.

Prisons are criticized for not rehabilitating prisoners, and no doubt a good deal of the criticism is warranted. But how can we realistically expect prisons alone to overcome years of inadequate education, bad neighborhoods, disintegrating families, economic turmoil, and generally negative conditioning which can lead to a life of crime? We cannot, as long as we force prisons to operate under the current restraints in funding, staffing, training and counseling.

I have reached the conclusion—after months of looking at this problem as chairman of the Joint Economic Committee of the Congress—that the availability of jobs has a direct bearing both on the rate of criminal activity and on our chances of rehabilitating prisoners so that they may reenter society and pursue a crime-free life.

Our prison populations have been rising, and the sharpest increases followed the sharp downturn in the economy.

The State of Michigan was the first to record increases in prison population and it is no coincidence, in my view, that this was the first State to be hardest hit by drastic unemployment. The same has been shown in a number of major population centers around the country.

For those who have served in prison, a psychologically supportive system is necessary to rehabilitation. I believe that a decent job is essential if we are to prevent those released from prison from committing new crimes.

An additional study done in Minnesota indicates that the employment patterns of prisoners before they are incarcerated can help to predict criminal activity after release.

This study determined that of those who were employed for 18 months or more of the 2-year period before they went to prison, 18 percent failed parole and went back to prison. Of those who were employed 6 months or less in this 2-year period, 35 percent—almost twice as many—failed parole and committed new crimes. Studies show that most parole failures occur with 1 year after release. The first 3 to 6 months is the most critical period.

Most parolees have very little chance of finding a job that can support even the bare necessities of life. Even if we could overcome the anxiety many of our citizens feel about hiring ex-inmates, the American Bar Association estimates that more than 350 job categories involving more than 7 million jobs are forbidden to ex-offenders because of State or local licensing restrictions. Ex-offenders in many areas are denied licenses to become barbers, accountants, beauticians, lawyers, and on down the list.

About half of the State, county, and city jurisdictions have recognized problems in civil service rules and practice for hiring ex-offenders and are moving to do something about it. But many restrictions remain.

I believe in work. I believe that having a contribution to make is central to the well-being of anyone in a society. And it is critical to one who has lived outside the law.

The famous philosopher, John Stuart Mill, understood this challenge when he said:

> Let a person have nothing to do for his country, and he will have no love for it.

A person without a job does not feel a part of our society. Despite intensive law enforcement efforts, only when we guarantee that every American has an opportunity to contribute can we be certain that he or she will abide by the social contract that binds us as a Nation.

In the last analysis, our Nation will not be a lawful society until all citizens believe that it is a just society and that its laws are worthy of obedience.

CRIME CONTROL ACT OF 1976—
S. 2212

AMENDMENT NO. 2048

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, I have the good fortune of serving on the Judiciary Committee with the floor manager of S. 2212, the distinguished senior Senator from Arkansas (Mr. MCCLELLAN). I know how hard he and other committee members, including Senators HRUSKA and KENNEDY, have labored to provide stronger and more effective crime control legislation.

The amendment I propose at this time is not designed to find fault with their efforts. Rather, it is designed to carry out my responsibility as chairman of the Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency and as author of the 1974 Juvenile Justice and Delinquency Prevention Act (Public Law 93-415) which my colleagues in this body approved almost without objection in 1974 by a vote of 88 to 1. Today, I urge you to help assure that the long-ignored area of juvenile crime prevention remains the priority of the Federal anticrime program.

The Juvenile Justice and Delinquency Prevention Act was the product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate and House—329 to 20—to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age or younger.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups, will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Office of Juvenile Justice and Delinquency Prevention, LEAA, must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that only those youth who should be are incarcerated and that the thousands of youth who have committed no

criminal act—status offenders, such as runaways and truants—are never incarcerated, but dealt with in a healthy and more appropriate manner.

An essential aspect of the 1974 act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's primary aim, to focus the new Office efforts on prevention, would not be the victim of a "shell game" whereby LEAA merely shifted traditional juvenile programs to the new office. Thus, it guaranteed that juvenile crime prevention was the priority.

Fiscal year 1972 was selected only because it was the most recent year for which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the Agency during that year ostensibly to programs for the improvement of the traditional juvenile justice system. It was this provision, when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

The subcommittee has worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent; and in fiscal year 1972, 20 percent of its block funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill (H.R. 3152) which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention. Regrettably, some who had not objected to its Senate passage opposed it in the House-Senate conference where it was deleted.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Unfortunately, in its zealousness to defeat both the 1973 Bayh-Cook amendment for the improvement of the juvenile justice system and the bill which eventually became the 1974 act, the administration and its representatives grossly misrepresented their efforts in this area.

In hearings before my subcommittee last year, OMB Deputy Director Paul O'Neill, and other representatives of the administration finally admitted that the actual expenditure for fiscal year 1972 was $111,851,054 or $28 million less than we had contemplated would be required to be spent each year under the maintenance of effort provision of the 1974 act.

The legislative history of the Juvenile Justice Act is replete with reference to the significance of this provision. The Judiciary Committee report, the explanations of the bill, both when introduced and debated by myself and Senator Hruska, as well as our joint explanations to this body of the action taken by the Senate-House conference on the measure each cite the $140 million figure and stress the requirement of this expenditure as integral to the impact contemplated by Congress through the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

Once law, the Ford administration, as if on cue from its predecessor, steadfastly opposed appropriations for the act and hampered the implementation of its provisions. When the President signed the act he ironically cited the availability of the "$140 million" as the basis for not seeking appropriations for the new prevention program.

Despite continued stiff Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction from fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral and recently the Congress provided $75 million for the new prevention program.

Mr. President, while we have obtained, over strong administration opposition, about 50 percent of the funding Congress authorized for the new prevention program under the 1974 act, the administration has renewed its efforts to prevent its full implementation. In fact, the Ford "Crime Control Act of 1976," S. 2212, would repeal the maintenance of effort provision of the 1974 act.

It is interesting to note that the primary reason stated for the administration's opposition to funding of the 1974 act prevention program was the availability of the very "maintenance of effort" provision which the administration seeks to repeal in S. 2212.

Mr. President, the same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Ford administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what the President seeks, and what his supporters will diligently pursue is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the percentage formula version was reported from the Judiciary Committee. This new proposal again incorporates sections repealing the key maintenance of effort provision. My subcommittee heard testimony on this measure on May 20 and it was clear to me that rather than an extension bill, it is an extinction bill.

It is this type of doubletalk for the better part of a decade which is in part responsible for the annual recordbreaking double-digit escalation of serious crime in this country.

Mr. President, I am not able to support the reported version of President Ford's Crime Control Act of 1976, S. 2212, because it—sections 26(b) and 28—repeals a significant provision of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415). The formula substituted for present law—by a vote of 7 to 5, voting "nay": Senators BAYH, HART, KENNEDY, ABOUREZK, and MATHIAS; and voting "yea": Senators MCCLELLAN, BURDICK, EASTLAND, HRUSKA, FONG, THURMOND, and WILLIAM L. SCOTT, represents a clear erosion of a congressional priority for juvenile crime prevention and at best proposes that we trade current legal requirements that retain this priority for the prospect of perhaps comparable requirements.

Under the approach recommended by the committee, rather than the level mandated by the 1974 act; namely expenditures for the improvement of juvenile justice systems for fiscal year 1972 represented to be $140 million, but in fact, about $112 million, 19.15 percent of the total allocation of LEAA parts C and E funds would be maintained annually. This percentage represents the relationship of actual fiscal year 1972 expenditures for juvenile justice improvement—$112 million—to total C and E allocation of $584 million for that year. Its application in fiscal year 1977 would require that less than $82 million of Crime Control Act moneys be maintained for juvenile justice system improvement. Thus, $30 million less would be allocated than in fiscal year 1975 or 1976. It is likewise important to recall that because of the misrepresentation regarding actual expenditures in fiscal year 1972, $28 million less than Congress had intended was allocated to juvenile crime in fiscal years 1975 and 1976. The cumulative impact of the administration's sleight of hand regarding the $140 million figure and the application of the percentage formula solely to LEAA parts C and E would reduce the act's congressional commitment by $114 million: $28 million in fiscal year 1975, $28 million in fiscal year 1976, and $58 million in fiscal year 1977. This is totally unacceptable.

On May 28, 1976, I introduced amendment No. 1731, which would strike the provisions of S. 2212 which substitute the narrow percentage formula approach for

the extremely significant maintenance of effort requirement. The approach of amendment No. 1731, which favors current statutory language is identical to that taken by Chairman RODINO's House Judiciary Committee in S. 2212's companion bill, H.R. 13636. In addition to the pure merit of supporting the status quo which retains juvenile crime prevention as the LEAA priority, it was my view that those interested in fundamentally altering the provisions of the 1974 act, as the reported bill clearly intends, reserve their proposals until next spring and work with the subcommittee in drafting legislation to extend the 1974 act. Our hearings to accomplish this extension began May 20, 1976. It was with this perspective that I introduced amendment No. 1731 to excise these unpalatable sections.

Since that time I have reviewed this matter and concluded that the flexibility provided by the percentage formula approach may be more equitable in that the maintenance level would increase or decrease in proportion to the actual allocation of funds each fiscal year, but that the allocation for juvenile justice improvement should be a percentage of the total Crime Control Act appropriation, not solely of LEAA part C and E funds. The commitment to improving the juvenile justice system should be reflected in each category or area of LEAA activity: technical assistance-research, evaluation and technology transfer, educational assistance and special training; data systems and statistical assistance; management and operations; and planning as well as the matching and discretionary grants to improve and strengthen the criminal justice system.

Today, therefore, I ask my colleagues' support for my new amendment. The amendment does not authorize any additional appropriations; it simply helps insure, consistent with the policy thrust of the 1974 act, that LEAA will allocate crime control funds in proportion to the seriousness of the juvenile crime problem. The amendment will require that 19.15 percent of Crime Control Act funds, in deference to the level recommended in the committee report, be allocated for the improvement of the juvenile justice system.

It should be recalled that in 1973 this body supported, without objection, the Bayh-Cook amendment to the LEAA extension bill which would have required that 30 percent of LEAA part C and E funds be allocated for improvement of the juvenile justice system. My amendment, today, is clearly consistent with that effort. Had the 30-percent requirement become law it would have required that nearly $130 million of Crime Control Act, part C and E dollars—$427,500,000—be maintained during fiscal year 1977.

Coincidentally, the application of the 19.15-percent formula to Crime Control Act moneys for fiscal year 1977—$678,000,000—would require that an almost identical amount, $129,837,000, be maintained for the improvement of the juvenile justice system.

If we are to tamper with the 1974 act in a manner that will have significant impact, let us be assured that we act consistent with our dedication to the conviction that juvenile crime prevention be the priority of the Federal crime program. The GAO has identified this as the most cost-effective crime prevention program we have; it is supported by a myriad of groups interested in the safety of our citizens and our youth who are our future; and I am proud to say that this bipartisan approach is strongly endorsed in my party's national platform. My amendment will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system; and when coupled with the appropriations obtained for the new office—$75 million for fiscal year 1977—we can truly say that we have begun to address the cornerstone of crime in this country—juvenile delinquency.

More money alone, however, will not get the job done. There is no magic solution to the serious problems of crime and delinquency.

Yet, as we celebrate the 200th anniversary of the beginning of our struggle to establish a just and free society, we must recognize that whatever progress is to be made rests, in large part, on the willingness of our people to invest in the future of succeeding generations. I think we can do better for this young generation of Americans than setting them adrift in schools racked by violence, communities staggering under soaring crime rates, and a juvenile system that often lacks the most important ingredient—justice.

The young people of this country are our future. How we respond to children in trouble, whether we are vindictive or considerate, will not only measure the depth of our conscience, but will determine the type of society we convey to future generations. Erosion of the commitment to children in trouble, as contained in S. 2212, as reported, is clearly not compatible with these objectives.

I urge my colleagues to support my amendment and help retain juvenile crime prevention as the national anti-crime program priority.

I ask unanimous consent that my amendment be printed in the RECORD at this point:

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 2048

On page 33, strike lines 11 through 16, inserting in lieu thereof the following:

(b) striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972, namely 19.15 per centum of the total appropriation for the Administration."

On page 34, strike lines 16 through 23, inserting in lieu thereof the following:

SEC. 28. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972, namely 19.15 per centum of the total appropriation for the Administration."

AMENDMENTS NOS. 2049, 2050, AND 2051

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY submitted three amendments intended to be proposed by him to the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

AMENDMENT NO. 2053

(Ordered to be printed and to lie on the table.)

Mr. PERCY. Mr. President, I am introducing an amendment to S. 2212, the Crime Control Act of 1976. This amendment is identical to S. 3657, the Drug Enforcement Administration Improvement Act of 1976, which I introduced along with Senators NUNN and RIBICOFF on July 1, 1976. It provides for the removal of all upper-level supervisory personnel in the Drug Enforcement Administration—DEA—from the civil service system. This involves those positions of grade GS–15 and above—some 162 people in this 4,200 person agency.

This removal would become effective 1 year after the enactment of this bill. In the interim, the people in such positions who do not elect to remain in their positions in the excepted service could either:

Transfer to a similar position for which they are qualified in another agency which is protected by the civil service; or

Transfer to a grade GS–14 position in DEA with no loss in salary or pension rights.

There are two questions which I would like to address in these introductory remarks. First, "Is this amendment relevant to the bill which we are now considering?" And, second, "Is this amendment worth supporting?"

There are two reasons why an amendment to improve DEA is an appropriate one to be offering to S. 2212. One is the direct financial connection between the Law Enforcement Assistance Administration—LEAA—and DEA. As you all know, S. 2212 provides for the reauthorization of LEAA. And, LEAA has funded, and continues to fund DEA administered projects in the States and localities to the tune of over $30 million for the last 3 fiscal years—$11.5 million of that in fiscal 1976 alone.

But there is a second, and far more important reason why an amendment designed to improve the Drug Enforcement Administration belongs in a crime control bill. This is the tragic correlation between drug abuse and crime. The traffic in hard drugs literally breeds crime, and this twin peril is a principal reason for the intolerable conditions in many parts of our urban centers. In fact, in his April 27, 1976, message to Congress on drug

abuse, President Ford indicated that law enforcement officials estimate that as much as one-half of all "street crime"—robberies, muggings, and burglaries—is committed by drug addicts to support their habits. Drug abuse has been calculated to cost us up to $17 billion a year, and a large portion of this cost results from such street crimes.

Consequently, an effective fight against drug abuse would have a significant impact on crime. And this impact is likely to be greatest in precisely those high crime areas which S. 2212 singles out for extra assistance. A successful Federal drug law enforcement effort would be of tremendous value to such areas, and to the Nation as a whole.

So the real question is not whether an amendment designed to improve the Drug Enforcement Administration is germane to the Crime Control Act of 1976. Clearly it is. Rather, the question is whether this proposal to remove the top supervisory positions in DEA from the civil service system would improve the agency. And, I think the record is equally unequivocal on this point—it would.

S. 3657, the Drug Enforcement Administration Improvement Act of 1976, which forms the body of this amendment, grew out of the investigation by the Permanent Subcommittee on Investigations into the Federal drug law enforcement effort.

The Investigations Subcommittee's June–July 1975 hearings showed that during DEA's first 2 years, a period in which heroin addiction was growing to epidemic proportions, the agency was beset by mismanagement, internal strife, and some serious integrity problems.

A major obstacle to the successful resolution of these problems has been the restrictions imposed upon the Administrator of DEA by the civil service personnle policies under which the agency operates. Because of rigid civil service rules and regulations, an Administrator interested in upgrading the quality of DEA personnel and the effectiveness of agency programs, does not have the administrative flexibility needed to make those major personnel changes he deems necessary.

Furthermore, when the Administrator seeks to fill key supervisory positions from within the agency, his choice is severely limited by civil service rules which ordinarily prohibit an employee from advancing more than one full grade per year. This problem is especially acute at the crucial top levels of the agency, where the Administrator's choice may be limited to as few as two or three potential appointees.

This amendment is an attempt to solve this problem by giving the Administrator of DEA the greater managerial flexibility he so desperately needs to better run the Agency.

The record of the hearings held by the Senate Permanent Subcommittee on Investigations strongly supports this proposal. After an extensive review of internal difficulties at DEA and its predecessor agencies, the subcommittee has concluded that this reform is essential to the effective management of the Agency. As the subcommittee report, which was released last Sunday, concludes:

> It is the finding of the Subcommittee that DEA personnel should not be covered by civil service rules and regulations. The subcommittee believes a fair method of disengaging DEA or any successor organization from civil service would be to give personnel a 1-year grace period during which they could seek other Federal employment covered by civil service with their rights intact. In turn, should personnel choose to remain in place, they would, after the 1-year period, lose all rights and protections previously provided them under civil service.

In addition, I have been in contact with various individuals who have had experience, either working in, or dealing with DEA. Former Deputy Attorney General Laurence Silberman, former Acting DEA Administrator Henry S. Dogin, former Chief Inspector and former Acting Deputy Administrator of DEA Andrew C. Tartaglino, Watergate Special Prosecutor and former Acting DEA Chief Inspector Charles Ruff, and other senior officials both in and out of the Department of Justice have all expressed strong support for this legislation. Perhaps Mr. Silberman, who as Deputy Attorney General was the official primarily responsible for oversight of DEA, most cogently summed up the need for this legislation in his testimony before the Permanent Subcommittee on Investigations:

> I think this committee . . . could do something that would be of enormous help for DEA and for the Justice Department, and that is to pass legislation to take civil service away from DEA and give them the same personnel status as the FBI.
>
> If you do that, you will end up with a much better DEA, which will be less susceptible to corruption.
>
> As you dug into this investigation, I think this committee has become aware that the protections which civil service gives employees, while very valuable, are probably inappropriate in an organization engaged in direct law enforcement. You have a higher degree of discipline and you need a higher degree of flexibility of management.

As the ranking minority member of the Permanent Subcommittee on Investigations, I am firmly convinced of the need for this measure. And I am very pleased to have been joined in introducing S. 3657 by Senator NUNN, acting chairman of the subcommittee, and Senator RIBICOFF, a member of the subcommittee and chairman of the full Government Operations Committee. Both were active participants in the subcommittee's inquiry into the Federal drug law enforcement efforts, and both have indicated an acute understanding of the enormous need for greater managerial flexibility at the highest levels of DEA.

Before I conclude, I would like to emphasize one point in particular. This amendment is not intended as a means of capriciously punishing those individuals now in supervisory positions in DEA. Indeed, many of these individuals are men of the highest integrity, and are very dedicated and competent law enforcement officials.

Nor is this amendment intended to serve as a precedent for the wholesale removal of Government agencies from the civil service system. Rather, it is a recognition of the fact that Federal law enforcement agencies constitute a special case. In these agencies, the opportunities for "corner-cutting" and outright corruption are so great that a more flexible personnel system is needed to insure the integrity and effectiveness of agency personnel. By way of comparison, the other law enforcement agency under the Justice Department, the FBI, has, since its creation, maintained a personnel system wholly outside the civil service.

Mr. President, this amendment is absolutely essential to the most effective operation of the Drug Enforcement Administration. In view of the tremendous importance of DEA's role in the fight against drug abuse and the enormous impact which its efforts have on crime, especially in our cities, I think that this is an especially appropriate and important amendment to be offering to S. 2212, the Crime Control Act of 1976.

AMENDMENT NO. 2054

(Ordered to be printed and to lie on the table.)

Mr. BENTSEN. Mr. President, I am today submitting an amendment to S. 2212, the Crime Control Act of 1976. My amendment would add paragraph 13 to section 301(a), and would serve to highlight and encourage the use of Federal funding for one program that has proven an invaluable aid to State and local law enforcement.

I speak of early case assessment, a program in which Federal funds finance efforts at the local level to employ experienced prosecutors to analyze criminal cases immediately upon their entry into the criminal justice system. These prosecutors target and expedite cases involving violent crimes. They immediately interview witnesses, who might otherwise disappear or become impossible to locate. They eliminate cases that should never be brought to trial due to weak or nonexistent evidence or for other reasons. They concentrate the limited resources of the Government on those cases that would most wisely be prosecuted, either due to the violence of the crime or the winnability of the case.

Mr. President, competent case screening has been done in a few cities like New York, St. Louis, and Houston. It has proved to be an invaluable managerial technique that has saved the prosecution valuable resources, the courts valuable time, and the public a considerable amount of money. It has protected the rights of defendants who would have been acquitted after a lengthy, expensive and trying ordeal that should never have taken place. It protects the innocent, and facilitates the prosecution of the truly dangerous. It has reduced the abuse of plea-bargaining that has allowed so many dangerous offenders to escape punishment, especially in high crime areas.

Mr. President, my amendment would emphasize the availability of Federal funds for this effort—a highly effective program—and one that has made justice more just, law enforcement more effective, Federal spending more wise, and our streets a little more safe.

I seek to encourage the process of early case assessment. It is a truly efficient businesslike approach to the justice system. It is a proven procedure which others should recognize and utilize.

Mr. President, I urge adoption of this amendment as one step in the right di-

rection to help curb the violence that plagues so many of our streets and communities, and I ask unanimous consent that the text of this amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 2054

On page 16, line 22, strike out "; and" and after line 22 insert the following:

"(13) The establishment of early case assessment panels for any unit of local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible from the time of the bringing of charges, to determine the feasibility of successful prosecution, to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes, and to concentrate prosecution efforts on cases with a high probability of successful prosecution."; and

CAREER CRIMINAL PROGRAMS

HON. ROMANO L. MAZZOLI
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES

Monday, August 30, 1976

Mr. MAZZOLI. Mr. Speaker, violent street crime has become one of the most serious problems facing urban America. While we must address the root causes of crime problem: unemployment; erosion of the role of the family; and, erosion of society's sense of morality, we must also meet the problem head on. We must deter the potential criminal from committing the crime in the first place.

To deter the career criminal we must promise him that when he is arrested he will receive swift and certain justice. Then we must make our promise stick.

In a recent study of felonies committed in the District of Columbia it was found that 7 percent of the criminals committed 25 percent of the felonies. Experts believe that this pattern would be found in any major city.

Unfortunately, the prosecutor's offices in most cities are so overburdened that two attorneys in the same office might be prosecuting the same man for different offenses and never know it.

As the following article shows, this problem can be met, and the career criminal given a swift trial with enough prosecutorial resources to insure a good chance of conviction followed by a stiff sentence. My home of Louisville has recently set up a career criminal program under the able leadership of our Commonwealth's attorney, Dr. David Armstrong, and I believe that it will make the streets of my district safer.

The article follows:

[From the Wall Street Journal, Aug. 19, 1976]

EXPERIMENTAL PROGRAM MUSTERS LEGAL FORCES AGAINST REPEAT OFFENDERS TO BOOST CONVICTIONS

(By Timothy D. Schellhardt)

COLUMBUS, OHIO.—Assistant Franklin County Prosecutor Mike Miller suspected that Myron Britton Jr. had committed more assaults than the rape and attempted rape with which he'd been charged. Both victims had been tied with an unusual knot, and by checking files of unsolved rapes, the prosecutor uncovered two other cases involving a similar knot.

At a trial alst December, an expert brought in by Mr. Miller testified that the knot wasn't very common. Aided by that testimony, the jury found the 32-year-old ex-convict guilty of all four assaults; he subsequently was sentenced to a minimum of 24 years in prison.

"In 1965 when I came here we didn't win rape cases," says County Prosecutor George Smith. "But I don't know of a rape case we've lost recently."

At a time when the nation appears to be losing its battle to reduce the spiraling crime rate, a year-old federally funded experiment in this state capital is holding out some hope that crime can be reduced. The project, similar to ones underway in 17 other major U.S. cities, seeks to identify habitual, or so-called "career" criminals, to prosecute them speedily and to sock them with the longest possible prison sentences. Prosecutor Smith contends that without the help of this project, his assistant wouldn't have had the time to spend on the knot-rapist case and the defendant likely would have received a much lighter sentence.

Some critics of the new program charge that it may jeopardize the constitutional rights of criminal defendants by labeling them as repeaters. Some also feel that poor defendants who can't afford to hire their own lawyers get an especially raw deal because extra funds are being pumped into prosecutors' offices. Even the critics however, concede that the program appears to be attaining many of its goals.

SHRINKING CRIME RATE

The new emphasis on pursuing the career lawbreaker results from a belief that if authorities can corral the sizable group of hard-core offenders and lock them up for a long time, it will do a lot to shrink the crime rate.

Studies suggest that between 50% and 80% of many serious offenses are committed by repeaters. In Washington, D.C., for instance, repeaters committed 56% of the felonies reported in a recent five-year period. Almost one-fourth of the felonies were committed by persons who had been arrested at least four times during that period, says the Institute for Law and Social Research in Washington.

"Our aim is to put a Band-Aid on a spot that's hurting," asserts Philip Cohen, executive director of the National Legal Data Center, a Los Angeles-based research firm which is monitoring the career criminal projects. "We want to identify the habitual criminal quickly, prosecute him quickly and put him away quickly. That can be done without any damage to the constitutional safeguards of the accused. The Constitution, remember, doesn't prohibit a speedy trial."

Federal officials consider it too early to judge the full impact of the habitual offender projects. But in Columbus, and several other cities, initial statistics suggest there has been some slowing of the crime rate. In Columbus, where the number of serious crimes rose 62% between 1973 and 1975, the number of violent crimes—murders, rapes, robberies, assaults and burglaries—fell more than 17% in the first five months of 1976.

However, a 28% leap in larcenies, largely reflecting a wave of citizens band radio thefts, has pushed Columbus' overall serious-crime index up 4% during the period.

In New Orleans, where a similar project is underway, the serious crime rate fell 8% in the first six months of the year. There also have been reductions in other cities trying the experiment. And in most of the cities, conviction rates have climbed and the length of sentences has increased.

BOON FOR PROSECUTORS

In addition, prosecutors aren't watering down charges in an attempt to obtain guilty

pleas. Last year, according to Mr. Cohen's data, 86% of the career criminal convictions were for the most serious felony with which a defendant was originally charged. In contrast, he notes that in Los Angeles County, which doesn't have such a program, the comparable figure was 29%.

The $240,000-a-year project here in Franklin County has provided federal funds to pay the salaries of five assistant prosecutors, two investigators and other personnel in a special career criminal unit. The five lawyers were switched from other duties on the county's prosecuting staff which was then reinforced with three attorneys hired with regular county funds.

The federal money means, among other things, that each of the five assistant prosecutors in the career criminal unit has a much lighter caseload—two or three cases a week—than each of the other 43 staff prosecutors, who must handle eight or nine cases a week. The reduced workload enables the five attorneys to prepare their cases more carefully.

"We can go to the mat on a case because we know it well and are confident we can win it," says Prosecutor Smith. "Furthermore, defense attorneys know we're not apt to baragin down charges to minor offenses." Also, a prosecutor generally sticks with a career criminal case from start to finish, handling all pleas and motions prior to trial as well as prosecuting the case. This enables a prosecutor to work more closely with police, victims and witnesses.

"We can build up some rapport with victims and witnesses. They don't feel they're being tossed from one attorney to another. That's especially helpful to rape victims," says Assistant Prosecutor Dan Hunt.

The career criminal unit is able to speed up its cases, often shaving 30 to 60 days off the normal period from arrest to conviction, by bypassing the preliminary hearing for defendants. Instead, attorneys in the unit see to it that their cases go directly to a grand jury for possible indictment.

FREEING BEST ATTORNEYS

Defense attorneys here acknowledge that the special unit is working. "It has freed up some of the prosecutor's best attorneys," says Timothy Gerrity, a Columbus attorney who defends some of the accused repeat offenders. "They seem better prepared and tougher in the courtroom. As a result, they're getting more convictions."

The average sentence of defendants convicted under the Columbus program has been eight years, which is more than twice the length of a typical felony sentence here. Officials believe the average sentence would be much higher if Ohio had a multiple-offender statute that would provide stiffer sentences for habitual criminals. Average sentences have been much higher in those cities with career criminal projects that are located in states having such laws. In the first year of the New Orleans program, for example, the average sentence was 16.4 years.

The chances of going to prison if convicted under the program are extremely high. During the first three months of this year, all of the convicted career criminals in Columbus, Dallas, Kalamazoo and Indianapolis received prison terms. In Columbus, during the first nine months of the program, the special unit obtained convictions in 156 of the 162 cases that went to trial, a 96% rate compared with an 80% rate for other felony cases.

While the career-criminal projects across the U.S. have won considerable support, they aren't without critics. Many public defense attorneys worry that labeling defendants as career criminals jeopardizes their constitutional rights. Franklin County Public Defender James Kura specifically attacks the practice here of identifying such cases on the court's docket with the initials "CCR" beside them. "What you're saying to the court is, 'Here's a red light; treat this person differently,' " he says. "The presumption of innocence until proven guilty fades away."

Mr. Kura adds, however, that so far he can't prove that the labeling has affected judges. Judges here insist it hasn't. "Certainly not," declares County Judge Frederick T. Williams. Still, Mr. Kura plans to ask that the labeling practice be banned.

Other complaints also have arisen. In Boston, attorneys formally objected in court to the prosecution of one of their clients by the local career criminal unit, claiming that the client didn't meet the selection criteria of the unit. The court rejected that motion. Similar complaints have come from lawyers in Detroit and San Diego.

Public defense attorneys also contend that the government is harming the legal rights of some impoverished defendants by pumping funds into the prosecution of their cases. Mr. Kura, for one, became so incensed by Prosecutor's Smith's special unit that he applied for, and received, a $114,000 federal grant to beef up his staff to handle repeat-offender cases. Prosecutor Smith says he doesn't see much wrong with the grant to the public defender's office, but some of his assistants are outraged by it. "I can't quite understand why the government gives funds to get these people off the street and then turns around and supplies the defense with the resources to help keep them on the street," says Mr. Miller.

While federal officials consider their career-criminal programs good ones, they're concerned that when federal funds run out, the communities won't support them with local funds. Franklin County commissioners, hard-pressed for funds like most local governments, concede it will be tough to find $250,000 in the budget to retain Prosecutor Smith's program. "It'll be up to George to sell the program. Finding that much money isn't going to be easy," says Don Brown, the county's finance director. But in Ventura County, Calif., the prosecutor's office plans to start its own program with local funds, and federal officials will be watching to see if other communities can set up similar locally funded units.

COMMUNITY EFFORTS TO MOBILIZE AGAINST CRIME

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 30, 1976

Mr. BINGHAM. Mr. Speaker, this week the House is scheduled to vote on H.R. 13636, the LEA authorization. One of the provisions of this bill, section 110 (a), authorizes $15 million for the purposes of grants for citizen anticrime patrols and the encouragement of neighborhood crime prevention. As a proponent of this type of legislation for some years, I am pleased to see this provision in the bill. I shall expand on its virtues when the bill is called up in the House. But of particular interest to me today is the role such a provision will play in aiding a community effort to battle crime right here on Capitol Hill.

As the following letter from the Capitol East Community Crime Council notes, a citizen-initiated effort to deal with crime where it begins and where its effects are felt most severely—at the grass-roots community level—is behind the bureaucratic eight-ball most of the time. In this respect the council writes:

> Programs such as ours are just beginning and their funding is painfully meager. By the time state and local Boards and Commissions review all the requests for funding, the often non-represented citizen group—which is small and very local to the community area—finds little left for funding the citizen program.

I urge my colleagues to support H.R. 13636 and its provisions for funding community efforts to mobilize against crime; I commend to their attention the following letter from the Capitol East Community Crime Council:

CAPITOL EAST COMMUNITY
CRIME COUNCIL,
Washington, D.C., August 24, 1976.

Hon JONATHAN B. BINGHAM,
U.S. House of Representatives, Room 2241, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BINGHAM: The Council wishes to express its appreciation for your support of citizen involvement in the prevention of crime.

Our Crime Council represents a very significant area of the District of Columbia and is a recently funded program by LEAA funds earmarked for citizen participation in the fight against crime The District has introduced this as a first thrust in the funding of individual community areas through citizen administration. Our program will develop volunteers from every block of the target area who will serve as block leaders of each block and train volunteers to monitor a court watch program. It will provide a monthly newsletter to the citizens that contains information about crime prevention.

street and home safety from crime, information about activities of the criminal justice system. In addition to urging each home to utilize the Police ID marking of property, they will be asked to be the eyes and ears of the District Police Department in reporting suspicious activity and in coming forward as witnesses.

But programs such as ours are just beginning and their funding is painfully meager. By the time state and local Boards and Committees review all the requests for funding, the often non-represented citizen group which is small and very local to the community area finds little left for funding the citizen program. The block development program—as the smallest unit of community—is where the fight against crime and its causes must be waged. The individual citizen is the missing link in what has been an unsuccessful effort to turn around the rising crime rate in cities, suburbs, and rural areas.

We commend you and Congressman Conyers for your efforts on behalf of the stubborn funding problems through your bill, H.R. 13636.

Sincerely,

CHARLES B. LANKFORD,
Director.

STATEMENT OF HON. ROBERT McCLORY ON LAW ENFORCEMENT ASSISTANCE ACT

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. McCLORY. Mr. Speaker, the statement I am inserting in the RECORD relates to the Law Enforcement Assistance Act, which we will start debate on probably tomorrow. I hope the Members will take the occasion to read the remarks I am inserting in the RECORD at this point.

Mr. Speaker, my statement follows:

House report 94-1155, submitted by the Judiciary Committee in recommending favorable consideration of H.R. 13636, contains several statements which I believe require comment and clarification.

I recognize that the staffs of the Subcommittee on Crime and of the full committee were required to prepare the report within an extremely short period of time and doubtless attempted to present a comprehensive review of the testimony regarding the pending legislation. However, in several instances, statements are included in the report which, without further clarification, do not seem fully supported by the hearing record.

In making judgments regarding the success or failure of LEAA, we should be careful to measure the Agency according to the authority responsibility assigned to it by Congress. Has LEAA provided meaningful assistance to State and local governments and assisted in the improvement and strengthening of law enforcement and criminal justice? The testimony presented to the subcommittee overwhelmingly indicates that it has. I would refer skeptics to the testimony of the National Governors' Conference, the National League of Cities, U.S. Conference of Mayors, the National Association of Counties, the International Association of Chiefs of Police, and the American Correctional Association, among others.

A second point requiring clarification, Mr. Speaker, is the report's assertions—page 9—concerning the National Institute of Law Enforcement and Criminal Justice. Contrary to the impression reflected in the report, the National Institute has made significant contributions to criminal justice by tying together the products of its research with the fund-

ing policies of LEAA. The subcommittee was provided with information concerning 10 exemplary project profiles. Under the exemplary project program, the Institute provides detailed information regarding outstanding successful projects and distributes that information to localities across the Nation so that the project can be duplicated wherever there is a need.

In addition, the National Institute has developed prescriptive packages which synthesize the best available knowledge and operating experience in selected areas of criminal justice administration. Prescriptive packages cover such areas as police robbery control, managing criminal investigations, rape and its victims, multi-agency narcotics units, and programs for special offenders in corrections institutions. According to information provided the subcommittee, 31 prescriptive packages have been developed by the Institute.

Mr. Speaker, a serious misstatement of fact in the report is the assertion on page 12 that "the committee resisted attempts to categorize the program." I wish that was true, but it is not. On the contrary, the committee has included two amendments in H.R. 13636 which would seriously erode the block grant funding concept. First, it established a separate category with authorized funding of $15 million for so-called community programs such as police neighborhood councils, clergymen in juvenile courts programs, and court watchers' programs. Then, to further categorize the program, the committee proposal would earmark one-third of all LEAA part C discretionary funds for court-related projects.

The wisdom of these categorizing amendments is questionable. But it is a fact that the committee failed to preserve the integrity of the block grant funding mechanism and is, instead, imposing congressional judgment over the priority-setting roles of State and local officials.

Another major error in the report, Mr. Speaker, is its statemtnt that the committee found "no evidence that the program has helped to reduce crime or isolated specific programs that reveal why the crime rate increases and provide guidance on what to do to reduce it." The truth is that the hearing record is replete with evidence demonstrating specific instances of success in reducing crime in specific situations. The subcommittee received one document alone which contained more than 700 pages of project identifications describing activities which achieved measurable success in crime reduction, apprehension of criminals and criminal justice improvement.

It is one thing to state that LEAA has not produced a drop in the national crime rate, since it is unrealistic to believe that a relatively modest Federal grant-in-aid program could hope to achieve such a result. But it is seriously misleading to ignore the evidence which shows that LEAA-funded projects have succeeded in reducing crime in specific project situations. I might note, parenthetically, that LEAA's stated purpose has been to "carry out programs and projects to improve and strengthen law enforcement and criminal justice." Only this year did the committee add to LEAA's responsibility the "reduction and prevention of crime."

Finally, Mr. Speaker, I would like to comment on the report language concerning the length of authorization for LEAA.

It is indeed correct, as the report states, that—

> Extending this program for one year gives notice to LEAA that it is on trial status.

It is equally true that a 1-year extension virtually sentences the program to failure. The committee bill has added significant new provisions to the LEAA program and established a range of complex requirements which must be met by LEAA and by State and local governments. At the same time, the committee proposes to restrict the program's flexibility to respond to criminal justice needs by categorizing the available funds. Meanwhile, the House, in response to a recommendation of the House Appropriations Committee, has cut the LEAA funds in fiscal year 1977.

In this instance, the committee proposes to give LEAA 1 year to prove itself while, at the same time, heaping on new responsibilities and tampering with the block grant process so that the chances of success are minimized. The fact is that LEAA will have less than the 1 year which the committee purports to allow. By May 15 of next year, the deadline imposed by the Budget Act, the committee must review LEAA's performance. How is that to be properly accomplished by a subcommittee which will not be constituted, most probably, until March?

Mr. Speaker, several additional deficiencies can be found in the report accompanying H.R. 13636 but it is not my intention here to offer a continuing critique on the entire document. I would urge my colleagues, however, to simply discuss the LEAA program with criminal justice professionals in their home districts and review the very positive testimony of State and local officials in support of the present LEAA program. I believe you will conclude that this Federal activity in support of State and local law enforcement and criminal justice deserves our encouragement and continuation—substantially intact and for not less than an additional 3 years which I will propose in an appropriate amendment at the proper time.

CONFEREES OVERRIDE FORD: REAFFIRM SENATE JUVENILE CRIME PRIORITY

Mr. BAYH. Mr. President, on July 23, 1976, this body rejected a Ford administration proposal and a compromise proposal designed to repeal and dilute key provisions of the Juvenile Justice and Delinquency Prevention Act of 1974. Instead my colleagues, by a vote of 61 to 27, voted to reaffirm our bipartisan congressional commitment to retaining juvenile crime prevention as the Federal crime priority. I am especially pleased to announce that the House-Senate conferees (S. 2212) rejected a last-ditch effort by the administration to diminish juvenile crime programs and have reaffirmed and adopted the Senate approach. I commend Senator McCLELLAN for his dedicated advocacy of the Senate position, as well as our other colleagues, including Senators HRUSKA and KENNEDY, who collectively labored with Chairman RODINO and his House conferees.

Five years of hearings in Washington and throughout the country by my Subcommittee to Investigate Juvenile Delinquency have led me to two important conclusions.

The first is that our present system of juvenile justice is geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence is overwhelming that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or vandalizes school property, or views shoplifting as a lark, is confronted by a system of justice often completely incapable of responding in a constructive manner.

We are all too aware of the limited alternatives available to juvenile court judges when confronted with the decision of what to do with a case involving an initial, relatively minor offense. In many instances the judge has but two choices—send the juvenile back to the environment which helped create the problems in the first place with nothing more than a stern lecture, or incarcerate the juvenile in a system structured for serious, multiple offenders where the youth will invariably emerge only to escalate the level of violations into more serious criminal behavior.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age or younger.

We can trace at least part of this unequal distribution of crime to the idleness of so many of our children.

The rate of unemployment among teenagers is at a record high and among minority teenagers it is an incredible 50 percent. Teenagers are at the bottom rung of the employment ladder, in hard times they are the most expendable.

We are living in a period in which street crime has become a surrogate for employment and vandalism a release from boredom. This is not a city problem or a regional problem. Teenage crime in rural areas has reached scandalous levels. It takes an unusual boy or girl to resist all the temptations of getting into trouble when there is no constructive alternative.

But it is not solely the unemployment of teenagers that has contributed to social turmoil. The unemployment of parents deprives a family not only of income but contributes to serious instability in American households which, in turn, has serious implications for the juvenile justice system. Defiance of parental authority, truancy, and the problem of runaways are made materially worse by national economic problems. And it is here that we must confront the dismal fact that almost 40 percent of all the children caught up in the juvenile justice system today fall into the category known as the "status offender"—young people who have not violated the criminal law.

Yet these children—70 percent of them young women—often end up in institutions with both juvenile offenders and hardened adult criminals.

Thus, each year scandalous numbers of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. The need for such alternatives to provide an intermediate step when necessary between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident.

To assist State and local governments, private and public organizations in an effort to fill these critical gaps by providing adequate alternatives, the Congress overwhelmingly approved and President Ford signed into law the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415. This legislation, which I authored, is a product of a bipartisan effort of groups of dedicated citizens and of strong bipartisan majorities in both the Senate, 88 to 1, and House, 329 to 20, to specifically address this Nation's juvenile crime problem, which finds more than one-half of all serious crimes committed by young people who have the highest recidivism rate of any age group.

This measure was designed specifically to prevent young people from entering our failing juvenile justice system and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgement of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Law Enforcement Assistance Administration—LEAA—of the Department of Justice, must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are jailed and that the thousands of youth who have committeed no criminal act—status offenders, such as runaways—are not jailed, but dealt with in a healthy and more appropriate manner.

Thus, the Juvenile Justice Act was designed to make juvenile crime and delinquency prevention a top Federal priority. With its implementation we will have a clear opportunity to reduce the size of the next generation of hardened criminals. There will be, however, no immediate impact in this regard. Thus, we must deal now with the legitimate concerns about youth and others who have shown by their conduct that they are beyond any reasonable expectation of rehabilitation. We must prefer prevention to rehabilitation, but with some we will have little choice.

My program vigorously pursues alternatives that will enable local communities to deal effectively with the problems of young people in trouble at a point when it is still possible to prevent problems of the home, school, and the community from escalating to the point that they result in serious criminal activity.

As we emphasize prevention and rehabilitation, however, we must also realize that rehabilitation is not always possible. Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration of youthful offenders should be reserved for those dangerous youths, especially serious repeat offenders, who cannot be handled by other alternatives.

This program has helped to cut the breaucratic redtape that, in the past, strangled local community initiatives. One basic problem in this area was the total lack of proper coordination and management. We found that there were several dozen separate and independent Federal agencies and bureaus supposedly dealing with the problems of young people in trouble and juvenile crime. If a sheriff or chief of police or mayor or youth services director sought help from a Congressman's or Senator's office as to where they could go for assistance to fight juvenile crime in their communities, they needed a road map of the Washington bureaucracy.

One of the major steps we took in the Juvenile Justice Act was to establish one place in the Federal Government to meet these needs. We established a separate assistant administrator position in LEAA and, for the first time, placed authority in this one office for mobilizing the forces of Government to develop a new juvenile crime prevention program and to coordinate all other Federal juvenile crime efforts. That responsibility now rests in one clearly identified office, headed by a Presidential appointment, with advice and consent of this body.

In the management area, we made progress by eliminating wasteful dupli-

cation and directing that all resources be harnessed to deal more effectively with juvenile crime. We provided that no Federal programs undermine or compete with the efforts of private agencies helping youths in trouble and their families.

An essential aspect of the 1974 act is the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's primary aim, to focus the new office efforts on prevention, would not be the victim of a "shell game" whereby LEAA merely shifted traditional juvenile programs to the new office. Thus, it guaranteed that juvenile crime prevention was the priority.

Fiscal year 1972 was selected only because it was the most recent year for which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the agency during that year obstensibly to programs for the improvement of the traditional juvenile justice system. It was this provision, when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

Thus, the passage of the 1974 act, which was opposed by the Nixon administration—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Once law, the Ford administration, as if on cue from its predecessor, steadfastly opposed appropriations for the act and hampered the implementation of its provisions.

Despite continued stifled Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction from fiscal year 1976. On March 4, 1976, the House on a voice vote, rejected the Ford deferral and recently the Congress provided $75 million for the new prevention program.

Mr. President, when we had obtained, over strong administration opposition, 50 percent of the funding Congress authorized for the new prevention program under the 1974 act, the administration renewed its efforts to prevent its full implementation. In fact, the Ford Crime Control Act of 1976, S. 2212, would have repealed the vital maintenance of effort provision of the 1974 act.

It is interesting to note that the primary reason stated for the Ford administration's opposition to funding of the 1974 act prevention program was the availability of the very "maintenance of effort" provision which the administration sought to repeal in their original version of S. 2212.

Mr. President, the same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Ford administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what the President seeks, and what his supporters will diligently pursue, is the full emasculation of the program. This intent is clearly evidenced in the original version of S. 2212 and even more importantly in the President's proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the compromise version was reported from the Judiciary Committee. This new Ford proposal again incorporates sections repealing the key maintenance of effort provision. My subcommittee heard testimony on this measure on May 20 and it was clear to me that rather than an extension bill, it is an extinction bill.

It is this type of doubletalk for the better part of a decade which is in part responsible for the annual record-breaking double-digit escalation of serious crime in this country.

The Ford administration has responded at best with marked indifference to the 1974 act. The President has repeatedly opposed its implementation and funding and worked first to repeal its significant provisions and until yesterday to dilute this bipartisan crime program. This dismal record of performance is graphically documented in the subcommittee's 526-page volume, the "Ford Administration Stifles Juvenile Justice Program."

The failure of President Ford, like his predecessor, to deal with juvenile crime and his insistent stifling of an act designed to curb this escalating phenomenon is the Achilles' heel of the administration's approach to crime.

The President's widely reported remarks before the National Association of Chiefs of Police, in Miami Beach, on Monday, in which he stressed the need to address the escalation of juvenile crime represents the highest degree of hypocrisy yet simultaneously his approach is one of consistency, for even as the President delivered his headline-making remarks, at White House direction the Attorney General at the 11th hour hand-delivered a letter on behalf of the President again urging the House-Senate conferees on the LEAA bill to reject the Senate's priority on juvenile crime.

I am pleased that the conferees saw through the inconsistent; obstructive Ford rhetoric on juvenile crime, found it unacceptable, and rejected it; just as I am certain that the American people will.

Mr. President, if I were not a realist, I would be ashamed to invest only 20 percent of the LEAA dollars in this area when 50 percent of the serious crime is attributable to young people. This year, with strident White House opposition, however, I believe the best we can do is to require, as the conference bill does, that each LEAA budget component allocate at least one-fifth of its appropriation for juvenile crime prevention programs.

I must emphasize, however, that I do not believe that those of us in Washington have all the answers. There is no Federal solution, no magic wand or panacea, to the serious problems of crime and delinquency. More money alone will not get the job done, but putting billions into old and counterproductive approaches—$15 billion last year, while we witnessed a record 17-percent increase in crime—must stop.

I understand the President's concern that new spending programs be curtailed to help the country to get back on its feet.

But, I also believe that when it can be demonstrated that such Federal spending is an investment which can result in savings to the taxpayer far beyond the cost of the program in question, the investment must be made.

In addition to the billions of dollars in losses which result annually from juvenile crime, there are the incalculable costs of the loss of human life, or fear for the lack of personal security and the tremendous waste in human resources.

Few areas of national concern can demonstrate the cost effectiveness of governmental investment as well as an all-out effort to lessen juvenile delinquency.

I am pleased that the conferees acted consisted with our dedication to the conviction that juvenile crime prevention must be the priority of the Federal crime proram. The GAO has identified this as the most cost-effective crime prevention program we have; it is supported by a myriad of groups interested in the safety of our citizens and our youth who are our future; and I am proud to say that this bipartisan approach is strongly endorsed in my party's national platform. My amendment which the conferees adopted will guarantee a continuity of investment of Crime Control Act funds for the improvement of the juvenile justice system and thus the protection of our communities; and when coupled with the appropriations obtained for the new Office of Juvenile Justice and Delinquency Prevention—$75 million for fiscal year 1977—and when, as intended by Congress, the Assistant Administrator of that Office is delegated rightful statutory authority, as provided in section 527 of the 1974 act, to administer or direct all LEAA juvenile programs—then we can truly say that we have begun to address

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crime's cornerstone in this country—
juvenile crime and violence.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. HATHAWAY. Mr. President, yesterday, the conference report on the extension of authorizations for the Law Enforcement Assistance Administration was sent to the President. I believe these amendments to the Omnibus Crime Control and Safe Streets Act of 1968 have merit and should be signed into law.

As chairman of the Subcommittee on Alcoholism and Narcotics I would like to make note of three provisions of this act that pertain to the persistent effect of drug and alcohol abuse on a variety of crimes. One of these provisions gives high priority to programs that identify and treat drug abusers and alcoholics. I am pleased that the conferees saw fit to make this a mandatory priority in the act rather than leaving it discretionary as in existing law. I believe this important provision will pay handsome dividends in the future.

The LEAA, in its survey of prison populations, found that 43 percent of the inmates surveyed were drinking and 26 percent were under the influence of drugs at the time they committed the offense for which they were serving time. While the relationship between hard drugs and crime has long been recognized, the association with alcohol and polydrug abuse has only recently received recognition by law enforcement authorities.

Another provision of this act requires a State plan to establish procedures for coordination between the State agency charged with criminal justice planning and the State agency responsible for drug abuse or substance abuse planning as designated under section 409(e)(1) of the Drug Abuse Treatment Act of 1972. And further it provides that no State plan be approved as comprehensive unless—

> . . . the Administrator (of LEAA) finds that the plan . . . identifies the special needs of drug dependent offenders (including alcoholics, alcohol abusers, drug addicts and drug abusers.)

Another provision that has potential for the control of crime as well as for effective outreach to drug abusers is one calling for the—

> National Institute of Law Enforcement, in consultation with the National Institute on Drug Abuse to undertake and continue research to determine the relationship between drug abuse and crime and to evaluate the success of various types of drug treatment programs in reducing crime and to report its findings to the President, the Congress and state planning agencies, and, upon request, to units of general local government.

The Senate-passed bill contained reference to the National Institute of Alcohol Abuse and Alcoholism as well as the National Institute of Drug Abuse. I regret that the conferees chose to delete this reference in the light of research that found elevated blood alcohol levels in significant numbers of both victims and perpetrators of murders, assaults, rapes, and robberies. These findings require further investigation and I hope the National Institute on Law Enforcement and Criminal Justice will see fit to coordinate its effort with NIAAA as well as with NIDA notwithstanding the lack of specific statutory mandate.

I look forward to the results of these provisions and urge the President to sign this measure into law.

STATEMENT BY SENATOR KENNEDY

Mr. GARY HART. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

LEAA REAUTHORIZATION

For the benefit of my colleagues and to make the matter of intent clear for the record, I would like to state my understanding of the discussion which took place in the Conference on LEAA reauthorization concerning the "mini-block" grant amendment.

Both Congressman Mazzoli and myself felt strongly that what was needed to simplify the funding process and to eliminate wasteful and inefficient redtape was a mechanism whereby larger jurisdictions or combinations thereof could receive a block of funds from the state planning agency to implement the local plan after approval of that plan by the state planning agency. This was the intent of the amendment which I introduced in 1973 which was adopted by the Congress, but which was never adequately implemented by LEAA. This was the intent of the language introduced by Mr. Mazzoli in Conference and approved by the Conference:

"Approval of such comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the aproved parts of their plans. . . ."

The additional clause attached to the amendment accepted by the Conference:

". . . unless the State planning agency finds the implementation of such approved parts of their plan or revision thereof to be inconsistent with the overall state plan,"

was included to assure that the state planning agencies would have the means to monitor and evaluate the implementation of the parts of the approved plan. It would permit the state planning agencies to request such data and information on projects within the local plan so that this monitoring function could be achieved. It was in no way intended to rescind or reverse the primary intent of the Conference Committee action on mini-block grants, that is to entitle units of local government or combinations thereof to receive a single annual grant of funds once their plan is approved by the state planning agency.

I plan to follow closely LEAA's implementation of this provision to insure that Congressional intent is preserved.

DEA. It also provides that during the 1 year beginning on the date of enactment of the act, incumbents of these positions will be given preference with respect to filling vacant positions at a grade not lower than GS–14 within DEA. If such an incumbent were to transfer to such a position he would suffer no loss of pay.

The conference committee provision further provides that effective beginning 1 year after the date of enactment of this act an individual in one of the excepted positions who has been employed in DEA for less than 1 year may be removed, suspended for more than 30 days, furloughed without pay, or reduced in rank or pay, by the Administrator, if the Administrator determines, in his discretion, that such action would promote the efficiency of the service. The provisions of sections 7512 and 7701 of title 5, United States Code, relating to adverse actions against preference eligibles, would not apply to such an action by the Administrator. Effective beginning one year after the date of enactment a present incumbent who is still employed in one of the excepted positions may be reduced in rank or pay by the Administrator if the Administrator determines, in his discretion, that such action would promote the efficiency of the service. A present incumbent who is reduced in rank would suffer no loss of pay.

Finally, the conference provision provides that sections 7512 and 7701 of title 5, United States Code, and otherwise applicable Executive orders, will not apply to any reduction in rank or pay of an individual in any position excepted from the competitive service pursuant to the section.

In my view, this amendment should give the Administrator of DEA the broad managerial authority he needs to properly administer that most complex Agency. My study of DEA during numerous hearings held by the permanent Subcommittee on Investigations has indicated that civil service reform legislation of the type encompassed in this amendment is sorely needed. This view was endorsed in the subcommittee's report on Federal drug law enforcement and has been echoed by other officials both in and out of Government service.

Now that such legislation has been approved by the conference committee and passed by both Houses of the Congress I do want to reiterate that only the most qualified individuals, whether they be recruited from within the Federal service or from outside the Federal law enforcement community should be appointed to top-level supervisory positions that have now become a part of the excepted service. This amendment is designed to give the Administrator of DEA significantly greater flexibility than he now has to fill top supervisory positions at DEA with individuals of quality, skill, and unquestioned integrity and to remove them if this is ever in the interest of the Federal drug law enforcement effort. Clearly, it is not the intent of the sponsors of this legislation, nor of either House of Congress in adopting it, that personnel actions taken with respect to these new excepted positions should be influenced by political or other special considerations inconsistent with a policy of hiring based on merit and merit alone.

Mr. President, it should be noted that 1 year after the date of enactment of this legislation, the DEA Administrator would not only be able to demote an individual from the excepted service to the competitive service, he would also have the authority to reassign employees within the excepted service. Any individual holding an excepted service position covered by this legislation who was demoted within the excepted service would be entitled to the now existing general pay saving provisions provided for in 5 U.S.C. 5337.

Under the pay saving provisions specifically written in this amendment, any individual who would be reassigned by the Administrator from one of the new excepted positions to a position in the competitive service would receive the salary he received just prior to the reassignment as provided for in subsection (d) of section 201 of the legislation. Even if such a reassignment occurred 1 year after the date of the enactment of this amendment, the reassigned individual would receive the pay he was receiving just prior to his reassignment in accordance with the general Federal pay-saving provision, 5 U.S.C. 5337.

As I have mentioned earlier in my statement, this amendment provides for a special procedure during the first year after the enactment of this act for giving preferential reassignment treatment to all those individuals who are now occupying positions which will become part of the excepted service. Effective beginning 1 year after the date of enactment, the special reassignment preference for those in excepted service positions covered by the legislation will cease to exist. The Administrator will have the authority to reassign individuals from the excepted service to the competitive service but as the legislation makes clear, he would be under no obligation to do so. Nor would he be under any obligation to fill any vacancies which may exist. Such decisions which would be within the sole discretion of the Administrator and should be based on his considered view of what would promote the efficiency of the service.

This legislation gives broad new managerial authority to the Administrator of DEA. In doing this the Congress is attempting to give the Administrator certain tools which should enable him to improve and strengthen the Federal drug law enforcement effort. Quality appointments to top managerial positions must be made and if the Administrator determines that individuals in these positions are not successfully carrying out their duties they should be removed or reassigned. Only in this manner can DEA continue to improve its effort to fashion a coordinated, effective drug law enforcement program designed to stem the flow of narcotics onto the Nation's streets.

Mr. President, I ask unanimous consent that the legislation excepting certain positions at DEA from the civil

DRUG ENFORCEMENT ADMINISTRATION IMPROVEMENT ACT OF 1976

Mr. PERCY. Mr. President, the Senate and the House of Representatives have now both passed the conference report on S. 2212, which would amend the Omnibus Crime Control and Safe Streets Act of 1968. Most of this legislation is concerned with amendments relating to the Law Enforcement Assistance Administration—LEAA—and would reauthorize that program for three additional years. While I am not totally satisfied with every provision of this legislation, I believe that it represents a fair compromise between the positions of the House and the Senate and that it should be signed into law by the President.

On July 26, 1976, I introduced an amendment to S. 2212 which would have removed approximately 162 positions at the Drug Enforcement Administration—DEA—from the competitive service. That legislation was cosponsored by Senators NUNN and RIBICOFF. With my full support the conference committee adopted substitute language which would remove only approximately 40 to 45 positions from the competitive service.

Specifically, the conference provision reduces the number of positions to be excepted from the competitive service to positions classified at GS–16, GS–17, and GS–18 and only those GS–15 positions which are designated as regional directors, office heads, or executive assistants—or equivalent positions—under the immediate supervision of the Administrator—or the Deputy Administrator—of

service protection be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

DRUG ENFORCEMENT ADMINISTRATION

SEC. 201. (a) Effective beginning one year after the date of the enactment of this Act, the following positions in the Drug Enforcement Administration (and individuals holding such positions) are hereby excepted from the competitive service:

(1) positions at GS–16, 17, and 18 of the General Schedule under section 5332(a) of title 5, United States Code, and

(2) positions at GS–15 of the General Schedule which are designated at—

(A) regional directors,

(B) office heads, or

(C) executive assistants (or equivalent positions) under the immediate supervision of the Administrator (or the Deputy Administrator) of the Drug Enforcement Administration.

(b) Effective during the one year period beginning on the date of the enactment of this Act, vacancies in positions in the Drug enforcement Administration (other than positions described in subsection (a)) at a grade now lower than GS–14 shall be filled—

(1) first, from applicants who have continuously held positions described in subsection (a) since the date of the enactment of this Act and who have applied for, and are qualified to fill, such vacancies, and

(2) then, from other applicants in the order which would have occurred in the absence of this subsection.

Any individual placed in a position under paragraph (1) shall be paid in accordance with subsection (d).

(c)(1) Effective beginning one year after the date of the enactment of ths Act, an indivdual in a position described in subsection (a) may be removed, suspended for more than 30 days, furloughed without pay, or reduced in rank or pay by the Administrator of the Drug Enforcement Administration if—

(A) such individual has been employed in the Drug Enforcement Administration for less than the one-year period immediately preceding the date of such action, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

(2) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be reduced in rank or pay by the Administrator within the Drug Enforcement Administration if—

(A) such individual has been continuously employed in such position since the date of the enactment of this Act, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Any individual reduced in rank or pay under this paragraph shall be paid in accordance with subsection (d).

(3) The provisions of sections 7512 and 7701 of title 5, United States Code, and otherwise applicable Executive orders, shall not apply with respect to actions taken by the Administrator under paragraph (1) or any reduction in rank or pay (under paragraph (2) or otherwise) or any individual in a position described in subsection (a).

(d) Any individual whose pay is to be determined in accordance with this subsection shall be paid basic pay at the rate of basic pay he was receiving immediately before he was placed in a position under subsection (b)(1) or reduced in rank or pay under subsection (c)(2), as the case may be, until such time as the rate of basic pay he would receive in the absence of this subsection exceeds such rate of basic pay. The provisions of section 5337 of title 5, United States Code, shall not apply in any case in which this subsection applies.

Equally serious is the absence of a strong focus on the most severe crime problem in America: violent "street crime" in cities. In New York and in other major cities throughout the Nation, crime and the fear that it breeds are ugly facts of life. We in the Congress must take strong and positive action to combat this modern "plague" that haunts our urban areas.

Despite these reservations, however, I believe we have taken, in the LEAA conference report, meaningful steps to provide effective Federal aid to combat crime in the United States.

CONFERENCE REPORT ON S. 2212

SPEECH OF

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1976

Ms. HOLTZMAN. Mr. Speaker, I rise in support of the conference report on S. 2212, which extends the programs of the Law Enforcement Assistance Administration (LEAA) for 3 years.

As passed by the House, the LEAA reauthorization bill made a number of significant improvements in the Federal program of aid to State and local governments for crime fighting. Chief among these were the increased emphasis on speeding criminal trials and reducing crime against the elderly, and the strengthened evaluation and congressional oversight requirements. These provisions were originally suggested in legislation I introduced, and I am pleased that they were retained by the conference committee. They should make LEAA a more effective weapon against crime.

The conference committee strengthens the House bill by requiring States to allocate adequate LEAA funds to reduce both court congestion and "revolving door justice." In this regard, I believe it is particularly important that the conference report provides for coordinated planning by judges, court administrators, prosecutors, and defenders working together on judicial planning committees to improve the functioning of State criminal courts. Only by such a coordinated effort, taking into account the needs and responsibilities of each component of the criminal justice system, can the ideal of swift and sure justice for the guilty, the innocent and the public alike be attained.

The chief shortcomings of the conference report are in the 3-year authorization period and the absence of a special effort directed at violent crime in urban areas. I had recommended, and the House had aproved, a 1-year authorization for LEAA in order to keep it on a "short leash" and assure that its past inadequacies would be remedied. The 3-year period, I am concerned, may give the LEAA bureaucracy too much leeway, and delay the making of further improvements.

LEAA MINI-BLOCK GRANTS

SPEECH OF

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1976

Mr. MAZZOLI. Mr. Speaker, for the benefit of my colleagues and to clarify the record I would like to state my understanding of the "mini-block grant" amendment which I drafted and which was added to the Law Enforcement Assistance Administration—LEAA—extension conference report—S. 2212, Rept. 94–1723.

Section 303(a)(4) of the current law, which was written by Senator EDWARD KENNEDY in 1973, was intended to allow larger units of local governments to receive a block of funds to implement the projects in their local comprehensive plans. Once the local plans were approved by the State Planning Agency—SPA—these funds were to be granted without additional applications and further project reviews of the local plans by the SPA.

Because this section had not been fully implemented since 1973, I felt it necessary to include language in the conference report to insure that: once a local plan is approved by the SPA, the funds to implement such local plans will be forthcoming unless the SPA finds that the implementation will be inconsistent with the overall State plan.

The language which I drafted and which was agreed to by the conferees was:

> Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans, unless the state planning agency finds the implementation of such approved parts of their plan or revision thereof to be inconsistent with the overall state plan.

However, on page 29 of the LEAA conference report which the House adopted on September 30, 1976, it is stated that:

> It is intended that the SPA may require the submission of such applications as necessary to assure that the requirements of title I and regulations thereunder are met.

This language had been specifically rejected by the House conferees when proposed during the conference.

It is my belief that this language should not in anyway change or modify the intent of my amendment to section 303(a)(4) of current law.

Rather, this language merely makes it clear that the provisions of sections 303(a)(1), 303(a)(12), and 303(a)(13) still apply to these so-called miniblock grants. These sections generally state that the SPA shall disburse the funds to local governments, and shall be responsible for the proper use of such funds by local governments.

Neither these sections nor the conference report language are intended to direct or authorize the SPA to require project by project applications from large local governments of combinations of local governments after the comprehensive plan or such local planning units has been approved.

I intend to follow closely LEAA's implementation of this language to be sure it conforms to the understanding which I, as a conferee, had of the actions by the conference.

TEXT OF CRIME CONTROL ACT OF 1976,

PUBLIC LAW 94-503

Public Law 94-503
94th Congress

An Act

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

Oct. 15, 1976
[S. 2212]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1976".

Crime Control Act of 1976.
42 USC 3701 note.

TITLE I—AMENDMENTS RELATING TO L.E.A.A.

AMENDMENTS TO STATEMENT OF PURPOSE

SEC. 101. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended as follows: 42 USC 3701.

(1) By inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title.".

(2) By striking out the fourth paragraph and inserting in lieu thereof the following new paragraph:

"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 Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, 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.".

SUPERVISION BY ATTORNEY GENERAL

SEC. 102. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after "authority" the following: ", policy direction, and general control". 42 USC 3711.

OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

SEC. 103. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

Office of Community Anti-Crime Programs. Establishment.

"(c) There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the 'Office'). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizen participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

AMENDMENT TO PART B PURPOSES

42 USC 3721.

SEC. 104. Section 201 of title I of such Act is amended by inserting immediately after "part" the following: "to provide financial and technical aid and assistance".

SECTION 203 AMENDMENTS

42 USC 3723.

SEC. 105. Section 203 of title I of such Act is amended to read as follows:

"SEC. 203. (a) (1) 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 or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1978. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"(2) The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members, shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State

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planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials. State planning agencies which choose to establish regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State

"(b) The State 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;

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

"(4) assure the participation of citizens and community organizations at all levels of the planning process.

Judicial planning committee.

"(c) The court of last resort of each State or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of a majority of court officials (including judges, court administrators, prosecutors, and public defenders) may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of a majority of court officials (including judges, court administrators, prosecutors, and public defenders) and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts, and shall include a majority of court officials (including judges, court administrators, prosecutors, and public defenders).

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

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

"(3) develop, in accordance with part C, an annual State judicial plan for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. The State planning agency shall incorporate into the comprehensive statewide plan the annual State judicial plan, except to the extent that such State judicial plan fails to meet the requirements of section 304(b).

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"(e) If a State court of last resort or a judicial agency authorized on the date of enactment of this subsection by State law to perform such function, provided it has a statutory membership of at least a majority of court officials (including judges, court administrators, prosecutors, and public defenders) does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities

of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units 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 finding 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 funds made available to the judicial planning committee and 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.

"(g) The State planning agency and any other planning organization for the purposes of this 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 to be taken at that meeting on (1) the State plan, or (2) any application for funds under this title. The State planning agency and any other planning organization for the purposes of this title shall provide for public access to all records relating to its functions under this title, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.".

JUDICIAL PLANNING EXPENSES FUNDING

SEC. 106. Section 204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking out the words "expenses, shall," and inserting in lieu thereof "expenses shall".

42 USC 3724.

JUDICIAL PLANNING PROVISION AND REALLOCATION OF CERTAIN FUNDS

SEC. 107. Section 205 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by—

42 USC 3725.

(1) inserting ", the judicial planning committee," immediately after the word "agency" in the first sentence;

(2) striking out "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(3) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation under this part among the States as determined by the Administration.".

STATE LEGISLATURES

SEC. 108. Part B of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new section:

"SEC. 206. At the request of the State legislature while in session or a body designated to act while the legislature is not in session, the comprehensive statewide plan shall be submitted to the legislature for an advisory review prior to its submission to the Administration by the chief executive of the State. In this review the general goals, priorities, and policies that comprise the basis of that plan, including possible conflicts with State statutes or prior legislative Acts, shall be considered. If the legislature or the interim body has not reviewed the plan forty-five days after receipt, such plan shall then be deemed reviewed.". 42 USC 3726.

SECTION 301 AMENDMENTS

SEC. 109. (a) Section 301 of title I of such Act is amended by— 42 USC 3731.

(1) inserting immediately after "part" in subsection (a) the following: ", through the provision of Federal technical and financial aid and assistance,";

(2) striking out "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with law enforcement and criminal justice"; and

(3) striking out "and coordination" from paragraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation".

(b) Section 301(b) of such Act is amended—

(1) by striking out paragraph (6);

(2) by redesignating paragraph (7) as paragraph (6);

(3) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(4) by adding at the end the following:

"(10) The definition, development, and implementation of programs and projects designed to improve the functioning of courts, prosecutors, defenders, and supporting agencies, reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the administration of criminal justice in the courts; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; the development of uniform sentencing standards for criminal cases; training of judges, court administrators, and support personnel of courts having criminal jurisdiction; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; and equipping of court facilities. Grants, eligibility.

"(11) The development and operation of programs designed to reduce and prevent crime against elderly persons.

"(12) The development of programs to identify the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers).

"(13) The establishment of early case assessment panels under the authority of the appropriate prosecuting official for any unit of general local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible after the time of the bringing of charges, to determine the feasibility of successful prosecution, and to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes.

"(14) The development and operation of crime prevention programs in which members of the community participate, including but not limited to 'block watch' and similar programs.".

ADDITIONAL JUDICIAL PARTICIPATION

SEC. 110. Section 302 of the Omnibus Crime Control and Safe Streets Act is amended by inserting "(a)" immediately after "SEC. 302." and by adding at the end the following new subsections:

42 USC 3732.

Plan, filing.

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including bail and pretrial release services and prosecutional and defender services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions 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 maximum extent practicable, the relationship of the plan to other relevant State or local law 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 provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) 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 the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.". *Post*, p. 2414.

STATE PLAN REQUIREMENTS AMENDMENTS

SEC. 111. Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by— 42 USC 3733.

(1) in paragraph (4) of subsection (a), inserting immediately before the semicolon the following: ". Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approved parts of their plans, unless the State planning agency finds the implementation of such approved parts of their plan or revision thereof to be inconsistent with the overall State plan";

(2) inserting immediately after "necessary" in paragraph (12) of subsection (a) the following: "to keep such records as the Administration shall prescribe";

(3) striking out "and" after paragraph (14) of subsection (a), striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and", and adding after paragraph (15) the following:

"(16) provide for the development of programs and projects for the prevention of crimes against the elderly, unless the State planning agency makes an affirmative finding in such plan that such a requirement is inappropriate for the State;

"(17) provide for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice; and

"(18) establish procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176(e)(1)) in responding to the needs of drug dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers).";

(4) striking out subsection (b) and inserting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. No award of funds that are allocated to the States under this part 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.";

(5) inserting in subsection (c) immediately after "unless" the following: "the Administration finds that"; and

(6) adding at the end the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects, including projects relating to prosecutorial and defender services. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs (including programs and projects to reduce court congestion and accelerate the processing and disposition of criminal cases). In determining adequate funding, consideration shall be given to (1) the need of the courts to reduce court congestion and backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

GRANTS TO UNITS; JUDICIAL PARTICIPATION

SEC. 112. Section 304 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

42 USC 3734.

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

42 USC 3731.

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title, is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan or part thereof in the State comprehensive plan to be submitted to the Administration.".

Ante, p. 2408.

SECTION 306 AMENDMENTS

SEC. 113. Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a): "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.". Grants, funds allocation. 42 USC 3736.

SECTION 307 AMENDMENT

SEC. 114. Section 307 of such Act is amended by striking out "and of riots and other violent civil disorders" and inserting in lieu thereof the following "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system". Grants, priority programs. 42 USC 3737.

TECHNICAL AMENDMENT

SEC. 115. Section 308 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "302(b)" and inserting "303" in lieu thereof. 42 USC 3738. *Ante*, p. 2413.

ANTITRUST ENFORCEMENT GRANTS 42 USC 3733.

SEC. 116. Part C of title I of such Act is amended by inserting immediately after section 308 the following new section:

"SEC. 309. (a) The Attorney General is authorized to provide assistance and make grants to States which have State plans approved under subsection (c) of this section to improve the antitrust enforcement capability of such State. 42 USC 3739.

"(b) The attorney general of any State desiring to receive assistance or a grant under this section shall submit a plan consistent with such basic criteria as the Attorney General may establish under subsection (d) of this section. Such plan shall— Plan, submittal.

"(1) provide for the administration of such plan by the attorney general of such State;

"(2) set forth a program for training State officers and employees to improve the antitrust enforcement capability of such State;

"(3) establish such fiscal controls and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State including such funds paid by the State to any agency of such State under this section; and

"(4) provide for making reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his function under this section, and for keeping such records and affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

"(c) The Attorney General shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section.

"(d) As soon as practicable after the date of enactment of this section the Attorney General shall, by regulation, prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this section among the States. Criteria.

"(e) Payments under this section shall be made from the allotment to any State which administers a plan approved under this section. Payments to a State under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on

account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

Audit.

"(f) The Comptroller General of the United States or any of his authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this section.

"(g) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any State receiving a grant under this section, finds—

"(1) that the program for which such grant was made has been so changed that it no longer complies with the provisions of this section; or

"(2) that in the operation of the program there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any program pursuant to this part which is being carried out by such State and which is not involved in the noncompliance.

Definitions.

"(h) As used in this section the term—

"(1) 'State' includes each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(2) 'attorney general' means the principal law enforcement officer of a State, if that officer is not the attorney general of that State; and

"(3) 'State officers and employees' includes law or economics students or instructors engaged in a clinical program under the supervision of the attorney general of a State or the Assistant Attorney General in charge of the Antitrust Division.

Appropriation authorization.

"(i) In addition to any other sums authorized to be appropriated for the purposes of this title, there are authorized to be appropriated to carry out the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979.".

INSTITUTE AMENDMENTS

National Institute of Law Enforcement and Criminal Justice. 42 USC 3742.

SEC. 117. (a) Section 402 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General";

(2) in the second paragraph of subsection (c), by striking out "to evaluate" and inserting in lieu thereof the following: "to make evaluations and to receive and review the results of evaluations of";

(3) in the second paragraph of subsection (c), by adding at the end the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate information about such criteria and procedures to State planning agencies. The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title.";

42 USC 3763.

(4) by inserting immediately before the final paragraph of subsection (c) the following: Studies. 42 USC 3742.

"The Institute shall, in consultation with the National Institute on Drug Abuse, make studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies and, upon request, to units of general local government"; and

(5) by adding at the end of such subsection the following: Surveys.

"The Institute shall, before September 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State, and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such as mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, the General Accounting Office, Federal, State, and local criminal justice agencies and other appropriate public and private agencies.

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

(b) Section 402(b)(3) of such Act is amended by striking out ", and to evaluate the success of correctional procedures".

CONFORMING AMENDMENT

SEC. 118. (a) Section 453(10) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)". 42 USC 3750b.

NONPROFIT ORGANIZATIONS; INDIAN TRIBES

SEC. 119. Section 455 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "or" in paragraph (a)(2) and by inserting "or nonprofit organization," after the second occurrence of the word "units," in that paragraph. 42 USC 3750d.

(b) Section 507 of such Act is amended— 42 USC 3755.

(1) by inserting "(a)" immediately after "SEC. 507."; and

(2) by adding at the end the following new subsection:

"(b) In the case of a grant 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. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

RULES AND REGULATIONS REQUIREMENT

42 USC 3751.

SEC. 120. Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding the following sentence at the end: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

HEARING EXAMINERS

42 USC 3755.

SEC. 121. Section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"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 as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

CIVIL RIGHTS ENFORCEMENT PROCEDURES

42 USC 3757.

Infra.

SEC. 122. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and all that follows down through "grantee under this title," and inserting in lieu thereof "Except as provided in section 518(c), whenever the Administration, after notice to an applicant or a grantee under this title and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

42 USC 3766.

(b) Section 518(c) of such Act is amended to read as follows:

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

"(2)(A) Whenever there has been—

Hearing.

"(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency (other than the Administration under subparagraph (ii)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c)(1); or

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

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

"(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administration. On or prior to the effective date of the agreement, the Administration shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administration detailing the steps taken to comply with the agreement. Within 15 days of receipt of such reports, the Administration shall send a copy thereof to each such complainant.

Reports to Administration.

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

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

"(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Administration shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Administration after notice and opportunity for such a hearing, that the recipient is not in compliance with subsection (c)(1).

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

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

"(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Administration in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c)(1) by such court; or

"(iii) after a hearing the Administration pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

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

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

"(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one hundred and twenty day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within sixty days of such request.

"(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one hundred and twenty day period referred to in subparagraph (C), the Administration shall make a finding of compliance or noncompliance. If the Administrator makes a finding of noncompliance, the Administration shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c)(3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

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

"(H) Any State government or unit of general local government aggrieved by a final determination of the Administration under subparagraph (G) may appeal such determination as provided in section 511 of this title.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

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

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

"(C) In any action instituted under this section to enforce compliance with section 518(c)(1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.". *Ante*, p. 2418.

CONFORMING AMENDMENT

SEC. 123. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 512. 42 USC 3760.

ADMINISTRATIVE PROVISIONS

SEC. 124. Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: 42 USC 3763.

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in that comprehensive plan;

"(2) asssure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its comprehensive plan, a financial analysis indicating the percentage of Federal funds to be allocated under

the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(2) 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, institutions, or international agencies in matters relating to law enforcement and criminal justice.

"(c) Funds appropriated for the purposes of this section may be expanded by grant or contract, as the Administration may determine to be appropriate.".

ANNUAL REPORTS AMENDMENT

Report to President and congressional committees. 42 USC 3767.

SEC. 125. Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968, is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including—

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) a brief description of the procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

"(C) the descriptions and number of program and project areas, and the amounts expended therefore, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the descriptions and number of program and project areas, and amounts expended therefore, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the descriptions and number of program and project areas, and the amounts expended therefor, which have achieved the purposes for which they were intended and the specific standards and goals set for them,

"(F) the descriptions and number of program and project areas, and the amounts expended therefor, which have failed to achieve the purposes for which they were intended or the specific standards and goals set for them,

"(2) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(3) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(4) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(5) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(6) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(7) the number of programs and projects with respect to which a discontinuation, suspension, or termination of payments occurred under section 509, or 518(c), together with the reasons for such discontinuation, suspension, or termination; 42 USC 3757. *Ante*, p. 2418.

"(8) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(9) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs;

"(10) an explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities, and criteria upon which the Administration based such expenditures; and 42 USC 3736, 3742, 3750d.

"(11) a description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act.". 42 USC 3750c.

EXTENSION OF PROGRAM; AUTHORIZATION OF APPROPRIATIONS

SEC. 126. (a) Section 520(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of carrying out this title not to exceed $220,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, not to exceed $880,000,000 for the fiscal year ending September 30, 1977; $800,000,000 for the fiscal year ending September 30, 1978; and $800,000,000 for the fiscal year ending September 30, 1979. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977; and not to exceed $15,000,000 for each of the two succeeding fiscal years; for the purposes of grants to be administered by the Office of Community Anti-Crime Programs for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(6) of this title.". 42 USC 3768. 42 USC 3731.

(b) Section 520(b) of such Act is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.". 42 USC 5671.

REGULATIONS REQUIREMENT

42 USC 3769.

SEC. 127. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting immediately after subsection (c) the following:

"(d) Within one hundred and twenty days after the enactment of this subsection, the Administration shall promulgate regulations establishing—

"(1) reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of section 518(c) of this title; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and

Ante, p. 2418.

"(2) reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this title for compliance with the provisions of section 518(c) of this title."; and

(2) by redesignating subsection (d) as subsection (e).

OPERATION STING

Revolving fund, establishment.
42 USC 3769.

SEC. 128. (a) Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following new subsection:

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

42 USC 3731.

(b) Section 301(c) of such Act is amended by adding at the end of the section the following: "In the case of a grant for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt commerce in such property, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary.".

DEFINITIONS AMENDMENTS

42 USC 3781.
"Court of last resort."

SEC. 129. (a) Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(p) The term 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority.

In other States having two or more courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort', the term 'court' means a tribunal or judicial system having criminal or juvenile jurisdiction.". "Court."

"(q) The term 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title.". "Evaluation."

(b) Section 601(c) of such Act is amended by inserting "the Trust Territory of the Pacific Islands," after "Puerto Rico,". 42 USC 3781.

JUVENILE JUSTICE ACT AMENDMENTS

SEC. 130. (a) Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following: 42 USC 5671.

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.".

(b) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)". 42 USC 5633.

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows: 42 USC 5635.

(1) After section 225(c)(6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have not city with a population over two hundred and fifty thousand.".

(2) Add at the end a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population.".

TITLE II—PROVISIONS RELATING TO OTHER MATTERS

DRUG ENFORCEMENT ADMINISTRATION

SEC. 201. (a) Effective beginning one year after date of the enactment of this Act, the following positions in the Drug Enforcement Administration (and individuals holding such positions) are hereby excepted from the competitive service: Effective date. 28 USC 509 note.

(1) positions at GS-16, 17, and 18 of the General Schedule under section 5332(a) of title 5, United States Code, and

(2) positions at GS-15 of the General Schedule which are designated as—

(A) regional directors,

(B) office heads, or

(C) executive assistants (or equivalent positions) under the immediate supervision of the Administrator (or the Deputy Administrator) of the Drug Enforcement Administration.

Effective date.

(b) Effective during the one year period beginning on the date of the enactment of this Act, vacancies in positions in the Drug Enforcement Administration (other than positions described in subsection (a)) at a grade not lower than GS-14 shall be filled—

(1) first, from applicants who have continuously held positions described in subsection (a) since the date of the enactment of this Act and who have applied for, and are qualified to fill, such vacancies, and

(2) then, from other applicants in the order which would have occurred in the absence of this subsection.

Any individual placed in a position under paragraph (1) shall be paid in accordance with subsection (d).

Effective date.

(c)(1) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be removed, suspended for more than 30 days, furloughed without pay, or reduced in rank or pay by the Administrator of the Drug Enforcement Administration if—

(A) such individual has been employed in the Drug Enforcement Administration for less than the one-year period immediately preceding the date of such action, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Effective date.

(2) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be reduced in rank or pay by the Administrator within the Drug Enforcement Administration if—

(A) such individual has been continuously employed in such position since the date of the enactment of this Act, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Any individual reduced in rank or pay under this paragraph shall be paid in accordance with subsection (d).

(3) The provisions of sections 7512 and 7701 of title 5, United States Code, and otherwise applicable Executive orders, shall not apply with respect to actions taken by the Administrator under paragraph (1) or any reduction in rank or pay (under paragraph (2) or otherwise) of any individual in a position described in subsection (a).

(d) Any individual whose pay is to be determined in accordance with this subsection shall be paid basic pay at the rate of basic pay he was receiving immediately before he was placed in a position under subsection (b)(1) or reduced in rank or pay under subsection (c)(2), as the case may be, until such time as the rate of basic pay he would receive in the absence of this subsection exceeds such rate of basic pay. The provisions of section 5337 of title 5, United States Code, shall not apply in any case in which this subsection applies.

JUSTICE DEPARTMENT PERSONNEL

SEC. 202. (a) Subsection (c) of section 5108 of title 5, United States Code, is amended by striking out paragraph (8) and inserting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS-16, 17, and 18;".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(109) Commissioner of Immigration and Naturalization, Department of Justice.

"(110) United States attorney for the Northern District of Illinois.

"(111) United States atttorney for the Central District of California.

"(112) Director, Bureau of Prisons, Department of Justice.

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

(c) Section 5316 of title 5, United States Code, is amended by—

(1) striking out paragraph (44);

(2) striking out paragraph (115);

(3) striking out paragraph (116);

(4) striking out paragraph (58); and

(5) striking out paragraph (134).

TERM OF FBI DIRECTOR

SEC. 203. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" immediately after "SEC. 1101." and by adding at the end thereof the following new subsection: 28 USC 532 note.

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.". Effective date.

AUTHORIZING JURISDICTION

SEC. 204. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978.

Approved October 15, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1155 accompanying H.R. 13636 (Comm. on the Judiciary) and No. 94-1723 (Comm. of Conference).

SENATE REPORT No. 94-847 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 122 (1976):

July 22, 23, 26, considered and passed Senate.

Sept. 2, considered and passed House, amended, in lieu of H.R. 13636.

Sept. 30, House and Senate agreed to conference report.

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