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CRIME CONTROL ACT OF 1976

(Reprinted below is the House-Senate Conference Report on S. 2212, The Crime Control Act of 1976, as passed by Congress on September 30 and signed by President Ford on October 15, 1976.)

CONFERENCE REPORT (H. REPT. No. 94-1723)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the amendment of the House to the text of the Senate bill, insert the following:

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

TITLE I—AMENDMENTS RELATING TO L.E.A.A.

AMENDMENTS TO STATEMENT OF PURPOSE

SEC. 101. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended as follows:

(1) By inserting between the second and third paragraphs the following additional paragraph:

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

(2) By striking out the fourth paragraph and inserting in lieu thereof the following new paragraph:

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by Federal assistance. It is 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 de-

velopment 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 Divisions 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,

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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 prosecutorial 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 out-

line 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 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.

"(1) In addition to any other sums authorized to be appropriated for the purposes of this title, there are authorized to be appropriated to carry out the purposes of this section not to exceed \$10,000,000 for the fiscal year ending September 30, 1977, not to exceed \$10,000,000 for the fiscal year ending September 30, 1978; and not to exceed \$10,000,000 for the fiscal year ending September 30, 1979."

INSTITUTE AMENDMENTS

SEC. 117. (a) Section 402 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General";

(2) in the second paragraph of subsection (c), by striking out "to evaluate" and inserting in lieu thereof the following: "to make evaluations and to receive and review the results of evaluations of";

(3) in the second paragraph of subsection (c), by adding at the end the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title and shall disseminate information about such criteria and procedures to State planning agencies. The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title.";

(4) by inserting immediately before the final paragraph of subsection (c) the following:

"The Institute shall, in consultation with the National Institute on Drug Abuse, make studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success

of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies, and upon request, to units of general local government"; and

(5) by adding at the end of such subsection the following:

"The Institute shall, before September 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State, and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such as mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, the General Accounting Office, Federal, State, and local criminal justice agencies and other appropriate public and private agencies.

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purposes of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and upon request, to units of general local government."

(b) Section 402(b)(3) of such Act is amended by striking out ", and to evaluate the success of correctional procedures".

CONFORMING AMENDMENT

SEC. 118. (a) Section 453(10) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)".

NONPROFIT ORGANIZATIONS; INDIAN TRIBES

SEC. 119. Section 455 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "or" in paragraph (a)(2) and by inserting "or nonprofit organizations," after the second occurrence of the word "units," in that paragraph.

(b) Section 507 of such Act is amended—

(1) by inserting "(a)" immediately after "Sec. 507."; and

(2) by adding at the end the following new subsection:

"(b) In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."

RULES AND REGULATIONS REQUIREMENT

SEC. 120. Section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding the following sentence at the end: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs

once implemented have achieved the goals stated in the original plan and application."

HEARING EXAMINERS

SEC. 121. Section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"Sec. 507. Subject to the Civil Service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title."

CIVIL RIGHTS ENFORCEMENT PROCEDURES

SEC. 122. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and all that follows down through "grantee under this title," and inserting in lieu thereof "Except as provided in section 518(c), whenever the Administration, after notice to an applicant or a grantee under this title and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

(b) Section 518(c) of such Act is amended to read as follows:

"(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

"(2)(A) Whenever there has been—

"(1) 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 (1)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c)(1); or

"(1) a determination after an investigation by the Administrator (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of general local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this title) that a State government or unit of general local government is not in compliance with subsection (c)(1);

the Administration shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be in compliance with subsection (c)(1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of subparagraph (1) 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 semi-annual 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)—

"(1) compliance has not been secured by the chief executive of that State or the chief executive of that unit of general local government; and

"(2) 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—

"(1) such State government or unit of general local government enters into a compliance agreement approved by the Administrator and the Attorney General in accordance with subparagraph (B);

"(2) 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

"(3) 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) (1) 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.

"(2) 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.

"(3) 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 the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Administration, or any other administrative enforcement agency, unless within such period there has been a determination by the Administration or the Agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

"(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

"(C) In any action instituted under this section to enforce compliance with section

518(c) (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action."

CONFORMING AMENDMENT

SEC. 123. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 512.

ADMINISTRATIVE PROVISIONS

SEC. 124. Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

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

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

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

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

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

"(b) The Administration is also authorized—

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

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

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

ANNUAL REPORTS 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 provi-

sions 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, and

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

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

"(4) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(5) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(6) the number of State comprehensive plans funded under 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).

OPERATING

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 rule-making 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 AMENDMENT

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) addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs."

(b) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "and (15)" and inserting in lieu thereof "(15), and (17)".

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) After section 225(c)(6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand."

(2) Add at the end a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population."

TITLE II—PROVISIONS RELATING TO OTHER MATTERS

DRUG ENFORCEMENT ADMINISTRATION

SEC. 201. (a) Effective beginning one year after the date of the enactment of this Act, the following positions in the Drug Enforcement Administration (and individuals holding such positions) are hereby excepted from the competitive service:

(1) positions at GS-16, 17, and 18 of the General Schedule under section 5332(a) of title 5, United States Code, and

(2) positions at GS-15 of the General Schedule which are designated as—

(A) regional directors,

(B) office heads, or

(C) executive assistants (or equivalent positions) under the immediate supervision of the Administrator (or the Deputy Administrator) of the Drug Enforcement Administration.

(b) Effective during the one year period beginning on the date of the enactment of this Act, vacancies in positions in the Drug Enforcement Administration (other than positions described in subsection (a)) at a grade not lower than GS-14 shall be filled—

(1) first, from applicants who have continuously held positions described in subsection (a) since the date of the enactment of this Act and who have applied for, and are qualified to fill, such vacancies, and

(2) then, from other applicants in the order which would have occurred in the absence of this subsection.

Any individual placed in a position under paragraph (1) shall be paid in accordance with subsection (d).

(c) (1) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be removed, suspended for more than 30 days, furloughed without pay, or reduced in rank or pay by the Administrator of the Drug Enforcement Administration if—

(A) such individual has been employed in the Drug Enforcement Administration for less than the one-year period immediately preceding the date of such action, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

(2) Effective beginning one year after the date of the enactment of this Act, an individual in a position described in subsection (a) may be reduced in rank or pay by the Administrator within the Drug Enforcement Administration if—

(A) such individual has been continuously employed in such position since the date of the enactment of this Act, and

(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Any individual reduced in rank or pay under this paragraph shall be paid in accordance with subsection (d).

(3) The provisions of 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 5109 of title 5, United States Code, is amended by striking out paragraph (8) and inserting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS-16, 17 and 18:"

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(109) Commissioner of Immigration and Naturalization, Department of Justice.

"(110) United States attorney for the Northern District of Illinois.

"(111) United States attorney for the Central District of California.

"(112) Director, Bureau of Prisons, Department of Justice.

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

(c) Section 5316 of title 5, United States Code, is amended by—

(1) striking out paragraph (44);

(2) striking out paragraph (115);

(3) striking out paragraph (118);

(4) striking out paragraph (58); and

(5) striking out paragraph (134).

TERM OF FBI DIRECTOR

SEC. 203. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a) immediately after 'Sec. 1101.'" and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section."

AUTHORIZING JURISDICTION

SEC. 204. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "An Act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes."

And the House agree to the same.

PETER W. RODINO, Jr.,

DON EDWARDS,

JOHN CONYERS, Jr.,

JAMES R. MANN,

GEORGE E. DANIELSON,

BARBARA JORDAN,

ELIZABETH HOLTZMAN,

ROMANO L. MAZZOLI,

WILLIAM J. HUGHES,

EDWARD HUTCHINSON,

(Except as to section

relating to

antitrust),

ROBERT MCCLORY,

CHARLES E. WIGGINS,

M. CALDWELL BUTLER,

(Except as to section

pertaining to

antitrust).

Managers on the Part of the House.

JOHN L. MCCLELLAN,

JAMES O. EASTLAND,

EDWARD M. KENNEDY,

ROBERT C. BYRD,

ROMAN L. HRUSKA,

HUGH SCOTT,

STROM THURMOND,

WILLIAM L. SCOTT,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT TO TEXT

The managers recommended that the Senate agree to the amendment of the House to the text of the bill, with an amendment. That amendment will be referred to here as the "Conference substitute" and there follows an issue by issue breakdown of the Senate bill, the House amendment, and the conference substitute:

Declaration of purpose

The Senate bill would have declared the policy of title I (relating to law enforcement assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, to provide technical assistance to State and local government and to stress evaluation.

The House amendment would not have changed the present overall statement of purpose.

The conference substitute will adopt the Senate provision.

Authority of Attorney General over LEAA

The Senate bill would add "policy direction and control" to the list of the Attorney General's authority.

The House amendment would add "policy direction and general control" to the list.

The conference substitute will adopt the House provision.

Community anti-crime

The Senate bill would require that LEAA establish an appropriate organizational unit to conduct community anti-crime coordination, technical assistance, and other programs.

The House amendment would establish an Office of Community Anti-Crime Programs in LEAA and earmark funds for grants for community anti-crime projects.

The conference substitute will adopt the House provision as to the establishment of the Office and earmark funds via the authorization section of the bill.

Planning money for "financial and technical aid and assistance"

The Senate bill would provide planning money can be used for "financial and technical aid and assistance."

The House amendment would have no parallel provision.

The conference substitute will adopt the Senate provision.

Designation of State planning agency by law

The Senate bill would mandate that all State planning agencies be established or designated by State law by 1979 rather than created by the State's chief executive without further legislative act, as is the case in some instances now.

The House amendment would leave this matter as it is in current law.

The conference substitute will adopt the Senate provision, and require the change be

accomplished by 1978, since the managers are informed that this may be a technical improvement and is feasible.

Judicial membership in State planning agency

The Senate bill would mandate a minimum of three judicial members in the State planning agency and set forth a procedure for the selection of those members.

The House amendment would mandate a minimum of two judicial members in the State planning agency.

The conference substitute will adopt the Senate provision.

Regional planning units

The Senate bill would leave this issue as is in present law.

The House amendment would require, where practicable, the same boundaries and organization for the regional planning units established under this title for law enforcement purposes and general purpose regional planning units already in existence.

The conference substitute will authorize, but not require the same boundaries and organization for such units.

Multi-year planning

The Senate bill would explicitly recognize the practice of annual update of State plans.

The House amendment would contain no parallel provision.

The conference substitute will adopt the House position.

Judicial planning committees and State judicial plans

The Senate bill would provide for the establishment of separate judicial planning committees and the preparation of separate State judicial plans, to be incorporated in the overall part C comprehensive plan as a basis for funding under title I.

The House amendment would not establish a separate plan or planning process for the judiciary.

The conference substitute will adopt the Senate approach.

Use of reverted funds

The Senate bill would make reverted funds part of the money available for discretionary grants by L.E.A.A.

The House amendment would retain current law which requires reallocation by the original population formula of reverted bloc grant funds.

The conference substitute will adopt the Senate provision, as to part B funds, but specify that those funds be used for planning purposes. As to part C, the House position is retained.

Review by State legislatures

The Senate bill would permit review of State plan by State legislatures.

The House amendment would also permit that review, but makes technical changes in the process provided for achieving it.

The conference substitute will adopt the House provision.

Part C purpose; technical assistance

The Senate bill would include technical assistance as a purpose of part C.

The House amendment would not change the present purpose statement.

The conference substitute will adopt the Senate approach.

Public education

The Senate bill would make funds available for public education on "the administration of justice".

The House amendment would keep present law unchanged.

The conference substitute will make funds available for public education on law enforcement and criminal justice.

Approval of local officials for community programs

The Senate bill would change present requirement that local mayor or police chief approve community organization law enforcement grants to a requirement that the local official be notified of each such grant.

The House amendment would leave present requirement unchanged.

The conference substitute will adopt the House approach.

Part C funds for monitoring and evaluation

The Senate bill would permit the use of part C funds for monitoring and evaluation.

The House amendment would not change present law, which would preclude the use of part C funds for those purposes.

The conference substitute will adopt the Senate provision. This will permit the use of part C funds for monitoring and evaluation in addition to any other funds made available for these purposes under other parts of title I, and is not intended to limit access by criminal justice coordinating councils to these other funds, but to provide an additional source for increased funding of monitoring and evaluation.

Purpose of preventing, reducing crime

The Senate bill would not change part C and D statements of purpose.

The House amendment would make the reduction and prevention of crime a specific goal of part C and part D.

The conference substitute will adopt the Senate approach.

Riot control

The Senate bill would eliminate special emphasis on riot control but retain explicit authority for permissive grants, and add special emphasis on courts.

The House amendment would eliminate special emphasis on riot control and explicit statement on permissive grants, and eliminate special emphasis on organized crime.

The conference substitute will eliminate the special emphasis on riot control, but retain the special emphasis on organized crime and add a special emphasis on the courts. The explicit statement on permissive grants is also eliminated, but this is not intended to preclude grants for riot control, which are also authorized, and continue to be authorized under more general paragraphs of section 301 (b).

Permissive grants for judicial matters

The Senate bill would make judiciary and court related projects specifically eligible for grants under part C.

The House amendment would also make these projects specifically eligible, but adds prosecutorial and defender services as well.

The conference substitute will adopt the House provision.

Crime against the elderly

The Senate bill would add grants for crime against the elderly to both permissive and mandatory grant sections.

The House amendment would add such grants to the permissive section only.

The conference substitute will adopt the Senate provisions. The language permitting the State agency to make an affirmative finding that this requirement is inappropriate is intended only to permit such a finding where there is found to be no substantial problem with crime against the elderly in such State.

Drug programs

The Senate bill would have added programs to identify needs of drug dependent offenders and coordinate various drug programs to the permissive grant section.

The House amendment would have added these programs to the mandatory grant section.

The conference substitute will add programs to identify needs of drug dependent

offenders to the permissive grant section and procedures to coordinate various drug programs to the mandatory section. It is anticipated, however, that no State plan could be determined to be comprehensive if it fails to provide programs which are here added to the permissive section where the need for those programs has been demonstrated.

Early case assessment panels

The Senate bill would provide for early case assessment panels in the permissive grant section.

The House amendment would also provide for these panels, but specify they be under authority of appropriate prosecutor.

The conference substitute will adopt the House provision.

Block watch

The Senate bill would specify block watch programs as a permissible grant.

The House amendment would not specify this.

The conference substitute will adopt the Senate provision.

Innovative programs salary limitation exception

The Senate bill would make an additional exception to the limitation.

The House amendment would not contain any comparable provision on use of grants for salaries for "innovative programs".

The conference substitute will adopt the House provision, since it appears that the existing exception was intended to achieve the same objective.

Organization of plan requirements

The Senate bill would retain the organizational scheme of existing law for the planning requirements.

The House amendment would reorganize the planning requirements into a single sequential system.

The conference substitute will adopt the Senate provision, since various administrative determinations are cross referenced to the existing format.

Mini block grant to units and combinations

The Senate bill would liberalize the current procedure for receiving mini block grants by units of general local government and combinations of these units, and would have no minimum population requirement.

The House amendment would retain current law.

The conference substitute will adopt the House position with a modification. It is intended that the State planning agency may require the submission of such applications as necessary to assure that the requirements of title I and regulations thereunder are met.

Evaluation procedures in part C plan

The Senate bill would retain current law.

The House amendment would require evaluation procedure to be set forth in State plan.

The conference substitute will adopt the House provision.

Recordkeeping requirement

The Senate bill would provide that plan would provide for recordkeeping.

The House amendment would retain present law.

The conference substitute will adopt the Senate provision.

Written evaluation by Administrator

The Senate bill would require a written evaluation of a State plan by the Administrator prior to approval.

The House amendment would have no parallel provision.

The conference substitute will adopt the Senate provision.

Adequate part C funding for courts

The Senate bill would require adequate Part C funding for courts

The House amendment would have no parallel provision.

The conference substitute will adopt the Senate provision with modifications.

Antitrust enforcement grants

The Senate bill would provide for antitrust enforcement grants to the States.

The House amendment had no similar provision.

The conference substitute adopts the Senate position. It is intended that the authorization of appropriations for this purpose be separate from and in addition to other authorizations under this title, and that the program be administered separately from L.E.A.A. by the Attorney General

Appointment of Institute Director

The Senate bill would have the Attorney General appoint the Director of the Institute created under part D.

The House amendment would retain present law, under which the Administrator appoints the Director of the Institute.

The conference substitute adopts the Senate provision.

Institute studies

The Senate bill would provide for drug abuse studies, for the assisting of the Administrator in evaluative functions, and for the study of the needs of correctional facilities.

The House amendment would provide that the Institute receive as well as make evaluations of State plans, establish evaluation criteria, make continuing drug abuse studies, and make and distribute a list of successful LEAA projects.

The conference substitute will provide that the Institute shall make drug studies, and studies of the needs of correctional institutions, and that the Institute assist the Administrator in evaluations, receive as well as make evaluations of State plans, establish evaluation criteria, and make a list of successful projects.

National Advisory Committee

The Senate bill would not have a provision on this matter.

The House amendment would make statutory the national advisory committee.

The conference substitute will adopt the Senate position.

Jail standards

The Senate bill would provide that the Administration and the States set physical and service standards for correctional institutions.

The House amendment did not have a similar provision.

The conference substitute will adopt the House position.

Nonprofit organizations

The Senate bill would have provided part D grants to nonprofit organizations.

The House amendment would specify that such organizations be private.

The conference substitute adopts the Senate provision.

Administrative rules on evaluation

The Senate bill required the Administration to make rules regarding evaluation procedures.

The House amendment did not.

The conference substitute adopts the Senate provision.

Hearing examiners

The Senate bill permits the borrowing of hearing examiners from the Civil Service Commission.

The House amendment did not.

The conference substitute adopts the Senate provision.

Duplicate authorization

The Senate bill would have retained current law.

The House amendment would strike a

duplicate authorization section as superfluous.

The conference substitute adopts the House provision.

Evaluation of State plans by Administrator and various administrative provisions

The Senate bill would require a detailed evaluation and makes various other administrative changes.

The House amendment had no comparable provision.

The conference substitute adopts the Senate provision.

Attorney General's advisory board

The Senate bill would create an advisory board for the Attorney General.

The House amendment would not.

The conference substitute adopts the House approach.

Annual reporting requirement

The Senate bill would require annual reports on a variety of issues and facts from the Administration.

The House bill would also require such a report, but requires more detail.

The conference substitute will adopt the House provision with several technical changes designed to assure reporting by general program area and eliminate reporting in excessive detail.

Sunshine in government

The Senate bill did not contain a provision on this.

The House amendment would have required financial reporting by Administration employees.

The conference substitute will adopt the Senate approach.

Definitions amendments

The Senate bill would add definitions of court of last resort, court, and evaluation, and add the Trust Territory of the Pacific and the Marianas to the list of "States" for grant purposes.

The House bill would add definitions of court of last resort, court (to include juvenile courts), and local elective officials (restricting number), and add the Trust Territory as in Senate bill.

The conference substitute will use the Senate definition of court of last resort, the House definition of court, contain the Senate definition of evaluation, and add the Trust Territory. It is understood that under the terms of the "Covenant to Establish the Northern Mariana Islands in Political Union With the United States of America" the Northern Mariana Islands will be eligible for funding under title I of the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974, separate and apart from the Trust Territory of the Pacific Islands, sometime in 1978. The exact date will be determined and proclaimed by the President after approval of the Constitution of the Northern Mariana Islands by Congress but prior to the achievement of Commonwealth status. Until that time, the Northern Mariana Islands are eligible for assistance as a part of the Trust Territory of the Pacific Islands.

Juvenile justice amendments

The Senate bill would mandate a 19.15 percent funding of juvenile justice under title I and prohibit discrimination in funding against small cities.

The House amendment would do neither, but was merely a conforming amendment to reflect changes in planning requirements.

The conference substitute adopts all of the Senate and House provisions.

Drug Enforcement Administration

The Senate bill would make certain DEA positions now in the competitive service into excepted service positions.

The House amendment had no parallel provisions.

The conference substitute adopts a modified and more restrictive version of the Senate bill provisions.

Additional supergrades for Justice Department

The Senate bill would add more supergrade positions and make other promotions for the Justice Department.

The House amendment would not have this provision.

The conference substitute adopts the Senate provision with technical amendments in numbering, etc.

Operation Sting

The Senate bill specifically would make available assistance for Operation Sting type ventures to disrupt the commerce in stolen goods.

The House bill would not.

The conference substitute will adopt the Senate provision.

Authorization jurisdiction

The Senate bill had no provision on this.

The House amendment would require specific authorization of appropriations for the Department of Justice.

The conference substitute will adopt the House provision.

High crime impact grants

The Senate bill would provide specific authorization for a high crime impact program.

The House amendment would contain no parallel provision.

The conference substitute will adopt the House position.

Civil rights compliance procedures

The Senate bill would retain present law with respect to civil rights compliance procedures.

The House bill would provide extensive procedures for civil rights compliance.

The conference substitute will adopt the House provisions with modification. It is intended that compliance under section 518 (c) (2) (B) includes the securing of an agreement to comply over a period of time, particularly in complex cases or where compliance would require an extended period of time for implementation. In the area of employment cases brought under this section it is intended by the conferees that the standards of title VII of the Civil Rights Act of 1964 apply.

F.B.I. Director

The Senate bill would provide a single ten-year term for the Director of the Federal Bureau of Investigation.

The House amendment would contain no parallel provision.

The conference substitute will adopt the Senate provision.

Authorization of appropriations

The Senate bill would have authorized appropriations for five years.

The House bill would have authorized appropriations for a single year.

The conference substitute will provide an authorization of \$880,000,000 for the fiscal year ending September 30, 1977, \$800,000,000 for the fiscal year ending September 30, 1978, and \$800,000,000 for the fiscal year ending September 30, 1979. For each of those years an additional \$15,000,000 is authorized for the community anti-crime program, to be administered by the Office created by the conference substitute language.

AMENDMENT TO TITLE

The managers recommend that the bill be entitled "An Act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes". This is an amalgam of the two titles proposed by the two Houses, and does not materially differ from either title.

END

7-11-1911