The original documents are located in Box 18, folder "General Accounting Office - General (2)" of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

CAO

THE WHITE HOUSE
WASHINGTON

Rod:
Would appreciate
your views on this
subject.
P.

THE WHITE HOUSE

WASHINGTON

February 6, 1975

MEMORANDUM FOR: PHILIP BUCHEN

FROM: JAY FRENCH

You inquired whether GAO is legally correct in concluding that Secretary Simon is not authorized by law to have Secret Service protection of his person. See attached news article in Tab A.

There is no statutory authority for such protection. See 18 U.S.C.A. § 3056 in Tab B. However, there is constitutional authority that the President may direct protection when a danger exists. Also, the Secretary of the Treasury has directed protection missions under his executive management authority as a department head.

Section 3, Article 2, of the Constitution provides that the President "shall take care that the laws be faithfully executed." The U.S. Supreme Court has interpreted this phrase as authority for the President to direct protection for a Federal official in certain instances. In re Neagle, 135 U.S. 1 (1890). In that case the Court upheld a Presidential order, under this broad constitutional authority, directing a Federal marshal to protect a judge, who, while in the discharge of his duties was personally threatened and assaulted. There is no showing that the President has directed protection for Secretary Simon.

The Treasury Department has taken the position that the Secretary may direct the deployment of the Secret Service as an executive management function because the Service is a part of the Department. See page 7 of Tab C. In support of this position, the Department cites Section 301 of 5 U.S.C. which provides, in part, that "the head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business...." It is under this authority that the Secretary has directed protection for the Secretaries of State and Treasury, and the Deputy Secretary of the Treasury.

As a pratical matter the Congress has sometimes acquiesced in protection of a non-statutory protectee and on other occasions demanded termination of such protection. The cases of Senator Kennedy and former Vice President Agnew are good examples.

My only conclusion is that if Secretary Simon is in no greater danger than other members of the Cabinet, it might be difficult to justify protection on any theory.

Considerations

1. What would be the legal consequences if a Secret Service agent killed someone while protecting the Secretary? In Neagle the marshal was charged with murder upon the theory that he was improperly assigned. The U. S. Supreme Court prevented a trial by its decision.

2. Is protection being provided Secretary Simon's family?

3. What special facilities, at a cost of $5,400, are being readied at Secretary Simon's residence?

4. Is protection still being provided to the Deputy Secretary of the Treasury?

THE WHITE HOUSE

WASHINGTON

May 10, 1976

MEMO FOR: PHIL BUCHEN

FROM: KEN LAZARUS

SUBJECT: GAO Report on Jail Conditions

Attached is a report I have received in response to your inquiry of April 15, 1976.

May I have your guidance?

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530

OFFICE OF THE ADMINISTRATOR

MEMORANDUM FOR KENNETH A. LAZARUS

MAY 10 1976

FROM: Richard W. Velde

SUBJECT: Construction of Prison and Jail Facilities

You requested our comments on a memorandum from Phil Buchen to you (dated April 15) concerning jail and prison construction.

Issue: Whether it would be well to urge earmarking of a substantial portion of (public works) funds for the expansion of prison and jail facilities.

Background:

The condition of jails and prisons is well documented by studies dating back to the 1930s. More recently the 1973 National Advisory Commission on Criminal Justice Standards and Goals found that "The most striking inadequacy of jails is their abominable physical condition." Conditions have not improved significantly since the time of these reports. An LEAA funded jail census found that 25% of cells in use were built prior to 1920. The recent GAO report on conditions in local jails found that "in 22 local jails in Ohio, Iowa, Louisiana, and Texas ... overall physical conditions of the jails and the availability of services remained inadequate." Pressures on jails have increased substantially in the last five years. Between 1967 and 1973 reported crime increased 126%; prosecutions increased 150%; and convictions increased by 183%. During the same period incarceration increased by 60%.

There is every reason to believe that pressure for improved or expanded jail and prison capacity will continue to grow. The latest available figures on jail population showed that in 1972 jail population was 141,588. While this was down from the 1970 jail population, it is likely that the greatly increasing crime rate since 1972 is putting increased pressure on jail populations. The Federal jail population was 5,737 in 1975 compared with 5,160 in 1972.

As crime rates continue to climb; as the more crime prone youth portion of our population continues to remain (and will remain through 1985) a high percentage of our population; as female crime increases; and as police and prosecutors become more effective in bringing criminals to

justice, our criminal justice programs will continue to be adversely affected by the low quality of our jails. However, even if the population of those held in jails stabilized, there is still an obvious need for improved facilities in may parts of the Nation. The closing by court order of the Tombs jail in New York City; the ruling of a federal judge in Alabama requiring the state prison system to meet specific standards within two years; and the frequency with which both Federal and state judges in other areas are beginning to view inadequate and overcrowded facilities as cruel and inhuman punishment suggest an urgent need for both facilities improvement and program reforms.

Discussion:

There is little doubt that the history of the jail is a dismal one and that efforts to improve jail conditions have not met with a great deal of success. The GAO report indicated quite clearly that much needs to be done in order to improve jail conditions. (See Appendix i.). This report supports the recommendations of the National Advisory Commission on Criminal Justice Standards and Goals, which recognized the need for basic improvement and recommended (i) state operation and control of local institutions, (ii) state inspection of local facilities, (iii) the development of adult intake services and pretrial detention processes, and (iv) the development of programs.

The LEAA has made every effort to realistically meet the situation within the limitations of funds and the constraints of its legislation. Since 1972 funds for construction have amounted to $170 million. The Part E amendments to the Act have required that construction grants under this funding category must include concomitant programming, must address the development of community based programs and the reasonable use of alternatives to incarceration. Part E requirements also place stringent requirements on the construction of jails. The intent of this provision is to encourage planning and program development. The rational is that prisons and jails have failed to reduce crime and that it would be unwise to build jails and prisons patterned on the models of the past.

The limitations on construction also reflect a concern of the National Advisory Commission and the LEAA Blue Ribbon Committee on Corrections which also recommended against further construction. Other study groups have also raised the issue of curtailing further construction of jails and prisons including the National Council on Crime and Delinquency, and the Society of Friends. However, the GAO report points out that the deteriorating conditions of the nation's jails requires the addressing of the need for renovation and replacement.

There is no doubt that overcrowding will continue; however, it would be an error to consider expanding capacity as an answer to the problem. It has been correctional experience that available space will be filled. It has been correctional experience that there is an inappropriate use of confinement that contributes to overcrowding. For example, the GAO report found that traffic and alcohol related offenses constituted over 50 percent of the jail population. Clearly, there is a compelling need for states and local units of government to re-examine their detention practices before they move toward costly expansion or new construction programs.

Yet the problem of renovation must be faced. Although LEAA subscribes to the concept of limited use of detention, and agrees to the limitation of construction for expansion of space, the conditions of the jails cannot be ignored. The support for alternatives to incarceration and reduction of pre-trial detention continue to be given a priority. Efforts have been made to accomplish this through the funding of programs in diversion such as Treatment Alternatives to Street Crime, see Appendix (ii); release on own recognizance programs, bail bond programs, and the like.

The problem of renovation is a more difficult alternative to accomplish. It has been conservatively estimated that it would cost $4 billion plus to renovate the nation's jails. It would cost even more to replace them. Unable to meet the problem directly due to lack of funds, LEAA has developed a number of strategies to deal with the problem.

An ongoing effort has been the development of the National Clearinghouse for Criminal Justice Planning and Architecture. The Clearinghouse has, since its inception in 1971, developed construction and program guidelines for jails and correctional institutions as required by Part E. It has also, through its staff, provided for technical assistance to state and local governments in program planning, architectural design, and the development of master plans. In a sense the Clearinghouse is the representative of LEAA in the review of all Part E funded construction plans, and certifies to LEAA that the planning is in compliance with Part E requirements. Through the Clearinghouse, a systematic effort has been undertaken by state and local governments in meeting the problems of deteriorating institions.

Within LEAA, a task force has been created to examine the discretionary funding policy and to review the issues and the problems of corrections. This will include an intense examination of the issues and the alternatives to current detention practices and the related problems of facility improvement. Currently the LEAA is participating in a departmental initiative in examining the impact of housing Federal prisoners in local jails.

In support of standard development LEAA has funded a long term program with the American Correctional Association on the development of a commission for the accreditation of correctional agencies. This will encompass jails and community corrections program, and will entail the development of standards.

Conclusion:

The condition of the nation's jails is poor and the funds to improve these conditions are not available. The need for improvement should not be confused with expansion of cell space since it is questionable that this is the answer to the problem. The judicious use of confinement and the development of alternatives to incarceration and pretrial detention is a more viable alternative. The arguments for a moratorium on construction are widespread, and given the lack of funds and the increased state and local tax burden call for an examination for more viable alternatives. On the basis of the above discussion the following recommendations are made:

1. Barring an increase in LEAA appropriations sufficient to meet the considerable need, other sources of public funds need to be sought. One candidate would be the Senate passed "Public Works Employment Act of 1976" which contains an item of $375,000,000 for fiscal year 1976 and the transition period ending September 30, 1976, for Title 10 which is the Title under which LEAA previously received funds for corrections projects. The House will be reporting out a bill for public works, but with no Title 10. If the Administration is interested in this area it would seem we should encourage House leadership to support the Senate Title 10 provision in the Conference Committee. I am attaching information from the Congressional Record on the Senate bill.

2. Earmarking in other public works programs for this purpose needs to be considered. If there are possibilities in this area, LEAA would like to suggest ways that these funds could be spent to be most consistent with meeting the needs of correctional systems as a whole, and the overall criminal justice needs of the states. LEAA has strong technical assistance resources available in this area which could be used to assure sound planning and effective program implementation. The primary resource is the National Clearinghouse on Criminal Justice Planning and Architecture.

Finally, I should indicate that there are ways of relieving overcrowding in prisons and jails. These are:

3. Decriminalization of the alcoholic. Previous Commissions including the National Advisory Commission on Criminal Justice Standards and Goals recommended this.

4. More emphasis on speedy trial as a means of reducing pre-trial jail time.

5. A more rational use of alternatives to confinements based on the offense and the dangerousness of the offender. The current study by the American Justice Institute on alternatives to confinement is a case in point.

6. Continued support for the National Clearinghouse for Criminal Justice Planning and Architecture in order to provide technical assistance to the state and local governments in facility improvement.

7. Funds expended for jails should be used to alleviate the substandard conditions in the nations jails.

Please let me know if you need additional staff work on this matter.

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

CONDITIONS IN LOCAL JAILS REMAIN INADEQUATE DESPITE FEDERAL FUNDING FOR IMPROVEMENTS

Law Enforcement Assistance Administration
Department of Justice

D I G E S T

This report raises questions concerning whether Law Enforcement Assistance Administration funds should be spent to improve local jails that remain inadequate even after Federal funds are spent. This lack of progress in improving local jails is disconcerting.

A GAO review of conditions in 22 local jails in Ohio, Iowa, Louisiana, and Texas showed that overall physical conditions of the jails and the availability of services remained inadequate. The communities are identified in appendix II.

The problem calls for national leadership from the Law Enforcement Assistance Administration when Federal funds are requested. (See pp. 38 and 39.) Direction from the Congress is needed to indicate the extent to which the block grant concept allows the Law Enforcement Assistance Administration and the States to adopt agreed upon minimum national standards when using Federal funds for certain types of projects. (See p. 41.)

To date, there are no nationally acknowledged standards to be applied in determining whether physical conditions are adequate and whether sufficient services are available in local jails. (See p. 10.) In the absence of positive actions at all levels of government, the Federal courts in some localities have mandated standards to be met by individual jails. (See app. I.)

The Attorney General should direct the Administrator of the Law Enforcement Assistance Administration to develop, in

conjunction with the States, standards that must be met if Federal funds are to be used to improve the physical conditions of local jails.

The Attorney General should also direct the Administrator to deny block grant funds for use in improving local jails if an applicant does not submit a plan which will bring the jail up to the minimum standards regarding physical conditions developed with and agreed to by the States. (See p. 39.)

Only 29 to 76 percent of the desirable characteristics for local jails cited by criminal justice experts were present in the 22 local jails GAO visited. (See p. 19.) For example:

--Inmate security and safety did not always exist.

--Nine local jails and one State unit did not have operable emergency exits.

--Five jails and the same State unit did not have fire extinguishers.

--Three had cell doors which did not lock, although doors to cell blocks did.

--All but four jails had multiple occupancy cells.

--Nine did not provide matron service to supervise female inmates 24-hours-a-day.

--Sanitary conditions were inadequate.

--Elementary commodities (toothpaste, razors, and clean bedding) frequently were in short supply or absent.

--Four jails had cells which either did not contain toilets or did not have ones which worked.

--Eating space in 16 of the 22 jails was either in the cells or in the cell block, with sanitary facilities in full view.

--Only 11 jails had visiting space separate from the cells; only 6 provided space where inmates could converse privately with visitors, but generally private space was provided for conferences with attorneys.

--Five jails did not have a private area to search the prisoners. (See ch. 3.)

Services provided inmates in the local jails were inadequate. The low number of offenders incarcerated in the jails for long periods makes it impractical to develop sophisticated service programs; nevertheless, some services should be provided.

Generally, jail administrators had not shown any initiative in trying to use community service agencies or volunteers to provide the inmates some minimal services. Moreover, neither the Law Enforcement Assistance Administration nor the States had developed any guidelines requiring jails receiving Federal moneys to begin such actions.

More services could be provided because, in most localities, community resources were available to provide some services to inmates. Sixty-three percent of the local organizations visited had not been contacted by jail administrators. Yet, many were willing to provide some services.

As a minimum, local jails should consider either hiring a counselor or using a volunteer to discuss inmates' problems with them and refer them to community service agencies for help once they leave the jails. (See ch. 4.)

The Attorney General should also direct the Administrator of the Law Enforcement Assistance Administration to

--establish minimum standards in conjunction with the States relating to services that should be provided and the types of community assistance jail administrators should seek and

--use the Administration's regional offices to encourage State and local officials to seek out community resources and to suggest that States require localities seeking funds to improve jails to specify what services are offered and available in the community.

The Department of Justice generally agreed with GAO's conclusions and recommendations and said that the Law Enforcement Assistance Administration recognizes the leadership it must provide and plans to use every resource within the framework of the block grant concept to improve local jail conditions. (See app. VI.) The specific actions contemplated by the Law Enforcement Assistance Administration, including making the upgrading of jails a national priority program, enacting new planning requirements, and enforcing more adequately certain State planning requirements, should help to assure that Federal funds are used to improve local jail conditions.

However, the Department stated that rather than developing agreed upon minimum national standards, it will encourage each State to establish minimum standards. Such a proposal would not adversely affect local jails in progressive States and localities. They would probably establish acceptable standards. But what about those States less willing to change? One way is to place a condition on the use of appropriate Federal funds. Developing agreed upon mimimum standards could facilitate positive changes in such localities should they choose to use Law Enforcement Assistance Administration money for local jails.

Thus, GAO recommends that the cognizant congressional legislative committees discuss with the Justice Department whether the block grant concept allows the adoption of agreed upon minimum standards to be applied nationally for federally funded projects or whether additional clarifying legislation is needed. (See p. 41.)

THE NATIONAL TREATMENT ALTERNATIVES TO STREET CRIME PROGRAM

(T A S C)

Law Enforcement Assistance Administration
Office of Regional Operations
633 Indiana Avenue, N.W.
Washington, D.C. 20531

February 1, 1976

TASC Status Report
February 1, 1976

City	Status	Clients Now In Treatment	Total Clients Entering TASC
Alameda Co.	Operational January 1974	173	1,401
Alburquerque	Operational March 1974	143	424
Atlanta	Operational July 1975	113	171
Austin	Institutionalized Nov. '75	206	421
Baltimore	Operational October 1973	119	1,136
Birmingham	Operational October 1973	204	805
Boston-A	Operational May 1974	185	329
Boston-J	Grant Expired December '75	-	668
Camden Co.	Operational November 1974	265	441
Chicago	Operational March 1976	-	-
Cincinnati	Operational December 1973	187	745
Cleveland	Institutionalized Oct. '75	118	1,282
Compton	Operational March 1975	122	239
Dayton	Institutionalized Feb. '76	92	385
Denver	Operational January 1974	219	495
Des Moines	Operational October 1975	60	69
Detroit	Operational January 1975	301	748
Indianapolis	Operational May 1973	149	641
Kansas City	Operational November 1973	170	823
Las Vegas	Operational November 1975	38	60
Little Rock	Application Being Developed	-	-
Louisville	Application Being Developed	-	-
Marin Co.	Institutionalized Sept. '75	20	876
Miami	Operational November 1973	511	3,269
Milwaukee	Operational November 1975	30	35
Nashville	Operational February 1976	-	-
New Orleans	Operational April 1975	114	174
New York	Contract Expired July 1975	-	174
Newark	Operational December 1974	404	511
Philadelphia	Institutionalized July 1975	479	2,378
Rhode Island	Operational February 1976	-	-
Richmond	Operational July 1974	119	416
St. Louis	Grant Expired July 1975	-	68
St. Paul	Application Being Developed	-	-
Salt Lake	Operational February 1976	-	-
San Diego	Operational May 1975	113	167
San Juan	Operational May 1975	302	313
Tacoma	Application Being Developed	-	-
Tucson	Operational October 1975	69	125
Wilmington	Phased Out June 1974	-	199
Total		5,025	19,988

The National Treatment Alternatives to Street Crime (TASC) Program

BACKGROUND

As the nation's drug epidemic attained unprecedented levels in the late 1960's, social scientists began to publish increasing amounts of documented evidence of a direct causal relationship between drug abuse, particularly heroin, and street crime. Studies in New York City and Washington, D. C. indicated that as much as 50 percent of all property crimes were being committed by drug addicts driven to commit crime in order to obtain money to support their addiction.

The initial Federal response to the drug epidemic was to increase foreign and domestic law enforcement efforts. It soon became apparent, however, that increased law enforcement efforts alone would not put a halt to this growing problem. The White House Special Action Office for Drug Abuse Prevention (SAODAP) was given a mandate to streamline Federal drug policies and carry out a massive effort to rapidly increase the number of community-based treatment facilities to treat drug abusers wishing to voluntarily change their life styles.

Federal and local drug abuse program officials soon realized, however, that there was an important gap between the law enforcement and community-based treatment efforts which had been receiving priority attention. The gap lay in the area between the criminal justice and health care delivery systems. There was no formal program designed to link up the services and functions of the increasingly polarizing system in their handling of drug abusers.

It became clear that only those drug abusers ready and willing to kick the habit would seek treatment on their own. The "hard-core" addicts and those not pushed by family, friends, or conscience were not seeking treatment. Yet it was generally these addicts who were committing the bulk of drug-related crime.

Once these individuals came into contact with the criminal justice system, their anti-social behavior would usually continue. Addicts incarcerated pending trail would often suffer through withdrawal symptons and increase tension in overcrowded jails. Those released pending trial would usually resume their drug and criminal behavior. After trial, those placed on probation generally would not have profited from their criminal justice experience. Those incarcerated, studies have shown, would also resume their drug and criminal behavior following parole if treatment was not available in jail.

In order to identify this critical high crime rate population and provide for a mechanism in the criminal justice system for their referral into community-based treatment programs, SAODAP developed the Treatment Alternatives to Street Crime Program (TASC). It was hoped that through TASC the drug-crime-arrest-release-drug-crime cycle would be broken.

DESIGN

Planning the National TASC Program, which began in late 1971, focused on creating a national Federal program that would be flexible enough to adapt to various different political and criminal justice system conditions in jurisdictions across the country. For this reason, there are no two TASC projects that are exactly alike, although the same basic design is inherent in every project. The design is centered around three basic functional components:

(1) Screening Unit - This component would attempt to identify all drug abusers entering the criminal justice system and offer the program to those offenders judged eligible according to locally determined criteria.

(2) Intake Unit - Those addicts found eligible for TASC would be referred to an intake unit which would diagnose each individual's drug problem and recommend referral to the most appropriate treatment program.

(3) Tracking Unit - This component would constantly monitor the progress of TASC clients to assure that locally determined success/failure criteria were adhered to. Those violating these criteria would be returned to the criminal justice system for appropriate action.

These components would be linked together by a central administrative unit. Because of the general lack of sufficient treatment facilities, the origina design also provided for treatment funding in the TASC budget. This has been discontinued, with TASC projects now relying on existing community-based treatment program slots.

GOALS

The National TASC Program was designed with the following basic goals in mind:

- to identify and provide treatment to as many addict offenders as possible entering the criminal justice system by providing the vital linkage between the criminal justice and health care delivery systems.

- to reduce the criminal recidivism rate of drug addicts through treatment and rehabilitation by reducing the drug use of all program participants.

- to reduce the human and fiscal costs to society and the criminal justice system incurred by addict offenders through their criminal and drug taking behavior.

IMPLEMENTATION

Since TASC was created basically as a criminal justice referral mechanism, it was decided in early 1972 to make LEAA the primary funding channel for the National TASC Program. Primary managerial responsibility was maintained in SAODAP. The National Institute of Mental Health (NIMH) was asked to coordinate treatment services where necessary. The first two projects funded by LEAA became operational in August and December of 1972. By the end of Fiscal Year 1972, six projects had been funded by LEAA. Four additional projects were awarded by LEAA in FY 73. In order to rapidly expand the National TASC Program before FY 73 SAODAP (one year) funds expired, SAODAP decided to avoid the time-consuming review process in LEAA and funded eight additional TASC projects through NIMH. In early 1973, a TASC project in the Federal Court New York City was also funded by NIMH. During FY 74, seven additional projects were funded by LEAA, while eight new projects were added in FY 75.

TASC PROGRAM MODIFICATIONS

There have been several design, programmatic, and policy modifications in the TASC program since 1972. The following are some of the more important modifications.

- The program has been expanded from including only heroin addicts to including all drug abusers, except alcohol. Juveniles may also be included if they have a significant drug problem.

- TASC was originally seen basically as a pre-trial diversion program. In order to make the program more comprehensive, all points of entry from the criminal justice system are now tapped for entry into TASC. These points of entry include pre and post arrest police diversion, pre-trial diversion, pre-trial intervention (conditional release), pre-sentence referral, conditional probation, and conditional parole.

- Effective July 1, 1974, lead program management responsibility for all TASC projects (including those still funded by NIMH/NIDA) was transferred to LEAA. TASC, per se, now includes only criminal justice components. All previous TASC sponsored treatment responsibility has been transferred to the National Institute on Drug Abuse. All future TASC funding will be through LEAA.

STATUS

A total of 36 TASC Projects have now been funded. As of February 1, 1976, 28 of them were operational, having accounted for about 20,000 addict offenders being referred to treatment.

Approximately 700-800 drug abusing offenders now enter treatment each month through TASC. In many TASC cities, TASC referrals have accounted for 30-60% of the total number of drug abusers entering treatment in that city.

EVALUATION

The evaluation of the first five TASC projects (Wilmington, Philadelphia, New York, Cleveland, Indianapolis) was completed in June 1974 by System Sciences, Inc. (SSI) under contract to SAODAP. The intensive study yielded the following conclusions from the SSI team of professional evaluators:

> "In general, the TASC concept and programs have been successful in their goals of identifying and treating drug addicts previously unknown to the treatment system, reducing recidivism rates and drug use in the addict population, decreasing overall costs within the criminal justice system and reducing the costs to society of addict crime and lack of productivity."
>
> "Recidivism rates range from 5.6 percent to 13.2 percent. This is a large decrement in current rates and provides an important justification for the existence and expansion of TASC programs."

The following specific factors were identified by the evaluators:

- TASC has been extremely successful as an outreach agent: 55 percent of all TASC clients were receiving drug treatment for the first time because of TASC.
- TASC has been dramatically effective in reducing crime and criminal recidivism. Rearrest rates of TASC clients in the five cities studied ranged from a low of five percent to a high of only 13 percent.
- TASC has been an important factor in decreasing illicit drug use. Seventy-five percent of TASC clients in treatment had taken no drugs whatsover for at least 30 days prior to the study.

- These conclusions became even more satisfying when the TASC client profiles were studied. TASC has been definitely dealing with the "hard core" addict population. For example, 64 percent of TASC clients were up on felony charges. About 98 percent of TASC clients had a prior arrest record, including 22 percent who had been arrested 11 or more times prior to TASC program participation. Ninety-nine percent of TASC clients were heroin abusers, while 85 percent also took cocaine and 67 percent used barbiturates. Of the heroin abusers, 85 percent had been taking heroin one year or more, and 34 percent admitted using heroin for more than five years.

FUTURE PLANS.

TASC projects will soon be operational in 30 states across the country. Future plans for TASC expansion call for priority attention to states not having any TASC projects in operation. Program eligibility now includes any jurisdiction of 200,000 population or more that is experiencing a significant drug abuse problem and possesses sufficient treatment capacity to handle the anticipated TASC client load.

Pearson	Scott, William L.	Taft
Proxmire	Stennis	Thurmond
Roth	Stevens	Tower
Scott, Hugh		Young

NOT VOTING—18

Abourezk	Hartke	McClure
Biden	Haskell	McGee
Church	Hruska	Metcalf
Curtis	Jackson	Morgan
Eagleton	Mathias	Percy
Fong	McClellan	Tunney

So the bill (S. 3201), as amended, was passed, as follows:

S. 3201

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 "Public Works Employment Act of 1976".

TITLE I—GENERAL PROVISIONS

SEC. 101. Title I of the Public Works and Economic Development Act of 1965, as amended, is amended by adding the following new section at the end thereof:

"SEC. 107. (a) Upon the application of any State, political subdivision thereof, or Indian tribe, the Secretary is authorized to make grants for the purpose of increasing the Federal contribution to a public works project for which Federal financial assistance is authorized under provisions of law other than this section. Any grant made for a public works project under this subsection shall be in such amount as may be necessary to make the Federal share of the cost of such project 100 per centum. No grant shall be made for a project under this section unless the Federal financial assistance for such project authorized under provisions of law other than this section is immediately available for such project, and construction of such project has not yet been initiated because of lack of funding for the non-Federal share as of the date of enactment of this section. No part of any grant made under this subsection shall be used for the acquisition of any interest in real property.

"(b)(1) The Secretary of Commerce shall provide financial assistance to federally assisted projects authorized and for which funds have been obligated at the time of enactment of the Public Works Employment Act of 1976 which because of rapid increases in wages or cost of materials cannot be initiated and completed within the amount obligated for the project: *Provided,* That nothing in this subsection shall authorize an increase in the maximum percentage of the Federal contribution for any project for which funds have been obligated.

"(2) To be eligible for assistance under this section, the State, or political subdivision thereof, Indian tribes, public or private nonprofit group or association, or other eligible applicants to which Federal financial assistance is provided must submit an application to the Secretary setting forth information on the project, job effectiveness of the project, and the benefits to the community or region served by the project. The Secretary after reviewing the applications and with the concurrence of the agency, department, or instrumentality of the Federal Government funding the project shall provide funds for those projects which best serve the employment objectives of this section.

"(c) Upon the application of any State, political subdivision thereof, or Indian tribe, the Secretary is authorized to make grants for construction (including demolition and other site preparation activities), renovation, repair, or other improvement of local public works facilities including, but not limited to, those public works projects of State and local governments for which Federal financial assistance is authorized under provisions of law other than this Act. No part of any grant made under this subsection shall be used for the acquisition of any interest in real property. The Federal share of any project for which a grant is made under this subsection shall be 100 per centum of the cost of the project.

"(d) The Secretary shall give priority to grants made under this section where such funding will initiate construction within ninety days of application approval, and in the following order:

"(1) grants under subsection (a),

"(2) grants under subsection (b),

"(3) grants under subsection (c).

"(e)(1) Not less than one-half of 1 per centum nor more than 15 per centum of all amounts appropriated to carry out this section shall be available for public works projects within any one State, except that in the case of Guam, Virgin Islands, and American Samoa, not less than one-half of 1 per centum in the aggregate shall be available for such projects or programs under this section.

"(2) Nothing in this section shall be construed to authorize the payment of maintenance costs in connection with any project constructed (in whole or in part) with Federal financial assistance under this section.

"(f) Assistance under this section shall be provided only in areas designated by the Secretary of Labor as an area with an unemployment rate equal to or in excess of 6.5 per centum for the most recent three months or any areas designated pursuant to section 204(c) of the Comprehensive Employment and Training Act of 1973. The Secretary, if the national unemployment rate is equal to or exceed 6½ per centum for the most recent three consecutive months, shall expedite and give priority to grant applications submitted for such areas having unemployment in excess of the national average rate of unemployment for the most recent three consecutive months. Seventy per centum of the funds appropriated pursuant to this section shall be available only for grants in areas as defined in the second sentence of this subsection. If the national average unemployment rate recedes below 6½ per centum for the most recent three consecutive months, the authority of the Secretary to make grants under this section is suspended until the national average unemployment has equaled or exceeded 6½ per centum for the most recent three consecutive months.

"(g) The provisions of sections 103 and 104 of this title shall not be applicable to this section.

"(h) Grants shall be made in accordance with the rules and regulations published under section 101 of this Act, except that rules and regulations established under (1) the second sentence of section 101(d), and (2) section 101(a)(1)(C) shall not be applicable to such grants. Any necessary revision of such rules and regulations with respect to grants under this section or determination that portions of such rules and regulations do not apply to grants under this section shall be published within thirty days after the enactment of this section and any such revision shall become effective upon publication: *Provided, however,* That comments from interested parties concerning the published rules and regulations shall be subsequently received by the Secretary and considered for any necessary further revision and in the implementation of this section.

"(i) In selecting among projects to carry out the purposes of this program, the Secretary shall consider (1) the severity and duration of unemployment in proposed project areas, (2) level and extent of construction unemployment in proposed project areas, and (3) the extent to which proposed projects will contribute to the reduction of unemployment. The Secretary shall make a final determination with respect to each application for a grant submitted to him under this section not later than the sixtieth day after the date he receives such application. Failure to make such final determination within such period shall be deemed to be an approval by the Secretary of the grant requested.

"(j) Unemployment statistics shall be as determined by the Secretary of Labor in the monthly report on unemployment. Any State, political subdivisions thereof or Indian tribe, may present to the Secretary of Commerce information on the actual unemployment in the proposed project area.

"(k) There is hereby authorized to be appropriated not to exceed $2,000,000,000 to carry out this section for the period ending September 30, 1977.".

SEC. 102. (a) Section 102(c) of the Public Works and Economic Development Act of 1965, as amended, is amended to read as follows:

"(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section and section 202, except that annual appropriations for the purpose of purchasing evidences of indebtedness, paying interest supplement to or on behalf of private entities making and participating in loans, and guaranteeing loans, shall not exceed $170,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through the fiscal year ending June 30, 1973, and shall not exceed $55,000,000 for the fiscal year ending June 30, 1974, and shall not exceed $75,000,000 for the fiscal year ending June 30, 1975, and shall not exceed $200,000,000 for the fiscal year ending June 30, 1976.".

(b) Section 202(a)(1) of such Act, as amended, is amended by adding after paragraph (1) the following new paragraph:

"(2) In addition to any other financial assistance under this title, the Secretary is authorized, in the case of any loan guarantee under authority of paragraph (1) of this section to pay to or on behalf of the private borrower an amount sufficient to reduce up to 4 percentage points the interest paid by such borrower on such guaranteed loans. Payments made to or on behalf of such borrower shall be made no less often than annually. No obligation shall be made by the Secretary to make any payment under this paragraph for any loan guarantee made after December 31, 1976.".

(c) Section 202(a) of such Act, as amended, is amended by renumbering existing paragraphs (2) through (10) as (3) through (11), respectively, including any references thereto.

SEC. 103. Section 1002 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking the entire section and inserting the following:

"SEC. 1002. For the purpose of this title the term 'eligible area' means any area, which the Secretary of Labor designates as an area which has a rate of unemployment equal to or in excess of 6.5 per centum for the most recent three consecutive months or any area designated pursuant to section 204(c) of the Comprehensive Employment, and Training Act of 1973, with special consideration given to areas with unemployment rates above the national average.".

SEC. 104. (a) Section 1003(c) of the Public Works and Economic Development Act of 1965, as amended, is amended to read as follows:

"(c) Where necessary to effectively carry out the purposes of this title, the Secretary of Commerce is authorized to assist eligible areas in making applications for grants under this title.".

(b) Section 1003(d) of such Act, as amended, is amended to read as follows:

"(d) Notwithstanding any other provisions of this title, funds allocated by the Secretary of Commerce shall be available only for a program or project which the Secretary identifies and selects pursuant to this subsection, and which can be initiated or implemented promptly and substantially com-

pleted within twelve months after allocation is made. In identifying and selecting programs and projects pursuant to this subsection, the Secretary shall (1) give priority to programs and projects which are most effective in creating and maintaining productive employment, including permanent and skilled employment measured as the amount of such direct and indirect employment generated or supported by the additional expenditures of Federal funds under this title, and (2) consider the appropriateness of the proposed activity to the number and needs of unemployed persons in the eligible area.".

(c) Section 1003(e) of such Act as amended, is amended to read as follows:

"(e) The Secretary, if the national unemployment rate is equal to or exceeds 6½ per centum for the most recent three consecutive months, shall expedite and give priority to grant applications submitted for such areas having unemployment in excess of the national average rate of unemployment for the most recent three consecutive months. Seventy per centum of the funds appropriated pursuant to this title shall be available only for grants in areas as defined in the first sentence of this subsection. If the national average unemployment rate recedes below 6½ per centum for the most recent three consecutive months, the authority of the Secretary to make grants under this title is suspended until the national average unemployment has equaled or exceeded 6½ per centum for the most recent three consecutive months. Not more than 15 per centum of all amounts appropriated to carry out this title shall be available under this title for projects or programs within any one State, except that in the case of Guam, Virgin Islands, and American Samoa, not less than one-half of 1 per centum in the aggregate shall be available for such projects or programs.".

SEC. 105. Section 1004 of the Public Works and Economic Development Act of 1965, as amended, is amended to read as follows:

"SEC. 1004. (a) Within forty-five days after enactment of the Emergency Job and Unemployment Assistance Act of 1974 or within forty-five days after any funds are appropriated to the Secretary to carry out the purposes of this title, each department, agency, or instrumentality of the Federal Government, each regional commission established by section 101 of the Appalachian Regional Development Act of 1965 or pursuant to section 502 of this Act, shall (1) complete a review of its budget, plans, and programs and including State, substate, and local development plans filed with such department, agency or commission; (2) evaluate the job creation effectiveness of programs and projects for which funds are proposed to be obligated in the calendar year and additional programs and projects (including new or revised programs and projects submitted under subsection (b)) for which funds could be obligated in such year with Federal financial assistance under this title; and (3) submit to the Secretary of Commerce recommendations for programs and projects which have the greatest potential to stimulate the creation of jobs for unemployed persons in eligible areas. Within forty-five days of the receipt of such recommendations the Secretary of Commerce shall review such recommendations, and after consultation with such department, agency instrumentality, regional commission, State, or local government make allocations of funds in accordance with section 1003 (d) of this title.

"(b) States and political subdivisions in any eligible area may, pursuant to subsection (a), submit to the appropriate department, agency, or instrumentality of the Federal Government (or regional commission) program and project applications for Federal financial assistance provided under this title.

"(c) The Secretary, in reviewing programs and projects recommended for any eligible area shall give priority to programs and projects originally sponsored by States and political subdivisions, including, but not limited to, new or revised programs and projects submitted in accordance with this section.".

SEC. 106. Section 1005 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking such section and renumbering subsequent sections accordingly.

SEC. 107. Section 1005 of the Public Works and Economic Development Act of 1965, as amended, as redesignated by this Act, is amended by striking the period and inserting the following at the end thereof: "unless this would require project grants to be made in areas which do not meet the criteria of this title.".

SEC. 108. (a) Section 1006 of the Public Works and Economic Development Act of 1965, as amended, as redesignated by this Act, is amended by inserting the following after "1975" in the first sentence: "and $375,000,000 for the fiscal year 1976 and the transition period ending September 30, 1976".

(b) Section 1006 as redesignated by this Act is further amended by striking "December 31, 1975" is the second sentence and inserting in lieu thereof "December 31, 1976".

(c) Section 1006 of the Public Works and Economic Development Act of 1965 as redesignated by this Act is amended by adding at the end thereof the following new sentence: "Funds authorized to carry out this title shall be in addition to, and not in lieu of, any amounts authorized by other provisions of law.".

SEC. 109. Section 1007 as redesignated by this Act is amended by striking "December 31, 1975" and inserting in lieu thereof "December 31, 1976".

SEC. 110. Title X of the Public Works and Economic Development Act of 1965 is further amended by adding at the end thereof the following new section:

"CONSTRUCTION COSTS

"SEC. 1008. No program or project originally approved for funds under an existing program shall be determined to be ineligible for Federal financial assistance under this title solely because of increased construction costs.".

SEC. 111. The Secretary of Commerce shall notify in a timely and uniform manner State and local governments having areas eligible for assistance under section 107 and title X of the Public Works and Economic Development Act of 1965.

SEC. 112. Authority to obligate funds appropriated under the amendments of this Act to title I and title X of the Public Works and Economic Development Act of 1965, as amended, shall be limited to $2,375,000,000 when the national unemployment rate is equal to or in excess of 9 per centum. For each quarterly decline of one-half of 1 per centum in the national unemployment rate below such level, authority to obligate funds shall be reduced by one-fourth of the funds appropriated under such amendments, not to exceed $500,000,000, for the succeeding quarter. For each quarterly increase of one-half of 1 per centum in the national unemployment rate up to 9 per centum, authority to obligate funds shall be increased by one-fourth of the funds appropriated under such amendments, not to exceed $500,000,000, for the succeeding quarter, up to the maximum authorization of $2,375,000,000.

SEC. 113. There are authorized to be appropriated not to exceed $21,000,000 to be allocated among the States (as that term is defined under the Federal Water Pollution Control Act) so as to provide each State with no less than $7,000,000 in obligational authority for fiscal year 1976 for construction grants for publicly owned treatment works, taking into account the allotments to such States previously made under section 205 of the Federal Water Pollution Control Act, as amended.

TITLE II—ANTIRECESSION PROVISIONS

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 201. (a) FINDINGS.—The Congress finds—

(1) that State and local governments represent a significant segment of the national economy whose economic health is essential to national economic prosperity;

(2) that present national economic problems have imposed considerable hardships on State and local government budgets;

(3) that those governments, because of their own fiscal difficulties, are being forced to take budget-related actions which tend to undermine Federal Government efforts to stimulate the economy;

(4) that efforts to stimulate the economy through reductions in Federal Government tax obligations are weakened when State and local governments are forced to increase taxes;

(5) that the net effect of Federal Government efforts to reduce unemployment through public service jobs is substantially limited if State and local governments use federally financed public service employees to replace regular employees that they have been forced to lay off.

(6) that efforts to stimulate the construction industry and reduce unemployment are substantially undermined when State and local governments are forced to cancel or delay the construction of essential capital projects; and

(7) that efforts by the Federal Government to stimulate the economic recovery will be substantially enhanced by a program of emergency Federal Government assistance to State and local governments to help prevent those governments from taking budget-related actions which undermine that Federal Government efforts to stimulate economic recovery.

FINANCIAL ASSISTANCE AUTHORIZED

SEC. 202. (a) PAYMENTS TO STATE AND LOCAL GOVERNMENTS.—The Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall, in accordance with the provisions of this title, make payments to States and to local governments to coordinate budget-related actions by such governments with Federal Government efforts to stimulate economic recovery.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to the provisions of subsections (c) and (d), there are authorized to be appropriated for each of the five succeeding calendar quarters (beginning with the calendar quarter which begins on July 1, 1976) for the purpose of payments under this title—

(1) $125,000,000 plus

(2) $12,500,000 multiplied by the number of one-tenth percentage points by which the rate of seasonally adjusted national unemployment for the most recent calendar quarter which ended three months before the beginning of such calendar quarter exceeded 6 percent.

(c) AGGREGATE AUTHORIZATION.—In no case shall the aggregate amount authorized to be appropriated under the provisions of subsection (b) for the five calendar quarters beginning with the calendar quarter which begins July 1, 1976, exceed $1,375,000,000.

(d) TERMINATION.—No amount is authorized to be appropriated under the provisions of subsection (b) for any calendar quarter if—

(1) the average rate of national unemployment during the most recent calendar quarter which ended three months before the be-

ginning of such calendar quarter did not exceed 6 percent, and

(2) the rate of national unemployment for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed 6 percent.

ALLOCATION

SEC. 203. (a) RESERVATIONS.—

(1) ELIGIBLE STATES.—The Secertary shall reserve one-third of the amounts appropriated pursuant to authorization under section 202 for each calendar quarter for the purpose of making payments to eligible State governments under subsection (b).

(2) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—The Secretary shall reserve two-thirds of such amounts for the purpose of making payments to eligible units of local government under subsection (c).

(b) STATE ALLOCATION.—

(1) IN GENERAL.—The Secretary shall allocate from amounts reserved under subsection (a)(1) an amount for the purpose of making payments to each State equal to the total amount reserved under subsection (a)(1) for the calendar quarter multiplied by the applicable State percentage.

(2) APPLICABLE STATE PERCENTAGE.—For purposes of this subsection, the applicable State percentage is equal to the quotient resulting from the division of the product of—

(A) the State excess unemployment percentage, multiplied by

(B) the State revenue sharing amount by the sum of such products for all the States.

(3) DEFINITIONS.—For the purposes of this section—

(A) the term "State" means each State of the United States;

(B) the State excess unemployment percentage is equal to the difference resulting from the subtraction of 4.5 percentage points from the State unemployment rate for that State but shall not be less than zero;

(C) the State unemployment rate is equal to the rate of unemployment in the State during the appropriate calendar quarter, as determined by the Secretary of Labor and reported to the Secretary; and

(D) the State revenue sharing amount is the amount determined under section 107 of the State and Local Fiscal Assistance Act of 1972 for the one-year period beginning on July 1, 1975.

(c) LOCAL GOVERNMENT ALLOCATION.—

(1) IN GENERAL.—The Secretary shall allocate from amounts reserved under subsection (a)(2) an amount for the purpose of making payments to each local government, subject to the provisions of paragraphs (3) and (5), equal to the total amount reserved under such subsection for calendar quarter multiplied by the local government percentage.

(2) LOCAL GOVERNMENT PERCENTAGE.—For purposes of this subsection, the local government percentage is equal to the quotient resulting from the division of the product of—

(A) The local excess unemployment percentage, multiplied by

(B) The local revenue sharing amount, by the sum of such products for all local governments.

(3) SPECIAL RULE.—

(A) For purposes of paragraph (1) and (2), all local governments within the jurisdiction of a State other than identifiable local governments shall be treated as though they were one local government.

(B) The Secretary shall set aside from the amount allocated under paragraph (1) of this subsection for all local government within the jurisdiction of a State which are treated as though they are one local government under subparagraph (A) an amount determined under subparagraph (C) for the purpose of making payments to each local government, other than identifiable local governments within the jurisdiction of such State.

(C) The amount set aside for the purpose of making payments to each local government other than an identifiable local government, within the jurisdiction of a State under subparagraph (B) shall be—

(i) equal to the total amount allocated under paragraph (1) of this subsection for all local governments within the jurisdiction of such State which are treated as though they are one local government under subparagraph (A) multiplied by the local government percentage as defined in paragraph (2) (determined without regard to the parenthetical phrases at the end of paragraphs (4), (B), and (C) of this subsection), unless

(ii) such State submits, within thirty days, after the effective date of this title, an allocation plan which has been approved by the State legislature and which meets the requirements set forth in section 206(a), and is approved by the Secretary under the provisions of section 206(b). In the event that a State legislature is not scheduled to meet in regular session within three months after the effective date of this title, the Governor of such State shall be authorized to submit an alternative plan which meets the requirements set forth in section 206(a), and is approved by the secretary under the provisions of section 206(b).

(D) If local unemployment rate data (as defined in paragraph (4)(B) of this subsection without regard to the parenthetical phrase at the end of such definition) for a local government jurisdiction is unavailable to the Secretary for purposes of determining the amount to be set aside for such government under subparagraph (C) then the Secretary shall determine such amount under subparagraph (C) by using the local unemployment rate determined under the parenthetical phrase of subsection (4)(B) for all local governments in such State treated as one jurisdiction under paragraph (A) of this subsection unless better unemployment rate data, certified by the Secretary of Labor, is available.

(4) DEFINITIONS.—For purposes of this subsection—

(A) the local excess unemployment percentage is equal to the difference resulting from the subtraction of 4.5 percentage points from the local unemployment rate, but shall not be less than zero;

(B) the local unemployment rate is equal to the rate of unemployment in the jurisdiction of the local government during the appropriate calendar quarter, as determined by the Secretary of Labor and reported to the Secretary (in the case of local governments treated as one local government under paragraph (3)(A), the local unemployment rate shall be the unemployment rate of the State adjusted by excluding consideration of unemployment and of the labor force within identifiable local governments, other than county governments, within the jurisdiction of that State);

(C) the local revenue sharing amount is the amount determined under section 108 of the State and Local Fiscal Assistance Act of 1972 for the one year period beginning on July 1, 1975 (and in the case of local governments treated as one local government under paragraph (3)(A), the local revenue sharing amount shall be the sum of the local revenue sharing amounts of all eligible local governments within the State, adjusted by excluding an amount equal to the sum of the local revenue sharing amounts of identifiable local governments within the jurisdiction of that State);

(D) the term "identifiable local government" means a unit of general local government for which the Secretary of Labor has made a determination concerning the rate of unemployment for purposes of title II or title VI of the Comprehensive Employment and Training Act of 1973 during the current or preceding fiscal year; and

(E) the term "local government" means the government of a county, municipality, township, or other unit of government below the State which—

(i) is a unit of general government (determined on the basis of the same principles as are used by the Social and Economic Statistics Administration for general statistical purposes), and

(ii) performs substantial governmental functions. Such term includes the District of Columbia and also includes the recognized governing body of an Indian tribe of Alaskan Native village which performs substantial governmental functions. Such term does not include the government of a township area unless such government performs substantial governmental functions.

For the purpose of paragraph (4)(D), the Secretary of Labor shall, notwithstanding any other provision of law, continue to make determinations with respect to the rate of unemployment for the purposes of such title VI.

(5) SPECIAL LIMITATION.—If the amount which would be allocated to any unit of local government under this subsection is less than $100, then no amount shall be allocated for such unit of local government under this subsection.

USES OF PAYMENTS

SEC. 204. Each State and local government shall use payments made under this title for the maintenance of basic services customarily provided to persons in that State or in the area under the jurisdiction of that local government, as the case may be. State and local governments may not use emergency support grants made under this title for the acquisition of supplies and materials and for construction unless such supplies and materials or construction are to maintain basic services.

STATEMENT OF ASSURANCES

SEC. 205. Each State and unit of local government may receive payments under this title only upon filing with the Secretary, at such time and in such manner as the Secretary prescribes by rule, a statement of assurances. Such rules shall be prescribed by the Secretary not later than ninety days after the effective date of this title. The Secretary may not require any State or local government to file more than one such statement during each fiscal year. Each such statement shall contain—

(1) an assurance that payments made under this title to the State or local government will be used for the maintenance to the extent practical, of levels of public employment and of basic services customarily provided to persons in that State or in the area under the jurisdiction of that unit of local government which is consistent with the provisions of section 204;

(2) an assurance that the State or unit of local government will—

(A) use fiscal, accounting, and audit procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States), and

(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this title;

(3) an assurance that reasonable reports will be furnished to the Secretary in such form and containing such information as the Secretary may reasonably require to carry out the purposes of this title and that such report shall be published in a newspaper of general circulation in the jurisdiction of such government unless the cost of such publication is excessive in relation to the amount of the payments received by such government under this title or other means of publicizing such report is more appropri-

ate, in which case such report shall be publicized pursuant to rules prescribed by the Secretary;

(4) an assurance that the requirements of section 206 will be complied with;

(5) an assurance that the requirements of section 207 will be complied with;

(6) an assurance that the requirements of section 208 will be complied with;

(7) an assurance that the State or unit of local government will expend any payment it receives under this title before the end of the 6-calendar-month period which begins on the day after the date on which such State or local government receives such payment; and

(8) an assurance that the State or unit of local government will spend amounts received under this title only in accordance with the laws and procedures applicable to the expenditure of its own revenues.

OPTIONAL ALLOCATION PLANS

SEC. 206. (a) STATE ALLOCATION PLANS FOR PURPOSES OF SECTION 203(c)(3).—A State may file an allocation plan with the Secretary for purposes of section 203(c)(3)(C)(ii) at such time, in such manner, and containing such information as the Secretary may require by rule. Such rules shall be provided by the Secretary not later than sixty days of the effective date of this title. Such allocation plan shall meet the following requirements:

(1) the criteria for allocation of amounts among the local governments within the State shall be consistent with the allocation formula for local governments under section 203(c)(2);

(2) the plan shall use—

(A) the best available unemployment rate data for such government if such data is determined in a manner which is substantially consistent with the manner in which local unemployment rate data is determined, or

(B) if no consistent unemployment rate data is available, the local unemployment rate data for the smallest unit of identifiable local government in the jurisdiction of which such government is located,

(3) the allocation criteria must be specified in the plan, and

(4) the plan must be developed after consultation with appropriate officials of local governments within the State other than identifiable local governments.

(b) APPROVAL.—The Secretary shall approve any allocation plan that meets the requirements of subsection (b) within thirty days after he receives such allocation plan, and shall not finally disapprove, in whole or in part, any allocation plan for payments under this title without first affording the State or local governments involved reasonable notice and an opportunity for a hearing.

NONDISCRIMINATION

SEC. 207. (a) IN GENERAL.—No person in the United States shall, on the grounds of race, religion, 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.

(b) AUTHORITY OF THE SECRETARY.—Whenever the Secretary determines that a State government or unit of local government has failed to comply with subsection (a) or an applicable regulation, he shall, within ten days, notify the Governor of the State (or, in the case of a unit of local government, the Governor of the State in which such unit is located, and the chief elected official of the Unit) of the noncompliance. If within thirty days of the notification compliance is not achieved, the Secretary shall within ten days thereafter—

(1) exercise all the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000e),

(2) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(3) take such other action as may be provided by law.

(c) ENFORCEMENT.—Upon his determination of discrimination under subsection (b), the Secretary shall have the full authority to withhold or temporarily suspend any payment under this title, or otherwise exercise any authority contained in title VI of the Civil Rights Act of 1964, to assure compliance with the requirement of nondiscrimination in federally assisted programs funded, in whole or in part, under this title.

(d) APPLICABILITY OF CERTAIN CIVIL RIGHTS ACTS.—

(1) Any party who is injured or deprived within the meaning of section 1979 of the Revised Statues (42 U.S.C. 1983) or of section 1980 of the Revised Statutes (42 U.S.C. 1985) by any person, or two or more persons in the case of such section 1980, in connection with the administration of a payment under this title may bring a civil action under such section 1979 or 1980, as applicable, subect to the terms and conditions of those sections.

(2) Any person who is aggrieved by an unlawful employment practice within the meaning of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by any employer in connection with the administration of a payment under this title may bring a civil action under section 706(f)(1) of such Act (42 U.S.C. 2000e-5(f)(1)) subject to the terms and conditions of such title.

LABOR STANDARDS

SEC. 207. All laborers and mechanics employed by contractors on all construction projects funded in whole or in part by payments under this title shall be paid wages at rates not less than those prevailing on similar projects in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1960 (15 C.F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

SPECIAL REPORTS

SEC. 208. Each State and unit of local government which receives a payment under the provisions of this title shall report to the Secretary any increase or decrease in any tax which it imposes and any substantial reduction in the number of individuals it employs or in services which such State or local government provides. Each State which receives a payment under the provisions of this title shall report to the Secretary any decrease in the amount of financial assistance which the State provides to the units of local governments during the twelve-month period which ends on the last day of the calendar quarter immediately preceding the date of enactment of this title, together with an explanation of the reasons for such decrease. Such reports shall be made as soon as it is practical and, in any case, not more than six months after the date on which the decision to impose such tax increase or decrease, such reductions in employment or services, or such decrease in State financial assistance is made public.

PAYMENTS

SEC. 209. (a) IN GENERAL.—From the amount allocated for State and local governments under section 203, the Secretary shall pay not later than five days after the beginning of each quarter to each State and to each local government which has filed a statement of assurances under section 205, an amount equal to the amount allocated to such State or local government under section 203.

(b) ADJUSTMENTS.—Payments under this title may be made with necessary adjustments on account of overpayments or underpayments.

(c) TERMINATION.—No amount shall be paid to any State or local government under the provisions of this section for any calendar quarter if—

(1) the average rate of unemployment within the jurisdiction of such State or local government during the most recent calendar quarter which ended three months before the beginning of such calendar quarter was less than 4.5 percent, and

(2) the rate of unemployment within the jurisdiction of such government for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed 4.5 percent.

STATE AND LOCAL GOVERNMENT ECONOMIZATION

SEC. 210. Each State or unit of local government which receives payments under this title shall provide assurances in writing to the Secretary, at such time and in such manner and form as the Secretary may prescribe by rule, that it has made substantial economies in its operations and that payments under this title are necessary to maintain essential services without weakening Federal Government efforts to stimulate the economy through reductions in Federal tax obligations.

WITHHOLDING

SEC. 211. Whenever the Secretary, after affording reasonable notice and an opportunity for a hearing to any State or unit of local government, finds that there has been a failure to comply substantially with any assurance set forth in the statement of assurances of that State or units of local government filed under section 205, the Secretary shall notify that State or unit of local government that further payments will not be made under this title until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made under this title.

REPORTS

SEC. 212. The Secretary shall report to the Congress as soon as is practical after the end of each calender quarter during which payments are made under the provisions of this title. Such report shall include information on the amounts paid to each State and units of local government and a description of any action which the Secretary has taken under the provisions of section 211 during the previous calender quarter. The Secretary shall report to Congress as soon as is practical after the end of each calendar year during which payments are made under the provisions of this title. Such reports shall include detailed information on the amounts paid to State and units of local government under the provisions of this title, any actions with which the Secretary has taken under the provisions of section 211, and an evaluation of the purposes to which amounts paid under this title were put by State and units of local government and economic impact of such expenditures during the previous calendar year.

ADMINISTRATION

SEC. 213 (a) RULES.—The Secretary is authorized to prescribe after consultation with the Secretary of Labor, such rules as may be necessary for the purpose of carrying out his functions under this title. Such rules should be prescribed by the Secretary not later than ninety days of the effective date of this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the administration of this title.

PROGRAM STUDIES AND RECOMMENDATIONS

SEC. 214 (a) EVALUATION.—The Comptroller General of the United States shall conduct an investigation of the impact which emer-

gency support grants have on the operations of State and local governments and on the national economy. Before and during the course of such investigation the Comptroller General shall consult with and coordinate his activities with the Congressional Budget Office and the Advisory Commission on Intergovernmental Relations. The Comptroller General shall report the results of such investigation to the Congress within one year after the date of enactment of this title together with an evaluation of the macroeconomic effect of the program established under this title and any recommendations for improving the effectiveness of similar programs. All officers and employees of the United States shall make available all information, reports, data, and any other material necessary to carry out the provisions of this subsection to the Comptroller General upon a reasonable request.

(b) COUNTERCYCLICAL STUDY.—The Congressional Budget Office and the Advisory Commission on Intergovernmental Relations shall conduct a study to determine the most effective means by which the Federal Government can stabilize the national economy during period of rapid economic growth and high inflation through programs directed toward State and local governments. Such study shall include a comparison of the effectiveness of alternative factors for triggering and measuring the extent of the fiscal coordination problem addressed by this program, and the effect of the recession on State and local expenditures. Before and during the course of such study, the Congressional Budget Office and the Advisory Commission shall consult with and coordinate their activities with the Comptroller General of the United States. The Congressional Budget Office and the Advisory Commission shall report the results of such study to Congress within two years after the date of enactment of this title. Such study shall include the opinions of the Comptroller General with respect to such study.

TITLE III—FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS

SEC. 301 (a) There is authorized to be appropriated to carry out title II of the Federal Water Pollution Control Act, other than sections 206, 208, and 209, for the fiscal year ending September 30, 1977, not to exceed $1,417,968,050 which sum (subject to such amounts as are provided in appropriation Acts) shall be allotted to each State listed in column 1 of table IV contained in House Public Works and Transportation Committee Print numbered 94–25 in accordance with the percentages provided for such State (if any) in column 5 of such table. The sum authorized by this section shall be in addition to, and not in lieu of, any funds otherwise authorized to carry out such title during such fiscal year. Any sums allotted to a State under this section shall be available until expended.

(b) The Administrator of the Environmental Protection Agency shall, within forty-five days from the date of enactment of this section, report to Congres his recommendations for a formula or formulas to be used to allot equitably and allocate new funds authorized to carry out title II of the Federal Water Pollution Control Act.

Passed Senate
House ?

GAO

THE WHITE HOUSE

WASHINGTON

August 17, 1976

MEMORANDUM FOR: DAVID HOOPES

FROM: PHILIP BUCHEN P.

Attached is a memorandum received by me from Charles Leppert. I have since talked to Mr. Peterson and believe his needs would be better served if he talked to you about what multi-purpose information sources exist within the White House office, OMB, and other components of the Executive Office. I told him that I doubted the existence of the type of sources he was interested in, but he mentioned the rather extensive library at OMB.

I would appreciate your calling Mr. Peterson and discussing the matter further with him.

cc: Charles Leppert

THE WHITE HOUSE

WASHINGTON

August 14, 1976

MEMORANDUM FOR: PHILIP W. BUCHEN

FROM: CHARLES LEPPERT, JR. CLJr

SUBJECT: Mr. David J. Peterson
General Accounting Office

On August 12, Mr. David Peterson of the GAO Program Analysis Division called to review and discuss drafts of a report containing an inventory of information resources available in the Executive branch of government, the White House and OMB, being prepared for the House Commission on Information and Facilities.

I asked Mr. Peterson for some more background on his project. He was rather vague and I asked him under what authority GAO was doing this inventory. He informed me that the 93rd Congress passed H. Res. 988 setting up a House Commission on Information. Section 204 of H. Res. 988 provides that the Commission shall conduct a study of the information problems of the House of Representatives including "resources outside the Congress".

I also asked Mr. Peterson to send me whatever information or background he could obtain so that I could forward his request to the proper staff people here at the White House. Attached is the background information submitted by Mr. Peterson.

Please note that Mr. Peterson would like to discuss the initial draft of Part II with someone in the Executive Office of the President. I have informed Peterson that I would forward his request to the Counsel's office.

Enclosures: PART I, INTERNAL RESOURCES

Inventory of Information Resources - A report containing an annotated inventory of information resources available in the House of Representatives

prepared by the House Commission on Information and Facilities, pursuant to Section 204 of House Resolution 988, 93rd Congress

The Office of Technology Assessment: A Study of Its Organizational Effectiveness - A report on the Office of Technology Assessment as an information resource of the House of Representatives and the organizational framework which makes it effective or ineffective, pursuant to Section 204 of House Resolution 988, 93rd Congress

Information Resources and Services Available From the General Accounting Office - A report prepared at the direction of the House Commission on Information and Facilities by the Comptroller General of the United States on the information resources and services available to the House of Representatives, pursuant to Section 204 of House Resolution 988, 93rd Congress

Information Resources and Services Available From the Library of Congress and the Congressional Research Service - Reports prepared at the direction of the House Commission on Information and Facilities by the Library of Congress and the Congressional Research Service on the information resources and services available to the House of Representatives, pursuant to Section 204 of House Resolution 988, 93rd Congress

cc: Jack Marsh
Max Friedersdorf

August 12, 1976

Mr. Charles Leppert, Jr.
Deputy Assistant to the President
for Legislative Affairs (House)
The White House Office
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. Leppert:

Thanks for your willingness to take a look at this material. We hope to have an initial draft of Part II (see Outline) next week and would appreciate a chance to discuss it with someone in the Executive Office of the President. It should help both Branches of the Government to have this draft discussed informally in time for us to benefit from Executive Office comments.

Thanks again!

Sincerely,

Dave

David J. Peterson
(Phone-376-5378)

94th Congress, 2d Session - - - - - - House Document No. 94-

INVENTORY OF INFORMATION RESOURCES

FOR THE

U.S. HOUSE OF REPRESENTATIVES

PART 1; EXEC BRANCH RESOURCES

COMMUNICATION

FROM

THE CHAIRMAN, HOUSE COMMISSION ON INFORMATION AND FACILITIES

TRANSMITTING

A REPORT CONTAINING AN ANNOTATED INVENTORY OF INFORMATION RESOURCES AVAILABLE IN THE EXEC BRANCH PREPARED BY THE HOUSE COMMISSION ON INFORMATION AND FACILITIES, PURSUANT TO SECTION 204 OF HOUSE RESOLUTION 988, 93D CONGRESS

, 1976.—Ordered to be printed

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