The original documents are located in Box 64, folder "10/15/76 S2212 Crime Control Act of 1976" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

APPROVED
OCT 15 1976

10/15/76

THE WHITE HOUSE

WASHINGTON

October 14, 1976

ACTION

Last Day: October 15

Posted
10/15/76

Archives
10/15/76

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: S. 2212 - Crime Control Act of 1976

Attached for your consideration is S. 2212, sponsored by Senators Hruska and McClellan.

The enrolled bill:

-- extend the authorization of the Law Enforcement Assistance Administration for three years, through 1979, with authorized appropriations of $880 million for FY 77 and $800 million for FYs 78 and 79;

-- limit the term of office of the Director of the Federal Bureau of Investigation to a single ten-year term;

-- effect changes in the salary level and civil service status of certain positions within the Department of Justice; and

-- require annual authorizations for all programs of the Department of Justice beginning in FY 79.

The enrolled bill differs considerably from the legislation you recommended last year in your Crime Message. The period of reauthorization is shorter than you recommended (five years), the annual authorization level is lower than you recommended ($1.1 billion), and the Congress has added a number of new restrictions, requirements and categorical programs. Moreover, the remaining provisions of the bill affecting the Department of Justice personnel and programs are, in the main, objectionable. Nevertheless, the Department of Justice and the Office of Management and Budget believe that the good features of the bill principally, the extension of LEAA, justify its approval.

A more detailed discussion of the enrolled bill and complete agency comments are provided in OMB's enrolled bill report at Tab A.

Agency Recommendations

The Department of Justice recommends approval of the bill.

The U.S. Civil Service Commission has recommended disapproval of the bill, expressing objection to those provisions of the bill removing certain positions within the Drug Enforcement Administration from the competitive service. Civil Service believes that these provisions are inimical to the merit system.

OMB recommends approval of the bill.

Staff Recommendations

Counsel's Office (Lazarus), Max Friedersdorf and I recommend approval of the enrolled bill.

Recommendation

That you sign S. 2212 at Tab B.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 8 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2212 - Crime Control Act of 1976
Sponsor - Sen. Hruska (R) Nebraska and Sen. McClellan (D) Arkansas

Last Day for Action

October 15, 1976 - Friday

Purpose

To extend authority for the Law Enforcement Assistance Administration (LEAA) for three years; establish certain new categorical programs; mandate new State planning requirements to ensure increased funding for court programs; strengthen civil rights compliance procedures; exempt high level Drug Enforcement Administration staff from the civil service laws; and require annual authorizations for all programs of the Department of Justice.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Civil Service Commission	Disapproval (Memorandum of disapproval attached)

Discussion

LEAA's authorization under the Omnibus Crime Control and Safe Streets Act, as amended, expired on June 30, 1976. In your crime message of June 17, 1975, you urged that the LEAA program be extended through 1981 in order to provide necessary financial and technical assistance to help State and local governments to reduce crime by seeking improvements in the criminal justice system. Legislation providing $1.3 billion in annual authorizations was proposed by the Administration.

The enrolled bill passed the House by a vote of 384-6 and the Senate by a voice vote. Title I, which provides authorizations for continuing LEAA programs, embodies some of the Administration's proposals, but it also has several objectionable provisions which limit the flexibility in use of funds and increase procedural requirements. Title II contains several changes affecting executive and other high level personnel in the Department of Justice and was opposed by the Administration.

Title I - Law Enforcement Assistance Administration

-- Funding

S. 2212 would extend authorizations for the LEAA program for three years: $880 million in 1977 and $800 million annually for 1978 and 1979. For 1977, an appropriation of $753 million has already been enacted. Additional annual authorizations for new categorical grants for community anti-crime programs ($15 million) and for categorical grants to assist State antitrust enforcement programs ($10 million) are also provided. The proposed antitrust grants are discussed in greater detail below.

Another provision would require that 19.15 percent of the amount appropriated to LEAA be used to fund juvenile delinquency programs. This is in addition to funds available under the Juvenile Justice and Delinquency Prevention Act of 1974. The Administration proposed the deletion of a similar restriction in the expiring LEAA authorization because it limited State and local discretion and forced expenditures for these programs without sufficient planning and development.

-- Antitrust

A special categorical grant program to fund State antitrust enforcement programs would be established with an annual appropriations authorization of $10 million each year for 1977, 1978, and 1979. The program would be administered by the Attorney General and not LEAA. The Attorney General is required to establish the basic criteria for an acceptable State antitrust program by regulation.

In earlier testimony, the Department of Justice did not oppose the concept of grants to the States for antitrust enforcement, although the Department raised two major objections to the approach in this amendment. First, Justice noted that LEAA is the operating mechanism

through which funds are presently funneled to the States for law enforcement purposes and raised a question as to why funds to supplement State antitrust efforts should be channeled through an entirely different procedure. Second, Justice was concerned that such funds would be accompanied by rules that arbitrarily impose federal perceptions of prudent antitrust enforcement upon States that request such funds.

This provision, which Senator Hruska argued was not germane to this act, would have been a candidate for veto if it had been enacted alone. However, it must be weighed in light of other provisions of the bill. The legislation only authorizes funds for State antitrust efforts, and appropriations must still be made by the Congress. In the context of this bill, we do not believe the provision justifies disapproval of S. 2212.

-- Program Administration

The enrolled bill would make numerous amendments affecting the administration of the LEAA program. The more significant amendments would:

-- Make clear that LEAA is subject to the overall authority, policy direction and control of the Attorney General. Authority for the appointment of the Director of LEAA's National Institute for Law Enforcement and Criminal Justice would also be vested in the Attorney General in lieu of the Administrator of LEAA. (These changes were proposed by the Administration.)

-- Make changes in the State planning process by requiring that State legislatures approve the establishment of planning agencies and be given an opportunity, along with local citizens, of reviewing the plans.

-- Mandate increased judicial participation in developing the State comprehensive plan to ensure greater emphasis on improving State and local court systems. (The Administration proposed language to emphasize court improvement programs; however, the requirements of the enrolled bill in this regard substantially exceed the scope of the Administration's proposal.)

Other major amendments to the LEAA program would:

-- Direct the National Institute on Law Enforcement and Criminal Justice to: (1) improve procedures for evaluation of programs funded by LEAA; (2) study the relationship between drug abuse and crime; and (3) study the anticipated effect of sentencing reforms, including mandatory minimum sentences.

-- Establish a system of mandatory procedures for investigation, administrative adjudication, and civil litigation of alleged civil rights violations by a recipient of LEAA funds. Should a grantee be found not to be in compliance with the Act's civil rights provisions, LEAA funding would be suspended or terminated for that program or project in which the violation occurred.

-- Establish a revolving fund in LEAA to support projects that will acquire stolen goods and property in an effort to stop such illicit commerce. The genesis of the provision was the recent "Operation Sting" in the District of Columbia. This provision is undesirable because it establishes another unnecessary narrow categorical program in LEAA.

Title II - Department of Justice

The bill contains several amendments affecting executive and other high level personnel in the Drug Enforcement Administration (DEA), certain officers of the Department of Justice, and the Director of the Federal Bureau of Investigation (FBI). In addition, it would require annual authorizations for all programs of the Department of Justice beginning in 1979.

-- Drug Enforcement Administration (DEA)

This provision would remove all DEA supergrade positions and GS-15 management, supervisory, and executive assistant positions from the competitive civil service. In addition, DEA's Administrator would be permitted to discharge, suspend, furlough or reduce in rank or pay employees with less than 1 year of service in these positions, and to reduce in rank or pay those with longer service without regard to the existing statutory right of appeal. Finally, affected employees would be given first priority in filling DEA competitive service positions at GS-14 and 15 levels.

This provision was proposed by Sen. Percy, (R) Illinois, who suggested that DEA was "beset by mismanagement, internal strife and some serious integrity problems", and "rigid civil service rules and regulations" were an obstacle to resolution of these problems. The Attorney General supports this provision. However, OMB and the Civil Service Commission strongly oppose this removal of positions from the competitive civil service and the denial of statutory appeal rights on an ex post facto basis.

Although we concur with Justice's and congressional assessments of substantial management problems in DEA, we do not believe there is clear evidence that removal of top staff from civil service procedures is necessary or would even contribute to the solution of DEA management problems.

The Civil Service Commission recommends that you disapprove the enrolled bill because of this provision and, in its attached views letter, states:

> "Whatever problems DEA has been having will only be exacerbated by wholesale removal of supervisory and management positions from the competitive service and denial of statutory appeal rights on an ex post facto basis. In our view, this legislation will open the way for political and personal favoritism in hiring and retention, create morale problems, and be administratively unfeasible. Moreover, it would set a bad precedent; we are not aware of anything similar ever having been authorized.
>
> The Federal merit system has been shown time and again to be the best guarantor of honest and effective government. Other law enforcement components, in Treasury for example, have operated successfully under it. We see no reason for the extraordinary exceptions proposed in S. 2212."

-- Justice Department Personnel

Title II of S. 2212 would also authorize 32 new supergrade positions for designation by the Attorney General and elevate the following positions from Executive Level V to Executive Level IV:

(1) Commissioner, Immigration and Naturalization Service;

(2) U.S. Attorney for the Northern District of Illinois;

(3) U.S. Attorney for the Central District of California;

(4) Director, Bureau of Prisons; and

(5) Deputy Administrator for Administration, LEAA.

We do not favor legislation which would increase the number of supergrades by earmarking them for a specific agency without regard to the established Government-wide system of allocation on the basis of priorities and national needs. This is inconsistent with the law giving the Civil Service Commission authority to establish supergrade positions and bypasses its proper authority to exercise overall control over these positions.

-- Term of the FBI Director

This provision, which is retroactive to July 1, 1973, would limit the term of office for the Director of the Federal Bureau of Investigation to a single ten-year term. We have no objection to this provision, because the constitutional power of the President to remove the Director would not be affected.

-- Department of Justice Authorization

The final provision of the bill would require annual authorizations for all programs in the Department of Justice, beginning in 1979. Justice opposed this provision because it would weaken the ability of the Attorney General to direct the Department's affairs and increase the time and work necessary to fund the agency each year; and because authorization bills for those Justice programs that presently require separate authorization (LEAA and DEA) often become vehicles for non-germane riders. Although we believe this change is not necessary and that it would increase the Department's administrative burden, we do not object to its inclusion in the enrolled bill.

Recommendation

The enrolled bill contains many objectionable features added by the Congress, some of which are not germane to the original purpose of this legislation and others which will hinder attempts to improve LEAA programs. The creation of new categorical programs for funding community anti-crime programs, projects similar to "Operation Sting", and State antitrust enforcement programs, as well as the increased funding for court improvement and juvenile delinquency programs, is unnecessary, because these programs could have been implemented administratively under

the legislation proposed by the Administration.

We oppose this trend toward increased categorization, because it will decrease State and local discretion to deal with problems that are the primary responsibility of State and local governments under our Federal system. However, we do not believe that the undesirable amendments affecting the LEAA program cause sufficiently serious problems to warrant your disapproval of the enrolled bill.

We concur with the strong opposition of the Civil Service Commission to the exemption from the civil service of DEA top level personnel, and believe this feature is not directly related to the basic reforms needed in the DEA program. We do not agree, however, that the bill should be vetoed on this ground in view of the necessity for extending the LEAA programs. The adverse effects of this provision could be diminished somewhat if you were to instruct the Attorney General and the Administrator of DEA to coordinate with the Civil Service Commission in developing and implementing strict guidelines and procedures to ensure against the use of non-merit considerations in filling top positions in DEA and against removing incumbents who are performing competently.

These concerns notwithstanding, we believe that the bill, considered as a whole, is acceptable. It provides for the extension of the LEAA grant program, a major Administration initiative, with relatively small changes in the administration of the large block grant component of this program.

Paul H. O'Neill
Acting Director

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.:

Date: October 11 Time: 345pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
David Lissy
Steve McConahey

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12 Time: [redacted]

SUBJECT:

S.2212-Crime Control Act of 1976

ACTION REQUESTED:

____ For Necessary Action ____ For Your Recommendations

____ Prepare Agenda and Brief ____ Draft Reply

__x__ For Your Comments ____ Draft Remarks

REMARKS:

please return to judy johnston,ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

ASSISTANT ATTORNEY GENERAL
LEGISLATIVE AFFAIRS

Department of Justice
Washington, D.C. 20530

October 6, 1976

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 2212, "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes."

The "Crime Control Act of 1976" extends the authorization of the Law Enforcement Assistance Administration through fiscal year 1979, with authorized appropriations of $880 million for fiscal year 1977, and $800 million each for fiscal years 1978 and 1979. An additional $15 million annually is authorized for community anti-crime programs, with a new Office of Community Anti-Crime Programs established. An amount equal to 19.15 percent of the total LEAA Crime Control Act appropriation is required by the bill to be spent for juvenile programs each year.

The bill authorizes court planning in each state to be performed by a judicial planning committee working with the state planning agency (SPA). The committee would develop the court component of the state plan and would review court improvement applications. The minimum planning grant to each state is increased to $250,000, with at least $50,000 of this sum going to the judicial planning committee, if established. In addition, block grant funds under Part C of the Crime Control Act could be used for system-wide judicial planning.

Each SPA must be established by state law by December 31, 1978. Judicial representation on the SPA supervisory board is required, and each SPA must assure citizen participation in the planning process. The various state legislatures are given the opportunity for an advisory review of the state's comprehensive plan for law enforcement and criminal justice system improvement.

Additional emphasis is given in the legislation to programs dealing with crime against the elderly, drug-abusing offenders, court congestion and delay, early case assessment, and fencing of stolen goods. Emphasis is no longer required to be given to programs dealing with riots and other violent civil disorders. Governmental units with a population over 250,000 may apply to the appropriate SPA for a mini block grant to implement local plans if consistent with the overall state plan.

New requirements are imposed on LEAA in the areas of civil rights enforcement, reporting and evaluation, and review of state plans to determine their likely effectiveness and impact. Recognition is given to the fact that LEAA is subject to the policy direction and general control of the Attorney General. The Attorney General is given authority to appoint the Director of the National Institute of Law Enforcement and Criminal Justice.

S. 2212 permits LEAA to enforce the liability of Indian tribes under grants where states do not have an adequate forum to do so. In addition, Indian tribes may receive 100 percent funding under Part E of the Crime Control Act, dealing with corrections. Non-profit organizations are made eligible for Part E grants, as well. The Trust Territory of the Pacific Islands is included as an eligible participant in the LEAA program.

Amendments not directly related to the LEAA program require the Department of Justice to have its own authorization legislation in two years and authorize a $10 million per year grant program in the Department of Justice to assist state Attorneys General enforce anti-trust laws. The term of the Director of the Federal Bureau of Investigation is limited to ten years by the bill. The Department of Justice is given additional supergrade positions and certain employees of the Drug Enforcement Administration are excepted from the competitive service.

S. 2212 as passed by the Congress differs considerably from legislation submitted by the Administration in June 1975, to reauthorize LEAA. Not only is the period of reauthorization shorter than recommended, but the Congress added a number of new restrictions, requirements, and categorical programs. The effect of some of these amendments will be to alter the basic block grant character of the LEAA program and increase the red tape involved in implementation of the program by state and local units of government. Particularly objectionable is the requirement that 19.15 percent of LEAA Crime Control Act funds be spent for juvenile programs. This sum is in addition to funds appropriated under the Juvenile Justice and Delinquency Prevention Act of 1974.

The Department is also concerned about Title II of the bill which will require specific authorization for Department of Justice operations beginning with fiscal year 1979. While the objective of this provision is improving the quality and sufficiency of oversight of the Department by the Congress, it may work to limit discretionary executive decision-making. Nonetheless, this is clearly a requirement which the Congress may impose.

Despite these reservations, the Department of Justice favors enactment of S. 2212. The assistance provided by LEAA to state and local agencies, while only a small part of total criminal justice expenditures, has a significant impact and provides many important benefits. Its continuation, even in somewhat altered form, is crucial to innovation in the field. LEAA also supports vital research into law enforcement and criminal justice problems and provides education and training to thousands of criminal justice personnel annually. As the Federal Government's only program aimed directly at assisting states and localities in the strengthening of law enforcement and criminal justice, it merits extension.

For the reasons discussed, the Department of Justice recommends Executive approval of this bill.

Sincerely,

Michael M. Uhlmann
Assistant Attorney General

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D.C. 20415

CHAIRMAN

October 6, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of the Civil Service Commission on enrolled S. 2212 "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes."

Our main concern with this legislation is title II which, 1 year after enactment, would (1) remove all Drug Enforcement Administration (DEA) supergrade positions and GS-15 management, supervisory, and executive assistant positions from the competitive service, (2) permit the Administrator of DEA to discharge, suspend, furlough, or reduce in rank or pay employees with less than 1 year of service in these positions and to reduce in rank or pay those with longer service, all without regard to statutory appeal rights in adverse actions and (3) give the employees affected first priority in filling DEA competitive service positions at GS-14 and 15. In addition, title II would amend section 5108(c) of title 5 to authorize the Attorney General to place 32 positions in GS-16, 17, and 18 without regard to any other provisions in that section.

Title II is similar to section 34 of an earlier Senate-passed version of S. 2212 to which the Commission strongly objected in a report dated August 24, 1976, to the House Committee on the Judiciary. The slightly narrower scope of title II does nothing to change our opinion of this legislation. Whatever problems DEA has been having will only be exacerbated by wholesale removal of supervisory and management positions from the competitive service and denial of statutory appeal rights on an ex post facto basis. In our view, this legislation will open the way for political and personal favoritism in hiring and retention, create morale problems, and be administratively unfeasible. Moreover, it would set a bad precedent; we are not aware of anything similar ever having been authorized.

The Federal merit system has been shown time and again to be the best guarantor of honest and effective government. Other law enforcement components, in Treasury for example, have operated successfully under it. We see no reason for the extraordinary exceptions proposed in S. 2212.

Accordingly, the Commission recommends that the President veto enrolled S. 2212.

By direction of the Commission:

Sincerely ypurs,

Robert Hampton

Chairman

TO THE SENATE

I am returning without my approval, S. 2212, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Title II of this legislation contains precedent-setting measures that are inequitable to employees and unsound from the standpoint of effective government. I can appreciate the problems faced by the Drug Enforcement Administration and the importance to this nation of halting drug-related crime. But I do not believe that removing supervisory and management positions from the competitive service and denying employees long guaranteed protections against arbitrary action will help to advance the mission of the Drug Enforcement Administration.

On the contrary, these provisions will open the way for political influence and personal favoritism in hiring and retention. They will have the further harmful effect of setting up dual and incompatible personnel systems within the same agency, one for supervisors and managers, and one for all other employees. In my view this would be administratively unfeasible.

Internal management problems cannot and should not be solved at the expense of employee rights and to the detriment of the Federal merit system. The Federal merit system is designed to assure selection of employees best qualified for Government jobs in the fairest possible way--without regard to politics, personal favoritism, race, sex, or other extraneous factors. It has been shown time and again to be the best guarantor of honest and effective government, in law enforcement as well as other areas of responsibility. Whatever problems the Drug Enforcement Administration has can be solved within the merit system framework.

For these reasons I am unable to approve S. 2212.

The White House

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.:

Date: October 11 Time: 345pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
David Lissy
Steve McConahey

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 11 Time: 530pm

SUBJECT:

S.2212-Crime Control Act of 1976

ACTION REQUESTED:

____ For Necessary Action ____ For Your Recommendations

____ Prepare Agenda and Brief ____ Draft Reply

__X__ For Your Comments ____ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend approval. Consideration should be given to a bill signing ceremony as this program is the centerpiece of Federal law enforcement efforts. At an absolute minimum, a statement by the President should be issued upon approval -- LEAA has prepared several drafts. Lastly, Counsel's Office agrees with the Attorney General as to the desirability of removal of certain positions within DEA from the competitive civil service.

Ken Lazarus 10/11/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

October 12, 1976

MEMORANDUM FOR: JIM CANNON

FROM: MAX L. FRIEDERSDORF M.L.F.

SUBJECT: S.2212 - Crime Control Act of 1976

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.:

Date: October 11 Time: 345pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg
David Lissy
Steve McConahey

cc (for information): Jack Marsh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 11 Time: 530pm

SUBJECT:

S.2212-Crime Control Act of 1976

ACTION REQUESTED:

____ For Necessary Action ____ For Your Recommendations

____ Prepare Agenda and Brief ____ Draft Reply

__X__ For Your Comments ____ Draft Remarks

REMARKS:

please return to judy johnston,ground floor west wing

10-11
I defer to Dick Parsons - but would recommend approval of the action suggested by OMB on p 2 of the memo.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

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

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 enforecment 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 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 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	529,000
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(TQ)	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(TQ)	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	2,944	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	49,503
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
Utan	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 participation 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 multiyear 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 possibility 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 evaluation 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

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(c) 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 contrbution 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 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.

(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 property;

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

(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication 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 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) 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 qualifications promulgated in regulations pursuant to section 501 as the Administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

(l) The term "correctional institution 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.

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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(c)(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 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.".

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. 11274, 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 Suboommittee. 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 pending 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 distcretion, 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 im-

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-

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.*

* * * * * * *

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 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).

* * * * * * *

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.

* * * * * * *

[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.

* * * * * * *

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 renbe 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 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 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.

* * * * * * *

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 statewide 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.

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

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.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the nineteenth day of January, one thousand nine hundred and seventy-six

An Act

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "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 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 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:

"(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 REQUIREMENTS 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 (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.".

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 organization," 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 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.

"(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.".

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) 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

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;

"(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 (e).

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:

"(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.".

(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 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:

(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 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:

"(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.

Carl Albert

Speaker of the House of Representatives.

Hugh Scott

~~*Vice President of the United States and*~~
Acting President of the Senate pro Tempore.