

DEPARTMENTS OF COMMERCE, JUSTICE, AND  
STATE, THE JUDICIARY, AND RELATED  
AGENCIES APPROPRIATIONS FOR 1983

HEARINGS  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES  
NINETY-SEVENTH CONGRESS  
SECOND SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND  
STATE, THE JUDICIARY, AND RELATED AGENCIES

NEAL SMITH, Iowa, *Chairman*  
BILL ALEXANDER, Arkansas  
JOSEPH D. EARLY, Massachusetts  
JACK HIGHTOWER, Texas  
MYER, New Jersey  
GEORGE M. O'BRIEN, Illinois  
CLARENCE E. MILLER, Ohio  
CARROLL A. CAMPBELL, JR.,  
South Carolina  
JOHN G. OSNEAUS and TERRY D. BEVARE, *Staff Assistants*

PART 7  
DEPARTMENT OF JUSTICE

Printed for the use of the Committee on Appropriations



87924

DEPARTMENTS OF COMMERCE, JUSTICE, AND  
STATE, THE JUDICIARY, AND RELATED  
AGENCIES APPROPRIATIONS FOR 1983

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND  
STATE, THE JUDICIARY, AND RELATED AGENCIES

NEAL SMITH, Iowa, *Chairman*

BILL ALEXANDER, Arkansas

JOSEPH D. EARLY, Massachusetts

JACK HIGHTOWER, Texas

BERNARD J. DWYER, New Jersey

GEORGE M. O'BRIEN, Illinois

CLARENCE E. MILLER, Ohio

CARROLL A. CAMPBELL, Jr.,  
South Carolina

JOHN G. OSTHAUS and TERRY D. BEVELS, *Staff Assistants*

PART 7

DEPARTMENT OF JUSTICE

Printed for the use of the Committee on Appropriations



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1982

U.S. Department of Justice  
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Public Domain

U.S. House of Representatives

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

COMMITTEE ON APPROPRIATIONS

JAMIE L. WHITTEN, Mississippi, *Chairman*

EDWARD P. BOLAND, Massachusetts	SILVIO O. CONTE, Massachusetts
WILLIAM H. NATCHER, Kentucky	JOSEPH M. McDADE, Pennsylvania
NEAL SMITH, Iowa	JACK EDWARDS, Alabama
JOSEPH P. ADDABBO, New York	JOHN T. MYERS, Indiana
CLARENCE D. LONG, Maryland	J. KENNETH ROBINSON, Virginia
SIDNEY R. YATES, Illinois	CLARENCE E. MILLER, Ohio
DAVID R. OBEY, Wisconsin	LAWRENCE COUGHLIN, Pennsylvania
EDWARD R. ROYBAL, California	C. W. BILL YOUNG, Florida
LOUIS STOKES, Ohio	JACK F. KEMP, New York
TOM BEVILL, Alabama	RALPH S. REGULA, Ohio
BILL CHAPPELL, Florida	CLAIR W. BURGNER, California
BILL ALEXANDER, Arkansas	GEORGE M. O'BRIEN, Illinois
JOHN P. MURTHA, Pennsylvania	VIRGINIA SMITH, Nebraska
BOB TRAXLER, Michigan	ELDON RUDD, Arizona
JOSEPH D. EARLY, Massachusetts	CARL D. PURSELL, Michigan
CHARLES WILSON, Texas	MICKEY EDWARDS, Oklahoma
LINDY (MRS. HALE) BOGGS, Louisiana	BOB LIVINGSTON, Louisiana
ADAM BENJAMIN, Jr., Indiana	BILL GREEN, New York
NORMAN D. DICKS, Washington	TOM LOEFFLER, Texas
MATTHEW F. McHUGH, New York	JERRY LEWIS, California
BO GINN, Georgia	CARROLL A. CAMPBELL, Jr., South Carolina
WILLIAM LEHMAN, Florida	JOHN EDWARD PORTER, Illinois
JACK HIGHTOWER, Texas	
MARTIN OLAV SABO, Minnesota	
JULIAN C. DIXON, California	
VIC FAZIO, California	
W. G. (BILL) HEFNER, North Carolina	
LES AuCOIN, Oregon	
DANIEL K. AKAKA, Hawaii	
WES WATKINS, Oklahoma	
WILLIAM H. GRAY, III, Pennsylvania	
BERNARD J. DWYER, New Jersey	

KEITH F. MAINLAND, *Clerk and Staff Director*

(ii)

DEPARTMENTS OF COMMERCE, JUSTICE, AND  
STATE, THE JUDICIARY AND RELATED AGEN-  
CIES APPROPRIATIONS FOR 1983

TUESDAY, MARCH 9, 1982.

DEPARTMENT OF JUSTICE

ATTORNEY GENERAL

WITNESSES

WILLIAM FRENCH SMITH, ATTORNEY GENERAL

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-  
TION

CHARLES R. NEILL, CONTROLLER

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. SMITH. This morning we are pleased to have with us the distinguished Attorney General of the United States, the Hon. William French Smith.

The fiscal year 1983 budget request for the Justice Department totals \$2,666,234,000. This amount includes proposed transfers from the Department of Education of \$1,299,000,000, and from the Department of Energy of \$20,248,000. Since these transfers will require legislation upon which Congress has not yet acted, these amounts and the programs which they fund have not been considered or will not be considered by this subcommittee this year. Thus the fiscal year 1983 request for the regular ongoing programs is \$2,644,687,000, and this amount represents an increase of \$170,372,000 above the amounts anticipated for fiscal year 1982, including the pending supplemental request of \$4 million.

We will insert pages 6 and 7 of the fiscal year 1983 Budget Summary for the Department of Justice at this point in the record.

[The pages of the fiscal year 1983 budget summary follow:]

(1)

DEPARTMENT OF JUSTICE

1983 Estimates Compared with 1981 and 1982 Requirements  
(Dollars in thousands)

Appropriation	1981 Actual	
	Permanent Positions	Obligations
General Administration.....	695	\$36,912
U.S. Parole Commission.....	178	6,093
Legal Activities:		
General Legal Activities.....	2,928	119,650
Foreign Claims Settlement Commission.....	18	835
Antitrust Division.....	939	44,460
U.S. Attorneys and Marshals.....	6,801	287,079
Support of U.S. Prisoners.....	...	22,583
Fees and Expenses of Witnesses.....	...	30,389
Community Relations Service.....	111	5,540
Total, Legal Activities.....	10,797	510,536
Federal Bureau of Investigation.....	19,306	680,299
Immigration and Naturalization Service.....	10,886	370,078
Drug Enforcement Administration.....	4,092	216,054
Federal Prison System:		
Salaries and Expenses.....	9,160	341,523
National Institute of Corrections.....	30	10,087
Buildings and Facilities.....	35	15,715
Total, Federal Prison System.....	9,225	367,325
Office of Justice Assistance, Research, and Statistics:		
Law Enforcement Assistance.....	390	127,750
Research and Statistics.....	110	32,208
Total, OJARS.....	500	159,958
TOTAL, DEPARTMENT OF JUSTICE.....	55,679	2,347,255
Proposed Transfers from:		
Department of Education.....	...	...
Department of Energy.....	...	...
TOTAL REQUEST.....	55,679	2,347,255
Limitation:		
Federal Prison Industries, Inc. ....	136	4,730

Permanent Positions	1982 Estimate		1983 Estimate		Increase or Decrease 1983 from 1982	
	Permanent Positions	Appropriation Anticipated	Permanent Positions	Amount	Permanent Positions	Amount
723	\$41,233	731	\$40,220	8	-\$1,013	
172	6,200	157	6,856	-15	656	
2,754	123,200	2,743	136,565	-11	13,365	
18	705	18	820	...	115	
829	44,000	789	46,466	-40	2,466	
6,520	295,950	6,334	320,945	-186	24,995	
...	24,100	...	30,704	...	6,604	
...	27,921	...	35,400	...	7,479	
100	5,500	88	5,926	-12	426	
10,221	521,376	9,972	576,826	-249	55,450	
19,456	739,609	19,048	799,331	-408	59,722	
10,604	428,557	10,661	524,599	57	96,042	
3,953	230,849	3,953	246,945	...	16,096	
8,922	353,000	8,967	376,533	45	23,533	
30	11,186	30	11,054	...	-132	
25	13,731	25	6,667	...	-7,064	
8,977	377,917	9,022	394,254	45	16,337	
192	93,554	118	18,514	-74	-75,040	
89	35,000	77	37,142	-12	2,142	
281	128,554	195	55,656	-86	-72,898	
54,387	2,474,295	53,739	2,644,687	-648	170,392	
...	...	32	1,299	32	1,299	
...	...	333	20,248	333	20,248	
54,387	2,474,295	54,104	2,666,234	-283	191,939	
139	5,066	139	8,740	...	3,000	

Mr. SMITH. Mr. Attorney General, do you have a statement?

#### GENERAL STATEMENT

Attorney General SMITH. I do, Mr. Chairman. Thank you. I am pleased to be here once again to discuss the 1983 budget request for the Department of Justice. My total 1983 request is for \$2.67 billion and 54,104 positions. This level of resources would allow me to maintain the Department's Federal law enforcement operations at the current level of effort.

In view of the necessary, yet significant Federal budget reductions proposed for domestic programs, the Justice request reflects the President's strong commitment to an effective law enforcement program.

Our request includes uncontrollable cost increases of \$196.1 million, program increases of \$67.8 million, proposed transfers from other Departments of \$22.2 million, and program reductions of \$94.2 million.

The major part of our program increase is for \$58.7 million to fund the transfer of responsibility to the Attorney General for Cuban/Haitian entrants under the Refugee Education Assistance Act of 1980. Nearly all of our program reductions are related to the elimination of four programs which we had requested the Congress to eliminate last year. These consist of State and local grant programs and the United States Trustees activity.

#### CONTINUITY WITH 1982 PRIORITIES

Our request represents a continuation of this Administration's commitments and priorities which I enunciated before this committee a year ago. At that time I spoke of the need for all Federal agencies to share in overall spending and personnel reductions. I emphasized our commitment to priority crime control areas and the need to reduce Federal subsidies to State and local agencies.

We have contributed our share to necessary overall reductions in Federal spending and in the size of the Federal workforce. While accomplishing this, we have been able to fully maintain essential operations and have increased Federal law enforcement efforts in high priority areas. We are also returning control of State and local criminal justice programs to those officials who are closest to the needs of local crime problems.

#### VIOLENT CRIME INITIATIVES

As I have indicated on several occasions before this and other committees, violent crime is one of the most urgent problems facing the nation. I am convinced that narcotics trafficking is a major cause of violent crime. Economic conditions continue to require us to consider solutions which do not rely on merely spreading Federal funds to solve the crime problem. In the long run we are likely to be more effective by seeking improvements in how we combat crime than simply by increasing Federal expenditures of money and manpower. With this in mind, we have begun to restructure the Drug Enforcement Administration and, for the first

time in the history of the FBI, its agents have also been given a major drug enforcement role.

The Director of the FBI has been designated to assist me in overseeing these joint enforcement efforts. Through Department initiatives, the Navy and Air Force are now furnishing information to civilian law enforcement agencies on sightings of suspected drug traffickers heading for the United States and, within the constraints imposed by law, they are providing intelligence on possible narcotics operations.

#### LAW ENFORCEMENT COORDINATING COMMITTEE

To minimize duplication of effort and waste of resources among Federal, State and local law enforcement agencies, I have directed each of our United States Attorneys to establish a Law Enforcement Coordinating Committee that will closely cooperate with State and local enforcement officials and will draft detailed plans for a more effective use of Federal resources against the worst local crime problems.

#### TASK FORCE ON VIOLENT CRIME RECOMMENDATIONS

Last year I announced the appointment of my Task Force on Violent Crime. Over the past several months, you have become well aware of their recommendations. Some of those recommendations, such as reforms in bail laws and the parts of the criminal code, will require Congressional action, and legislative proposals are under discussion.

Another recommendation addressed the serious shortage of prison space at the State and local level. In response to this problem, we have developed a program to facilitate the turnover of surplus Federal property to States for use as prisons and jails and, again this year, I am seeking authority to assist in improvements to local jail facilities through a Cooperative Agreement Program.

In other areas, the Task Force recommendations and our internal management reviews have assisted us in directing the resources of the Department and other Federal, State and local law enforcement agencies toward a more effective fight against crime. Although the problems this society faces with respect to crime and its effects are enormous, the resources already available to the Federal Government are significant, and the focus of our effort should be to achieve a level of efficiency and effectiveness that has often been lacking.

#### LAW ENFORCEMENT

The additional resources made available to the Federal Bureau of Investigation in 1982 will allow us to maintain a strong commitment to our enforcement priorities in 1983 at the current level of operations. Although our 1983 requested level shows a decrease in authorized positions, these positions have never been fully funded or filled. In fact, my request for the FBI is higher than the current on-board strength and will allow for an increase in actual employment.

#### APPLICANT FINGERPRINT PROCESSING SERVICES

As I stressed to you, Mr. Chairman, in a letter early last month, we also intend to continue our efforts to provide applicant fingerprint processing services on a reimbursable basis. We do not intend to charge State and local law enforcement agencies for these services, but need your support in our efforts to place the cost of non-law enforcement requests upon the direct beneficiaries of such services, such as private institutions and state licensing boards.

#### DRUG ENFORCEMENT EFFORTS

With concurrent jurisdiction over the investigation of Federal drug offenses assigned to the FBI, I am fully confident that an infusion of FBI resources and expertise, to supplement those of DEA, will aid our national drug enforcement effort. For the Drug Enforcement Administration itself, we are requesting a relatively minor program decrease from current services to be allocated proportionally among DEA's programs. These decreases will be achieved through improved operational efficiency and reductions in redundant administrative activities. There will, however, be no reduction in authorized positions for DEA.

I am also creating a high-level Justice Department committee to oversee the development of drug enforcement policy and to assure that all the Department's resources, including its prosecutorial and correctional efforts, are effectively engaged in the effort against drug trafficking.

#### NARCOTICS SEIZURES

DEA has made significant progress in controlling the availability of Southwest Asian heroin. Much of the Southwest Asian heroin destined for the United States in 1980 and 1981 never reached this country. While supplies of opium in Southwest Asia continue to be abundant, enforcement pressure will be maintained on Southwest Asian heroin availability by the appropriate domestic and foreign field offices.

Furthermore, asset seizures of major narcotics traffickers have increased substantially. In the past two years alone, DEA seized approximately \$255 million of drug-related assets. Seizures this year are expected to exceed the total dollar amount of the DEA budget. Continued efforts in the "asset seizures" area will, no doubt, have a considerable effect on major drug trafficking.

#### U.S. MARSHALS SERVICE REQUEST

For the United States Marshals Service, the budget request reflects the joint efforts of the Department and the Courts to develop sound, coordinated responses to our mutual problems. Since my initial meetings with the Chief Justice last spring, we have joined in efforts to resolve the management and resource problems affecting both the service of private process and the provision of court security. This year's budget is based on our continued desire to establish fees to directly fund actual costs for the service of private process. Statutory authority to fund our activities in this manner would result in increased participation by private businesses in providing

process service and eventually reduce the burden on taxpayers to subsidize this activity. This is one example of the Administration's efforts to encourage private alternatives to Federal Government action through the imposition of user fees.

Since valuable Federal law enforcement dollars are now required to subsidize this activity, I have emphasized my interest in your support, Mr. Chairman, in my recent correspondence to you on user fees. With the cooperation and assistance of the Administrative Office of the U.S. Courts we have completed an initial plan which addresses the assignment of Deputy U.S. Marshals in courtrooms for security purposes on the basis of anticipated risk levels.

This plan provides standard risk indicators which will be used in each judicial district to determine the requirement for a Deputy in the courtroom. The determination will be made jointly by the U.S. Marshal, the U.S. Attorney and the local Federal judiciary. The Chief Justice and I will have further discussions on this matter this month; as a matter of fact, tomorrow.

#### TASK FORCE ON IMMIGRATION AND REFUGEE POLICY

The area of immigration is one that has received a lot of attention over the past year. I served as chairman of the Task Force on Immigration and Refugee Policy that reviewed the earlier Select Commission's report. Based on our recommendations, the President requested an amendment to our 1982 budget to provide the Immigration and Naturalization Service with increased resources for its enforcement programs. A large part of this request has been provided in the current Continuing Resolution; I continue to urge the Congress to include the remaining part of this package—specifically the funding for a permanent detention facility—in your next action on our 1982 funding levels.

#### IMMIGRATION LEGISLATIVE PROGRAM

We have also submitted an immigration legislative program. This program included establishing employer sanctions with penalties for employees who knowingly hire undocumented aliens; establishing a temporary worker program to allow aliens to work in certain types of employment in geographic areas where there is a lack of available citizen labor; permitting undocumented aliens residing in the United States to receive permanent status after ten years; providing visa waivers for tourists and business travelers who wish to visit the United States for short periods of time; and providing the President with a wide range of authority in the event of an immigration emergency. These and other legislative initiatives have been transmitted to the Senate as part of the Omnibus Immigration Control Act.

The INS has not had a permanent Commissioner in several years. There is no question this has detracted from its stability, as well as its ability to formulate and implement cohesive immigration initiatives on behalf of the Attorney General. Mr. Alan C. Nelson has now taken the oath of office as the first INS Commissioner in 2½ years. We are hopeful that we can now get on with the business of implementing a strong, responsive program at INS.

In addition to continuing the current operations of INS, my 1983 request includes a new program activity which is being transferred from the Department of Health and Human Services. This new activity provides for the processing, care, maintenance, security, transportation and initial reception and placement in the United States of Cuban and Haitian entrants. By recent Executive Order, this activity was transferred from the Cuban/Haitian Task Force within the Department of Health and Human Services to the Department of Justice.

#### LITIGATION

Our litigating organizations are the vital link in carrying out this Administration's law enforcement responsibilities and in defending Federal programs in court. I am quite sensitive to the primacy and central role of the Department of Justice in Federal litigation. As I have previously testified, I am firmly committed to the principle that the Attorney General is responsible for the coordination and management of the Federal Government's litigation.

My request for both the General Legal Activities appropriation and for the United States Attorneys would continue the anticipated 1982 levels, with a modest funding increase for payments to private counsel. I am confident that these levels will permit us to keep pace with our increasing litigative and prosecutorial activities. While funding for the legal divisions and the U.S. Attorneys will support at least the same level of effort as in this year, we will see some shifts in emphasis.

The U.S. Attorneys and the Criminal Division will have a lead role in our program against violent crime, particularly through the development of Federal-State-local Law Enforcement Coordinating Committees to handle concurrent jurisdiction matters; this should result in a more effective use of our Federal prosecutorial resources. In this regard, I am pleased to note that the vast majority of U.S. Attorneys appointed by this Administration have had prior law enforcement experience.

#### NARCOTICS TRAFFICKERS PROSECUTION

A major priority in the criminal litigation programs of the Criminal and Tax Divisions will be the prosecution of major narcotics traffickers, with emphasis on financial investigations and the forfeiture of assets and profits. Organized crime and economic crime prosecutions, of course, continue to be high priorities. Fraud cases are being given increased emphasis in both the Criminal and the Civil Divisions, and we are actively improving our communication and coordination with the Inspectors General of the various departments and agencies.

In prior years, all too little emphasis has been directed in Congressional testimony to the importance of our civil litigation program. Our current defense of Federal programs represents nearly \$100 billion of exposure. I cannot overstate the pivotal role this activity can, and indeed does have in protecting the financial status of the Federal Government. I consider the funding of our civil litigation activities one of the most cost-effective Federal budget decisions.

#### COLLECTIONS

A major initiative of this Administration, and a priority of mine in the Department of Justice, is the improved management of collections—collecting debts owed to the United States as a result of defaulted loans or court judgments. While this activity pertains to all of our litigating organizations, I have assigned the Assistant Attorney General for the Civil Division a lead role for all Department of Justice collections.

Another cost-effective measure which we intend to maintain with our current resources is further application of automation and word-processing systems to litigation management and support. The U.S. Attorneys will continue installation of their automated case-management system in several offices. The legal divisions, if our full 1983 request is approved, will be able to procure equipment for which they had to defer purchase in 1982 because of the outcome of final Congressional action on the Continuing Resolution. I have also established within current resources, a separate Litigation Systems Staff in the Justice Management Division to provide direct support to our litigative activities.

#### ANTITRUST REQUEST

For the Antitrust Division, we are requesting a 5 percent position decrease. While this request reflects the Administration's objective to reduce Federal employment, it also is an expression of our confidence that we can continue an effective antitrust enforcement program at the requested level.

In support of the President's economic program, the Antitrust Division will undertake the vital task of reforming antitrust policy to improve the productivity of the economy and protect the interests of consumers. We will seek to enhance consumer welfare by challenging private parties and government regulations that impair economic efficiency.

#### FEES AND EXPENSES OF WITNESSES REQUEST

The Fees and Expenses of Witnesses appropriation, which is used by all six legal divisions and the U.S. Attorneys, requires a relatively large program increase of nearly \$6 million. The increasing use of expert witnesses in complex litigation, rising costs associated with protecting witnesses in sensitive cases, and higher travel, lodging and subsistence costs in general, compel us to include this essential activity as one of our program increases for 1983.

#### U.S. TRUSTEES TERMINATION

We are again calling for termination of the U.S. Trustees program. The Department requested that this program be phased out in 1982, but Congressional actions to date have restored it at a level of \$5 million. In my meeting with the Chief Justice last spring I discussed with him the effects of terminating the program.

We have agreed that responsibility for the pending caseload would be returned to the Judiciary under the overall supervision of the Administrative Office of the United States Courts, at a considerable savings in operating costs. The Department is committed to

working closely with the bankruptcy courts and the Administrative Office of the United States Courts to ensure that there will be a smooth, efficient transfer of functions.

#### CORRECTIONS

The Federal prison population has increased by 17 percent over the past year. The increase is attributed to several factors, including requirements to house Cuban and Haitian detainees, the decline in the release rate and increased parole revocations. We anticipate that the Federal prisoner population will continue to grow in the future because of our aggressive investigative and prosecutorial policies. To accommodate the increase, the plan to close the Atlanta penitentiary has been deferred indefinitely, and we are seeking Congressional concurrence to allow the facility to remain operational.

To maintain the appropriate level of medical care in our prisons, an increase in positions is requested to allow us to begin the hiring of civil service physicians and dentists. This is required because of the phasing-out of the Public Health Service Hospital System.

#### BUILDINGS AND FACILITIES REQUEST

For the Buildings and Facilities program in the Bureau of Prisons, the level requested will fund minor repair projects and payments under the lease/purchase agreement for the Oxford, Wisconsin, facility. Decreases reflect the non-recurring costs associated with rehabilitation and renovation projects and planning and site acquisitions.

#### NATIONAL INSTITUTE OF CORRECTIONS REQUEST

For the National Institute of Corrections program, the request will allow for the delivery of training and technical assistance services to State and local corrections agencies at effectively the same level as 1982.

#### STATE AND LOCAL ASSISTANCE

The Office of Justice Assistance, Research, and Statistics includes the Law Enforcement Assistance and the Research and Statistics appropriations. In keeping with the Department's commitment to provide necessary support to State and local criminal justice systems in the areas of research, evaluation, and statistical collection and analysis, the Department is requesting current levels of funding for the Research and Statistics appropriation. This appropriation includes the National Institute of Justice and the Bureau of Justice Statistics. In these areas, we believe that Federal funding can be utilized effectively on a selected basis to promote long-term improvements in the operation of the criminal justice system.

#### LAW ENFORCEMENT ASSISTANCE REQUEST

With respect to the Law Enforcement Assistance appropriation, I am once again proposing that funding for Juvenile Justice program be eliminated. This proposal does not reflect a determination that these programs are unwarranted. Rather, it reflects a belief that

the major statutory requirements underlying these programs have been substantially satisfied and that further efforts with respect to individual projects are best controlled and funded at the State and local level.

Under this approach, individual projects can be framed to respond to local variations in the nature of juvenile criminality and its relationships to adult criminality. This approach also recognizes that crime prevention and control are fundamental responsibilities of State and local governments and fall primarily within their jurisdiction.

#### OTHER DEPARTMENTAL REQUIREMENTS

The Department's request for General Administration includes the elimination of the State and Local Drug Grant program and a minor increase in funding for the Federal Justice Research program. The drug grant program provides funds to establish operational information exchange facilities which primarily involve and serve State and local law enforcement organizations.

As I have said, activities of this nature are properly the responsibility of State and local governments and are best controlled and funded at that level. The increased funding for research is needed to continue efforts in the priority areas of immigration policy, drug enforcement, and violent crime.

#### PROPOSED TRANSFERS

The Department of Justice budget request also reflects the proposed transfer of \$20.2 million and 333 positions from the Department of Energy, and \$1,299,000 and 32 positions from the Department of Education. These transfers are part of the President's proposal to abolish these Departments. While I am not in a position to discuss these proposals in detail, these transfers would include our assuming responsibility for energy litigation under the Emergency Petroleum Allocation Act, and for civil rights enforcement and litigation activities from the Office of Civil Rights in the Department of Education.

In conclusion, I am requesting the authorization and appropriation of a 1983 Department of Justice budget which supports the Federal law enforcement levels that the Congress has thus far made available for 1982. I urge you to join with us again in this commitment to law enforcement. I also ask that you support us in the elimination of those programs for which the limited Federal dollar is no longer available.

Thank you, Mr. Chairman, I will be pleased to answer any questions you or the Members of the subcommittee may have.

#### ADDENDUM TO STATEMENT

[The addendum to statement of Attorney General Smith follows:]

ADDENDUM TO STATEMENT OF THE ATTORNEY GENERAL  
WILLIAM FRENCH SMITH  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS  
OF COMMERCE, STATE, JUSTICE, THE JUDICIARY AND RELATED AGENCIES

DEPARTMENT OF JUSTICE FY 1983 BUDGET REQUEST

The 1983 budget request for the Department of Justice is \$2,666,234,000 and 54,104 positions. This request is an increase of \$191,939,000 and a reduction of 283 positions from the levels anticipated in 1982. Uncontrollable items result in a net increase of \$196,143,000 and a decrease of 408 positions. Transfers of programs from the Departments of Energy and Education and some smaller internal transfers represent additional increases of \$22,185,000 and 373 positions. The Department is also requesting program increases of \$67,754,000 and 102 positions. Program increases include \$415,000 for the private counsel program of the Civil Division; \$2,694,000 to fund an increase in detention days for the Support for United States Prisoners appropriation; \$5,910,000 for the increased number and complexity of cases in the Fees and Expenses of Witnesses appropriation; \$58,735,000 and 57 positions for a new program providing reception, processing, care and initial placement of Cuban and Haitian aliens; and a net increase of 45 authorized positions to allow the direct hire of medical personnel by the Federal Prison System. These increases are offset by program reductions of \$94,143,000 and 350 positions. The major program reduction is a decrease of \$70,000,000 and 62 positions in Juvenile Justice programs of the Office of Justice Assistance, Research, and Statistics. This addendum highlights the more significant changes within each appropriation.

GENERAL ADMINISTRATION

The request for General Administration is \$40,220,000 and 731 positions, a net decrease of \$1,013,000 and an increase of 8 positions compared to an-

anticipated 1982 levels. The request reflects adjustments to base of \$406,000 and 8 positions related to a transfer from the Systems Policy and Planning Staff of the Working Capital Fund operations to the Justice Management Division, and \$4,319,000 in net uncontrollable increases. In addition, the request reflects a \$6,000,000 reduction associated with termination of the State and Local Drug Grant program and \$262,000 in nonpersonnel increases for the Federal Justice Research program to continue efforts in the priority areas of immigration policy, drug enforcement and violent crime.

UNITED STATES PAROLE COMMISSION

The request for the U.S. Parole Commission is \$6,856,000 and 157 positions. These levels represent a decrease of 15 positions and an increase of \$656,000 over 1982. Uncontrollable increases of \$756,000 are partially offset by decreases of 15 positions and \$100,000 associated with the Administration's objectives to reduce federal employment and improve program productivity.

GENERAL LEGAL ACTIVITIES

The request for the General Legal Activities is \$136,565,000 and 2,743 positions, an increase of \$13,365,000 and a decrease of 11 positions from the anticipated 1982 level. The changes include a transfer of \$517,000 and 11 positions from the Criminal Division to the U.S. Attorneys, a program increase of \$415,000 for private counsel expenses in the Civil Division, and uncontrollable increases of \$13,467,000. This level of resources will enable the legal divisions to handle approximately the same volume of case-load as in 1982.

A major priority in the criminal litigation programs of the Criminal and Tax Divisions will be the prosecution of major narcotics traffickers, with particular emphasis on financial investigations and the potential forfeiture of traffickers' assets and profits. The Criminal Division, in coordination with the U.S. Attorneys, will play an important part in the Department's program against violent crime, giving special emphasis to federal-state-local cooperation on concurrent jurisdiction matters. Another priority, especially in the Civil and Tax Divisions, will be the improved management of collections of judgments, which should result in increased dollar returns to the U.S. Treasury. The Land and Natural Resources Division's priority program against hazardous waste disposal sites will be assisted with resources from the Environmental Protection Agency's Hazardous Waste Response Trust Fund (Superfund).

High priorities of the Civil Rights Division will continue to be the prosecution of violent criminal activity in violation of the rights of individuals and groups, and the preservation of the integrity of the federal civil rights voting laws.

The only program increase we are requesting in this appropriation is \$415,000 for continuing requirements in the Civil Division for the retention of private counsel. The Department continues to support amendments to the Federal Tort Claims Act, enactment of which would obviate this requirement. However, until passage of the amendments is accomplished, the hiring of private counsel to represent federal employees who are sued in their individual capacity will be necessary.

ANTITRUST DIVISION

The request for the Antitrust Division is \$46,466,000 and 789 positions, a program decrease of \$1,250,000 and 40 positions from the anticipated 1982 level and an uncontrollable increase of \$3,716,000. This lower program level request reflects, in part, the Administration's objective to reduce federal employment, but it also takes into account the fact that the President's original FY 1982 budget, submitted in March of last year, did not reduce the Antitrust Division as it did the other legal divisions. The requested level of resources will enable the Antitrust Division to carry out an effective enforcement program which reflects the economic policy of this Administration. That policy centers upon a concern for economic efficiency, and the Division will seek to enhance consumer welfare by attacking activity--both private practices and governmental regulations--that impairs economic efficiency. The elimination of burdensome and anticompetitive regulatory and bureaucratic restraints on productive private-sector activity will be a high priority. In carrying out the President's policy on deregulation, the Division will give heightened scrutiny to newly deregulated industries to assure that the benefits of deregulation are not lost to private cartel arrangements that seek to inhibit competition. In continuing its advocacy function before Congress and the regulatory agencies, the Division's policy will be to favor competition except where regulation is demonstrably necessary to maximize consumer welfare. The Antitrust Division can perform its mission, and undertake the vital task of reforming antitrust policy to improve the productivity of the economy and protect the interests of consumers, with the resources requested.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The request for the Foreign Claims Settlement Commission is \$820,000 and 18 positions, an uncontrollable increase of \$115,000 over the anticipated 1982 level. The requested resources will enable the Commission to implement its newest program, the adjudication of claims of U.S. nationals against the Government of Czechoslovakia (P.L. 97-127, signed by the President in January 1982). The Commission will also continue its work on claims against the Socialist Republic of Vietnam.

U.S. ATTORNEYS AND MARSHALS

The 1983 request for the U.S. Attorneys and Marshals is \$320,945,000 and 6,334 positions, which is an increase of \$24,995,000 and a decrease of 186 positions from the anticipated 1982 level. The request includes uncontrollable increases of \$35,010,000, a non-recurring decrease of \$4,000,000, a transfer to the U.S. Attorneys of \$517,000 and 11 positions and program decreases of \$6,532,000 and 197 positions. Program reductions include \$5,503,000 and 147 positions due to the elimination of the U.S. Trustees program and \$1,029,000 and 50 positions for a reduced Marshals Service operating level for the service of most private process.

U.S. ATTORNEYS

For the United States Attorneys, we are requesting \$210,225,000 and 4,316 positions. The request includes uncontrollable increases of \$23,783,000 and a transfer of \$517,000 and 11 positions from the Criminal Division. This level of resources will permit the U.S. Attorneys to handle approximately the same level of appellate, criminal and civil workload as in 1982. The

allocation of U.S. Attorney resources, however, will reflect the gradual change in the relative number of criminal and civil trials and appeals, with a greater focus on a smaller number of more complex, time-consuming criminal cases and the increasing backlog of civil cases. Increased emphasis will also be given to improved coordination with state/local law enforcement committees on concurrent jurisdiction matters, resulting in a more efficient use of our federal prosecutorial resources. The U.S. Attorneys will also play a significant part in the Administration's emphasis on the improved management of the collections of judgments. Finally, further installation of the U.S. Attorneys' automated case-management system will be possible at the level of resources being requested.

U.S. TRUSTEES

The Administration is again requesting termination of the U.S. Trustees in 1983. No funds are being sought. The Administration requested that this program be phased out in 1982, but the Congressional Conference action on the Continuing Resolution restored it at a level of \$5 million.

U.S. MARSHALS SERVICE

The 1983 request for the U.S. Marshals Service (USMS) is \$110,720,000 and 2,018 positions, which is an increase of \$5,695,000 and a decrease of 50 positions from the 1982 anticipated level. This request reflects an increase of \$10,724,000 for uncontrollable items, a decrease of \$4,000,000 for a nonrecurring 1982 supplemental request and a program decrease of \$1,029,000 and 50 positions for the service of most private process. Legislation is again being submitted that will allow the Department to set fees for the

service of private civil process that are commensurate with its cost and which will permit such fees to be credited to the Marshals Service appropriation. By establishing an equitable user charge the Department believes that the private sector will be able to provide reliable and efficient service of most civil process. The Marshals Service will continue to serve private process for indigents, to perform the function in areas where reliable private alternatives may not be available and where the presence of a law enforcement officer is necessary.

SUPPORT OF U.S. PRISONERS

The 1983 request for the Support of United States Prisoners (SUSP) totals \$30,704,000, which is an increase of \$6,604,000 over the 1982 anticipated level. This request reflects an uncontrollable cost increase of \$3,910,000 and a program increase of \$2,694,000. The additional funds will increase the number of jail days unsentenced prisoners are housed in state and local facilities as a result of an anticipated increase in the number of individuals arrested.

FEES AND EXPENSES OF WITNESSES

The request for the Fees and Expenses of Witnesses appropriation is \$35,400,000, which includes program increases of \$5,910,000 and an uncontrollable increase of \$1,569,000 over the anticipated 1982 level. Funds from this appropriation are used by all of the Department's litigating organizations for the payment of fact and expert witnesses in court, for the protection of witnesses in sensitive cases, and for examinations to determine the competency of defendants to stand trial. Increases are required for all four activities in this appropriation.

- An increase of \$1,598,000 is requested for the Fact Witnesses activity for an increase in witness-attendance days and for the increasing cost of travel, per diem and mileage costs associated with fact witness testimony.
- An increase of \$2,493,000 is requested for Expert Witnesses to provide for increases in the number of cases using expert witnesses, the number of witnesses used per case, the rates charged by experts, and the increased costs associated with the travel, lodging and subsistence paid to expert witnesses.
- An increase of \$1,712,000 is requested for the Protection of Witnesses activity to provide for increased costs associated with the travel, subsistence, relocation, housing and medical expenses of protected witnesses and their families. The increases are due, in part, to an increase in the number of months that witnesses are being maintained in the program.
- An increase of \$107,000 is requested for Mental Competency Examinations to provide for a projected increase in the number of court proceedings involving mental competency as an issue and for increases in psychiatrists' fees.

COMMUNITY RELATIONS SERVICE

For 1983, \$5,926,000 and 88 positions are requested for the Community Relations Service. This represents an increase of \$426,000 and a decrease of 12 positions compared to anticipated 1982 levels. Net uncontrollable increases of \$613,000 are partially offset by reductions of 12 positions and

\$187,000. These reductions reflect a declining workload in certain areas, expected productivity gains and further narrowing of case selection criteria.

FEDERAL BUREAU OF INVESTIGATION

The 1983 request for the Federal Bureau of Investigation totals 19,048 positions and \$799,331,000. This represents a net increase of \$59,722,000 and a decrease of 408 positions from the anticipated 1982 level of 19,456 positions and \$739,609,000. The changes for 1983 include uncontrollable increases of \$64,235,000, automatic decreases of \$4,431,000, the elimination of 395 unfunded and unfilled positions, and a minor reduction of 13 positions and \$82,000 to the Records Management program.

The FBI expects to reinstitute processing of fingerprint cards submitted by banking institutions, and state and local employment and licensing agencies pursuant to P.L. 92-544. At that time, processing will be accomplished on a fully reimbursable basis. The 1983 request includes 588 positions and 570 workyears expected to be realized from the activity.

IMMIGRATION AND NATURALIZATION SERVICE

The 1983 request for the Immigration and Naturalization Service (INS) totals \$524,599,000 and 10,661 positions which represents a net increase of \$96,042,000 and 57 positions above the anticipated 1982 level. The overall dollar increase is comprised of uncontrollable increases of \$43,869,000 and a program increase of \$58,735,000 which are offset, in part, by nonrecurring decreases of \$6,562,000.

The only program increase in the INS budget is for 57 positions and \$58,735,000 for a new activity entitled Reception, Processing and Care. This activity provides for the processing, care, maintenance, security, transportation and initial reception and placement in the United States of Cuban and Haitian entrants. By Executive Order 12341, this activity was transferred from the Cuban/Haitian Task Force within the Department of Health and Human Services (HHS) to the Department of Justice.

DRUG ENFORCEMENT ADMINISTRATION

The 1983 request for the Drug Enforcement Administration (DEA) is \$246,945,000 and 3,953 positions, which is an increase of \$16,096,000 from the 1982 appropriation anticipated. Adjustments to the base account for a net change of \$18,596,000.

Program decreases of \$2,500,000 and 100 full-time equivalent workyears support the President's economic recovery program and will be allocated proportionally among DEA's programs. Greater involvement by the Federal Bureau of Investigation (FBI) in the investigation of federal drug offenses and placing a high priority on the coordination of drug investigative efforts involving the DEA, the FBI, and the U.S. Attorneys and other federal agencies should result in a more efficient use of drug enforcement resources.

This budget request will enable DEA to provide for the on-going level of operations.

FEDERAL PRISON SYSTEM

The resource level for the Federal Prison System is indicative of the expected growth in the federal inmate population. The dramatic increase in

the population for the past year is related to the continued requirement to house Cuban detainees, a decline in the release rate and an increased number of parole revocations. The anticipated future growth in the population is based upon these same factors and the concomitant impact of pursuing an aggressive investigative and prosecutorial policy to combat the incidence of violent crime. Currently, the federal prisoner population exceeds available capacity by approximately 17 percent. To accommodate the increase, Congressional concurrence has been sought to keep the Atlanta penitentiary operational.

The 1983 request totals \$394,254,000 in budget authority and 9,022 positions compared to the anticipated 1982 request of \$377,917,000 and 8,977 positions. This resource level is distributed among the "Salaries and Expenses," "Buildings and Facilities" and "National Institute of Corrections" appropriations.

#### SALARIES AND EXPENSES

The 1983 request for "Salaries and Expenses" is \$376,533,000 and 8,967 positions. This resource level represents a net increase of \$23,533,000 in budget authority and 45 positions over the 1982 anticipated appropriation. A portion of the net dollar increase is comprised of \$26,885,000 in uncontrollable costs which is offset by non-recurring activation costs of \$825,000 for the Tucson, Arizona Detention Center and annualization of reductions in the amount of \$1,320,000 associated with reducing FPS' farm operations in 1982.

The program increase of 57 positions will enable FPS to hire civil service physicians and dentists to replace those Public Health Service (PHS) medical

personnel who are being phased-out over three years due to the termination of the PHS Hospital System in 1982.

Also, offsetting the net increase are personnel-related decreases totaling \$1,207,000 and 12 positions distributed among nine programs which are the result of the Administration's intention to reduce federal employment under the President's Program for Economic Recovery.

#### NATIONAL INSTITUTE OF CORRECTIONS

The 1983 request for the National Institute of Corrections appropriation (NIC) is \$11,054,000 and 30 positions. This is a net decrease of \$132,000 from the 1982 anticipated appropriation level. The change in the resource level is due to a program decrease totaling \$1,043,000 which reduces NIC's level of grant activity in 1983. Partially offsetting the program reduction is an uncontrollable increase in the amount of \$911,000.

#### BUILDINGS AND FACILITIES

The 1983 request for the Buildings and Facilities appropriation is \$6,667,000 and 25 positions. This resource level represents a net decrease of \$7,064,000 in budget authority from the 1982 anticipated appropriation level. The decrease is the result of the completion of rehabilitation/renovation projects (\$5,155,000) and nonrecurring costs (\$1,920,000) associated with acquiring a site in central Arizona for future construction of a federal correctional institution. Offsetting the decreases is an uncontrollable increase of \$11,000. In 1983, FPS plans to fund several minor repair and improvement projects and a \$1.5 million installment for the Oxford, Wisconsin lease/purchase agreement.

LAW ENFORCEMENT ASSISTANCE

The 1983 request for this appropriation is \$18,514,000 and 118 positions, which is a decrease of 74 positions and \$75,040,000 from the anticipated 1982 level. The major change in this request is the elimination of the Juvenile Justice programs in 1983. This decision reflects a belief that the major statutory requirements underlying these programs have been satisfied substantially and that further efforts with respect to individual projects are best controlled and funded at the state and local level.

Under this request, funding would continue to be available for the Public Safety Officers' Benefits program (\$10,800,000) and for sufficient staff to close out the Juvenile Justice and Law Enforcement Assistance Administration programs in a responsible manner.

RESEARCH AND STATISTICS

The National Institute of Justice and the Bureau of Justice Statistics comprise this appropriation. The 1983 request of \$37,142,000 and 77 positions represents a decrease of 12 positions and an increase of \$2,142,000 over the anticipated 1982 level. This change includes the elimination of 12 unfunded positions, uncontrollable increases of \$1,710,000, and transfers of \$432,000 from the Law Enforcement Assistance appropriation to consolidate unallocated administrative costs and to meet increased costs of statistical services provided by the Bureau of the Census.

INTERDEPARTMENTAL TRANSFERS

The Department's request also includes the proposed transfers of certain functions and associated resources from two other Cabinet-level Departments.

From the Department of Education, the proposal for 1983 involves a transfer of \$1,299,000 and 32 positions for litigation and enforcement activities previously conducted by the Office of Civil Rights.

A total of \$20,248,000 and 333 positions is proposed for transfer from the Department of Energy under the proposed Federal Energy Reorganization Act of 1982. Of that total, \$17,900,00 and 283 positions are associated with the compliance and hearings and appeals functions of the Department of Energy's petroleum regulatory compliance program; the remaining \$2,348,000 and 50 positions would come from the general counsel and administrative support activities.

## MOTION FOR CLOSED SESSIONS

Mr. SMITH. Thank you, Mr. Attorney General.

Before we get to questions, there is another matter which we need to consider. We have about three meetings a year which we need to close. That is about all we ever close, but one of them is for the Secretary of State, and that is scheduled for March 16, and the Bureau of Administration's Security and Communications is another. At those hearings we ask questions concerning matters that are essentially classified including the security program and the communications facilities programs. The other hearing that we have traditionally closed is with the FBI, where we necessarily get involved with classified matters.

Mr. ALEXANDER. I move that the committee's fiscal year 1983 budget hearings for the Secretary of State; Department of State, Bureau of Administration, concerning security and communications, and the FBI be held in executive session.

Mr. SMITH. The rules require a roll call.

Mr. OSTHAUS. Mr. Smith.

Mr. SMITH. Aye.

Mr. OSTHAUS. Mr. Alexander.

Mr. ALEXANDER. Aye.

Mr. OSTHAUS. Mr. Early.

Mr. EARLY. Aye.

Mr. OSTHAUS. Mr. Hightower.

Mr. HIGHTOWER. Aye.

Mr. OSTHAUS. Mr. Dwyer.

Mr. DWYER. Aye.

Mr. OSTHAUS. Mr. Whitten.

Mr. WHITTEN. Aye.

Mr. OSTHAUS. Mr. O'Brien.

[No response.]

Mr. OSTHAUS. Mr. Miller.

[No response.]

Mr. OSTHAUS. Mr. Campbell.

Mr. CAMPBELL. Aye.

Mr. OSTHAUS. Mr. Conte.

[No response.]

Mr. SMITH. The motion carries. I will yield to the chairman of the full committee.

Mr. WHITTEN. Thank you, Mr. Chairman. I appreciate that very much. I will be brief.

Mr. Attorney General, it is a pleasure to be with you.

Attorney General SMITH. Thank you.

## CONCERN REGARDING PASSAGE OF PROPOSED LEGISLATION

Mr. WHITTEN. I have listened to your statement and read it, too. As chairman of the Appropriations Committee I have a few observations that go back over the last several years. We have had to operate under various continuing resolutions, because while we in the House have passed individual appropriation bills, our friends on the other side of the Capitol didn't get around to passing the bills, so we had to put them in a package, the continuing resolution, and send them over to the Senate. As you know, we have

three departments that need a further extension by the 31st of March.

What disturbs me in the overall, and speaking as chairman of the Appropriations Committee, we are wheel-spinning in our hearings. I notice that you refer to the abolishment of the Secretary of Energy. What we see is that about a third of what is before us is dependent on legislation that is highly questionable. Most of it hasn't even been introduced.

I just wonder what part you may play in the overall operations that we are having to deal with.

Attorney General SMITH. We have made reference to that in our presentation here, on the assumption that those proposals are actually legislated and effectively enacted.

## ABOLISHMENT OF DEPARTMENTS

Mr. WHITTEN. You are presuming that, but it is unsound. Your budget presumes that we are going to abolish the Department of Education and Energy. I don't know whether we are or not.

If so, we will be throwing away four or five years of experience and starting all over again. You will have the same unit transferred under your control instead of as it is at present.

I am just wondering how deeply the Attorney General is involved in giving opinions that agencies are acting within the law in making these changes prior to their actual passage. Since you come here and ask for it as though it is passed, it makes me wonder if you might be a party to what they are doing.

Attorney General SMITH. No. As a matter of fact, our presentation here entirely, Mr. Chairman, is based upon the presumption that it will pass.

Mr. WHITTEN. Yes.

Attorney General SMITH. We are not assuming it has passed in any sense.

## APPROPRIATIONS DEPENDENT ON SUBSTANTIVE LEGISLATION

Mr. WHITTEN. I realize you haven't been here all that many years, but when the history of the Congress and the executive branch is written it will show in many instances that you could not get anybody to even introduce a bill. I think history would say that you hadn't read too deeply in the past, to come here and presume that we should appropriate money on what you hope will happen.

Have you had anybody introduce this legislation to abolish the Department of Education or Energy?

Attorney General SMITH. I think in view of the fact that this is part of the President's program—

Mr. WHITTEN. But he doesn't have the overriding power in the executive branch, he is very much limited.

My relations with the President are excellent. It is my country and he is my President, but this situation has got to be brought to a head. We can't continue to operate a government based on continuing resolutions with you and others presuming that you are going to pass laws that you would like, where frequently you can't even get them introduced.

Attorney General SMITH. Mr. Chairman, I am sure that if those laws are not passed, this appropriation request will not be granted.

Mr. WHITTEN. What would you want us to do? How can we act if you come in like this? We just have to act on our own; is that right?

Attorney General SMITH. No, we are just anticipating in the event that Congress should pass those statutes, should pass the necessary legislation, then this would take place, you see. We have to have our request there in the event that this program should successfully be enacted.

Mr. WHITTEN. Well, you don't—this is built into our figures, isn't it?

Attorney General SMITH. It is built into the figures.

Mr. WHITTEN. Built into your figures?

Attorney General SMITH. Yes.

Mr. WHITTEN. So you don't say we will need this extra in case this happens; you have put it into your overall operations?

Attorney General SMITH. But it would be a straight appropriation.

Mr. WHITTEN. The point I am making is because the President recommends, everybody in the executive branch presumes that it is going to be that way. So we have to deal with it that way. These are the best men you have got in the Congress on the Appropriations Committee.

How can they act soundly when everything before them is dependent on legislation that you believe will happen?

Attorney General SMITH. Of course, also, Mr. Chairman, this is only a request. This is a request which in effect has to be contingent. It is a request which is contingent upon the fact that the Congress may act and accomplish these changes. If Congress does not act, then, of course, this request would in effect be a nullity.

#### ADVICE CONCERNING UNENACTED LEGISLATION

Mr. WHITTEN. The Attorney General, historically, is the advisor to the President. Have you given any advice that they may proceed in these departments and agencies to do what they hope will be done by law? Because many of the departments and agencies are going ahead and acting as though the law had been passed.

Attorney General SMITH. We certainly would not be advising the President nor any agency of government to proceed on that basis.

Mr. WHITTEN. So whatever they are doing is without your prior approval in the way of acting based on what they hope will be achieved?

Attorney General SMITH. I don't really know to what you are referring, but we certainly would never advise any agency to take any action which was based upon a law that had not yet been passed.

Mr. WHITTEN. Of course, we will deal with that when it happens. Historically, the Appropriations Committee originally appropriated by item. I would hate for us to get back to that.

You get the old appropriation bills, they even appropriated to names and positions.

I am pleased that we have come out as well as we have, but it is a very poor way to run a railroad, even if you are somewhat of an engineer, with the approval of the 55 Members of the committee. I don't care to pursue this, but I would call it to your attention and I would hope you will check with the Departments and agencies, do it privately sometime, but I can assure you many of them are going ahead as though the law had been changed, and in some cases they don't even think that they have been doing anything wrong.

Thank you, Mr. Chairman.

Attorney General SMITH. Thank you.

Mr. SMITH. I am going to withhold my questions for a minute. We have two members that have brief questions. They have got to be somewhere soon. Do you have a question, Mr. Campbell, that you wanted to ask?

#### MARSHALS SERVICE OF PRIVATE PROCESS LEGISLATION

Mr. CAMPBELL. Thank you, Mr. Chairman. I do have to leave. I have a couple of very quick questions. The last two I will be glad to submit for the record. One, I am interested about the need for statutory authority for fees under the Marshal's Service for serving papers. What status is this legislation in now and what prospects do you have for its passage?

Attorney General SMITH. It is pending. We are hoping that the legislation which is now pending that was proposed by us will pass, which will permit us to charge sufficient rates for using the marshals to serve private process. We think that is long overdue. As a matter of fact, there are two aspects of it.

One, would discontinue the service of private process. The other aspect would permit them to do it if it's done on a user-fee basis.

#### USER FEES

Mr. CAMPBELL. Are you in support of the user fee?

Attorney General SMITH. Yes.

Mr. CAMPBELL. The user fee?

Attorney General SMITH. Yes.

Mr. CAMPBELL. I have gotten some information lately concerning funding for the United States Attorneys primarily dealing with persons found to be breaking the law and who aren't being brought to trial because of a lack of funds. When we don't prosecute these individuals, or the claim is that in some cases we are slow on it, they seem to know that we can't. I am wondering if you could elaborate on this, where you see it as a problem, and if you do, how you arrive at the priorities for prosecution.

Attorney General SMITH. It's a problem, and there is also the question of federal versus state and local jurisdiction. In most cases it's state and local jurisdiction. However, we have done what I think is perhaps the most significant thing that can be done in this area, and that is to establish in each of the 94 U.S. attorneys districts, a local law enforcement coordinating committee. In some areas this has already been done on an informal basis, not very many, but we are requiring our U.S. attorneys in each case to set up such a committee.

The purpose of that committee is to, in effect, pool the resources of the federal, state and local people, so that the particular crime problems and priorities in that area can be recognized and resources allocated in the most appropriate manner.

#### PRETRIAL DIVERSION

Mr. CAMPBELL. Do the U.S. attorneys do anything in pretrial diversion? Do you use any of that in lieu of prosecution in some of the cases? Is there any kind of pretrial diversion vehicle such as you have at some of the state levels in your programs without going to trial?

Attorney General SMITH. In some cases. Essentially we leave that decision to these coordinating committees. As a matter of fact, I have attended several of these committee meetings myself, and there is a great deal of enthusiasm for it, and a good many local prosecutors maintain it's something that should have been done a long time ago.

Mr. CAMPBELL. This is done at the state and local level. I am just wondering how widely that is being used.

Attorney General SMITH. We are insisting that it be done in every district. Actually, we even have provided for cross-designation of prosecutors.

#### CIVIL LITIGATION

Mr. CAMPBELL. Let me ask you one final question. My time is limited, and the Chairman was kind enough to let me proceed. In civil litigation, basically how are your decisions made either to file or terminate a pending case in civil litigation? I am interested primarily in what policies or guidelines exist to guide the U.S. Attorney's Office in settling or negotiating civil cases.

I am concerned as to whether there is any concurrence required or sought from the interested federal agencies involved, and what really Justice and the United States Attorneys individually have done to encourage increased use of attorneys from other agencies to handle civil litigation, whether there has been an increase, or if you are using it at all. I would like to know how many agencies have requested this authority and how many requests have been approved by Justice for attorneys from other agencies to handle civil litigation.

I realize that's a rather comprehensive question. I would be happy to have you submit that if you would like to.

Attorney General SMITH. Perhaps that may be the best way to do it, because it's a rather comprehensive question and it does vary a great deal from agency to agency.

Mr. CAMPBELL. I would be interested in that, because I am interested in who is handling civil litigation in what agencies and what burdens are being placed by what they are doing. I would like to have that submitted for the record.

Attorney General SMITH. Fine, we will be glad to do that.

Mr. CAMPBELL. Thank you, sir.

[The information follows:]

#### CIVIL LITIGATION

Regarding the issue of granting litigation authority to other departments and agencies, a very clear distinction must be made between the delegation of authority and the participation by other agencies in the conduct of litigation. On the one hand, as Attorney General Smith has publicly testified, the Department remains firmly committed to the principle that the Attorney General should represent the United States and all federal departments and agencies in any litigation in which the United States is a party or has an interest. We continue to oppose the dispersal of litigation authority. On the other hand, in certain types or aspects of litigation, and under the Department's supervision, we do make use (more so in the Civil Division than elsewhere) of client agency attorneys in the conduct of litigation. The Civil Division, for example, makes extensive use of Special Assistant U.S. Attorneys—both in U.S. Attorney offices and in the Division itself—in a wide variety of specific cases and in certain routine aspects of litigation. There are also informal arrangements with some agencies, e.g., the U.S. Coast Guard, whereby agency attorneys are detailed to the Division for a period of time to litigate specialized cases. These arrangements, which are effected when in our judgment the attorney is capable and only under our supervision, have proven to be beneficial and cost-saving. In response to your request, the Department will provide you with a detailed evaluation by April 30, 1982.

Cases filed against the government, of course, may not be declined by the U.S. Attorney. Affirmative cases which are brought to the U.S. Attorney by executive agencies for the initiation of a civil suit may be declined. Such decisions are made on a case-by-case basis according to the evidence presented by the agency and the applicable law. The usual standard which is applied is the same standard that may be found in the Equal Access to Justice Act. Under this law, a party prevailing against the government in a civil lawsuit is entitled to attorney fees and expenses "unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust," (28 U.S.C. 2412(d)(1)). Therefore, before accepting an agency's case, the U.S. Attorney should be convinced that the proposed litigation has a reasonable basis in both fact and law. In the event of a disagreement between the U.S. Attorney and the executive agency as to a compromise or closing of a specific case, the matter may be referred to the Civil Division in the Department of Justice for resolution.

By law (28 U.S.C. 519), the Attorney General has been assigned responsibility, "except as otherwise provided by law, to supervise all litigation to which the United States, an agency, or officer thereof is a party." If the agency is dissatisfied with the refusal of a U.S. Attorney to accept a specific piece of litigation, it may appeal to the Civil Division, and in turn to the Deputy Attorney General and Attorney General if it remains unsatisfied. However, if the Attorney General is not convinced that substantial justification for initiation of a lawsuit exists, the agency has no recourse outside the Department of Justice.

The U.S. Attorneys' Manual generally sets forth guidelines for liaison with executive agencies in Title IV, Section 1.520. This section contains the following instruction: "Under no circumstances should a case be compromised or settled without advance consultation with a client agency, unless the agency has clearly indicated that some other procedure would be acceptable." The settlement authority of various officials in the Department of Justice may be found in Title 28 of the Code of Federal Regulations, Subpart Y. Cases for which the U.S. Attorney possesses settlement authority are not reviewed by a superior authority within the Department of Justice unless the client agency disagrees with the settlement proposed by the U.S. Attorney.

The U.S. Attorneys are using agency attorneys at an ever-increasing rate to assist in the conduct of litigation. As of March 17, there were 350 Special Assistant U.S. Attorney appointments in effect for attorneys employed in the various federal executive agencies, including 180 for the Department of Defense. A year ago there were only 95 such appointments in effect including 60 for the Department of Defense. Although the attorneys remain on the payroll of their employing agency, as Special Assistant U.S. Attorneys, they are authorized to act as agents of the Department of Justice, and they are subject to the supervision of the U.S. Attorney.

#### BASIS FOR BUDGET REQUEST

Mr. CAMPBELL. One quick statement. In the assumption of this budget that you have presented, your budget is based on other things taking place.

Attorney General SMITH. It seems to be always that way.

Mr. CAMPBELL. With not any effort to present a budget to circumvent existing law, but on the assumption that if these things take place, this is your requested budget, is that correct?

Attorney General SMITH. That's correct. We would have to do a little anticipating every now and then.

Mr. CAMPBELL. Thank you very much.

Thank you so much, Mr. Chairman.

Mr. SMITH. Mr. Alexander.

Mr. ALEXANDER. Thank you, Mr. Chairman.

I won't take long. I appreciate your yielding to me.

#### CLOSING DOWN OF GOVERNMENT

Mr. Attorney General, the time within which the government has to operate under its present debt limit authority expires sometime in May, mid-May or the end of May. It's an even bet that the authority will not be extended, with the mood of the country and the attitude of members of Congress and so on.

Would you recount for the committee the procedure that you would follow to close down the government?

Attorney General SMITH. As a matter of fact, I will have to say that it's an exercise that we went through once, and it involves the complexity that almost defies imagination.

Mr. ALEXANDER. Are you an imaginative person, Mr. Attorney General?

Attorney General SMITH. As a matter of fact, I am not sure I am that imaginative, but we try. When this happened last time, I was on my way to attend the first meeting of a law enforcement coordinating committee, and just about five minutes before I left I got a call from my office saying that I couldn't attend. If I did attend, there was a possibility that I may be guilty of a felony.

Well, that shook me up a little bit, and needless to say I didn't attend, and we also had to direct our U.S. attorney not to attend. The complexity of what happens to shut down the government I am not even sure I could submit you an answer to that one in writing, but I will be glad to try.

Mr. ALEXANDER. We may have that job to do, and that is not a facetious statement.

Attorney General SMITH. I know. I hope we don't.

Mr. ALEXANDER. So do I. But the politics of the day indicates that that's at least an even probability. I would like to be informed in advance of those things that must take place if that occurs, to help me prepare for my responsibilities, whatever they may be. The exercise of preparing for that may equip those of us who don't want to see it happen to prevent it from happening, but the mood is present for that condition to occur.

That mood could change between now and May. For the record, would you submit to the best of your ability, and within whatever time permits, information we could be considering?

Attorney General SMITH. Yes, I will be glad to do that.

Mr. ALEXANDER. You don't need to do it for the record if you don't want to put it in the record, Mr. Chairman. Perhaps it should be in the record.

Attorney General SMITH. We also have some interesting materials that need to be defined somehow in application, such as essential activities, for example. What does that mean?

Mr. ALEXANDER. I would supplement my request by asking for areas that need to be defined, areas in which emergency legislation may need to be enacted in order to allow certain events to occur, such as continuing work of the military and Justice and the courts and so on and so forth.

There are some essential services that government must continue. You don't turn out the electricity in hospitals just because the government is closing down, and so on. It may be that we need to be prepared to offer emergency legislation to prevent disasters that could occur, human suffering and so on?

Attorney General SMITH. As a matter of fact, as you know, we did have to wrestle with some of these problems in connection with the incident that I referred to, and we will certainly be most happy to give you the benefits of the experience that we had at that time.

Mr. ALEXANDER. I believe it's a responsibility that we have to be prepared for, instead of waiting around for it to happen, and then saying what do we do.

Attorney General SMITH. There is a great deal of clarification that is needed, no question about that.

Mr. ALEXANDER. I am ready to go to work on that subject, and I would appreciate your forwarding whatever information that you have that would allow us to prepare for that.

Attorney General SMITH. We will be glad to do that.

Mr. ALEXANDER. Thank you.

[A copy of the letter that was sent to Mr. Alexander, in response to this question, follows:]



## U.S. Department of Justice

Washington, D.C. 20530

MAR 17 1982

Honorable William V. Alexander  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Alexander:

At appropriation hearings with the Attorney General on March 9, 1982, you asked what the Department would do if Congress did not extend the debt limit or if it failed to extend the present continuing resolution that expires on March 31, 1982.

As you know, the Department of Justice has had a prominent role in interpreting how the Government should proceed to scale down and potentially terminate operations in the absence of regular appropriations or a continuing resolution making necessary appropriations. The prohibition of the Antideficiency Act, 31 U.S.C. § 665, generally precludes the performance of non-essential functions that are accompanied by financial obligations, including the employment of personnel.

The legal principles that govern operations during a lapse in appropriations have been announced in several opinions of the Attorney General. On April 25, 1980 Attorney General Civiletti advised the President that "no funds may be expended except as necessary to bring about orderly termination of an agency's functions, and that the obligation or expenditure of funds for any purpose not otherwise authorized by law would be a violation of the Antideficiency Act." That opinion dealt with a relatively narrow range of problems associated with a lapse of appropriations for the Federal Trade Commission. The issue was dealt with again on January 16, 1981 when the Attorney General advised the President on what functions might continue to be performed during a period in which virtually no regular appropriations bills had been enacted and no continuing resolution making appropriations had been enacted. The present Administration addressed the issue once again when the Attorney General advised Senator Baker on what functions may be performed and what obligations may be incurred in the event of a lapse in appropriations.

Failure to pass another continuing resolution at the end of March would mean that agencies funded by the three outstanding appropriation bills would again be required to phase down operations. In the Department of Justice, we would expect employees to come to work for a very brief period to phase down most activities. Thereafter, only those employees who are necessary to protect life and property and to complete phasedown operations

- 2 -

would report to work. This would allow ongoing criminal litigation and investigations to continue, but would severely impact civil litigation and prevent new initiatives from being undertaken. Also border protection and the care of prisoners would continue. We would expect this phase down of operations to be very similar to the one that occurred last fall.

The authority of the Secretary of the Treasury to borrow money -- and, specifically, the expiration of that authority -- have considerably different consequences. Historically, the Secretary of the Treasury has been authorized by 31 U.S.C. § 757 to borrow money "to meet public expenditures authorized by law." That basic statutory authority to borrow money, essentially a delegation of Congress' power under Article I, section 8, clause 2 of the Constitution "[t]o borrow money on the credit of the United States," has been controlled over many decades by the placing of a limit on that authority by amendment to 31 U.S.C. § 757b. That provision sets a numerical figure on the total public debt, which may be outstanding under that authority, beyond which the Secretary of the Treasury has no authority to borrow money. Once that figure is reached, and other borrowing authorities are exhausted, and because the Executive has no inherent constitutional authority to borrow money, borrowing must cease. However, the fact that borrowing must cease does not destroy continuing authority of the Government, where statutory authorization and appropriations exist, to operate and incur legally binding obligations. As a practical matter, of course, the Government cannot disburse funds from the Treasury because no such funds, literally, are in the Treasury. For example, historically, the inability of the Secretary of the Treasury to borrow funds has resulted in the inability of Treasury to issue checks on accounts due. Citizens to whom such payments are due would presumably have access to the Court of Claims, but, again, whether there would be any funds available to pay even those judgments would presumably turn on whether there were funds in the Treasury, which in turn would depend on the authority of the Secretary of the Treasury to borrow money.

If you desire further information on the practical consequences of a failure by Congress to increase the debt ceiling we would suggest that you contact the General Counsel of the Department of the Treasury. We expect to be consulting with the General Counsel and also with appropriate officials at the Office of Management and Budget regarding these issues in the coming weeks and months.

Sincerely,

*Kevin D. Rooney*  
Kevin D. Rooney  
Assistant Attorney General  
for Administration

## IMMIGRATION PROBLEMS

Mr. SMITH. Mr. Attorney General, you spent a considerable amount of time in your statement concerning immigration problems and undocumented aliens and so forth. It struck me that you may be concerned that this problem could get much bigger than it is, with all the problems in Central America and so forth. We could have a huge problem on our hands, couldn't we?

Attorney General SMITH. As a matter of fact, Mr. Chairman, I think we have a huge problem on our hands right now.

Mr. SMITH. It could get much bigger.

Attorney General SMITH. And it could get much bigger. This is one of the reasons why we think it's very important that that immigration package in some form be enacted by this Congress this year.

Mr. SMITH. Are there things we could do in lieu of that being passed that would help in case this thing gets much bigger than it is?

Attorney General SMITH. As a matter of fact, we think we can operate effectively if we can have both the continuing resolution as it now stands passed, plus we have one item in there which is not included which we would like to include, and that is a \$35 million item for a detention facility, which is very badly needed.

If that appropriation is passed, and with our new leadership at INS, and the new program, we think that we can make tremendous strides in coming to grips with the problems.

Mr. SMITH. Suppose there is a wave of illegal aliens from El Salvador, Nicaragua and Guatemala that land on our shores a month or two from now. Do you have some contingency plans?

Attorney General SMITH. We have contingency plans. However, we also think that legislation is needed in order to assist us in that effort, and that is part of the immigration package that we have submitted to the Congress, and which is being debated now. As a matter of fact, I understand that Congressman Mazzoli and Senator Simpson will be moving in that area fairly soon.

Mr. SMITH. Obviously an emergency could best be responded to with full cooperation from the Army or the Navy?

Attorney General SMITH. Yes.

Mr. SMITH. Are you permitted to get full cooperation?

Attorney General SMITH. To the extent permitted by the changes in the posse comitatus legislation.

Mr. SMITH. Is that sufficient now?

Attorney General SMITH. We think it would be sufficient. It certainly would be sufficient if it is included with the legislative requests in our immigration program.

## TASK FORCE ON VIOLENT CRIME

Mr. SMITH. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

General, it's a pleasure to have you here. Your statement makes me want to ask an awful lot of questions. You mentioned in your testimony the completion of efforts of the Task Force on Violent Crime. The Task Force's report includes 64 recommendations.

Attorney General SMITH. Yes.

Mr. EARLY. How many of the 64 recommendations are you supporting, General?

Attorney General SMITH. There are two phases, as you know. The first phase had 15 recommendations, and we are not only supporting all 15, but we have implemented most of those.

Mr. EARLY. Has the legislation been introduced to make the changes?

Attorney General SMITH. The first 15 we didn't need legislation. As far as the second phase, which did require legislation or additional resources, we have implemented almost half of them, and we have submitted legislation with respect to I can't tell you exactly how many, but those that required legislation. I think perhaps half of them.

Mr. EARLY. Why don't you supply the exact numbers for the record?

Attorney General SMITH. Yes, we can do that.  
[The information follows:]

## SUPPORT FOR TASK FORCE ON VIOLENT CRIME RECOMMENDATIONS

Of the 64 recommendations we support 44 fully and two partially. Out of the 64, 27 would require legislation to implement. Thus far we have submitted legislative proposals to the Congress on 15 of the recommendations.

Mr. EARLY. General, I get confused with your comments, when you say that violent crime is your top priority. I don't think this budget supports that notion. You say in here on page 3, "As I have indicated on several occasions before this and other committees, violent crime is one of the most urgent problems facing the nation."

I won't even say one, I would say the most urgent problem. You say, "I am convinced that narcotics trafficking is a major contributing cause of violent crime." I agree with that premise.

## FBI POSITION REDUCTION

Then you say in your statement how you are letting the Navy and the Air Force in accordance with the law assist DEA in that measure. I think that is fine. You say, "With this in mind, we have begun to restructure the Drug Enforcement Administration and for the first time in the history of the FBI, its agents have also been given a major drug enforcement role."

I think that is paramount. But then on page 4, you try to justify a reduction in the number of FBI agents.

In your reference to the FBI, you indicate that you have recommended eliminating 408 positions, of which 395 are unfilled. Why are they unfilled, General?

Attorney General SMITH. As a matter of fact, we are not reducing the FBI strength at all. Actually, this is to eliminate positions that have never been filled and are not funded.

Mr. EARLY. You are reducing the FBI's strength from the level Congress intended when it authorized those positions. Your people opted not to fill them. Why didn't you fill them?

Attorney General SMITH. As a matter of fact, we are in the process of filling positions. We have had a freeze, as you know, for quite some time and that freeze, which started as I recall in 1978.

Mr. EARLY. It was a freeze on new positions, wasn't it? It wasn't on unfilled positions.

Mr. ROONEY. It was on new hires. There were several freezes.

Mr. EARLY. What, cold, colder, coldest? This is crazy.

Attorney General SMITH. Our position now, though, the positions in the FBI is that they are currently about 1,600 under what has been authorized. About 400 of those positions that we are referencing here in the budget have never been funded. Cost increases have never allowed those positions to be funded. In other words, the personnel money just never covered those positions. This request for 1983 over and above the continuing resolution level will allow us to fill 1,200 of those positions.

Mr. EARLY. How many of those unfilled positions are special agents?

Mr. ROONEY. 121.

Mr. EARLY. 121? How could we not fill those when we are telling the public that violent crime is our number one priority?

Attorney General SMITH. Because we don't have the money for them.

Mr. EARLY. How much money did you budget for your uncontrollable overtime, General? How much money have you requested in the FBI, DEA and INS accounts for administratively uncontrollable overtime?

Attorney General SMITH. We can get that figure for you. It's \$62.9 million.

#### FORFEITURE OF DRUG RELATED ASSETS

Mr. EARLY. \$62.9 million, and we can't fill 121 positions? General, on the next page of your statement you say, "In the past two years alone, DEA seized approximately \$255 million of drug-related assets. Seizures this year are expected to exceed the total dollar amount of the DEA budget. Continued efforts in the asset seizures area will no doubt have a considerable effect on major drug trafficking."

With everything you say, why shouldn't we be giving you the tools to go after the drug traffickers? I think you would get more money back. In Massachusetts you stopped a major drug trafficker, and seized \$400,000 in cash and his car. The District attorney takes those assets and uses them. On the New Jersey Turnpike enforcement officers stopped a notorious drug traffic dealer. He had \$800,000 in his car. We watch on 60 Minutes all the money these drug traffickers get. I think you are pennywise and tons foolish, tons, not pounds.

There is more money out there to be captured in drug trafficking by your agency than you can possibly consider. Why are we telling the public we are going after violent crime, of which drug trafficking is the major cause, but then not provide the Department with the tools it needs to do its job?

Attorney General SMITH. As a matter of fact, it would be very nice if we could keep some of those forfeitures and plow it back into additional drug enforcement work.

Mr. EARLY. I would have trouble with some Administrations if they set up a revolving fund on that.

Attorney General SMITH. That would be very tempting.

Mr. EARLY. You certainly can capture more money, General. You people haven't even touched the tip of the iceberg. If 60 Minutes can broadcast a program showing drug traffickers running banks, then I would think that there is a lot more money to be recaptured.

Attorney General SMITH. Actually, however, things are happening which are really quite dramatic in this area. It is a huge problem. The use of the FBI in drug enforcement is a major change, and as a matter of fact, as you know, we have been doing this on an experimental basis now for about six or eight months. The results have been very, very successful, because the FBI has expertise and resources which really haven't been tapped in this effort at all before.

For example, the ability to follow the money trail, and to get to those who are dealing with these large sums of money that you are talking about. The FBI has a great deal of expertise there.

We are also trying, as you know, and have legislation pending, which would permit us to use information more widely than we now are that the IRS has, for enforcement purposes. This would be of great aid as far as the enforcement effort is concerned.

#### UNFILLED FBI POSITIONS

Mr. EARLY. That is what the public wants. That is what the Congress wants. Why have 121 unfilled positions? Why not fill them and send them after the drug traffickers?

Attorney General SMITH. There are a lot of things that can be done and which we are doing short of just throwing money at it.

Mr. EARLY. I don't want to throw money at it, General. I think there are a lot of good things you are doing. I think there is a ton of things you are not doing. The public, the media wants us to talk about white collar crime, et cetera, but it's the violent crime that's the big problem. You say so in your statement, and I totally agree with you. I just say you could be more effective if you had the proper tools.

Attorney General SMITH. I also want to point this out. Whereas almost all agencies of government are taking substantial reductions in their budgets pursuant to the economic situation, the whole law enforcement effort is not taking that kind of a cut.

Mr. EARLY. But General, I have never suggested an across-the-board cut in any way. In Justice the number one problem is crime. If we spent a little more money, we would get an awful lot back. I used to have more respect for the FBI than I have now. I think it is a good agency but nowhere near as good as I thought it was, especially when I see these types of reductions.

To let the FBI assist in drug trafficking is really going in the right direction. You look for the cooperation of the Congress on accounts like administratively uncontrollable overtime, but it's a two-way street. Congress seems to be going down just one way. You come in here asking us to cooperate with you on dismantling the Energy Department and the Education Department.

All we have heard in testimony over the past few years is how mismanaged INS is, how ineffective it is, how it doesn't have the

equipment or the manpower to do what it is supposed to do. Now we are going to turnover the responsibility for these refugees to INS.

#### REFUGEE IMMUNIZATION

In your statement you say you are going to do several things with them. One is that you are going to care for them. Is the Justice Department ready to take these refugees and immunize them? What are you going to do with regard to disease? In the other committee that Mr. Smith and Mr. Dwyer and I serve on we have heard that the refugees are big carriers of disease. Is the Justice Department prepared to care for them in that respect?

Attorney General SMITH. As you know, there are changes with respect to the Public Health Service, but insofar as diseases are concerned, yes, there are services that are paid for by the Federal Government to meet the health problems of refugees.

#### CUBANS AND HAITIANS DETAINED IN PRISON FACILITIES

Mr. EARLY. Shifting it from HHS to Justice Department.

Attorney General SMITH. Just for a specific group. As a matter of fact, the reason for that shift doesn't have anything to do with the health situation. It has to do with the fact that the Bureau of Prisons, which is a very well-run agency, has more expertise with respect to long-term detention than is true with INS, and the switch is only with respect to a defined group, the Cuban-Haitian entrant group.

Mr. EARLY. You are looking for cooperation from the Congress on that issue. Speaking of the Bureau of Prisons, let me say that while I have been critical of the Bureau in some areas, the Bureau of Prisons just interceded in Massachusetts and really did a great service, a great service, by eliminating a problem that no one is ever going to appreciate.

Mr. Chairman, they came in, to our one major prison, Walpole State Prison, which was having a serious problem with death threats and hostage threats. The Federal Bureau of Prisons came in, took out the 22 biggest violators, and moved them all over the country, to the tremendous advantage of the state.

Attorney General SMITH. And they do that elsewhere.

Mr. EARLY. They did a super job. In your statement you said you are asking for funds for the Atlanta penitentiary. I have never been good in supporting those requests. I am going to give you whatever you want. Well, I shouldn't say whatever you want.

Mr. HIGHTOWER. Remember, you heard it here.

#### DETENTION FACILITY

Mr. EARLY. General, you told Mr. Smith something about a \$35 million detention facility. What facility are you speaking of?

Attorney General SMITH. That would be a facility that would be used for the purpose of detaining illegal immigrants.

Mr. EARLY. Where are we going to build it? Are we going to build it in Arizona? Is that the Arizona facility?

Attorney General SMITH. No, there is a facility or at least there is an area in Oklahoma, although it's certainly true that very few areas want facilities like this. At least we have found one out there which we think would suffice for this purpose.

Mr. EARLY. That's such a complex problem.

Attorney General SMITH. It is.

Mr. EARLY. You get Cubans who are really violent criminals and Haitians who may not be criminals, but have to be detained because we cannot open our doors to them.

#### U.S. BANKRUPTCY TRUSTEES PROGRAM

Attorney General SMITH. That's right.

Mr. EARLY. I am going to cooperate with you in any way I can on that.

Now, General, let's discuss the U.S. trustees program. Mr. Rodino and the Judiciary Committee studied the bankruptcy problem for eight years and made a recommendation to the Congress to set up the U.S. Trustees program nationwide, which the House approved.

Mr. Chairman, may I proceed for one or two minutes?

Mr. SMITH. Yes.

Mr. EARLY. Bankruptcies are a big problem in the country, General.

Attorney General SMITH. Indeed.

Mr. EARLY. The Senate wouldn't agree to have a nation-wide program, but agreed to set up one model program. They set it up in ten areas in 18 states. It only cost six or seven million dollars. Six or seven million dollars isn't much money.

In your statement you said you sat down with the Chief Justice and the two of you decided that the responsibilities of the program should be returned to Judiciary. The Congress wanted to separate the judicial role in bankruptcy matters from the Administrative role. When does that trustee program sunset, General?

Attorney General SMITH. I think that is 1984.

Mr. EARLY. Congress isn't totally stupid, I don't think. You people don't even let the program have a chance. Here is a program that addresses a major, major problem and you won't even let it work. We only gave them \$5 million last year. If Mr. Smith had his way, it probably would have been \$6 million and we wouldn't have had to think about closing down the Chicago office. I think that you are being pennywise and pound foolish, and I don't think that you have shown any cooperation with the Congress on this matter. What is your comment on that?

Attorney General SMITH. Our thinking there is again in a sense, it's a hard choice. It's a matter of money in a way, but basically our thinking is that that's essentially a judicial function, and it ought to be housed in the Judiciary and not in the executive.

Mr. EARLY. The Congress, after studying it for eight years suggests maybe it isn't. Don't you think we should at least let it have a chance. It wasn't a partisan issue. You have heard praise for the program from Republicans as well as Democrats.

Attorney General SMITH. That's right.

Mr. EARLY. It's only going to go to 1984.

Bankruptcies aren't going to go away. Problems never seem to go away. Don't you think we should let it run its course and then let Congress judge if it should be continued? How much money do you think you can save by turning it back to the Judiciary?

Attorney General SMITH. As a matter of fact, of course, it's \$5 million in our budget right now. Our indications are that that function can be performed at less cost if it's returned to the Judiciary. Our basic approach, however, and I guess we just disagree on this point, is that we just think that that is a judicial function that ought to be in the Judiciary. It should not be in the Department of Justice.

Mr. EARLY. The Congress has mandated that the program be evaluated before it sunsets to determine whether it should be continued of a program that is going to be assessed, modified or eliminated. Why not let it run its course? You want Congress to cooperate with you on several issues, but you won't cooperate with us on this one.

That trustee program deals with 18 states, 10 regions, \$5 million. That is \$300,000 a state. How can you think you are going to get a saving by eliminating the program? Explain for the record how much money you think would be saved by giving the responsibilities back to the courts and where the savings would be.

Attorney General SMITH. Perhaps you could best answer that, Mr. Rooney.

Mr. EARLY. Why don't you supply it for the record, because I want you to be extremely specific.

Attorney General SMITH. Yes.

[The information follows:]

#### SAVINGS IN TERMINATION OF TRUSTEE PROGRAM

Within the Department of Justice there would be a savings of the \$5 million currently budgeted for U.S. Trustee program. These savings would be partly offset by the costs associated with the reduction-in-force that would be required. The Administrative Office of the U.S. Courts has included in its fiscal year 1983 budget a contingency item in the amount of \$1.4 million. This amount would cover thirty-nine professional bankruptcy estate administrator positions in the eighteen judicial districts that now comprise the trustee program, but does not provide for space, support staff, etc. The Administrative Office has advised us that they expect support costs to be absorbed within the fiscal year 1983 budgets of the respective Bankruptcy Court Clerks' offices. The thirty-nine positions compare with forty-six professional positions in the ten U.S. Trustee offices under the \$5 million budget and fifty-two such positions at the \$6.5 million level (both of these figures include the U.S. Trustees, as well as line attorneys and bankruptcy analysts). The thirty-nine professional positions requested by the Courts thus represent 75 percent of the professional strength of the U.S. Trustee program at full staffing. The additional positions would be assigned to the eighteen districts to provide the reduced level of bankruptcy cases administration that is currently in effect in the non-pilot districts.

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. Thank you very much, Mr. Chairman.

Welcome, Mr. Attorney General. We are happy that you have brought with you Kevin Rooney again. We are always glad to see him, and appreciate the cooperation we receive from your Department.

Attorney General SMITH. Thank you.

#### INS DETENTION FACILITY

Mr. HIGHTOWER. General, do you have \$35 million in your budget request for a detention facility?

Attorney General SMITH. Yes.

Mr. HIGHTOWER. Are the preliminary plans to locate it in Oklahoma?

Attorney General SMITH. Yes.

Mr. HIGHTOWER. Is this going to be a site that is already owned by the Federal Government?

Attorney General SMITH. I don't want to state that this represents any fixed determination. It is still in, as you say, the preliminary stage, and it is a location that we are seriously considering for that purpose.

Mr. HIGHTOWER. Isn't it more expensive to take them so far inland? Wouldn't it be much more efficient to locate it along the border and close to where most of these entrants come in?

Attorney General SMITH. We considered all possibilities, all alternatives, and there are a host of factors involved, one of which is how welcome such a facility would be in a particular area. We have found that those facilities are not the most desirable from the standpoint of at least the preliminary reactions in the various communities where we looked.

As a matter of fact, of course, we inventoried all of the abandoned military bases or available military bases and so on which we could use for this purpose, and as a result of this long effort, and an evaluation of all the pluses and minuses, this particular area is one where most of the pluses come together, but as I say, no determination has been made yet.

Mr. HIGHTOWER. Just an informed opinion, but my guess is that along the borders where there is a heightened awareness of the problems of illegal immigration, you would have a greater acceptance of a detention facility. It was my privilege to visit the detention facility at Port Isabel within recent months, which is near Harlingen, Texas, as you know. While I was there they had six vacancies, this meant that any little bus, wagon, or car that brought in six more illegals would have filled the facilities. Of course they anticipated they would be full within the day.

Then I was shocked to learn that the procedure when there is no longer room, is to process the illegal and then open the door and say, "Nice to see you," and they are off and gone.

Attorney General SMITH. That's right.

Mr. HIGHTOWER. I think that that is certainly not known by the public at large, and would be a good argument to support the building of a detention facility. I know it is desperately needed, but probably one of the reasons why it is so desperately needed is the length of the detention required for the Cuban and Haitian refugees.

Can you give us any progress report on the situation? Is there any time frame set for disposing of these cases? Do they have indeterminate life sentences in our detention facilities?

Attorney General SMITH. It's a very difficult problem because we are talking about, I guess you would say, the hard core. Those that don't fall in that category have already been sponsored out. There

are Cubans that are part of the Mariel boatlift situation. Cuba will not take them back. As a result there is no place that we can effectively send them, so we are now housing them until hopefully that situation somehow can be resolved.

Mr. HIGHTOWER. Are we working on possible solutions?

Attorney General SMITH. Yes, constantly. A diplomatic solution is one effort.

Mr. HIGHTOWER. Are we working on a solution which would move them to some other country that wants them? I assume these people are detained on a case-by-case basis, individual by individual.

#### DETAINMENT OF REFUGEES

Attorney General SMITH. Yes, in effect.

Mr. HIGHTOWER. Are they detained because of criminal records in Cuba, their known criminality? Why are they kept?

Attorney General SMITH. As a matter of fact, all of those things, including their records since they have been here. They are just not people that can be let loose on society is what it amounts to, so we have to house them, and we have to house them until such time as we can proceed with exclusion. Of course that is very difficult when the country from whence they came will not take them back.

Mr. HIGHTOWER. I agree that we have to house them, and I agree that they are undesirable. It's just I think that when we say we are just marking time—

Attorney General SMITH. We are not marking time. As a matter of fact, efforts are constantly being made in this direction. They just haven't been successful up to now. We hope that will change.

#### ALTERNATIVES TO CUBAN DETENTION

Mr. HIGHTOWER. Are there efforts to find somebody else to take them and what else? What other alternatives are there?

Attorney General SMITH. The principal alternative really is to return them to Cuba, and up to now we just haven't been successful at that.

Mr. HIGHTOWER. I guess we are going to have to get a ship and like Nathan Hale move these people around forever, because we are never going to find another country that wants them. If they don't want them in Cuba, why would they be wanted anywhere else.

Attorney General SMITH. It's a very difficult problem, and I might add, a very expensive one.

Mr. HIGHTOWER. Are we making any effort at rehabilitation, education?

Attorney General SMITH. A tremendous effort has been made along that line. Of course, you know, we started out in the boatlift itself with about 125,000, and now we are talking about 2,000 to 2,500, somewhere in that area. As you can see, a tremendous effort has already been made to deal with the balance.

Mr. HIGHTOWER. Are some being dribbled out all the time?

Attorney General SMITH. They have been, yes, through sponsorship.

Mr. HIGHTOWER. Even today?

Attorney General SMITH. It's down to a trickle now. As I say, we are really down to the hard core at this point.

#### COLLECTIONS

Mr. HIGHTOWER. You mentioned the priority of collections. What procedures are you planning to enhance the collections process within the Department?

Attorney General SMITH. That, as I indicated in my statement, the responsibility has essentially been assigned to the Civil Division Fraud Section. Also our U.S. attorneys have been directed to make major efforts in this area, because there is a lot of money out there that is owed, and we are sort of highlighting this aspect of it perhaps in a way that hasn't been done before.

Mr. HIGHTOWER. Is emphasis being placed on older cases where every statute might apply?

Attorney General SMITH. All those factors come into play.

Mr. HIGHTOWER. Are you using any private collection agencies?

Attorney General SMITH. That has been considered. I am not sure we have used any. I think some other agencies have used private collection agencies. I think the Department of Education may have done that.

#### REIMBURSABLE FINGERPRINT PROCESSING

Mr. HIGHTOWER. You mentioned that the FBI plans to reinstitute fingerprint processing for banks and various state and local licensing agencies on a reimbursable basis. Does the government absorb the cost of this service at this time?

Attorney General SMITH. It's not being done now.

Mr. HIGHTOWER. Not at all?

Attorney General SMITH. It's not being done now. It was suspended for a year so that we could reduce the backlog for law enforcement agencies, and that is being done. We anticipate that by October 1st we can provide this service again to private agencies and state agencies on a reimbursable basis.

Mr. HIGHTOWER. How do you plan to determine the appropriate charges?

Attorney General SMITH. It's a little hard to know. Right now we are talking in the area of \$11 or \$12, which we think should cover the costs.

#### CUBANS IN ATLANTA FACILITY

Mr. HIGHTOWER. Going back to the Cuban situation for one final question, how do you determine who is placed in the Atlanta facility?

Attorney General SMITH. The ones that are in Atlanta have been in Atlanta. The balance were at Fort Chaffee.

Mr. HIGHTOWER. Were they just arbitrarily divided.

Attorney General SMITH. That's right. That is where they originally landed.

Mr. HIGHTOWER. A through H in one facility?

Attorney General SMITH. However. Now of course Fort Chaffee has been closed, and the ones at Fort Chaffee have been spread around the Bureau of Prisons System, and Atlanta, of course, is still there. As I indicated in my statement, for other reasons we want to continue to operate Atlanta, just because we need the space. We have had an increase of some 17 percent in the federal prison population.

A year ago when I was here, we were just about even. We were just about at capacity, but since that time the prison population has gone up by about 17 percent.

#### USING IMPRISONED DOCTORS TO PROVIDE MEDICAL CARE

Mr. HIGHTOWER. One final question, Mr. Chairman. General, you mentioned medical care in the prisons. I have heard of cases, of one case in particular, where a doctor, a very fine physician, high standing in the community, president of the medical association, medical society, also a bank director, and in prison for some kind of violation of the banking laws. He was sentenced to the federal penitentiary, put in some kind of dishwashing job. A man there, another prisoner had a heart attack, and this physician, was not permitted for do anything to him at all. He had to wait to get the paramedics in. By the time the paramedics arrived, he died.

Would it be necessary to make a statutory change in the law to permit the prison system to utilize these people, where they are detained for something unrelated to their professional competency or ethics? If a doctor there for bank fraud could be used in an infirmary, my goodness, it looks like it could save us an awful lot of money, and it would be good for him, too.

In fact, I think a lot of my philosophy of law enforcement is that conviction is the important part, especially regarding white collar crime. Once a conviction is obtained, he is stamped, and there is not a whole lot of rehabilitation that is going to take place. Society is really not very well served by rooming him and boarding him for 18 months or two years. His talents and abilities ought to be utilized in public service there at the penitentiary. Would it be necessary for us to make any statutory changes to provide for this?

Attorney General SMITH. I would have to look into that. On the face of it, it certainly would make eminent sense to utilize whatever resources are there. There may be other reasons and probably are, as for example, maybe the people on the scene just don't know what his credentials are or couldn't certify as to his capabilities. If somebody just steps up and says, 'I am a doctor,' you don't know whether he is or isn't, you are taking some risks if you let him go ahead, but insofar as knowing what the credentials are and using whatever resources are there, that would certainly seem to make eminent sense.

As to what the legal situation is, I would have to look into that.

#### LEGAL ADVICE FROM JAILHOUSE LAWYERS

Mr. HIGHTOWER. I think it would certainly be worthwhile. Of course we know that jailhouse lawyers are utilized.

Attorney General SMITH. Whether wanted or not.

Mr. HIGHTOWER. Yes. They are going to ply their trade and use their talents, and I think that we ought to do this. I bring it up only because you mentioned something about medical care in the prison system.

Attorney General SMITH. We can look into that.

Mr. HIGHTOWER. Thank you.

Mr. SMITH. Mr. Dwyer.

Mr. DWYER. Thank you, Mr. Chairman.

Good morning, Mr. Attorney General. I don't have any questions at the moment. I will submit a couple for the record, if I may, Mr. Chairman.

[The information follows:]

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## Office of Professional Responsibility

*On page 29 of the justifications you indicate that the Office of Professional Responsibility conducted a comprehensive audit of the Office of Inspections of the Bureau of Prisons. Why was this comprehensive audit performed and what was examined?*

The Office of Professional Responsibility (OPR), Department of Justice, requested the Audit Staff, in support of the OPR's responsibilities under 28 CFR 0.39a to conduct annually a review of one of the Department's internal inspection units to determine whether internal inspection responsibilities and activities are properly carried out. The review of the Bureau of Prisons was conducted pursuant to that request and to focus management's attention on those conditions where the development and application of improved policies and procedures would increase the efficiency of the inspection program.

The scope of the audit included a review of the procedures, policies, and actual practices in effect which govern inspections activities. A review of management controls over the inspections program at both the Central Office and selected field locations was also made.

## Justice Management Division

*On page 33 of the justifications you indicate that a major objective of the Justice Management Division is to effect improvements in the Department's automated and communications management activities. What specifically are some of the improvements planned and do these improvements involve replacing existing information systems?*

Several major initiatives are currently underway to effect improvements in the management of automated information systems within the Department of Justice.

On February 1, 1982, a Departmental policy directive was issued regarding the management of automated information systems. A salient provision of this directive is the implementation of a planning system for these resources which is separate from, but supportive of, the Departmental budget formulation process. Planned implementation of this planning system is scheduled to begin this September. It will be tested and/or refined within the Justice Management Division before being extended to other Departmental components.

On December 23, 1981, the Deputy Attorney General (DAG) established a task group to examine the management processes which are in place with regard to the acquisition and integration of automated legal support systems (e.g., computer-assisted legal research, case management). This group is chaired by an Associate Deputy Attorney General. Representatives of the litigating components and the

Justice Management Division are participating in the study. A report is expected to be sent to the DAG in the third quarter of this fiscal year.

The Justice Management Division provides automated legal support services to the litigating components on a reimbursable basis. The Department is establishing, effective March 21, 1982, a Litigation Systems Staff within the Office of Information Technology to serve as a focal point for coordination and/or delivery of automated legal support systems service.

Pending implementation of the new planning system and the receipt of the report from the task group, it is premature to predict their effect upon individual application systems. However, work is underway to upgrade the data processing and communication facilities which JMD operates. These are:

1. Communication Management Activities. The Department of Justice (DOJ) is in the process of upgrading and optimizing service of the Justice Network System (JUST), which is its major message switching system. JUST, which primarily supports U.S. Attorneys, U.S. Marshals, Bureau of Prisons and the Immigration and Naturalization Service, will be modified in two major areas. In the first area, antiquated terminals (paper-tape teletypes) are being replaced by modern terminals which will expedite message processing and eliminate wasteful manual interface. The second area is the optimization of the network itself. Line speed initially will increase twofold with a significant cost reduction and/or cost avoidance overall (subsequent plans will increase the speed fourfold). Thus, direct dollar savings and more rapid communications will be achieved. The major portion of this project will be completed prior to the end of this fiscal year.

2. DOJ Data Center Equipment Upgrade (Project 80). The Department has developed a formal strategy and acquisition plan which will provide a major upgrade of the DOJ computer center. The DOJ's centralized ADP user requirements through 1990 have been identified and a competitive acquisition of the Center's hardware and software is in process, with completion planned for FY 1983.

In addition to these major Department projects, there are automated management improvements in programs such as:

a. The establishment of an Automated Legal Research (ALR) Inter-agency Planning Committee to analyze requirements for development and use of automated legal research. The Committee is presently tabulating a survey of Federal offices to identify specific needs for data and the extent of use of ALR systems. A matrix of requirements to establish a common command language for ALR systems is complete. Additional efforts of the Committee to identify needed improvements for ALR systems include a report outlining requirements for standardization of source data and the possibility of combining batch and online ALR operations. The Committee has also addressed implementation of a litigation notice system and identified several alternative methods for such implementation.

b. Implementation of a computer-assisted legal research pilot project to expand the number of data bases available to the Department's litigating divisions.

c. Expansion of the Justice Retrieval and Inquiry System (JURIS) to include the Shepard's citation feature.

d. Acquisition of terminals to access a variety of data bases rather than just the JURIS data base.

## PARAQUAT AND PERCY AMENDMENT

Mr. SMITH. Mr. Attorney General, you know about the only time I think that we have had any reduction in the drug problem was during the period when there was a scare that maybe illegal drugs might have been sprayed with paraquat, isn't that right? There was a period there when actually the drug problem was reduced?

Mr. ROONEY. Right.

Mr. SMITH. People were afraid. They didn't know. And so they thought maybe what they were getting was something that had been sprayed with paraquat, but now there is a provision that prohibits cooperation with other countries in spraying with paraquat. Do you have any proposals on this?

Attorney General SMITH. That has been changed, as you know, by the Percy amendment. This placed a limitation on foreign aid, which could be used for that purpose. That has now been repealed by the Percy Amendment, so that now our foreign aid can be used for eradication of that kind.

Mr. SMITH. That was done last summer, was it?

Attorney General SMITH. Yes, last summer.

Mr. SMITH. Is it completely repealed?

Attorney General SMITH. Yes.

Mr. SMITH. Are we encouraging them? Are we using it, then?

Attorney General SMITH. We are certainly encouraging its use. We have here in the United States, it can be used provided that we get an environmental impact statement.

Mr. SMITH. I don't think there is any prohibition on using paraquat in this country. It's just a weed, isn't it?

Attorney General SMITH. Except for that requirement, that is all, and whatever state requirements there are.

Mr. SMITH. The drug problem is so bad, and you properly took quite a little time to talk about it. Is there anything else we can do in the area of spraying? I have suggested a number of times, and I still think it's a good idea, instead of spraying with paraquat, what we ought to do is to spray with some kind of an agent that nauseates the people that use it, and then let it get mixed in with all the stuff that is on the street. They won't know when they get a marijuana cigarette whether it has got that agent in it or not. If they get one once in a while that has got that in it and it makes them sick, maybe they will quit.

We ought to have some kind of a more imaginative program than we have, it seems to me. If we dry up Columbia the drug traffickers will go somewhere else. You can sow those seeds from an airplane.

## DRUG TRAFFICKERS

Attorney General SMITH. One way to get at it is certainly by going after the major traffickers.

Mr. SMITH. Right.

Attorney General SMITH. And by following the unreal amounts of money that are involved in this.

Mr. SMITH. Right.

Attorney General SMITH. In 1980 it is estimated that drug traffic amounted to almost \$80 billion, which is more than the gross na-

tional product of most countries, and more than the gross revenues of any of our major corporations, except one I think. It has been increasing at a tremendous rate.

We have proposals for example, to provide for greater access to Internal Revenue Service records so that we can really come to grips with the money flow.

Mr. SMITH. If you find someone with a quantity that is greater than just a normal user would use, is it difficult to prosecute him, even though you haven't proven a sale?

Attorney General SMITH. It's never easy. You are talking about prosecuting the user on the street.

Mr. SMITH. Canada, for example, as I understand it, it assumes that if you have over a given amount you must be selling it, and that makes it a lot easier to prosecute since it's a higher crime.

Attorney General SMITH. Of course we have to exercise a certain amount of prosecutorial discretion, just because of limited resources and so on. In our effort, however, we think the emphasis instead of being on the user, although that certainly requires attention, too, should be not only on the traffickers in drugs but the major traffickers in drugs.

Mr. SMITH. But you would just assume he is a trafficker if he has more than the amount that an occasional user would have in his possession?

Attorney General SMITH. Yes.

Mr. SMITH. That makes it easier.

Attorney General SMITH. Indeed.

Mr. SMITH. What happens to the money, and not only money, but real estate and other assets.

Attorney General SMITH. It just goes into the Treasury.

Mr. SMITH. Into the Treasury?

Attorney General SMITH. That's right.

Mr. SMITH. Do local governments get some of that, too?

Attorney General SMITH. No. I think everything we recover goes into the federal treasury.

Mr. SMITH. That is only if they make the arrest, is that it?

Attorney General SMITH. Yes. We haven't developed any position on this as yet, but it's certainly very tempting to consider what would happen if the assets that were taken could be as I mentioned earlier plowed back into the drug enforcement effort.

Mr. SMITH. There are problems with having revolving funds, but if we could get an accurate, a reasonably accurate estimate of how much money you are getting in, I think it would have some impact on a proposition.

Attorney General SMITH. We can certainly give you that.

Mr. SMITH. It's an appropriate thing. We saw some estimates a couple of years ago, some of which didn't prove to be too accurate, I think they ought to be reasonable and accurate but you can detail them. You know for example, if you got X number of dollars out of a certain arrest, I think that would be helpful.

[The following information was submitted subsequent to the hearing:]

## ASSETS RESULTING FROM DEA SEIZURES

Currently, there is no way to accurately estimate the amount of monies deposited to the Treasury as a result of DEA asset seizures and subsequent forfeitures. To a great extent this is due to the lack of a direct relationship between seizures of a given fiscal year, forfeitures realized for that same year and subsequent cash receipts. The forfeiture process takes considerable time (sometimes years). This may result in the deterioration of seized assets during that time, especially if the assets are vehicles. If the items seized are not suitable for DEA use at forfeiture time, they are sold. The proceeds of the sale do not always equal the value placed on the items during the forfeiture proceedings; it is often less. Therefore, it is virtually impossible to predict the amount of assets which will be turned over to the Treasury in any particular fiscal year.

In addition to seizures and forfeitures resulting directly from DEA activities many other asset seizures and forfeitures are the result of DEA participation with other governments. This also hampers efforts to track the exact flow of assets or portions of assets as they run the course of judicial proceedings, satisfaction of liens and claims of other government entities stemming from their involvement in the seizures.

However, DEA deposits to the Treasury increased significantly from fiscal year 1980 to fiscal year 1981 (from \$1,045,000 to \$3,516,000). This trend is expected to continue in fiscal year 1982 and fiscal year 1983 resulting in deposits between \$5 and \$10 million in fiscal year 1983.

## ANTITRUST ACTIVITIES

Mr. SMITH. With regard to antitrust, I won't dwell on it, but I just think that the antitrust activities in this country have gone to almost zero, at an exceptionally bad time. I haven't been here 40 years like Mr. Whitten, but I have been here long enough to know, or during the time that a good many attorney generals have been in office, the attorney general is a very important position. Usually you remember an attorney general for one thing. You remember during his administration such and such happened. This is about the way it is, to be frank about it. You don't want people to remember during your administration that antitrust went to pot, do you?

Attorney General SMITH. As a matter of fact, on the contrary, and that is not where it is going. In terms of antitrust policies, I think it has been generally true that probably Republican administrations have been tougher on antitrust than Democratic ones have.

Mr. SMITH. The Nixon Administration I may say was one of the best ones on antitrust, but none of them have been very good.

Attorney General SMITH. Actually it depends on what you mean by antitrust enforcement. We are very vigorously enforcing the antitrust laws. We are just doing it in different ways from the way it has been done in the past, and we think in more effective ways.

## MERGERS

Mr. SMITH. What disturbs me is all these statements that come out of the Antitrust Division, practically inviting them to go ahead and have vertical mergers, and that can't constitute antitrust enforcement. I just don't understand that, and I don't think anybody else does, and it must be interpreted that way, because all you have to do is just look at the number of mergers and acquisitions that have happened in the last year. They had to have encouragement or they wouldn't even have tried them, I don't believe.

Attorney General SMITH. Actually, Mr. Chairman, mergers in the past have come pretty much in bunches, and nobody really knows why they happen the way they happen. There could be a host of reasons as to why mergers occur, such as, for example, a particular company has excess cash that is available that it wants to dispose of, or finds what it considers to be a bargain, or decides that rather than try to build and develop a facility they would rather buy one, or you may have a mature industry, like the tobacco industry, which has large cash flow but wants to diversify into other areas, or you may just have, for example, the way the oil industry was for quite a while, in a situation where it had cash to invest but it couldn't do so in its own business because of a lack of equipment, drilling equipment, for example.

There are all kinds of reasons why mergers take place that have very little to do with antitrust enforcement policies.

## MARATHON MERGER WITH U.S. STEEL

Mr. SMITH. You mentioned the oil industry. We had the Marathon case, and there was some question, wasn't there? Mobil wanted to take over Marathon. There was some question about that, so U.S. Steel gets Marathon and now Mobil is going to take over U.S. Steel. Don't you end up in the same place?

Attorney General SMITH. But you have to separate those out from whether they are antitrust questions or not. The thrust of this Administration is to get at actually anticompetitive activities that hurt the consumer. That is the ultimate test, benefit to the consumer, and where there are situations involving price fixing for example, or market division or any other cartel-type activities, we are going after those not only with civil penalties, we are going after them with criminal penalties.

In given cases we are not even asking for fines. We are asking for jail terms. As a matter of fact, now we have I think the largest number of antitrust actions going after bid rigging efforts in the various states. I think we have either cases or investigations going in 15 or 20 states at the present time.

## PRIVATE ANTITRUST ACTIONS AND FEDERAL INTERVENTION

Mr. SMITH. 95 percent of the antitrust action is done in civil cases, isn't that right?

Attorney General SMITH. You mean private?

Mr. SMITH. Yes.

Attorney General SMITH. Yes, that is true.

Mr. SMITH. Your department does traditionally about 5 percent. That would be mostly the bigger cases, I suppose.

Attorney General SMITH. Bigger cases and the flagrant ones, and those that do have criminal overtones.

Mr. SMITH. Now the Deputy Attorney General came up here last fall and told us that your department is going to intervene on behalf of the defendants in civil antitrust cases. That has never been heard of before. It's right in the record.

Attorney General SMITH. I suppose that is possible but he would be a lot better able to respond to that approach than I would.

Mr. SMITH. I can't imagine a case where the government would intervene on behalf of the defendant in a civil antitrust case. Can you?

Attorney General SMITH. Perhaps we could have him provide you a rationale for that.

Mr. SMITH. I would like to know what it is. Here is Mr. Schmults at page 67 of the hearings we held on the September 30 budget amendments for fiscal year 1982, and he says, "Third, to help us rationalize what we think is some bad antitrust law the Antitrust Division is going to be seeking to intervene in some cases on the side of defendants, where there have been what we would regard as unsound antitrust theories advanced in some private litigation."

I never heard of such a thing. So private litigants do advance some unsound theory or somebody in Justice thinks it is unsound. In some private lawsuit, it will come out, won't it? I mean the courts will take care of that, won't they?

Attorney General SMITH. As a matter of fact if I understand correctly what was said there, in certain areas the Antitrust Division wants to persuade the courts with respect to the establishment of antitrust policies, in whatever areas are involved.

Mr. SMITH. This says you intervene in the case?

Attorney General SMITH. Yes.

Mr. SMITH. "On the side of the defendant"?

Attorney General SMITH. For that purpose.

Mr. SMITH. I tell you, if you want to avoid having your Administration remembered as the Administration that was the weakest in all history on antitrust, it seems to me that you ought to make some changes.

Attorney General SMITH. We don't think that is going to be the case, Mr. Chairman.

#### ANTITRUST POLICY CONCERNS OF SMALL BUSINESSES

Mr. SMITH. I tell you this, I can't remember a time in the 24 years I have been in public office, except the last six months, that when I go to business meetings small business people on their own bring up the question of antitrust, acquisitions, and mergers. They are afraid of them, and the ones that are the most afraid are the successful companies. They are successful and are providing a service. They say they are scared to death somebody is just going to see that they have got some depreciable assets, and that larger companies have been encouraged to move in those cases.

Attorney General SMITH. But of course that is quite a different thing from antitrust policy.

Mr. SMITH. It depends on what business they are in, of course.

Attorney General SMITH. We become involved if any of those take-overs or mergers would result in anticompetitive aspects, or have anticompetitive aspects. That is where the antitrust aspect would enter, but failing that kind of a thing—

Mr. SMITH. You don't see that in vertical integration ever?

Attorney General SMITH. Sometimes, yes.

Mr. SMITH. I won't pursue it any further. You have your own ideas, but I really think it's a concern that we all have, and it makes me wonder when we put \$43 million a year in the antitrust

division if we wouldn't be better off to make a grant to some law firm of \$1 million and forget it.

Attorney General SMITH. As a matter of fact, I can assure you all of those people down there are busy, and they are active, and they are doing things enforcing the antitrust statutes.

Mr. SMITH. Can you name me some businesses that have been saved in the last year through antitrust action?

Attorney General SMITH. Saved?

Mr. SMITH. Yes.

Attorney General SMITH. I couldn't offhand, but I am sure we certainly could look into that. Of course, that is not our objective, really. Our objective is to enforce the laws as they are, and that we think we are doing.

Mr. SMITH. The purpose of antitrust, though, is to preserve competition.

Attorney General SMITH. That is true.

Mr. SMITH. We thank you for your statement and your testimony here today.

#### STATE AND LOCAL INTELLIGENCE GRANTS

Mr. EARLY. Mr. Smith, could I ask a couple more questions?

Mr. SMITH. Yes.

Mr. EARLY. This year again you have requested no funding for state and local drug intelligence grants. Have you, over the course of the year, talked to the state or local enforcement agencies to determine whether they can assume the responsibility for the financial support of the program?

Attorney General SMITH. There is difference of opinion, however, as to how that function should be performed. We think that the federal function has already been performed. In effect it was seed money to get these programs going, and that has been accomplished. We now think that it is appropriate, particularly when there are limited dollars, for this function to be handled by state and local government.

Mr. EARLY. But as the chief law enforcement officer, General, won't you be concerned if you find that the states and local governments don't have the funds to do it?

Attorney General SMITH. They have to make their own decisions as to their own priorities as to where they want to spend their money when they want to do it here. As a matter of fact that is an advantage, because that way if a program is working, they will put money into it. If it isn't, they won't, and I think that by and large those programs have had mixed results.

In some states they have been very good and in other states they haven't been all that good. Therefore, this is really a decision that people there on the ground can more effectively make and we think should make.

Mr. EARLY. Why don't you supply for the record in what states the results were good and in what states the results were not good?

[The information follows:]

## STATE AND LOCAL DRUG INTELLIGENCE GRANTS

A national evaluation of the regional intelligence projects is currently underway but reliable data relating to state-by-state effectiveness is not yet available. Thus far, we have only the anecdotal information supplied by the various projects and preliminary evaluation data indicating the number of arrests resulting from investigations assisted by four of the systems and the estimated value of contraband or confiscated property recovered in connection with these investigations.

As you know, intelligence projects in themselves do not produce arrests by law enforcement officials. They simply provide data that help others take action. Therefore, claims of success tend to overemphasize their role and to minimize the costs involved in identifying and apprehending criminals. The preliminary data developed in the national evaluation, for example, shows that 1,963 arrests resulted from investigations assisted by four of the systems since 1977. The extent to which the assistance provided by the multi-state systems was instrumental in the arrests or recovery of property could vary significantly from case to case. Meanwhile, the Department continues to be concerned about the way some of these projects have been administered.

It is the Department's view that, if the participating jurisdictions are convinced of the efficacy of the regional intelligence projects, they should supply the necessary funds and accept full responsibility for their management.

## ANTITRUST PROSECUTIONS

Mr. EARLY. General, there is quite a bit of concern generated about the inactivity of the Justice Department's antitrust division. It's my understanding that the Department's prosecutions are at the lowest levels they have been in 20 years. Is that true?

Attorney General SMITH. I don't think that is true.

Mr. EARLY. How many indictments have been brought by the Antitrust Division in the last year?

Attorney General SMITH. We would have to get that now.

Mr. EARLY. Put it in the record, and also put in the record how that compares to figures over the last four years.

[The following information was provided:]

## ANTITRUST CASES

In fiscal year 1981 the Division filed 26 civil cases and 70 criminal cases. This compares to 28 civil and 55 criminal in 1980, 31 civil and 27 criminal in 1979, 27 civil and 31 criminal in 1978, and 34 civil and 37 criminal in 1977.

Attorney General SMITH. We can do that, but let me point this out, too. You don't measure the effectiveness of antitrust by the number of cases that are filed. As a matter of fact, I think you could make a very good case that the best antitrust enforcement policies would result in no cases.

Mr. EARLY. But General, you can't measure how effective you are if you are not aggressive in detecting and prosecuting antitrust violations. If you don't find any violations you have a pretty outstanding record.

Attorney General SMITH. The new enunciation of this policy, the enunciation of the new policies has been greatly misunderstood. It in no way involves any less activity in enforcing the antitrust laws. It just means that we are doing it in a different way and we think a more effective way. We think a lot of cases that were filed in the past were not going after antitrust violations at all.

As a matter of fact, we think in a good many cases they resulted in less benefit to the consumer, and we are changing that. As a matter of fact, as I say, I am not sure of this, but I think we filed

more bid rigging cases in the last six months than had been filed by any previous administration.

Mr. EARLY. You will supply that for the record?

Attorney General SMITH. Yes. We will do that.

[The information follows:]

## BID-RIGGING CASES

From October 1, 1981 through March 17, 1982, the Division has filed 43 bid-rigging cases in the highway paving and airport runway construction industries.

## JUVENILE JUSTICE ELIMINATION

Mr. EARLY. I really feel the consumer and small businesses have an awful lot of reservations about this Administration's commitment to protecting and maintaining competition in this country.

Attorney General SMITH. They have no reason for that fear.

Mr. EARLY. They have it. General, you have recommended the elimination of the juvenile justice program in 1983. Do you plan on incorporating this program into a block grant?

Attorney General SMITH. I really can't speak to that at this point. All I can say is that as far as the juvenile justice aspect is concerned, we think that program really has fulfilled the legislative mandate. We think that here again this is a highly desirable activity. It has no reflection on the desirability of the activity, but we think it can more effectively be done on a state and local basis.

One of the reasons is that in each area you have a different relationship or you can have a different relationship between juvenile criminality and adult criminality.

Mr. EARLY. Do you have any indications which suggest the majority of juvenile justice grants have not been well spent?

Attorney General SMITH. No. As a matter of fact, as I say, in recommending this course we are not saying that this is not a worthwhile activity.

Mr. EARLY. Then we go back to the violent crime issue. In testimony you delivered before the House Judiciary Committee on the Task Force report, you indicated that in 1979 juvenile offenders and youthful offenders accounted for more than one-half of all serious crime arrests, and more than one-third of all violent crime arrests, and nearly two-thirds of all serious property crime arrests. Do you still agree with those statistics?

Attorney General SMITH. If that is what I said, yes.

Mr. EARLY. You are telling us that you are going to fight violent crime, but by eliminating juvenile justice you are saying that juvenile violent crime is a state matter. Have you checked with the states to determine whether they are going to continue the juvenile justice programs?

Attorney General SMITH. We are talking about a \$70 million program, and it's a program where again, in an area of scarce dollars, it's a matter of priorities as far as we can do and what the states should do. This whole area is essentially a state and local responsibility. It's a matter of how we husband our federal resources in the best possible way. We are saying that considering all of the priorities of this particular function, as desirable as it is, it is more appropriately performed at the state and local level.

## ABILITY OF STATES TO ABSORB JUVENILE JUSTICE PROGRAMS

Mr. EARLY. Making that assumption, what if the states can't absorb it?

Attorney General SMITH. Once again, the states have their own resources.

Mr. EARLY. Some states have resources and many states have more problems than the federal government has.

Attorney General SMITH. And they have to determine what their priorities are.

Mr. EARLY. What if a state doesn't have the resources to put into juvenile justice programs? What are they going to do with the feds pulling out of it?

Attorney General SMITH. The feds, you say, are pulling out of it?

Mr. EARLY. They are taking away the money, General. Most of the law enforcement people suggest that money is the way they fight crime.

Attorney General SMITH. True.

Mr. EARLY. You are making the assumption you are cancelling the program because the states are going to absorb it. I don't think the local communities and the states have the money available.

Attorney General SMITH. If you carry that to its logical conclusion, you would be saying that the federal government ought to be doing everything.

Mr. EARLY. No, but if I follow your conclusion, you are saying they shouldn't be doing anything.

Attorney General SMITH. No.

Mr. EARLY. In antitrust you are saying they shouldn't be doing anything. At least that's my interpretation.

Attorney General SMITH. Of course I disagree with that.

## U.S. TRUSTEES

Mr. EARLY. I am sure you do. Let me conclude with some questions about the Trustee program. In the absence of legislation transferring the Trustees responsibilities to the courts, how much funding would be required to operate the program in all ten offices in 1983? How much funding do you need to keep all ten offices operational and effective in 1982? If the Chicago office closes—

Attorney General SMITH. Was that in 1982?

Mr. EARLY. Yes, sir. If the Chicago office closes in fiscal year 1982, will the courts be legally able to assume all the functions currently performed by the trustees? What will the courts not be able to perform and what impact will that have on carrying out the requirements of the law? Does the decision to terminate the program solely reflect budgetary concerns?

Attorney General SMITH. Partly budgetary concerns and partly the fact that we think that this is a function more appropriately carried out by the Judiciary.

Mr. EARLY. Do you have any evidence to suggest that the trustees are not performing their jobs ably?

Attorney General SMITH. No, we are not taking any position with respect to whether this is a good or a bad program.

Mr. EARLY. Do you have any concern, General, about eliminating a program that was created after eight years of study, the main

purpose of which was to separate the administrative bankruptcy functions from the judicial functions?

Attorney General SMITH. We have for the reasons I have stated come to our conclusions sooner than that.

Mr. EARLY. You came to your conclusions you say after chatting with the Chief Justice. Did you go over the eight years of studies conducted by the Judiciary Committee in reaching that conclusion?

Attorney General SMITH. I didn't myself.

Mr. EARLY. Did the Chief Justice?

Attorney General SMITH. I can't answer that.

Mr. EARLY. Why did we have the hearings, General? Why do we have hearings if we are not going to use the testimony to make our judgments?

Attorney General SMITH. We have made our judgment on the subject, and I guess we are just in disagreement with your position on it.

Mr. EARLY. Supply for the record on what evidence your judgments were based.

Attorney General SMITH. We will be glad to do that.

[The following information was submitted:]

## TERMINATION OF THE U.S. TRUSTEES PROGRAM

The Administration's proposal to terminate the program is based on budgetary considerations and a belief that the program belongs in the Judicial Branch of the Government. The decision does not in any way reflect on the legislative objectives of the program or quality of the work that has been and is being performed. Rather in this period of severe budget austerity, proposing termination of this program is one of the hard choices which was made.

Mr. EARLY. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Hightower?

Mr. HIGHTOWER. I have no further questions, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Attorney General.

TUESDAY, MARCH 9, 1982.

**GENERAL ADMINISTRATION**

**WITNESSES**

**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION**

**CHARLES R. NEILL, CONTROLLER**

**JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF**

Mr. SMITH. The first appropriation item that we shall consider for the Department of Justice is the fiscal year 1983 request for General Administration. The request is for \$40,220,000, a decrease of \$1,013,000 from the amount available for fiscal year 1982 under the Continuing Resolution. We will insert the justifications in support of this request at this point in the record.

[The justifications follow:]

(61)

Department of Justice  
General Administration  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
<u>Appropriation Level Material</u>	
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Justification of Proposed Changes.....	5
Crosswalk of 1982 Changes.....	6
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Status of Congressionally Requested Studies, Reports and Evaluations.....	9
Priority Rankings.....	10
Summary of Adjustments to Base.....	11
Justification of Adjustments to Base.....	12
Summary of Requirements by Grade and Object Class.....	16
<u>Organization Level Material</u>	
Department Leadership	
Summary of Requirements.....	18
Justification of Program and Performance.....	19
Executive Support	
Summary of Requirements.....	21
Justification of Program and Performance.....	22
Intelligence Policy and Professional Responsibility	
Summary of Requirements.....	26
Justification of Program and Performance.....	27

	<u>Page Number</u>
<b>Justice Management Division</b>	
Organization Chart.....	30
Summary of Requirements.....	31
Justification of Program and Performance.....	32
<b>Administrative Review and Appeals</b>	
Summary of Requirements.....	37
Justification of Program and Performance.....	38
<b>Federal Justice Research Program</b>	
Summary of Requirements.....	40
Justification of Program and Performance.....	41
<b>State and Local Drug Grants Program</b>	
Summary of Requirements.....	43
Justification of Program and Performance.....	44

General Administration

Summary Statement

Fiscal Year 1983

The General Administration appropriation is requesting, for 1983 a total of \$40,220,000, 731 permanent positions, and 763 workyears. This request represents a decrease from the 1982 appropriation anticipated of \$1,013,000 and an increase of 8 positions and 2 workyears.

The primary mission of the General Administration appropriation is to support the Attorney General and the senior policy level officials of the Department who assist him in the development of policy objectives and the management of the Department. This is augmented by a Department-wide capability to review, control and evaluate the programs of the Department, conduct research on the Federal justice systems and monitor adherence to policy guidelines. In addition, selective administrative support is provided to the legal divisions and the smaller offices and boards within the Department. This appropriation also supports two organizations responsible for the administrative review and appeal of decisions relating to individuals: the Board of Immigration Appeals and the Pardon Attorney.

The mission of the General Administration appropriation are accomplished through four programs contained in the four budget activities. The budget activities are: Program Direction and Policy Coordination, Administrative Review and Appeals, Federal Justice Research, and State and Local Drug Grants. The programs within these activities are: Department Leadership, Executive Support, Intelligence Policy and Professional Responsibility and the Justice Management Division. The major initiatives and resource requests for these activities and programs are summarized below.

Program Direction and Policy Coordination

This budget activity includes resources for the primary missions of the Offices included in the following programs: Department Leadership, Executive Support, Intelligence Policy and Professional Responsibility, and the Justice Management Division. These programs consists of the following:

The Department Leadership program consists of the Offices of the Attorney General, the Deputy Attorney General and the Associate Attorney General. These Offices are responsible for the development of appropriate policies regarding the administration of justice in the United States; the effective representation of the United States in justice-related matters; and the provision of advice and opinions on legal matters to the President, the members of the Congress and the heads of Executive departments and agencies. Uncontrollable increases of \$514,000 are requested for this program.

The Executive Support program consists of the Offices of Legal Policy, Public Affairs and Legislative Affairs. The primary mission of this program is to initiate, develop and coordinate major policy initiatives of high priority to the Department and to the Administration in the areas of civil and criminal justice; to ensure that the Department operates most effectively with the Congress and the Office of Management and Budget; to advance its legislative goals; to inform the Departmental personnel, the media and the public of Department activities expeditiously and accurately; and to counsel the Attorney General and other Department officials in their dealings with the media. Uncontrollable increases of \$270,000 are requested for this program.

64

The Intelligence Policy and Professional Responsibility program consists of the Office of Intelligence Policy and Review and the Office of Professional Responsibility. This program is responsible for the coordination, development and implementation of departmental policy on intelligence and national security matters. This program also is responsible for strengthening the integrity of and maintaining public confidence in the Department of Justice, and in fostering and further developing among all Department employees a commitment to professional responsibility. Uncontrollable increases of \$90,000 are requested for this program.

The Justice Management Division is responsible for ensuring that the management initiatives of the President, the Attorney General, and the Congress are implemented soundly and that administrative support services are delivered efficiently and effectively. For budget presentation purposes, a separate program has been established to reflect the work of the Audit Staff which is also a component of the Justice Management Division. The Justice Management program consists of the immediate Offices of the Assistant Attorney General for Administration and the Offices of the Controller, Personnel and Administration, and Litigation and Management Systems. The budget request for the Justice Management Division includes an increase of 8 positions, 8 workyears, and \$406,000 reflecting the transfer of certain functions of the Office of Litigation and Management Systems from Working Capital Fund support to direct funding, uncontrollable increases \$2,963,000 and offsetting non-policy decreases of \$69,000.

Administrative Review and Appeals

This budget activity includes the Office of the Pardon Attorney and the Board of Immigration Appeals. This program includes the receipt, investigation and disposition of applications to the President for Executive clemency and the review and disposition of appeals from certain decisions of the Immigration and Naturalization Service. Uncontrollable increases of \$216,000 are requested for this program.

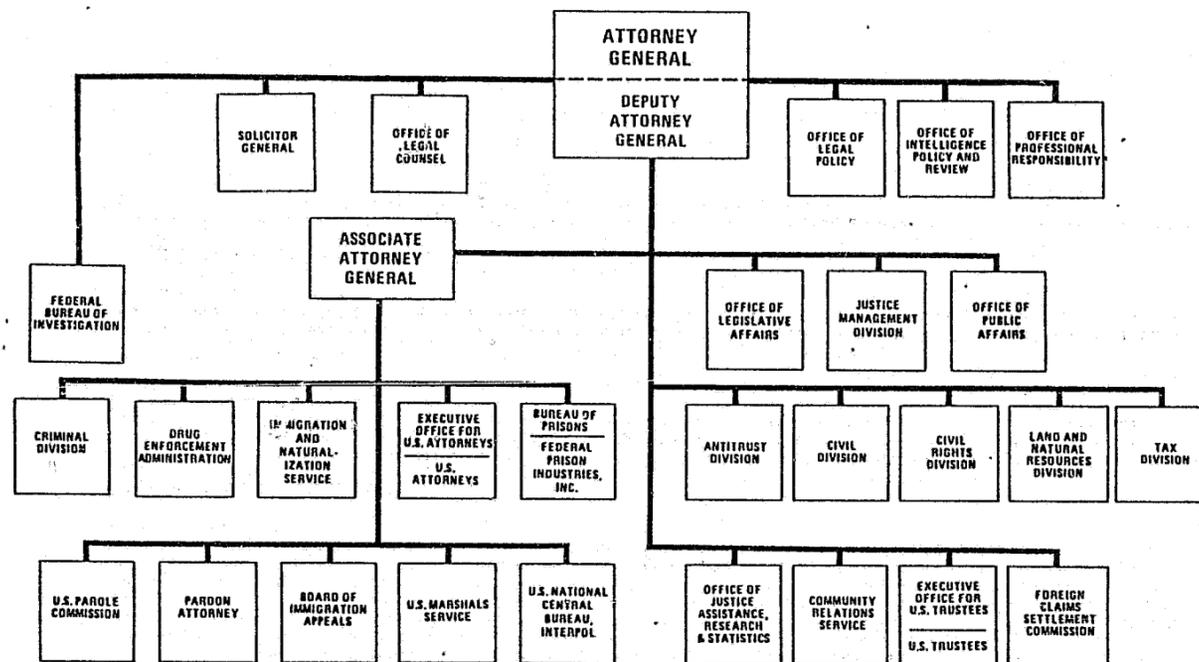
Federal Justice Research

The Federal Justice Research Program supports applied research projects on broad issues affecting the entire Federal justice system. Total increases of \$297,000 are requested for this program, consisting of uncontrollable increases of \$35,000 and a program increase of \$262,000.

State and Local Drug Grants

This activity commonly referred to as the Multi-State Regional Intelligence Projects, reflects a program for which \$5,700,000 was appropriated in 1982. No funds are requested to continue this activity in 1983.

U.S. DEPARTMENT OF JUSTICE



96

*William French Smith* 10/17/81  
WILLIAM FRENCH SMITH ATTORNEY GENERAL DATE

General Administration

Proposed Authorization Language

The following authorization language is being requested for General Administration:

For General Administration including:

- (A) the hire of passenger motor vehicles;
- (B) miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

\$40,220,000 of which \$797,000 is to remain available until expended for the Federal Justice Research Program.

General Administration

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for the administration of the	\$40,220,000
Department of Justice, [941,233,000] of which [500,000] <del>is</del> to remain available until expended, is for the Federal Justice Research Program.	<u>\$797,000</u>

No substantive changes proposed.

General Administration

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Approved Reprogrammings			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
<b>1. Program Direction and Policy</b>												
Coordination:												
Department Leadership.....	56	58	\$4,087	...	...	-\$195	...	...	-\$456	56	58	\$3,436
Executive Support.....	66	73	3,410	...	...	...	...	...	...	66	73	3,410
Intelligence Policy and Professional Responsibility....	22	22	1,111	...	...	...	...	...	...	22	22	1,111
Justice Management Division....	530	558	23,573	...	...	897	...	...	674	530	558	25,144
<b>2. Administration Review and Appeals..</b>	49	50	1,958	...	...	-26	...	...	...	49	50	1,932
<b>3. Federal Justice Research Program...</b>	...	...	1,255	...	...	-755	...	...	...	...	...	500
<b>4. State and Local Drug Grants.....</b>	...	...	...	...	...	5,918	...	...	-218	...	...	5,700
<b>Total.....</b>	<b>723</b>	<b>761</b>	<b>35,394</b>	...	...	<b>5,839</b>	...	...	...	<b>723</b>	<b>761</b>	<b>41,233</b>

69

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The increase of \$897,000 for the Justice Management Division represents the decision by Congress to restore a portion of a program increase which had been included in the March 1981 Congressional budget request, but omitted from the September revision. The restoration was allowed to upgrade security equipment, automated systems and library services. Congress also allowed \$5,918,000 for the State and Local Drug Grants program which was not in the request. In addition, the Federal Justice Research Program was reduced by \$276,000. The Congress further reduced the 1982 General Administration appropriation by \$1,000,000 in support of the President's Economic Recovery Program which included a reduction of \$479,000 for Federal Justice Research.

Reprogrammings

Funds from the Department Leadership program were reprogrammed to the Justice Management Division for the Emergency Program Center and the Small and Disadvantaged Business functions. These functions were transferred from the Office of the Deputy Attorney General to the Personnel and Administration component of the Justice Management Division to improve financial reporting and program oversight. The Conference action for the December 15, 1981, Continuing Resolution reduced the General Administration appropriation \$1,000,000 below the level of the previous Continuing Resolution. The \$1,000,000 reduction could not be accommodated without serious impact on essential support services, therefore, \$218,000 was reprogrammed from the State and Local Drug Grants Program.

General Administration

Salaries and expenses

Summary of Requirements  
(Dollars in thousands)

Adjustments to base

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>Years</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....	723	761	\$41,233
Transfer from the Working Capital Fund to the Justice Management Division.....	8	8	406
Uncontrollable increases.....	...	...	4,377
Decreases.....	...	-6	-58
1983 Base.....	<u>731</u>	<u>763</u>	<u>45,958</u>

<u>Estimates by budget activity and</u> <u>decision unit</u>	<u>1981 Actual</u>			<u>1982 Appropria-</u> <u>tion Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u> <u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm.</u> <u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm.</u> <u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm.</u> <u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm.</u> <u>Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Program Direction and Policy Coordination:															
a. Departmental Leadership.....	80	64	\$4,451	56	58	\$3,436	56	58	\$3,950	56	58	\$3,950	...	...	...
b. Executive Support.....	79	87	3,297	66	73	3,410	66	73	3,680	66	73	3,680	...	...	...
c. Intelligence Policy and Planning.....	25	21	1,085	22	22	1,111	22	22	1,201	22	22	1,201	...	...	...
d. Justice Management.....	439	489	18,033	439	458	20,436	447	466	23,375	447	466	23,375	...	...	...
e. Departmental Audits.....	21	68	1,135	91	100	4,708	91	94	5,069	91	94	5,069	...	...	...
Subtotal.....	<u>644</u>	<u>729</u>	<u>28,001</u>	<u>674</u>	<u>711</u>	<u>33,101</u>	<u>682</u>	<u>713</u>	<u>37,275</u>	<u>682</u>	<u>713</u>	<u>37,275</u>	...	...	...
2. Administrative Review & Appeals	51	49	1,855	49	50	1,932	49	50	2,148	49	50	2,148	...	...	...
3. Federal Justice Research Program	...	...	721	...	...	500	...	...	535	...	...	797	...	...	\$262
4. State and Local Drug Grants.....	...	...	6,335	...	...	5,700	...	...	6,000	...	...	...	...	...	-6,000
Total.....	<u>695</u>	<u>778</u>	<u>36,912</u>	<u>723</u>	<u>761</u>	<u>41,233</u>	<u>731</u>	<u>763</u>	<u>45,958</u>	<u>731</u>	<u>763</u>	<u>40,220</u>	...	...	-5,738

General Administration  
Summary of Resources by Program  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Program direction and policy coordination:																		
Department Leadership:																		
Attorney General.....	22	22	\$1,231	22	20	\$1,169	20	21	\$1,285	20	21	\$1,392	20	21	\$1,392	...	...	...
Deputy Attorney General.....	28	28	2,222	28	31	2,135	24	25	1,347	24	25	1,477	24	25	1,477	...	...	...
Associate Attorney General.....	30	30	1,162	30	13	1,147	12	12	804	12	12	1,081	12	12	1,081	...	...	...
Subtotal.....	80	80	4,615	80	64	4,451	56	58	3,436	56	58	3,950	56	58	3,950	...	...	...
Executive Support:																		
Legal Policy.....	38	36	1,613	38	47	1,592	31	34	1,590	31	34	1,729	31	34	1,729	...	...	...
Public Affairs.....	14	15	739	14	16	731	13	14	793	13	14	844	13	14	844	...	...	...
Legislative Affairs.....	27	28	980	27	24	974	23	25	1,027	22	25	1,107	22	25	1,107	...	...	...
Subtotal.....	79	79	3,332	79	87	3,297	66	73	3,410	66	73	3,680	66	73	3,680	...	...	...
Intelligence Policy and Professional Responsibility:																		
Intelligence Policy and Review..	14	14	659	14	13	631	14	14	685	14	14	743	14	14	743	...	...	...
Professional Responsibility.....	11	11	457	11	8	454	8	8	426	8	8	458	8	8	458	...	...	...
Subtotal.....	25	25	1,116	25	21	1,085	22	22	1,111	22	22	1,201	22	22	1,201	...	...	...
Justice Management Division:																		
Justice Management.....	439	455	17,985	439	489	18,033	439	458	20,436	447	466	23,375	447	466	23,375	...	...	...
Audit Staff.....	21	26	1,207	21	68	1,135	91	100	4,708	91	94	5,069	91	94	5,069	...	...	...
Subtotal.....	460	481	19,192	460	557	19,168	530	558	25,144	538	560	28,444	538	560	28,444	...	...	...
Administrative Review and Appeals:																		
Pardon Attorney.....	10	10	365	10	10	350	8	9	382	8	9	406	8	9	406	...	...	...
Board of Immigration Appeals.....	41	41	1,558	41	39	1,505	41	41	1,550	41	41	1,742	41	41	1,742	...	...	...
Subtotal.....	51	51	1,923	51	49	1,855	49	50	1,932	49	50	2,148	49	50	2,148	...	...	...
Federal Justice Research Program.....	...	...	1,400	...	...	721	...	...	500	...	...	535	...	...	797	...	...	\$262
State and Local Drug Grants.....	...	...	6,335	...	...	6,335	...	...	5,700	...	...	6,000	...	...	...	...	...	-6,000
<b>Total.....</b>	<b>695</b>	<b>716</b>	<b>37,913</b>	<b>695</b>	<b>778</b>	<b>36,912</b>	<b>723</b>	<b>761</b>	<b>41,233</b>	<b>731</b>	<b>763</b>	<b>45,958</b>	<b>731</b>	<b>763</b>	<b>40,220</b>	...	...	<b>-5,738</b>
Other Workyears:																		
Holiday.....		2			2			2			2			2				...
Overtime.....		6			6			6			6			6				...
Total compensable workyears.....		724			786			769			771			771				...

General Administration

Status of Congressionally Requested  
Studies, Reports, and Evaluations

The Senate Report on the Department of Justice Authorization Act, 1982 requested that the Department conduct several specific studies and evaluations. Although the Bill has not been enacted, the Justice Management Division has been assigned responsibility for the following three evaluations as a matter of priority:

- A detailed evaluation of the achievements of the National Institute of Corrections. Work has begun on the evaluation which is planned to be completed by September 1982.
- A feasibility study indicating whether the Kansas and Minnesota State prisons systems pilot projects to provide private industry job experience for inmates could be replicated by the Federal Prison System. A report is expected to be issued prior to September 1982.
- A study of the impact of travel restrictions upon the litigating divisions. This issue will be examined thoroughly and a report will be issued prior to September 1982.

Other priority studies, which were cited in the report will be initiated upon their assignment by senior Department officials. These include:

- Targetting and Interdicting the Source of Supply of Illicit Drugs on an International level. This study is intended to address the Senate Judiciary Committee's belief that greater emphasis should be placed on source targetting and interdiction.
- An evaluation of the Drug Enforcement Administration's Financial Investigation Program.

In addition, the House Report on the FY 1982 authorization bill (H.R. 3462) recommended that the Attorney General evaluate the undercover programs of the Federal Bureau of Investigation. This evaluation is to focus on whether undercover operations actually reduce the level of the type of crime under investigation. Assignment of this study is also under consideration by Department senior management.

The 1980 supplemental appropriations and rescission bill requested an evaluation of the Department's progress to institute effective management controls and to improve the accuracy of data provided to the Federal procurement system. The Justice Management Division has been assigned responsibility for this study. Work has begun and a report is expected to be issued in April 1982.

General Administration

Priority Ranking

<u>Base Programs</u>	
<u>Program</u>	<u>Ranking</u>
Department Leadership	1
Intelligence Policy and Professional Responsibility	2
Executive Support	3
Administrative Review and Appeal	4
Justice Management	5
Departmental Audit	6
Executive Support	7
Federal Justice Research	8

General Administration

Salaries and expenses

Summary of Adjustments to Base  
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
1982 appropriation anticipated.....	723	761	\$41,233
Adjustments to base:			
Transfer from the Working Capital Fund.....	8	8	406
Uncontrollable increases:			
1982 pay increases.....	...	...	846
Executive level pay increases.....	...	...	543
Within-grade increases.....	...	...	245
Health benefits costs.....	...	...	88
Federal Employees Compensation Act (FECA) - Unemployment Benefits.....	...	...	20
Standard Level User Charges.....	...	...	464
GSA Recurring Reimbursable Services.....	...	...	25
Federal Telecommunications System (FTS).....	...	...	259
Travel costs - airfare increases.....	...	...	51
Full-field investigations.....	...	...	22
GPO Printing Costs.....	...	...	11
Printing costs for the Federal Register and Code of Federal Regulations...	...	...	12
Departmental Printing and Reproduction costs.....	...	...	29
Employee data and payroll services.....	...	...	12
Automated data processing.....	...	...	195
General Pricing Level Adjustment.....	...	...	352
Deferred procurement of base items included in the March 1981 estimates...	...	...	<u>1,203</u>
Total, uncontrollable increases.....	...	...	4,377
Decreases:			
Postal Service redistribution.....	...	...	-58
Reduction of unfunded, unfilled other-than-permanent workyears.....	...	-6	...
Total, decreases.....	...	-6	<u>-58</u>
1983 Base.....	731	763	45,958

General Administration

Salaries and Expenses

Justification of Adjustments to Base  
(Dollars in thousands)

	<u>Perm Pos.</u>	<u>Work- years</u>	<u>Amount</u>
<u>Transfers to and from other accounts:</u>			
1. Transfer from Working Capital Fund.....	8	8	\$406
This transfer is associated primarily with functions which are considered oversight or regulatory in nature from the Systems Policy and Planning Staff, Working Capital Fund.			
<u>Uncontrollable increases:</u>			
1. 1982 pay increases.....	...	...	846
This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$846,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:			
1982 personnel compensation and benefits relative to the October pay			
increase \$17,500,000 x 4.8 percent for 259 days.....			\$840,000
2/261 x annual amount of pay raise.....			6,000
Total requirements.....			846,000
2. Executive Level pay increases.....	...	...	543
This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$543,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:			
1982 personnel compensation and benefits relative to lifting pay cap for			
195 days.....			\$406,000
66/261 x annual amount of pay raise.....			137,000
Total requirements.....			543,000
3. Within-grade increases.....	...	...	245
This request provides for an expected increase in the cost as a result of within-grade salary increases. This increase is generally consistent with increases experienced in recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$224,000 and benefits \$21,000 = \$245,000).			

	Perm Pos.	Work- years	Amount
4. Health benefits costs.....	...	...	\$88
<p>The Federal Employee Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$88,000 provides for payment of the average rate increase of 13.7 percent over the \$644,000 now available.</p>			
5. Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	...	...	20
<p>This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$20,000 was based on unemployment compensation payments for the quarter ending in March 1981.</p>			
6. Standard Level User Charges.....	...	...	464
<p>* P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$464,000 is required in 1983 to pay for space occupied at the end of FY 1982. The amount budgeted for SLUC in 1982 is \$3,034,000.</p>			
7. GSA Recurring Reimbursable Services.....	...	...	25
<p>The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$25,000 will provide the same level of service in 1983 as in 1982. This is an increase 20 percent over the amount budgeted for 1982 of \$125,000.</p>			
8. Federal Telecommunications System (FTS).....	...	...	259
<p>The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$259,000 over the FY 1982 base of \$226,000. This reflects the new billing method which is effective in FY 1982 and is based on the duration of calls. It also includes the rate increase of approximately 51 percent which was granted the American Telephone and Telegraph Company in 1982.</p>			

	Perm Pos.	Work- years	Amount
9. Travel Costs - Airfare increases..... Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent over the 1982 budgeted amount of \$343,000.	...	...	\$51
10. GPO Printing Costs..... The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs as a base, the uncontrollable increase for GPO printing is \$11,000 over the base of \$185,000.	...	...	11
11. Printing Costs for the Federal Register and Code of Federal Regulations..... The Legislative Branch Appropriation Act of 1978 (P.L. 94-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and the <u>Code of Federal Regulations</u> (CFR). The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$408 per page for the <u>Federal Register</u> and \$80 per page for the CFR. The requested uncontrollable increase provides funding for 157 pages in the <u>Federal Register</u> and 138 pages in the CFR.	...	...	12
12. Departmental printing and reproduction costs..... Departmental printing costs are expected to increase by 7 1/2 percent in 1983. This results in an uncontrollable increase of \$29,000 over the FY 1982 base of \$387,000.	...	...	29
13. Employee Data and Payroll Services..... The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95. In FY 1982, it will increase by \$15; the increased cost of servicing 784 employees is \$12,000.	...	...	12
14. General pricing level adjustment..... This request applies to OMB pricing guidance as of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays	...	...	352

77

are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories or expense where inflation has already been built into the 1983 estimate.

15. Full-field Investigations.....

Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) for FY 1982, which raised the standard rate changed for each full-field investigation by \$300 over the FY 1981 base cost of \$1,000. The request of \$22,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.

16. Automated Data Processing.....

The requested increase is associated with the cost of operating the Legal Activities and General Administration Accounting System and the Property Management System is requested. This amount is the quoted increase over current billings.

17. Deferred procurement of base items included in the March 1981 estimates.....

This adjustment represents the need to procure \$1,203,000 in base items for General Administration that were included in the 1982 estimates submitted in March 1981, but which had to be deferred following Congressional action. The deferred procurement includes certain equipment purchases and costs associated with full implementation of the Library management improvement plan.

Total uncontrollable increases .....

Decreases:

- 1. Postal Service redistribution.....
- 2. Reduction of unfunded, unfilled other-than-permanent workyears.....

Total Decreases.....

Total, adjustments to base.....

Perm Pos.	Work-years	Amount
...	...	\$22
...	...	195
...	...	1,203
...	...	4,377
...	...	-50
...	-6	-58
...	-6	-58
8	2	4,725

General Administration

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level I, \$69,630.....	1		1		...	
Executive Level II \$60,663.....	1		1		...	
Executive Level III, \$59,500 .....	1		1		...	
Executive Level IV, \$58,500.....	2		2		...	
ES-6, \$58,500.....	1		1		...	
ES-5, \$58,500.....	6		6		...	
ES-4, \$58,500.....	8		8		...	
ES-3, \$58,500.....	4		4		...	
ES-2, \$56,936.....	4		4		...	
ES-1, \$54,755.....	5		5		...	
GS-16, \$54,775-57,500.....	1		1		...	
GS/GM-15, \$46,685-57,500.....	82		84		2	
GS/GM-14, \$39,689-51,596.....	102		103		1	
GS/GM-13, \$33,586-43,666.....	99		100		1	
GS-12, \$28,245-36,723.....	71		71		...	
GS-11, \$23,566-30,640.....	47		47		...	
GS-10, \$21,449-27,884.....	5		5		...	
GS-9, \$19,477-25,318.....	41		44		3	
GS-8, \$17,634-22,926.....	32		33		1	
GS-7, \$15,922-20,701.....	91		91		...	
GS-6, \$14,328-18,630.....	67		67		...	
GS-5, \$12,854-16,706.....	30		30		...	
GS-4, \$11,490-14,937.....	15		15		...	
GS-3, \$10,235-13,304.....	2		2		...	
GS-2, \$9,381-11,807.....	1		1		...	
Ungraded positions.....	4		4		...	
<b>Total, appropriated positions.....</b>	<b>723</b>	<b>\$20,560</b>	<b>731</b>	<b>\$22,097</b>	<b>8</b>	<b>\$1,537</b>
Pay above stated annual rates.....	...	80	...	85	...	5
Lapses.....	-25	-961	-25	-893	...	68
Net savings due to lower pay scales for part of year...	...	...	...	...	...	...
<b>Net permanent.....</b>	<b>698</b>	<b>19,679</b>	<b>706</b>	<b>21,289</b>	<b>8</b>	<b>1,610</b>

General Administration

Salaries and Expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	698	\$19,679	706	\$21,289	8	\$1,610
11.3 Other than full-time permanent:						
Part-time permanent.....	28	285	28	493	...	208
Temporary employment.....	25	366	19	278	-6	-88
Other part-time and intermittent employment...	10	139	10	146	...	7
11.5 Other personnel compensation:						
Overtime.....	6	360	6	360	...	...
Other compensation.....	2	41	2	41	...	...
11.8 Special personal services payments.....	...	34	...	34	...	...
Total, workyears and personnel compensation.....	769	20,904	771	22,641	2	1,737
12 Personnel benefits.....		1,923		1,934		11
13 Benefits to former personnel.....		20		20		...
21 Travel and transportation of persons.....		635		693		58
22 Transportation of things.....		47		47		...
23.1 Standard level user charge.....		3,034		3,498		464
23.2 Communications, utilities, and other rent.....		1,928		2,217		289
24 Printing and reproduction.....		613		781		168
25 Other services.....		10,739		5,972		-4,767
26 Supplies and materials.....		828		881		153
31 Equipment.....		1,342		1,436		94
Total obligations.....		42,013		40,220		-1,793
Unobligated balance, start-of-year.....		-780		...		...
Unobligated balance, end-of-year.....		...		...		...
Total requirements.....		41,233		40,220		
Relation of obligations to outlays:						
Total obligations.....		42,013		40,220		
Obligated balance, start-of-year.....		2,299		4,090		
Obligated balance, end-of-year.....		-4,090		-5,092		
Outlays.....		40,222		39,218		

Mr. SMITH. Mr. Rooney, since the hour is late we will insert your statement in the record at this point and submit a number of questions to you concerning the General Administration request and ask you to answer them for the record.

[The statement of Mr. Rooney follows:]

STATEMENT OF THE ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION, KEVIN D. ROONEY

Mr. Chairman and members of the subcommittee; I am pleased to have the opportunity to appear before you today in support of the General Administration (GA) budget request for fiscal year 1983. The total request provides for 731 positions and \$40,220,000, an increase of 8 positions and a net decrease of \$1,013,000. The request reflects uncontrollable increases and nonrecurring decreases of \$4,319,000; a transfer to the Justice Management Division of 8 positions and \$406,000 from the Systems Policy and Planning Staff, Working Capital Fund operations; and an increase of \$262,000 for the Federal Justice Research Program, principally to continue efforts in the areas of immigration policy, drug enforcement and violent crime. The increases are offset by a program decrease of \$6,000,000 for the State and Local Drug Grants Program.

The State and Local Drug Grants Program, commonly titled the Multi-State Regional Intelligence program, provides financial aid to regional drug enforcement programs to establish operational information exchange facilities which primarily involve and serve State and local law enforcement organizations. This Administration believes activities of this nature are properly the responsibility of State and local governments and are best controlled and funded at that level. Therefore, in keeping with the emphasis of this Administration, no funds are being requested for this program in 1983.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or the members of the Subcommittee may have.

[Mr. Smith's questions and the responses submitted thereto follow:]

## QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

## DEA/FBI Reorganization

*Recently you announced a reorganization whereby the FBI would be given a greater role in drug investigations. Could you outline the details of the reorganization for the Committee?*

My announcement giving the FBI a greater role in drug enforcement should not have been interpreted as the basis for a functional DEA/FBI reorganization. The major difference is that the Administrator of DEA will report through William Webster, the FBI Director, to the Attorney General. Granting the FBI jurisdiction over drug enforcement efforts has not involved a functional DEA/FBI reorganization; selected FBI resources and personnel will now be assigned to work with DEA in the investigation of narcotics trafficking.

*Under the Committee's reprogramming and reorganization policies, I believe that before this reorganization was put into effect you were required to notify this Committee. Such a notification was not submitted. Can you tell us why?*

A reprogramming of personnel and funds may be required and the Committee will be notified of any reprogramming as soon as it is approved by the Department and OMB.

## State and Local Drug Grant Program

*Your budget again this year proposes the elimination of funding for the State and Local Drug Grant program. Does the Department view this program as basically ineffective or are you just trying to save a little money?*

It should be noted at the outset that the term "State and Local Drug Grant Program" is a misnomer carried forward from the FY 1982 House Appropriations Committee report. In fact, the funds support Multi-State Regional Intelligence Systems, some of which focus on illegal drug and narcotics trafficking. Other of the systems deal primarily with robbery, burglary, cattle rustling, and a full range of criminal activity. One system assigned a top priority to "motorcycle gangs."

It is the position of the Administration that the Multistate Regional Intelligence Projects should be funded at the state or local level, if the appropriate governmental bodies determine that continued funding is warranted. This program was initiated under the Law Enforcement Assistance Administration (LEAA) so that state and local governments could exchange information to assist law enforcement efforts. The objective of this and most other LEAA grant programs was to provide "seed" money for innovative programs, after which the success of the projects could be evaluated, and state and local governments could then make their own decisions on whether the federally funded programs should be continued with state and

local resources. ROCIC has been funded since 1975. RMIN has been funded since 1977. Most recent LEAA initiatives have been continued at the state and local levels; but, of course, some have not been.

The creation of Law Enforcement Coordinating Committees (LECC's), with membership including federal, state, and local investigative and prosecutorial agency heads, in each federal district, should lessen the need for these projects. Information may be exchanged and joint operations planned utilizing the LECC mechanism.

Additionally, the federal drug enforcement effort should be significantly improved by the recent reorganization of the Drug Enforcement Administration and the corresponding expansion of FBI jurisdiction in the narcotics area. With the resources of the FBI, the Federal Government should be in a position to improve its effectiveness in fighting organized narcotics trafficking of the type which these projects were intended to combat.

The Department remains very concerned regarding the adequacy of federal oversight efforts of the projects without on-site federal presence. It is not clear that sufficient safeguards currently exist at the federal level to insure that intelligence collection and dissemination activities are proceeding as approved and as federal regulations require. Secondly, the efficiency of the projects' use of federal funds is uncertain, since federal resources are too limited to permit proper monitoring of all grantee expenditures.

In conclusion, it is our view that the Department of Justice has performed a valuable function in implementing these experimental programs and in providing funding during their crucial start-up periods. The projects have now existed for a sufficient period of time to permit their review by state and local funding bodies to determine if their continuation is warranted.

*I understand that one of the Department's complaints about the program is that it is funded in the General Administration appropriation. The Department does not feel that its administrative offices have the experience and expertise to administer the program properly. If Congress decides to continue funding this program, do you feel it would make sense to appropriate the money to the Drug Enforcement Administration where allocation of the state and local drug grants could be coordinated with DEA's State and Local Task Force?*

At the present, the Office of Justice Assistance, Research, and Statistics administers these grants. Although the Drug Enforcement Administration has a community of interests that parallel some of the work of the multi-state projects, the bulk of the systems' operations are outside the purview of DEA. This is especially true with regard to the Leviticus Project which deals exclusively with coal-mining frauds. For much the same reason, there is at best only a tenuous relationship between these projects and DEA's State and Local Task Force activities.

## U.S. Trustees Pilot Program

*The Department again is proposing to terminate the U.S. Trustees Pilot program. I believe that the Bankruptcy Reform Act of 1978 authorized this pilot program through 1984. If that is the case, why are you proposing to terminate this pilot program?*

The Administration's position continues to be that the program should be removed from the Department of Justice with its functions being absorbed by the Judiciary. This position in no way reflects a judgment that the trustee program is being other than successful in achieving the ends for which it was established by Congress.

*As part of the proposed termination of the program, you have submitted a reorganization proposal to this Committee which would terminate the Chicago office effective at the end of April, 1982. Under the terms of the Bankruptcy Act of 1978 governing this program, do you have the authority to terminate the U.S. Trustees in that office?*

Under the terms of the Bankruptcy Reform Act, the Attorney General is required to appoint one United States Trustee in each of 10 districts or groups of districts, including the Northern District of Illinois. Notwithstanding this fact, the \$5 million provided for the trustee program under the continuing resolution is insufficient to support program operations in all 10 offices. The primary basis for the specific decision to close the Chicago office was that it is large enough to effect the savings necessary to permit continued operations in the other nine trustee offices. A secondary basis for the decision was that both the United States Trustee in Chicago and his principal Assistant U.S. Trustee had resigned. Given the budgetary constraints on the trustee program, we hope that Congress will permit this office to be closed.

## Antitrust Division

*The budget for FY 1983 proposes a reduction of 40 positions and \$1,250,000. I have been concerned as have a number of other Members of Congress about this Administration's lack of coherent antitrust policy. In fact, it appears that this Administration is actively encouraging mergers. Why shouldn't we reduce this appropriation request even further if you are not going to pursue a policy of vigorous enforcement of the antitrust laws?*

Your concern that this Administration lacks a coherent antitrust policy is unfounded. This Administration has taken major steps to explain its policy and this effort is most evident in the merger area. Although the Division's merger enforcement policies have evolved with new economic thinking and judicial interpretations of the Clayton Act, the present merger guidelines have remained unchanged since they were first published in 1968. These outmoded guidelines have contributed to confusion and uncertainty in the business community. As a consequence, the Division is now devoting substantial resources to revising these guidelines. The objective of these revised guidelines is not to encourage mergers, but rather

to deter anticompetitive mergers without unnecessarily deterring transactions that may contribute to productivity, cost reduction, and consumer welfare.

*Last fall in testimony before this Committee the Deputy Attorney General testified that the Department was considering intervening in civil antitrust suits on behalf of defendants. Can you explain the rationale for such a policy?*

The Antitrust Division's private actions project was begun last year to identify cases raising issues of such general importance that participation by the government in some way might be in order. The initial focus has been upon cases involving so-called vertical restraints—various distribution and marketing practices, including vertical territorial and customer allocation, dual distribution, resale price maintenance requirements, and exclusive dealing agreements and tying. It is the Department's view that such practices most often are not only lacking in anticompetitive effect but may in fact enhance efficiency, and thus contribute to consumer welfare. The current state of the case law in the area, however, is confused at best and illogical and inconsistent at its worst, depriving consumers of the benefits of efficient business practices and creating uncertainty and antitrust risk for businessmen both small and large. While we do not subscribe to a rule of per se legality for vertical restraints—since they sometimes can disguise or facilitate anticompetitive behavior and effects—we do hope to persuade the courts to abandon the rule of per se illegality altogether in the vertical practices area, substituting the kind of reasoned economic analysis that the Supreme Court so ably articulated in GTE-Sylvania a few years ago.

The Antitrust Division has already incorporated these views in its enforcement approach. Because the vertical restraint doctrines are most frequently invoked and developed through private litigation, however, we can effectively contribute to the evolution of legal principles in this area only by involvement in private cases.

I believe this project will be highly cost-effective. The government's resource commitment is modest, limited as it is to amicus participation, while the potential gains to consumers generally are great. The Department's aim is to discourage the expenditure of private resources on cases that are essentially contract disputes dressed up in antitrust clothing and, most important, to clarify and make consistent the antitrust principles governing these issues.

*Recently the Department submitted a proposal to this Committee to close the Los Angeles field office of the Antitrust Division and transfer its personnel to the U.S. Attorney's Office in that city. Are you considering closing any of the other field offices of the Antitrust Division and if so, can you tell us which ones?*

There are no plans to close any additional field offices.

*Given this Administration's lack of emphasis on enforcement of the antitrust laws, does it make sense to maintain separate field offices for the Antitrust Division, especially since none of the other litigating divisions have field offices?*

This Administration has not de-emphasized the importance of enforcing the antitrust laws. This Administration has placed great emphasis on enforcing the antitrust laws while at the same time assuring that their enforcement results in increased productivity, decreased costs, and increased consumer welfare. The field office staffs, with their specialized knowledge of complex economic and legal issues, are a cost effective means of enforcing the antitrust laws.

Aside from the Antitrust Division field offices, there are several legal divisions with offices outside the Washington area. The Tax and Land and Natural Resources Divisions each maintain such an office and the Civil Division maintains two offices. In addition, the Criminal Division has offices for its Organized Crime Strike Forces as well as suboffices located in thirteen U.S. Attorneys' offices.

#### Service of Private Process

*I believe for about the third year in a row now the Department of Justice is submitting legislation which would permit the Department to terminate the service of private civil process in most situations. I don't believe that Congress has ever acted favorably on the previous proposals on this subject. What makes you think that the Congress would be inclined to approve the new proposal?*

We believe that the Congress will pass legislation to remove the responsibility for the service of most private process from the U.S. Marshals Service in the near future. Similar bills concerning private process have been introduced by the House and Senate Judiciary Committees. Private process legislation (S. 951, Section 10) was included by the Senate Judiciary Committee as part of the Department of Justice's Authorization Bill for 1982; however, Section 10 was deleted from the final Senate version. My staff understands that the deletion of the private process legislation resulted from a parliamentary procedure associated with the debate on the Helms/Johnston Neighborhood School amendment and not because of substantive disagreement on this issue. The House has introduced a separate bill (H.R. 3580) for the service of private process issue which is currently pending before the Judiciary Committee. We understand that the House bill has support from key members on the Subcommittee on the Courts and the Judiciary Committee.

#### Federal Justice Research Program

*Justifications indicate that you are requesting an increase of \$297,000 for the Federal Justice Research program. How much was provided for this purpose for the current fiscal year and why isn't that amount sufficient?*

The FY 1983 request represents a total increase of \$297,000 over the (anticipated) appropriation level of \$500,000 for FY 1982. The increase is composed of \$35,000 for uncontrollable price adjustments and \$262,000 for program increases. We do not consider \$500,000 sufficient to conduct a research program of this importance. In its first year of operation, FY 1978, the program was appropriated \$2,000,000, or four times the amount appropriated for the current year. In each succeeding year the appropriation level has been reduced: to \$1,700,000 in FY 1980; \$1,400,000 in FY 1981; and \$500,000 in FY 1982. The appropriation level for FY 1982 represents less than half the amount requested for that year. Our request of \$797,000 for FY 1983 amounts to only 60 percent of last years' request and even if appropriated in full would restore the program to half its resource level of FY 1981.

*On page 42 of the justifications you indicate that a number of studies have been completed as well as initiated in FY 1982. What has been the cost of these studies? How have the completed studies accomplished the programs objectives as outlined on page 41?*

The Federal Justice Research Program awards contracts for both large, multiyear research projects and smaller projects. Several large projects initiated in previous years are near completion in FY 1982. One study initiated in FY 1979 for \$274,027 examined investigative referral patterns for matters that can be prosecuted by both federal and state authorities. Another study nearing completion in FY 1982 was initiated in FY 1981 for \$296,232. This study attempts to construct a set of criteria that can identify offenders with the highest incidence of criminal behavior, and then simulate the effect, through computer modeling, that a federal "career criminal" program may have on crime and the federal criminal justice system. A third major study, totalling \$396,277, attempts to validate and generalize conclusions of an earlier report on case weighting and resource allocation in U.S. Attorneys offices. A fourth major research effort, which will be completed in late summer of FY 1982, attempts to provide better information on the cost of civil litigation, the components of those costs, and the pattern and sources of delay in resolving civil cases. The project was initiated in FY 1979 and will cost approximately \$1,960,937.

In addition to these major research efforts, several smaller projects have been completed or are near completion for FY 1982. Initiated in FY 1981 at a cost of \$62,623, one project attempts to identify, catalogue, and document data elements and file information maintained in common by the automated management information system used by the U.S. Attorneys (PROMIS), the District Courts (COUNTRAN), and the Federal Prison System (SENTRY). A second

small award (\$15,000) for FY 1982 supported a three-day conference on the administration of justice, sponsored by the Brookings Institution. This seminar, the fifth in a series of annual seminars, was held in Williamsburg, Virginia last January. Among those who attended were Chairman Peter Rodino and eight other members of the House Judiciary Committee and 13 members of the staffs of the House and Senate Judiciary Committees. During FY 1982 we also received copies of a special issue of *Law and Society Review* devoted to civil justice research. The publication was supported by a small contract for \$9,988 awarded late in FY 1980. Another noteworthy project we expect to be completed in FY 1982 concerns the work of the Council on the Role of the Courts. A \$37,000 contract was awarded in early FY 1982 to the Institute of Judicial Administration, Inc. to conduct a national meeting of the Council. At that meeting scheduled for May 1982, a book-length draft report on the role of courts in American society will be discussed and reviewed.

These projects, large and small, fully address the major program objectives listed on page 41 of our budget justification. The studies on concurrent jurisdiction, resource allocation, and identification of career criminals contribute to the coordination of the Department's enforcement responsibilities and provide important information regarding the efficient and effective deployment of law enforcement resources. The cost of civil litigation research project, the work done by the council on the Role of Courts, and the seminar sponsored by the Brookings Institution, are efforts to understand fundamental problems in the administration of justice and to develop firm data bases for use in problem solving. This objective is also listed on page 41. The cross comparison of the management information systems used by several U.S. Attorneys offices and by the Federal Prison System may lead to improved cost control and greater effectiveness of federal litigation and correctional procedures and operations, a third major objective listed on page 41.

*How many studies do you anticipate that you will begin in this program in FY 1982 and FY 1983? In what areas? What do you expect to achieve from these studies?*

Although we are not certain of the precise number of studies that we will initiate in the FY 1982 and FY 1983 we will consider supporting research in the following areas. These potential research areas for FY 1982 and FY 1983 supplement those research projects (described in the preceding answer) already completed or near completion for FY 1982.

- Assessing and implementing recommendations by the Attorney General's Task Force on Violent Crime.
- Studying ways to use federal and state correctional facilities more effectively to augment existing capacity and to alleviate prison overcrowding.
- Researching strategies to coordinate FBI and DEA resources to interdict the flow of hard drugs, particularly heroin.
- Assessing litigative costs and burdens on the Justice Department imposed by federal regulation; researching the deterrent effects of criminal regulatory sanctions.

- Devising strategies to protect witnesses, improving the status and consideration accorded to victims of crime, and encouraging greater citizen cooperation with law enforcement authorities.
- Improving federal law enforcement strategies to apprehend fugitives who flee to avoid prosecution.
- Assessing strategies to improve the collection of immigration statistics and other immigration-related projects, such as reform of the administrative law judge system.
- Supporting a conference on the Office of the Chief Justice of the United States and the relationship of that Office to the administration of the federal judicial system.
- Analyzing the operation of the cross-deputization program and assessing their effect on coordination between federal and state and local prosecutors.

*Could you provide for the record a listing of the studies that were completed and initiated in FY 1980 and FY 1981, the purpose of each of those studies and the cost of each?*

For FY 1980 the following major studies were initiated, incrementally funded, or completed:

1. Case Weighting Variation and Resources Allocation for U.S. Attorney's office (follow-up). This follow-up study was initiated in FY 1980 for \$389,477 with a rate adjustment of \$6,800 awarded in FY 1982. The Department is reviewing the final report. As was described under the second question, this study attempts to validate and extend the conclusions of an earlier study completed in FY 1979 on case weighting. (See also answer below on this subject.)
2. Council on the Role of Courts (ongoing projects funded during FY 1980). The Council on the Role of Courts consists of a group of leading judges, government officials, lawyers, law teachers, and other academicians with special knowledge of the courts. The Council's purpose is to assess the role of Court's in American society, identify proprieties for research and formulate recommendations aimed at improving the fit between the institutional capabilities of courts and the functions they are called upon to undertake. Over the years, the Council has commissioned a score of papers and projects which constitute a unique collection of perspectives on courts as institutions. In FY 1980 the following projects were supported: Family and commercial law, data analysis (\$6,812) and add-on (\$9,643); Impact of the courts in housing cases (\$5,000); Back-up role of the courts (\$3,000); Courts Council meeting (\$9,127); Role of specialized courts (\$3,000); Judicial adjuncts (\$1,000); Extended impact cases (\$3,000); and Court functions (\$3,000). As we stated in a preceding answer the Council will hold a national meeting in May of this year to discuss the draft final report of their work.
3. A Study of Justice Impact Analysis. For the past decade, the desirability of being able to predict the impact of new legis-

lation on the justice system has been widely discussed. The purpose of the research was to find and test analytic methods for making justice impact statements, and to devise guidelines for their use. Three impact statements were prepared. The project was completed in FY 1980 at a cost of \$470,209.

4. Speedy Trial Impact Study (completed FY 1980, \$351,730). The purpose of this study was to examine the impact of the implementation of the Speedy Trial Act of 1974, as amended in 1979, upon the offices of the U.S. Attorneys. The final report included findings from three study components: a survey of cases recently processed in 18 U.S. Attorneys offices; intensive site visits to six districts; and a secondary analysis of data gathered by the Administrative Office of the U.S. Courts. As was stated at page 42 of the FY 1983 justification, copies of this report were submitted to Congress.
5. The Sixth United Nations Congress on Crime Prevention and the Treatment of Offenders. This project, funded in FY 1980 for \$56,600, enabled the Department of Justice to participate at the 6th U.N. Conference on Crime Prevention and Offender Treatment. Travel costs, printing of reports, and translation services were funded in part by this award.
6. Miscellaneous Small Awards. Several smaller research projects were funded in FY 1980, including the following: report on the "Role of the Attorney General" (\$12,950); Special issue of Law and Society Review (\$9,988); and conferences on discovery (\$6,000), the costs of crime (\$9,953), the administration of justice (\$8,000), and INS statistics (\$15,000).

During FY 1981 the following studies were initiated, funded, or completed:

1. Sentencing Research Project. This project was funded over four fiscal years at a total cost of \$1,177,394. Copies of the final report, issued in May 1981, were submitted to Congress. The research established a broad data base on the major characteristics of federal offenders and federal sentences actually imposed. Although the findings of disparity in federal sentencing generally corroborate the results of earlier studies, this project documented a greater amount of variation than was previously thought to exist. Furthermore, the study documented unequivocally the extent to which the variations are associated with differing attitudes held by federal judges towards the goals of sentencing. The major implication of this project is that a sentencing guideline system similar to the one provided for by the Criminal Code Reform bills now under consideration in both Houses of congress is possible. There are no logical or analytic barriers to such a system. The study also underscored the very practical need for sensitivity to judicial attitudes when contemplating sentencing reform.
2. Release Pending Appeal of Conviction. This study was completed in FY 1981 and received funds totalling \$169,427 over three fiscal years beginning in FY 1979. The study was undertaken to determine whether a change in the law concerning the standards for release pending appeal would have a substantial effect

on the defendants or on the federal criminal justice system. The project consisted primarily of studying the experience in the District of Columbia when the District moved from a liberal to comparatively more restrictive standard for granting release pending appeal.

3. State Court Decision-making. This study, initiated and completed in FY 1981 for \$9,988, involved an analysis of 1,400 state supreme court cases to ascertain whether the influence of federal law on state supreme court decisions has substantially increased in the last two decades, particularly in the civil areas. The research was exploratory rather than definitive in intent.
4. Cost of Civil Litigation Research Project. This research project, described in the answer to the second question above, received incremental funding of \$146,152 and a retroactive rate adjustment of \$1,175 during FY 1981. Responsibility for monitoring the project through its completion in FY 1982 is shared with the National Institute of Justice.
5. COURTRAN/SENTRY/PROMIS. This project, initiated at the end of FY 1981 through the Small Business Administration, will be completed shortly at a cost of \$62,623. As stated in the answer to the second question, this project attempts to catalogue and document, through interviews and on-site observation, the data generation capabilities shared by three automated management information systems and to ascertain whether there are data needs common to the three sets of system users.
6. Council on the Role of Courts. The work of the Council, described in preceding sections, continued to be supported through several awards in FY 1981 that totalled \$35,547.
7. Federal Career Criminal Research. As was noted in the previous answers, this research attempts to develop a robust set of criteria that can be used to identify offenders with the highest incidence of criminal behavior. The project was initiated in FY 1981 for \$288,360 and an additional \$7,872 was obligated in FY 1982 to cover revised indirect rates bringing the total cost to \$296,232. A final report is expected shortly.
8. Several small projects were supported with awards in FY 1981 including the Brookings Institution's 4th annual seminar on the administration of justice (\$9,500); travel expenses for a conference on the cost of crime (\$4,504); and a re-analysis of data collected by an earlier study on family and commercial law (\$900).

*On page 23 of the justifications it is stated that the Office of Legal Policy is responsible for administering the Federal Justice Research program. Why is it necessary for the Office of Legal Policy to have a separate research program, independent of the National Institute of Justice, which is funded under the Research and Statistics appropriation?*

There are several reasons why it makes good sense to have a separate research program located in the Office of Legal Policy. As stated

on page 41 of the justification, the primary objective of the Federal Justice Research program (FJRP) is to provide empirical research that has direct and immediate significance to policy initiatives of the Attorney General. Because of this focus, the research efforts supported by FJRP will often involve federal issues rather than state or local issues, will range over both civil and criminal matters, and will have a definite policy analytic cast. The research funded by the National Institute of Justice is directed toward other needs, equally as valid, which emphasize criminal justice matters primarily at the state and local level. To accommodate these distinct purposes, the two research programs are administered by separate organizations. Lodging responsibility for the guidance and supervision of FJRP in the Office of Legal Policy, offers several other benefits. First, it enables the Office of Legal Policy, which is the principal policy staff reporting to the Attorney General, to complement its internal legal resources with external social science research. Second, the organizational location provides direct access between the program and the Office of the Attorney General, thus fostering the policy analytic relevance that characterizes the research supported by FJRP. Although the FJRP is distinct from the National Institute of Justice, there are continuing efforts to coordinate their respective research agendas to avoid duplication and overlap. Similarly, there are several options currently under consideration to share administrative responsibility for the two research programs thus possibly eliminating the need for duplicate overhead structure and expense.

*On page 41 of the justifications you state that the long-term goal of the Federal Justice Research program is to provide empirical research that has direct and immediate significance to policy initiatives of the Attorney General. What types of efforts are considered by the Department to be "empirical research"? What results have you obtained on these research projects to date?*

On page 41 we refer to "empirical research" that has direct bearing on policy initiatives of the Attorney General. By "empirical research" we generally mean the collection of data, its analysis and its presentation. By characterizing the Federal Justice Research Program as one particularly suited to empirical research, we do not intend to exclude "thought" pieces or conceptual analysis from funding consideration, however. Data may be collected by a variety of means, including on-site observations and interviews with relevant experts (e.g., COURTRAN/SENTRY projects), surveys (e.g., sentencing project), file tabulations (e.g., concurrent jurisdiction project), and legislative history research (e.g., release pending appeal). Data analysis may employ a variety of techniques ranging from statistical tabulations (e.g., state court decisionmaking project) to complex computer simulation (e.g., career criminal project). The purpose of data analysis is to discern underlying explanatory patterns in the data base and to suggest general conclusions which obtain over the data set and are valid over a larger universe. The establishment of a reliable, precise, and comprehensive data base, however, is often of value in and of itself, particularly on large projects such as the cost of civil litigation research and the sentencing research project. Secondary analysis or follow-up efforts are then possible.

*On page 42 of the justification you indicate that in late 1979 a major contract was completed which examined the means of predicting the U.S. Attorney's resource requirements based on case weight. What was the total amount of money awarded under that contract and what were the conclusions of this study?*

In late 1979, a major research project on a case-weighting approach for the U.S. Attorneys offices was completed and a final report was issued. The contract was funded in increments from the FJRP from FY 1978 to 1981 and amounted to \$334,452. The goal of the project was to develop and evaluate a set of weights that when applied to anticipated caseloads would provide accurate estimates of the resources needed to process that caseload. In essence, case-weight coefficients allow the conversion of caseload information to workload information and represent a step toward better informed resource allocation decisions. The strategy followed for this research was to observe empirically attorney activities in a sample set of districts and to record and measure the time those activities consumed. The derived workload weights produced an estimate of attorney positions that fell within three percent of the actual staffing levels during early 1979. This initial study also recommended three areas for further research: 1) a recalculation of the cases weights based on more comprehensive information available over a longer time span for the sample districts; 2) an analysis of interdistrict variation to establish the optimum method for clustering similar U.S. Attorney offices; and 3) more refined methods for projecting workload for U.S. Attorneys.

*The justifications indicate that a follow-up study is needed. Does that mean that the Department of Justice plans to use a case weighting system to determine U.S. Attorney's resource needs?*

The follow-up report cited in the justification statement was funded in FY 1980. With an additional obligation in FY 1982 for a retroactive rate adjustment, the total cost is \$396,277. The final report in this follow-up effort is under review by the Department. Although our preliminary assessment indicates that the study usefully demonstrates the feasibility and utility of case-weighting approaches in supplementing budget justifications and resource allocation, the Department has not committed itself to using a case weighting system to determine U.S. Attorneys' resource needs.

#### State and Local Drug Grant Program

*On page 43 of the justifications you are requesting termination of the State and Local Drug Grant program. The justifications go on to say that the Administration supports the concept of state and local governments exchanging information to improve law enforcement efforts. If that is so, why are you proposing termination of this program?*

Although the Department supports the concept of exchanging information between state and local law enforcement agencies, that does not imply endorsement for the notion that the Federal Government should pay the costs of these state and local activities. It is our view that, if the participating jurisdictions are convinced

of the efficacy of the regional intelligence projects, they should supply the necessary funds and accept responsibility for compliance with the principles of sound management and the protection of individual rights.

The Department has strong reservations regarding the cost effectiveness of these projects, their protection of individual privacy rights and their stewardship of federal funds. Moreover, the Department objects to being cast in an oversight role over projects that it has no effective means of supervising and which are properly within the province of state and local governments.

*The amount shown in the 1982 column for this program is \$5.7 million. It was my understanding that we appropriated \$6 million for this program. What accounts for this difference?*

The Congress did appropriate six million dollars for the State and Local Drug Grant program. However, the Conference Committee cut the General Administration appropriation by \$1,000,000 and therefore budget activities within that appropriation had to be reduced by that amount. A decision was made to reduce the State and Local Drug Grant program by \$300,000.

*How many of the state and local drug grants do you plan to renew in FY 1982 and how much would you plan to award in each case? How much of the FY 1982 appropriation would then carry over and be available for grants in FY 1983? Please provide a list of these grants for the record.*

All of the projects will be renewed in 1982 with award amounts as follows:

Project	1982 Allocation	Estimated Balance Unexpended as of 9/30/82
LEVITICUS	\$880,000	\$220,000
Mid Atlantic/Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN)	360,000	180,000
Mid-States Organized Crime Information Center (MOCIC)	320,000	160,000
New England State Police Administrators Conference (NESPAC)	700,000	200,000
Regional Organized Crime Information Center (ROCIC)	1,360,000	170,000
Rocky Mountain Information Network (RMIN)	1,050,000	300,000
Western States Information Network (WSIN)	840,000	120,000
TOTAL	5,510,000*	1,350,000

\*The remaining \$190,000 will be used for evaluation - \$40,000 to evaluate LEVITICUS and \$150,000 to evaluate the remaining projects.

The entire \$5.7 million will be awarded for the above projects in 1982 since the funds are from a one-year appropriation and any unobligated balances will not be available thereafter. However,

those funds awarded to the grantees and not expended by them will continue to be available for their use until the project period expires. The estimated unexpended amounts remaining by project at the end of FY 1982 are reflected in the preceding chart.

*How does DEA's State and Local Task Force program relate to the Department's State and Local Drug Grants program? Many of the objectives of these two programs appear to be similar? Couldn't these two programs be merged?*

As noted previously, the grants program is not limited to illegal drug and narcotics activities. Even to the extent that the system funded by the grants deal with illegal drugs, there is no direct relationship with DEA's State and Local Task Force program.

*Do you think that the El Paso Intelligence Center (EPIC)--within its present resources--could expand its services to state and local agencies to fulfill the intelligence needs currently being provided by the State and Local Drug Grants program?*

No. EPIC currently provides intelligence information to state and local law enforcement. DEA has agreements with 40 states for participation in the EPIC system. However, EPIC does not provide the same type of information which the regional intelligence systems do.

#### General Overview

*What is the status of the authorization for the Department of Justice for FY 1982 and for FY 1983?*

The FY 1982 Authorization bill has passed both the House (H.R. 3462) and the Senate (S. 951). S. 951 was passed on March 2, 1982 and sent to the House for action.

*Is the Department submitting a legislative proposal to the Congress which would provide authorization for the remainder of FY 1982?*

On December 21, 1981, the Department submitted legislation that would extend the authorities provided under the Authorization Act for the Department for the remainder of the fiscal year.

A resolution (H.R. 5379) continuing the Department's authority was passed by the House on February 2, 1982. This resolution would control the Department's authorities until June 1, 1982. The Senate version of this resolution has been held at the desk in the Senate.

*Could you provide for the record a listing of the total cost of the pay raise that was granted in October of 1981 and the increase in the cap for senior level employees that was granted in January of 1982 for each appropriation item in the Department? Also, provide how much of the total cost that you plan to absorb in each of the appropriation items and how much of the total cost for each of the items that you plan to request in a 1982 pay supplemental?*

The following chart provides the requested information.

DEPARTMENT OF JUSTICE  
1982 Pay Estimates  
(In thousands of dollars)

Organization	October 1981 Pay Requirements	Requirements to Lift Pay Cap	Total Pay Raise Requirements	12.5% Absorp.	Pay Supplemental Request
General Administration.....	\$841	\$406	\$1,247	-\$206	\$1,041
U.S. Parole Commission.....	161	74	235	-29	206
General Legal Activities.....	3,632	1,411	5,043	-21	5,022
Foreign Claims Settlement Commission...	11	18	29	...	29
Antitrust Division.....	875	346	1,221	-201	1,020
U.S. Attorneys and Marshals.....	10,253	2,572	12,825	-658	12,167
Community Relations Service.....	158	69	227	...	227
Federal Bureau of Investigation.....	24,791	1,664	26,455	-3,455	23,000
Immigration and Naturalization Service.	13,529	320	13,849	-1,849	12,000
Drug Enforcement Administration.....	6,553	630	7,183	-1,183	6,000
Federal Prison System:					
Salaries and expenses.....	10,373	285	10,658	-1,658	9,000
National Institute of Corrections....	33	13	46	-46	...
Buildings and facilities.....	34	...	34	-34	...
Total, Federal Prison System.....	10,440	298	10,738	-1,738	9,000
Office of Justice Assistance, Research, and Statistics:					
Law Enforcement Assistance.....	342	94	436	-436	...
Research and Statistics.....	355 <sup>a</sup>	60	415	-415	...
Total, OJARS.....	697	154	851	-851	...
<b>TOTAL, DEPARTMENT OF JUSTICE.....</b>	<b>71,941</b>	<b>7,962</b>	<b>79,903</b>	<b>-10,191</b>	<b>69,712</b>

<sup>a</sup>Includes \$232 for increased costs to Census Bureau resulting from 1982 pay raise.

*When do you anticipate that such a supplemental would be submitted to the Congress?*

Based on OMB guidance received in January, the pay supplemental is expected to be submitted to Congress in mid-April, 1982.

*Would you provide for the record a list of the individual appropriation items and include for each of them the request that was submitted to the Department, the request that was submitted to OMB, and the request that was submitted to the Congress in the President's Budget. In addition, provide the positions requested in each category.*

The following chart provides the requested information:

**DEPARTMENT OF JUSTICE**  
**Appropriation History - 1902**  
(Dollars in thousands)

Appropriation	1902 Appropriation Anticipated		Organization's Request to Department		Department's Request to OMB		Request to Congress	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<b>General Administration</b>								
Department Leadership	56	32,436	56	34,356	56	33,936	56	33,950
Executive Support	66	3,410	69	3,330	66	3,435	66	2,680
Office of Intelligence Policy and Professional Responsibility	22	1,111	24	1,209	22	1,146	22	1,201
Justice Management Division	530	25,144	539	27,720	538	27,465	538	28,444
Administrative Review and Appeals	49	1,932	49	2,021	49	2,042	49	2,148
Federal Justice Research Program	...	500	...	1,410	...	1,397	...	797
State and Local Drug Grants	...	5,700	...	...	...	...	...	...
<b>Total, General Administration</b>	<b>723</b>	<b>41,233</b>	<b>737</b>	<b>40,246</b>	<b>731</b>	<b>39,421</b>	<b>731</b>	<b>40,220</b>
<b>U.S. Parole Commission</b>	<b>172</b>	<b>6,200</b>	<b>172</b>	<b>6,736</b>	<b>172</b>	<b>6,892</b>	<b>157</b>	<b>6,856</b>
<b>General Legal Activities</b>								
Solicitor General	45	2,964	52	3,500	45	3,147	45	3,264
Tax Division	541	21,752	568	25,064	541	23,812	541	24,230
Criminal Division	766	33,350	846	38,388	755	34,925	755	36,069
Civil Division	640	28,565	640	30,670	640	30,675	640	32,047
Land and Natural Resources Division	336	16,686	386	20,913	336	19,325	336	19,684
Office of Legal Counsel	35	1,677	35	1,846	35	1,859	35	1,940
Civil Rights Division	305	17,139	388	19,155	385	18,193	305	18,822
INTERPOL	6	1,067	6	1,070	6	755	6	1,109
<b>Total, General Legal Activities</b>	<b>2,754</b>	<b>123,200</b>	<b>2,931</b>	<b>140,606</b>	<b>2,743</b>	<b>131,601</b>	<b>2,743</b>	<b>136,505</b>
<b>Foreign Claims Settlement Commission</b>	<b>18</b>	<b>705</b>	<b>18</b>	<b>720</b>	<b>18</b>	<b>705</b>	<b>18</b>	<b>820</b>
<b>Antitrust Division</b>	<b>829</b>	<b>44,000</b>	<b>857</b>	<b>48,957</b>	<b>847</b>	<b>47,419</b>	<b>789</b>	<b>46,466</b>
<b>U.S. Attorneys and Marshals</b>								
U.S. Attorneys	4,305	185,925	4,600	210,517	4,316	201,874	4,316	210,325
U.S. Trustees	147	5,000	...	...	...	...	...	...
U.S. Marshals	2,068	105,025	1,368	104,333	2,068	108,461	2,018	110,720
<b>Total, U.S. Attorneys and Marshals</b>	<b>6,520</b>	<b>295,950</b>	<b>6,568</b>	<b>314,850</b>	<b>6,384</b>	<b>310,335</b>	<b>6,334</b>	<b>320,945</b>
<b>Support of U.S. Prisoners</b>	<b>...</b>	<b>24,100</b>	<b>...</b>	<b>27,904</b>	<b>...</b>	<b>27,904</b>	<b>...</b>	<b>30,704</b>
<b>Fees and Expenses of Witnesses</b>	<b>...</b>	<b>27,921</b>	<b>...</b>	<b>36,921</b>	<b>...</b>	<b>39,345</b>	<b>...</b>	<b>35,400</b>
<b>Community Relations Service</b>	<b>100</b>	<b>5,500</b>	<b>88</b>	<b>5,598</b>	<b>88</b>	<b>5,673</b>	<b>88</b>	<b>5,926</b>
<b>Federal Bureau of Investigation</b>	<b>19,456</b>	<b>739,609</b>	<b>20,927</b>	<b>809,669</b>	<b>19,456</b>	<b>776,056</b>	<b>19,040</b>	<b>799,331</b>
<b>Immigration and Naturalization Service</b>	<b>10,604</b>	<b>428,557</b>	<b>9,589</b>	<b>399,257</b>	<b>10,204</b>	<b>454,592</b>	<b>10,661</b>	<b>524,599</b>
<b>Drug Enforcement Administration</b>	<b>3,953</b>	<b>230,849</b>	<b>3,983</b>	<b>257,150</b>	<b>3,853</b>	<b>242,047</b>	<b>3,953</b>	<b>246,945</b>
<b>Federal Prison System</b>								
Salaries and Expenses	8,922	353,000	9,090	370,712	8,922	373,059	8,967	376,533
National Institute of Corrections	30	11,106	40	21,198	30	12,640	30	11,054
Buildings and Facilities	25	13,731	25	26,115	25	6,667	25	6,667
<b>Total, Federal Prison System</b>	<b>8,977</b>	<b>377,837</b>	<b>9,155</b>	<b>426,025</b>	<b>8,977</b>	<b>392,366</b>	<b>9,022</b>	<b>394,254</b>
<b>Office of Justice Assistance, Research, and Statistics</b>								
Law Enforcement Assistance	192	93,554	164	172,706	114	21,096	110	10,514
Research and Statistics	89	35,000	28	42,923	89	41,225	77	37,142
<b>Total, OJARS</b>	<b>281</b>	<b>128,554</b>	<b>251</b>	<b>215,709</b>	<b>203</b>	<b>62,321</b>	<b>187</b>	<b>47,656</b>
<b>TOTAL, DEPARTMENT OF JUSTICE</b>	<b>54,387</b>	<b>2,474,295</b>	<b>55,288</b>	<b>2,820,338</b>	<b>53,776</b>	<b>2,530,357</b>	<b>53,739</b>	<b>2,644,687</b>

*How much is included in the Department's budget request for FY 1983 for SES bonuses? Could you provide this information for each appropriation item? How many SES employees do you anticipate would be receiving a bonus for FY 1983?*

Based on the eligible number of candidates in each organization, the Department's Personnel and Training Staff estimate that between 37 and 40 SES employee will receive bonuses in 1982 and 1983. Bonuses can be awarded to 20 percent of the SES career employees on board at the end of the rating period (June 30). The bonuses can be as much as 20 percent of base salary, however, those granted have been averaging 10 percent of base salary.

If recent experience on the amount of SES awards is repeated, the Department would spend about \$235,000 for awards in 1982 and 1983. Prorating this estimate to the number of eligible employees, the distribution by appropriation would be as follows:

<u>Appropriation</u>	<u>Amount</u>
General Administration.....	\$29,000
General Legal Activities.....	102,000
Foreign Claims Settlement Commission.....	1,000
Antitrust Division.....	27,000
U.S. Attorneys and Marshals.....	7,000
Community Relations Service.....	4,000
Immigration and Naturalization Service.....	31,000
Federal Prison System.....	27,000
Office of Justice Assistance, Research, and Statistics....	7,000
<b>Total, Department of Justice.....</b>	<b>\$235,000</b>

*The budget summary book indicates that many of the appropriation items include amounts for general pricing level adjustments. Could you provide for the record what the pricing level adjustment was for each appropriation item and what was the basis for such requests? What was the percentage increase allowed for inflation?*

The total Department request for the general pricing level adjustment is \$29,952,000 with the following appropriation breakout:

<u>Appropriation</u>	<u>Amount</u>
General Administration.....	\$352,000
U.S. Parole Commission.....	23,000
General Legal Activities.....	745,000
Foreign Claims Settlement Commission.....	1,000
Antitrust Division.....	848,000
U.S. Attorneys and Marshals.....	1,533,000
Fees and Expenses of Witnesses.....	1,043,000
Community Relations Service.....	15,000
Federal Bureau of Investigation.....	7,657,000
Immigration and Naturalization Service.....	5,797,000
Drug Enforcement Administration.....	3,236,000
Federal Prison System.....	7,004,000
Office of Justice Assistance, Research, and Statistics.....	1,698,000
Total.....	<u>29,952,000</u>

These amounts were derived by applying a 7.0 percent inflation factor (8.0 percent for state and local purchase items) to those objects of expense for which increases are not computed in other ways. Generally the factor applies to supplies, materials, equipment, contracts with the private sector, transportation costs and grants. The eight percent factor is authorized only for the National Institute of Corrections and the Office of Justice Assistance, Research, and Statistics.

*How much are you requesting for Administratively Uncontrollable Overtime (AUO) for each of the organizations in the Department that participate in the AUO system?*

The following lists the organizations in the Department of Justice that participate in Administratively Uncontrollable Overtime (AUO) and the amount requested for each:

	<u>1982</u>	<u>1983</u>
U.S. Attorneys.....	\$52,000	\$55,000
Federal Bureau of Investigation...	40,351,000	42,381,000
Immigration and Naturalization Service.....	13,406,000	13,901,000
Drug Enforcement Administration...	9,100,000	10,062,000
Total.....	<u>62,909,000</u>	<u>66,399,000</u>

WEDNESDAY, MARCH 10, 1982.

**GENERAL LEGAL ACTIVITIES**

WITNESSES

- EDWARD C. SCHMULTS, DEPUTY ATTORNEY GENERAL
- REX E. LEE, SOLICITOR GENERAL
- THEODORE B. OLSON, ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL COUNSEL
- J. PAUL McGRATH, ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION
- WILLIAM BRADFORD REYNOLDS, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION
- D. LOWELL JENSEN, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
- CAROL E. DINKINS, ASSISTANT ATTORNEY GENERAL, LAND AND NATURAL RESOURCES DIVISION
- GLENN L. ARCHER, JR., ASSISTANT ATTORNEY GENERAL, TAX DIVISION
- KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
- JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER. The next appropriation item we shall consider is entitled General Legal Activities. This item appears under a separate tab in Volume I in the justifications. We will insert those justifications at this point in the record.

[The justification follows:]

DEPARTMENT OF JUSTICE  
General Legal Activities  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
<u>Appropriation Level Material</u>	
Summary Statement.....	1
Proposed Authorization Language.....	2
Justification of Proposed Changes in Appropriation Language.....	3
Crosswalk of 1982 Changes.....	4
Summary of Requirements.....	5
Summary of Adjustments to Base.....	6
Justification of Adjustments to Base.....	7
Summary of Requirements by Grade and Object Class.....	12
<u>Organization Level Material</u>	
Solicitor General	
Organization Chart.....	14
Summary of Requirements.....	15
Justification of Program and Performance.....	16
Tax Division	
Organization Chart.....	20
Crosswalk of 1982 Changes.....	21
Summary of Requirements.....	22
Summary of Resources by Program.....	23
Justification of Program and Performance.....	24
Program Ranking.....	43
Criminal Division	
Organization Chart.....	44
Crosswalk of 1982 Changes.....	45
Summary of Requirements.....	46
Summary of Resources by Program.....	47
Justification of Program and Performance.....	48
Program Ranking.....	77

<u>Item</u>	<u>Page Number</u>
<b>Civil Division</b>	
Organization Chart.....	78
Crosswalk of 1982 Changes.....	79
Summary of Requirements.....	80
Summary of Resources by Program.....	81
Justification of Program and Performance.....	82
Program Ranking.....	100
<b>Land and Natural Resources Division</b>	
Organization Chart.....	101
Crosswalk of 1982 Changes.....	102
Summary of Requirements.....	103
Summary of Resources by Program.....	104
Justification of Program and Performance.....	105
Program Ranking.....	125
<b>Office of Legal Counsel</b>	
Organization Chart.....	126
Summary of Requirements.....	127
Justification of Program and Performance.....	128
<b>Civil Rights Division</b>	
Organization Chart.....	131
Crosswalk of 1982 Changes.....	132
Summary of Requirements.....	133
Summary of Resources by Program.....	134
Justification of Program and Performance.....	135
Program Ranking.....	157
<b>INTERPOL</b>	
Organization Chart.....	158
Crosswalk of 1982 Changes.....	159
Summary of Requirements.....	160
Justification of Program and Performance.....	161

Legal Activities  
Salaries and expenses, General Legal Activities

Summary Statement

The General Legal Activities appropriation supports the Attorney General through the establishment of litigative policy, conduct of litigation and various other legal responsibilities. The 1983 request of 2,743 positions and \$136,565,000 represents an adjustment-to-the-base request of 11 positions under and \$13,365,000 over the 1982 appropriation anticipated of 2,754 positions and \$123,200,000. The 1983 request provides for a transfer of 11 positions and \$517,000 to the U.S. Attorneys for criminal litigation and uncontrollable increases of \$13,467,000, including \$2,095,000 for deferred procurement of base items originally included in the March 1981 estimates. The following organizations carry out the activities of this appropriation.

1. Solicitor General - responsible for conduct and supervision of all aspects of Government litigation in the U.S. Supreme Court and approval of all Federal appellate actions.
2. Tax Division - responsible for representation of the United States and all its officers in both civil and criminal litigation arising under internal revenue laws.
3. Criminal Division - responsible for supervision of litigation or prosecution of cases arising under most Federal criminal laws.
4. Civil Division - responsible for the general litigation of the Government in cases both initiated by and brought against the United States or its officers. For 1983 a program increase of \$415,000 is requested for Private Counsel.
5. Land and Natural Resources Division - responsible for litigation of civil suits relating to title, possession, and use of Federal land and natural resources; Indian affairs as related to land; and criminal and civil prosecution for wild-life law enforcement and air, water, and noise pollution.
6. Office of Legal Counsel - responsible for the preparation of legal opinions for the President, the Attorney General and Executive agencies, and for review of proposed Executive Orders as to form and legality.
7. Civil Rights Division - responsible for criminal and civil enforcement of Federal civil rights laws, coordination of civil rights investigations and matters within the Department, monitoring certain civil rights decrees by order of Federal courts, and assisting Federal, state and local agencies in responding to and complying with Federal civil rights laws.
8. Special Prosecution - No new resources are requested in 1983 for this program. If additional resources are required for the services of a special prosecutor in 1982 or 1983, supplemental funding will be requested.
9. INTERPOL - responsible for coordination of international law enforcement groups as the United States liaison to the International Police Organization (INTERPOL).

General Legal Activities

Proposed Authorization Language

The following authorization language is requested for General Legal Activities:

For General Legal Activities, \$136,565,000 including -

- (A) hire of passenger motor vehicles;
- (B) miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration,
- (C) not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General,
- (D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529),
- (E) pay for necessary accommodations in the District of Columbia for conferences and training activities, and
- (F) the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals.

Legal Activities

Salaries and expenses, General Legal Activities

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include the proposed changes in appropriations language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, general legal activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for; and not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; [\$123,200,000], including rent of private or Government-owned space in the District of Columbia. \$136,565,000

106

Explanation of changes

No substantive changes proposed.

Legal Activities  
Salaries and expenses, General Legal Activities

Crosswalk of 1982 Changes  
(Dollars in thousands)

Budget Activity	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			1982 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Conduct of Supreme Court proceedings and review of appellate matters.....	45	51	\$2,831	...	3	\$133	...	...	...	45	54	\$2,964
2. General tax matters.....	541	552	21,364	...	...	388	...	...	...	541	552	21,752
3. Criminal matters.....	772	718	32,927	...	35	1,490	-6	-6	-\$1,067	766	747	33,350
4. Claims, customs and general civil matters.....	640	667	27,178	...	...	1,387	...	...	...	640	667	28,565
5. Land, natural resources and Indian matters.....	336	312	16,600	...	15	86	...	...	...	336	327	16,686
6. Legal opinions.....	35	39	1,686	...	...	-9	...	...	...	35	39	1,677
7. Civil rights matters.....	390	376	16,922	-5	31	217	...	...	...	385	407	17,139
8. INTERPOL.....	...	...	...	...	...	...	6	6	1,067	6	6	1,067
<b>Total.....</b>	<b>2,759</b>	<b>2,715</b>	<b>119,508</b>	<b>-5</b>	<b>84</b>	<b>3,692</b>	<b>...</b>	<b>...</b>	<b>...</b>	<b>2,754</b>	<b>2,799</b>	<b>123,200</b>

107

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The changes shown reflect the differences between Congressional action and the President's Revised 1982 Budget Request (September 1981) which, for the General Legal Activities, represented a 6-percent reduction below the March budget.

Reprogrammings

The INTERPOL program was transferred in 1982 from the Criminal Division and established as a separate budget activity in the General Legal Activities appropriation.

Legal Activities  
Salaries and expenses, General Legal Activities

Summary of Requirements  
(Dollars in thousands)

Adjustments to base:

	Perm. Pos.	Work- years	Amount
1982 as enacted (appropriation anticipated).....	2,754	2,799	\$123,200
Transfer to U.S. Attorneys for criminal litigation.....	-11	-10	-517
Uncontrollable increases.....	...	...	13,467
1983 Base.....	<u>2,743</u>	<u>2,789</u>	<u>136,150</u>

<u>Estimates by budget activity</u>	<u>1981 Actual</u>			<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>FY 1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Conduct of Supreme Court proceedings and review of appellate matters.....	47	50	\$2,619	45	54	\$2,964	45	54	\$3,264	45	54	\$3,264	...	...	...
2. General tax matters.....	574	585	21,834	541	552	21,752	541	552	24,230	541	552	24,230	...	...	...
3. Criminal matters.....	836	752	31,835	766	747	33,350	755	737	36,069	755	737	36,069	...	...	...
4. Claims, customs and general civil matters.....	660	677	28,359	640	667	28,565	640	667	31,632	640	667	32,047	...	...	\$415
5. Land, natural resources and Indian matters.....	338	360	17,313	336	327	16,686	336	327	19,084	336	327	19,084	...	...	...
6. Legal opinions.....	37	34	1,530	35	39	1,677	35	39	1,940	35	39	1,940	...	...	...
7. Civil rights matters.....	436	411	16,157	385	407	17,139	385	407	18,822	385	407	18,822	...	...	...
8. Special prosecution.....	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...
9. INTERPOL.....	...	...	...	6	6	1,067	6	6	1,109	6	6	1,109	...	...	...
<b>Total.....</b>	<b>2,928</b>	<b>2,869</b>	<b>119,650</b>	<b>2,754</b>	<b>2,799</b>	<b>123,200</b>	<b>2,743</b>	<b>2,789</b>	<b>136,150</b>	<b>2,743</b>	<b>2,789</b>	<b>136,565</b>	<b>...</b>	<b>...</b>	<b>415</b>

Legal Activities  
Salaries and expenses, General Legal Activities

Summary of Adjustments to Base  
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....	2,754	2,799	\$123,200
Adjustments to base and built-in changes:			
Transfer to U.S. Attorneys from Criminal Division for criminal litigation.....	-11	-10	-517
Uncontrollable increases:			
1982 pay increases.....	...	...	3,655
Executive Level pay increases.....	...	...	1,869
Within-grade increases.....	...	...	903
Health benefits costs.....	...	...	238
Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	...	...	79
Standard Level User Charges.....	...	...	2,449
GSA recurring reimbursable services.....	...	...	74
Postal Service increases.....	...	...	26
Federal Telecommunications System (FTS).....	...	...	674
Travel costs - airfare increases.....	...	...	382
GPO printing costs.....	...	...	27
Printing Costs for the Federal Register and Code of Federal Regulations.....	...	...	5
Departmental printing and reproduction costs.....	...	...	130
Departmental telecommunications costs.....	...	...	17
Employee data and payroll services.....	...	...	42
Full-field investigations.....	...	...	57
General pricing level adjustment.....	...	...	745
Deferred procurement of base items included in the March 1981 estimates.....	...	...	2,095
Total, uncontrollable increases.....	...	...	<u>13,467</u>
1983 Base.....	2,743	2,789	136,150

Legal Activities

Salaries and expenses, General Legal Activities

Justification of Adjustments to Base  
(Dollars in thousands)

Transfer to other accounts:

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
1. Transfer to U.S. Attorneys for criminal litigation.....	-11	-10	-\$517

The proposed transfer reflects a Department decision to retain Economic Crime Units only in those cities which are regional headquarters for the 10 Federal Regions. The remaining 11 positions and \$517,000 are to be transferred from the Criminal Division to the U.S. Attorneys for criminal litigation.

Uncontrollable increases:

1. 1982 pay increases.....	...	...	3,655
----------------------------	-----	-----	-------

This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$3,655,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative to the October pay increase	
\$756,667 x 4.8 percent for 259 days.....	\$3,632,000
2/261 x annual amount of pay raise.....	23,000
Total requirements.....	<u>3,655,000</u>

2. Executive Level pay increases.....	...	...	1,869
---------------------------------------	-----	-----	-------

This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$1,869,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative to lifting pay cap for 195 days.....	\$1,411,000
66/261 x annual amount of pay raise.....	458,000
Total requirements.....	<u>1,869,000</u>

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
3. Within-grade increases.....	...	...	\$903
<p>This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$814,000 and benefits \$89,000 = \$903,000.)</p>			
4. Health benefits costs.....	...	...	238
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$238,000 provides 19.4 percent more than the amount budgeted for 1982.</p>			
5. Federal Employees' Compensation Act (FECA)-Unemployment Benefits.....	...	...	79
<p>This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees' Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$79,000 was based on unemployment compensation payments for the quarter ending in March 1981.</p>			
6. Standard Level User Charges.....	...	...	2,449
<p>P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$2,449,000 is required in 1983 to pay for space occupied at the end of 1982. The amount budgeted for Standard Level User Charges in 1982 is \$7,196,000.</p>			
7. GSA recurring reimbursable services.....	...	...	74
<p>The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$74,000 will provide the same level of service in 1983 as in 1982. This is approximately an increase of 20 percent over the amount budgeted for 1982 of \$353,000.</p>			

111

	Perm. Pos.	Work- years	Amount
8. Postal Service increases.....	...	...	\$26
<p>The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 cents an ounce. This 5 cent increase resulted in an additional request of \$81,000. However, based on the results of the mail survey for 1981 on which the 1982 bill is based, significant redistribution of costs has been made in some organizations. This redistribution has resulted in a reduction of \$55,000 in previously anticipated postal costs for 1982 for a net increase of \$26,000 over the 1982 base of \$426,297. In the past billing distribution for the General Legal Activities appropriation was based on employment rather than actual usage because survey results were incomplete and received months after the end of the fiscal year. Further adjustments have been made to reflect the inclusion of express mail costs in these months.</p>			
9. Federal Telecommunications System (FTS).....	...	...	674
<p>The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$674,000, for a total of \$1,731,755. This reflects the new billing method which became effective in 1982 and is based on the duration of calls. It also includes the rate increase of approximately 51 percent which was granted American Telephone and Telegraph in 1982.</p>			
10. Travel costs - airfare increases:.....	...	...	382
<p>Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that due to the decreased gas prices in 1981 and the availability of economy flights, prices will increase 15 percent in 1982. This will result in a \$382,000 increase over the airfare amount budgeted for 1982.</p>			
11. GPO printing costs.....	...	...	27
<p>The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs of \$442,000 as a base, the uncontrollable increase for GPO printing is \$27,000.</p>			
12. Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	5
<p>The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and the <u>Code of Federal</u></p>			

	Perm. Pos.	Work- years	Amount
<p><u>Regulations (CFR).</u> The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$408 per page for the <u>Federal Register</u> and \$80 per page for the <u>CFR</u>. The requested uncontrollable increase provides funding for 89 pages in the <u>Federal Register</u> and 144 pages in the <u>CFR</u>.</p>			
13. Departmental printing and reproduction costs.....	...	...	\$130
<p>Departmental printing costs are expected to increase by 7 1/2 percent in 1983. This results in an uncontrollable increase of \$130,000 over the 1982 base.</p>			
14. Departmental telecommunications costs.....	...	...	17
<p>In 1981, AT&amp;T discontinued TELEPAK services and increased rates under a new tariff. The requested increase of \$17,000 reflects the resulting increase of 45 percent in the message rate and 10 percent in terminal charges over the 1982 budgeted amount.</p>			
15. Employee data and payroll services.....	...	...	42
<p>The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95.00. In 1982, it will increase by \$15.00; the increased cost of servicing 2,806 employees is \$42,000.</p>			
16. Full-field investigations.....	...	...	57
<p>Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) for 1982, which raised the standard rate charged for each full-field investigation by \$300 over the 1981 base cost of \$1,000. The request of \$57,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.</p>			
17. General pricing level adjustment.....	...	...	745
<p>This request applies the OMB pricing guidance of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1983 estimates.</p>			

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
18. Deferred procurement of base items included in the March 1981 estimates.....	...	...	\$2,095
<p>This adjustment represents the need to procure \$2,095,000 in base items for the General Legal Activities that were included in the 1982 estimates submitted in March 1981 but which had to be deferred following Congressional action. The primary basis for this adjustment is the final Congressional action, as reflected in the Conference Report on the Continuing Resolution, which reduced the General Legal Activities by \$2,000,000. The deferred procurement involves certain equipment purchases, further development and implementation of case management systems in the legal divisions, and modernization of office automation.</p>			
Total, uncontrollable increases.....	...	...	13,467
Total, adjustments to base .....	-11	-10	12,950

Legal Activities

Salaries and expenses, General Legal Activities

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/ Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$59,500.....	1		1		...	
Executive Level IV, \$58,500.....	6		6		...	
ES-5, \$58,500.....	7		7		...	
ES-4, \$58,500.....	73		73		...	
ES-3, \$58,500.....	14		14		...	
ES-2, \$56,936.....	10		10		...	
ES-1, \$54,755.....	5		5		...	
GS/GM-15, \$46,685 - \$57,500.....	438		435		...	
GS/GM-14, \$39,689 - \$51,596.....	387		383		...	
GS/GM-13, \$33,586 - \$43,666.....	307		303		...	
GS-12, \$28,245 - \$36,723.....	233		233		...	
GS-11, \$23,566 - \$30,640.....	154		154		...	
GS-10, \$21,449 - \$27,884.....	10		10		...	
GS-9, \$19,477 - \$25,318.....	109		109		...	
GS-8, \$17,634 - \$22,926.....	83		83		...	
GS-7, \$15,922 - \$20,701.....	347		347		...	
GS-6, \$14,328 - \$18,630.....	258		258		...	
GS-5, \$12,854 - \$16,706.....	179		179		...	
GS-4, \$11,490 - \$14,937.....	83		83		...	
GS-3, \$10,235 - \$13,304.....	38		38		...	
GS-2, \$9,381 - \$11,807.....	12		12		...	
<b>Total, appropriated positions.....</b>	<b>2,754</b>	<b>\$81,099</b>	<b>2,743</b>	<b>\$86,653</b>	<b>-11</b>	<b>\$5,554</b>
Pay above stated annual rate.....	...	310	...	314	...	4
Lapses.....	-67	-1,982	-66	-2,092	-1	-110
<b>Net permanent.....</b>	<b>2,687</b>	<b>79,427</b>	<b>2,677</b>	<b>84,875</b>	<b>-10</b>	<b>5,448</b>

Legal Activities

Salaries and expenses, General Legal Activities

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	2,687	\$79,427	2,677	\$84,875	-10	\$5,448
11.3 Positions other than permanent:						
Part-time employment.....	49	1,086	49	1,140	...	54
Temporary employment.....	58	1,086	58	1,105	...	19
Other part-time and intermittent employment.....	5	83	5	89	...	6
11.5 Other personnel compensation:						
Overtime.....	29	665	29	679	...	14
Other compensation.....	...	245	...	246	...	1
11.8 Special personnel services payments...	...	832	...	844	...	12
Total, workyears and personnel compensation.....	2,828	83,424	2,818	88,978	-10	5,554
12 Personnel benefits.....		7,481		8,148		667
13 Benefits for former personnel.....		...		79		79
21 Travel and transportation of persons..		7,641		8,018		377
22 Transportation of things.....		362		378		16
23.1 Standard Level User Charges.....		7,196		9,612		2,416
23.2 Communications, utilities and other rent.....		5,809		6,666		857
24 Printing and reproduction.....		1,946		2,184		238
25 Other services.....		7,403		9,834		2,431
26 Supplies and materials.....		1,346		1,417		71
31 Equipment.....		572		1,231		659
91 Unvouchered.....		20		20		...
Total obligations.....		123,200		136,565		13,365
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		11,934		14,346		
Obligated balance, end-of-year.....		-14,346		-17,081		
Outlays.....		120,788		133,830		

Mr. HIGHTOWER. The budget request for fiscal year 1983 is \$136,565,000. This amount is an increase of \$13,365,000 above the amount provided for the current fiscal year under the continuing resolution.

GENERAL STATEMENT

We have Mr. Edward Schmults, the Deputy Attorney General. We have a statement from Mr. Schmults, which we would like to insert in the record at this point, and then we will be happy to have you elaborate on it in any way that you see fit.

Mr. SCHMULTS. I thought what I would do, Mr. Chairman, is submit the full statement for the record—it is short, only three and a half pages—and maybe just refer briefly to several points in the early part of the statement.

Mr. HIGHTOWER. We will be happy to put the full statement, as you have submitted it, in the record, and you may proceed.

Mr. SCHMULTS. Thank you.

I appreciate the opportunity to be here today to discuss the 1983 budget request for the Department of Justice's General Legal Activities. The request of \$136,565,000 and 2,743 positions represents an increase of \$13,365,000 and a decrease of 11 positions from the anticipated 1982 level.

The bulk of the increased funding, \$13,467,000, is for uncontrollable expenses which consist primarily of pay annualization and within-grade increases, space rental, telephone and telecommunications charges, airfare and mileage increases and general pricing level adjustments.

Other changes include a program increase of \$415,000 for private counsel expenses in the Civil Division, offset by a transfer of \$517,000 and 11 positions from the Criminal Division to the U.S. Attorneys.

The Solicitor General and the Assistant Attorneys General of the litigating divisions are here with me today to respond to any specific questions you may have about their programs. They are Rex E. Lee, Solicitor General; Theodore B. Olson of the Office of Legal Counsel; J. Paul McGrath of the Civil Division; William Bradford Reynolds of the Civil Rights Division; D. Lowell Jensen of the Criminal Division; Carol E. Dinkins of the Land and Natural Resources Division; and Glenn L. Archer of the Tax Division. With the exceptions I have noted, the 1983 request will essentially continue the 1982 funding levels.

With that, we would be happy to answer any questions you may have.

[The prepared statement of Mr. Schmults follows:]

DEPARTMENT OF JUSTICE  
GENERAL LEGAL ACTIVITIES

STATEMENT OF THE DEPUTY ATTORNEY GENERAL  
EDWARD C. SCHULTS  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS  
OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to be here today to discuss the 1983 budget request for the Department of Justice's General Legal Activities. The request of \$136,565,000 and 2,743 positions represents an increase of \$13,365,000 and a decrease of 11 positions from the anticipated 1982 level. The bulk of the increased funding, \$13,467,000, is for uncontrollable expenses which consist primarily of pay annualization and within-grade increases, space rental, telephone and telecommunications charges, airfare and mileage increases and general pricing level adjustments. Other changes include a program increase of \$415,000 for private counsel expenses in the Civil Division, offset by a transfer of \$517,000 and 11 positions from the Criminal Division to the U.S. Attorneys.

The Solicitor General and the Assistant Attorneys General of the litigating divisions are here with me today to respond to any specific questions you may have about their programs. They are Rex E. Lee, Solicitor General; Theodore B. Olson of the Office of Legal Counsel; J. Paul McGrath of the Civil Division; William Bradford Reynolds of the Civil Rights Division; D. Lowell Jensen of the Criminal Division; Carol E. Dinkins of the Land and Natural Resources Division, and Glenn L. Archer of the Tax Division. With the exceptions I have noted, the 1983 request will essentially continue the 1982 funding levels. These resources will support at least the same level of effort as this year, but we will see some shifts in emphasis as I shall explain.

The Criminal Division will have a lead role in our program against violent crime, particularly through the development of Federal-State-Local Law Enforcement Coordinating Committees to handle concurrent jurisdiction matters. In concert with the United States Attorneys, this should allow us to utilize more effectively our federal prosecutorial resources and better meet the unique needs of various sections of the country. Both the Criminal and the Tax Divisions will focus on the prosecution of major narcotics traffickers, with particular emphasis on financial investigations and the potential forfeiture of traffickers' assets and profits. Organized crime and economic crime prosecution will continue to be high priorities. Fraud cases are being given increased emphasis in both the Criminal and the Civil Divisions, and we are actively improving our communication and coordination with the Inspectors General of the various departments and agencies.

The Land and Natural Resources Division will focus resources on the problem of unstabilized hazardous waste disposal sites. Resources made available from the Environmental Protection Agency's Hazardous Waste Response Fund (Superfund) will assist the Division in its efforts. New performance standards promulgated by EPA for various types of treatment, storage and disposal facilities are expected to generate several hundred new enforcement and defensive cases during 1982 and 1983 as suits are brought to challenge these regulations and subsequent permits to be issued.

In the Civil Rights Division, priorities include the prosecution of violent criminal activity in violation of the rights of individuals and groups, and the preservation of the integrity of the Federal civil rights voting laws.

A shift of emphasis will continue to be evident in the education and employment programs of the Division as this Administration is committed to practical and innovative solutions to discriminatory practices in these two areas.

One of the most cost-effective Federal budget investments--and one which has not been given sufficient emphasis in congressional testimony in the past--is the importance of the litigation programs of the Department of Justice. Our current defense of Federal programs represents nearly \$100 billion of exposure. I cannot emphasize enough the pivotal role this activity can, and indeed does have in protecting the interests of the taxpaying public and the Federal Government.

A major initiative of this Administration and the Department of Justice is the improved management of collecting debts owed to the United States as a result of defaulted loans or court judgments. As of the end of January 1982, the amount of civil and criminal legal process debts owed the United States was over \$1 billion. To underscore the priority of this initiative, the Attorney General has assigned the Assistant Attorney General for the Civil Division, J. Paul McGrath, a lead role for improved collections of judgments in the Department of Justice.

The continued improvement of case management systems will also be a priority in the legal divisions. If our full 1983 request is approved, the legal divisions will be able to procure equipment to facilitate further application of automation and word processing systems to litigation manage-

ment and litigation support. In FY 1982, it has been necessary to defer the planned acquisition of this equipment because of final Congressional action on the Continuing Resolution for 1982 which reduced the request by \$2,000,000.

Finally, the increase of \$415,000 requested for the Civil Division will enable the Department to respond to continuing requirements for the retention of private counsel. We continue to support amendments to the Federal Tort Claims Act, enactment of which would obviate this requirement; however, until passage of the Amendments is accomplished, the hiring of private counsel to represent Federal employees who are sued in their individual capacity will be necessary.

This concludes my statement Mr. Chairman. My colleagues and I will be pleased to answer any questions you or other members of the subcommittee may have.

Mr. HIGHTOWER. Thank you.

#### UNCONTROLLABLE INCREASES

On pages 8 and 9 of the justification I see you are requesting a 33-percent increase for GSA standard level user charges, a 20-percent increase for GSA recurring reimbursable services, and 63 percent for federal telecommunications system changes. I also note that the budget request for general legal activities, with one exception, includes no program increases. Can you explain the reason for such large increases in these items, since you are not proposing any significant program increases?

Mr. ROONEY. If I may, Mr. Chairman. The increased telecommunications costs, et cetera, are based upon data provided to us by the General Services Administration for their increased costs in providing those services through interagency contracts.

#### ADEQUACY OF RESOURCES

Mr. HIGHTOWER. With one small exception in the Civil Division, the budget request for General Legal Activities does not include any program increases. Given the Attorney General's emphasis on violent crime and the FBI's continued interest in white collar and organized crime, are you going to have enough personnel and resources to cope with the projected workload for fiscal year 1983?

Mr. SCHMULTS. When you are dealing with not only violent crime but all crime, I suppose it is fair to say one can, in a sense, never have enough resources. But we think with the programs that the Attorney General has put in place, such as the law enforcement co-

ordinating committees, and the higher degree of cooperation between the Drug Enforcement Administration and the Federal Bureau of Investigation, where we have already seen very important improvements, the resources that we are asking for will be adequate for us to do the job.

It means that we are all going to, particularly in the law enforcement components, work a lot harder to get a better idea of what our priorities should be. But we think with the resources we are asking for, we believe we can do the job.

Mr. HIGHTOWER. Mr. Campbell.

#### SLUC INCREASE

Mr. CAMPBELL. Mr. Chairman, most of my questions are going to be delayed until we get to some specific provisions. There is only one thing that I would like to ask you that is general. In the standard level user charge, we have had tremendous increases on this 3-year jump. What was your percentage increase in that SLUC charge?

Mr. ROONEY. Mr. Chairman, we may have to provide that for the record.

Mr. CAMPBELL. I would appreciate it. We have seen some, Mr. Chairman, that have been as much as 120 percent, and of course, we realize that it is a tremendous distortion of the budget when that comes in at one time. I would appreciate you providing that for the record.

Mr. SCHMULTS. We will be happy to do that.

[The information follows:]

From 1981 through 1983, the General Legal Activities have experienced an increase of 45 percent in Standard Level User Charges. The cost for Department space has been set by the General Services Administration.

Mr. HIGHTOWER. Thank you, Mr. Schmults.

#### OFFICE OF THE SOLICITOR GENERAL

We will now be happy to hear from the Solicitor General, Mr. Rex Lee.

Mr. Lee, if you would like to come to the table. I believe you have a general statement. We would be happy to have that in full in the record, and then hear any additional comments that you may choose to make. Before we hear your statement, we will insert your biographical sketch in the record at this point.

[The biographical sketch of Mr. Lee follows:]

#### REX E. LEE

Rex E. Lee was sworn in as Solicitor General of the United States on August 6, 1981. Prior to that appointment he served as founding Dean of the J. Reuben Clark Law School at Brigham Young University. From 1975-1977 he served as Assistant Attorney General, Civil Division, Department of Justice. After serving with the Department of Justice he returned to his deanship at the J. Reuben Clark Law School.

Mr. Lee was born in Los Angeles, California on February 27, 1935 and grew up in St. John's, Arizona. He attended Brigham Young University, where he received a B.A. degree in 1960, and the University of Chicago Law School, where he received a J.D. in 1963. He was named to the Order of the Coif at law school.

He served as a law clerk to Supreme Court Justice Bryon White in 1963 and 1964 and became an associate in the law firm of Jennings, Strouss, Salmon & Trask in Phoenix, Arizona, in 1964. He joined the firm as a partner in 1967.

Mr. Lee is married to the former Janet Griffin and has seven children. He is a member of the American Bar Association, Arizona Bar Association, Utah Bar Association, and the District of Columbia Bar Association. He served as a member of the Board of Litigation of the Mountain States Legal Foundation, a public interest law firm, from July, 1978 to May, 1981.

Mr. LEE. Mr. Chairman, I am pleased to be here with you this morning. The 1983 budget for the Solicitor General's Office provides \$3,264,000 and 45 positions, which reflects an increase of \$300,000 for uncontrollable items.

The Solicitor General, with the assistance of a small staff of attorneys, is responsible for conducting and supervising all aspects of government litigation before the Supreme Court. In addition, the Solicitor General reviews every case litigated by the Department of Justice that a lower court has decided against the United States to determine whether to appeal. He also decides whether the Government should file a brief as amicus curiae in any appellate court.

In the past term of the Supreme Court, July 2, 1980 to July 2, 1981, the Solicitor General's Office was a party in 39 percent of the cases before the Court. Over the past 10 terms, the number of cases has increased by an average of 8 percent. The Government participated in argument or filed briefs as amicus curiae in 66 percent of the cases argued on the merits before the Supreme Court.

That concludes my statement. I shall be happy to respond to any questions that you or other Members of the subcommittee have.

[The prepared statement of Mr. Rex Lee follows:]

DEPARTMENT OF JUSTICE  
OFFICE OF THE SOLICITOR GENERAL

STATEMENT OF REX E. LEE  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE  
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1983 budget request for the Office of the Solicitor General. The 1983 budget provides \$3,264,000 and 45 positions which reflects an increase of \$300,000 for uncontrollable items.

The Solicitor General, with the assistance of a small staff of attorneys, is responsible for conducting and supervising all aspects of government litigation in the Supreme Court. In addition, the Solicitor General reviews every case litigated by the Department of Justice that a lower court has decided against the United States to determine whether to appeal. He also decides whether the Government should file a brief as amicus curiae in any appellate court. ✓

A significant part of the work of the Office involves government agencies that have conducted lower court litigation themselves, such as the National Labor Relations Board and the Securities and Exchange Commission. In addition, many cases arise from activities of executive departments of the government.

During the past term of the Supreme Court (July 2, 1980 to July 2, 1981), the Office was a party in 39 percent of the cases before the Court. Over the past ten terms, the number of cases handled increased by an average of 8%. The government participated in argument or filed briefs as amicus curiae in 66 percent of the cases argued on the merits before the Supreme Court.

This concludes my statement, Mr. Chairman. I shall be happy to answer any questions you or other members of the Subcommittee may have.

LEGISLATIVE VETO

Mr. HIGHTOWER. The legislative veto issue has been before the Congress a number of times and is now scheduled for decision by the Supreme Court in *I.N.S. vs Chadha*. I understand that the Ninth Circuit Court of Appeals declared the one House veto unconstitutional in that case. Since the government and Chadha both benefited from that decision, how does that issue now reach the Court?

Mr. LEE. Through two separate avenues, Mr. Chairman. The first avenue was that because there was a statute of Congress, or statute and action of Congress that was the issue, and because of the responsibility that the United States has, as reflected by 28 USC 1252, to seek appeal in any instance in which the courts have declared something that Congress has done unconstitutional. The Solicitor General's Office did file an appeal in that case for the purpose of seeking Supreme Court review.

There was a precedent for that action in a couple of prior cases including, most prominently, *United States v. Lovett*, in which the United States, though it had joined in contending that what Congress had done was unconstitutional, had facilitated Supreme Court review by seeking appeal.

The other avenue through which that case came to the Supreme Court was that the House and Senate themselves appointed counsel who intervened in the case, and filed certiorari petitions.

The Court granted the House and Senate certiorari petitions and postponed ruling on the jurisdiction in the executive branch appeal. By both those routes, the case reached the Supreme Court.

TAX-EXEMPTION ISSUE

Mr. HIGHTOWER. In the matter of the tax-exempt status for educational institutions, the budget indicates that you filed a brief with the Supreme Court, argued that the IRS may deny tax-exempt status to educational institutions that discriminate on the basis of race. I believe you did this in the Bob Jones University case. From news reports, I now understand the government has reversed its position and now argues that IRS lacks authority to deny such an exemption. Can you clarify the matter?

Mr. LEE. Mr. Chairman, I am personally disqualified in that case because of a prior involvement before joining the government. Mr. Wallace, who was the Acting Solicitor General, is here, also Mr. Schmults, who is my superior officer. Perhaps either one of them could answer that question.

Mr. HIGHTOWER. Before they do, I understand, Mr. Schmults, you do have another commitment, and we would certainly understand if you have to leave. You have a very capable staff here.

Mr. SCHMULTS. Thank you very much.

Mr. HIGHTOWER. If you need to slip away, that is all right.

Mr. SCHMULTS. I might answer that question, if you would like.

Mr. HIGHTOWER. Yes, fine.

Mr. SCHMULTS. I believe, if I recall it correctly, what you have stated is correct. The United States is now taking the position in the Supreme Court in the Bob Jones and Goldsboro cases that the

Congress has not authorized the IRS to withhold tax exemptions from those two schools.

The President has proposed to the Congress legislation to cure what we see as a defect in the law. Hearings have been held before the Senate Finance and the House Ways and Means Committees, but the issue is now before the Supreme Court. Presumably, at some point, it will be decided by that Court as to whether or not Congress has, in fact, given the IRS such legal authority.

Mr. HIGHTOWER. Has the Solicitor General intervened in that case?

Mr. SCHMULTS. No. We have been parties in that case. We did not intervene in those cases. There are two cases.

Mr. HIGHTOWER. Thank you very much.

Mr. Campbell.

#### CONSTITUTIONAL QUESTION OF TAX-EXEMPT ISSUE

Mr. CAMPBELL. Let me ask you a couple of questions on the tax exemption issue. I have a passing interest in it. Bob Jones University happens to be in my district. I have never seen anything mishandled by the government or the administration or anybody else as badly as I have seen this particular case.

I do not share their particular belief, but I understand that the way you have gone to the Supreme Court, the case is in two parts: One is a constitutional question that they are claiming their rights, and the other is on the rights of law, the IRS, that you in fact are only defending one part of your original position in the Court, and in fact your attorney has filed in the Court a personal exclusion of his beliefs, even though he has taken your position on one part. Is that a correct statement?

Mr. SCHMULTS. No, that would not be a correct statement. Let me try and explain that, if I can. In September, the government, in effect, advised the Court in a manner consistent with what the position had been for the last 10 years, namely, that the IRS did have legal authority to withhold the tax exemptions, and, two, it was not unconstitutional in effect to do so.

The position on the constitutionality remains the same in the brief that has been filed with the Supreme Court. We continue to take the position that if the IRS has legislative authority to withhold the tax exemptions, it is constitutional for the IRS to do so.

#### LEGAL AUTHORITY TO WITHHOLD TAX EXEMPTION REVERSED

So far as the statutory authority, the position has been changed. After a careful legal analysis, the Department of Justice concluded, and so advised the Treasury Department, that its review of the law showed that Congress had not authorized the IRS, in effect, to withhold tax exemption.

That position has been changed. The brief that has been filed now with the Supreme Court takes those two positions, and notes, as a matter of candor, that the position taken by the Acting Solicitor General in September of 1981 on the statutory construction issue, remains his view today.

Mr. CAMPBELL. Maybe I misspoke myself, but I understood in my thought process that was what I was asking you. You said no, that wasn't the case.

Mr. SCHMULTS. Well, I guess I didn't agree with the phrasing. But the brief that the United States has filed takes the position there is no legislative authority for the IRS to withhold tax exemptions for reasons of social policy. However, if there is legislative authority, it is constitutional to do so. The brief does note that the Acting Solicitor General took a contrary position on the statutory question in September as a matter of candor so that the Court would be aware of that. We wanted to call that to the Court's attention.

Mr. CAMPBELL. Does that prejudice the Court's opinion, do you think, in any way?

Mr. SCHMULTS. I don't believe that will prejudice the Court's opinion. I believe the Court will decide the case, as it does all cases, on the merits.

Mr. CAMPBELL. I should hope so. Number one, I agree with the fact that you should go into court. I think you should have stayed in there to begin with. I may not have agreed with your total position, but I think you should have stayed in the court process.

I say that as a representative of the district. I also think that the piece of legislation that was sent over to this Hill was abominable because it attempts to legislate a religious belief. I can't believe that this Congress would ever take up that piece of legislation in the form that it was sent to us.

I understand it was drawn in Treasury basically by the same person that promulgated the original regulation. The concern that I had was not with the law that was sent over here, but the way it states the public policy, that no institution that discriminates shall be allowed tax exemption, and so on. I totally agree with that.

#### IMPACT OF TAX EXEMPTION LEGISLATION

What bothered me so very much was the proviso they added in excepting those institutions that discriminate within their religious beliefs except when those institutional beliefs happen to be based on any kind of a racial motive. We are beginning to attempt to legislate what is and is not a religious belief, and I am absolutely surprised that someone would send that over here. I hope that the Justice Department really didn't have anything to do with drafting that.

I don't know whether you have studied that thing very carefully but I had great concern with it. If we ever get into the field of trying to legislate what specific religion has a belief and doesn't have a belief, then you know we are going to have to get into the sex discrimination area also. We would have to start legislating on Catholic schools because they practice celibacy and have no women priests, and that scares me to get into this sort of field.

I just wondered if you reviewed any of this to begin with and if you took that sort of thing into consideration when you proposed such a statute.

Mr. SCHMULTS. The Administration was concerned about that, and our position is that the statute does not legislate or prohibit in

any way religious belief as such, but only applies when that belief is manifested, if you will, in action. In other words, policies that encourage or implement racial discrimination should be barred.

Mr. CAMPBELL. If you did, could you not have substituted the words "sexual discrimination," given the mores and standards of the country today?

Mr. SCHMULTS. If Congress wanted to do that—

Mr. CAMPBELL. If we passed that law, would it not have opened that door to go in that direction?

Mr. SCHMULTS. Well, no. If you pass the law, I don't think it will open the door to go in that direction. Indeed, that is really one of the points in the Bob Jones litigation. If the IRS has authority to implement what it believes are social policies, then conceivably it could say, well, we should withdraw tax exemptions from single-sex schools. Quite the contrary to what you have stated, if Congress passes a law directing the IRS to withhold exemptions from schools that discriminate on the basis of race—which we abhor, and we hope that Congress would pass such a law—it may not be necessary—

Mr. CAMPBELL. I agree with you, I would like to see it passed. I just don't want to see us defining beliefs.

Mr. SCHMULTS. It would not open up a door because Congress, if they wanted to do so, would have to pass a law. That law could be debated. The people could participate, and a decision could be made by the legislative branch, which is where we think these decisions ought to be made.

Mr. CAMPBELL. I have no problem with passing the law. I think we should to clarify who has what right. My problem is in trying to state what a religious belief is within that law, and that gave me a great deal of concern. I thought we were getting into a field that really I don't think we ought to be in. I don't want to belabor this.

Mr. SCHMULTS. It is a difficult question.

Mr. CAMPBELL. I think we are in an untenable situation. I am sorry you are in the situation. Furthermore, I wish you weren't hearing Goldsboro and Bob Jones combined. I don't think those two cases should ever have been combined. I think they are rather different, but needless to say, I don't think this Congress is ever going to pass a piece of legislation like you sent over here.

Thank you, Mr. Chairman.

Mr. HIGHTOWER. All right, Mr. Campbell. Thank you, Mr. Lee.

Mr. Schmuls, we may want to add some questions in writing.

Mr. SCHMULTS. I will be delighted to answer.

#### TAX DIVISION

Mr. HIGHTOWER. Next we would like to hear from Glenn Archer of the Tax Division. Mr. Archer, since this is your first appearance before the Committee, we shall insert your biographical sketch at this point in the record.

[The biographical sketch of Mr. Glenn Archer, Jr., follows:]

#### GLENN L. ARCHER, JR.

Glenn L. Archer, Jr., became the Assistant Attorney General in charge of the Tax Division on December 18, 1981. From 1956 until his present appointment, Mr. Archer was a senior tax partner in Hamel, Park, McCabe & Saunders, a Washing-

ton, D.C., law firm. His federal tax experience includes contested and litigated cases at the administrative, trial, and appellate levels, as well as tax planning, administrative and legislative matters.

Mr. ARCHER was born on March 21, 1929, in Densmore, Kansas. He attended Topeka High School, Topeka, Kansas, and received his B.A. Degree in 1951 from Yale University, where he was on the Dean's List. He graduated from the George Washington University Law School in 1954, receiving his J.D. (with honors) Degree. He was a member of the George Washington University Law Review and Phi Alpha Delta legal fraternity. He also served as President of the George Washington University Student Council, Colonial Boosters and Sigma Nu social fraternity.

From 1954 through 1956, Archer served as a First Lieutenant in the Judge Advocate General's Office of the United States Air Force at the Arnold Engineering Development Center in Tullahoma, Tennessee.

Mr. Archer is married to the former Vera Poe Wiseman, and they have two daughters and two sons. The family lives in Falls Church, Virginia. He is a member of the District of Columbia Bar and is admitted to practice before the Supreme Court, the United States Court of Appeals for the District of Columbia, the United States Tax Court, and the United States Court of Claims. He is also a member of the American Bar Association, the District of Columbia Bar Association, the Bar Association of the District of Columbia, and the Federal Bar Association.

#### GENERAL STATEMENT

Mr. HIGHTOWER. Mr. Archer, you have a prepared statement, and we would be happy to put that in the record in full at this point, and then hear any additional comments you would care to make.

[The prepared statement of Mr. Archer follows:]

DEPARTMENT OF JUSTICE  
 TAX DIVISION  
 STATEMENT OF ASSISTANT ATTORNEY GENERAL  
 GLENN L. ARCHER, JR.  
 BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
 THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,  
 THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1983 budget request for the Tax Division. The 1983 request of 541 permanent positions, 552 workyears and \$24,230,000 represents the current services level, and is necessary to carry on the Division's 1983 activities. The funding increase of \$2,478,000 is for uncontrollable expenses only.

The Tax Division is responsible for the representation of the United States and its officers in all civil and criminal cases arising under the Internal Revenue laws, with the exception of the proceedings in the United States Tax Court. The Division's civil trial litigation involves primarily the defense of tax refund suits and the initiation of actions necessary to the investigation and collection of taxes. The appellate work includes the initiation of government appeals in precedent setting and other appropriate cases, as well as the defense of appeals by taxpayers. The criminal tax activities encompass the review and approval of all tax prosecutions and grand juries and the conduct of certain criminal tax trials and tax grand jury investigations. The work of the Tax Division is, therefore, important in enhancing the revenues of the United States, in promoting public confidence in, and respect for, the revenue laws, and in developing a fair and uniform application of these laws.

Substantially all of the Division's work is imposed by the litigation requirements of the Internal Revenue Service -- the Division's principal client -- and by the level of taxpayer-initiated suits and appeals. Within the resource level requested for 1983, the Division intends to place additional emphasis on two areas -- certain criminal tax prosecutions and judgment and debt collection. In response to the growing need for financial investigation of high-level narcotics traffickers, the Division has established a Tax Enforcement Narcotics Unit in its Criminal Tax Section to develop and coordinate criminal tax prosecutions in this area with the assistance of the Internal Revenue Service and the offices of the United States Attorneys. In the judgment and debt collection program, emphasis will be placed on increased assistance to the Division's trial attorneys and to the offices of the United States Attorneys in their efforts to collect civil judgments arising out of tax-related cases. The Division anticipates, but is unable to quantify, a significant increase in its tax refund litigation in 1983 as a result of the interest rate applicable to tax deficiencies and tax refunds being increased to 20% effective February 1, 1982, and an increased workload in all civil litigation as a result of the Equal Access to Justice Act, which became effective October 1, 1981, and which permits taxpayers, if they substantially prevail, to recover attorneys' fees. In the Division's other programs, initiatives in the use of case management, litigation support and word-processing will permit limited increases in output levels.

The activities of the Tax Division are in direct support of the Federal revenue system. Thus, any improvements in the effectiveness and efficiency of the Division or any expansion of the Division's activities will generally result in a direct and immediate enhancement of the revenue of the Federal Government.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or other members of the Subcommittee may have.

Mr. ARCHER. Thank you, Mr. Chairman.

The Tax Division's request for the 1983 fiscal year is for 541 positions and a budget of \$24,230,000. This represents the current services level, but there is an increase for uncontrollable expenses of \$2,478,000.

The Tax Division is responsible for representing the United States and its officers in all civil and criminal cases arising under the internal revenue laws, except for cases that go to the Tax Court of the United States. We basically have a civil trial litigation section, a criminal tax section, and an appellate section. Each of these is responsible for the litigation requirements of the Internal Revenue Service in those three areas, and also in defending cases that are brought by taxpayers for tax refunds and defending appeals by taxpayers.

Our principal emphasis in the next year and into 1983, within the level of our resources, is to improve our work in the criminal tax area as it involves high-level narcotics traffickers, and also to increase our work in the judgment and collection area in those years. We are attempting to make improvements in both of those areas to perform better, as well as to continue our current level of work. If there are any questions, Mr. Chairman, I would be happy to try to answer them.

#### WORKYEAR DECREASE

Mr. HIGHTOWER. I see on page 22 of the justifications that you had 585 work-years for fiscal year 1981. You are projecting a drop to 552 work-years for fiscal year 1982 and fiscal year 1983. Will you be able to remain current with your workload if you have a reduction of this magnitude?

Mr. ARCHER. Mr. Chairman, we are trying to improve our effectiveness in our work. We are operating during the current fiscal year of 1982 at the same staffing and work-year levels, and we are at present keeping up with our cases, and I think improving our work in reducing our caseload.

There are some factors on the horizon that could affect us in 1983, but at present we believe with our resources we can maintain our present level of activity and keep up with our caseload.

#### DECREASED VOLUNTARY COMPLIANCE

Mr. HIGHTOWER. Mr. Campbell.

Mr. CAMPBELL. Thank you, Mr. Chairman.

Let me ask you this, We have the Tax Court under another subcommittee where we deal with it?

Mr. ARCHER. Yes.

Mr. CAMPBELL. In representing the government in the Tax Court, some people seem to think that there is beginning to be a loss of feeling among the general public that the responsibility of paying taxes is something they have to do, and that this responsibility is no longer seen as absolute. Do you find this to be a trend we are dealing with?

Mr. ARCHER. Yes, I certainly do. I think this is a very serious problem for this country, and I think that the Commissioner of Internal Revenue has spoken out repeatedly on this subject. The use

of tax shelters and the tax protester area are two particular areas that are of great concern to the Internal Revenue Service and to us in the Tax Division. Beyond that, there is also a very serious problem in the so-called underground economy, which just basically escapes taxes.

In the Tax Division, we are cooperating and working with the Chief Counsel's Office and the Commissioner of Internal Revenue, both in the criminal tax area and in the tax shelter area.

We have a tax shelter group set up within our organization which is a group of experts to deal with these problems. I think we are finding in the criminal tax area that the prosecutions that we have had recently are resulting in more severe penalties.

#### TAX ENFORCEMENT NARCOTICS UNIT

Mr. CAMPBELL. Are these prosecutions that you have, using the tax laws, and you prosecute heavily in areas that deal with illicit drugs, are we using the tools effectively? Are we using the tax laws in your office to combat some of these problems?

Mr. ARCHER. We are cooperating in that area. Again, I think we have a matter of resources. If we had unlimited resources, there are undoubtedly other things that we could do, but at the present time we have a Tax Enforcement Narcotics Unit within our Criminal Tax Section that is cooperating with the Narcotic and Dangerous Drug Section of the Criminal Division and with the Drug Enforcement Administration and with the Internal Revenue Service to do our part in the overall prosecution of high-level narcotics traffickers.

#### TAX PROTESTORS

Mr. CAMPBELL. I don't want to belabor this, but this thing bothers me about the Tax Court and the general idea that seems to be permeating throughout society that it is chic not to pay taxes, kind of like beating a parking meter or something.

A lot of the people that I have begun to get letters from, cite these thick documents of how it is not constitutional to charge income taxes. I just wondered, what are the grounds under the Constitution for this? How do you deal with it? How do I answer these people? What is the answer when they say there are no grounds for it?

I just wonder if you would give us the basic background for the collection of income taxes.

Mr. ARCHER. With respect to tax protesters, I think a large part of the tax protest movement has come from this perception, and there may be some truth in it as well, that the higher income level taxpayers are able to utilize tax shelters and other devices to reduce their taxes significantly, and the tax protesters, the workers for the most part, are seeking some way in which they can do the same thing. They are being misled, I believe, by many people, many leaders around the country, into thinking that there are constitutional-type arguments.

These cases have been pretty well decided in the last few years, that there are no real constitutional impediments to the income

tax. There have been a number of these protester cases litigated, and all successfully litigated.

It is a very difficult thing from a psychological standpoint to try to curb this protester movement, unless we are also making good efforts to curb the perception that the higher income people are finding ways to reduce their taxes. Our best approach, I think, is to have an effective enforcement program in the tax shelter area, criminal if necessary, but also a good civil audit program there, and try to publicize what is being done. I think the Commissioner of Internal Revenue is working hard in this direction to restore a public confidence in our tax system.

#### FRIVOLOUS TAX COURT CASES

Mr. CAMPBELL. Are a lot of the things in the Tax Court relatively frivolous?

Mr. ARCHER. I don't have jurisdiction in that area, but from my general understanding there are a large number of frivolous cases in the Tax Court. I think I heard the figure recently of something like eight to ten thousand petitions in the Tax Court are of the frivolous kind, the protester-type petitions, out of the total petitions of some 48,000 or 50,000, so maybe 20 percent are.

Mr. CAMPBELL. Have you looked into ways, without denying people's rights, to try to curb any of this?

Mr. ARCHER. This is primarily a job I think for the Tax Court itself.

Mr. CAMPBELL. I understand that.

Mr. ARCHER. And for the Chief Counsel of Internal Revenue Service. We do come in if we have prosecutions on the tax protest movement. Our prosecutions, though, have been primarily—

Mr. CAMPBELL. In the criminal area?

Mr. ARCHER. Well, we have been primarily aimed at leaders of these movements, who are misleading the general public, and advising them and counseling them to take illegal positions on their tax returns.

Mr. CAMPBELL. I thank you. That thing has bothered me a great deal, Mr. Chairman. I appreciate it.

Mr. HIGHTOWER. Thank you very much, Mr. Archer.

We may have some additional questions for you to answer in writing.

Mr. ARCHER. Thank you very much, Mr. Chairman.

#### CRIMINAL DIVISION

Mr. HIGHTOWER. We would next like to hear from Mr. D. Lowell Jensen, Assistant Attorney General of the Criminal Division. Mr. Jensen, since this is your first appearance before the committee, we shall insert your biographical sketch at this point in the record.  
[The biographical sketch follows:]

#### D. LOWELL JENSEN

D. Lowell Jensen was sworn in as Assistant Attorney General, Criminal Division, U.S. Department of Justice in April of 1981. Prior to that appointment, he served as District Attorney of Alameda County in California for three consecutive four-year terms.

Mr. Jensen was born in Brigham, Utah on June 23, 1928. He graduated from Alameda High School, Alameda, California and received an A.B. degree from the University of California, Berkeley in 1949. Mr. Jensen received an LL.B. degree from the University of California School of Law, Boalt, in 1952 and was admitted to practice law in California in January of 1953.

Mr. Jensen is the current Chairman of the Executive Working Group (representatives of the National Association of Attorneys General, the National District Attorneys Association, and the Department of Justice). His past memberships include: President, California District Attorneys Association, 1979-80; Assistant Treasurer, National District Attorneys Association; Commission on Victim/Witness Assistance, N.D.A.A.; California Council on Criminal Justice (State Planning Agency); Sentencing Practices Advisory Committee of the Judicial Council (Rules for Determinate Sentencing); National Crime Enforcement Center (NCIC Advisory Policy Board); Task Force on Incarcerated Minorities, California Department of Health and Welfare; Chairman, California Peace Officers Association, Law and Legislative Committee, 1969-77; Vice-Chairman, Advisory Board of Joint Legislative Committee for Revision of the Penal Code, 1970-74; and, Commission on Law and Mental Health Problems, State Bar of California, 1976-78.

Mr. Jensen is a Fellow, American College of Trial Lawyers and Past President, Boalt Hall Alumni Association, 1979.

Mr. Jensen is married to the former Barbara Jean Cowin and has three children. He has also served as lecturer, panelist, and instructor on Criminal Law for numerous universities and associations, including the American Bar Association.

#### GENERAL STATEMENT

Mr. HIGHTOWER. Mr. Jensen, you have a general statement which we will be happy to accept in full for the record at this point, and then hear from you if you have additional comments that you would like to make.

[The prepared statement of D. Lowell Jensen follows:]

#### STATEMENT OF THE ASSISTANT ATTORNEY GENERAL, D. LOWELL JENSEN

Mr. Chairman and Members of the Subcommittee, I am pleased to have the opportunity to appear before you in support of the 1983 budget request for the Criminal Division. The request of \$36,069,000 and 755 positions represents an increase of \$2,719,000 and a decrease of 11 positions relative to the anticipated 1982 resource levels. The \$2,719,000 net increase reflects an increase of \$3,236,000 in uncontrollable expenses, which is offset, in part, by a decrease of \$517,000 attendant to the proposed transfer of 11 positions from the Division to the United States Attorneys.

It is proposed that 11 positions from our Economic Crime Enforcement program and \$517,000 from throughout the Division be transferred from the Criminal Division to the United States Attorneys' appropriation for the United States Attorneys' criminal litigation efforts. The Division is currently reducing the staffing of the Economic Crime Enforcement program to reach the proposed 1983 funding and staffing levels.

This concludes my statement, Mr. Chairman. I shall be happy to answer any questions you or other members of the Subcommittee may have.

Mr. JENSEN. Thank you, Mr. Chairman. I am pleased to be here, and to have the opportunity to discuss the budget of the Criminal Division.

Our budget request is for \$36,069,000, and 755 positions, which represents an increase of \$2,719,000, but a decrease of 11 positions. The net increase is based upon \$3,236,000 in uncontrollable expenses, offset by the transfer of 11 positions and \$517,000 from the Criminal Division to the U.S. Attorneys. You are of course aware of our basic policies and the implementation of responsibilities in the Criminal Division for enforcement of Federal criminal law. That would conclude my brief statement, Mr. Chairman.

I would be happy to answer any questions.

## TRANSFER OF ECONOMIC CRIME UNIT POSITIONS

Mr. HIGHTOWER. I am not sure I understand the reason for the transfer of the 11 positions.

Mr. JENSEN. The Economic Crime Enforcement program was put together a couple of years ago under the premise that specialists who are a part of the Criminal Division would be assigned to specific U.S. Attorneys' offices around the country, to perform a liaison function where they would relate the enforcement efforts in the U.S. Attorney's office to the national perspective on white collar crime efforts.

It was not a focused program, in the sense that there was no direct focus in terms of liaison activities. What we have done is make that focus very direct regarding relationships to the Inspectors General. There are ten cities in the country that are federal regional cities; where Inspectors General have regional offices. We have refocused the program so that the Economic Crime Enforcement Specialists will be based in those cities. They will perform a direct liaison function with Regional Inspectors General for the Criminal Division and in concert with the U.S. Attorneys' Offices. The other Specialists who are out there in non-regional cities are presently simply being reassigned to the U.S. Attorneys' Office where they are already located, where they will then work in basically economic crime or white collar crime in conjunction with U.S. Attorneys. While there is a shift of the focus of the program, there is not a shift in terms of resources.

## OFFICE OF ENFORCEMENT OPERATIONS FUNCTIONS

Mr. HIGHTOWER. On pages 70 and 71 of the justifications you indicate that the Office of Enforcement Operations is responsible for analyzing and evaluating utility and implementation of essential investigative techniques of supervisors. How does this office make these evaluations?

Mr. JENSEN. In a very specific sense, the office receives applications for Title III surveillance consensual monitoring and any other application of that type that comes in from a U.S. Attorney's office or Strike Force throughout the country. It is completely reviewed for its legality and for its relationship to the priority functions of the Federal Government.

The other area in which they directly participate is the witness protection program. They monitor and review applications for the introduction of witnesses into that program; their specific responsibilities are directed towards witness protection and Title III.

## WITNESS PROTECTION PROGRAM

Mr. HIGHTOWER. Would you share with us your conclusions with respect to the Witness Security Program?

Mr. JENSEN. The program I believe is critical to law enforcement. The program is a difficult one in terms of the entry of persons. It is necessary to see that an appropriate kind of screening mechanism is used so that the proper types of witnesses are put into the program and that there is not a waste of resources.

It is a program in which we share responsibility with the U.S. Marshal Service; they have the operational responsibility to actually take care of the witnesses. We perform the screening function in terms of the kinds of witnesses who need to go into the program, upon the request of U.S. Attorneys' offices, Strike Force operations or the Federal Prison System. Applications come through the Criminal Division for screening and acceptance into the program.

I think the program is absolutely critical to Federal law enforcement. It is one that needs constant monitoring because of the kinds of problems in terms of the Marshals Service activities regarding the control of and service to witnesses in the program. It is my observation that it is a difficult but critically necessary program.

Mr. HIGHTOWER. Do you see the program growing?

Mr. JENSEN. The program has actually been reduced in terms of the number of persons coming into the program. This is a result of rather intensive screening of the witnesses who are coming in. We have had training sessions with U.S. Attorneys' offices so that they understand that we use the program only in those areas where there is a perception that it is absolutely necessary. The admission rate to the program has been reduced in the last several years.

Mr. HIGHTOWER. Do you have an annual review of each of these files to determine if it is proper to continue?

Mr. JENSEN. There is a review by the Marshal's Service in terms of—

Mr. HIGHTOWER. Of security?

Mr. JENSEN. Of individual cases of security, that is correct. I think the Marshals Service could provide an overall review of that.

Mr. HIGHTOWER. Do you think that is more of a responsibility?

Mr. JENSEN. As I say, their responsibility is operational in the sense that once the witness is selected for the program or goes into the protective program, the Marshals Service is in operational control.

Mr. HIGHTOWER. Are you the person who makes the decision about the necessity for going into the program in the first place?

Mr. JENSEN. That is right.

Mr. HIGHTOWER. Wouldn't it be proper for you to make the decision about the need for the continuation in the program?

Mr. JENSEN. At the point where there is no longer any prosecutive need, that kind of an assessment is made. It then becomes a question of where the witnesses are, and what kind of security problems, reentry problems that a particular witness poses. That assessment is really for the Marshals Service, but in relationship to needing protected witnesses for continued prosecution, I think you are correct, it is the responsibility of the Criminal Division and the U.S. Attorneys' to make that assessment, and we do.

Mr. HIGHTOWER. Mr. Campbell.

Mr. CAMPBELL. No questions.

Mr. HIGHTOWER. Thank you very much. We do appreciate your testimony here today, Mr. Jensen.

## CIVIL DIVISION

We will now be glad to hear from Mr. Paul McGrath of the Civil Division. Since this is your first appearance before the Committee we shall insert your biographical sketch at this point in the record. [The biographical sketch follows:]

## J. PAUL McGRATH

J. Paul McGrath became the Assistant Attorney General in charge of the Civil Division on September 28, 1981.

President Reagan nominated McGrath for the position on July 22, 1981, and he was confirmed by the Senate on September 25, 1981.

McGrath was born September 9, 1940, in Rochester, New York. He received his bachelor's degree from Holy Cross College in Worcester, Massachusetts, in 1962. He received his law degree from Harvard Law School in 1965.

McGrath joined the firm of Dewey, Ballantine, Bushby, Palmer & Wood in New York City as an associate in 1965. He became a partner in the firm in July 1973. While he was with the firm, he was engaged in a broad range of litigation in various federal and state courts involving such matters as securities, antitrust, tax, real estate, class action, stockholders' derivative and government agency litigation.

From 1973 to 1977 McGrath was the assigning partner in the firm's Litigation Department supervising and coordinating assignments from 35 to 45 litigation associates. He also had been a member of the firm's management committee, which is responsible for coordinating overall operations of the firm.

He is a member of the New York Bar, the American Bar Association and the Association of the Bar of the City of New York.

McGrath is married and has four children. He and his family live in Potomac, Maryland.

## GENERAL STATEMENT

Mr. McGRATH. Good morning, sir.

Mr. HIGHTOWER. Good morning, Mr. McGrath. We will be happy to put your formal statement in the record at this point, and then have you make such additional comments as you may care to.

[The prepared statement of Paul McGrath follows:]

DEPARTMENT OF JUSTICE  
CIVIL DIVISIONSTATEMENT OF ASSISTANT ATTORNEY GENERAL  
J. PAUL McGRATH  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here this morning to discuss the FY 1983 budget request of the Civil Division. The Civil Division is requesting a budget of \$32,047,000 and 640 permanent positions for FY 1983. This budget reflects a current services level except for one change, a program increase of \$415,000 for Private Counsel fees. The Department is continuing its efforts to obtain amendments to the Federal Tort Claims Act that will eliminate the need to pay private counsel for the representation of employees sued in their individual capacity. However, until amendments to the Federal Tort Claims Act are enacted, funding at the requested level is required to carry out this aspect of the Division's litigation activities.

The Civil Division represents the Government, its Departments, agencies and its officials in a wide variety of complex litigation which involves the potential loss of tens of billions of dollars to the U.S. Treasury. In FY 1981,

the Division concluded 1,649 affirmative monetary suits and obtained awards and settlements of more than \$187 million for the Government. In addition, in closing 6,678 defensive cases, the Division limited awards and settlements for plaintiffs to \$28 billion less than their claims.

A number of cases regarding the alleged hazards of toxic substances such as asbestos and atomic and nuclear radiation have been filed with the courts. The defense of these cases, amounting to several billion dollars in damage claims, has become a significant part of the Division's litigating activity.

The Division continues to handle more than 1500 suits which seek over \$2.8 billion arising out of the Swine Flu Immunization Program. As of January 22, 1982, 237 cases had been settled, 56 resulted in judgments for the plaintiffs and 427 culminated in judgments for the Government or dismissals.

We continue to successfully defend the Administration against challenges to its new program initiatives and actions. For example, the Division successfully defended the challenge to the President's retroactive hiring freeze which resulted in a significant savings to the Government as well as preservation of the President's authority over Federal hiring. Additionally, the Division was actively involved in defending

the President's decision to honor the hostage release agreement with Iran. The courts have upheld the President's power under Article II of the Constitution and International Economic Emergency Power Act to require American claimants to pursue their claims against Iran in an international tribunal.

In the past year, the Attorney General has focused particular attention on the areas of civil fraud and debt collection. The Civil Division has initiated a number of steps designed to improve the system for reviewing, assigning and prosecuting fraud matters. As a result of training programs we have conducted for the Inspectors General and other investigative personnel in various Federal agencies, there has been improvement in the quality of the information coming to the Division. Also, major improvements in the internal management of the fraud caseloads have been achieved through expanded coordination with the Criminal Division's Economic Crime Units, U.S. Attorneys and client agencies. These steps have resulted in the elimination of a large backlog of fraud referrals and the more prompt handling of new referrals.

The Attorney General has given me and the Civil Division the responsibility for coordinating all Department of Justice debt collection activities. We have developed and are implementing a debt collection plan designed to reduce the present backlog of collection matters, limit future delinquencies

and establish a permanent system for processing and collecting monies owed the United States. Meetings have begun with client agencies and U.S. Attorneys to explore ways to enhance their participation in collection activities.

The Administration's proposed transfer of certain functions from the Department of Energy to the Department of Justice will affect the Civil Division. The Division will assume responsibility for prosecution of violations of the Emergency Petroleum Allocation Act. The Department's FY 1983 budget request includes the transfer of \$20.2 million and 333 permanent positions for this activity. The budget for this activity was developed by the Department of Energy and represents the resources they would have sought had the reorganization proposal not been submitted. We understand that they believe these resources are adequate for us to carryout the functions to be transferred based on their assumptions as to the status of the remaining workload on October 1, 1982. In the event that Congress approves such a transfer, we expect to utilize the resources to emphasize litigation in the courts rather than in the administrative hearing process used so extensively by the Department of Energy.

I would be happy to answer any questions or respond to any comments members of the Subcommittee may have.

Mr. McGRATH. If I could just in two sentences, Mr. Chairman, say that our request is essentially for the same operating budget as we have in this current fiscal year, with two exceptions.

One is a requested increase for uncontrollable items. The second is an increase of \$415,000 for private counsel fees. Those, of course, are for fees paid to private counsel who are representing governmental officials in so-called Bivins Act cases. This is seen as an increase in the budget only because we have sought it as a supplemental request in prior years.

We thought it made more sense to present it as an item in the budget this year. That is why we have done it that way.

#### REQUEST FOR PRIVATE COUNSEL FUNDING

Mr. HIGHTOWER. On page 87 of the justifications you indicate a requested increase of \$415,000 for Torts Claims activities. The justifications further indicate the increase is needed to pay private counsel. What is the number of employees in this activity in fiscal year 1981?

Mr. McGRATH. Employees in the Civil Division?

Mr. HIGHTOWER. Yes.

Mr. McGRATH. The employees in the Civil Division who are in this function are attorneys in our Torts and Federal Programs Branch. It varies from time to time according to the numbers of cases, but in the Civil Division approximately 15 to 18 lawyers are doing at least some work on some of these cases at this point.

The \$415,000 item, of course, would go to private counsel in cases where we find we have a conflict of interest and cannot represent the present or former governmental official.

Mr. HIGHTOWER. You indicate the Department will continue its efforts to obtain amendment of the Federal Torts Claims Act which would eliminate the need to pay private counsel for the representation of employees sued in their individual capacity. How would these amendments work and what is the status of the proposed legislation?

Mr. McGRATH. The way they would work would essentially be to substitute the United States as a party in cases where individuals have been sued in the past, so that if there was a Constitutional tort, the United States could be a defendant in the case, whereas up to now the United States cannot be sued for Constitutional torts.

In addition, the United States would generally be the sole defendant in the case. Therefore, it would operate to take individual governmental officials out of the case.

The status of the legislation is that it is pending in both Houses of Congress, in the Judiciary Committees. It has received a lot of support. Additional hearings are scheduled, and I can't predict what will happen, but we certainly hope it will pass. The problem is that these cases are now increasing at a rate of approximately 60 a month. Thousands of present and former governmental officials are being sued for all kinds of things, in the guise of Constitutional torts, and we believe it is having a very disruptive effect on the operation of government, generally.

Mr. HIGHTOWER. Thank you very much, Mr. McGrath.

We may have some additional questions to propound to you.  
Mr. McGRATH. Thank you, sir.

LAND AND NATURAL RESOURCES DIVISION

Mr. HIGHTOWER. We would next like to hear from Carol E. Dinkins, Assistant Attorney General, Land and Natural Resources Division.

Ms. Dinkins, welcome to the Committee. Since this is your first appearance before the Committee, we shall insert your biographical sketch in the record at this point.

[The biographical sketch follows:]

CAROL E. DINKINS

Carol E. Dinkins was sworn in as Assistant Attorney General for the Land and Natural Resources Division in April, 1981. Over the years prior to this appointment, Mrs. Dinkins has been active in a wide range of civic and professional activities. She serves on the Board of Directors of the Houston Law Review Association and the University of Houston Alumni Association. Mrs. Dinkins has been a member of the Houston Chamber of Commerce Flood Control and Drainage Committee and Ports and Waterways Committee; the Texas Water Conservation Association; the Houston/Galveston Area Council Regional Growth Committee; the Technical Advisory Committee for Houston Initiatives at Rice Center; and the Interstate Oil Compact Commission, Environmental Committee. In addition, Mrs. Dinkins was chairman of the Governor's Task Force on Coastal Management in 1979 and in 1980 was chairman of the Governor's Flood Control Action Group.

In 1973 Mrs. Dinkins joined the Houston law firm of Vinson & Elkins, practicing in the area of environmental and land use law. She became the firm's first woman partner in January 1980. Prior to her association with Vinson & Elkins, Mrs. Dinkins was Principal Associate of the Texas Law Institute of Coastal and Marine Resources and served as Adjunct Assistant Professor of Law at the University of Houston College of Law.

At Vinson & Elkins, Mrs. Dinkins worked on matters involving various federal agencies, including the Departments of Commerce and the Interior, the U.S. Army Corps of Engineers, the Environmental Protection Agency, the Federal Emergency Management Agency and state agencies such as the Texas Department of Water Resources, Texas Parks and Wildlife Department, and General Land Office. She was involved in civil litigation in both state and federal courts, particularly federal cases dealing with defense of federal agencies' permit granting process, including defense of federal environmental impact statements.

Mrs. Dinkins was born in Corpus Christi, Texas on November 9, 1945. She received a B.S. Ed. degree from the University of Texas in 1968, and attended the University of Texas School of Law from 1968-1969. She transferred to the University of Houston College of Law in 1969 and received a J.D. from that institution in 1971. Mrs. Dinkins is a member of the American Bar Association, the State Bar of Texas, the Houston Bar Association, and the Federal Bar Association.

Mrs. Dinkins is married to O. Theodore Dinkins, Jr., a partner with Butler, Binion, Rice, Cook & Knapp of Houston; they have two daughters, Anne and Amy.

Mr. HIGHTOWER. We will be glad to have your formal statement placed in the record at this time, and we will hear any additional comments you may choose to make.

[The prepared statement of Carol Dinkins follows:]

DEPARTMENT OF JUSTICE

LAND AND NATURAL RESOURCES DIVISION

STATEMENT OF ASSISTANT ATTORNEY GENERAL  
CAROL E. DINKINS  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1983 budget request for the Land and Natural Resources Division. The total 1983 request is 336 positions and \$19,084,000 which represents an uncontrollable increase of \$2,398,000.

The Division's litigation is conducted in both Federal and State courts and encompasses civil and criminal matters and cases relating to several broad areas including the government's acquisition, management, and protection of land and natural resources, the control of pollution, the conservation of wetlands and wildlife, and the protection generally of the physical environment. In addition, the Division handles litigation on behalf of Indian tribes and individuals to protect and defend their rights to property, including hunting, fishing, and water rights. The Division also defends the United States against claims by Indian tribes that argue they received inadequate compensation for, or unfair treatment with respect to, lands and resources which the Federal Government has acquired from

them or administers on their behalf. Almost all of the litigation discussed above is non-discretionary, primarily consisting of defensive actions or actions resulting from federal land acquisition projects which are congressionally mandated or otherwise authorized. Finally, a small percentage of the Division's caseload represents litigation conducted at the request of various client agencies, principally the Departments of Agriculture and Interior, the Environmental Protection Agency, and the Army Corps of Engineers.

This concludes my statement, Mr. Chairman. I shall be pleased to answer any questions you or the members of the Subcommittee may wish to ask.

Ms. DINKINS. Thank you, Mr. Chairman. I appreciate the opportunity to testify today in support of the Land and Natural Resources Division's 1983 budget request.

Our total 1983 request is for 336 positions, and \$19,084,000, which represents an uncontrollable increase of \$2,398,000.

The Lands Division basically represents the United States both as defendant and plaintiff in various civil and criminal matters involving pollution control, natural resources, public lands and Indian matters. That concludes my oral statement.

#### LAND CONDEMNATION CASES

Mr. HIGHTOWER. Do you also have condemnation cases?

Ms. DINKINS. Yes, we do.

Mr. HIGHTOWER. What is the average time to litigate a condemnation case?

Ms. DINKINS. Mr. Chairman, I don't know that offhand. This is Mr. Liotta, Deputy Assistant Attorney General.

Mr. LIOTTA. Mr. Chairman, it varies. You talk about average time. We have had over the years problems insofar as moving cases along in the court room and that is why it varies. I would say the average time has run generally in the past somewhere around two to three years, sometimes a little more. I might add this too. That the programs that have been implemented and with the reduction in the caseload, we hope in that fashion that the cases will move faster. Our aim in the plan that we have on-going is to try to have these cases finished at the end of one year. We have not reached that goal yet.

Mr. HIGHTOWER. Do you have a separate section for handling condemnation cases?

Ms. DINKINS. Yes, Mr. Chairman.

Mr. HIGHTOWER. How many attorneys are in that section.

Ms. DINKINS. Thirty.

Mr. HIGHTOWER. Does the average time for disposal of these cases run around a year?

Mr. LIOTTA. No, sir. The average time—what I was saying—is that the average time to try these cases and completely dispose of them, is probably still in the three-year bracket. What we try to do through a special plan, and we are still working on it, is to try to reduce that time frame down to one year, because we are cognizant of the interest, obligations and the hardship on the people that are involved. Most of this is because of the court dockets.

Mr. HIGHTOWER. Thank you very much, and thank you, Ms. Dinkins.

We may have additional questions to propound to you in writing.

#### OFFICE OF LEGAL COUNSEL

We will next hear from Mr. Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel. Since this is your first appearance before the Committee, we shall insert your biographical sketch at this point in the record.

[The biographical sketch follows:]

#### THEODORE B. OLSON

Theodore B. Olson became the Assistant Attorney General in charge of the Office of Legal Counsel on April 6, 1981. President Reagan has announced his intention to make the nomination on February 20, 1981.

Olson was born in Chicago on September 1, 1940. He grew up in the San Francisco Bay area, attended California public schools, and received a diploma from Los Altos High School, Los Altos, California, in 1958.

He attended the University of the Pacific, Stockton, California, where he received a B.A. cum laude in 1962. While there he majored in speech and history. His activities and awards included president of the Interfraternity Council; editor of the student newspaper; four years of participation in intercollegiate debate and forensic activities and membership in Phi Kappa Tau fraternity. He held a debate scholarship for four years and was named outstanding graduating senior in both journalism and speech and debate.

He attended the University of California (Berkeley) School of Law (Boalt Hall), receiving his LL.B. Degree in 1965. He was named to the Order of the Coif at law school and was on the California Law Review.

Olson worked as a summer clerk in the New York City law firm of Cravath, Swaine & Moore in 1964 and in June 1965 became an associate in the firm of Gibson, Dunn & Crutcher in Los Angeles, joining the firm as a partner January 1, 1972.

He is admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Ninth Circuit; the United States Temporary Emergency Court of Appeals; the United States Customs Court, and United States District Courts in all four districts of California, as well as the California Supreme Court and all other California courts.

He is a member of the American Bar Association, its Litigation and Anti-trust Sections, the California Bar Association, the Los Angeles County Bar Association and that association's Subcommittee on Searches of Lawyers Offices. He is a member of the California Commission on Uniform State Laws from 1972 to 1974.

Olson has extensive background in civil litigation, including constitutional litigation for broadcasting and print media clients. He has also served on the Arbitration Panel of the Los Angeles Superior Court.

Olson was a delegate to the 1980 Republican National Convention and an alternate delegate to the 1976 Republican National Convention.

He is married to Karen B. Olson and they have two children.

**CONTINUED**

**2 OF 20**

## GENERAL STATEMENT

Mr. HIGHTOWER. Mr. Olson, we will be glad to insert your prepared statement in the record at this point and hear any additional comments you may choose to make.

[The prepared statement of Theodore Olson follows:]

DEPARTMENT OF JUSTICE  
OFFICE OF LEGAL COUNSEL

STATEMENT OF THE ASSISTANT ATTORNEY GENERAL  
THEODORE B. OLSON  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1983 budget request for the Office of Legal Counsel. The Office's 1983 budget request of 35 permanent positions and \$1,940,000 reflects no change in the number of positions and no program increases. The increase of \$263,000 is required to cover uncontrollable increases such as pay raises, GSA costs and inflation. No other changes are proposed.

The principal function of the Office is to assist the Attorney General in his role as legal adviser to the President and Executive Branch agencies. Requests for legal advice are received from a variety of sources, including the President, the White House staff through the Office of Counsel to the President, the Attorney General, heads of other executive departments, and other Department of Justice officials. A small number of requests are considered appropriate for formal Attorney General opinions which are prepared in the Office and reviewed and approved by the Attorney General. The majority of such requests result in the preparation of legal opinions signed by the Assistant Attorney General or one of the Deputies based upon the research by one or more of the 16 staff attorneys. Still other requests result in the provision of oral advice to the client.

The Office has final approval authority over proposed Executive Orders, examining each with regard to form and legality before it goes to the President for signature. Under Executive Order 12146, the Office has been charged with responsibility for considering and resolving legal disputes between two or more departments. The Office also plays a central role in resolving differences between the Department's litigating divisions and their many client agencies regarding positions to be taken by the United States or its agencies before the courts.

During 1982, the Office has had major responsibility for rendering legal advice in connection with implementation of the January 1981 agreement with Iran which resulted in release of our hostages. Another project included advice rendered in connection with the President's regulatory reduction effort. As in prior years, the Office has advised other departments and various committees of Congress regarding the constitutionality of legislation before Congress.

During 1982, the Office has made improvements in its utilization of computer-assisted research and word processing.

During 1983, the Office will provide legal advice on the broad range of legal issues and disputes that continuously arise in the administration of the law by the Executive Branch.

This concludes my statement, Mr. Chairman. I shall be happy to answer any questions you or other Members of the Subcommittee may have.

Mr. OLSON. Thank you, Mr. Chairman. I will briefly summarize: As you know, the principal function of the Office of Legal Counsel in the Department of Justice is to assist the Attorney General in his role as legal advisor to the President and to the Executive Branch agencies.

The office's 1983 budget request of 35 permanent positions and \$1,940,000 reflects no change in the number of positions and no program increases. The increase of \$263,000 over the prior year is required to cover uncontrollable increases such as pay raises, GSA costs and inflation. No other changes are proposed.

#### LEGISLATIVE VETO

Mr. HIGHTOWER. In testimony before the House Subcommittee on Elementary, Secondary and Vocational Education, your predecessor John M. Harmon argued that the legislative veto would disrupt the Constitutional separation of powers. The issue is now before the Supreme Court in *INS v. Chadha*. How does the position of this Administration differ from that taken by Mr. Harmon?

Mr. OLSON. I testified before a subcommittee of this House on October 7th, 1981, and furnished a fairly extensive analysis of that question. I am not sure I have compared on a line-by-line basis or issue-by-issue basis the differences and distinctions between my position and the position of my predecessor. They are substantially similar. We both came to the conclusion, as have Justice Department officials in my position over the last 10 Administrations, that legislative vetoes in most respects are unconstitutional.

Mr. HIGHTOWER. Mr. Olson, we will have some additional questions I think in writing, but we thank you for your appearance here and your testimony today.

Mr. OLSON. Thank you, Mr. Chairman.

#### CIVIL RIGHTS DIVISION

Mr. HIGHTOWER. We would next like to hear from Mr. Bradford Reynolds, Assistant Attorney General, Civil Rights Division. Since this is your first appearance before this committee, we shall insert your biographical sketch in the record at this point.  
[The biographical sketch follows:]

#### WM. BRADFORD REYNOLDS

President Reagan nominated Wm. Bradford Reynolds for the position of Assistant Attorney General in charge of the Civil Rights Division on June 11, 1981. Mr. Reynolds was confirmed by the Senate on July 23, and officially assumed the post on July 27, 1981.

Mr. Reynolds was born on June 21, 1942 in Bridgeport, Connecticut. He attended Phillips Academy, Andover, Massachusetts, and received his B.A. degree in 1964 from Yale University, where he was on the Dean's list.

Mr. Reynolds graduated second in his class from the Vanderbilt University School of Law in 1967, receiving his J.D. degree. He was editor-in-chief of the Vanderbilt Law Review and was selected for Order of the Coif.

During the summer of 1966, Mr. Reynolds worked as an assistant to the United States Attorney in Nashville, Tennessee. Following graduation from law school, he joined the New York City law firm of Sullivan & Cromwell and was involved principally in general commercial litigation matters.

From April 1970 to June 1973, Mr. Reynolds was an assistant to Solicitor General Erwin N. Griswold, presenting 11 oral arguments before the Supreme Court and

writing some 40 Supreme Court briefs. He worked on a number of important civil rights cases.

From 1973 until his present appointment, Mr. Reynolds was a litigation partner in Shar, Pittman, Potts & Trowbridge a Washington, D.C., law firm. He had responsibility for civil litigation matters, including extensive state and federal court practice and involvement in adversary administrative proceedings before governmental agencies.

He is a member of the District of Columbia Bar, the New York State Bar, the Supreme Court Bar, the American Bar Association, and the District of Columbia Bar Association.

Mr. Reynolds is married to the former Lynn Morgan and they have one son and three daughters. The family lives in Potomac, Maryland.

#### GENERAL STATEMENT

Mr. HIGHTOWER. Mr. Reynolds, we have your prepared statement which we will insert in the record at this point, and we will be glad to hear any additional comments.

[The prepared statement of Bradford Reynolds follows:]

#### DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

STATEMENT OF ASSISTANT ATTORNEY GENERAL  
WM. BRADFORD REYNOLDS  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1983 budget request for the Civil Rights Division. The 1983 budget which provides for 385 positions and \$18,822,000 reflects an increase of \$1,683,000. The entire increase is for uncontrollable items.

Each of the Civil Rights Division's programs is responsible for the enforcement of federal civil rights statutes or Executive Orders. Therefore, each is considered to be a priority program. The proposed budget will allow the Division to continue enforcement activities at an acceptable level in 1983.

There are three areas, Civil Rights Prosecution, Voting and Federal Enforcement, in which we are experiencing increased litigation activity in 1982 and this trend is expected to continue in 1983.

Due to the increased incidence of violent crime and an attendant increase in the number of complaints warranting investigation in the Civil Rights Prosecution area, prosecutions under the criminal civil rights statutes have risen in 1982 and are expected to continue at that level in 1983. The special attention required of Division activity in this area is entirely consistent with the Attorney General's law enforcement priorities as they relate to violent crime.

Special attention to the Voting program is compelled by the 1980 Census and scheduled redistricting and reapportionment actions by states, counties,

cities and other political entities, coupled with increased preclearance submissions pursuant to Section 5 of the Voting Rights Act, as well as an increase in related litigation matters. The Section 5 cases pending at the beginning of 1983 and those in which we anticipate becoming involved are among the most complex and difficult and require a significant outlay of resources. The Division's Voting Rights Section is of paramount importance since it is the protector of our most cherished constitutional right, the right of each citizen of this country to participate in the electoral process. Accordingly, we have assigned the highest priority to this program.

With regard to the nondiscretionary functions of the Federal Enforcement program, such as processing referrals from other agencies and issuing Right-to-sue Notices, concentrating on the most effective use of this program's resources will enable the Division to discharge those duties effectively while continuing to initiate new litigation as necessary. It is anticipated in these times of economic constraints and rising unemployment, that the number of employment discrimination complaints against public employers will be on the rise. In keeping with this mission of the Division, that is, to ensure equal employment opportunity in the public sector, we expect to devote particular attention to litigation needs arising from these complaints in 1983.

Let me reemphasize in closing, that the identification of the three mentioned areas of anticipated heightened activity is in no way intended to signal a "slacking off" of enforcement activity by the Division in the other areas of our responsibility. We intend to continue, to the fullest extent of our resource capabilities, to enforce the civil rights laws of this country vigorously and uncompromisingly. That has been the record of this Administration to date, and it will continue to be the course we will unflaggingly pursue.

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or the members of the Subcommittee may have.

Mr. REYNOLDS. Thank you, Mr. Chairman. I am pleased to have this opportunity to appear before the subcommittee in support of the 1983 budget request for the Civil Rights Division. The 1983 budget which provides for 385 positions and \$18,822,000 reflects an increase of \$1,683,000. The entire increase is for uncontrollable items. There are no proposed changes in the number of positions and no program changes. Each of the Civil Rights Division programs is responsible for the enforcement of Federal Civil Rights statutes or Executive Orders, and there is, with regard to each one, a priority in our view for enforcement of civil rights.

The proposed budget that is before you will allow the division to continue enforcement activities at an acceptable level in 1983.

#### VOTING RIGHTS ACT

Mr. HIGHTOWER. What will be the impact on the Civil Rights Division of proposed legislation extending the Voting Rights Act?

Mr. REYNOLDS. Mr. Chairman, that legislation has passed the House and is under consideration in the Senate at this time, and it is unclear exactly how that legislation is finally going to look when it is enacted.

Certainly, if the bailout provision, which is now in the House bill is accepted by the Senate in its present form, that would require some increased activity in future years by the Department with regard to the litigation that is associated with that bailout provision.

The amount of activity that would be involved would depend in large measure on when those cases are brought. If they are staggered over a period of time, then the activity may be less than if they all were to come at one time, and it is very hard to predict at this juncture what would be the result of that kind of legislation.

Mr. HIGHTOWER. So, it would also be hard to predict whether or not you would be able to handle it with your current staffing or if you would need additional resources?

Mr. REYNOLDS. At this time that would be difficult to predict. There are a lot of variables involved. When you are talking about litigation, the Government would be required under the House bill to be a party defendant in each bailout action, but some of those might result in the Department being able to consent to bailout, and if they are staggered over a period of years, it may well be that the kind of resources that we are talking about are already on board, and we could handle it.

#### INCREASE IN SECTION 5 SUBMISSIONS

Mr. HIGHTOWER. On page 143 of the justifications you are estimating about a 50 percent increase in the number of Section 5 submissions for fiscal year 1982 and 1983 as compared to 1981. What are the reasons for these increases? Has the increase for 1982 materialized thus far?

Mr. REYNOLDS. The increase has materialized, Mr. Chairman, and primarily it is due to the redistrictings and reapportionments that have been required by the 1980 Census.

All the jurisdictions under Section 5 are required to reapportion and redistrict as a result of the 1980 Census and we are getting a

considerable increase of submissions due to that by the different covered jurisdictions.

Mr. HIGHTOWER. Are the staff needs you are projecting for fiscal year 1983 adequate to process cases within the 60-day review time-frame?

Mr. REYNOLDS. I believe they are.

Mr. HIGHTOWER. In terms of intent or effect, are the staff levels sufficient to evaluate adequately the proposed changes that will be submitted?

Mr. REYNOLDS. Yes, Mr. Chairman, we think that they are.

Mr. HIGHTOWER. We have some additional questions to be propounded in writing, and we appreciate your testimony here today.

Mr. REYNOLDS. Thank you.

[The questions referred to and the answers submitted thereto follow:]

QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

General Legal Activities

*How does the workload projected for FY 1983 for each of the Legal Divisions compare with the workload for FY 1982 and FY 1981?*

The workload, reflecting in most cases small increases from one year to the next, generally parallels the current services level budget being requested. These small increases are due to management efficiencies and the increasing use of automated data processing and word processing equipment.

The few large workload increases (discussed in the budget) such as Judgment in the Tax Division and Commercial Litigation in the Civil Division, reflect the higher priority program emphasis, which in this case is debt collection.

Tax Division

*On page 37 of the justifications for the Civil Tax Litigation activity, you show an increase in FY 1983 in the cases received category of about 400 as compared to 1981. Under cases terminated you also show an increase of about 400 in 1983 as compared to 1981. How are you going to achieve those increases with a decrease in resources?*

The Tax Division will attempt to maintain the level of case terminations, despite a modest decrease in overall workyears, through increased productivity and management efficiency. The Division continues to engage in efforts to enhance its effectiveness through the improved management of its resources. These efforts include: the initiation of more frequent and comprehensive audits of attorney caseloads, an initiative greatly promoted by the Division's development of the Case Management System; the conduct of a tax trial advocacy course for newly hired attorneys; the continuation of the LEXIS System, which provides computerized legal research assistance for use by Division attorneys; the examination of secretarial and clerical support staffing needs, and the commencement or continuation of programs designed to upgrade secretarial skills and equipment. A particularly successful initiative in this last area has been the creation of a legal support unit. This unit, which currently consists of twelve highly skilled secretaries, has begun to utilize some of the most advanced automated word-processing equipment on the market in an effort to provide legal support services of the quality and in the quantity needed. These initiatives have enabled the Division to reduce its on-board personnel levels (primarily in the secretarial level) without reducing the level of its litigation activity.

## Criminal Division

*Based on your evaluations, what policy and procedural changes have been made in the Witness Security Program during the past year?*

At the request of the Office of Enforcement Operations (OEO), a management team of four analysts from the Justice Management Division conducted a review of the OEO programs beginning in May 1980, to assist us in developing a system for evaluating the effectiveness of the techniques within the jurisdiction of the Office. Working closely with the staff of OEO, the team developed a proposal for a comprehensive system for collection and analysis of information concerning the use of these techniques and the results of investigations and cases in which they are used. The Justice Management Division's review was completed and a report submitted to OEO in April 1981. Since that time, OEO has implemented testing of some of the information forms developed during the review, has begun a systematic manual compilation of information obtained by way of the forms, and has continued to compile prosecution data regarding cases in which these sensitive investigative techniques were employed.

The Office of Enforcement Operations in conjunction with the Bureau of Prisons, United States Parole Commission and the Probation Division of the United States Courts has coordinated the arrangements by which all program participants who are on federal probation or parole will be actively supervised by the Probation Division.

*What actions has the Department of Justice taken to prevent the occurrences of the kinds of problems that have occurred recently, such as relocated witnesses committing new crimes, leaving behind unpaid debts or unsettled child custody matters?*

Concerning criminal activity, all program participants who are on federal probation or parole are now actively supervised by the Probation Division. These individuals are treated like all other probationers and parolees, except that precautions are taken to ensure that the new identity is not compromised. In addition, at the time a witness is authorized to enter the program, the Federal Bureau of Investigation is notified and asked to place a "stop" on the individual's fingerprints and arrest record (this is also done for each adult member of the household). The "stop" ensures that whenever an inquiry is received from any law enforcement agency, the Office of Enforcement Operations and the U.S. Marshals Service are notified. If the inquiry concerns an arrest, the Federal Bureau of Investigation forwards the rap sheet to the requestor, and the Office of Enforcement Operations and the U.S. Marshals Service providing whatever background information the requestor may need, including the specifics of the witness' status in the program. While we cooperate fully with law enforcement authorities whenever witnesses are arrested, we cannot effectively prevent their criminal activity. We can, however, assist local law enforcement to ensure that the program is not used as a shield.

To prevent child custody problems from developing, the U.S. Marshals Service makes certain that the relocated parent has legal custody

of children before the relocation is effected. If there is no court order granting custody to the relocated parent, the children are not moved. If the non-relocated parent subsequently attempts to obtain custody, the relocated parent is to appear at any court proceedings. If the relocated parent refuses to cooperate, and the non-relocated parent succeeds in obtaining a court order transferring custody, the children are returned by the U.S. Marshals Service to the parent with legal custody. It is the position of the Department that the relocated witness will not use the program to escape the jurisdiction of the family court. Further, we will honor the courts' decision in child custody matters.

Unpaid debts are difficult to resolve. We cannot force a witness to pay his debts. However, prior to entry into the program each witness is informed that he is expected to settle his financial obligations. The U.S. Marshals Service will forward to the witness any material relating to his debts, including legal process. The witness is encouraged to resolve the matter with his creditor.

## Civil Fraud Cases

*On page 88 of the justification a reference is made to civil fraud cases. How many civil fraud cases has the Commercial Litigation Program initiated during the last fiscal year? How many such cases were referred from the Criminal Division?*

The Civil Division received 4,029 referral reports in FY 1981 from the FBI, Inspectors General and independent investigative units of various federal agencies. Of these, 385 referrals were assigned to staff attorneys for case development or further exploration. The remaining reports were either delegated to the U.S. Attorneys Office or closed administratively prior to assignment. Examples of the numerous reasons for closing cases prior to assignment include: unsubstantiated allegations, legal insufficiencies, lack of defendant identification, lack of monetary loss to the government, and prior recoveries of the losses through criminal actions or agency administrative procedures. Fraud cases involving less than \$60,000 are generally delegated to the U.S. Attorneys Office. In FY 1981, 1,930 cases were forwarded to the U.S. Attorneys; however, it should be noted that many of the FY 1981 referrals were initially generated within the Division prior to FY 1981. Our statistics do not differentiate delegated cases between the referrals received by the Division in FY 1981 and those received during prior fiscal years.

The Civil Division receives a limited number of independent referrals from the Criminal Division. Many FBI reports are routed through the Criminal Division, which in turn forwards them to the Civil Division. This pass-through serves primarily as a mechanical conduit rather than as a referral suggesting civil action.

## QUESTIONS SUBMITTED BY CONGRESSMAN CAMPBELL

## Civil Rights Division

*Have you adequately estimated the number of redistricting plans submitted under Section 5 of the Voting Rights Act for your, as yet incomplete, 1982 Budget? Last year you estimated the number to be around 1,000 plans to be submitted between January 1, 1981 and August 6, 1982. Has this estimate held up so far, or where are you in this fiscal year's budget?*

We projected that at least 1,000 redistricting plans would be submitted by the end of FY 1982, and that projection appears to be accurate: thus far we have received over 425 of those submissions (the number increases weekly), and the pace will increase as state legislative plans become final and counties begin to redraw their districts in light of the states' district lines.

WEDNESDAY, MARCH 10, 1982.

## U.S. ATTORNEYS AND MARSHALS

## WITNESSES

WILLIAM P. TYSON, DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS  
 LAWRENCE S. McWHORTER, ACTING DEPUTY DIRECTOR, EXECUTIVE  
 OFFICE FOR U.S. ATTORNEYS  
 FRANCIS X. MALLGRAVE, ASSISTANT DIRECTOR, EXECUTIVE OFFICE  
 FOR U.S. ATTORNEYS  
 EDWARD A. MOYER, FINANCIAL MANAGER, EXECUTIVE OFFICE FOR U.S.  
 ATTORNEYS  
 WILLIAM E. HALL, DIRECTOR, U.S. MARSHALS SERVICE  
 HOWARD SAFIR, ASSISTANT DIRECTOR FOR OPERATIONS, U.S. MAR-  
 SHALS SERVICE  
 GARY MEAD, ASSISTANT DIRECTOR FOR ADMINISTRATION, U.S. MAR-  
 SHALS SERVICE  
 JAMES A. SHEALEY, COMPTROLLER, U.S. MARSHALS SERVICE  
 QUINLAN J. SHEA, JR., DIRECTOR AND COUNSEL, EXECUTIVE OFFICE  
 FOR U.S. TRUSTEES  
 KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRA-  
 TION  
 JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER. We will next take up the salaries and expenses for United States Attorneys and Marshals.

This item appears under separate tab in volume 1 of the justification books. We will insert the entire set of justifications covering the U.S. Attorneys, Bankruptcy Matters and U.S. Marshals in the record at this point.

[The justifications follow:]

Department of Justice  
Legal Activities  
Salaries and expenses, U.S. Attorneys and Marshals  
Estimates for Fiscal Year 1983

Table of Contents

<u>Item</u>	<u>Page Number</u>
Summary Statement.....	1
Justification of Proposed Language Changes.....	2
Crosswalk of 1982 Changes.....	7
Summary of Requirements.....	8
Status of Congressionally Requested Studies, Reports and Evaluations.....	9
Summary of Adjustments to Base.....	10
Justification of Adjustments to Base.....	11
Financial Analysis--Program Changes.....	17
Summary of Requirements by Grade and Object Class.....	18
 <u>U.S. Attorneys</u>	
Organization Chart.....	20
Crosswalk of 1982 Changes.....	21
Summary of Requirements.....	22
Summary of Adjustments to Base.....	23
Summary of Resources by Program.....	24
Justification of Program and Performance.....	25
Program Rankings.....	37
 <u>U.S. Trustees</u>	
Organization Chart.....	38
Crosswalk of 1982 Changes.....	39
Summary of Requirements.....	40
Summary of Resources by Program.....	41
Justification of Program and Performance.....	42
Financial Analysis--Program Changes.....	43
 <u>U.S. Marshals</u>	
Organization Chart.....	44
Crosswalk of 1982 Changes.....	45
Summary of Requirements.....	46
Summary of Resources by Program.....	47
Justification of Program and Performance.....	48
Program Rankings.....	69
Financial Analysis--Program Changes.....	70

Legal Activities

U.S. Attorneys and Marshals

Summary Statement

Fiscal Year 1983

For the U.S. Attorneys and Marshals appropriation, a total of \$320,945,000, 6,334 permanent positions, and 6,323 workyears is requested. This request represents an increase of \$24,995,000 and decreases of 186 positions and 64 workyears over the 1982 anticipated appropriation. This appropriation comprises three activities: the U.S. Attorneys, the U.S. Trustees (Bankruptcy Matters), and the U.S. Marshals.

1. U.S. Attorneys--responsible for the prosecution of criminal offenses against the United States and the representation of the U.S. Government in all civil actions, suits or proceedings in which the United States is concerned. No increases are requested.
2. U.S. Trustees--responsible for administering bankruptcy cases in 18 pilot judicial districts. This program is recommended for termination by 1983, representing a reduction of \$5,503,000 and 147 positions.
3. U.S. Marshals--responsible for protection of the federal judiciary, protection of witnesses, service of process, execution of warrants, and the custody and transportation of unsentenced prisoners. A program decrease of \$1,029,000 and 50 positions is a continuation of Presidential and Congressional actions to remove the Federal government from the service of private process. Under pending 1982 Senate Authorization Bill for the Department of Justice, responsibility for the service of most private process, with the exception of that required for indigents or where a law enforcement officer is required, will be removed from the U.S. Marshals Service.

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Proposed Authorization Language

The U.S. Attorneys and Marshals are requesting the following authorization language:

For United States Attorneys and Marshals, including--

- (A) purchase of firearms and ammunition;
- (B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;
- (C) supervision of United States prisoners in non-Federal institutions;
- (D) bringing to the United States from foreign countries persons charged with crime; and
- (E) acquisition, lease, maintenance, and operation of aircraft;

\$320,945,000.

164

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Justification of Proposed Changes in Authorization Language

The United States Marshals Service is requesting the following new language to be added to its authorities in 1983.

(a) That section 569(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), the United States marshals shall execute all lawful writs, process and orders issued under authority of the United States, and command all necessary assistance to execute their duties.

"(2) Service of complaints, summonses, and subpoenas shall not be performed by the United States marshal on behalf of any party other than the United States unless performed pursuant to--

"(A) section 1915 of this title or any other express statutory provision, or

"(B) an order issued by the court stating that it has concluded that service of a complaint, summons, or a subpoena should be made by the United States marshal in order to properly effect service;

"(b) That section 1921 of title 28, United States Code, is amended to read as follows:

"(a)(1) Except as otherwise provided, the United States marshals or deputies shall collect, and a court may tax as costs, the fees for the following:

"(A) Serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, capias, or any other writ, order, or process in any case or proceeding.

"(B) Serving a subpoena or summons for a witness or appraiser.

"(C) Forwarding any writ order, or process to another judicial district for service.

"(D) The preparation of any notice of sale, proclamation in admiralty, or other public notice or bill of sale.

"(E) The keeping of attached property (including boats, vessels, or other property attached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen's or keepers' fees, insurance, and an hourly rate for each deputy marshal required for special services, such as guarding, inventorying, and moving.

"(F) Copies of writs or other papers furnished at the request of any party.

"(G) Necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor.

"(2) The marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under subparagraph (E), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of this title.

"(3) For purposes of subparagraph (G), if two or more services or endeavors, or if an endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to the place of service or endeavor which is most remote from the place where service is returnable, adding any additional mileage traveled in serving or endeavoring to serve in behalf of that party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

"(b) The Attorney General shall prescribe from time to time regulations for the fees to be collected and taxed under subsection (a).

"(c)(1) For seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise and receiving and paying over money, the United States marshals or deputies shall collect commissions of 3 per centum of the first \$1,000 collected and 1 1/2 per centum on the excess of any sum over \$1,000, except that the amount of the commission shall be within the range set by the Attorney General. If the property is not disposed of by

marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than the marshal or his deputy, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other party. This subsection applies to judicially ordered sales and execution sales, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law.

"(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commissions collected under paragraph (1).

"(d) The United States marshals may require a deposit to cover any of the fees and expenses prescribed under this section".

"(c) Without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), the U.S. Marshals Service is authorized to credit amounts from fees collected for the service of civil process, including complaints, summonses, subpoenas, and similar process performed by the Marshals to its current appropriation account for the purpose, only, of carrying out those activities.

"(d) The amendment made by this Act shall take effect on enactment.

This language results from an agreement between the Chief Justice and the Attorney General. It would remove the U.S. Marshals responsibility from serving most private process. In addition, the language permits the Attorney General to set fees for the service of process commensurate with the costs incurred to serve such process. Finally, the receipts from such fees are to be credited to the U.S. Marshals Service's appropriation. This provision was included in S. 951, the Senate version of the Department's FY 1982 Authorization bill and H.R. 3580. Both measures are awaiting enactment. The language is included, again, in the FY 1983 Authorization since there is no assurance that either the FY 1982 Authorization or the separate bill will be enacted.

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			1982 Supplemental Requested			1982 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. U.S. attorneys..	4,305	3,953	\$178,591	...	134	\$7,334	...	...	...	...	...	...	4,305	4,087	\$185,925
2. Bankruptcy matters.....	...	7	254	147	112	4,746	...	...	...	...	...	...	147	119	5,000
3. U.S. marshals..	1,968	2,002	94,889	100	99	6,136	...	...	...	...	...	\$4,000	2,068	2,181	105,025
Total.....	6,273	6,042	273,734	247	345	18,216	...	...	...	...	...	\$4,000	6,520	6,387	295,950

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The increments shown are relative to the President's Revised 1982 Budget Request (September 1981) which represents a six percent reduction below the March budget. Under the terms of the continuing resolution (P.L. 97-92), \$5,000,000 was allocated to support the Bankruptcy Trustees through 1982. These funds were drawn from amounts previously provided to the U.S. Attorneys and U.S. Marshals during consideration of H.R. 4169. The comparison between the House, Senate and the continuing resolution follow:

(Dollars in thousands)

	House		Senate		Continuing Resolution	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
U.S. Attorneys.....	4,305	\$188,990	4,305	\$188,990	4,305	\$185,925
Bankruptcy Trustees.....	185	7,500	...	270	147	5,000
U.S. Marshals.....	2,068	102,690	2,068	102,690	2,068	101,025
	6,558	299,180	6,373	291,950	6,520	291,950

Supplemental Requested

The supplemental request provides for the cost for extraordinary security details for protected witnesses and defendants for a number of highly publicized trials. Funds are also included to provide protection to judges and their families who have received threats.

Legal Activities

Salaries and expenses, U.S. Attorneys and Marshals

Summary of Requirements  
(Dollars in thousands)

	<u>Perm</u>	<u>Work-</u>	<u>Amount</u>
	<u>Pos.</u>	<u>years</u>	
<u>Adjustments to base:</u>			
1982 as enacted.....	6,520	6,387	\$291,950
Program supplemental requested for the U.S. Marshals Service for extraordinary protective details.....	...	...	4,000
1982 appropriation anticipated.....	6,520	6,387	295,950
Transfer to U.S. Attorneys from Criminal Division.....	11	10	517
Uncontrollable increases.....	...	95	35,010
Non-recurring decrease for 1982 U.S. Marshals Service supplemental request.....	...	...	-4,000
1983 base.....	6,531	6,492	327,477

<u>Estimates by budget activity</u>	<u>1981 Actual</u>			<u>1982 Appropriation</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>
1. U.S. attorneys.....	4,417	4,200	\$177,059	4,305	4,087	\$185,925	4,316	4,192	\$210,225	4,316	4,192	\$210,225	...	...	...
2. Bankruptcy matters,.....	207	172	5,635	147	119	5,000	147	119	5,503	...	...	...	-147	-119	-\$5,503
3. U.S. marshals.....	2,177	2,357	103,505	2,068	2,181	105,025	2,068	2,181	111,749	2,018	2,131	110,720	-50	-50	-1,029
Total.....	6,801	6,737	287,079	6,520	6,387	295,950	6,531	6,492	327,477	6,334	6,323	320,945	-197	-169	-6,532

Salaries and expenses, U.S. Attorneys and Marshals

Status of Congressionally Requested  
Studies, Reports, and Evaluations

1. House Report 97-180, dated July 16, 1981, requested that the Director of the U.S. Marshals Service submit a report to the Committee on Appropriations by December 1, 1981, reviewing the Marshals Service's regulation permitting the payment of per diem when no overnight lodging is involved.

On November 27, 1981, the Director advised the Committee that he had reviewed the regulations permitting such payment and directed that a cancellation of the order be prepared.

2. Senate Report 97-265, dated October 30, 1981, requested that the Director of the U.S. Marshals Service submit a report to the Committee on Appropriations by June 30, 1982, regarding the acquisition and operation of U.S. Marshals Service owned aircraft.

As of January 1982, the program has not been implemented. Prior to June 30, 1982, the Service will report on the status of implementation.

Legal Activities  
Salaries and expenses, U.S. Attorneys and Marshals

Summary of Adjustments to Base  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1982 as enacted.....	6,520	6,387	\$291,950
Supplementals requested:			
Program supplemental requested for U.S. Marshals Service for extraordinary protective details.....	---	---	4,000
1982 appropriation anticipated.....	6,520	6,387	295,950
Adjustments to base and built-in changes:			
Transfer from the Criminal Division to the U.S. Attorneys.....	11	10	517
Uncontrollable increases:			
1982 pay increases.....	---	---	9,477
Executive level pay increases.....	---	---	3,443
Annualization of additional positions approved in 1982.....	---	---	7
Administrative salary increases.....	---	---	3,398
Within-grade increases.....	---	---	999
Health benefits costs.....	---	---	688
Federal Employees' Compensation Act (FECA)-Unemployment benefits.....	---	---	44
Federal Employees' Compensation Act (FECA)-Workers' Compensation.....	---	---	497
Standard level user charges.....	---	---	5,449
GSA recurring reimbursable services.....	---	---	234
Postal Service increases.....	---	---	601
Federal Telecommunication System (FTS).....	---	---	2,295
Travel costs - airfare increases.....	---	---	630
GPO printing costs.....	---	---	76
Printing costs for the Federal Register and Code of Federal Regulations.....	---	---	1
Departmental printing and reproduction costs.....	---	---	61
Employee data and payroll services.....	---	---	93
Full-field investigations.....	---	---	186
General pricing level adjustment.....	---	---	1,533
Departmental telecommunications costs.....	---	---	245
Guard service.....	---	---	323
Restoration of funds earmarked for Bankruptcy Matters by the Congress in 1982:			
U.S. Attorneys.....	---	95	3,065
U.S. Marshals.....	---	---	1,665
Total, uncontrollable increases.....	---	95	35,016
Decreases:			
Non-recurring costs for U.S. Marshals Service 1982 supplemental request.....	---	---	-4,000
1983 Base.....	6,531	6,492	327,477

172

Legal Activities  
Salaries and expenses, U.S. Attorneys and Marshals

Justification of Adjustments to Base  
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- Years</u>	<u>Amount</u>
<u>Transfers to and from other accounts:</u>			
1. Transfer from the Criminal Division to the U.S. Attorneys. With the transfer, the economic crime specialists currently assigned to the Criminal Division but working in U.S Attorneys offices in some of the larger districts will come under the supervision and be budgeted by the U.S. Attorneys.....	11	10	\$517
<u>Uncontrollable increases:</u>			
1. 1982 pay increase.....	...	...	9,477
This provides for full funding of the October 4, 1981, pay increase contained in Executive Order 12330. The request of \$9,477,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:			
1982 personnel compensation and benefits relative to the October pay increase			
\$195,917,000 X 4.8 percent for 259 days.....			\$9,404,000
2/261 X Amount of pay raise.....			73,000
Total requirements.....			9,477,000
2. Executive Level pay increases.....	...	...	3,443
This provides for full funding of the January 1, 1982, Executive Level pay increases contained in P.L. 97-92. The request of \$3,443,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:			
1982 personnel compensation and benefits relative to lifting pay cap for 195 days...			\$2,572,000
66/261 X Amount of pay raise.....			871,000
Total requirements.....			3,443,000

Perm. Pos.    Work-Years    Amount

3. Annualization of additional positions approved in 1982.....    ...    ...    \$7

This provides for the annualization of four additional positions for the Administrative Services program of the U.S. Marshals Service approved in 1982. The full workyear requirement was reflected in the 1982 estimates.

	Approved 1982 Increase	Annualization Required
Annual salary rate of 4 approved positions	\$91,000	
Less lapse.....	-6,000	\$6,000
Net compensation.....	85,000	
Associated employee benefits.....	13,000	1,000
Total costs subject to annualization....	98,000	7,000

4. Administrative salary increases.....    ...    ...    3,398

Assistant United States Attorneys and United States Trustees occupying ungraded permanent positions are, under certain circumstances, granted successive annual pay increases at varying rates until a maximum salary level is reached.

5. Within-grade increases.....    ...    ...    999

This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$914,000 and benefits \$95,000 = \$999,000).

	No. of GS Pos.	Amount Salary Rate	Pay at Base of Grade	Cost of Within- Grades	Lower Pay Scale Adjustment	Adjusted Cost of Within- Grades	Change from PY
FY 1983	4,311	\$97,326	\$83,830	\$13,496	...	\$13,496	\$914
FY 1982	4,487	93,697	81,115	12,582	104.8	12,582	2,632
FY 1981	4,717	89,686	80,981	8,705	114.3	9,950	27
FY 1980	5,242	87,799	79,685	8,114	122.3	9,921	1,931
FY 1979	4,292	70,222	64,031	6,191	129.1	7,992	...

174

	Perm. Pos.	Work- Years	Amount
6. Health benefits costs..... The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$688,000 provides for payment of the average rate percent over the \$3,546,000 now available.	...	...	\$688
7. Federal Employees' Compensation Act (FECA)--Unemployment Benefits..... This request will provide for increased cost incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$44,000 was based on unemployment compensation payments for the quarter ending March 1981.	...	...	44
8. Federal Employees' Compensation Act (FECA)--Workers' Compensation..... The increase reflects the billing provided by the Department of Labor for the actual costs in 1981 of employees' accident compensation. The 1983 amount will be \$1,716,000 or \$497,000 over the 1982 estimate.	...	...	497
9. Standard level user charges (SLUC)..... P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$5,449,000 is required in 1983 to pay for space occupied at the end of 1982. The amount budgeted for SLUC in 1982 is \$24,208,000.	...	...	5,449
10. GSA recurring reimbursable services..... The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$234,000 will provide the same level of service in 1983 as in 1982. This is an increase of 20 percent over the amount budgeted for 1982 of \$1,170,000.	...	...	234

	Perm. Pos.	Work- Years	Amount
11. Postal service increase.....	...	...	\$601
<p>The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 an ounce. This five cent increase results in an additional request of \$601,000 over the currently budgeted amount of \$2,058,000.</p>			
12. Federal Telecommunications System (FTS).....	...	...	2,295
<p>The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In FY 1983, the uncontrollable increase will be \$2,295,000 over the 1982 base of \$2,802,000. This reflects the new billing method which became effective in 1982 and is based on the duration of calls. It also includes the rate increase of approximately 51 percent which was granted American Telephone and Telegraph in 1982.</p>			
13. Travel costs--airfare increases.....	...	...	630
<p>Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent over the 1982 budget amount of \$4,200,000.</p>			
14. GPO printing costs.....	...	...	76
<p>The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs as a base, the uncontrollable increase for GPO printing is \$76,000 over the base of \$1,216,000.</p>			
15. Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	1
<p>The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and the <u>Code of Federal Regulations (CFR)</u>. The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$408 per page for the <u>Federal Register</u> and \$80 per page for the CFR. The requested uncontrollable increase provides funding for 20 pages in the Register and 2 pages in the CFR.</p>			

	Perm. Pos.	Work- Years	Amount
16. Departmental printing and reproduction costs.....	...	...	\$61
<p>Departmental printing costs are expected to increase by 7 1/2 percent in 1983. This results in an uncontrollable increase of \$64,000 over the 1982 base of \$854,000.</p>			
17. Employee data and payroll services.....	...	...	93
<p>The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in FY 1981 was \$95.00. In 1982, it will increase by \$15.00; the increased cost of servicing 6,334 employees is \$93,000.</p>			
18. Full-field investigations.....	...	...	186
<p>Costs in this area have increased as the result of a projection by the Office of Personnel and Management (OPM) for 1982, which raised the standard rate charged for each full-field investigation by \$300 over the 1981 base cost of \$1,000. The request of \$186,000 reflects the 1983 requirements for full-field investigations at the current rate of \$1,300.</p>			
19. General pricing level adjustment.....	...	...	1,533
<p>This request applies the OMB pricing guidance of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates.</p>			
20. Departmental telecommunications costs.....	...	...	245
<p>In 1981, AT&amp;T discontinued TELEPAK services and increased rates under a new tariff. The requested increase of \$245,000 reflects the resulting increase of 45 percent in the message rate and 10 percent in terminal charges over the 1982 budgeted amount of \$978,000.</p>			

177-203

Bankruptcy Matters  
Salaries and Expenses, U.S. Attorneys and Marshals

Summary of Resources by Program  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 Appropria- tion Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amt.	Perm. Pos.	WY	Amount
Bankruptcy Matters:																		
Administration of cases.....	187	152	\$4,776	187	153	\$4,762	133	105	\$4,041	133	105	\$4,450	...	...	...	-133	-105	-\$4,450
Executive direction and control.....	20	19	875	20	19	873	14	14	959	14	14	1,053	...	...	...	-14	-14	-1,053
Total.....	207	171	5,651	207	172	5,635	147	119	5,000	147	119	5,503	...	...	...	-147	-119	-5,503
Other Workyears																		
Overtime...		1			1		...			...			...			...		
Total compensable workyears..		172			173		119			119			...			...		-119

Activity: Bankruptcy Matters	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Administration of Cases .....	133	105	\$4,041	133	105	\$4,450	...	...	...	-133	-105	-\$4,450
Executive Direction and Control .....	14	14	959	14	14	1,053	...	...	...	-14	-14	1,053
Total .....	147	119	5,000	147	119	5,503	...	...	...	-147	-119	-5,503

The United States Trustees will continue to administer bankruptcy cases in pilot districts for the remainder of 1982. Because the program is recommended for termination, the 1983 estimates contain no funding. As the trustees discontinue functioning, the Administration proposes to have bankruptcy matters administered by the Judiciary.

Bankruptcy Matters

Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Bankruptcy Matters					
	Administration of cases		Executive direction and control		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
<b>Grades</b>						
ES-4 .....	...	...	-1	-\$58	-1	-\$58
GS/GM-15 .....	...	...	-2	-107	-2	-107
GS/GM-14 .....	-7	-332	-3	-142	-10	-474
GS/GM-13 .....	-17	-662	-3	-118	-20	-780
GS-12 .....	-4	-141	-1	-30	-5	-171
GS-11 .....	-5	-142	...	...	-5	-142
GS-9 .....	-24	-505	...	...	-24	-505
GS-8 .....	-16	-324	-1	-19	-17	-343
GS-7 .....	-17	-317	-2	-36	-19	-353
GS-6 .....	-15	-245	-1	-16	-16	-261
GS-5 .....	-8	-124	...	...	-8	-124
Ungraded .....	-20	-1,141	...	...	-20	-1,141
<b>Total positions and annual rates</b> .....	-133	-3,933	-14	-526	-147	-4,459
Lapse (-) .....	34	927	...	61	34	988
Other than permanent positions .....	-6	-60	...	...	-6	-60
Other personnel compensation .....	...	-5	...	...	...	-5
<b>Total workyears and personnel compensation</b> .....	-105	-3,071	-14	-465	-119	-3,536
Personnel benefits .....		-294		-39		-333
Travel and transportation of persons .....		-143		-43		-186
Transportation of things .....		-9		-2		-11
Standard level User Charges .....		-558		-56		-614
Other rent, communications and utilities .....		-78		-177		-255
Printing .....		-29		-19		-48
Other services .....		-160		-210		-370
Supplies and materials .....		-94		-13		-107
Equipment .....		-14		-29		-43
<b>Total workyears and obligations, 1983</b> .....	-105	-4,450	-14	-1,053	-119	-5,503



United States Marshals Service

Salaries and expenses, U.S. Attorneys and Marshals

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			Program Supplemental			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
1. Witness security...	258	236	\$16,331	...	...	...	...	...	...	...	...	\$2,471	258	236	\$18,802
2. Execution of process & court orders...	441	558	21,968	65	60	\$802	...	...	...	...	...	...	506	618	22,850
3. Security support...	256	223	15,570	35	35	4,655	...	...	...	...	...	1,529	291	258	21,754
4. Financial support services.....	156	150	2,929	...	...	...	...	...	...	...	...	...	156	150	2,929
5. U.S. marshals training.....	9	9	633	...	...	...	...	...	...	...	...	...	9	9	633
6. Handling of federal prisoners.....	684	743	30,090	...	...	...	...	...	...	...	...	...	684	743	30,090
7. Supervision of unsentenced prisoners.....	40	38	954	...	...	...	...	...	...	...	...	...	40	38	954
8. Executive direction & control.....	43	43	1,734	...	...	...	6	6	\$474	...	...	...	49	49	2,200
9. Administrative services.....	81	82	4,680	...	4	599	-6	-6	-474	...	...	...	75	80	4,805
<b>Total.....</b>	<b>1,968</b>	<b>2,082</b>	<b>94,889</b>	<b>100</b>	<b>99</b>	<b>6,136</b>	...	...	...	...	...	<b>4,000</b>	<b>2,068</b>	<b>2,181</b>	<b>105,025</b>

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The Congress increased funding for Private Process, Court Security, and Administrative Services by \$6,136,000 and 104 positions. The increments shown are relative to the President's Revised 1982 Budget Request (September 1981) which, for the U.S. Marshals Service, represented a six percent reduction below the March Budget.

Reprogramming

A realignment of budget positions by divisions as opposed to numerous small programs required a reprogramming of positions between Executive Direction and Control and Administrative Services. This reprogramming was justified in 1981 and continues into 1982.

Supplementals Requested

Supplemental funding of \$4,000,000 was requested for additional resources required to fund specific details requiring extraordinary amounts of security.

U.S. Marshals Service  
Salaries and expenses, U.S. Attorneys and Marshals

Summary of Requirements  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
<u>Adjustments to base:</u>			
1982 as enacted.....			
Program supplemental for Extraordinary Security Details.....	2,068	2,181	\$101,025
1982 appropriation anticipated.....			4,000
Uncontrollable increases:	2,068	2,181	105,025
1982 pay increases.....			
Executive Level pay increases.....			3,178
Annualization of 4 additional positions approved in 1982.....			82
Within-grade increases.....			7
Health benefits costs.....			614
Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....			239
Federal Employees' Compensation Act (FECA) - Workers' Compensation.....			3
Standard Level User Charges.....			375
GSA recurring reimbursable services.....			1,937
Postal Service increases.....			64
Federal Telecommunications System (FTS).....			219
Travel costs - airfare increases.....			865
GPO printing costs.....			418
Departmental printing and reproduction costs.....			11
Employee data and payroll services.....			8
General pricing level adjustment.....			30
Departmental telecommunications costs.....			430
Full-field investigations.....			199
Guard service.....			57
Restoration of funds earmarked for bankruptcy matters by the Congress in 1982.....			323
Total, uncontrollable increases.....			1,665
Nonrecurring decrease for 1982 supplemental request.....			10,724
1983 Base.....	2,068	2,181	-4,000
			111,749

208

<u>Estimates by budget activity</u>	<u>1981 Actual</u>			<u>1982 Appropria- tion Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>
U.S. Marshals.....	2,177	2,357	\$103,585	2,068	2,181	\$105,025	2,068	2,181	\$111,749	2,018	2,131	\$110,720	-50	-50	-\$1,029

U.S. Marshals Service  
Salaries and expenses, U.S. Attorneys and Marshals

Summary of Resources by Program  
(Dollars in thousands)

Estimates by Program	1981 Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease			
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	
Witness security....	260	254	\$15,616	260	250	\$15,590	258	236	\$18,802	258	236	\$17,518	258	236	\$17,518	...	...	...	
Execution of process & court orders....	471	754	24,017	471	720	24,683	506	618	22,850	506	618	26,616	456	568	25,587	-50	-50	-\$1,029	
Security support....	391	330	23,624	391	318	24,331	291	258	21,754	291	258	21,898	291	258	21,898	...	...	...	
Financial support services.....	156	150	2,818	156	150	2,832	156	150	2,929	156	150	3,220	156	150	3,220	...	...	...	
U.S. marshals training.....	12	12	474	12	12	462	9	9	633	9	9	668	9	9	668	...	...	...	
Handling of federal prisoners.....	684	743	26,866	684	731	28,213	684	743	30,090	684	743	32,660	684	743	32,660	...	...	...	
Supervision of unsentenced prisoners.....	67	38	911	67	41	952	40	38	954	40	38	1,029	40	38	1,029	...	...	...	
Executive direction & control.....	58	56	2,358	58	57	2,383	49	49	2,208	49	49	2,444	49	49	2,444	...	...	...	
Administrative services.....	78	78	4,072	78	78	4,139	75	80	4,805	75	80	5,696	75	80	5,696	...	...	...	
<b>Total.....</b>	<b>2,177</b>	<b>2,415</b>	<b>109,756</b>	<b>2,177</b>	<b>2,357</b>	<b>103,585</b>	<b>2,068</b>	<b>2,181</b>	<b>105,025</b>	<b>2,068</b>	<b>2,181</b>	<b>111,749</b>	<b>2,018</b>	<b>2,131</b>	<b>110,720</b>	<b>-50</b>	<b>-50</b>	<b>-1,029</b>	
Other Workyears																			
Holiday.....		3			3			4		4				4					...
Overtime.....		391			323			272		292				292					...
Total compensable workyears.....		2,809			2,683			2,457		2,477				2,427					-50

U.S. Marshals Service

Salaries and expenses, U.S. Attorneys and Marshals

Justification of Program and Performance

Activity Resource Summary  
(dollars in thousands)

Activity: U.S Marshals	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Witness security.....	258	236	\$18,802	258	236	\$17,518	258	236	\$17,518	...	...
Execution of process and court orders...	506	618	22,850	506	618	26,616	456	568	25,587	-50	-50	-\$1,029
Security support.....	291	258	21,754	291	258	21,898	291	258	21,898	...	...	...
Financial support services.....	156	150	2,929	156	150	3,220	156	150	3,220	...	...	...
U.S. marshals training.....	9	9	633	9	9	668	9	9	668	...	...	...
Handling of federal prisoners.....	684	743	30,090	684	743	32,660	684	743	32,660	...	...	...
Supervision of unsentenced prisoners....	40	38	954	40	38	1,029	40	38	1,029	...	...	...
Executive direction and control.....	49	49	2,208	49	49	2,444	49	49	2,444	...	...	...
Administrative services.....	75	80	4,805	75	80	5,696	75	80	5,696	...	...	...
Total requirements.....	2,068	2,181	105,025	2,068	2,181	111,749	2,018	2,131	110,720	-50	-50	-1,029

This budget activity provides vital support to the Federal government's administration of justice system in the areas of operational support and security assistance to the Federal judiciary such as court security, service of process and execution of warrants; protection for key government witnesses; custody and transportation of unsentenced Federal prisoners; contracting with local detention facilities for the housing of unsentenced prisoners; and enforcing Federal law under the direction of the Attorney General.

Activity: U.S Marshals	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Witness security.....	258	236	\$18,802	258	236	\$17,518	258	236	\$17,518	...	...

Long-Range Goal: To administer protection and maintenance services for the Department of Justice Protected Witness program for witnesses and potential witnesses and their dependents whose lives are in jeopardy as a result of their testimony against organized crime.

**Major Objectives:**

To protect endangered witnesses and their families who have been approved for program services by the Department of Justice's Office of Enforcement Operations, Criminal Division.

To ensure that endangered witnesses may provide their testimony against individuals being tried for organized and other violent criminal activities.

To assist the witnesses in becoming self-sustaining through relocation under a new identity.

**Base Program Description:** This program addresses the need for protective security for government witnesses testifying against any person alleged to have participated in an organized or related violent criminal activity. The Witness Security program, authorized by Title V of Public Law 91-452, encourages witnesses to testify against persons involved in organized crime by providing protection and maintenance for the witnesses and their families. Without such a program, potential witnesses would not come forth to testify because such an action would jeopardize the safety of the witness and his/her family.

Title 28 USC 524 provides authority to use appropriations of the Department of Justice for the payment of compensation and expenses of witnesses and informants, all at the rates authorized or approved by the Attorney General or the Assistant Attorney General for Administration. Department of Justice, OBP Order 2110.2, January 10, 1975, prescribes the procedure for establishing a person as a protected witness and places with the United States Marshals Service the responsibility for the security and maintenance of witnesses and their dependents.

The Report of the Senate Judiciary Committee on Organized Crime Control reports that leaders of organized crime have been extremely successful in escaping punishment. Tampering with witnesses through intimidation was reported as the most effective method used by organized crime in obtaining acquittals or dismissals. The Witness Security program is vital in the efforts to combat organized and related violent crime in the United States.

**Accomplishments and Workload:** Accomplishments of the Witness Security program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Newly accepted witnesses.....	334	282	280	280
Witnesses funded/maintained.....	1,091	1,052	1,184	1,344
Avg. months witnesses are funded.....	12 to 18	12 to 18	12 to 18	12 to 18

During 1980 and 1981, protected witnesses testified for government prosecutors in such well known trials as the famous Black Tuna, Forcer, Hells Angels I and II, Bri-Lab and Letelier. Protected witnesses James Fratianno and Joseph Hauser have testified against the highest echelons of organized crime in cases involving six alleged major organized crime chiefs and state and Federal officials. Additionally, due to the advanced level of security experience within the program, the Attorney General directed that Witness Security Inspectors provide around-the-clock protection services for John Hinckley until his trial is completed. The Witness Security Division will again provide full security services during

Hinkley's upcoming trial. These cases which have received substantial publicity require the application of unique sophisticated security methods. The Marshals Service expects equally sensitive and difficult security requirements during the Federal and state trials of alleged members of the extremely violent Nuestra Familia gang who are alleged to have been responsible for over 200 gangland-style murders. Twenty-four witnesses alone have been authorized program protection for these trials.

Each witness security specialist has been required to successfully complete a four-week training course in witness security prior to assignment to field duties. Social service requirements have been included in new policy and procedural orders that have been issued to all personnel assigned to the program. Psychology and sociology courses have been included as an integral part of witness security training. The program manager conducts bi-annual work conferences with field specialists to resolve problem areas, apprise personnel of new policies and management techniques, and ensure continuity of witness services in all sections of the country.

This past year, in conjunction with Yale University, the Marshals Service has conducted a preliminary study of the stress and anxiety experienced by witnesses as a result of their relocation under a new identity. While the results of this presample are limited, initial observations and data correlations have assisted program personnel in lessening short term stress resulting from the witness' immediate detachment from his familiar surroundings. It is anticipated that a larger, more conclusive study will be completed this year.

All financial reports concerning subsistence funding to relocated witnesses have been compiled in the Witness Security mini-computer. This system has greatly increased the efficiency and response time of the Witness Support Unit function, enabling program personnel to provide courts and prosecutors with current funding histories, as well as perform audits and detailed analyses.

The Witness Security Division has been working closely with the Social Security Administration to formalize a Memorandum of Understanding between our two agencies relative to documentation for program participants. It is anticipated that this agreement will be finalized this year.

Witness Security Program procedural instructions are presently being reprinted to include updated policy revisions and operational advancements. The Headquarters staff has been reorganized into regional teams. This reorganization has better equipped the Division to respond to requests in a more efficient and timely manner.

In 1981, the Marshals Service received 202 new witnesses, reactivated 88 witnesses for funding because of new threats or other reasons, and funded an average of 390 witnesses per month. In 1981, the Witness Security Program provided protection and/or funding for 1,052 principal witnesses, or a total of 2,593 persons including family members.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Execution of process and court orders.	506	618	\$22,850	506	618	\$26,616	456	568	\$25,587	-50	-50	-\$1,029

**Long-Range Goal:** To ensure the timely service of process and execution of warrants; to provide a timely response to all major injunctions; and to ensure that all requests for international extraditions are carried out, as well as assistance to other agencies.

**Major Objectives:**

To initiate criminal investigations, apprehension investigations and prosecutive reports on all primary responsibility warrants, i.e., escape, bail jumping, parole, probation and other Federal criminal arrest warrants.

To provide timely service of process, court orders and warrants in support of the Federal Judiciary.

To coordinate, fund and implement the extradition of Federal fugitives back to the United States.

To provide a Special Operations Group (SOG) to maintain a highly-trained civilian force to respond to emergency situations including civil disturbances, terrorist incidents and hostage situations, and to provide law enforcement and security assistance to other Federal and state agencies designated by the Attorney General, and to enforce major injunctions of the U.S. courts.

To seize and store gambling devices, pursuant to 15 USC 1171; seize and store money and other property used in illegal gambling businesses, pursuant to 18 USC 1955(d).

**Base Program Description:** The Attorney General issued a directive, effective October 1, 1979, by which the Marshals Service assumed criminal investigative responsibility for certain Federal fugitives including probation and parole violators, mandatory release violators, bond default fugitives and escaped Federal prisoners. These responsibilities had been previously assigned to the FBI. In addition, the Marshals Service monitors an Informant Fund used to create a larger pool of informants to provide necessary warrant investigative leads during criminal investigations and apprehension investigations.

The execution of civil and criminal process is a statutory responsibility of the Marshals Service in carrying out the orders of the Federal judiciary. The Marshals Service is obligated to ensure the timely execution of all lawful precepts directed to the Service by the U.S. Courts, if the work of the Federal judiciary is to proceed in an orderly fashion. In addition, the Marshals Service has jurisdictional responsibility to respond to emergency situations, such as civil disturbances, which violate Federal law or endanger Federal property. The Marshals Service also provides law enforcement and security assistance to other Federal and state agencies at the direction of the Attorney General.

The purpose of this program is to expeditiously and efficiently serve all process emanating from the U.S. Courts, regulatory agencies and the Congress on behalf of the United States and private litigants. Pursuant to statutory authority tracing back to the First Judiciary Act of 1789, the Marshals Service is authorized to execute all lawful writs, process or orders issued under the authority of the United States Courts, including criminal arrest warrants.

The principal statutory authority for the activities of this program are found in Title 11 USC 11, 28 and Title 28 USC 569, 570. Title 28, CFR Section 0.111(b) charges the Marshals Service with responsibility for the service of all process emanating from the U.S. Courts.

The Speedy Trial Act of 1974, P.L. 93-619, continues to have a great impact on the U.S. Marshals Service. Because of the deadlines imposed, the Service must demonstrate due diligence in the prompt execution of warrants, since failure to satisfy the court on these matters may result in the imposition of severe sanctions as provided in Section 3162(b) of the Act.

**Accomplishments and Workload:** Accomplishments of the Execution of Process and Court Orders program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Process received for service.....	764,060	721,126	436,600	458,500
Process served.....	677,005	643,989	302,400	308,400
Warrants received.....	61,922	59,927	63,200	65,700
USMS arrests.....	29,558	27,677	28,000	31,920
Property seizures.....	3,576	3,812	4,700	5,700
Warrants unexecuted, end-of-year.....	37,672	41,390	45,000	38,700

To carry out these duties the Marshals Service: conducted advanced investigative training for Enforcement Specialists in conjunction with the Department of Justice, Criminal Division; completed operational and administrative guidelines with implementation procedures; established a mechanism for coordination with the Bureau of Prisons; established a headquarters case monitoring system; initiated Marshals Service representation to INTERPOL and El Paso Intelligence Center; and established a 20-man immediate response team. Special emphasis was placed on those fugitives with histories of violence, organized crime connections, or habitual violent criminal activity. In the first twelve months of the new program, the Marshals Service received 13,461 such cases and arrested 9,243 of these fugitives.

The execution of all Federal warrants is a primary duty of the Marshals Service. The expeditious arrest and production of dangerous fugitives and recidivists is of benefit to all law abiding citizens who desire to be free from harm to their persons and property. Approximately 73,000 Federal warrants were issued in 1980, 29,558 of which were executed by the Marshals Service. This latter total is higher than that of all other Federal agencies combined, and resulted in a decrease of the 1979 backlog of Federal warrants on file. Warrant teams continue to prove successful in assisting other Federal agencies. Deputy U.S. Marshals also continue to assist in the operation of organized crime strike forces, narcotics task forces and "sting" operations. As a result, several people are arrested at one time using the mass arrest concept. On August 22, 1981, the Marshals Service concluded a 19-month investigation with the arrest of Christopher Boyce, the most wanted escaped espionage agent. The investigation involved several U.S. Marshals offices and seven foreign countries, including active investigation in two of these countries.

The Marshals Service is responsible for timely service of criminal and civil process. The private process workload has decreased due to local court rules relieving Marshals of this activity in some districts. In 1981, receipt of private civil process was reduced by 25,180 or 7%. The number of pieces of government and private process received by the Marshals Service totaled 721,126, an overall decrease of 6% from 1980. Over 643,900 pieces of process were served (with government process accounting for 303,177 of this amount) reflecting a 90% success rate.

The Enforcement Operations program has produced an impressive record of other accomplishments. For example, the stated value of property seized by the Marshals Service in 1981 and returned to the Treasury, totaled almost \$2 billion. International extraditions of fugitives numbered 36, and security assistance was provided for over 1,000 nuclear warhead movements. During 1981, the Service was responsible for the collection of approximately \$600,000 for the return to the U.S. Treasury by the execution of approximately 8,900 traffic warrants.

**Program Changes:** In accordance with Presidential/Congressional actions to reduce Federal activity in the area of private civil process, the program has been decreased \$1,029,000 and 50 positions. This continues the reduction of resources begun in 1980. Legislation is pending which would enable the Marshals Service to withdraw from this activity which subsidizes private litigants and inhibits private industry from providing the service. The legislation would allow the Attorney General to set rates of reimbursement to be charged private litigants when private process is served; however, the Marshals Service expects to maintain involvement in inligant and admiralty cases.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Pos.	WY	Amount
Security support.....	291	258	\$21,754	291	258	\$21,898	291	258	\$21,898	...	...	...

**Long-Range Goal:** To ensure the integrity of the Federal judicial system by providing security at all places in which Federal judicial business is conducted; to eliminate fear of intimidation, retribution, or bodily harm on the part of Federal judges, attorneys, other Federal officers and trial participants, and to provide personal security for all threatened Federal judicial officials.

**Major Objectives:**

- To continuously assess the status of security and to enhance as necessary with additional security personnel and systems at each location where Federal judicial business is conducted.
- To provide Deputy U.S. Marshals for sessions of court and judicial proceedings as necessary.
- To provide a sufficient force of personnel to ensure the personal safety of threatened individuals to whatever extent required, consistent with available resources.
- To ensure continuous maintenance and upgrading of security equipment and systems compatible with the latest state of the art.

**Base Program Description:** This program addresses the national problem of preserving the integrity of the Federal judicial system in the face of mounting and more violent attacks on its processes, the people involved in these processes and the facilities and residences in which they work and live. The two major problems are: (1) establishing and maintaining an acceptable level of security for all Federal judicial facilities in 453 places throughout the Nation; and (2) insuring the personal safety of the more than 3,000 Federal judges, magistrates and attorneys, as well as other judicial officers, employees, jurors, witnesses, spectators and other trial participants. Judicial facilities are defined as including courtrooms, hearing rooms, chambers, jury and witness rooms, offices of court officials and their staffs. Personal security is provided for individuals as the result of covert or open threats of harm. The extent and duration of personal protection depends on the severity of the threat as determined by the United States Marshal, assessment by Marshals Service Court Security Inspectors, FBI investigation and/or intelligence obtained from other Federal, State or local law enforcement agencies.

The situation today demanding heightened security has been exacerbated by the government's intensified efforts against organized crime begun in 1970, the more recent efforts against white-collar crime and the anticipated focus on violent crime. Civil cases involving such matters as school desegregation, large insurance claims, bankruptcy, fishing rights and property seizures, as well as the normal criminal activity, have and will continue to have violent protesters and a rising potential and number of incidents targeted against court facilities and judicial system proceedings. The present thrust against violent crime and terrorism, and the additional number of Federal judges and magistrates will increase demands on limited resources.

**Accomplishments and Workload:** Accomplishments of the Security Support program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Security surveys, inspections and systems reviews and designs.....	145	140	160	160
Number of judges and magistrates served by deputies.....	686	890	826	826
Number of personal security details.....	13	26	38	38

In 1981 trials reached an all-time high of 21,239, at which security was provided for 12,197. It is projected that there will be a continual rise in 1982. This was a consequence of additional judicial officers which will total 1,605 in 1982, increased powers of magistrates and the increased severity of threats against judicial officials.

The seriousness of threats and potential for deadly violence was underscored in 1979 by the murder of U.S. District Court Judge John Wood and attempted assassinations of Assistant U.S. Attorneys in the District of Columbia and the Western District of Texas. On May 5, 1981, an escapee from Iowa police authorities was apprehended in the chambers of U.S. District Court Chief Judge Stuart in Des Moines. During the week of April 27, 1981, an individual in Washington, D.C. was arrested for threats on a U.S. Bankruptcy Court Judge. A violent spectator at the trial of Senator Williams in New York was removed from the courtroom by USMS personnel during the same week. On May 3, 1981, a bomb blew up the streetside mailbox of Montana U.S. District Court Chief Judge Battin. There are known multi-thousand dollar "hit" contracts on two Federal Judges, and terrorist threats against any Federal Judge which could be carried out at any time. The Marshals Service has been able to start and sustain personal security details only at extraordinary costs for overtime and travel plus a reduction in the number of deputy marshals needed for other priority duties. The Marshals Service anticipates a 20 percent increase in the number of threats to the judiciary in 1983 compared to 125 in 1982.

Significant additional activity has been generated in reimbursable services provided by the General Services Administration and U.S. Postal Service. On-site examinations of the effectiveness of these guards and security systems installation and maintenance projects have been conducted at 140 court facility locations. Changing guard posts from building peripheral areas to court facility areas has improved security at buildings where the 207 guards are located. The Marshals Service funds GSA and USPS for support in areas outside courtrooms, chambers, offices, and in accessways. GSA maintenance and installation support was expedited by Security Inspectors being designated the representative for each of the 11 GSA regional headquarters.

Because of reduced GSA personnel ceilings the planned reduction in GSA building guards has already begun. To maintain security at the present level requires the Marshals Service to fund additional guards at some locations.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount
	WY			WY			WY			WY		
Financial support services.....	156	150	\$2,929	156	150	\$3,220	156	150	\$3,220	...	...	...

Long-Range Goal: To disburse funds in payment of fact witnesses, protected witnesses, local jail administrators for housing Marshals Service prisoners, court reports, and various expenses incurred by the Marshals Service and U.S. Attorneys in conducting official business; to collect funds for services rendered by the Marshals Service and from the sale of seized property; and to record and report these transactions.

**Major Objectives:**

To disburse funds in a timely and efficient manner for all legal debts incurred.

To collect and deposit all funds due the United States for services rendered to the public by the Service, refunds and reimbursements.

To account for all transactions in a timely and accurate manner to Department of the Treasury, Department of Justice (DOJ), and U.S. Marshals Service management.

**Base Program Description:** The prompt and complete payment of these debts and collection and deposit of funds due the government by law or court order are a basic part of this program. There are no substitutes for these actions as they are a necessary and integral part of common business practice. The other element or mission of this program is the accounting and reporting of these transactions in such a way as to reveal to all involved or interested parties, such as the Department of Treasury and the internal management of the DOJ and the USMS, the total funds obligated and expended by each district office and headquarters.

Clientele for this program include the U.S. Attorneys and the Assistant Attorney General for Administration (for Fees and Expenses of Witnesses). The U.S. Marshal for each district is required by law (Title 31, United States Code, Section 82c) to examine and certify vouchers which represent legal obligations incurred by the district. In addition, the Marshal shall collect monies from services and from sales, and deposit them to the account of the United States Government (Title 28, United States Code, Section 572a), (Title 31, United States Code, Section 725v).

**Accomplishments and Workload:** Accomplishments of the Financial Support Services program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Checks issued.....	216,746	214,972	217,000	217,000
Vouchers certified in the field.....	117,265	162,836	170,000	170,000
Monthly reports.....	9,120	9,120	9,120	9,120

During 1981, the Service issued 17 orders to improve the accounting and reporting system for the collection and disbursement of funds in the district offices. Two training courses for accounting clerks were conducted in 1981, to improve the districts' financial management. The district offices processed 162,836 vouchers and issued over 214,972 checks amounting to approximately \$107 million during 1981. Collections for this period were approximately \$51 million.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	U.S. marshals training.....	9	9	\$633	9	9	\$668	9	9	\$668	...	...

**Long-Range Goal:** To establish and continue to up-date basic, advanced, refresher, specialized and management courses of instruction for the major occupational series in the Marshals Service. The instructions will be comprehensive and will focus on those job knowledges and skills that are unique to the Service.

**Major Objectives:**

To provide an ongoing comprehensive set of internal and external training courses for the development and maintenance of essential job knowledges and skills in all organizational positions for an efficient use of the Marshals Service's human resources.

To revise the content of current courses and establish new training courses in accordance with an annual reassessment of training needs.

To provide the training necessary to support the new operational and administrative initiatives cited in other Marshals Service programs.

**Base Program Description:** The Marshals Service has continued to expand its participation in the Federal criminal justice system. While deputy marshals continue to perform a wide range of duties, the increasing complexity of the Service's responsibilities has led to a specialization of duties for a good portion of the Service's operational workforce. This specialization results not only from the increasing complexity of Federal criminal law and law enforcement methods, but also from the closer judicial, Congressional, and public scrutiny of the Service's expanded responsibilities. Consequently, traditional training requirements have expanded to include specialized and advanced training in operational programs.

Responsiveness to growing demands of both the Judicial and Executive branches in a period when manpower resources are increasingly scarce requires competent and effective performance from available personnel. In addition, the Service recognizes its responsibility to minimize its liability under the Federal Tort Claims Act and various Civil Rights Acts by maintaining a knowledgeable and professional operational workforce.

Authority to train Marshals Service employees is established under Title 5 of the U.S. Code. Title 28 of the Code of Federal Regulations specifically authorizes the Director of the Marshals Service to establish the necessary training and career development programs. In addition, Executive Order 11348 and the Government Employees Training Act of July 7, 1958, allows the Service to determine the content of its training programs.

Accomplishments and Workload: Accomplishments of the training program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Number of students:				
Basic DUSM and criminal investigator training.	137	72	...	...
Advanced DUSM training.....	...	145	220	150
Account clerks financial mgmt training.....	25	48	50	72
SOG basic training.....	22	18	30	30
SOG advanced training.....	100	100	100	100
Witness Security Inspectors training.....	28	24	40	60
Community detention/enforcement training.....	89	50	60	48

During 1981, the Curriculum Development and Instruction Program trained approximately 654 Marshals Service personnel in 28 separate schools consisting of approximately 8,700 student training days at the Federal Law Enforcement Training Center, Glynnco, Georgia. The training included three Criminal Investigator Schools, three Basic Deputy Marshal Training Schools, three Basic Witness Security Training Schools, three Protective Services Training Schools, one Fugitive Investigation Training School, six Advanced Deputy Marshal Training Schools, four Supervisory Deputy U.S. Marshal Seminars, three Chief Deputy Marshal Seminars, and two Administrative and Financial Management Training Schools. In addition to the above training sessions, the Curriculum Development and Instruction Branch provided training to other participating agencies at FLETC upon their request. The Career Development program sponsored a total of 146 training courses in; operational, managerial, financial, supervisory, clerical and administrative training.

During 1981, the Marshals Service Armorer inspected 260 firearms and repaired a total of 184 weapons. In-depth research was conducted with a view to standardization of rifles, automatic weapons, handguns, shotguns, and leather equipment. In addition to the Armorer's on-site responsibilities, he conducted three in-district weapons repair and range procedure evaluation sessions in conjunction with the Health and Safety Officer.

The Marshals Service Basic Deputy Training Schools testing and evaluation procedures, handouts, homework assignments, and training aids were revised and updated. A new curriculum was developed and implemented for all Advanced Deputy Marshals Training Schools. The Curriculum Development and Instruction Branch has, on numerous occasions during the fiscal year, provided logistical and staff support to the Special Operations Group, Enforcement Operations Division, Witness Security Division, Office of Legal Counsel, as well as other Headquarters elements. Six nominees were accepted for career development training at the FBI National Academy. Four of the nominees have graduated.

A Study Skills (one-day) program was developed by the Branch and implemented for the three basic classes conducted during 1981. This program is designed to increase skill in the use of library, note taking, study, testing, as well as listening and memory techniques.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Handling of Federal prisoners.....	684	743	\$30,090	684	743	\$32,660	684	743	\$32,660	...	...	...

**Long-Range Goal:** To ensure expeditious, economical, and secure methods for the custody, receipt, processing and transportation of Federal prisoners.

**Major Objectives:**

To move and transport Federal prisoners in a safe manner, meet all court imposed conditions and deadlines, and accomplish these objectives within allotted resources.

To maintain and improve National Prisoner Transportation System (NPTS) capabilities and reduce costly commercial modes of travel; and increase support to the Federal Prison System in the transportation of prisoners, on a reimbursable basis, between institutions.

To improve the capabilities for transporting prisoners within the districts and accomplish all within district movement and handling requirements. To maintain and improve scheduling techniques, data collection systems, and transportation standards and procedures thereby reducing workyear utilization (regular and overtime) and travel costs associated with the transportation of prisoners.

To conserve Support of Federal Prisoners resources by reducing the time lag involved when a sentenced prisoner is moved to a designated Federal facility from a contract jail.

To renovate cellblocks and purchase security equipment to resolve critical problems in USMS facilities, such as prisoner security, overcrowding and health and safety.

**Base Program Description:** This program supports the activities of all Federal law enforcement agencies, the Federal Prison System, the Federal courts, the Office of U.S. Attorneys, the Probation Department, and Public Defenders and Defense Attorneys through its responsibility for: (1) the timely production of Federal prisoners for legal hearings or meetings with counsel; (2) the production of prisoners at trials as defendants or witnesses; (3) the transportation of prisoners to Federal institutions for pretrial or pre-sentence studies; (4) the movement of sentenced prisoners to institutions for service of sentence and transfer of sentenced prisoners between institutions; and (5) ensuring the rights, safety, and security of pretrial detainees and sentenced prisoners held in custody of the Marshals Service.

Individuals arrested or detained for violation of Federal statutes by any law enforcement officer are brought before a magistrate for an initial hearing. Upon the completion of the hearing, the prisoner is remanded to the custody of the U.S. Marshal until such time as the charges are dismissed, the prisoner is released on bond or personal recognizance, or is tried, acquitted, or convicted and delivered to an institution for the service of the sentence. Each individual arraigned is processed by the Marshals Service. Processing includes the assignment of a prisoner control number, fingerprinting and photographs, establishment of criminal and personal data records, property records, medical records and other data. Checks are made through the National Criminal Information Center (NCIC) to determine if there are other outstanding charges. Requests for name and fingerprint checks are forwarded to the FBI. Prisoners are detained in Marshals Service holding cells during court appearances and transported to the nearest available contract jail or Federal facility for overnight detention. Deputy Marshals transport sick prisoners to medical facilities for treatment and bring prisoners to district offices to meet with investigating officers and/or defense and prosecuting attorneys. Each change in prisoner location, court status or condition is documented and maintained in the prisoner's record which is transferred along with the prisoner to the designated Federal institution.

The shortage of sufficient and adequate detention space within close proximity to the Federal courts for Federal prisoners has placed an increased requirement for the immediate removal of prisoners to Federal facilities. The shortage of detention space in local jails has also necessitated traveling longer distances to produce prisoners for trials, hearings, etc. Therefore, the transportation modes adopted must have the capacity and frequency to reduce contract jail populations, minimize overtime and travel costs, reduce the opportunity for escape, and diminish prisoner exposure to the public.

The loss in many districts of nearby detention space to house prisoners for the duration of court proceedings has necessitated the use of outlying jails. In order to produce prisoners for court, Deputy Marshals are required to travel several hours to these jails and repeat the delivery process at the end of the court day requiring the use of deputy overtime, part time employees, contract guards, and administrative personnel to handle prisoners. Prisoners awaiting court appearances or transportation back to a detention facility are detained in holding cells located in Marshals Service offices.

Accomplishments and Workload: Accomplishments of the Handling of Federal Prisoners Program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Number of prisoners received and processed.....	79,599	97,473	100,000	108,000
Number of prisoners handled.....	260,320	279,961	330,000	354,000
Number of prisoners moved.....	72,077	78,213	82,000	87,000
Number of trips completed.....	16,618	18,334	19,200	20,400
Cellblocks upgraded.....	3	3	5	5

In 1981, the Service received 97,473 individuals arrested for violations of Federal laws, 22% more than received in 1980. Of those persons originally received, nearly 73,650 were detained in custody (55,004 at contract facilities and 18,645 in Federal institutions). The average number of occasions a prisoner is removed from a detention facility for court actions, medical care, or transfer to another jail, declined from the 1980 level (3.27 in 1980 and 2.87 in 1981). In 1981, prisoners will be handled approximately 279,961 times (an increase of 8 percent over 1980) before release or delivery to institutions for service of sentence. The increase in the number of Federal judges and magistrates, decentralization of courts into smaller cities, and the loss of critically needed local government jail space close to the courts, has forced district personnel to expend 49 percent more manhours than in 1979 for within district movement of prisoners. As a result, almost all the manpower savings realized by improvements in the long-distance transportation of prisoners were used for the receipt and process function.

During 1981, the Marshals Service transported 78,213 prisoners, of which 40,218 (51%) prisoners were moved by the National Prisoner Transportation System. Continual use of the leased 50-passenger commercial aircraft over dedicated air routes that were complimented with an intricate ground feeder system resulted in a 25% reduction in the use of commercial air for the movement of prisoners, as compared to 1980 statistics. Despite the fact that the number of prisoners moved in 1980 exceeded those moved in 1979 by 19%, NPTS airlift movements save funding in regular and overtime hours. The average cost of prisoners moved by air in 1981 was \$195 on the NPTS airlift and \$757 on commercial air. A manual management information system was established to collect, evaluate, and apply data pertaining to the cost-effectiveness of transportation modes and procedures available to NPTS; as a result, there was better management control of program costs than was previously possible. An aviation operations manual was published providing operating policies and procedures concerning the handling of prisoners on NPTS airlifts and the ground feeder systems (bus, van, and government automobile). A cabin crew training course on the safe and secure handling of prisoners aboard aircraft was developed and implemented for deputies participating in flight operations. The hours expended in the use of deputies as cabin crewmembers was offset by eliminating deputies as security personnel on FPS buses. NPTS has proven to be a successful program. To further its effectiveness, the Service is developing a program to acquire agency-owned aircraft through excess property procedures.

2223

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount
		WY			WY			WY			WY	
Supervision of unsentenced prisoners....	40	38	\$954	40	38	\$1,029	40	38	\$1,029	...	...	...

Long-Range Goal: To acquire and maintain sufficient and acceptable detention space for Federal prisoners in non-Federal facilities.

Major Objectives:

To pursue the establishment of a Federal strategy and the implementation of a Federal action plan for housing unsentenced Federal prisoners in facilities in compliance with Federal detention standards which will improve the conditions of confinement and levels of inmate services afforded to all prisoners held in Federally contracted detention facilities.

To reduce the number of inmate complaints, civil suits and court orders generated due to substandard conditions of confinement in contract facilities.

To identify contract facilities with substandard conditions of confinement and to design and implement improvement projects which will provide technical, managerial, financial and equipment assistance for major use facilities under court order.

To perform all required pre-award and post-award inspections of contract facilities.

To contract for sufficient jail space for unsentenced Federal prisoners in metropolitan areas near Federal courts, thereby reducing Marshal Service manpower requirements for daily handling of prisoners.

To identify excess and surplus Federal property which can be used by contract jails to upgrade inmate services and conditions of confinement.

To expand the number of contracts available for the housing of juveniles and women, including undocumented aliens and obtain changes to DOJ or GSA procurement regulations to meet the unique needs of the detention contracts program. To increase the number of contracts for the health care of Federal prisoners.

Base Program Description: Detention, medical and guard contracts are initiated and awarded upon the identification and substantiation of a Federal need. Field office inspectors serve as contracting officer representatives to perform pre- and post-contract award facility inspections. Based upon the findings of the pre-award inspection, which measures a jail's physical and program capabilities against national detention standards, a formal contract is prepared and awarded by the headquarters' contracting officer. Each contract is individually structured to reflect only those services within the jail's capability. Cost analyses are performed on the facility's operating expenses to determine a reasonable jail day rate. Monitoring inspections are conducted periodically to ensure contracted services are being received by Federal prisoners.

The Federal government has traditionally relied upon the cooperation of local governments in providing jail space for the Federal prisoners during criminal proceedings in Federal courts. Over the past few years civil rights advocates have become increasingly involved in legal actions intended to correct and upgrade the conditions of prisons and detention facilities. Resultant court decisions have precipitated the evolution and adoption of minimum detention standards by some states and by the Department of Justice.

Local units of government are now facing serious challenges in funding new detention facilities, additional inmate services and trained detention personnel to meet these standards. The Federal government has found local governments increasingly reluctant to enter into contracts for housing Federal prisoners. Sheriffs' departments are apprehensive about potential Federal prisoner civil actions on substantial conditions knowing that local funds to correct deficiencies are limited or non-existent. Local governments have also become aware that for years they have subsidized the Federal inmate population by building and renovating local jail space beyond what was needed for local prisoner populations.

Accomplishments and Workload: Accomplishments of the Supervision of Unsentenced Prisoners program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Jail inspections performed.....	418	364	360	350
Contracts written or modified.....	308	398	340	310
Contracts in force.....	753	700	680	620

During 1981, a Marshals Service inspection manual was completed and a new inspection report format was field tested. The new inspection format will provide a more comprehensive audit of a contract facility. The Marshals Service has been working closely with the Bureau of Prisons to develop special automated extract reports from the Contract Profile Reporting System to provide essential jail contract administration information. The Marshals Service expanded its data entry responsibilities by 50% in 1981 to include all joint BOP/USFS contracts as well as sole use contracts.

Five advanced training sessions for field inspectors were held in 1981 in cooperation with the National Institute of Correction (NIC), National Sheriffs Association (NSA), Bureau of Prisons (BOP), and the American Medical Association (AMA). The training was developed to enable Marshals Service inspectors to assist local jails in developing or improving medical care services, life safety procedures, legal rights and procedures for inmates, staffing plans, as well as jail policy and procedure manuals. Field personnel from the INS, the Bureau of Indian Affairs (BIA), as well as a number of state jail inspectors also participated in the training sessions.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Executive direction and control.....	49	49	\$2,208	49	49	\$2,444	49	49	\$2,444	...	...

**Long-Range Goal:** To provide executive level policy guidance to effectively manage and coordinate the operations of the district offices in the areas of witness security, execution of process and court orders, handling of Federal prisoners, security support and supervision of unsentenced prisoners.

**Major Objectives:**

- To provide overall policy guidance to the Headquarters and field operational and administrative staffs.
- To evaluate resource utilization, program productivity, and accomplishment of goals, and recommend management improvements.
- To determine future financial and personnel requirements on a programmatic basis.
- To maximize compliance with minimum health and safety standards.
- To reduce the instances of occupational injury and illness through the development of a comprehensive accident prevention program.
- To maintain the highest standards of integrity, loyalty, and conduct among Service personnel.
- To examine and determine the adequacy and effectiveness of financial, administrative and operational management controls over the functions and duties of the Marshals Service district offices.
- To develop, formulate, and present budget requests to the Department of Justice, the Office of Management and Budget, and the Congress of the United States.
- To provide legal guidance and instruction to the field, as well as providing cost and other financial data to Marshals Service management.
- To assure the Director, the Attorney General, and the public that the Marshals Service is operating in the most efficient and effective manner possible.

**Base Program Description:** The Marshals Service has perhaps the most diverse mission and the greatest number of distinct responsibilities of all Federal law enforcement agencies. In keeping with the Marshals Service commitment to reduce unnecessary expenditures and improve the efficiency and effectiveness of its program, this program addresses the managerial requirements of the Service for planning, organization, direction, and control of the Service's resources, policies, and procedures in the 95 judicial districts in carrying out its operational mission.

The principal statutory authority for this program is contained in 28 Code of Federal Regulations, Section 0.111(b), and in Department of Justice Order 568-74, dated May 20, 1974.

**Accomplishments and Workload:** Accomplishments of the Executive Direction and Control program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Public information responses.....	8,000	15,000	8,000	8,000
Internal audits.....	47	50	40	40
Privacy Act responses.....	280	460	325	350
Misconduct allegations investigated by headquarters.....	137	135	145	140

During 1981, the Office of Internal Audit completed audits of 45 district offices, one headquarters office and four special purpose headquarters audits. As a result of field audits, savings were realized through tighter controls on overtime, WAE hours, guard hire, use of Government vehicles, storage of evidence and seized property and the collection of past due fees, earnings, and reimbursable items. Savings also continue to accrue from reductions in continuing travel advances ordered as a result of audits. This office also developed information essential to the resolution of claims for FLSA benefits filed by guards employed by a U.S. Marshal.

In addition to 135 Integrity Investigations initiated in 1981, the Office of Internal Investigations initiated 30 miscellaneous investigations into general allegations concerning U.S. Marshals Offices and loss or theft of Marshals Service property and referred to 40 local management officials or other agencies for investigation. To reduce misconduct, the Office of Internal Investigations issues a biannual report to all Marshals Service employees to advise them of types of allegations received, findings of investigations, which rule or statute was violated, disciplinary actions taken, and how the misconduct situation could have been avoided.

During 1981, the Office of Legal Counsel provided successful defense for the Marshals Service in personnel matters directly affecting the operation of the Service and in liability suits for injunctive and affirmative relief and monetary claims in the millions of dollars. Also, the Legal Counsel staff responded to approximately 105 Freedom of Information requests; 460 Privacy Act requests; 7 FOI/PA appeals; 175 tort claims; 30 employee claims for property damage; 50 personnel actions in administrative proceedings and arbitrations; 120 matters in litigation, and issued 100 legal opinions.

The Office of Public Affairs has responded to virtually all of the inquiries from the public and the news media. Approximately ten press reports were prepared for the Attorney General to further the dissemination of information to the public and 17 official publications (news releases, brochures, and newsletters) were prepared and released. Perhaps the most humanitarian accomplishment has been the preparation of 325 letters of condolence from the Attorney General to families of slain law enforcement officers.

In 1981, a budget execution control system was developed and successfully implemented. The status of district workplans are closely monitored and the findings reported to top management. During 1981, seventeen accounting orders were issued to improve the fiscal matters handled in the field and five district offices accounting data were reviewed by the staff to ensure the correctness of reported data.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	WY		Pos.	WY		Pos.	WY		Pos.	WY	
Administrative services.....	75	80	\$4,805	75	80	\$5,696	75	80	\$5,696	...	...	...

228

Long-Range Goal: This program provides specialized management support functions that are organized to minimize the time spent by managers on administrative matters, to ensure consistency in the application of Departmental and Marshals Service policies and procedures, and to provide stringent control for those management activities contained within these programs.

Major Objectives:

- To provide effective and efficient personnel management.
- To assure that the Service has an effective and responsible EEO program.
- To provide adequate administrative support.
- To fully implement the Marshals Service Affirmative Action Plan.
- To secure and effectively manage an adequate motor vehicle fleet.
- To fully support district equipment requirements.
- To continue implementing an overall Marshals Service ADP and telecommunications systems master plan.
- To provide management information as required by Marshals Service managers to monitor operational and administrative programs of the Service.

To coordinate the dissemination of management and policy guidance to district and staff offices.

To provide an adequate telecommunications system to meet the needs of district law enforcement operations.

To provide overall management in space related activities throughout the Service.

**Base Program Description:** The programs constituting the Administrative Services program are organized to minimize the time that line supervisors and managers spend on administrative matters, to ensure consistency in the application of Marshals Service policies and procedures, and to monitor the use of resources contained within their jurisdictions. Problems addressed by functions within the program include 1) identifying areas of difficulty in meeting administrative needs, 2) analyzing policies and procedures and reporting the findings to decision makers, 3) identifying and resolving specific operational and administrative management information requirements through the development and application of ADP and telecommunications systems, 4) proposing and implementing policies and procedures for the provision of personnel, office space, equal employment opportunity, procurement, contracting, motor vehicles, and printing services, and 5) providing oversight and control for all activities contained within these programs.

Specific authorizations for programs are found in Titles 5, 28, 29, and 41 of the Code of Federal Regulations and Titles 5 and 40 of the United States Code.

**Accomplishments and Workload:** Accomplishments of the Administrative Services program are presented below:

Item	1980	1981	Estimates	
			1982	1983
Merit promotion announcements.....	120	100	100	100
Procurements.....	1,800	1,500	1,600	1,600
JUST teletype messages.....	303,772	375,525	400,000	450,000
FED investigations.....	30	21	20	20
Personnel actions.....	6,300	6,500	6,300	6,300
Employment applications.....	2,500	2,500	2,500	2,500

229

The ADP Management Support Staff has accomplished the following in 1981: enhancement and on-going maintenance of the USM6 and USM7 management information systems including special reports listing personnel resource utilization by workyears with projections for program and budget management; conduct of a Service-wide, comprehensive ADP/telecommunications requirements analysis and development of a long range Master Plan; on-going development and maintenance of the financial management module of the automated Witness Security system; design and development of a warrant execution productivity reporting system; and design and development of an automated personnel resource requirements system.

In 1981, a total of 321 portable radios, 46 mobile radios, 23 base stations, and one repeater were procured by the Service. All the equipment procured was for replacement of outdated and unusable equipment with the exception of a few portable radios procured for the Special Operations Group communication system.

**CONTINUED**

**3 OF 20**

The General Services Support program continued in 1981 to implement management improvements which substantially enhanced efficiency in the areas of transportation, space management, renovations, and materials management. Program personnel managed over 1,000 vehicles and 315 facilities; initiated 1,500 procurements, filled over 17,000 individual requisitions of stock items; handled over 800 printing orders; administered over 1,400 accountable property transactions; processed over 85,000 pieces of incoming mail; and provided direct, on-site logistics support for the Special Operations Group during the Cuban refugee program. Facility specifications and standards have been developed in conjunction with GSA and have been printed as new design criteria for Federal courts. Work conducted relative to the design criteria for Federal courthouses will have a significant impact on future construction by the GSA in assuring adequate facilities for the Service and will provide a significantly enhanced degree of protection for both the Judiciary and the general public.

During 1981, the Personnel Staff has accomplished the following: substantially completed development of the new Personnel Management Handbook for use by USMS supervisory personnel; processed approximately 5,000 personnel documents relating to FBELI changes, in addition to 6,500 other personnel actions; implemented tighter recruitment procedures resulting in a substantial savings in background investigations and medical examination costs; and reorganized into teams to increase the effectiveness of the division and to provide the division employees with an enhanced opportunity to gain additional knowledges, skills, and abilities.

Program analysis and evaluation efforts in 1981 included the automation and recomputation of the USMS district personnel resource requirements, a three-year statistical review of Service operational workload, and participation in the needs analysis phase of the Service's ADP Master Plan. An orientation package for new United States Marshals was developed, including the publication of a booklet, "The Office of U.S. Marshal," and a directive designed to effect the transition from the outgoing U.S. Marshal to the incoming U.S. Marshal. A comprehensive review and revision of Service financial management procedures was begun, including the development of a training plan for accounting and financial management seminars. An evaluation of the U.S. Attorney's PROMIS management information system was completed to identify the relationship with the data needs of the Service. The journeyman grade level of Deputy U.S. Marshals was reviewed and the historical background documented. Planning and Evaluation Branch personnel prepared the Anti-deficiency Act contingency plan for the USMS, participated in management reviews of several district offices, evaluated an airlines centralized ticketing system, reviewed and monitored the service of private process, and examined Federal debt collection efforts as they impact the Service.

Among the Management Analysis program activities and accomplishments for 1981 were the preparation and publication of 89 new or revised USMS Directives. Current efforts are underway in the research and evaluation of equipment pertinent to a new Computer Output Microfilm (COM) system as an adjunct to the USMS Directives Management System. Forty-six forms were originated or revised to improve the efficiency of operational and administrative procedures and to standardize needed information elements. Also, numerous forms were eliminated by consolidation of forms, obsolescence, and procedural improvements.

U. S. Marshals Service

Salaries and expenses, U.S. Attorneys and Marshals

Priority Ranking

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Security Support		1
Execution of Process and Court Orders		2
Witness Security		3
Handling of Federal Prisoners		4
Supervision of Unsentenced Prisoners		5
Executive Direction and Control		6
Administrative Services		7
Financial Support Services		8
U.S. Marshals Training		9

U.S. Marshals Service

Salaries and expenses, U.S. Attorneys and Marshals \*

Financial Analysis - Program Decrease  
(Dollars in thousands)

Item	Execution of Process and Court Orders		Total	
	Pos.	Amount	Pos.	Amount
<b>Grades</b>				
GS-09.....	-17	-\$331	-17	-\$331
GS-07.....	-33	-524	-33	-524
Total positions and annual rate.....	-50	-855	-50	-855
Other personnel compensation.....	...	-63	...	-63
Total workyears and personnel compensation.....	-50	-918	-50	-918
Personnel benefits.....	...	-111	...	-111
Total workyears and obligations, 1983.....	-50	-1,029	-50	-1,029

Mr. HIGHTOWER. The request for fiscal year 1983 for this item is \$320,945,000. This amount is an increase of \$24,995,000 above the anticipated appropriation for fiscal year 1982 including a program supplemental of \$4 million. This appropriation item includes funds for three programs, U.S. Attorneys, Bankruptcy matters and U.S. Marshals.

GENERAL STATEMENT

We have Mr. William P. Tyson, Director of the Executive Office, U.S. Attorneys with us today. We will be happy to insert your general statement at this point in the record, Mr. Tyson, and you may proceed as you see fit.

[The prepared statement of William P. Tyson follows:]

STATEMENT OF THE DIRECTOR  
 EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS  
 WILLIAM P. TYSON  
 BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
 THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE  
 JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you on behalf of the 1983 request for the U.S. Attorneys, U.S. Trustees and the U.S. Marshals. The total request is for \$320,945,000 and 6,334 positions, a net increase of \$24,995,000. Included in the request are decreases due to program changes which amount to \$6,532,000 and 186 positions less than the amounts anticipated in 1982. The program changes include reductions of \$5,503,000 and 147 positions resulting from the termination of the U.S. Trustees program and \$1,029,000 and 50 positions resulting from changes in the responsibility of the U.S. Marshals Service to execute private process. The 1983 request for the U.S. Attorneys is \$210,225,000 and 4,316 positions; for the U.S. Trustees, the Department is requesting termination of the program; and, for the U.S. Marshals Service, \$110,720,000 and 2,018 positions.

My role today will be to present the portion of the request which pertains to the U.S. Attorneys. I will be followed by Mr. Quinlan J. Shea, Director, Executive Office for U.S. Trustees, who will appear before you on behalf of the U.S. Trustees. Mr. William E. Hall, Director, United States Marshals Service, will appear on behalf of the Marshals Service and the Support of U.S. Prisoners appropriation.

The U.S. Attorneys' request provides for the prosecution of federal criminal offenses and the conduct of the government's civil litigation in the 95 federal judicial districts. An appropriation of \$210,225,000 and 4,316 positions is requested for the U.S. Attorneys--an increase of \$24,300,000 from the appropriation anticipated in 1982. The increase consists mainly of uncontrollable cost increases totaling \$23,783,000. The remainder of the increase results from the transfer of 11 positions and \$517,000 from the Criminal Division's Economic Crime Unit for the criminal litigation program. No program increases are requested for 1983.

I would like to take this opportunity to report to the Subcommittee on three aspects of the U.S. Attorneys' activities which will demonstrate the direction we are going with the existing resource levels. Although each of these activities directly involves only a relatively small proportion of the overall budget, each one serves as a focal point for the most important priorities of the U.S. Attorneys.

With respect to the enforcement of criminal laws, the U.S. Attorneys have been assigned the principal responsibility for organizing Law Enforcement Coordinating Committees. Recognizing that violent crime is the foremost law enforcement concern of the American public and that the responsibility for the punishment and the deterrence of violent crime falls primarily upon state and local governments, the U.S. Attorneys have been directed to take the initiative in pulling together the various law enforcement agencies operating in each locality and cooperatively developing a coordinated law enforcement effort. The process of organizing Law Enforcement Coordinating Committees is well underway and at least one meeting has been held in a majority of the 95 federal districts.

Department of Justice law enforcement components are being requested to be as supportive as possible of state and local agencies, and this effort is expected to produce a maximum overall governmental response to violent crime in each district.

A second activity on which the U.S. Attorneys are currently concentrating, and will continue to concentrate in 1983, is the collection of debts owed to the Federal Government. A recent study by the Office of Management and Budget has estimated that more than \$25 billion in debts owed to the government are either delinquent or in default. When an agency is unable to collect its debts through administrative procedure, the debts are referred to the U.S. Attorneys for appropriate legal remedies. Because of the attention this problem has received in recent years, the U.S. Attorneys have been deluged with referrals from executive agencies. The Executive Office for U.S. Attorneys is now engaged in an intensive effort to upgrade the capacity of the U.S. Attorneys to handle collection cases. By improving supervision, by offering practical training to collections personnel, by adopting more efficient management techniques, and by using advanced technology to process records and produce correspondence and documents, the U.S. Attorneys will increase the level of revenue eventually realized by the Treasury from delinquent or defaulted debts.

Finally, a long standing effort by the U.S. Attorneys to develop a modern caseload management information system will continue to advance in 1983 without any increase in funding. A minicomputer version of Prosecutors Management Information System (PROMIS) has been successfully installed in two pilot districts and this system is expected to be extended to approximately ten more sites by the end of 1983. A version of PROMIS using word processing equipment is now

operational in two districts and the system is expected to be extended to approximately 20 sites in 1983. Eventually, the nationwide implementation of this system will serve the dual purpose of supporting the day-to-day management of each district's caseload and providing the Department of Justice generally with more comprehensive and more timely information regarding the cases which are being conducted by the U.S. Attorneys.

I will be glad to respond, Mr. Chairman, at this time to any questions you or other members of the Subcommittee may have.

Mr. TYSON. Thank you, Mr. Chairman. It is a pleasure to be here. If I may, I would like to paraphrase my prepared statement to the Committee.

Mr. HIGHTOWER. That will be fine.

Mr. TYSON. As you indicated, I am here on behalf of the request for the U.S. Attorneys, U.S. Trustees and U.S. Marshals. Following me will be the Director of the U.S. Trustees, Mr. Shea and Mr. Hall, the Director of the U.S. Marshals who will address more specifically their portion of the budget request.

Mr. HIGHTOWER. Mr. Tyson, in other words, that everybody might understand what our procedure is going to be today, we will take up your request for U.S. Attorneys, and then at that time the Committee will recess for lunch and come back at two o'clock, at which point we will take up the requests for Trustees and Marshals.

Mr. TYSON. Thank you, sir. As was indicated, the total in this appropriation request is \$320,945,000 and 6,334 positions, which is a net increase of \$24,995,000. These figures include decreases due to program changes in the amount of \$6,532,000, and 186 positions below the amounts anticipated in fiscal year 1982. The program changes include a reduction of \$5,503,000 and 147 positions from the proposed termination of the U.S. Trustees program, and a reduction of \$1,029,000 and 50 positions from the U.S. Marshal's portion, due to changes in their responsibility to execute private process.

The U.S. Attorneys portion of the request is for \$210,225,000 and 4,316 positions. This is an increase of \$24,300,000 over fiscal year 1982. This is mostly due to increases in uncontrollable costs totaling \$23,783,000. The remainder, \$517,000, is to support 11 positions which were transferred to the U.S. Attorneys from the Criminal Division's Economic Crime program. There are no program increases for U.S. Attorneys that are requested for fiscal year 1983.

Briefly, I would like to review the way we would use the resources that are being requested. As to criminal law enforcement, U.S. Attorneys, of course, prosecute Federal crimes and advise Federal investigative agencies in 95, soon to be 94 districts. The Canal Zone closes down at the end of this month.

## LAW ENFORCEMENT COORDINATING COMMITTEES

The Executive Office for U.S. Attorneys which I head exercises the principal responsibility for insuring that United States Attorneys organize law enforcement coordinating committees in each district. This is a key recommendation of the Attorney General's task force on violent crime, and a centerpiece of the Attorney General's crime control program. Over 50 committees, somewhere around 54 or 55, have been formed by the new U.S. Attorneys and several more are formed each week. By mid-summer we would hope to have committees in each of the 94 districts.

The purpose of these committees is to consolidate resources, to more effectively combine Federal and state resources, in fighting roughly 90 percent of criminal activities reported to U.S. Attorneys and to Federal investigative agencies, which are a concurrent jurisdiction crime. Concurrent jurisdiction offenses can be prosecuted either in state or Federal court, and it is the purpose of the Law Enforcement Coordinating Committees to assist state and local authorities in training, information sharing, prisoner housing, handling of joint investigations, trials and other matters including the cross-designation of staff attorneys.

## CIVIL LITIGATION

As to civil litigation, the U.S. Attorneys fulfill the traditional role of representing the U.S. Government and its employees cases initiated by and brought against the Government, serving as counsel for the plaintiff or defendant as the case may be.

A subpart of the civil litigation activity is debt collection, which has taken on a significantly increased emphasis this year with this Administration. The U.S. Attorneys, my office, the Civil Division and elements of OMB have instituted aggressive debt collection programs to collect an estimated \$25 billion of debts owed or in default. Many are student loans from people who now are well established in their careers, and are quite able to pay but have simply defaulted and failed to pay.

We are providing equipment, training and advanced technology as well as direct staff assistance from my office in these activities. U.S. Attorneys in a number of districts, Montana, Washington State, Oklahoma and several other districts, are already beginning to show dramatic results in their debt collection activities.

## CASELOAD MANAGEMENT SYSTEM AND LEGAL EDUCATION

Next we are letting a contract very soon to install automated case load management information systems in all U.S. Attorneys' offices over the next two years. An appropriate version—either a minicomputer and word processing version—of the prosecutor's management information system, will be installed depending upon the needs of the office. This system has been tested in many states and local district offices and in four U.S. Attorneys' offices in pilot programs involving two small districts with word processing equipment, and two large districts with minicomputers.

During fiscal year 1983, 20 more sites will be on-line, and in fiscal year 1984 the balance. A key part of this system will be a

debt collection subsystem to facilitate and enhance the debt collection activity. This equipment will generate letters, pleadings, other documents, computer entries and otherwise facilitate the debt collection program.

The system will provide the U.S. Attorneys with information to manage their own caseloads, and will provide the Department of Justice with the information to support budget requests, and provide oversight, historical data and the like.

This system that has been tried in many state and local jurisdictions under LEAA grants is now being transplanted into the Federal system.

Finally, my office is responsible for the management and support of the Department of Justice's legal education program. That is the Office of Legal Education, which oversees the Attorney General's Advocacy Institute and the Legal Education Institute. That, Mr. Chairman, is my statement. I will be happy to respond to questions.

## TRANSFER FROM CRIMINAL DIVISION

Mr. HIGHTOWER. Thank you, Mr. Tyson. On page 11 of the justifications the transfer of 11 positions and \$517,000 from the Criminal Division is requested. These 11 positions consist of economic crime specialists who are currently assigned to the Criminal Division by working in U.S. Attorneys offices. What is the rationale for this transfer since it would appear that these 11 economic crime specialists would not be involved in trying cases?

Mr. TYSON. The rationale, Mr. Chairman, as I understand it, is a change of emphasis on the part of the head of the Criminal Division with respect to that program. It is now his intention to focus the attention of the economic crime effort and these specialists into the areas where there are inspectors general of the client agencies. Under this configuration, the economic crime specialists will be developed as liaison people between the inspectors general, Federal prosecutors and investigators. In making this shift of emphasis it simply frees up some people who can be placed into the U.S. Attorney offices.

The concept of the previous program was to use these people as the eyes and ears of the Criminal Division to serve as more or less intelligence-gathering agents to help develop cases of program fraud, corruption and so forth in Federal programs. The previous program really never adhered strictly to that concept, in that some of these people did in fact get involved in litigation. I think, sir, the response to your question is simply that when the concept of the program was changed, there were people who were no longer needed in that program under the Criminal Division.

## POLICY FOR PROSECUTORIAL DECLINATIONS

Mr. HIGHTOWER. In 1980 the Department of Justice published a procedure book for all U.S. Attorneys' offices, which was entitled, "Principles of Federal Prosecution." What follow-up has been conducted on the implementation of the procedures and recommendations contained in this publication, and what changes if any in op-

erations have occurred since its publication. If you would like to answer that for the record, you may.

Mr. TYSON. I think we will have to do that, sir, as far as a full response to that question.

[The information follows:]

#### PRINCIPLES OF FEDERAL PROSECUTION

The Principles of Federal Prosecution is treated in various courses offered by the Attorney General's Advocacy Institute, including its Grand Jury Seminar and its Federal Practice Seminar. In some districts, Assistant U.S. Attorneys are occasionally confronted with their adherence to the Principles of Federal Prosecution as a result of motions to dismiss presented by defense counsel. In reviewing the U.S. Attorney's decision to initiate prosecution, the court may require an Assistant U.S. Attorney to explain how the case complies with the Principles. Also Assistant U.S. Attorneys commonly refer to the Principles in correspondence which they may be required to prepare on declination decisions. No statistics on the number of motions to dismiss relying on the Principles or the number of references in declination memoranda are available.

#### DISPOSITION OF CIVIL MATTERS

Mr. HIGHTOWER. The tables shown on page 31 of the justifications indicate that in 1983 civil matters terminated will increase significantly as compared to fiscal year 1982. If civil matters referred to the Department of Justice are declined, what recourse does the referring agency have? Who then represents the referring agency?

Mr. TYSON. If the referring agency is not satisfied with what might be a declination or the return of a referral, they have access to the leadership of the Department to appeal the decision, and I think that is well known. We have numerous memoranda out on client relations and contacts with the general counsels of all of the agencies to have a free flow of information with respect to any discontent they may have in terms of how we are serving our clients. There is a channel, and I think it is well known, by which they can come forward.

We are using client agency attorneys more and more over the past several years, and designating them as Special Assistant U.S. Attorneys either to try the cases under the supervision of the U.S. Attorney, or to participate in some way and assist in the trial of their cases. We do have a significant effort to insure that we are giving our clients the service that they are entitled to.

The number of criminal cases I believe continues to go up, and has for a number of years now.

Mr. HIGHTOWER. Of course we are talking about civil matters here.

Mr. TYSON. Civil matters?

Mr. HIGHTOWER. Yes, rather than criminal.

Mr. TYSON. Right. Criminal cases have been going down for several years, and civil cases have continued to rise for several years.

Mr. HIGHTOWER. How many civil matters referred to the Department of Justice in 1980 and 1981 by other Federal agencies were declined? If you have that figure you can submit it for the record.

Mr. TYSON. We will have to respond to that.

[The information follows:]

#### NUMBER OF CIVIL MATTERS DECLINED

In fiscal 1980, there were 16,184 civil matters terminated without reaching court dockets. Of those matters, over 15,000 were potential cases in which the United States would have been in the position of a plaintiff seeking relief from the court. In fiscal year 1981, there were 28,030 civil matters terminated without reaching court dockets. Of the latter figure, 26,820 were matters in which the United States would have been the plaintiff. Most of the increase in terminations was due to claims for Veterans Administration overpayments which were returned to that agency.

Mr. HIGHTOWER. Thank you very much, Mr. Tyson. We will have some additional questions to be propounded in writing, which we will ask you to answer for the record.

The Committee will stand in recess until two o'clock this afternoon.

[The questions referred to and the answers thereto follow:]

## QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

## Criminal Litigation

*What is the status of the recommendation of the Task Force on Violent Crime to improve federal/state coordination and to improve the referral of concurrent jurisdiction crimes that are declined by U.S. Attorneys to local prosecutors?*

Law Enforcement Coordinating Committees (LECC's) have been established in most federal judicial districts and coordinating committees are scheduled to be organized in the remaining districts soon. As part of the LECC program, federal investigative agencies are being encouraged to report to the U.S. Attorney on the action taken by local prosecutors regarding matters presented to them, after declination by the U.S. Attorney. If a local prosecutor also declines to prosecute the offender, the U.S. Attorney will then be able to reconsider federal prosecution. Also, as it becomes necessary general declination policies will be reviewed at Coordinating Committee sessions and mutually agreeable policies will be developed.

## Pre-trial Detention

*One alternative to prosecution is pre-trial diversion. How extensively is it being used by U.S. Attorneys and what has the Justice Department done to ensure it is used by all U.S. Attorneys' offices?*

Procedures and guidelines for the use of pretrial diversion are contained in the U.S. Attorneys Manual Title 1, Chapter 12. The chapter includes a review of the history of pre-trial diversion, the principles involved, eligibility criteria, and forms to be employed. Pre-trial diversion is available in every district and the program has been designed to allow for the maximum flexibility in its application. Although the Department of Justice has established offenses for which pre-trial diversion is an appropriate recourse, the application to a given offender depends upon the U.S. Attorney's evaluation of the alternative effects of a diversion contract versus the judicial process on that offender. Data on the use of pre-trial diversion have only recently begun to be collected and no summary statistics are available at the present time.

## Civil Litigation

*What have the Department of Justice and the U.S. Attorneys' office done to encourage an increase use of attorneys from other agencies to handle civil litigation?*

The U.S. Attorneys are using agency attorneys at an ever increasing rate to assist in the conduct of litigation. As of March 17, there were 350 Special Assistant U.S. Attorney appointments in effect for attorneys employed in the various federal executive agencies, including 180 for the Department of Defense. A year ago there were

only 95 such appointments in effect including 60 for the Department of Defense. Although the attorneys remain on the payroll of their employing agency, as Special Assistant U.S. Attorneys, they are authorized to act as an agent of the Department of Justice, and they are subject to the supervision of the U.S. Attorney.

*How many agencies currently have the authority to handle some of their own litigation?*

There are approximately forty agencies, commissions and/or government corporations with some degree of civil litigating authority in various situations. A listing of these agencies and a description of the litigation they are authorized to handle are contained in the draft version of a Civil Division monograph entitled "Compendium of Departments and Agencies with Authority Either by Statute or Agreement to Represent Themselves in Civil Litigation". This monograph (over 200 pages in length) is currently in the final stages of review.

*How many other agencies have requested this authority and how many requests have been approved by the Department?*

From time to time, the agencies listed in the above-referenced monograph (and other agencies) request authority from the Department of Justice to handle their own litigation. In regard to the issue of granting litigation authority to other departments and agencies, a very clear distinction must be made between the delegation of authority and the participation by other agencies in the conduct of litigation. On the one hand, as Attorney General Smith has publicly testified, the Department remains firmly committed to the principle that the Attorney General should represent the United States and all federal departments and agencies in any litigation in which the United States is a party or has an interest. We continue to oppose the dispersal of litigation authority. In fact, the Department's Office of Legal Counsel has determined that generally the Attorney General may not enter into a memorandum of understanding or other arrangement delegating litigating authority for a particular area of the law to an agency that does not independently possess the authority to conduct litigation. The initial authority to conduct litigation must be granted by statute.

Those instances in which the Department of Justice has entered into an agreement permitting an agency to conduct its own litigation are detailed in the referenced monograph. The Department does not maintain a central record of those instances in which agencies have requested litigation authority that the Department could not or did not grant or the type of authority that they requested. However, in the vast majority of these instances, the Department encourages participation of agency attorneys in the conduct of litigation related to the agency. In certain types or aspects of litigation, and under the Department's supervision, we use client agency attorneys in the conduct of litigation. The Civil Division, for example, makes extensive use of Special Assistant U.S. Attorneys—both in U.S. Attorney offices and in the Division itself—in a wide variety of specific cases and in certain routine aspects of litigation. These arrangements, which are effected when in our judgment the attorney is capable and only under our supervision, have proven to be beneficial and cost-saving.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## U.S. Attorneys

*On page 35 of the justifications you indicate that a number of Senior Assistant U.S. Attorneys conduct on-site reviews of U.S. Attorney offices. How many of these individuals were assigned to this function and what kind of training was provided to them?*

In 1981, there were 13 Senior Assistant U.S. Attorneys who either participated in a major office evaluation or conducted a small office evaluation individually. They received instruction at a conference held by the Executive Office for U.S. Attorneys. The purpose of the review, the procedure for collecting data, and the form of the report to be prepared were addressed in detail. A manual is being prepared by the Executive Office to guide future evaluators. Finally, a conference is planned for later this spring at which last year's experiment will be critiqued, the manual reviewed and a new group of Assistant U.S. Attorneys introduced to the program.

*What involvement do the Department's Internal Audit Staff and Evaluation Staff have in examining U.S. Attorney operations and what reports have they issued on U.S. Attorney operations?*

Consideration is being given to having the Internal Audit Staff conduct audits of certain administrative functions in the U.S. Attorneys' offices. The audits would cover such areas as employee leave practices, the maintenance of property inventory records, the authorization of travel advances, the utilization of office space, the certification of vouchers, etc. Neither the Internal Audit Staff nor the Evaluation Staff are capable of performing the kind of review performed by the Executive Office. The Executive Office reviews are mainly interested in evaluating the ability of each U.S. Attorney to conduct the litigation required of his office. Neither the Internal Audit staff nor the Evaluation Staff possess the kind of experienced legal talent needed for this task.

WEDNESDAY, MARCH 10, 1982.

## EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES

## WITNESSES

QUINLAN J. SHEA, JR., DIRECTOR AND COUNSEL, EXECUTIVE OFFICE FOR U.S. TRUSTEES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

JOHN SHAFFER, DIRECTOR, BUDGET STAFF

Mr. SMITH. The next item we shall consider is entitled Bankruptcy Matters. There is no request for this item for fiscal year 1983. The amount provided in 1982 under the continuing resolution is \$5 million. The principal witness is Quinlan Shea. Since this is your first appearance before the committee we shall insert your biographical sketch in the record at this point.

[The biographical sketch of Mr. Shea follows:]

QUINLAN J. SHEA, JR.

Quinlan J. Shea, Jr., became Director and Counsel, Executive Office for United States Trustees, in July 1981. Prior to that appointment, he served as Director, Office of Privacy and Information Appeals, also within the Department of Justice. His previous public service was with the Department's Civil Rights Division and, for almost twelve years, as a commissioned officer in The Judge Advocate General's Corps, U.S. Army.

Mr. Shea was born in Providence, Rhode Island, on February 26, 1935, and grew up in Cranston and Barrington, Rhode Island. He graduated from La Salle Academy in Providence and attended Harvard and Holy Cross Colleges. He received an LL.B. degree from Boston College Law School in 1959 and an LL.M. degree from Harvard Law School in 1960. He is married to the former Hedi Maria Stang and has three children. They reside in Columbia, Maryland.

## GENERAL STATEMENT

Mr. SMITH. Do you have a statement?

Mr. SHEA. I have a very brief statement, Mr. Chairman.

I am pleased to appear before you today to discuss the Department of Justice budget for 1983 as it pertains to the United States Trustees, a pilot program established by Congress in the Bankruptcy Reform Act of 1978.

No funds have been requested for the trustee program for 1983. This is consistent with the Administration's proposed budget for the Department for 1982. Although the pilot program is now operating under a continuing resolution, the Administration's position continues to be that the program should be removed from the Department of Justice, with its functions being absorbed by the Judiciary.

As Attorney General Smith has said on a number of occasions, the request to end the Justice Department's responsibility for the trustee program does not reflect a judgment that it has been unsuccessful.

cessful in achieving the ends for which it was established by Congress. We are, in fact, very proud of the dedicated people who make up the U.S. Trustee program. In this time of severe budget austerity, however, priorities must be established and hard choices must be made.

I will be pleased to answer any questions you or any other members of the subcommittee may have.

#### 1981 AND 1982 LEVEL OF RESOURCES

Mr. SMITH. How much did this program have in 1981?

Mr. SHEA. In 1981, with the supplemental appropriation it was about \$6.5 million.

Mr. SMITH. And \$5 million this year. Are you spending at the rate of \$5 million?

Mr. SHEA. At the present time, Mr. Chairman, I am spending below that. I am getting below that rate because under the first continuing resolution we were obligating at a somewhat higher rate, so we have had a RIF. We have reduced our total personnel by about 25 percent, and we have cut approximately \$1.5 million.

Mr. SMITH. But your objective is to use \$5 million; is that right?

Mr. SHEA. Yes, sir.

Mr. SMITH. What have the consequences been of the reduction?

Mr. SHEA. Every office has been cut in the number of people that it had. We had to change some of the things that we do, cut back on others and simplify in some of the other areas. We have virtually eliminated purchases and expenses in the nonpersonnel area and have proposed the closing of the Chicago office.

Mr. SMITH. How many people have you cut back?

Mr. SHEA. I had slightly under 200 in terms of people, and some vacancies, and I am now running slightly below 150. I have cut approximately 25 percent.

#### STATUS OF CHICAGO OFFICE

Mr. SMITH. Why are you closing the Chicago office?

Mr. SHEA. As director of the program, Mr. Chairman, I made the program adjustments that I could. I drew down the different offices as far as I thought they could go and still run a decent, respectable, professional operation that was worth having at all. That did not get me even near the \$5 million.

At that point I went to the Deputy Attorney General and I gave him my judgment as program director that I could not reduce further with 10 offices, and he made the judgment that we would close an office. Based on the size of the Chicago office, and also the fact that the two top leaders of that office had resigned, he made the decision to close the Chicago office.

Mr. SMITH. Does the authorization permit you to close the office?

Mr. SHEA. The statute says there will be 10 U.S. Trustees operating in 10 U.S. Trustee districts, and one of those is Chicago.

Mr. SMITH. So it doesn't. You are in violation of the authorization statute, then?

Mr. SHEA. Yes, sir.

Mr. ROONEY. Mr. Chairman, Mr. Shea is serving as the Acting Trustee there until we get the congressional reaction to the propos-

al. We would continue to fulfill the statutory obligation by having an acting trustee.

Mr. SHEA. I have a cadre staff in place in Chicago, and we are doing our job. We had hoped to shut it down quickly, but that would have appeared to be attempting to present Congress with some sort of a fait accompli, so we stretched it out into mid-April, so that there would be no doubt but that everyone would have a chance to look at the situation and see what we propose to do and why.

#### PROGRAM EVALUATION

Mr. SMITH. Has there been a contract to evaluate this program?

Mr. SHEA. Yes, there has, Mr. Chairman.

Mr. SMITH. What about that?

Mr. SHEA. The contract has been let to Abt Associates in Cambridge, Massachusetts, and that calls for a report in very early 1983.

Mr. SMITH. When was it let?

Mr. SHEA. It was let approximately one month ago.

Mr. SMITH. What did you tell them to analyze and to report back on?

Mr. SHEA. Basically, the objectives of the evaluation are, first, to compare the administration of bankruptcy cases in pilot and nonpilot districts; second, to determine whether the U.S. Trustee system is successful in accomplishing its objectives; third, to identify possible modifications to the U.S. Trustee system, which could improve its effectiveness; and, fourth, to determine whether alternatives to the U.S. Trustee system could do as well or better at accomplishing the objectives.

Mr. SMITH. Which alternatives?

Mr. SHEA. Any alternatives, Mr. Chairman.

Mr. SMITH. In other words, they are to draw up a list of alternatives?

Mr. SHEA. There is one in place right now, of course, which is the manner in which the cases are supervised in the nonpilot districts. I think there are others as well.

Mr. SMITH. How long has this program been in effect?

Mr. SHEA. This program was effective on October 1st, 1979.

Mr. SMITH. Is that long enough a period of time to really provide for an adequate test, in your judgment?

Mr. SHEA. Having taken the program over in July, my own personal judgment would be, no.

Mr. SMITH. How long do you think it ought to have so you can have an adequate test compared with the other way of operating?

Mr. SHEA. Personally, I have no basis to challenge the judgment that exists in the statute, which provides for this to run until 1984. The Department has never said that it actually felt the program should be terminated. The Department's position has been that the program should be taken out of the Department of Justice.

Mr. SMITH. How much did you pay for this study?

Mr. SHEA. \$325,000. We have not paid it all yet, sir.

Mr. SMITH. Does that come out of the \$5 million? Where is that coming from?

Mr. SHEA. Approximately half of it is coming out of the \$5 million that is available for fiscal year 1982, and the balance of it, if there were a fiscal year 1983 appropriation would be coming out of that.

Mr. SMITH. What if we honor the administration's request and don't have one; are you going to pay the last half?

Mr. SHEA. I suspect that the contractor would not have done more work than that for which they would get paid, Mr. Chairman.

Mr. SMITH. You don't expect their work to be concluded, then, in this fiscal year?

Mr. SHEA. No, sir.

#### FUNDING LEVEL FOR FISCAL YEAR 1983

Mr. SMITH. To continue at the \$5 million level in 1983, how much money would be required, at the same program level?

Mr. ROONEY. Mr. Chairman, if I may, we had projected, in preparing our request, that the \$5 million level was approved and we projected the 1983 base would be \$5.5 million.

Mr. SHEA. That could not include the Chicago office, and I might add that under the \$5 million there is absolutely no money in it for anything except rent, personnel and basic supplies.

Mr. SMITH. How much would it cost if you were to do what you are doing now plus the Chicago office?

Mr. ROONEY. I would estimate that the Chicago office, in fiscal year 1983, at the level that I believe it should be staffed, which is a reduction from what it had been authorized, would be in the vicinity of \$700,000.

Mr. SMITH. And how much would that be in 1982? What would the base be for that?

Mr. SHEA. I believe we have computed that in the vicinity of \$335,000.

Mr. SMITH. In other words, for the balance of 1982, if it were to remain open, it would be \$335,000?

Mr. SHEA. Yes, sir.

Mr. SMITH. And that same base for all of 1983 would be \$700,000?

Mr. ROONEY. Mr. Chairman, in the projections that Mr. Shea is referring to, it would cost \$335,000 to keep the office open after April 15.

Mr. SMITH. Right.

Mr. ROONEY. So you would have to double that, so the increase would be approximately \$750,000.

Mr. SHEA. That is for slightly less than half of the year, so \$700,000 is about what I feel it would cost for fiscal year 1983.

Mr. SMITH. Thank you. We have a number of other questions which we shall submit to you and ask you to answer for the record. [The questions referred to and the answers thereto follow.]

#### QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

##### FY 1982 Funding Level

*The \$5,000,000 provided under the Continuing Resolution for this program for FY 1982 represents a significant decrease from the amount that was appropriated in FY 1981. What impact has this reduction had on the program?*

Since personnel costs represent 65 percent of the budget for the U.S. Trustee program, the most substantial cuts were taken in personnel. The staffing level of each office was lowered through a hiring freeze and reduction in force. From a total on-board strength of 185 individuals in December 1981, the program has been reduced to a current total of 142. With the proposed closing of the Chicago office, an additional eleven positions will be cut.

In addition to the personnel reductions, a total ban was placed on equipment purchases and on staff training and a nearly total ban was placed on travel among U.S. Trustee districts. The amount allocated for within-district travel for court appearances and attendance at 341(a) meetings of debtors and creditors was also reduced for a total decrease in travel allocations of 23 percent. Supply purchases were curtailed by 11 percent. Several of the hearing rooms maintained for the purpose of meetings with creditors and debtors were closed and funding for a system-wide computer capability was scaled down to a limited demonstration project. The contract for the evaluation of the U.S. Trustee pilot program mandated by the Bankruptcy Reform Act was funded at a reduced level.

*Could you provide a list for the record of each of the items for which the \$5,000,000 will be spent?*

The following chart shows the anticipated expenditures by object class in FY 1982.

Personnel salaries and benefits.....	\$3,581,000
Travel.....	134,000
Transportation of things.....	22,000
Standard level user charges.....	603,000
Other rent and communications.....	235,000
Printing.....	20,000
Other services (includes \$175,000 for program evaluation and \$20,000 for computer demonstration project)....	318,000
Supplies.....	77,000
Equipment.....	10,000
Total.....	5,000,000

The \$5 million figure does not include \$212,000 in additional costs for FY 1982 pay increases.

##### FY 1983 Termination Proposal

*The justification material in support of your proposal to terminate this program gives very few details as to the reasons why you want*

*to end it. Are you merely trying to save some money or do you really believe the program is not worthwhile?*

The Department is very proud of the dedicated people who make up the U.S. Trustee program. The Administration's proposal to terminate the program is based upon budgetary considerations and a belief that the program belongs in the judicial branch of government. The decision does not in any way reflect on the quality of the work that has been and is being performed.

*The justifications indicate that after the trustees cease to function the Administration will propose to have bankruptcy matters administered by the Judiciary. Have you had any discussions with the Courts on picking up this function if Congress should approve your proposal?*

The Attorney General met with the Chief Justice last spring to discuss the effects of terminating the program. It has been agreed that responsibility for the pending caseload would be returned to the judiciary under the overall supervision of the Administrative Office of the United States Courts. The Department is committed to working closely with the bankruptcy courts and the Administrative Office to ensure that there will be a smooth, efficient transfer of functions.

#### Restoration of the Program

*If the Congress does not approve your proposal to terminate the U.S. Trustees pilot program, how much would be required in FY 1983 to continue the program at the present on-board operating level?*

In order to operate ten U.S. Trustee offices effectively in FY 1983, between \$6.8 and \$6.9 million would be required. If the Chicago office is closed, between \$6.1 and \$6.2 million would be required. At the higher figure, the Chicago office would be kept open during the fiscal year and staffing of the various offices would be brought to a level which would permit effective, efficient supervision of case administration. The automated case tracking system would be implemented in four of the larger offices and funding for the evaluation of the pilot program would continue. The unrealistic restrictions on travel, training, and supply and equipment purchases that are in effect at the \$5 million appropriation level provided by the third continuing resolution would be eased.

*If the Congress wanted to restore the program to the FY 1981 level, how much money would be required taking into account uncontrollable increases?*

The appropriation for the U.S. Trustee program in FY 1981 was \$6.5 million. If Congress wished to restore the program to the FY 1981 level for the remainder of FY 1982, between \$5.65 and \$5.75 million would be required if the Chicago office closes and \$6 million if that office remains open.

#### QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

##### U.S. Trustees

*Are you closing the Chicago U.S. Trustees office this year? If so, when? How much money would you need in FY 1982 to keep the Trustees operating effectively in FY 1982?*

The Department is proposing to close the Chicago office by the end of April 1982. To operate the U.S. Trustees program effectively in FY 1982 would require between \$5.65 and \$5.75 million if the Chicago office closes and \$6 million if that office remains open.

*Could you supply for the record how much money it cost to operate each Trustee office in FY 1981? FY 1982?*

The chart that follows shows the expenditures by each U.S. Trustee Office and the Executive Office in FY 1981, as well as projected expenditures in FY 1982 at the reduced funding level of the continuing resolution. The total for the Executive Office in FY 1982 includes \$175,000 for the first phase of the evaluation of the U.S. Trustee program.

Office	FY 1981 Actual Obligations	Projected FY 1982 Obligations
Boston	\$611,000	\$573,000
New York	416,000	414,000
Newark	353,000	389,000
Alexandria	416,000	402,000
Birmingham	315,000	313,000
Dallas	320,000	295,000
Chicago	714,000	416,000 <sup>b</sup>
Minneapolis	308,000	307,000
Los Angeles	829,000	779,000
Denver	480,000	499,000
EOUST	873,000	825,000
Total	5,635,000 <sup>a</sup>	5,212,000 <sup>c</sup>

<sup>a</sup>Although \$6.5 million was provided for FY 1981, the various offices were not staffed at full strength until the latter part of the year.

<sup>b</sup>Based upon office closing by April 30, 1982.

<sup>c</sup>Including a \$212,000 supplemental for increased pay costs.

*If no legislation is enacted which repeals the authorization for the U.S. Trustees, will an appropriation have to be enacted for the continuation of the program? How much money would be necessary to keep the offices operating effectively?*

An appropriation for FY 1983 will be required if legislation repealing the U.S. Trustee program at the end of FY 1982 is not enacted. In order to operate 10 U.S. Trustee offices effectively in FY 1983, between \$6.8 and \$6.9 million would be required. If the Chicago office is closed, between \$6.1 and \$6.2 million would be required.

At the \$6.8 to \$6.9 million level, the Chicago office would be kept open during the fiscal year and staffing of the various offices would be brought to a level which would permit effective, efficient supervision of case administration. The automated case tracking system would be implemented in four of the larger offices and the funding for the evaluation of the pilot program would continue. The current unrealistic restrictions on travel, training, supplies and equipment purchases would be eased. Under the \$5 million appropriation levels provided by the third continuing resolution, a total ban was placed on equipment purchases, staff training and a nearly total ban was placed on travel among U.S. Trustee districts. The amount allocated for in-district travel for court appearances and attendance at meetings of debtors and creditors was also reduced for a total reduction of travel allocations of 23 percent. Supply purchases were reduced by 11 percent.

*Does each Trustee office have an attorney? If not, which ones do not?*

The U.S. Trustee heading each office is an attorney. Each office also has at least one other attorney on staff. The actual distribution of positions is shown in the response to the question that follows.

*Could you provide for the record a list of the positions currently filled in each Trustee office - what the positions are and how many there are of each?*

As of March 1, 1982, there were 118 permanent full-time employees and twenty-four part-time students on board. Seven vacancies in the Chicago office have not been filled. The combined total of 142 full and part-time positions represents a decrease of 43 positions from the 185 individuals on board in December 1981. These personnel reductions resulted from a hiring freeze and reduction in force following the passage of the continuing resolution that lowered the U.S. Trustee budget to the \$5 million level.

The current distribution of positions in each U.S. Trustee office is shown in Exhibit A. An additional eleven permanent positions and two students are located in the Executive Office.

## EXHIBIT A

U.S. TRUSTEE OFFICE: Boston, Massachusetts

Permanent Positions Filled: 10  
Students: 2

Type of Positions: 1 U.S. Trustee  
1 Assistant U.S. Trustee  
1 Secretary  
2 Bankruptcy Analysts  
1 Paralegal Specialist  
1 Supervisory Legal Technician  
1 Legal Technician  
2 Legal Clerks  
2 Part-time Student Aides

## SUB OFFICE: Portland, Maine

Permanent Positions Filled: 2  
Students: 2

Type of Positions: 1 Assistant U.S. Trustee  
1 Legal Technician  
2 College Work-Study Students

U.S. TRUSTEE OFFICE: New York, New York

Permanent Positions Filled: 10  
Students: 3

Type of Positions: 1 U.S. Trustee  
1 Assistant U.S. Trustee  
1 Secretary  
2 Attorneys  
1 Bankruptcy Analyst  
1 Supervisory Legal Technician  
1 Legal Technician  
2 Legal Clerks  
2 Part-time Student Aides  
1 CETA

U.S. TRUSTEE OFFICE: Newark, New Jersey

Permanent Positions Filled: 11  
Students: 2

Type of Positions: 1 U.S. Trustee  
1 Secretary  
1 Attorney  
2 Bankruptcy Analysts  
1 Paralegal Specialist  
1 Supervisory Legal Technician  
1 Legal Technician  
3 Legal Clerks  
2 Part-time Student Aides

U.S. TRUSTEE OFFICE: Alexandria, VirginiaPermanent Positions Filled: 8  
Students: 1

Type of Positions: 1 U.S. Trustee  
1 Secretary  
1 Attorney  
1 Bankruptcy Analyst  
1 Supervisory Legal Technician  
3 Legal Technicians  
1 Part-time Student Aide

## SUB OFFICE: Norfolk, Virginia

Permanent Positions Filled: 1  
Students: 1

Type of Positions: 1 Legal Technician  
1 Part-time Student Aide

U.S. TRUSTEE OFFICE: Birmingham, AlabamaPermanent Positions Filled: 7  
Students: 3

Type of Positions: 1 U.S. Trustee  
1 Secretary  
1 Attorney  
1 Bankruptcy Analyst  
1 Paralegal Specialist  
1 Supervisory Legal Technician  
1 Legal Clerk  
1 Temporary Legal Intern  
2 Part-time Student Aides

U.S. TRUSTEE OFFICE: Dallas, TexasPermanent Positions Filled: 6  
Students: 2

Type of Positions: 1 U.S. Trustee  
1 Attorney  
1 Bankruptcy Analyst  
1 Supervisory Legal Technician  
2 Legal Technicians  
1 Temporary Legal Intern  
2 Part-time Student Aides

U.S. TRUSTEE OFFICE: Chicago, Illinois\*Permanent Positions Filled: 11  
Students: 2

Type of Positions: 1 Assistant U.S. Trustee  
4 Attorneys  
1 Supervisory Legal Technician  
4 Legal Technicians  
1 Legal Clerk  
1 Temporary Legal Intern  
2 Part-time Student Aides

\*In addition to the positions listed, the Director, Executive Office for United States Trustees is serving as Acting U.S. Trustee in Chicago.

U.S. TRUSTEE OFFICE: Minneapolis, MinnesotaPermanent Positions Filled: 8  
Students: 1

Type of Positions: 1 U.S. Trustee  
1 Assistant U.S. Trustee  
1 Bankruptcy Analyst  
1 Paralegal Specialist  
1 Supervisory Legal Technician  
2 Legal Technicians  
1 Legal Clerk  
1 Part-time Student Aide

U.S. TRUSTEE OFFICE: Los Angeles, CaliforniaPermanent Positions Filled: 23  
Students: 3

Type of Positions: 1 U.S. Trustee  
1 Secretary  
5 Attorneys  
2 Paralegal Specialists  
1 Supervisory Legal Technician  
7 Legal Technicians  
3 Legal Clerks  
3 Part-time Student Aides

U.S. TRUSTEE OFFICE: Denver, ColoradoPermanent Positions Filled: 6  
Students: 0

Type of Positions: 1 U.S. Trustee  
1 Attorney  
1 Bankruptcy Analyst  
2 Supervisory Legal Technicians  
2 Legal Technicians  
1 Volunteer

## SUB OFFICE: Wichita, Kansas

Permanent Positions Filled: 4  
Students: 1

Type of Positions: 1 Assistant U.S. Trustee  
1 Supervisory Legal Technician  
1 Legal Technician  
1 Legal Clerk  
1 Part-time Student Aide

Could you provide for the record the number of bankruptcy cases handled by each office in FY 1981 and the projection for FY 1982?

The chart below shows the actual number of bankruptcy case filings in FY 1981 in each U.S. Trustee district and the projected number of such filings in FY 1982. The projections are based upon filings in the first three months of FY 1982.

The chart provides a separate listing of Chapter 11 business reorganization cases filed. These cases consume the greatest amount of U.S. Trustee time and professional staff resources, and their rate of increase has been substantially greater than the rates for Chapter 7 liquidation and Chapter 13 debt repayment cases.

	ALL CASES			CHAPTER 11		
	1981	Est. 1982	% Change	1981	Est. 1982	% Change
Boston	6,173	6,550	+6.1	276	350	+26.8
New York	3,958	4,375	+10.5	295	375	+27.1
Newark	7,998	9,125	+14.1	265	425	+60.4
Alexandria	6,708	7,250	+8.1	117	250	+113.7
Birmingham	7,615	8,650	+13.6	78	150	+92.3
Dallas	3,087	3,750	+21.5	167	250	+49.7
Chicago	18,305	20,425	+11.6	344	425	+23.6
Minneapolis	6,653	7,475	+12.4	154	275	+78.6
Los Angeles	23,606	31,100	+31.8	559	1,100	+96.8
Denver	6,412	6,900	+7.6	95	100	+5.3
Wichita	4,271	4,975	+16.5	44	75	+70.5
Total	94,786	110,575	+16.7	2,394	3,775	+57.7

Would you comment on the quality of the work that has been performed by the U.S. Trustees?

The Department is very proud of the dedicated people who make up the U.S. Trustee program. The administration's proposal to terminate the program is based upon budgetary considerations and a belief that the program belongs in the judicial branch of the government. The decision does not in any way reflect on the quality of the work that has been and is being performed.

Notwithstanding the request for the elimination of the Trustees, does the Attorney General still plan to go forward with an evaluation of the program as mandated by the Bankruptcy Reform Act of 1978? Has this evaluation been started? If not, when will it begin?

The Department awarded a contract to Abt Associates of Cambridge, Massachusetts, in January 1982 to conduct the evaluation of the U.S. Trustee program that was mandated by Congress under the Bankruptcy Reform Act. Abt's summary of its proposed evaluation effort appears as Exhibit B. Partial funding for the evaluation has been provided in the current fiscal year. The remainder would be provided in FY 1983, if the trustee program continues. Assuming that the evaluation process continues to conclusion, the results should be available by early Spring of 1983.

## PROJECT SUMMARY

Section 408(b) of the Bankruptcy Reform Act of 1978 specifies that no later than January 3, 1984, the Attorney General must report to the Administration, Congress and the Judicial Conference of the United States regarding the "feasibility, projected annual cost and effectiveness of the United States trustee system." The Attorney General is also to "make recommendations as to the desirability and method of proceeding with implementation of the United States trustee system in all judicial districts of the United States."

In order to comply with this Congressional requirement, the Department of Justice, Executive Office for U.S. Trustees, has contracted with Abt Associates Inc., an independent research firm located in Cambridge, Massachusetts, to conduct an evaluation of the U.S. Trustee pilot program. The purpose of this objective study is to help policy makers decide whether the U.S. Trustee system, or some modification thereof, should be expanded to all federal districts. The specific evaluation objectives are:

1. to compare the administration of bankruptcy cases in pilot and non-pilot districts under the Bankruptcy Reform Act;
2. to determine whether the U.S. Trustee system is successful in accomplishing its objectives;
3. to identify possible modifications to the U.S. Trustee system which could improve its effectiveness; and
4. to determine whether alternatives to the U.S. Trustee system could do as well or better at accomplishing the objectives.

Although the Reform Act mandates that the Attorney General report by January 3, 1984, as a practical matter, the evaluation must be completed by January 1983 for Congress to have adequate time for review and deliberation. Unless continued or modified by legislation, the U.S. Trustee program is scheduled to terminate on April 1, 1984.

The evaluation being conducted by Abt Associates has three components:

1. In-Depth Qualitative Analysis of District Operations. This component will involve site visits to all ten U.S. Trustees' Offices, ten pilot districts, and eight non-pilot districts. During these visits, Abt Associates field staff will interview key actors in the U.S. Trustee's office and bankruptcy court, as well as other interested parties, regarding bankruptcy

administration practices and the perceived impact of the U.S. Trustee system on bankruptcy case resolution. The primary objective of these visits will be to explore questions of implementation: How are cases administered in different types of districts? What factors facilitate or impede efficient administration? What costs are associated with administration in pilot and non-pilot settings? Questions regarding replication of the U.S. Trustee pilot program will also be addressed. Personal interviews will be supplemented with an examination of district records, policy statements, court rules, and so forth. While the data obtained will be qualitative in nature, it will be standardized across sites through the use of structured topic agendas, standardized reporting formats, and formal guidelines for data collection and analysis.

2. Case Records Analysis. This component is designed to complement the interview data by gathering descriptive information on individual cases in 16 of the 18 sample districts visited.\* Briefly, it will involve case record searches in court clerks' and Trustees' office files, using carefully structured, standardized data gathering instruments to examine various administrative practices and outcomes. We estimate that approximately 2000 Chapter 7 asset and Chapter 11 cases will be sampled in this study component. Among the variables to be considered are the following: time from filing to initial examination of the debtor; time from filing to case closing; percent of cases in which creditors' committees are formed; percentage of cases in which a trustee is appointed; and return to creditors.

3. Time Series Analysis. The first two components will focus primarily on implementation and replication concerns. While providing descriptive and comparative data, they will not allow an assessment of the impact of the U.S. Trustee program on the timing and outcome of various types of bankruptcy cases. An evaluation of program impact must take into account changes in the national climate which may affect bankruptcy proceedings over time, as well as variations in local conditions which may account for differential practices among sites. Time series analysis, using secondary data supplied by the Administrative Office of the U.S. Courts, will allow the evaluators to separate programmatic effects from other national or local factors which might affect site outcomes.

The study will involve extensive field work in selected offices during the spring and summer of 1982.

\*These districts will include eight pilot districts and eight non-pilot districts, matched to the extent possible on such factors as case size, case mix and circuit/region.

*Given the financial restraints that have been placed upon this program since it became operational, do you believe that any such evaluation could fairly reflect the potential the program has for administering bankruptcy cases?*

It is the judgment of the Director of the program that the distinction in the level and quality of bankruptcy case administration between the pilot and non-pilot districts will be extremely clear, notwithstanding the financial constraints under which the Trustee program has operated. In addition to describing what has actually been achieved, we believe it will be possible for the evaluator to make reasoned judgments regarding the program's potential for accomplishment at varying resource levels.

*How many positions are currently filled? If the Trustees' responsibilities were to be transferred to the Courts, how would the reduction in staff be achieved? Would a reduction in force be necessary?*

As of March 1, 1982, there were 118 full-time permanent employees and twenty-four part-time students in the U.S. Trustee program. All of these positions would be terminated under standard reduction-in-force procedures if the Trustees' responsibilities were transferred to the Courts. The cost of such a RIF would depend on the number of positions filled at the time, the salaries of these positions, and employee length of service. If the 118 permanent employees were terminated and none were able to local other federal employment, an estimated \$1,860,000 would be required for severance pay and accrued annual leave payments. This estimate assumes that, on the average, such payments would approximate one-half the annual compensation of affected employees.

*If the Courts were to assume the responsibility of the Trustees, would the Courts require additional deputy clerks to handle the bankruptcy cases? Do you know how many and how much they would cost?*

The Administrative Office has included in its FY 1983 budget a contingency item in the amount of \$1.4 million. This amount would cover thirty-nine professional bankruptcy estate administrator positions in the eighteen judicial districts that now comprise the trustee program, but does not provide for space, support staff, etc. The thirty-nine positions compare with forty-six professional positions in the ten U.S. Trustee offices under the \$5 million budget and fifty-two such positions at the \$6.5 million level (both of these figures include the U.S. Trustees, as well as line attorneys and bankruptcy analysts). The thirty-nine professional positions requested by the Courts thus represent 75 percent of the professional strength of the U.S. Trustee program at full staffing. The additional positions would be assigned to the eighteen districts to provide the reduced level of bankruptcy case administration that is currently in effect in the non-pilot districts.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## U.S. Trustees

*If Congress approves your proposal to terminate the U.S. Trustees pilot program, what impact would this have on the Administrative Office of the U.S. Courts and on the individual bankruptcy courts where the pilot program has been operating?*

The Administrative Office of the U.S. Courts has included in its FY 1983 budget a contingency item in the amount of \$1.4 million. This amount would cover 39 professional bankruptcy estate administrator positions in the 18 judicial districts that now comprise the trustee program, but does not provide for space, support staff, etc. The Administrative Office has advised us that they expect support costs to be absorbed within the FY 1983 budgets of the respective Bankruptcy Court Clerks' offices. The 39 positions compare with 46 professional positions in the ten U.S. Trustee offices under the \$5 million budget and with 52 such positions at the \$6.5 million level (both of these figures include the U.S. Trustees, as well as line attorneys and bankruptcy analysts). The 39 professional positions would be assigned to the 18 districts to provide the reduced level of bankruptcy cases administration that is currently in effect in the non-pilot districts.

WEDNESDAY, MARCH 10, 1982.

## U.S. MARSHALS SERVICE

## WITNESSES

WILLIAM E. HALL, DIRECTOR  
 HOWARD SAFIR, ASSISTANT DIRECTOR FOR OPERATIONS  
 GARY MEAD, ASSISTANT DIRECTOR FOR ADMINISTRATION  
 JAMES A. SHEALEY, COMPTROLLER  
 KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION  
 JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

Mr. SMITH. We will next consider the request for the U.S. Marshals Service. The request for fiscal year 1983 is \$110,720,000. That is an increase of \$5,695,000 above the amount provided in the Continuing Resolution for fiscal year 1982. The Director is William E. Hall.

Do you have a statement?

## GENERAL STATEMENT

Mr. HALL. Mr. Chairman, I have a short statement. I am pleased to have the opportunity to appear before the subcommittee today in support of the 1983 appropriation request for the United States Marshals Service. This request provides for 2,018 positions and \$110,720,000 which is a net increase of \$5,695,000 in funding and a decrease of 50 positions from the anticipated appropriation of 2,068 positions and \$105,025,000 for 1982.

Included in this request is \$10,724,000 for uncontrollable increases and a \$4,000,000 decrease for a nonrecurring 1982 supplemental request. This 1983 appropriation request provides for a program decrease of 50 positions and \$1,029,000 in Execution of Process and Court Orders. No program increases are requested.

## EXECUTION OF PROCESS AND COURT ORDERS

The reduction of 50 positions and \$1,029,000 is a result of a joint effort of this Administration, the Department and the Courts to encourage the use of private process servers as an alternative to Federal Government subsidy for private process which does not require the presence of a law enforcement officer.

Private process firms should be able to meet much of this requirement, and upon enactment of the pending legislation in this area, user fees would be established by the Attorney General to directly fund actual costs for the service of private process and would reduce the burden on the taxpayers. As stated before, the Marshals Service will continue to provide service of private process for indi-

gents and when the presence of a law enforcement officer is required.

#### PROGRAM HIGHLIGHTS

Although no program increases are requested for 1983, the Marshals Service expects to expand upon the program achievements made to date. In the Fugitive Warrants Program, the volume of outstanding cases was reduced by 36 percent. The most notable apprehension was Christopher John Boyce, escaped federal prisoner convicted of espionage. Currently, the Service is conducting Operation FIST—Fugitive Investigative Strike Team—in locations experiencing major criminal activity.

The first operation resulted in 76 arrests in Miami. The second operation, just completed in the Los Angeles area, has accounted for 102 arrests.

The National Prisoner Transportation System has proven to be highly cost effective. During the first quarter of 1982, 32.6 percent more prisoners were transported than in the prior years with only a 14 percent increase in cost.

Finally, with the assistance of the Administration and this committee, the Marshals Service was able to terminate a planned reduction-in-force in 1982. With full funding of this request no personnel reductions will be necessary in 1983. The Service will have to continue the freeze on employment which began in 1980, and a redistribution of available manpower may be required to assist districts that lose more than their share through attrition.

#### SUPPORT OF U.S. PRISONERS

The Service is also requesting \$30,704,000 for the Support of United States Prisoners appropriation in 1983. This is an increase of \$6,604,000 over the anticipated appropriation for 1982.

Included in this request is \$3,910,000 for uncontrollable increases and a \$2,694,000 program increase. The program increase is required to cover the costs of additional jail and hospital days for federal prisoners in custody of the Service. Funding of this request will enable the Service to house unsentenced federal prisoners in state and local institutions where federal facilities are not available.

This concludes my prepared statement, Mr. Chairman. I shall be pleased to answer questions you or members of the subcommittee may wish to ask.

#### SECURITY OF THE JUDICIARY

Mr. SMITH. We had the judges here and I met with them a couple of other places, and they are still concerned about security of federal courthouses. What have you got to say about that?

Mr. HALL. We are vitally concerned of course, as is the Attorney General. I know that the Attorney General has met with the Chief Justice on previous occasions, and I believe he is meeting with him today. The Department has undertaken and completed a fairly exhaustive security package for the judiciary, which would allow for

standard levels of resources to be applied in prescribed danger zone situations.

If the judiciary will accept it, it will allow us to apply the resources we have evenly throughout the judicial system. What we are trying to do is to eliminate the use of deputies in nondangerous civil trials, and always have deputies present any time there are defendants in custody or when there is an indication of possible danger.

Mr. SMITH. What about perimeter security?

Mr. HALL. Perimeter security is a problem that has involved the GSA guard concept, and that is also under study as we are trying to work out an accommodation on that. As you know, we received approximately \$7 million for the funding of guards for perimeter security, but really they are still under the control of GSA as opposed to the Marshals Service. This is a bone of contention between the judiciary, the Marshals Service and GSA, and what we are seeking to have, in addition to the responsibility of paying these guards, is the responsibility for supervising them and establishing what we consider to be proper court and court area support. Hopefully that can be reached through some accommodation with GSA.

Mr. SMITH. Do you really have, suggest I won't say an agreement, I guess it is not an agreement, but an understanding that seems to be acceptable to the judges?

Mr. HALL. Not at this time, but it is something that is at this moment being pursued vigorously.

Mr. ROONEY. Mr. Chairman, I would like to expand a little bit on what Mr. Hall has said. The Attorney General has now completed a meeting with the Chief Justice on precisely that subject as well as the subject of perimeter security. We hope to come to an agreement which can be discussed in the Judicial Conference later this week. It is very timely, and I am frankly not certain at this moment how that session came out, but it was scheduled for noon today.

Mr. SMITH. Do you expect that to be settled at the Judicial Conference?

Mr. HALL. We hope to be able to have the Attorney General and the Chief Justice make some sort of an announcement through the conference at that time.

#### ACQUISITION OF AIRCRAFT

Mr. SMITH. We appropriated money for an airplane, in fiscal year 1982, to transport prisoners. What can you tell us about that?

Mr. HALL. We have not made a final decision to go ahead with that project. It will require an A-76 study.

Mr. SMITH. A what?

Mr. HALL. An A-76 study that will evaluate the program.

Mr. SMITH. As to the type of aircraft?

Mr. HALL. No. Whether the service is best performed by the private sector, or whether it would fall to us to operate. I am not totally satisfied that Marshals Service operation is the way to go, and the matter is presently on my desk for final decision. I am trying to make the best judgment possible, and there are other people that I want to talk with before going ahead with it.

Mr. SMITH. You mean you don't know what the relative costs are one way compared to the other?

Mr. HALL. We know what the relative costs would be but we don't know whether the private sector could perform the project for less. I am still not totally satisfied that this is the way for us to go, in view of the other constraints we have insofar as manpower and other funding. Before we go ahead with it I want to be as sure as I can be that this is the proper way for us to pursue it.

Mr. SMITH. What are you looking at, costs?

Mr. HALL. We are looking at costs and feasibility insofar as other programs are concerned and use of manpower. We have done a lot of studies on it, but it is just a question of trying to be—

Mr. SMITH. Before you submitted the request didn't you try to decide what it would cost to operate in-house?

Mr. HALL. Yes, but times have changed since that was submitted.

Mr. SMITH. You mean it is possible now that it might not save money to use your own airplane as you proposed last year?

Mr. HALL. That is possible. That is what I want to make sure before we go ahead with it. I am on record as saying it would save money and when circumstances change I don't want to go ahead with it predicated on what I told you a year ago if the circumstances have changed that posture today.

Mr. SMITH. You still have to have less guards, though, if you have your own aircraft?

Mr. HALL. Yes.

Mr. SMITH. Than you do if you operate on public conveyances?

Mr. HALL. Yes, and it will reduce—that is another thing that is very persuasive—the number of prisoners transported by commercial aircraft which I am very much opposed to. I am leaning toward pursuing it, but out of an abundance of precaution I am taking one final look at it at this time.

#### WITNESS SECURITY PROGRAM

Mr. SMITH. There have been reports in the press recently calling attention to various and sometimes violent criminal acts committed by relocated witnesses in the witness security program. What action does the Department take when allegations are received that a witness in the program has or might have committed a criminal or civil offense?

Mr. HALL. We do not terminate a witness just predicated upon allegations. If a witness is charged with a felony, then he is turned over for prosecution and we cooperate with states or local prosecutorial jurisdictions.

Mr. SMITH. When you have one of these witnesses that has been a valuable witness, and helped to put someone in the underworld in prison, do you have to protect them forever?

Mr. HALL. No, you don't have to protect him forever, but you have to protect him until you can be sure that he has a viable means of self-support, and it does take longer now than it did awhile back, simply because jobs are very difficult to find.

In addition, many of these people do not have skills that lend themselves readily to jobs on the open market, especially under the constraints that we have to work under in getting them employed.

So we have to protect them or fund them until they are self-sufficient, hopefully, not forever.

Mr. SMITH. What about changing identification?

Mr. HALL. Well, changing identification is working much smoother now than it was even a year ago, but we are still hampered in some jurisdictions because we have to rely upon state and local institutions to provide legal identification changes. We can encourage them and solicit their cooperation, but they do not necessarily consider our priorities.

Mr. SMITH. You also keep them secure until you are sure their identification changes are established?

Mr. HALL. That is correct.

Mr. SMITH. You say it is working easier now. Does the Freedom of Information Act or things like that cause you any problems?

Mr. HALL. It causes us some concern.

Mr. SMITH. Somebody might still find out who they are?

Mr. HALL. That is right, and with the age of computers you have to be very careful what is available. We are constantly on guard for ways that names can be traced through the use of computers, through credit cards. Everyone has a computer these days, and we are very sensitive to that. This is especially true in motor vehicle titles and that sort of situation.

Mr. SMITH. What is that, motor vehicle titles?

Mr. HALL. If a person buys a car, there are many different private agencies that have access to the identification of motor vehicles, and so it has been a particular area of concern to us. We sometimes cannot allow automobiles to be transferred because the computers would give away the names.

#### SERVICE OF PRIVATE PROCESS

Mr. SMITH. I can remember this service of private process proposal that has been around for several years. Does this current proposal differ from the ones that we have turned down before?

Mr. HALL. Perhaps somewhat. Basically this would allow the Attorney General to set realistic fees for service of process and credit the fees to the Marshals Service Fund.

Mr. SMITH. It would be a revolving fund?

Mr. HALL. No.

Mr. ROONEY. It would be credited to the Marshals appropriation. In other words, a payment for the service.

Mr. SMITH. Does that require legislation?

Mr. ROONEY. It is in our proposed 1983 authorization. The current situation on the 1982 authorization, which is now being held in the House, back from the Senate, is that it is no longer a provision. It was in the earlier Senate version for this year, but was deleted through Senate floor action last week.

Mr. SMITH. Am I correct in assuming you presented your 1983 budget under the assumption that you would receive some money from these fees?

Mr. ROONEY. That is correct.

Mr. SMITH. How much?

Mr. ROONEY. We are decreasing \$1,020,000 and 50 positions.

Mr. SMITH. So if you don't get the authorizing legislation to permit that, you would have to have that much more?

Mr. ROONEY. We are looking at that right now.

Mr. SMITH. It wouldn't change personnel requirements, but it would change dollars?

Mr. ROONEY. It would also affect the personnel requirements. If we have to provide the service and are not able to charge the fees, private service would not be competitive with the Department. Therefore people would still be coming to the Marshals Service which is statutorily required to serve that process. We would definitely need the people to serve process, otherwise it would impact on other Marshals' programs.

Mr. SMITH. I guess I am not clear about that. You are saying that if you are not authorized to charge these increased fees, then more people will come to the Marshals' Service for service of process and you will have to have 50 more people in the Marshals Service?

Mr. ROONEY. That is right. Under the proposal, the Attorney General would be able to authorize a fee, which currently is very low.

Mr. HALL. Several dollars.

Mr. ROONEY. \$3. The actual cost to the Marshals to serve process is somewhere around \$15 to \$16. If we were to charge a \$15 to \$16 fee, or something in that range, private process servers would be more attractive to private litigants.

Mr. SMITH. Then if this is not authorized, will you need both \$1,029,000 plus the money for 50 positions, reduced by what you get from the \$3 fee, I guess?

Mr. HALL. The \$3 fee doesn't go into the Marshals Service appropriation at all now, and never has. The change would authorize the fees collected to go into our funding base.

Mr. SMITH. How much do you get? What went into the general treasury from these \$3 fees last year?

Mr. HALL. If you will indulge me just a moment, I will give you the figure. We probably should submit that for the record to give you an accurate answer.

[The information follows:]

FISCAL YEAR 1981 PRIVATE PROCESS FEES

There was \$2,383,401 collected during 1981 in fees and expenses of private litigants.

ITEMS OF PRIVATE PROCESS SERVED

Mr. SMITH. Do you have the number of services?

Mr. HALL. 336,287 private process pieces were served in 1981.

Mr. ROONEY. Some of those may be for indigents that would be served anyway.

Mr. SMITH. Approximately \$1 million. If you take it from the standpoint of the net cost to the government, then, you would have to take into consideration that \$1 million. That offsets the other \$1 million. Then you have got the cost of 50 people?

Mr. ROONEY. Fifty people.

Mr. SMITH. And what are you figuring that to be, times how much?

Mr. ROONEY. It was \$1 million last year.

Mr. SMITH. Times 20,000?

Mr. ROONEY. Right, if we figure personnel costs at \$20,000.

Mr. SMITH. We have a number of questions that Mr. Hightower and Mr. Dwyer asked be submitted to you and answered for the record.

Mr. ROONEY. We will be happy to do that Mr. Chairman.

[The questions referred to and the answers submitted thereto follow:]

## QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

## Security Support

*We understand that Federal Judges continue to be dissatisfied with the level of security they are receiving. On page 47 of your justifications you indicate that 72 fewer workyears are planned for security support in FY 1983 than were available in FY 1981. Conversely on page 69 you list security support as the Marshals Service's top priority. The budget plan and the priorities seem inconsistent. Can you explain this discrepancy?*

The workyears allocated to Personal Security, which provides protection to the judiciary, are remaining constant. The reduced workyears reflect the Administration's decision to withdraw from nondangerous civil trials and, therefore, will not reduce the resources available for protection of the judiciary.

*What are you doing to resolve the concerns of the Federal Judges about courtroom security?*

The Marshals Service will prioritize and concentrate its available resources on those situations of a more serious nature based on the assessment of threat. Please note, however, the 1981 level of \$24,331,000 includes \$1,843,000 in supplemental funding for extraordinary security details which does not appear in 1983.

## Witness Security Program

*There have been reports in the press recently calling attention to the various and sometimes violent criminal acts committed by relocated witnesses in the Department's Witness Security program. What action does the Department of Justice take when allegations are received that a witness in the program has or might have committed a criminal or civil offense? Do you always forward this information to the appropriate jurisdiction for prosecutive action?*

The Marshals Service cooperates fully with any law enforcement investigation, providing any necessary background information to federal, state and local authorities. If a felony warrant is issued for a program participant, the Marshals Service will and has assisted local law enforcement authorities in extraditing the individual under the Interstate Compact Act.

*On page 49 of the justifications the table shows that the number of persons being admitted to the Witness Security program has been declining somewhat, while at the same time witnesses being funded and maintained are estimated to increase. What are the reasons for this apparent inconsistency?*

The Marshals Service has a responsibility to provide services to witnesses and their dependents admitted to the program in previous years. The newer witnesses are testifying in multiple conspiracy cases, generally requiring a greater number of court-related appearances of a longer duration. Given the present job market, it is increasingly difficult to locate employment opportunities, especially for individuals with criminal records and limited job skills.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## United States Marshals Service

*On page 49 of the justifications you indicate that a major objective of the Witness Security program is to assist such witnesses in becoming self-sustaining under their new identities. What percentage of the relocated witnesses achieve this objective? What percentage of relocated witnesses do not lead law-abiding lives under their new identities?*

Based on statistics available for the last three fiscal years, over half of those witnesses terminated from monthly funding were self-sufficient through gainful employment. The recidivism rate among relocated witnesses is approximately 15 percent.

*How many instances have there been of witnesses in the program leaving unpaid debts and unresolved child custody matters behind them when they were given new identities?*

Upon entry into the Witness Security Program, the witness and adult family members enter into a memorandum of understanding with the Marshals Service wherein they agree to settle any prior debts. The Marshals Service will not shield program participants from their creditors. Should a creditor wish to initiate court action against a program participant, the Marshals Service will serve the process to the witness. It is the witness' responsibility to satisfy these obligations.

Additionally, the Marshals Service has proposed several policy changes with respect to those individuals who fail to meet their financial responsibilities. These recommendations are presently being reviewed by the Department of Justice.

It is also the policy of the Marshals Service that children are moved only if the parent to be relocated has custody of the children. If the nonrelocated parent petitions the court for custody after the witness has been relocated, the relocated parent is returned to court with the physical protection of the Marshals Service for any custody hearing. If custody is subsequently awarded to the nonrelocated parent, the Marshals Service will assist in returning the children to the nonrelocated parent. It is the policy of the Marshals Service to abide by all court orders. Program participants are advised of this policy as part of the memorandum of understanding.

*On page 62 of the justifications you indicate that one of your major objectives is to reduce the number of inmate complaints, civil suits, and court orders generated because of substandard conditions in contract confinement facilities. What does the Marshals Service do if a local jail under contract refuses to take actions to correct deficiencies found during a jail inspection?*

We are powerless to enforce standards or require a local government to correct deficiencies. If we elected to generate legal actions against a jail, the ramifications would become a nationwide close-down of local contract jails. The Cooperative Agreement Program and Excess Federal Property Program are envisioned as the answers to correcting deficiencies.

WEDNESDAY, MARCH 10, 1982.

## SUPPORT OF U.S. PRISONERS

Mr. SMITH. The next appropriation item we shall consider is for Support of United States Prisoners. The request is for \$30,704,000, and this is an increase of \$6,604,000 over the amount provided for fiscal year 1982.

On page 5 of the justifications there is an uncontrollable increase of approximately \$3.9 million. The amount is about 16 percent of the 1982 level.

Why are the costs up 16 percent on this item?

Mr. HALL. Jail days this year cost \$25.87 a day, which is an increase over last year reflecting the cost difference. I believe I understood your question correctly?

Mr. SMITH. Yes. Why did that go up that much?

Mr. HALL. Because we have no control over the cost that is established by the local jails that we do business with, which are controlled by cities, counties and sometimes municipalities.

Mr. SMITH. They increased the cost to you by 16 percent?

Mr. HALL. That is correct, 16.7 percent over last year. The year before that it was a 15.7 increase.

Mr. SMITH. Do you negotiate with them or do they just give you a bill?

Mr. HALL. We attempt to negotiate with them, sometimes successfully and sometimes otherwise. It really depends, like anything else, on supply and demand. We are really not in as good a bargaining position as we would like to be.

Mr. SMITH. Do you ever take some alternative, go somewhere else?

Mr. HALL. Yes, when there is an alternate, but sometimes there are none that are viable. For instance, in the State of Nevada we have no contract jails at all, and are transporting prisoners to other states, which is very expensive.

Mr. SMITH. What about for trials?

Mr. HALL. The same situation.

Mr. SMITH. Do you transfer them back and forth?

Mr. HALL. Yes.

Mr. ROONEY. Mr. Chairman, in that instance, even from Las Vegas to San Diego.

Mr. SMITH. Morning and night, by air, I suppose?

Mr. HALL. Yes, and sometimes by car, but that is a long drive.

Mr. SMITH. You would think some private businessman would start a jail out there.

Mr. HALL. I might like to do that myself.

## ADDITIONAL JAIL DAYS

Mr. SMITH. He could get a good price out of you.

On page 7 you are showing a program increase of \$2,694,000 to fund approximately 78,000 additional jail days and 850, hospital days. How many additional prisoners do you expect to have, or are you going to hold prisoners longer, or what is involved there?

Mr. HALL. It is mostly an increase of the number of prisoners in custody, but in some cases the trials are taking longer.

Mr. SMITH. Do you take a graph and project it on a graph, or do you have some specific cases or some change in the law? What is the basis of that prediction?

Mr. HALL. It is not changes in the law. It is just in our experience factor.

Mr. SMITH. What was the daily per capita cost of housing prisoners in each of the last two years?

Mr. HALL. \$25.87 in 1982, \$22.16 in 1981, \$19.19 in 1980. We anticipate maybe 1983 will go as high as \$30 and some change.

Mr. SMITH. How much was the unobligated amount in this account at the end of fiscal year 1980, and what do you project for the end of 1982?

Mr. HALL. \$676,000 was unobligated at the end of fiscal year 1980. At the end of fiscal year 1981, about \$235,000 was unobligated.

[Insert supplied subsequent to the hearing follows:]

## 1981 UNOBLIGATED BALANCE

The final accounting report, as of September 30, 1981, shows an unobligated balance of \$17,131 at the end of fiscal year 1981.

Mr. SMITH. What are you projecting for 1982?

Mr. HALL. Small, if any.

Mr. SMITH. This wasn't involved in the absorption, was it?

Mr. HALL. No.

## RENOVATION OF STATE AND LOCAL FACILITIES

Mr. SMITH. You are requesting a language change that permits up to \$2,800,000 to be available for the purpose of renovating and equipping state and local jail facilities. Does that require authorization?

Mr. HALL. Yes, it does. The reason we are requesting it is because it would address a question you just asked a few moments ago. It would give us an additional negotiating power with these local jails to try to get a better, more favorable cost.

Mr. SMITH. Do you have to turn down some jails because they don't meet minimum federal standards?

Mr. HALL. They don't meet minimum standards, and they are inherently unconstitutional in the way they operate.

Mr. SMITH. They are unconstitutional for local people as well as federal?

Mr. HALL. That is right, but we feel like we have a special responsibility.

Mr. SMITH. What is the status of that authorization?

Mr. ROONEY. That one is in both versions of the 1982 authorization. It is pending. It is not a program provided for under the continuing resolution.

Mr. SMITH. You requested money last year but it had not been authorized; is that right?

Mr. HALL. That is correct. We requested the authority, but we never did receive it.

Mr. SMITH. Do you have a specific amount identified in your budget request for this?

Mr. HALL. No specific amount in the budget request, but the appropriation language proposed a limitation of \$3,000,000.

Mr. SMITH. So you have asked for language that would permit you to use up to \$2.8 million but you don't have a line item for it, which means if we provided the language, and if the authorization passed, you would have to ask for a reprogramming, wouldn't you?

Mr. ROONEY. We would have to ask for something, but it is possible—

Mr. SMITH. For a supplemental.

Mr. ROONEY. It is possible in contract negotiations for these facilities that some of the rates would affect the amount of money.

Mr. SMITH. How many state and local jails would be involved?

Mr. HALL. We are presently using 680.

Mr. SMITH. How many would be involved with the renovation? None of those 680 or some of those 680?

Mr. HALL. Some but not all of them, of course.

Mr. SMITH. There would be some that are not in the 680?

Mr. HALL. That is right.

Mr. SMITH. Do you have any idea how many?

Mr. HALL. It would just be a handful, a dozen or so.

Mr. SMITH. You really didn't have any basis for the \$2.8 million then; you didn't take a certain number times so many dollars?

Mr. HALL. We felt like that would be a reasonable starting position, and it would give us a good experience factor. We could do this much and see how it worked and whether the benefits were worth the expenditure and the effort.

Mr. SMITH. Do you have any other places or as much of a problem as Nevada, or what real problems do you have?

Mr. HALL. Southern Florida is a terrible situation. It is overcrowded.

Mr. SMITH. Is that because local jails don't have any room?

Mr. HALL. That is right. They are all full.

Mr. SMITH. What do you do down there?

Mr. HALL. We move them as far as Fort Lauderdale County and Tampa in some cases.

#### USE OF MILITARY FACILITIES

Mr. SMITH. Can you cooperate in any way with the military, use military jails?

Mr. HALL. It is a possibility, but most of them do not meet the same standards that we require, and would not be adequate for our needs. We are looking at that.

Mr. SMITH. You mean a criminal bank robber or a rapist or somebody, they get better treatment than some fellow that is in the military?

Mr. HALL. I don't know that they get better treatment. They get different treatment.

Mr. SMITH. They are entitled to higher minimum standards?

Mr. HALL. A higher security standard perhaps.

Mr. SMITH. Maybe that will encourage them to go into the military so they can get better treatment.

Mr. HALL. If you can help us in that, we would certainly appreciate it.

[Subsequent to the hearing, the following questions were provided to be answered by the Department:]

## QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

## Uncontrollable Increases

*On page 5 of the justifications an uncontrollable increase of approximately \$3.9 million is listed. That amount is about 16 percent of the FY 1982 level. Why are costs going up by 16 percent in this item when the general rate of inflation was less than 10 percent during 1981?*

Over the past ten years there has been a substantial number of prisoner civil rights actions filed in federal and state courts which have challenged both the physical conditions of jails and the level of services provided inmates. As a result of court decisions, the majority of the states have adopted or are in the process of adopting stringent standards regulating detention and correctional facilities. In order for a local jail to pass or meet standards, they are required to add staff, renovate and expand space and improve levels of services provided. These costs, as well as normal inflationary costs, are passed on to the Marshals Service and will continue to escalate as state standards are imposed and enforced in the coming years.

*What was the average cost of a renewed jail contract in FY 1980? What was the average cost in FY 1981, and what has been the average cost so far in FY 1982?*

In FY 1980, the Marshals Service funded over 753 jail contracts valued at \$19.4 million or an average cost of \$25,763 per year. During FY 1981, 700 contracts were funded at \$22.2 million or an average cost of \$31,714. In FY 1982, we will fund only 680 contracts for \$25.6 million at an average cost of \$37,647. Since the beginning of FY 1980 we have lost space in over 180 local jails as a primary result of overcrowded conditions.

If we do not consider the 300 contract jails which are used infrequently in remote areas and received payments of \$1,000 per year or less, the average contract funding would be as follows: FY 1980, \$42,494; FY 1981, \$55,125; FY 1982, \$66,974. There were 86 facility contracts in FY 1981 which were valued at \$50,000 or more which represented an estimated 65 percent of the total expenditures from the Support of Prisoners appropriation.

*The justifications indicate that the costs related to physicians' fees and medical examinations have increased by about \$550,000 in 1982 as compared to 1980. What accounts for this large increase?*

Court orders and state jail standards have emphasized prisoner medical care programs in local jails. Federal wardens and local jail administrators are increasingly aware of potential liability actions for failure to provide medical services and will now commit prisoners to hospitals for extensive examinations and treatments who were in the past treated (or not treated) within the institution. We are also receiving a higher number of illegal aliens held for criminal prosecutions who have been carriers of infectious diseases who are hospitalized for care and observation.

## Program Increase

*On page 7 of the justifications, you are showing a program increase of \$2,694,000 for this appropriation to fund approximately 78,000 additional jail days, and approximately 850 hospital days for FY 1983. How many additional prisoners do you anticipate will be housed under this program increase?*

At the time of submission, we anticipated an increase of 6,000 to 8,000 prisoners. The crime initiatives in Southern Florida and stepped-up INS activities along the U.S. Mexican border and large cities will most likely produce levels of prisoners significantly above the estimated figures. Federal local task forces are likewise becoming active in most major cities that will further increase the number of federal prosecutions and accordingly the number of jail days of confinement.

*How many prisoners were housed out of this appropriation during FY 1981, and what is the estimate for 1982?*

A total of 97,473 prisoners were received in Marshals Service districts in FY 1981. Of this number, 57,243 were committed to contract jails and 19,875 were committed to federal institutions. In FY 1982, we project that 55,500 prisoners will be committed to contract jails and 20,900 to federal facilities. With the increasing percentage of prisoners held on high-level bonds for drug related crimes, the courts are tending to utilize pre-trial release, personal recognizance and low-level bonds more frequently for individuals held for nonviolent and nondrug related charges.

*What was the daily per capita cost of housing prisoners in each of those years? What is the daily per capita cost estimated for housing prisoners in FY 1983?*

The daily per capita cost for housing prisoners in contract jails was \$16.47 in FY 1979; \$19.19 in FY 1980; a revised amount of \$21.80 for FY 1981 and will reach an estimated \$25.87 during FY 1982. Because of the impact of state-mandated standards, we project that the average day rate will be over \$30 in FY 1983 and continue upward until compliance with standards is achieved.

## Unobligated Balance

*How much was unobligated in this account at the end of FY 1981? What are your projected obligations for FY 1982?*

The unobligated balance for the Support of U.S. Prisoners appropriation as of September 30, 1981 was \$17,000. Because of the increasing costs for housing prisoners in contract facilities, the Marshals Service projects little if any unobligated balance at the end of FY 1982.

## Requested Language Change

*On page 3 of the justifications, a language change is requested which would permit up to \$2,800,000 of this appropriation to be available for the purpose of renovating and equipping state and local jail facilities that confine federal prisoners. Does this provision require authorization and if so, what is the status of the authorization?*

The provision of funding for federal-local intergovernmental co-operation in jail expansion and equipment acquisition requires Congressional authorization. Federal procurement regulations have been interpreted by legal officers to apply to contract jails which are perceived as federal public buildings.

In the 1982 and 1983 budget requests for the Support of U.S. Prisoners appropriation, authority is requested for the purpose of renovating and equipping state and local detention facilities that confine federal prisoners. The proposed appropriation language restricts the amount, not to exceed \$2,800,000, the U.S. Marshals Service may spend for renovations.

*I believe you requested the same provision in the FY 1982 appropriation act, and the committee approved your request for \$3,000,000 for this purpose. How much of this money do you expect to use during FY 1982? How many state or local jails would you expect to renovate with these funds?*

The majority of the FY 1982 Support of Prisoners appropriation will be required to house prisoners in local contract jails. The USMS has identified 680 state and local facilities that may qualify for renovation. However, the Attorney General plans to appoint a Board to oversee the cooperative agreement program. The Board will consist of members from the USMS, Bureau of Prisons and Immigration and Naturalization Service which will provide a coordinated effort to assess the needs of detention space for federal prisoners. The Board will decide on all requests for financial assistance to local detention facilities. At this time, it is not known how many state and local jails would be renovated.

*I do not see any specific amount identified for this item in the budget request. What would be the source of funds for these projects?*

The intergovernmental Cooperative Agreement Program (CAP) would have been funded from "unobligated" funds remaining in the Support of Prisoners appropriation.

*How many state or local jails would you expect to renovate under this program in FY 1983?*

As outlined on page 3 of the Support of U.S. Prisoners 1983 budget request, funds will be used, if available, to rehabilitate and equip, not to construct, detention facilities. Because of the higher costs recently demanded by local governments to house federal prisoners and increased federal emphasis on the arrest of violent criminals, the request of \$30,704,000 for the Support of U.S. Prisoners appropriation may be used entirely for the incarceration of federal prisoners in local detention facilities.

It is anticipated that the funding provided for FY 1982 will be used almost entirely for the care and housing of federal prisoners in local jails. Any remaining funds will be utilized, of course, for CAP projects for major use of facilities located in federal court cites where serious shortages of detention space for federal prisoners exist.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## Support of United States Prisoners

*Have you experienced many difficulties during this past year in making contracts with state and local government to house federal prisoners in their facilities? What have been the reasons for these difficulties?*

There is absolutely no questioning the fact that local governments are being forced to terminate, suspend or limit space available for federal prisoners. The implementation of state standards, as well as state and federal court orders which establish and enforce inmate population ceilings, is the primary reason for the difficulties faced by the Marshals Service.

We are continuously being given opportunities to participate in local construction and renovation projects which would increase the amount of detention space available for federal prisoners on a guaranteed basis. Local governments are not willing to include space for federal prisoners in expansion projects without our financial participation.

Many local governments that will house federal prisoners will not accept or sign a formal contract because of the restrictive and burdensome requirements of the Federal Procurement Regulations.

We are also beginning to receive demands from local governments that, as a condition for housing federal prisoners, would require the Marshals Service to provide total indemnification from any prisoner action filed against the jail. This would, in effect, require the government to fund any renovation, increased level of services and new construction which may be required under the provisions of a court order as well as payment for all legal fees and services.

*Have you had many problems in locating contract detention facilities for housing federal prisoners which meet the federal detention standards for safe, sanitary and humane conditions?*

Based upon our inspection activities, we would be pressed to find more than a few facilities which could meet all federal standards.

*Is this problem confined to only certain sections of the country or is it wide-spread?*

The problem of substandard and overcrowded jails is a national problem because state and local jails are often older facilities which are in need of significant renovations.

WEDNESDAY, MARCH 10, 1982.

**ANTITRUST DIVISION**

**WITNESSES**

**WILLIAM F. BAXTER, ASSISTANT ATTORNEY GENERAL**

**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION**

**JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF**

Mr. SMITH. The next item we shall consider is the Antitrust Division. The fiscal year 1983 request is for \$46,466,000. That amount is an increase of \$2,466,000 over the amount provided for fiscal year 1982 in the Continuing Resolution. We will insert the justifications at this point in the record.

[The justifications follow:]

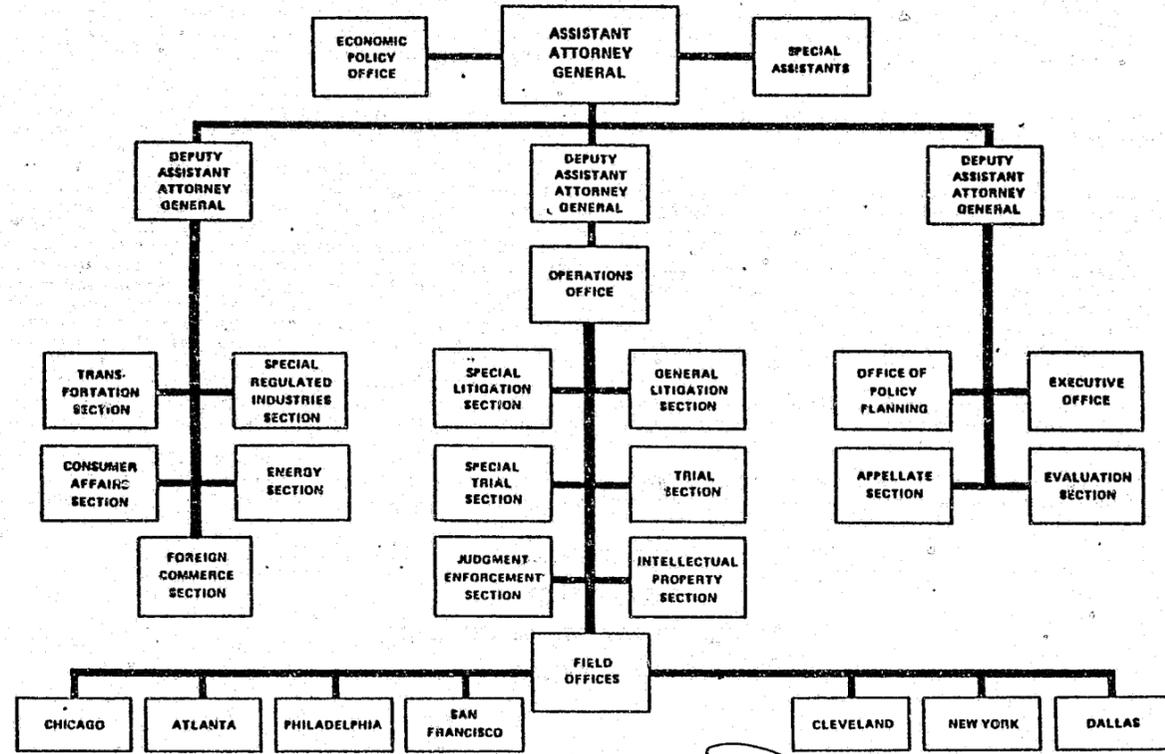
(279)

Department of Justice  
Legal Activities  
Salaries and expenses, Antitrust Division  
Estimates for Fiscal Year 1983  
Table of Contents

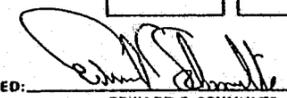
<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Proposed Appropriation Language.....	4
Crosswalk of 1982 Changes.....	5
Summary of Requirements.....	6
Summary of Resources by Program.....	7
Justification of Program and Performance.....	8
Program Resource Information.....	9
Priority Rankings.....	9
Summary of Adjustments to Base.....	29
Justification of Adjustments to Base.....	30
Financial Analysis of Decreases.....	31
Summary of Requirements by Grade and Object Class.....	35
	37

98-521 O-82-17

### ANTITRUST DIVISION



281

APPROVED:   
EDWARD C. SCHMULTS  
Deputy Attorney General

DATE: 1/27/92

Legal Activities

Salaries and expenses, Antitrust Division

Summary Statement

Fiscal Year 1983

The Antitrust Division is requesting a total of \$46,466,000, 789 permanent positions, and 800 workyears. Uncontrollable increases of \$3,716,000 and a program decrease of \$1,250,000, 40 permanent positions, and 40 workyears represent a net increase of \$2,466,000 over 1982.

The mission of the Antitrust Division is to promote competition, which is the fundamental economic policy of the United States. Competition is the process that serves consumers by fostering innovation, an efficient allocation of resources, and a higher quality of goods and services at reasonable prices.

The Antitrust Division enforces the federal antitrust laws and serves as the federal government's principal analyst of and advocate for competition. The Division's major programs include: (1) reducing private interference with the free market system through litigation in the federal courts directed at preserving competitive market structure by opposing anti-competitive mergers and acquisitions, and preventing private cartel behavior by prosecuting criminal and civil combinations and conspiracies in restraint of trade; (2) limiting government interference with the free market system through development and support of legislation favorable to competition and advocacy of competition before federal regulatory agencies; (3) supporting government programs regulating abuses of market power by participation with government regulatory agencies in proceedings to enforce or review their orders while reducing excessively burdensome government regulation and assuring that the private sector of the economy can achieve its maximum potential; and (4) initiation of civil and criminal enforcement proceedings on behalf of federal consumer protection agencies.

With small and generally proportional reductions in all programs, the Antitrust Division will be able to maintain oversight of competitive behavior and a strong antitrust enforcement effort while responding to the Administration's policy of reducing the size of the federal workforce.

Federal appellate activity - The purposes of this program are to act on antitrust cases before the Supreme Court as authorized by the Solicitor General; represent the United States in proceedings to review orders of certain regulatory agencies; and, when warranted, participate as amicus curiae in private antitrust cases. Through appropriate amicus participation in private litigation, the Division seeks to ensure that antitrust doctrines developed in private cases are rationalized to protect competition, not handicap competitors.

Termination and prevention of private cartel behavior - The purpose of this program, previously titled reduction of private conspiratorial conduct, is to deter private cartel behavior by investigating and litigating violations of Section 1 of the Sherman Act. Criminal prosecutions are employed to punish violators; civil actions seek to recover damages to the government and secure injunctions against the continuation or renewal of illegal conduct.

Preservation of competitive market structure - The primary purpose of this program, previously titled reduction of oligopoly and monopoly, is to enjoin agreements that unreasonably restrain competition, to prevent mergers that lessen competition among actual or potential participants in particular markets, and to restore competition in markets in which monopoly power has been acquired or maintained through the predatory use of market power. Existing monopolies and oligopolies are attacked primarily under Section 2 of the Sherman Act; mergers and acquisitions which may tend to substantially eliminate competition are attacked primarily under Section 7 of the Clayton Act.

Antitrust litigation for consumer protection - The purpose of this program is to assist various federal agencies in the effective implementation of responsibilities to the consumer through the control, direction and conduct of litigation to enforce consumer protection statutes.

Judgment enforcement - This program ensures that antitrust litigation results which are favorable to the government are given full effect through the achievement of proper effective relief, and that firms subject to antitrust judgments comply fully with their provisions. A major initiative is the analysis of injunctive decrees from past antitrust cases to identify and eliminate those that could inhibit economically desirable activity.

Policy analysis, legislation and training - This program combines several functions within the Division: legislative activities; research and evaluation of major legal, program and economic issues; analysis of economic data for specific investigations and cases; and attorney training.

Competition advocacy - This program seeks the elimination of unnecessary regulation and the adoption of the least anticompetitive means of achieving overriding social purposes through participation in proceedings before regulatory agencies and in executive branch deliberations relating to competition policy.

Executive direction and control - This program encompasses several activities within the Division including overall management and direction of Division activities by the Assistant Attorney General and Deputy Assistant Attorneys General, and administration of the Freedom of Information and Privacy Acts. A major initiative is revision of the Division's merger enforcement guidelines to assure that efficient transactions are not discouraged.

Administrative services - This program provides management, administrative, budget, and information systems support for Division sections and field offices. The Division's Executive Office continues to improve the coordination and supervision of its administrative support functions. Significant factors in the improvement of these activities are increased professionalism, greater use of systems support, development of formalized procedures as well as better coordination with the Department's administrative personnel.

Legal Activities

Salaries and expenses, Antitrust Division

Proposed Authorization Language

The Antitrust Division is requesting the following authorization language:

For the Antitrust Division for its activities:

\$46,466,000.

Legal Activities

Salaries and expenses, Antitrust Division

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include deleted matter which is enclosed in brackets.

Salaries and expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust, consumer protection  
and kindred laws: [\$44,000,000] \$46,466,000

No substantive changes proposed.

Legal Activities  
Salaries and expenses, Antitrust Division

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Enforcement of antitrust, consumer protection and kindred laws:												
Federal appellate activity.....	27	26	\$1,085	...	...	\$9	-2	-1	...	25	25	\$1,094
Termination and prevention of private cartel behavior.....	253	242	13,606	...	...	119	-7	-5	...	246	237	13,725
Preservation of competitive market structure.....	276	272	16,112	...	...	141	-35	-23	...	241	249	16,253
Antitrust litigation for consumer protection.....	25	24	976	...	...	9	-1	...	...	24	24	985
Judgment enforcement.....	25	24	1,232	...	...	11	-1	...	...	24	24	1,243
Policy analysis, legislation and training.....	109	110	4,473	...	...	39	-7	-5	...	102	105	4,512
Competition advocacy.....	71	72	2,485	...	...	22	-4	-3	...	67	69	2,507
Executive direction and control.....	43	43	1,666	...	...	15	-3	-2	...	40	41	1,681
Administrative services.....	68	71	1,983	...	...	17	-8	-5	...	60	66	2,000
<b>Total.....</b>	<b>897</b>	<b>884</b>	<b>43,618</b>	<b>...</b>	<b>...</b>	<b>382</b>	<b>-68</b>	<b>-44</b>	<b>...</b>	<b>829</b>	<b>840</b>	<b>44,000</b>

286

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The increase shown is relative to the President's Revised 1982 Request (September 1981) which, for the Antitrust Division, represented a 12 percent decrease below the March Estimates.

Reprogramming

Resource requirements of the Antitrust Division will permit the deletion of 68 positions and 44 workyears that are unfilled and unfunded.

Legal Activities

Salaries and expenses, Antitrust Division

Summary of Requirements  
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Perm.</u>	<u>Work-</u>	<u>Amount</u>
	<u>Pos.</u>	<u>years</u>	
1982 as enacted (appropriation anticipated).....	897	884	\$44,000
Reprogramming.....	-68	-44	..
Uncontrollable increases.....	...	...	3,716
1983 base.....	<u>829</u>	<u>840</u>	<u>47,716</u>

287

<u>Estimates by budget activity</u>	<u>1981 Actual</u>			<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>			<u>Perm.</u>			<u>Perm.</u>			<u>Perm.</u>			<u>Perm.</u>		
	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
Enforcement of antitrust, consumer protection and Kindred laws.....	939	938	\$44,460	829	840	\$44,000	829	840	\$47,716	789	800	\$46,466	-40	-40	-\$1,250

Legal Activities

Salaries and expenses, Antitrust Division

Summary of Resources by Program  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Federal appellate activity...	31	25	\$986	31	25	\$986	25	25	\$1,094	25	25	\$1,184	24	24	\$1,153	-1	-1	-\$31
Termination and prevention of private cartel behavior..	253	253	13,011	253	253	13,011	246	237	13,725	246	237	14,903	234	225	14,527	-12	-12	-376
Preservation of competitive market structure.....	276	305	18,338	276	305	18,186	241	249	16,253	241	249	17,621	230	238	17,276	-11	-11	-345
Antitrust litigation for consumer protection.....	25	24	893	25	24	893	24	24	985	24	24	1,365	23	23	1,034	-1	-1	-31
Judgment enforcement.....	38	27	1,326	38	27	1,126	24	24	1,243	24	24	1,346	23	23	1,315	-1	-1	-31
Policy analysis, legislation and training.....	121	106	4,453	121	106	4,403	102	105	4,512	102	105	4,880	97	100	4,725	-5	-5	-155
Competition advocacy.....	76	77	2,401	76	77	2,401	67	69	2,507	67	69	2,717	63	65	2,593	-4	-4	-124
Executive direction and control.....	46	43	1,551	46	43	1,551	40	41	1,681	40	41	1,825	38	39	1,762	-2	-2	-63
Administrative services.....	73	78	1,903	73	78	1,903	60	66	2,000	60	66	2,175	57	63	2,081	-3	-3	-94
<b>Total.....</b>	<b>939</b>	<b>938</b>	<b>44,862</b>	<b>939</b>	<b>938</b>	<b>44,460</b>	<b>829</b>	<b>840</b>	<b>44,000</b>	<b>829</b>	<b>840</b>	<b>47,716</b>	<b>789</b>	<b>800</b>	<b>46,466</b>	<b>-40</b>	<b>-40</b>	<b>-1,250</b>
Other Workyears																		
Holiday.....	...			...			...			...			...			...		
Overtime.....	13			13			13			13			13			...		
Total compensable workyears.....	951			951			853			853			813			...		

Legal Activities  
Salaries and expenses, Antitrust Division

Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity: Enforcement of antitrust, consumer protection and kindred laws	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal appellate activity.....	25	25	\$1,094	25	25	\$1,184	24	24	\$1,153	-1	-1	-\$31
Termination and prevention of private cartel behavior.....	246	237	13,725	246	237	14,903	234	225	14,527	-12	-12	-376
Preservation of competitive market structure.	241	249	16,253	241	249	17,621	230	238	17,276	-11	-11	-345
Antitrust litigation for consumer protection.	24	24	985	24	24	1,065	23	23	1,034	-1	-1	-31
Judgment enforcement.....	24	24	1,243	24	24	1,346	23	23	1,315	-1	-1	-31
Policy analysis, legislation and training....	102	105	4,512	102	105	4,880	97	100	4,725	-5	-5	-155
Competition advocacy.....	67	69	2,507	67	69	2,717	63	65	2,593	-4	-4	-124
Executive direction and control.....	40	41	1,681	40	41	1,825	38	39	1,762	-2	-2	-63
Administrative services.....	60	66	2,000	60	66	2,175	57	63	2,081	-3	-3	-94
Total.....	829	840	44,000	829	840	47,716	789	800	46,466	-40	-40	-1,250

289

These programs enforce antitrust, consumer protection, and kindred laws to make competition work throughout the U.S. economy. The Antitrust Division fulfills its mission first as a law enforcement agency bringing civil and criminal antitrust cases, primarily under the Sherman and Clayton Acts, to promote or maintain competition in particular markets. Second, the Division participates in proceedings of federal (and occasionally state) regulatory agencies where those proceedings involve important questions of antitrust law or competition policy. Third, the Division appears before congressional committees and within the Administration as advocate of more competitive legislative and policy solutions to many of the nation's problems. Finally, Division personnel participate in seminars and speak before professional associations, business groups and other organizations as advocates of competition.

Federal appellate activity.....	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Federal appellate activity.....	25	25	\$1,094	25	25	\$1,184	24	24	\$1,153	-1	-1	-\$31

Long-Range Goal: To provide effective representation before courts of appeals and the Supreme Court for antitrust cases and in proceedings to review orders of certain regulatory agencies.

Major Objectives:

To continue to support sound and consistent development and enforcement of antitrust laws through the expert prosecution and defense of appeals in cases brought by the United States.

To protect the interests of the United States in the development of antitrust law through participation as amicus curiae in private antitrust appeals.

To advocate competition in appeals taken from regulatory proceedings.

Base Program Description: The Division acts on antitrust cases before the Supreme Court as authorized by the Solicitor General; represents the interests of the United States in the courts of appeals in all civil and criminal cases brought by the United States under the federal antitrust laws; reviews certain decisions of the Interstate Commerce Commission, the Federal Communications Commission, the Civil Aeronautics Board, the Federal Maritime Commission and the Nuclear Regulatory Commission and prepares an appeal position for the United States; represents the Food and Drug Administration and the Consumer Products Safety Commission in appeals; and prepares and files amicus briefs in the courts of appeals and the Supreme Court in selected private antitrust cases.

Accomplishments and Workload:

	1980	1981	Estimates	
			1982	1983
Administrative Law Cases - Appellate				
Pending beginning of year.....	504	497	446	439
Filed.....	308	226	277	277
Terminated.....	315	277	284	284
Pending end of year.....	497	446	439	432

In the Supreme Court, the Division has filed ten amicus briefs in 1981, eight at the request of the Court, in cases involving important questions of antitrust policy. For example, in the National Gerimedical case, the Division filed an amicus brief urging the Supreme Court to grant a petition for a writ of certiorari to review a decision holding that the National Health Planning and Resources Development Act of 1974 created by implication an antitrust exemption for the voluntary actions of private health care insurance providers. After considering our brief, the Court granted the petition. The Division then filed a brief urging reversal of the lower court's decision. In June 1981, the Court filed an opinion agreeing with the views expressed in our amicus brief and reversed the court of appeals.

The Division has also been very active in the courts of appeals during 1981. For example, in U.S. v. Columbia Pictures Industries, Inc., No. 81-6003 (2d Cir. 1981), the court of appeals affirmed a district court decision enjoining implementation of a joint venture involving cable television that would have restricted price competition among four movie companies having substantial market power. With respect to criminal antitrust enforcement, we successfully argued in U.S. v. Koppers, 652 F.2d 290 (2d Cir. 1981), that the per se rule is not an unconstitutional evidentiary presumption and that the jury was correctly instructed that it could convict if it found that the defendant knowingly had engaged in a conspiracy to rig bids.

The most important agency case currently being handled by the Division in a court of appeals is U.S. v. Rutherford, No. 81-1757 (10th Cir.). This is the continuation of a case begun in 1975 by advocates of the purported cancer cure Laetrile. In spite of a recent court of appeals decision rejecting their argument that Laetrile is exempt from the "new" drug provisions of the Federal Food, Drug, and Cosmetic Act and therefore can be marketed without FDA approval, the district court has ignored the court's opinion and entered judgment against the Food and Drug Administration. We have asked the court of appeals to summarily reverse this decision because it defies that court's prior mandate.

Program Changes: A decrease of one position and \$31,000 reflects the Administration's policy to reduce the size of the federal workforce while maintaining competition through a strong antitrust enforcement effort.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Termination and prevention of private cartel behavior.....	246	237	\$13,725	246	237	\$14,903	234	225	\$14,527	-12	-12	-\$376

Long-Range Goal: To promote and maintain competition in the American economy by reducing private cartel behavior to restrain trade or commerce.

Major Objectives:

To promote economic efficiency and the enhancement of consumer welfare by using criminal and civil enforcement of Sherman Act Section 1 to terminate and prevent agreements that restrain competition in particular markets.

To limit cartel behavior in industries subject to state or federal regulation to appropriately approved conduct that has been authorized by statute; to prevent the continuation of cartel behavior once statutes authorizing the approval of such behavior have been repealed.

To educate the public, business, and legal professions with respect to the principles of antitrust laws and enforcement policies.

To maximize competition among those bidding under the government procurement program by coordination with and advice to other executive agencies on their property acquisition policies.

Base Program Description: Private cartel behavior is deterred by investigating and litigating violations of Section 1 of the Sherman Act. Criminal prosecutions are employed to punish violators; civil actions seek to recover damages to the government and secure injunctions against the continuation or renewal of illegal conduct. A wide range of investigatory techniques are used in this program including staff and FBI investigations, civil investigative demands, and grand jury investigations. In addition, the Division monitors private activity and market performance through its litigating sections and field offices and employs professional economists to collect and analyze regional and national market data, with special emphasis on highly concentrated industries.

Accomplishments and Workload:

	<u>1980</u>	<u>1981</u>	<u>Estimates</u>	
			<u>1982</u>	<u>1983</u>
<b>Antitrust Cases</b>				
Pending beginning of year.....	114	109	102	106
Filed.....	83	96	72	72
Terminated.....	88	103	68	68
Pending end of year.....	109	102	106	110
<b>Investigations</b>				
Pending beginning of year.....	455	300	319	311
Instituted.....	376	267	257	257
Terminated.....	531	248	265	265
Pending end of year.....	300	319	311	303

292

Note: Represents workload for termination and prevention of private cartel behavior, preservation of competitive market structure, and policy analysis, legislation and training.

From December 14, 1979, through December 8, 1981, the Division initiated 113 criminal prosecutions involving 100 corporate defendants and 129 individual defendants in connection with conspiracies to rig bids on public highway and airport construction projects in eight states. Eighty-four cases have been resolved in which 59 corporations and 85 individuals pled guilty. Another corporation is expected to plead guilty in the near future. Seventeen cases involving a total of 26 corporations and 23 individuals are awaiting trial. Of the eight cases which have been completed through trials, the juries convicted seven corporations and twelve individuals and acquitted one corporation and three individuals. The government voluntarily dismissed one individual in return for a guilty plea to bid-rigging charges stemming from a criminal information. The courts have accepted *nolo contendere* pleas from five corporations and four individuals. One case, involving three corporations and three individuals, is being handled by the U.S. Attorney's office in Memphis, Tennessee.

The alleged illegal activities of the defendants and co-conspirators consisted of allocating among themselves highway construction projects; submitting collusive, noncompetitive and rigged bids, or withholding bids; designating the successful low bidder; submitting intentionally high, or complementary bids; and submitting bid proposals and affidavits containing fraudulent statements and entries.

Felony prosecutions in Tennessee, Virginia, North Carolina, South Carolina, Georgia, Mississippi, Kansas and most recently, Texas have charged violations of Section 1 of the Sherman Act, mail fraud, false declarations made before a grand jury and false statements submitted to a state department of transportation. The cases brought so far involve millions of dollars in construction work. Most involve federally-funded construction projects to build highways and airport runways and tax-ways for which competitive bids were solicited by the various states and municipalities. Fines totaling approximately \$15.1 million and aggregate jail sentences in excess of 16 years incarceration have been imposed in these cases to date. Currently, the Division is using grand juries empaneled in fourteen states to investigate these alleged bid-rigging conspiracies.

U.S. v. Charmer Industries, Inc., et al.

On January 6, 1981, a federal grand jury in Brooklyn, New York, indicted six wholesale distributors of liquor and wine on charges of conspiring to fix the wholesale prices of liquor and wine in metropolitan New York. The defendants are the six major wholesale distributors of liquor and wine in New York City and Nassau, Suffolk and Westchester Counties with combined annual dollar sales in 1979 of over \$700 million. The indictment and a companion civil suit charged that beginning in late 1978 and continuing until at least July 1979, the defendants and various co-conspirators agreed to raise and fix the wholesale prices of liquor and reduce discounts on liquor and wine, in violation of Section 1 of the Sherman Act. At least 12 separate private treble damage actions have been filed against these six defendants. On July 2, 1981, the defendants pled nolo contendere and were fined a total of \$1,025,000.

U.S. v. Bristol-Myers Company

On October 13, 1981, the Division filed a proposed consent decree against Bristol-Myers Company of New York in a civil anti-trust suit involving ampicillin and other semisynthetic penicillins. Bristol-Myers is the only remaining defendant in the case. In 1979, a consent decree was entered against the other two defendants, Beecham Group, Ltd., of Brentford, Middlesex, England, and its wholly-owned subsidiary Beecham, Inc., of Clifton, New Jersey. The complaint, filed on March 19, 1970, alleged that the defendants had violated the Sherman Act by conspiring to restrain trade and monopolize commerce in semisynthetic penicillins. Defendants were alleged to have restrictively licensed patents relating to ampicillin and other semisynthetic penicillins, and to have fraudulently procured and enforced a patent covering ampicillin. The complaint sought injunctive relief and damages for overcharges on government purchases of ampicillin.

Bristol has agreed that if the proposed decree is entered it will pay the United States \$3 million in settlement of the damage claim. Under the terms of the proposed decree, Bristol would be prohibited from maintaining existing agreements that in certain ways restrict Beecham from freely competing with Bristol in the sale of semisynthetic penicillins. Bristol would also be required to take certain other steps aimed at curing the anticompetitive effects of the challenged conduct, including making available licenses under certain of its patents and selling certain semisynthetic penicillin products in bulk form to those that request them.

U.S. v. Baltimore and Ohio Railroad, et al.

On October 13, 1981, a federal grand jury returned an indictment charging five corporations with conspiring to restrain trade in the movement of iron ore from Lake Erie docks to steel mills in Ohio, western Pennsylvania, northern Kentucky and northwestern West Virginia. The indictment charged that, from at least 1956 and continuing into 1978, the defendants conspired to inhibit or eliminate competition from so-called private docks, which are docks not owned or controlled by railroads or steel companies, in the handling of iron ore on Lake Erie. The indictment also charged that the defendants conspired to inhibit or eliminate competition among themselves in the dock handling and line haul of iron ore without seeking ICC approval. Finally, the indictment charged that the defendants conspired to inhibit or eliminate competition from motor carriers in the transportation of iron ore from Lake Erie docks to steel mills.

According to the indictment, the defendants handled amounts of iron ore ranging from approximately 17.2 million tons per year to 33.1 million tons per year between 1956 and 1978. In 1978, the defendants received revenues from the handling and rail haul of iron ore from Lake Erie docks totalling approximately \$110 million. The maximum penalty upon conviction under the Sherman Act is a \$1 million fine for each corporation.

U.S. v. Association of Ship Brokers and Agents (U.S.A.), Inc., et al.

On October 13, 1981, a consent decree was entered to end the civil antitrust suit against the Association of Ship Brokers and Agents (U.S.A.), Inc. and Worldscale Association, Inc., both of New York City. The Association of Ship Brokers and Agents (U.S.A.) is a trade association of oil tanker brokers and others in maritime businesses. Worldscale Association is sponsor and publisher of The Worldwide Tanker Nominal Freight Scale (Worldscale) in the United States. Worldscale is used by brokers and others when quoting rates for the chartering of oil tankers. The civil suit, which was filed on September 30, 1980, alleged that the defendants violated the Sherman Act by conspiring to fix fees charged by brokers for their services in arranging charters of oil tankers. The decree enjoins the defendants from conspiring to fix or stabilize fees of oil tanker brokers and prohibits the publication, in Worldscale, of a fixed brokerage commission figure. Under the terms of the decree, the Association of Ship Brokers and Agents (U.S.A.) is required to furnish its officers and members with a copy of the decree. Users of Worldscale are to be notified that brokerage commissions are freely negotiable.

Program Changes: A decrease of 12 positions and \$376,000 reflects the Administration's policy to reduce the size of the Federal workforce while maintaining competition through a strong antitrust enforcement effort.

294

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Preservation of competitive market structure..	241	249	\$16,253	241	249	\$17,621	230	238	\$17,276	-11	-11	-\$345

Long-Range Goal: To enhance the ability of markets to function efficiently by preventing mergers and acquisitions that may lessen competition and by preventing and dissipating monopoly power acquired or maintained by purposeful conduct inconsistent with competition on the merits.

Major Objectives:

- To modify the 1968 merger guidelines so that they are based on current economic analysis, that the freedom of businesses to undertake take competitively unobjectionable mergers is no longer inhibited and that economically desirable mergers are no longer deterred.
- To develop a coherent merger enforcement program that prevents mergers that threaten to reduce competition in specific markets while minimizing governmental interference with transactions having no significant potential for harm.
- To restore competition to monopolized industries through the obtaining of relief that will bring into existence a more competitive market structure.

To enforce effectively the premerger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and propose changes where requirements are too burdensome and could be relaxed with no loss to the efficacy of our merger screening program.

To utilize fully the expanded statutory authority provided the Division in the Antitrust Procedural Improvements Act of 1980.

To develop and implement managerial and procedural reforms that will allow complex cases to be brought to conclusion more expeditiously.

Base Program Description: The Division promotes and maintains the competitive structure of the U.S. economy through investigation and litigation of instances in which monopoly power is sought, attained, or maintained through non-competitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend to eliminate competition.

Accomplishments and Workload:

	1980	1981	Estimates	
			1982	1983
<b>Antitrust Cases</b>				
Pending beginning of year.....	114	109	102	106
Filed.....	83	96	72	72
Terminated.....	88	103	68	68
Pending end of year.....	109	102	106	110
<b>Investigations</b>				
Pending beginning of year.....	455	300	319	311
Instituted.....	376	267	257	257
Terminated.....	531	248	265	265
Pending end of year.....	300	319	311	303

Note: Represents workload for termination and prevention of private cartel behavior, preservation of competitive market structure, and policy analysis, legislation and training.

U.S. v. AT&T

On January 8, 1982, the Antitrust Division and the American Telephone & Telegraph Company (AT&T) filed a proposed modification with the U.S. District Court in Newark of the Final Judgment entered on January 24, 1956. In turn, at the request of the parties, the 1956 decree was transferred to the U.S. District Court in Washington, D.C., where the Division's 1974 monopolization case against AT&T had been in trial. Under the proposed modified Decree, AT&T will undertake an 18-month reorganization, after which local Bell operating companies, providing local exchange telephone services, will be divested by AT&T. The divested operating companies will be required to provide exchange access to all intercity carriers equal to that provided to AT&T, and are forbidden from discriminating against AT&T's competitors with respect to procurement, interconnection of equipment or services, the establishment and disclosure of technical specifications, and the planning of new facilities and services. Because the proposed modification of the 1956 Decree will achieve the purposes of the eight year-old U.S. v. AT&T case, the parties have dismissed the case. It is expected that any resources necessary to the supervision of AT&T's reorganization process will be provided out of this program.

U.S. v. IBM

On January 8, 1982, the Antitrust Division dismissed its suit against International Business Machines Corporation which was filed in 1969. The dismissal was made by the Division after an extensive review of the case revealed that the costs of continuing the case were greater than the potential benefits to be obtained, considering the government's likelihood of success.

U.S. v. Kentucky Utilities Company

On February 26, 1981, the Division filed a civil suit alleging that Kentucky Utilities Company of Lexington, Kentucky, monopolized the sale and transmission of electric power at wholesale to its municipal customers in the state of Kentucky. The complaint alleges that the utility used its monopoly over transmission of electric power to prevent competing suppliers from selling electric power to its municipal wholesale customers and refused to transmit power supplies of others unless the other suppliers agreed to anticompetitive conditions.

U.S. v. Revco D.S., Inc., et al.

This major merger case was filed by the Division on February 2, 1981. It alleged a violation of Section 7 of the Clayton Act resulting from Revco's acquisition of the 140 stores owned by the Skillern Division of Zale Corporation. A consent decree was entered on June 2, 1981, which required the divestiture of 28 to 31 of these stores within the areas of horizontal overlap between the Skillern stores and Revco's present stores. The divestiture must be accomplished within a period of nine months. The settlement in the case presented a favorable situation for both sides and eliminated the anticompetitive effects that the Revco acquisition would have had upon the Dallas-Fort Worth, El Paso and Tyler, Texas, markets.

U.S. v. E. I. du Pont de Nemours and Co., Inc.

On November 20, 1981, a consent judgment was entered to end the civil antitrust suit which challenged the acquisition of Conoco, Inc. of Stamford, Connecticut by E. I. du Pont de Nemours and Co., Inc. of Wilmington, Delaware. The suit and proposed consent decree were filed simultaneously on August 4, 1981. The Department announced that it would terminate the Hart-Scott-Rodino waiting period for DuPont's acquisition of Conoco. The termination of the waiting period removed the obligation on DuPont to delay the merger. The complaint alleged that the acquisition would violate Section 7 of the Clayton Act by substantially lessening competition in the production and sale of acrylonitrile and nylon and acrylic fibers. The complaint stated that Conoco and Monsanto Company had an agreement to produce jointly certain basic petrochemicals and the crude oil feedstocks from which these chemicals are made. These petrochemicals are used in the production of acrylonitrile and nylon and acrylic fibers. By virtue of the acquisition, DuPont would succeed to Conoco's interest in the joint venture. DuPont and Monsanto are the two largest producers of acrylonitrile and nylon and acrylic fibers, with the top four firms accounting for 100, 88, and 94.5 percent of the respective markets in 1980.

Acquisition of Conoco's interest in the joint venture enables DuPont to obtain competitively sensitive information and opportunities to affect Monsanto's production of acrylonitrile and nylon and acrylic fibers. The acquisition also creates opportunities for the exchange of information.

The consent decree requires DuPont to purchase Monsanto's interest in the joint venture. The decree further provides that DuPont will not attempt to influence the operation of Monsanto or acquire sensitive information concerning the joint venture prior to its acquisition of Monsanto's interest. Until the purchase by DuPont of Monsanto's interest in the joint venture, DuPont is subject to a hold separate order requiring that Conoco be maintained as a separate subsidiary and that Conoco's joint venture operations be insulated from DuPont.

**U.S. v. CBS, Inc.**

On October 30, 1981, a consent decree was entered to end a civil suit against CBS, Inc. which challenged CBS's 1977 acquisition of Fawcett Publications, Inc. The suit, which was filed on June 1, 1978, alleged that the acquisition of Fawcett would substantially lessen competition in mass market paperback publishing. The complaint stated that Fawcett and Popular Library, a division of CBS, accounted for approximately 9.4 percent and 2.6 percent, respectively, of 1976 mass market paperback sales, with the top four companies accounting for 53 percent of the market in 1976 and the top eight accounting for approximately 81 percent. In 1976 the dollar value of sales of mass market paperback books was approximately \$390 million. The consent decree requires CBS to divest Popular Library within two years. If such divestiture is not accomplished within one year, CBS will be required to employ one or more investment banking firms or business finders to assist in selling Popular Library. Further, CBS is prohibited from acquiring any other mass market paperback publishing house for a period of ten years except with the prior written consent of the Department or with approval of the court.

**U.S. v. Spectra-Physics, Inc., et al.**

On September 3, 1981, a consent judgment was entered to end the civil antitrust case against Spectra-Physics, Inc. of Mountain View, California, and Laserplane Corp. of Dayton, Ohio. The complaint, which was filed August 8, 1978, alleged that the acquisition of Laserplane by Spectra-Physics in 1976 violated Section 7 of the Clayton Act. The acquisition substantially lessened competition in the manufacture and sale of laser-based machine control systems used to guide earth moving machinery. The decree requires the defendants to provide, on request, non-exclusive royalty-free licenses for all patents and written technical information owned by the defendants on January 1, 1980, and used in the production of machine control laser systems.

**Program Changes:** A decrease of 11 positions and \$345,000 reflects the Administration's policy to reduce the size of the federal workforce while maintaining competition through a strong antitrust enforcement effort.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Antitrust litigation for consumer protection..	24	24	\$985	24	24	\$1,065	23	23	\$1,034	-1	-1	-\$31

**Long-Range Goal:** To protect consumers from defective or harmful products and from unfair and misleading business practices.

**Major Objectives:**

- To provide effective enforcement of consumer protection statutes through civil and criminal litigation.
- To assure that the rules and regulations of federal agencies are consistent with consumer protection requirements and goals.
- To assist consumers in the resolution of complaints outside the jurisdiction of the Justice Department by acting as an informal "ombudsman" in the referral of complaints to other federal agencies and local enforcement agencies.

**Base Program Description:** Objectives are accomplished by supervising or conducting substantive consumer protection litigation which arises under a number of federal statutes including criminal prosecution and defensive litigation where officials of the principal consumer protection agencies are sued. Frequent consultation and advice is rendered to client agencies regarding pending and possible litigation. Examples of the types of cases are proceedings to prevent or punish the introduction into commerce of adulterated food, drugs and cosmetics, the sale and distribution of potentially harmful consumer and household use products, and civil penalty actions for violations of FTC cease and desist orders prohibiting consumer fraud. The Division also prepares comments on consumer-oriented legislation and handles consumer mail.

**Accomplishments and Workload:**

	1980	1981	Estimates	
			1982	1983
Consumer				
Pending beginning of year.....	488	783	422	492
Referred.....	1,041	501	492	492
Terminated.....	746	862	422	492
Pending end of year.....	783	422	492	492

During 1981, the Division received 64 new case referrals from the Federal Trade Commission, and was involved in approximately 400 enforcement or defensive cases involving the Food and Drug Administration and 14 Consumer Product Safety Commission matters.

The Division represented the Food and Drug Administration (FDA) in major challenges to a policy statement which resulted in litigation filed against FDA in seven separate lawsuits throughout the country. Pursuant to that policy, FDA determined that it would accept published reports of drug studies from scientific literature as evidence of a drug's safety and efficacy rather than requiring, in all instances, that the manufacturer of the drug conduct independent studies to establish the drug's safety and efficacy. Subsequent to FDA's decision to implement the policy, the agency was sued seriatim by three name brand drug manufacturers challenging the policy on procedural grounds (as being a rule requiring rulemaking under the Administrative Procedure Act), substantively (as contravening the requirement of the Food, Drug, and Cosmetic Act that applications be supported by "full reports" of scientific studies establishing a drug's safety and efficacy), and as applied by FDA in approving a particular generic drug. In each case, the courts upheld FDA's actions. In related litigation, manufacturers of generic drugs sued to obtain approvals for their drugs in accordance with the policy when the new Administration briefly stayed application of the policy for review by the new Secretary of Health and Human Services and Commissioner of Food and Drugs. Ultimately, the administrative stay was lifted and the applications involved in each of those cases were approved.

The Division successfully concluded criminal actions involving the storage of food under unsanitary conditions and the shipment of goods without required permits. Several cases were instituted seeking civil penalties for violation of the Radiation Control Act. The Division received a favorable jury verdict in a case challenging a device used by chiropractors and was involved in the defense of FDA in a variety of cases dealing with such diverse regulatory matters as the continued provisional listing of certain color additives, FDA regulation of the sale of corn with aflatoxin and the continued use of nitrites in meat.

In the Division's enforcement of statutes administered by the Consumer Products Safety Commission (CPSC), a motion for a temporary restraining order was successfully opposed in a suit filed by Urea-formaldehyde (UF) foam insulation manufacturers. The manufacturers were seeking to restrain the CPSC from proposing a ban on UF foam insulation because of acute health effects associated with it. In another case, the court accepted the Division's argument that the CPSC has the authority to administratively assess civil penalties. The Division has also successfully represented the Commission in a number of injunction and civil seizure cases supporting CPSC's cellulose insulation regulation.

A number of actions were instituted under the Federal Trade Commission Act in which civil penalties and injunctive relief are sought for violations of Commission cease and desist orders, trade regulation rules or statutes prohibiting anticompetitive conduct, unfair or deceptive marketing practices or unfair debt collection practices. Among these are cases charging violative marketing practices in the sale of health products, in the marketing of magazine subscriptions, and in the sale of various products by a large mail order firm; cases challenging debt collection practices as violation of the Fair Debt Collection Practices Act, a case charging a failure to divest in violation of an order and a case against a major car rental firm for violations of the Holder-in-Due Course Rule.

In October 1981, a medical doctor who had conducted a number of investigational new drug studies for various pharmaceutical companies, was indicted for alleged violations of the mail fraud and wire fraud statutes and for making and using false writings and documents in a matter within the jurisdiction of the Food and Drug Administration, in violation of 18 U.S.C. § 1001. Drug studies such as those the defendant conducted are mandated by provisions of the Federal Food, Drug and Cosmetic Act, which require that, before new drugs are marketed to the general public, pharmaceutical companies must test the drugs in a controlled environment involving patients who volunteer to participate in the investigational studies. The defendant was a practicing orthopedic surgeon who had contracted with pharmaceutical companies to conduct the studies on a fee per patient basis. On November 12, 1981, the defendant pled guilty to three of the false writings and documents counts of the indictment. On December 11, 1981, the doctor was sentenced to an aggregate term of imprisonment of twelve months, fines totaling \$30,000 and a period of probation for three years.

Program Changes: A decrease of one position and \$31,000 reflects the Administration's policy to reduce the size of the federal workforce while maintaining competition through a strong antitrust enforcement effort.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Judgment enforcement.....	24	24	\$1,243	24	24	\$1,346	23	23	\$1,315	-1	-1	-\$31

Long-Range Goal: To achieve a visible and effective judgment enforcement program through systematic compliance investigations and litigation to impose sanctions on decree violators and, where necessary, obtain further injunctive relief.

Major Objectives:

To identify decrees or decree provisions that have become unnecessary or anticompetitive over time and seek modification or termination by court action.

To supervise implementation of the reorganization of AT&T required by the consent Modification of Final Judgment in U.S. v. Western Electric.

To augment traditional reliance on complaints of possible violations by developing methods to identify judgments of sufficient importance to justify independent investigations.

To complete visitation investigations on major judgments entered in 1981 and 1982, with initiation of civil or criminal enforcement litigation where warranted.

To have in place a standardized procedure for organization and entry of new decrees.

Base Program Description: A visible and effective compliance program is the best deterrent to non-compliance. To make its enforcement program effective, the Division investigates and brings civil and criminal contempt proceedings when it determines that judgments it has obtained are being disobeyed. The Division also monitors judgments that require further action by defendants, such as divestitures within a certain period of time, and initiates further litigation if defendants fail to comply. The Antitrust Division's decrees review project is a major initiative and should ultimately result in substantial savings to the public. Since passage of the Sherman Act in 1890, injunctive relief has been obtained against thousands of defendants in over 1,200 civil antitrust cases. While in recent years the Division has favored "sunset" decrees that automatically terminate after a specified time, we estimate that fully 95 percent of the extant decrees are perpetual.

Accomplishments and Workload:

The Antitrust Division has played a leading role in efforts to deregulate such sectors of the economy as air transportation, trucking, and banking. Given that experience, it is evident that benefits may be obtained from comparable "deregulation" in markets that are controlled by antitrust decrees. Antitrust Division resources will be necessary to target the most damaging decrees for early attack and to initiate judicial proceedings. The most objectionable decrees are those that protect firms from competition. But the beneficiaries of such decrees will fight to retain that protection. Even where a defendant joins in Division efforts, his customers or competitors can seek to intervene to support the decree. It is anticipated that the decrees most in need of modification or elimination will generate the most spirited defense. Some decrees inhibit market forces, promote collusion, or impose unnecessary costs, and identifying the most objectionable decrees will require substantial resource commitments. Meaningful reform of the most offensive of those decrees may require commitments of the same order of magnitude as are necessary to sustain major litigations.

**CONTINUED**

**4 OF 20**

U.S. v. Motor Vehicle Manufacturers Association of the United States, Inc., et al.

On November 9, 1981, the Division announced that it has joined the four major domestic automobile manufacturers and their industry trade association in a request to the U.S. District court in Los Angeles to modify the consent decree entered in October 1969. After a comprehensive review of the terms of the decree, the Division and the defendants negotiated a proposed modification. It would eliminate the per se prohibition against the automakers' entry into certain types of joint ventures relating to emission control devices, leaving such ventures to be governed by Section 1 of the Sherman Act. The revised decree would continue to prohibit agreements to prevent, restrain, or limit the development or installation of emission control devices for automobiles.

In court papers filed in support of the modification, the Division stated that these types of agreements are not anticompetitive under all circumstances, and that banning "such agreements outright ... may deny the public the benefit of what might otherwise prove to be a procompetitive arrangement." The proposed modification would also vacate some outdated provisions and would include a provision to terminate the revised decree in five years. In June 1981, the Division informed the court that it was withdrawing its request to extend two expiring provisions of the decree. These provisions had for twelve years prohibited the defendants from exchanging confidential, applied research information relating to emission control devices, and from presenting joint statements to government regulatory agencies concerning their ability to comply with proposed emission control or safety standards. The Department has reserved the right to withdraw its consent to the entry of the proposed modification until after its consideration of public comment.

U.S. v. Atlantic Refining, et al.

On November 16, 1981, the Division filed a motion in U.S. District Court in Washington, D.C., seeking to vacate the consent decree. The case was filed 40 years ago against 79 oil company or pipeline firms. The consent decree was entered by the court on December 23, 1941. The decree settled a civil suit filed by the United States on the same day under Section 3 of the Elkins Act, 49 U.S.C. Section 43, against 20 oil companies and 59 pipeline companies. The complaint alleged that the payments of dividends by the common carrier pipeline companies to their oil company parents and the receipt of those payments by the shipper-owners constituted illegal rebates in violation of the Elkins Act. The Elkins Act prohibits common carriers from giving, and shippers from receiving, rebates or discriminatory preferences. Under the terms of the decree, dividends may be paid by a pipeline company to its shipper-owner but are limited to 7 percent of the pipeline's "valuation" as established for ratemaking purposes by the Federal Energy Regulatory Commission (FERC). (Until October 1, 1977, the Interstate Commerce Commission had jurisdiction over oil pipeline rates.)

The Division is seeking to vacate the decree because it is neither an effective nor appropriate restraint on earnings and may interfere with the FERC's responsibility to regulate oil pipeline rates. Since the Federal Energy Regulatory Commission has the principal responsibility for regulating pipeline rates, any dividends paid out of revenues from tariffs lawful under FERC standards should not be considered rebates in violation of the Elkins Act.

Program Changes: A decrease of one position and \$31,000 reflects the Administration's policy to reduce the size of the Federal workforce while maintaining competition through a strong antitrust enforcement effort. Resources for supervision of the AT&T reorganization required by the Modification of Final Judgment in U.S. v. Western Electric will be provided from the preservation of competitive market structure program.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount

Policy analysis, legislation and training...	102	105	\$4,512	102	105	\$4,880	97	100	\$4,725	-5	-5	-\$155
--	-----	-----	---------	-----	-----	---------	----	-----	---------	----	----	--------

**Long-Range Goal:** To ensure that the objective of increased competition in the marketplace is vigorously promoted in new legislation, and to enhance the quality of litigation and investigative activities through economic and statistical analysis, research of major legal issues, and improved training for Division attorneys and economists.

**Major Objectives:**

Develop sound economic bases for investigations and litigation to ensure that our enforcement program is beneficial to the economy.

Encourage the submission and passage of legislation promoting a competitive economy and discourage legislation to limit anti-trust laws or provide new exemptions.

Promote substantive and long-range planning in the allocation of resources among competing programs and the development of new or modified program initiatives.

Enhance the litigation skills of Division attorneys through continuing education and career development. The Division's goal is to have 50 percent of the attorneys participate in some form of training or continuing legal education each year.

**Base Program Description:** Several important functions are combined to accomplish the objectives of this program. These include legislative activities, research of major legal issues and economic conditions, provision of management information on Division activities, economic analysis for investigations and litigation, and attorney and economist training.

**Accomplishments and Workload:**

	1980	1981	Estimates	
			1982	1983
<b>Antitrust Cases</b>				
Pending beginning of year.....	114	109	102	106
Filed.....	83	96	72	72
Terminated.....	88	103	68	68
Pending end of year.....	109	102	106	110
<b>Investigations</b>				
Pending beginning of year.....	455	300	319	311
Instituted.....	376	267	257	257
Terminated.....	531	248	265	265
Pending end of year.....	300	319	311	303

Note: Represents workload for termination and prevention of private cartel behavior, preservation of competitive market structure, and policy analysis, legislation and training.

The Division continues to draft a number of legislative proposals on antitrust matters that will be submitted to Congress after they have been reviewed and approved by the Executive Branch; the Division will continue to support those measures previously supported and not yet enacted. The Division annually provides to the Executive Branch or Congress an analysis of the competitive impact of over 300 legislative proposals originated by others. Division staff members also participated in the work of the Executive Office of the President's Regulatory Analysis Review Group. In addition, the Division's Research Joint Venture Guide was published in November 1980.

Under the new organization structure, the Economic Policy Office will report directly to the Assistant Attorney General. The participation of the Division's economists in "traditional" antitrust matters has increased dramatically in the past year. Economic rationality is the touchstone of all Division enforcement efforts. In 1980, the Assistant Attorney General directed that economists be assigned to all Hart-Scott-Rodino pre-merger notification filings and to all new investigations as they are approved by the Office of Operations unless both the Economic Policy Office and the section or field office chief agree that the assignment of an economist is unnecessary. Economists have been assigned to pre-merger notifications since April 1980 and to newly authorized investigations since late December 1980. The assignment of economists to these matters is a major accomplishment since it recognizes the importance of economic analysis and means that economists will participate in most investigations from the very beginning until their final resolution. The Assistant Attorney General also directed that the Office was to participate in all efforts to locate and retain any economic experts or consultants where in-house expertise is not available.

Program Changes: A decrease of five positions and \$155,000 reflects the Administration's policy to reduce the size of the Federal workforce while maintaining competition through a strong antitrust enforcement effort.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Competition advocacy.....	67	69	\$2,507	67	69	\$2,717	63	65	\$2,593	-4	-4	-\$124

Long-Range Goal: To eliminate unnecessary or counterproductive governmental interference with free market forces and seek adoption of the least anticompetitive means of achieving overriding social purposes.

Major Objectives:

- To achieve more competition in federally regulated industries.
- To provide guidance to regulatory agencies with respect to regulatory issues arising from the implementation of the reorganization of AT&T required by the Modification of Final Judgment in U.S. v. Western Electric.
- To minimize the prohibitions against and restrictions of competition under the guise of State regulation.

To stimulate competition in the delivery of professional services.

To reduce or eliminate the antitrust immunities enjoyed by particular industries.

To encourage competition from the inception of new technologies.

Base Program Description: The Division promotes competition policy in federal regulatory decision-making in two basic ways. First, it participates in adjudicatory hearings and rule-making proceedings of federal regulatory agencies. Second, the Division evaluates federal regulatory schemes to determine additional proceedings where intervention would be fruitful, and to develop legislative proposals for restructuring legislative mandates or procedures to eliminate unnecessary regulation. The Division also pursues the traditional avenue of litigation of violations outside or "on the margins" of statutory anti-trust exemptions, and against professional associations and state regulation. Finally, the Division fulfills the obligation of the Department of Justice, set forth in a variety of federal statutes, to submit reports to other government agencies regarding the competitive implications of matters pending before them. Authority for these various activities is found in 28 C.F.R. § 0.40; the Federal Coal Leasing Amendments Act of 1976, 30 U.S.C. §§ 181, et seq.; the Deepwater Port Act of 1974, 33 U.S.C. § 1506(a); the Atomic Energy Act of 1954, 42 U.S.C. § 2135; the Federal Aviation Act, 49 U.S.C. §§ 1375-84; the 1966 Bank Merger Act, 12 U.S.C. § 1028; and the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331, et seq.

Accomplishments and Workload:

A variety of functions critical to the Antitrust Division's mission included in this category are mandated by statute, including reports on bank mergers and bank holding company acquisitions, and reports on federal coal leases, outer continental shelf leases, and commercial power plant licenses under the 1954 Atomic Energy Act. Other regulatory activities provide an efficient way of fulfilling the Department's statutory duty to represent the United States in appeals from regulatory decisions. Apart from these mandatory functions, the budget category includes the Division's efforts to identify opportunities to eliminate unnecessary economic regulation and to advocate steps towards deregulation within the Executive Branch and before regulatory agencies and congressional committees.

Perhaps the key area of regulatory reform over the next few years is that of the communications industry. The reorganization of AT&T and the divestiture of its 22 operating companies required by the Modification of Final Judgment in U.S. v. Western Electric, in conjunction with regulatory reform legislation now moving through Congress, may require extensive changes in Federal Communication Commission (FCC) regulatory policies and practices. The Antitrust Division's participation before the FCC as an advocate and protector of competition is essential to the successful achievement of the goals of the reorganization of AT&T and of regulatory reform.

There is presently pending at the Interstate Commerce Commission (ICC) an additional highly significant effort to deregulate a portion of rail transportation. This concerns a proposal to deregulate rail transportation of coal for export. The Division is a participant in the Coal Interagency Working Group and this particular proceeding at the ICC is an important item on that working group's agenda. At meetings of the working group, it has become clear that the Antitrust Division must ensure that the approach taken by the ICC in this proceeding furthers the strong goal of increasing U.S. exports of coal.

The Division has intervened in important cases at the Civil Aeronautics Board (CAB) to persuade that agency to accelerate the move toward total deregulation and sunset of the CAB. The most significant proceeding at the Board presently is its Competitive Marketing case. That case involves a number of issues related to the manner in which air transportation is sold and marketed in the United States. The Division has strongly supported deregulating the air transportation industry and eliminating restrictive and protectionist agreements among the air carriers that have harmed not only the consuming public, but also the government itself. At the Division's strong urging, the CAB recently disapproved the restriction prohibiting travel agents from selling air transportation to government agencies and authorized government agencies to utilize travel agents to purchase their travel. The Division believes that this important reform will have a direct line effect on the billion dollar federal government travel budget and save the U.S. Government perhaps millions of dollars every year.

Through participation in proceedings at the International Trade Commission (ITC), we have sought to assure that the trade laws are interpreted in a way which assures U.S. consumers the benefits of competition from both domestic and foreign sources, while still carrying out their underlying purpose of protecting U.S. industry from harm resulting from unfair trade practices. Indeed, the ITC is required by statute to consult with the Division with regard to proceedings brought under § 337 of the 1930 Tariff Act. The Division regularly provides formal and informal advice to help assure that our trade negotiations are carried on in a way which would not subject our officials or industry to the risk of antitrust liability. It also provides expertise and staff support to the Attorney General on international trade matters, in connection with his responsibilities as a member of the Cabinet Trade Policy Committee, the Cabinet Council on Trade and Commerce, and the Cabinet Council on Economic Affairs.

Before the Postal Rate Commission, the Antitrust Division joined with the Department of Commerce in questioning the need for the Postal Service's entry into electronic mail. Likewise, competitive concerns about government-provided services have been raised by the Antitrust Division before the Federal Reserve Board regarding its automated clearing and other services. Specifically, suggestions in Division comments urging full cost pricing were adopted by the Board in many respects.

The Division also has promoted reductions in barriers to competition in the financial services industries. Comments filed before the various banking agencies (apart from statutorily mandated reports on bank mergers) have urged permitting interstate activity by depository institutions, now thwarted in many ways by restrictive legislation and agency rules. Among the proposals supported have been interstate branching by thrifts, including through remote service units; acquisitions of thrifts by banks; and acquisitions of thrifts by out-of-state purchasers. In addition to advocating increased ability for financial institutions to compete in these ways, the Division has also urged before the Depository Institutions Deregulation Committee a quickened pace for deregulation of interest rates and more leeway for depository institutions to develop instruments competitive with money market funds.

Program Changes: A decrease of four positions and \$124,000 reflects the Administration's policy to reduce the size of the federal workforce while maintaining competition through a strong antitrust enforcement effort.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive direction and control.....	40	41	\$1,681	40	41	\$1,825	38	39	\$1,762	-2	-2	-\$63

Long-Range Goal: To provide effective and efficient management and policy direction of all Antitrust Division activities.

Major Objectives:

To provide policy direction and energizing leadership for antitrust enforcement personnel.

To develop and maintain a working climate for Division personnel that fosters interest in, enthusiasm for, and dedication to the Division's programs.

To serve as articulate and persuasive spokesman for competition policy within the Administration, before regulatory agencies and the Congress, and before the general public.

To allocate resources and control the current and future workload and output of the Division to produce results that are beneficial to the American people.

To improve the Division's capability to meet the requirements imposed upon it by the disclosure provisions of the Freedom of Information and Privacy Acts.

Base Program Description: The responsibility for enforcing antitrust statutes requires reaction to complaints and to identifiable economic conditions, and a more sophisticated initiative designed to develop enforcement programs for long-range problems such as preservation of competitive market structure. The Division also has the responsibility for serving as the federal government's primary spokesman and analyst on competition policy and its impact on legislative and governmental actions. The staff determines the allocation of a finite amount of resources among competing programs to meet the varied responsibilities of the Division as effectively as possible.

Accomplishments and Workload:

The 1968 merger guidelines are being reviewed and rewritten as changes in economic analysis and judicial precedent in subsequent years have rendered parts of the guidelines obsolete. Under the old guidelines, the freedom of businesses to undertake competitively unobjectionable mergers was unjustifiably inhibited and, more seriously, economically desirable mergers were deterred. The revision project will correct these deficiencies. Merger availability will benefit small businesses by enabling them to recover money should they retire or change fields, to make significant production or other advances, and to reduce the risks of business setback by permitting needed transfusion of finances, new management, or other ideas.

Continued use is being made of periodic management reports, based on the time reporting of the Division's attorneys and economists. These reports continue to be of great use to the top management of the Division. Enhancements to the Division's Antitrust Caseload Evaluation System (ACES) have been designed and implemented which enable the Division to monitor the cost of specific antitrust matters and produce reports enabling top management to better evaluate resource utilization.

Program Changes: A decrease of two positions and \$63,000 reflects the Administration's policy to reduce the size of the federal workforce while maintaining competition through a strong antitrust enforcement effort.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Administrative services.....	60	66	\$2,000	60	66	\$2,175	57	63	\$2,081	-3	-3	-\$94

Long-Range Goal: To provide effective and efficient administrative support services for all Antitrust Division activities.

Major Objectives:

To provide improved administrative support to the Division's program managers and to develop and implement improved management systems.

To support the Division's professional staff with modern tools for information processing.

Base Program Description: Support encompasses a wide number of tasks to be performed in order to provide the resources and tools needed by the attorneys and economists to do their jobs. As the complexity of the Antitrust Division has increased, so has the need for administrative services. Although resources associated with the Information Systems Support Group are reflected in those programs for which it provides support services, this unit plays a primary role in the Division's administrative services program. It is responsible for developing indexing and retrieval systems for investigations and cases involving a substantial volume of documents, assisting our trial staffs in developing appropriate taxonomies and thesauri for use in retrieval of information from an automated data base; assisting attorneys and economists in the discovery, analysis and interpretation of machine-readable records; identifying and obtaining economic data bases for our economists to use in analyzing such things as market shares, concentration ratios, and pricing and distribution patterns; providing management information data systems for tracking investigations and cases, and allocating resources; and developing an automated Division work product file for legal research.

Accomplishments and Workload:

The Division's Executive Office continues to improve its administrative support activities. Significant factors in the improvement of these activities are increased professionalism, greater use of computer systems, more training for line

personnel, performance reviews of operating units, and continuing efforts at better coordination with the Department's administrative personnel. Standard criteria for evaluating ADP litigation requests and allocating resources have been established to maximize benefits and minimize costs.

Program Changes: A decrease of three positions and \$94,000 reflects the Administration's policy to reduce the size of the federal workforce while maintaining competition through a strong antitrust enforcement effort.

Legal Activities  
Salaries and expenses, Antitrust Division

Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Termination and prevention of private cartel behavior		1
Competition advocacy		2
Federal appellate activity		3
Preservation of competitive market structure		4
Judgment enforcement		5
Policy analysis, legislation and training		6
Executive direction and control		7
Administrative services		8
Antitrust litigation for consumer protection		9

Legal Activities  
Salaries and expenses, Antitrust Division

Summary of Adjustments to Base  
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
1982 appropriation anticipated.....	829	840	\$44,000
<b>Uncontrollable increases:</b>			
1982 pay increases.....	...	...	884
Executive Level pay increases.....	...	...	463
Within-grade increases.....	...	...	229
Health benefits costs.....	...	...	92
Federal Employees' Compensation Act (FECA) - unemployment benefits.....	...	...	40
Standard Level User Charges (SLUC).....	...	...	594
GSA recurring reimbursable services.....	...	...	34
Postal Service increases.....	...	...	119
Federal Telecommunications System (FTS).....	...	...	145
Travel costs - airfare increases.....	...	...	156
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	6
Departmental printing and reproduction costs.....	...	...	30
Employee data and payroll services.....	...	...	14
Full-field investigations.....	...	...	62
General pricing level adjustment.....	...	...	848
<b>Total, uncontrollable increases.....</b>	<b>...</b>	<b>...</b>	<b>3,716</b>
1983 Base.....	829	840	47,716

310

Legal Activities  
Salaries and expenses, Antitrust Division  
Justification of Adjustments to Base  
(Dollars in thousands)

Uncontrollable increases:

	<u>Work- years</u>	<u>Amount</u>	
1. 1982 pay increases.....	...	\$884	
<p>This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$884,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:</p>			
<p>1982 personnel compensation and benefits relative to the October pay increase</p>			
<p>\$18,412,000 x 4.8 percent for 259 days... 875,000</p>			
<p>2/261 x annual amount of pay raise..... 9,000</p>			
<p>Total requirements..... 884,000</p>			
2. Executive Level pay increases.....	...	463	
<p>This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$463,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:</p>			
<p>1982 personnel compensation and benefits relative to lifting pay cap for 195 days</p>			
<p>\$346,000..... 346,000</p>			
<p>66/261 x annual amount of pay raise..... 117,000</p>			
<p>Total requirements..... 463,000</p>			
3. Within-grade increases.....	...	229	
<p>This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$211,000 and benefits \$18,000 = \$229,000.)</p>			

4. Health benefits costs.....	92
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provides that the government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$92,000 provides 19.4 percent more than the \$474,000 budgeted for 1982.</p>	
5. Federal Employees' Compensation Act (FECA) - unemployment benefits.....	40
<p>This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies.</p> <p>The estimate of \$40,000 was based on unemployment compensation payments for the quarter ending in March 1981.</p>	
6. Standard Level User Charges (SLUC).....	594
<p>P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$594,000 is required in 1983 to pay for space occupied at the end of 1982. The amount budgeted for standard level user charges in 1982 is \$2,736,000.</p>	
7. GSA recurring reimbursable services.....	34
<p>The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$34,000 will provide the same level of service in 1983 as in 1982. This is an increase of 20 percent over the amount budgeted for 1982 of \$170,000.</p>	
8. Postal Service increases.....	119
<p>The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 cents an ounce. This five cent increase results in an additional request of \$119,000 over the currently budgeted amount of \$365,000.</p>	

9. Federal Telecommunications System (FTS).....	145
<p>The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$145,000 over the 1982 base of \$318,000 which includes the rate increase effective for 1982. This reflects the new billing method which became effective in 1982 and is based on the duration of calls. During 1981 American Telephone and Telegraph was granted a rate increase which increased the amount budgeted for 1982 by approximately 51 percent.</p>	
10. Travel costs - airfare increases.....	156
<p>Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent in 1982. This will result in a \$156,000 increase over the airfare amount budgeted for 1982.</p>	
11. Printing costs for the Federal Register and Code of Federal Regulations.....	6
<p>The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and the <u>Code of Federal Regulations (CFR)</u>. The current cost estimates from GPO reflect an increase of ten percent over the present charge of \$408 per page for the <u>Federal Register</u> and \$65 per page for the CFR. The requested uncontrollable increase provides funding for 143 pages in the Register and 3 pages in the CFR.</p>	
12. Departmental printing and reproduction costs.....	30
<p>Departmental printing costs are expected to increase by 7 1/2 percent in 1983. This results in an uncontrollable increase of \$30,000 over the 1982 base.</p>	
13. Employee data and payroll services.....	14
<p>The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95. In 1982, it will increase by \$15; the increased cost of servicing 903 employees is \$14,000.</p>	

14. Full-field investigations.....	...	62
<p>Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) for FY 1982, which raised the standard rate charged for each full-field investigation by \$300 over the FY 1981 base cost of \$1,000. The request of \$62,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.</p>		
15. General pricing level adjustment.....	...	848
<p>This request applies to OMB pricing guidance as of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates.</p>		
Total uncontrollable increases.....	...	3,716
Total, adjustments to base.....	...	<u>3,716</u>

Legal Activities

Salaries and expenses, Antitrust Division

Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Federal Appellate Activity		Termination and Prevention of Private Cartel Behavior		Preservation of Competitive Market Structure		Antitrust Litigation for Consumer Protection		Judgment Enforcement	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>										
GS/GM-13.....	...	...	-4	-\$134	-4	-\$134	...	...	...	...
GS-12.....	-1	-\$28	-5	-141	-4	-113	-1	-\$28	-1	-\$28
GS-11.....	...	...	-3	-70	-3	-70	...	...	...	...
Total positions and annual rates..	-1	-28	-12	-345	-11	-317	-1	-28	-1	-28
Total workyears and personnel compensation.....	-1	-28	-12	-345	-11	-317	-1	-28	-1	-28
Personnel benefits.....	...	-3	...	-31	...	-28	...	-3	...	-3
Total workyears and obligations, 1983.....	-1	-31	-12	-376	-11	-345	-1	-31	-1	-31

Legal Activities

Salaries and expenses, Antitrust Division

Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Policy Analysis, Legislation and Training		Competition Advocacy		Executive Direction and Control		Administrative Services		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>										
GS/GM-13.....	-2	-\$67	-1	-\$34	-1	-\$34	-1	-\$34	-13	-\$437
GS-12.....	-1	-28	-2	-56	...	...	-1	-28	-16	-450
GS-11.....	-2	-47	-1	-24	-1	-24	-1	-24	-11	-259
Total positions and annual rates..	-5	-142	-4	-114	-2	-58	-3	-86	-40	-1,146
Total workyears and personnel compensation.....	-5	-142	-4	-114	-2	-58	-3	-86	-40	-1,146
Personnel benefits.....		-13		-10		-5		-8		-104
Total workyears and obligations, 1983.....	-5	-155	-4	-124	-2	-63	-3	-94	-40	-1,250

Legal Activities  
Salaries and expenses, Antitrust Division  
Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grade and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$58,500.....	1		1		...	
ES-4, \$58,500.....	23		23		...	
ES-3, \$58,500.....	1		1		...	
ES-2, \$56,936.....	7		7		...	
ES-1, \$54,755.....	1		1		...	
GS/GT-15, \$46,685-\$57,500.....	150		150		...	
GS/GT-14, \$39,689-\$51,596.....	108		108		...	
GS/GT-13, \$33,586-\$43,666.....	73		60		-13	
GS-12, \$28,245-\$36,723.....	63		47		-16	
GS-11, \$23,566-\$30,640.....	45		34		-11	
GS-10, \$21,449-\$27,084.....	2		2		...	
GS-9, \$19,477-\$25,318.....	57		57		...	
GS-8, \$17,634-\$22,926.....	36		36		...	
GS-7, \$15,922-\$20,701.....	118		118		...	
GS-6, \$14,328-\$18,630.....	63		63		...	
GS-5, \$12,854-\$16,706.....	42		42		...	
GS-4, \$11,490-\$14,937.....	21		21		...	
GS-3, \$10,235-\$13,304.....	14		14		...	
GS-2, \$9,381-\$11,807.....	4		4		...	
<b>Total, appropriated positions.....</b>	<b>829</b>	<b>\$25,298</b>	<b>789</b>	<b>\$25,555</b>	<b>-40</b>	<b>\$257</b>
Pay above stated annual rates.....	...	99	...	99	...	...
Lapses.....	-26	-953	-26	-937	...	16
Net permanent.....	803	24,444	763	24,717	-40	273

Salaries and expenses, Antitrust Division  
Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	803	\$24,444	763	\$24,717	-40	\$273
11.3 Other than full-time permanent:						
Part-time permanent.....	9	178	9	186	...	8
Temporary employment.....	25	361	25	377	...	16
Other part-time and intermittent employment.....	3	49	3	51	...	2
11.5 Other personnel compensation:						
Overtime.....	13	326	13	341	...	15
Other compensation.....	...	54	...	56	...	2
11.8 Special personal services payments...	...	99	...	99	...	...
Total, workyears and personnel compensation.....	853	25,511	813	25,827	-40	316
12 Personnel benefits.....		2,354		2,456		102
13 Benefits to former personnel.....		36		40		4
21 Travel and transportation of persons.		1,258		1,414		156
22 Transportation of things.....		297		308		11
23.1 Standard level user charges.....		2,736		3,330		594
23.2 Communications, utilities and other rent.....		2,426		2,767		341
24 Printing and reproduction.....		440		476		36
25 Other services.....		8,307		9,127		820
26 Supplies and materials.....		480		521		41
31 Equipment.....		155		200		45
Total obligations.....		44,000		46,466		2,466
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		9,050		9,710		
Obligated balance, end-of-year.....		-9,710		-10,407		
Outlays.....		43,340		45,769		

## BIOGRAPHICAL SKETCH OF WILLIAM F. BAXTER

Mr. SMITH. We will insert the biographical sketch of William F. Baxter at this point.

[The biographical sketch follows:]

WILLIAM F. BAXTER, ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION, UNITED STATES DEPARTMENT OF JUSTICE

## PERSONAL

Born New York City, July 13, 1929.  
U.S. Navy, Navigation Officer, 1951-1954.

## ACADEMIC BACKGROUND

A.B. (1951) and J.D. (1956), Stanford University.

## PROFESSIONAL EXPERIENCE

Professor of Law, Stanford Law School (1960-1981).  
Antitrust Counsel, Levi Strauss and Co. (1977-1981).  
Fellow, Center for Advanced Study in the Behavioral Sciences (1972-1973).  
Consultant for various intervals to: Citicorp, Marcor, National Retail Merchants Association, Federal Reserve Board, The Brookings Institution, President's Task Force on Communications Policy, A.B.A. Committee on Judicial Administration, Visa, Fairchild, Exxon, American Petroleum Institute, Hoffman-LaRoche, Jet Propulsion Laboratories, Northrop.  
Member, President's Task Force on Antitrust Policy.  
Consultant and Project Director, FAA Study on Legal and Economic Aspects of Aircraft Noise (1966-1968).  
A.A.L.A.-A.P.S.A. Joint Committee on Administrative Law (1962-1964).  
Visiting Professor of Law, Yale University (1964-1965).  
Private Practice of Law, Covington & Burling, Washington, D.C. (1958-1960).  
Assistant Professor of Law, Stanford Law School (1956-1958).

## SELECTED PUBLICATIONS

"The Political Economy of Antitrust: Principal Paper" by William Baxter, R.D. Tollison, ed. (Lexington Books, 1980).  
"Retail Banking in the Electronic Age: The Law and Economics of Electronic Funds Transfer" (with K. E. Scott and P. H. Cootner) Allanheld, Osmun 1977.  
"People or Penguins, An Optimum Level of Pollution," Columbia University Press, 1974.  
"Posner's Antitrust Law: An Economic Perspective," book review by W. F. Baxter, 8 Bell Journal of Economics 609 (1977).  
"Regulation and Diversity in Communications Media," 64 A.E.R. 392 (1974).  
"Legal Aspects of Airport Noise," Journal of Law and Economics, April 1972.  
"A Parable," 23 Stanford Law Review 973 (1971).  
"NYSE Fixed Commission Rates: A Private Cartel Goes Public," 22 Stanford Law Review 675 (1970).  
Coauthor of President Johnson's Task Force Report on Antitrust Policy ("The Neal Report") (1969); published in Antitrust & Trade Regulation Reporter, May 7, 1969, No. 411, Part II.  
"The SST: From Watts to Harlem in Two Hours," 21 Stanford Law Review 1 (1968).  
"Legal and Economic Aspects of Aircraft Noise," report to FAA (1968).  
"Legal Restrictions on Exploitation of the Patent Monopoly," 76 Yale Law Journal 267 (1966).  
"Choice of Law and the Federal System," 16 Stanford Law Review 1 (1963).

## GENERAL STATEMENT

Mr. SMITH. Mr. Baxter, do you have a statement?

Mr. BAXTER. Thank you, Mr. Chairman.

As you indicated, we are asking for \$46.5 million essentially and 789 positions. We have uncontrollable increases of \$3.7 million, so

that the present requested budget involves a reduction of 40 positions and \$1.25 million.

That really is all I have to say by way of an opening statement. I will defer to questions from the Chairman.

[The prepared statement of Mr. Baxter follows:]

ANTITRUST DIVISION

STATEMENT OF THE ASSISTANT ATTORNEY GENERAL  
WILLIAM F. BAXTER

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE  
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear in support of the Antitrust Division's budget request for Fiscal Year 1983 of \$46,466,000 and 789 positions. The budget request provides for the following major items:

1. Uncontrollable increases in the amount of \$3,716,000 are required to maintain current operating levels. Major items included in this category are annualization of the 1982 pay increase and the general pricing level adjustment.
2. Program decreases of 40 positions and \$1,250,000 are reflected in this request. These decreases reflect the Administration's policy to reduce the size of the Federal workforce while maintaining competition through a strong antitrust enforcement effort.

The proposed reductions would be allocated as follows:

	<u>Positions and Workyears</u>	<u>Amount</u>
Federal Appellate Activity	-1	-\$31,000
Termination and Prevention of Private Cartel Behavior	-12	-376,000
Preservation of Competitive Market Structure	-11	-345,000
Antitrust Litigation for Consumer Protection	-1	-31,000
Judgment Enforcement	-1	-31,000
Policy Analysis, Legislation and Training	-5	-155,000
Competition Advocacy	-4	-124,000
Executive Direction & Control	-2	-63,000
Administrative Services	<u>-3</u>	<u>-94,000</u>
Total	-40	-1,250,000

This concludes my statement, Mr. Chairman. I will be happy to answer any questions you or other members of the subcommittee may have.

## ANTITRUST CASELOAD

Mr. SMITH. What can you point to to tell us something that you have done to protect businesses in this country in the last year from oligopolies or from monopolistic practices?

Mr. BAXTER. If an oligopoly succeeds in rendering an industry noncompetitive and brings about an increase in price levels, which is the phenomenon that is usually associated with oligopolies, why of course it benefits all the companies in the industry which are now selling against a higher market price. In that sense, our function is to make life harder for business, not to make it easier.

Mr. SMITH. Is that happening? In how many cases has that happened?

Mr. BAXTER. It is very difficult to tell how many price fixing conspiracies are deterred by any particular criminal conviction.

Mr. SMITH. Have you taken action in any cases in that regard in the last year?

Mr. BAXTER. Oh, indeed.

Mr. SMITH. How many?

Mr. BAXTER. I don't remember exactly how many cases we have terminated, but it is in the vicinity of 100.

Mr. SMITH. Have you started any new ones?

Mr. BAXTER. Yes, I believe the number is 45 new cases.

Mr. SMITH. Do you have a list of those?

Mr. BAXTER. By name?

Mr. SMITH. You can put it in the record, but do you have a list of the ones that you have already started?

Mr. BAXTER. Only the numbers, I think, Mr. Chairman. I would be happy to submit a list of names if you would find that helpful.

Mr. SMITH. All right. Submit the list of names for the record.

Can you give any kind of a description of the case with that when you put it in the record?

Mr. BAXTER. Surely. Just a sentence or so as a description?

Mr. SMITH. Something like a head note.

Mr. BAXTER. Surely.

[The information follows:]

Fiscal Year 1982 Civil Cases  
10-1-81 through 3-17-82

1. U.S. v. American Maize-Products Company, M.D. Fla., 12/22/81

Civil complaint seeking to enjoin the proposed acquisition of Bayuk Cigars, Inc. by Jno. H. Swisher & Son, Inc., a subsidiary of American Maize-Products Company.

2. U.S. v. RMI Company, E.D.N.Y., 12/30/81

Civil complaint seeking to recover damages for overcharges resulting from an alleged price-fixing conspiracy among five producers of titanium mill products.

3. U.S. v. Central State Bank, W.D. Mich., 2/17/82

Civil complaint against two commercial banks and their common owner, seeking divestiture of the owner's interest in either bank.

4. U.S. v. All Coast Fishermen's Marketing Association, Inc., D. Ore., 2/19/82

Civil complaint alleging a conspiracy to fix prices for seafood sold to processors and agreements not to fish until the processors paid those prices.

5. U.S. v. Baldwin-United Corp., S.D. Ohio, 2/22/82

Civil complaint challenging the acquisition of MGIC Investment Corporation by Baldwin-United Corporation, alleging a lessening of competition in the provision of private mortgage guarantee insurance throughout the United States.

6. U.S. v. Virginia National Bankshares Inc., W.D. Va., 2/26/82

Civil complaint to block the proposed merger of two commercial banks in Virginia.

Fiscal Year 1982 Criminal Cases  
10-1-81 through 3-17-82

1. U.S. v. Basic Construction Co., E.D. Va., 10/13/81

Two companies and two individuals indicted for bid rigging on plant mix schedule work in the Peninsula area of Hampton, Newport News and Williamsburg.

2. U.S. v. Baltimore & Ohio Railroad Co., Inc., D.D.C., 10/13/81

Five corporations indicted for conspiring to restrain trade in the movement of iron ore from Lake Erie docks to steel mills in four states.

3. U.S. v. Johnson Brothers Utility & Paving Co., E.D.N.C., 10/14/81

One company and one individual indicted for bid rigging on three highway construction projects.

4. U.S. v. Logan Paving Company, N.D. Ga., 10/21/81

One company and one individual indicted for bid rigging on two federally funded highway construction projects.

5. U.S. v. Siebert Sand Co., Inc., D. Kan., 10/27/81

One company and one individual indicted for bid rigging and mail fraud violations on a highway construction project.

6. U.S. v. Rhoades Construction Co., Inc., D. Kan., 11/17/81

One company and one individual indicted for bid rigging and mail fraud violations on a federally funded highway construction project.

7. U.S. v. Broce Construction Co., Inc., D. Kan., 11/17/81

One company and two individuals indicted for bid rigging and mail fraud violations on a federally funded highway construction project.

8. U.S. v. Allen, Inc., E.D.N.C., 11/18/81

One company and two individuals indicted for bid rigging on five highway construction projects.

9. U.S. v. Concrete Service Co. of Jacksonville, E.D.N.C., 11/18/81

One company and one individual indicted for bid rigging on a highway construction project.

10. U.S. v. Edisto Asphalt, Inc., D.S.C., 11/19/81

One company and one individual indicted for bid rigging on a highway construction project.

11. U.S. v. W. D. Turner Construction Co., W.D. Tex., 11/20/81

Eight companies and seven individuals indicted for bid rigging and mail fraud violations on highway construction projects in twelve counties.

- 12-13. U.S. v. Hulon A. Wall, W.D. Tex., 11/20/81;  
U.S. v. Charles H. Schmidt, W.D. Tex., 11/20/81

These two individuals were indicted for making false material declarations before a federal grand jury investigating bid rigging in the State of Texas.

14. U.S. v. Schwope, Inc., W.D. Tex., 11/20/81

Two companies and one individual indicted for bid rigging and mail fraud violations on highway construction projects.

15. U.S. v. Young Brothers, Inc., W.D. Tex., 11/20/81

Two companies and one individual indicted for bid rigging and mail fraud violations on highway construction projects.

16. U.S. v. Schwabe & Mikes Paving Company, S.D. Tex., 12/3/81

Criminal information charging one company with bid rigging on a highway construction project.

17. U.S. v. J. H. Shears' Sons, Inc., D. Kan., 12/7/81

One company and one individual indicted for bid rigging and mail fraud violations on two highway construction projects.

18. U.S. v. John L. Guinn & Co., N.D. Tex., 12/8/81

Two companies and three individuals indicted for bid rigging and mail fraud violations on construction and servicing contracts awarded by AMTRAK.

19. U.S. v. Robert E. Colgate, E.D.N.C., 12/17/81

One company and one individual indicted for bid rigging on highway construction projects in western North Carolina.

20. U.S. v. J. F. Cleckley & Company, D.S.C., 12/17/81

One company and one individual indicted for fixing the price at which surface treatment work was quoted on highway construction projects.

21. U.S. v. James Baldwin, D. Kan., 1/12/82

One individual indicted for bid rigging on two federally funded highway construction projects.

22. U.S. v. Brown & Brown, Inc., D. Kan., 1/12/82

Criminal information charging one company and one individual with bid rigging and mail fraud violations on two highway construction projects.

23. U.S. v. William Hendryx, D. Kan., 1/12/82

One individual indicted for bid rigging and mail fraud violations on a highway construction project.

24. U.S. v. Missouri Valley Construction Co., D. Neb., 1/14/82

One company and one individual indicted for bid rigging on two highway construction projects.

25. U.S. v. Thompson Contractors, Inc., E.D.N.C., 1/27/82

One company and one individual indicted for bid rigging on a highway construction project.

26. U.S. v. Broce Construction Co., D. Kan., 2/4/82

One company and one individual indicted for bid rigging on a highway construction project.

27. U.S. v. Beachner Construction Co., D. Kan., 2/4/82

Three companies and three individuals indicted for bid rigging and mail fraud violations on a federally funded highway construction project.

28. U.S. v. Hockaday Truck Brokerage, S.D. Fla., 2/10/82

Six corporations indicted on charges of conspiring to fix rates for the transportation of tomatoes from Florida and South Carolina to receivers located in various cities throughout the United States.

29. U.S. v. Dixie Asphalt Co., N.D. Fla., 2/12/82

One company and one individual indicted for conspiring to fix prices on three asphalt cement subcontracts for highway construction.

30. U.S. v. Ballenger Corp., E.D. Va., 2/23/82

Two companies and one individual indicted for bid rigging on a highway construction project.

31. U.S. v. Moore Brothers, Inc., E.D. Va., 2/23/82

One company and one individual indicted for bid rigging and mail fraud violations on asphalt paving projects in Augusta.

32. U.S. v. C. W. Matthews Contracting Co., E.D.N.C., 2/24/82

One company and one individual indicted for bid rigging on two highway construction projects.

33. U.S. v. Ashland-Warren, Inc., E.D.N.C., 2/24/82

The Asheville Division of Warren Brothers Company, a former division of Ashland-Warren, Inc., was indicted for bid rigging and mail fraud violations on highway construction projects in western North Carolina.

34. U.S. v. Ashland-Warren, Inc., E.D.N.C., 2/24/82

Barrus Construction, a former division and wholly owned subsidiary of Ashland-Warren, Inc., was indicted for bid rigging on two highway construction projects.

35. U.S. v. Ashland-Warren, Inc., E.D.N.C., 2/24/82

Thompson-Arthur Paving Company, a former division of Ashland-Warren, Inc., was indicted for bid rigging and mail fraud violations on highway construction projects in various counties.

36. U.S. v. Andover Corp., W.D. Tex., 2/26/82

One company and one individual indicted for bid rigging and mail fraud violations on four highway construction projects.

37. U.S. v. Robert T. Beachner, D. Kan., 3/2/82

One individual indicted for bid rigging and mail fraud violations on a federally funded highway construction project.

38. U.S. v. Gerald G. Ricks, W.D. Tex., 3/3/82

Criminal information charging one company and one individual with bid rigging on a highway construction project.

39. U.S. v. Dickerson, Inc., N.D. Fla., 3/9/82

Criminal information charging one company with bid rigging on a highway construction project.

40. U.S. v. Wm. Anderson Company, D. Neb., 3/11/82

One company and one individual indicted for bid rigging and mail fraud violations on a federally funded highway construction project.

41-45. U.S. v. W. A. Biba Engineering Co., D. Neb., 3/11/82;  
U.S. v. Constructors, Inc., D. Neb., 3/11/82;  
U.S. v. Dobson Brothers Construction Company, D. Neb., 3/11/82;  
U.S. v. Paulsen Building & Supply, Inc., D. Neb., 3/11/82;  
U.S. v. Metro Pavers, Inc., D. Neb., 3/12/82

Five companies and five individuals indicted for bid rigging and mail fraud violations on highway construction projects.

46-47. U.S. v. E. W. Hable & Sons, Inc., D. Neb., 3/15/82;  
U.S. v. Reynolds-Land, Inc., E.D. Tex., 3/15/82

These two criminal informations charge two companies with bid rigging on highway construction projects.

## A.T. &amp; T. AND IBM CASES

Mr. SMITH. You settled the AT&T and the IBM cases. Are those final now or is there anything pending?

Mr. BAXTER. We settled the AT&T case, and that is not final. It is a very substantial corporate reorganization that is still in process. The IBM case was dismissed, not settled, and that of course is final.

Mr. SMITH. What more is to be done with AT&T?

Mr. BAXTER. AT&T has agreed to divest itself of a group of operating companies which, in the aggregate, constitute about \$80 billion in assets.

Mr. SMITH. Will you be monitoring that divestiture?

Mr. BAXTER. We will be monitoring that divestiture.

Mr. SMITH. How long will that take?

Mr. BAXTER. My best guess is that it might be concluded two years from now.

Mr. SMITH. How much is in this budget for that purpose?

Mr. BAXTER. There is no line item in this budget for that purpose.

Mr. SMITH. Is it a substantial amount of money?

Mr. BAXTER. It is a substantial amount of money but nowhere near as substantial as the costs of litigating the case over recent years.

Mr. SMITH. In other words, if the case had continued, it would cost a lot more?

Mr. BAXTER. Yes, sir, I would guess three times.

Mr. SMITH. Since you got rid of that case, your costs should be a lot less. Why do you have to have an increase in your budget to continue operating next year?

Mr. BAXTER. That is not the only thing that is going on in the Division. Actually, a reduction in personnel for both the AT&T and the IBM cases was taken in fiscal year 1982, in anticipation of a termination of some kind, since both cases were obviously winding down one way or another.

Mr. SMITH. You are asking for a \$2.466 million increase. Is that to continue? What base would that continue?

Mr. BAXTER. We start from a fiscal year 1982 base of \$44 million. There were uncontrollable increases of \$3.7 million, which would bring us to \$47.7 million, but we are asking for \$46.5 million.

Mr. SMITH. Are you spending at the annual rate of \$44 million now?

Mr. BAXTER. Yes, I think we are. Those numbers already represent a program decrease of about 40 positions and about \$1.25 million.

## ANTITRUST DIVISION EMPLOYMENT

Mr. SMITH. Will your budget as presented, if approved, involve RIFs in 1983?

Mr. BAXTER. I do not believe RIFs will be necessary.

Mr. SMITH. Were there RIFs in 1982?

Mr. BAXTER. We did not take any RIFs in 1982. We have had sufficiently high attrition that we were able to get by with very severe treatment of certain other types of expenditures.

Mr. SMITH. Is the turnover higher than normal in this area?

Mr. BAXTER. I don't believe so. I think we have had an attrition on the order of 15 percent, I am told, for quite a long time, and that is about what we have been experiencing.

Mr. SMITH. Have you hired any new people?

Mr. BAXTER. Yes, we have hired some people through the Justice Department Honors Program, but that is the only source of new hires.

Mr. SMITH. Is it any more difficult to hire people now or less difficult?

Mr. BAXTER. We were swamped with applications under the Honors Program. I won't be able to give you comparative numbers off the top of my head.

Mr. SMITH. Is that the only program you use?

Mr. BAXTER. That is the only substantial hire program. Of course, I am speaking now only of lawyers, Mr. Chairman.

Mr. SMITH. Do you think that using the grades students happen to have received in college as the sole criteria for hiring new people is a good standard?

Mr. BAXTER. If that were the sole criterion, I certainly would not think so.

Mr. SMITH. What other criteria are there under that program?

Mr. BAXTER. That program creates an applicant pool, and of course, all persons hired have to be interviewed. At that point in time the strengths of the institution and other characteristics of the individual are taken into account as well. It is an approved first cut, I quite agree.

Mr. SMITH. It puts a premium on those who have a photographic memory rather than those who can think.

Mr. BAXTER. That depends very much on the law school you are talking about. Most law schools don't give examinations that are susceptible to memorization.

Mr. SMITH. What is that again?

Mr. BAXTER. I said most law schools don't give examinations that are susceptible to memorization in the sense that remembering a lot of factual detail is not of much assistance.

Mr. SMITH. The students know which cliches the professors like to have in the exposition.

Mr. BAXTER. I am sure that some of them are susceptible to being gauged in that way.

Mr. SMITH. They pass around those papers so they know what you have got to put in this professor's answer to get a good grade. They catch up with the professors pretty fast.

Mr. BAXTER. They do a very good job. Of course, that is a fair criterion for success as a lawyer.

Mr. SMITH. He had better have something on the ball besides that. I know some of them that did the best in law school, I have noticed since I went to law school, didn't do the best. I am not talking about financially. I mean, they just didn't get the reputation of being the best lawyers after they got out. There are certainly a lot of other things involved.

#### CLOSING OF ANTITRUST FIELD OFFICES

We approved your closing the Los Angeles field office, after you had requested it last year, and transferred the personnel to the U.S. Attorney's Office in that city. Do you intend to close any other offices of the Antitrust Division?

Mr. BAXTER. I have no fixed intention of closing any other offices.

Mr. SMITH. Has that caused any problem?

Mr. BAXTER. I don't believe it has caused any problems. The cases have been redistributed, some to the U.S. Attorney's office in Los Angeles and some are being handled by the San Francisco field office. California is the only state where we had two field offices, and I don't think there has been any programmatic damage done by that.

Mr. SMITH. Do you need field offices?

Mr. BAXTER. Oh, yes, certainly. I think it is cost effective to have a certain number of field offices. Exactly how widely they should be spaced and the optimum number of field offices I think is harder to say, but there isn't any doubt that if we had to send lawyers out from Washington to every single case, it would be a great deal more expensive.

Mr. SMITH. As a basis for that, I am wondering why the same arguments wouldn't apply to the other legal divisions.

Mr. BAXTER. The other legal divisions, of course, conduct their widely dispersed trials mainly through the U.S. Attorneys' offices, so that I guess the real question is, could the Antitrust Division conduct its affairs entirely through the offices of the U.S. Attorneys. My answer to that would be that the law in the antitrust area, and indeed to some extent the factual investigation—

Mr. SMITH. Are too specialized?

Mr. BAXTER. Are too specialized.

#### HART-SCOTT-RODINO ACT

Mr. SMITH. On page 15 there is a reference to the present merger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act.

Mr. BAXTER. What page is that, Mr. Chairman, so that I can catch up with you?

Mr. SMITH. Page 15 of the justifications. What changes have been or are being considered?

Mr. BAXTER. In the Hart-Scott-Rodino?

Mr. SMITH. Yes.

Mr. BAXTER. Not very much, Mr. Chairman. We have been giving some thought to the question whether the regulations governing the nature of the initial filing might be changed to simplify the reporting requirements. Another matter to which I have been giving some thought is whether the dollar levels may not have become inappropriate in view of the very, very high rate of inflation that has occurred.

Mr. SMITH. What does that mean?

Mr. BAXTER. Under the Act, and as implemented by the regulations, there must be a Hart-Scott-Rodino filing if the smaller of the

two corporations is over \$10 million in size. At the time the Act was passed, that caught a certain fraction of the universe of firms.

Because the dollar is not what it used to be, it now catches a much larger fraction of proposed mergers. One could make an argument that to faithfully implement the level of burden the Congress had in mind, the minimum filing numbers ought perhaps to be indexed in some sense, but we have not actually done anything about this matter to this point in time.

#### VERTICAL INTEGRATION POLICY

Mr. SMITH. What is your attitude toward vertical integration? Is it fair to say, that your attitude is that we don't need to worry, vertical integration is not anticompetitive?

Mr. BAXTER. That would be an overstatement. Vertical integration in general is not harmful, but there are a variety of circumstances under which an arrangement which is vertical in its form can aggravate horizontal competitive relationships, and of course under those circumstances, why, it is as much a matter of concern as a horizontal merger.

Mr. SMITH. For example, if a merger of Marathon and Mobil should not be permitted, should you permit U.S. Steel to acquire Marathon, then Mobil to control U.S. Steel?

Mr. BAXTER. That is a very, very complicated question.

Mr. SMITH. But it is a real one.

Mr. BAXTER. Sir?

Mr. SMITH. But it is a reality, as I understand it.

Mr. BAXTER. Yes. Those are not cases with which I am familiar with in detail, because they have been handled by the Federal Trade Commission.

Mr. SMITH. But not without saying what ought to be done in that individual case, given that kind of an example?

Mr. BAXTER. Of course, I would regard a merger between Mobil and Marathon as being primarily horizontal.

Mr. SMITH. Right.

Mr. BAXTER. And one would want to look at the matter.

Mr. SMITH. Does it make it vertical because you have got a steel company in between?

Mr. BAXTER. I don't think so.

Mr. SMITH. It is still horizontal?

Mr. BAXTER. Surely.

#### INTERVENTION IN PRIVATE CASES

Mr. SMITH. Have you intervened on behalf of defendants in any antitrust cases?

Mr. BAXTER. We have not intervened, in the technical sense in which I use that term, in any private cases at this point in time. We have made amicus filings.

Mr. SMITH. On behalf of the defendant?

Mr. BAXTER. On behalf of defendants.

Mr. SMITH. Give me an example of that.

Mr. BAXTER. We made an amicus filing in a case in which the Supreme Court granted certiorari a few weeks ago. It involved a complaint by a beer wholesaler, I believe, in the southern part of

Indiana, against a brewer. The brewer was selling at lower prices to wholesalers in the northern part of Kentucky—I hope I have my states right—across the state line. There was a legal provision in Indiana that, for one reason or another, made it difficult for the wholesaler to make any kind of spot competitive responses in Indiana, but he was able to make spot competitive responses in Kentucky.

The Seventh Circuit held that the Robinson-Patman Act's "meeting competition" defense was not available to this area-wide competitive pricing pattern, even though the areawide pricing pattern was responsive to competitive conditions. The court took the view that the "meeting competition" defense in Section 2(b) of the act was only available on an outlet-by-outlet basis where the brewer walked in and said, "Well, I'll sell to you at \$50 a case," and the local wholesaler said, "Too bad, that is too high. Joe just offered me \$45 a case."

Then you could go down to \$45 a case, but the mere fact that you knew that every other brewer in the area was in general selling at \$45 a case did not justify you to go down. We thought that was much too narrow an interpretation of Section 2(b), and filed an amicus brief.

Mr. SMITH. So you would describe that as being one where you are protecting the consumer?

Mr. BAXTER. Yes.

Mr. SMITH. Do you have any cases where you are protecting somebody that doesn't drink beer?

Mr. BAXTER. I would assume that most of our cases protect a broad range of consumers, some of whom probably do not drink beer.

Mr. SMITH. Do you have some cases where you have intervened in behalf of the defendant in order to protect consumers?

Mr. BAXTER. I do not know that any of the others have actually been filed, and that is my reluctance.

Mr. SMITH. Is this the only kind of case where you intend to intervene on behalf of defendants?

Mr. BAXTER. We would intend to intervene on behalf of defendants wherever one of the parties is urging a position that we think is harmful to consumers, and we think that, given the prior state of the case law, there is a reasonable prospect that the Court would adopt a view which is harmful to consumers. I would regard that as an appropriate instance in which to file a brief urging that the Court adopt a more procompetitive point of view.

We undoubtedly will not be able to take such action in all such cases, because, regrettably, they are many.

#### COMPARISON IN ANTITRUST ENFORCEMENT POLICIES

Mr. SMITH. Do you think the Department in prior years, not picking out any particular years, but that it has been too rigorous in antitrust enforcement or not rigorous enough?

Mr. BAXTER. I think that both of those things are true, but the real problem is not the Department, in my view, but the private cases that have succeeded, largely under the influence of some Supreme Court precedents, which are now quite old. The lower feder-

al court judges have been able to extend and build on those early Supreme Court cases, and they have built a legal edifice that is susceptible to quite serious abuse in a variety of circumstances.

COST OF IBM AND A.T. & T. CASES

Mr. SMITH. How much money was spent on the IBM case?

Mr. BAXTER. That is very hard to say, Mr. Chairman. I think our best reconstruction is something on the order of \$15 million.

Mr. SMITH. Over a period of how many years?

Mr. BAXTER. Over a period of about 13 years.

Mr. SMITH. How much on AT&T?

Mr. BAXTER. Something on the same order over a rather shorter period of time, about half the period of time actually.

Mr. SMITH. Of course there wasn't anything accomplished on IBM, was there?

Mr. BAXTER. Only costs.

Mr. SMITH. What about AT&T; do you view the resulting benefits as being significant or not?

Mr. BAXTER. I do indeed. I think the citizens of this country will earn a very, very high rate of return on that investment.

Mr. SMITH. Does that depend on where they live?

Mr. BAXTER. Sir?

Mr. SMITH. Does that depend on where they live or not?

Mr. BAXTER. I think it is too early to know the answer to that question with great confidence. The proposed consent decree modification changes the industry in some very substantial ways. The resulting savings could be quite uniform or they could vary depending on the degree of urbanization, depending really on what the local regulatory commissions do with the exchange access tariffs.

FTC LIAISON

Mr. SMITH. Have you worked out your overlapping jurisdictional possibilities with the FTC?

Mr. BAXTER. With the Federal Trade Commission, Mr. Chairman?

Mr. SMITH. Yes.

Mr. BAXTER. I think there is nothing new to report on that front. When either the Trade Commission or we start an active investigation, we let the other one know, and the other one does not duplicate. As to Hart-Scott-Rodino filings, we check with them and assert our interest in a case, and occasionally in that context a little negotiation takes place as to which of us will handle a case in which both are interested, but I don't think there is anything particularly new about any of that.

Mr. SMITH. What if Company A proposes to acquire Company B, and the FTC has an ongoing investigation of one or the other of the companies and you don't.

Mr. BAXTER. That would generally be a good reason to give the matter to the one with an ongoing investigation.

Mr. SMITH. That is one of the rules more or less? Is that a hard and fast rule or just one you use when it is convenient?

Mr. BAXTER. It is a general understanding, I would say. There is no detailed charter governing these matters. It is a commonsense

approach, and the fact that one of the enforcement agencies was already involved in an investigation of one of the companies would generally be something approaching a controlling argument about the allocation.

CHANGING LEVELS OF ANTICOMPETITIVE ACTIVITY

Mr. SMITH. Do you think that there is more or less anticompetitive activity now than there was, say, five years ago in the United States?

Mr. BAXTER. I don't know. I have no reason to think that it has either increased or decreased. I would hope that the very large number of successful criminal prosecutions that we have brought in the last portion of the year of my predecessor, as well as in my own term, would have strongly deterred what I regard as the most damaging form of anticompetitive behavior.

We succeeded in getting corporate executives sentenced to about somewhere between seven and eight thousand days of jail time in the last year.

Mr. SMITH. You are talking about price-fixing now?

Mr. BAXTER. I am talking about price-fixing, bid-rigging and market allocations of various kinds.

Mr. SMITH. What about the other kinds of antitrust activities, that small businesses are usually more aware of, such as underselling in one area compared to another area, until they run somebody out of business. What about that kind of elimination of competition?

Mr. BAXTER. I have no reason to think that the frequency of predatory pricing has changed over that period of time.

Mr. SMITH. I tell you, since last July or August—maybe it is a part of the recession, I don't know—for the first time in the 24 years I have been in public office, I go to business meetings and business people bring it up. Prior to that time I was the one that brought the subject up first.

They will bring up the fear that they are not going to be able to stay in business because they are not as big as somebody else who has access to national advertising, and can in one way or another get, through interlocking directorates or through some other arrangement. Such a large company can get an association with somebody that makes them uncompetitive no matter how good they are. Do you think that is not a fair perception that they have?

Mr. BAXTER. I think that in a time of recession, we know that the bankruptcy rate is up sharply for example, I think that the perception probably changes more than the reality.

I have no doubt that there are many large and small businesses in serious financial trouble, and there is always somebody who is putting competitive pressure on them. Particularly if he is selling below their costs, it is easy to assume that he must be selling below his own costs as well. Sometimes that turns out to be the case, sometimes it doesn't, but as I say, I don't have any reason to think that the frequency of that activity has in fact much changed.

Mr. SMITH. Do you think some of the statements that you have made might have contributed to that?

Mr. BAXTER. Everything I have ever said about predatory pricing was rather belligerent, I think.

Mr. SMITH. Of course they are not all antitrust lawyers. When you make statements that seem to be extremely friendly or encouraging to acquisitions and mergers and things like that, maybe that gives the illusion that you are doing that. Do you think that might be so?

Mr. BAXTER. The illusion that if mergers are all right, predatory pricing must be all right as well? I can't rule out the possibility that someone's discrimination is that unrefined.

#### SMALL BUSINESS FEARS MERGERS

Mr. SMITH. People are afraid of mergers right now, especially successful small public companies. They are just scared to death somebody is going to acquire them tomorrow.

Mr. BAXTER. You are referring to the management as opposed to the shareholders, I suppose?

Mr. SMITH. No, I think I am referring to both, probably with management more than shareholders, of course.

Mr. BAXTER. Without shareholder acquiescence, of course, an acquisition can't occur. There is obviously a conflict of interest between management and shareholders, or at least there may be.

Mr. SMITH. Usually in small companies the management has a good share, not 50 percent necessarily, but a substantial share of the stock.

Mr. BAXTER. That makes a takeover much more difficult.

Mr. SMITH. Well, I tell you, they are afraid. A lot of people think there are just too many mergers and acquisitions going on, and they have got the general impression, and I am not sure they are wrong; in fact, I think they are probably right. If this thing keeps going, we are going to end up with about three corporations in the United States. We will have one for the east, one for the middle, and one for the west.

Mr. BAXTER. I think that probably is an overstatement.

#### INNOVATIONS AND COMPETITION FROM SMALL BUSINESS

Mr. SMITH. Slightly.

Well, I am concerned. I just think that if we don't do something to keep small businesses in business in this country, I don't know where we are going to be. Small businesses provide 90 percent of the new jobs, and whenever there is a turnaround from a recession, small businesses provide the increase in supply. It takes a big company two years by the time they get through all their levels of management to gear up for an increase. Small businesses provide the increases in supply and innovations and competition, and I just think we have got to protect small businesses in this country, or everybody is going to suffer. It really concerns me when people think that mergers and acquisitions are eventually going to eliminate far too many of these small businesses.

Mr. BAXTER. Mr. Chairman, I would point out that the primary encouragement to a lot of people who have founded a small business is the awareness that if they make it a success, they will be able to cash in their chips and sell a highly innovative new compa-

ny to a company with larger capital, with more experience in production.

There is a life cycle phenomenon that is involved here. It is quite true that a very large fraction of innovation comes out of small companies. It is not really true, I think, to say that small companies cause innovation. What happens it that when a highly imaginative man, often in the employ of a large company, perhaps has some of his innovative ideas resisted in the large company or maybe he has a terrific new idea that he doesn't even want to tell his employer, although it is doubtful whether that is proper under his employment contract. Often, he will quit and form a small company precisely because a small company represents a vehicle by which he can capitalize on his good idea, thus, innovations cause small companies, in a very large fraction of instances rather than the converse.

And when that company has developed a new product and the time comes to manufacture it, small companies are not nearly as good at manufacturing and marketing as somewhat larger companies. At that point, he is very, very anxious to sell out to a larger company, and to take in capital gains from the value of the innovation which he has developed.

#### EXAMPLE OF FARM MACHINERY INDUSTRY

Mr. SMITH. I don't know what industry you are talking about, but I can just give you one example. Maybe it is not typical, but the farm machinery industry, almost every new innovation that has been successful in the last 20 or 25 years—in other than tractors; that is a different deal—has come from some small machinery company. The big companies copy what they do.

Mr. BAXTER. Or acquire the small companies.

Mr. SMITH. Sometimes they do that. Sometimes they don't even bother. They just copy what they can.

Mr. BAXTER. Yes.

Mr. SMITH. And the guy that had the invention has three or four years' head start, and he makes a little money for three or four years and then everybody has got it.

Mr. BAXTER. That is a context in which I think we could do more for small companies. I think that the degree of protection that we afford to innovation in the United States, through our patent laws and through our copyright laws, is too weak. I think that ill-advised antitrust opinions, which circumscribe the ability of the owners of intellectual property to exploit that property and to protect it against copiers, has greatly reduced the rewards for innovation, and therefore, the incentive to invest in innovation. I do regard that as an area where some changes would be entirely appropriate, and I think they would be very helpful to small businesses as a group.

Mr. SMITH. I think that there is a tax situation that is partly involved in this too. I don't agree with what you have said about people in small businesses looking forward to the day when they can sell out to big companies. They do that for only one reason. When they don't want to any longer run the business and are getting to the age of retirement or something like that, if under the

tax laws they can exchange their stock for the stock of the big company or family or other group which they sell to why, they have got to take a capital gain. What we ought to do, I think, and one of the policies of the Small Business Committee for three or four years, is to permit them to have 18 months or something to reinvest the money and delay the capital gain just the same as they could if they traded for stock. I think that is the primary reason why a lot of small businesses end up being acquired by a big company—not public; where it is public they can't do much about it. Anyway, I really am concerned, and I think a lot of people in the business community feel that this administration is acquiring a reputation of being soft on antitrust, and I especially don't like for the name "Smith" to be involved with anything that is soft on antitrust. They say Attorney General Smith and they might get him mixed up with me.

#### PROBLEMS OF CONCENTRATION IN INDUSTRIES

In the food industry—I know concentration is not monopoly, and I use the term "shared monopoly." I think there is shared monopoly in some regions of this country already. In the food industry, there are certainly oligopolies, and you have got to look at regions rather than on a national basis.

In the food industry there are studies by Connor and a number of others that have indicated that there is already an increase in the price of food resulting from concentration that has gone beyond the place where it permits competition on an open basis. It used to be that the food industry between 1930 and 1960 was probably the most competitive industry in the United States, and it is just not that way anymore. It is going the other way fast.

I just think you ought to spend some time looking at some of these areas where more could be done to prevent what I believe will result in higher costs to consumers than are justified. You don't notice it now, especially during the period when they are extending their tentacles into other segments and eliminating competition. At that point consumers really gain. It has happened in the packing industry. During the period while they are running out the competition, consumers benefit, but as soon as the competition is gone, it is a totally different story. We have been in that period, and we are fast leaving it now.

We have got a situation now that nobody, nobody 10 years ago would have believed would happen. Fifty-five percent of all the cattle that are fed in the United States today are fed in 400 lots. Two hundred thousand farmers feed the other 45 percent. Nobody could have believed that would have happened 10 years ago. Then those people are hooked up in various ways, either through contract or by direct ownership to packing companies, feed companies.

The concentration that is going on there is just unbelievable. In fact, it is going on so fast that before you can get the statistics it changes faster than you can anticipate on a graph, and I just think that we have got to do something.

I don't know how much good putting more money into the Justice Department is going to do. We have been putting 40-some mil-

lion dollars down there for some years. I really wonder if we hadn't better give \$2 million to some law firm to conduct antitrust cases.

Mr. BAXTER. In general, I am very sympathetic to contracting out governmental efforts.

#### PRIVATE SECTOR ANTITRUST INVOLVEMENT

Mr. SMITH. Do you think we might better give \$2 million to some law firm and just take this \$46 million back?

Mr. BAXTER. If you think that their behavior with it would be reliable, perhaps the possibility should be considered.

Mr. SMITH. We would get about the same results, would we?

Mr. BAXTER. Well, I couldn't comment until I knew the law firm that would handle it.

Mr. SMITH. Do you have some names?

Mr. BAXTER. I would be happy to consult with the Committee about it.

Mr. SMITH. Ninety-five percent of all the antitrust cases are prosecuted in the private sector.

Mr. BAXTER. If you simply count cases, about 95 percent of the cases are private cases rather than governmental cases, yes.

Mr. SMITH. It has gotten so there are some people out there that are really pretty good too.

Mr. BAXTER. Some of them are, indeed, yes.

Mr. SMITH. You don't have any real big cases like IBM and AT&T?

Mr. BAXTER. I think nothing of that magnitude right now.

Mr. SMITH. Nothing that is going to take 10 years or something like that?

Mr. BAXTER. No case should take 10 years.

Mr. SMITH. It never should?

Mr. BAXTER. Never should.

Mr. SMITH. Thank you. We have some additional questions which we shall submit to you and ask you to answer for the record.

Mr. BAXTER. Thank you very much, Mr. Chairman.

[The questions and the answers submitted thereto follow.]

## QUESTIONS FOR THE RECORD BY MR. SMITH

## Program Reductions

*Page six of the justifications indicates that you will eliminate 68 positions and 44 workyears if this budget request is approved. What is the difference between those two figures? Are you going to be eliminating 44 positions that are filled and 24 positions that are vacant?*

Yes, the difference is between filled and vacant positions. The equivalent of 44 workyears will be eliminated through additional vacancies that will not be filled.

*With respect to the positions that are filled, will you be able to eliminate those through normal attrition or will a RIF be required?*

We will be able to eliminate them through normal attrition.

*The justification for all of these reductions is that the Administration wants to reduce the size of the federal work force while maintaining competition through a strong antitrust enforcement effort. How are you going to have a strong antitrust enforcement effort if you have fewer people to do the investigations and initiate the cases?*

We expect to maintain a strong antitrust enforcement capability through more effective use of available resources, including greater use of modern management techniques, such as word processing and computer systems, and through employment of secretarial and paralegal personnel, rather than attorneys, wherever that would be efficient.

*How many fewer antitrust investigations and how many fewer cases will the Department initiate if this reduction is approved?*

No decrease in workload is anticipated.

*What areas of antitrust enforcement would be affected if these decreases were approved?*

All of our enforcement programs would sustain small personnel reductions.

## Consolidation of Antitrust Division with Other Legal Divisions

*Would the Department be better able to make use of its resources if the separate appropriation for the Antitrust Division were abolished and funding for the Division provided in the appropriation for General Legal Activities?*

The inclusion of the Antitrust Division budget within the General Legal Activities appropriation could provide the Department with greater management flexibility by allowing the efficient reallocation of limited resources among the litigating divisions when necessary. However, the Department has not requested that the Antitrust Division be combined with the General Legal Activities appropriation in the 1983 budget.

## Premerger Notification Requirements

*On page 15 of the justifications reference is made to the premerger notification requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 and proposed changes in the notification requirements. What changes have been or are being considered? Have you coordinated such changes with the Federal Trade Commission? Has the Commission agreed to such changes?*

The premerger notification rules implementing Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 appear at 16 CFR Parts 801-803.

Rulemaking authority under the Act is conferred upon the Federal Trade Commission (FTC) by section 7A(d), and that provision requires that the Assistant Attorney General in charge of the Antitrust Division concur in the rules. Section 7A(d) also makes applicable the informal rulemaking procedures of the Administrative Procedure Act (APA), 5 U.S.C. § 553.

Section 553 of the APA requires an agency intending to promulgate rules to publish a "general notice of proposed rule making" in the Federal Register. After notice, an opportunity for comment is provided. Thereafter, the agency may adopt and issue final rules.

Experience with the premerger notification rules promulgated in 1978 disclosed a need to clarify or reformulate certain provisions and to add other provisions to enable the rules to better fulfill

their purposes. Accordingly, the FTC, with some input from the Antitrust Division, drafted proposed revisions which were published in the Federal Register on July 29, 1981, 46 CFR 38710. The comment period ended September 28, 1981, and a handful of comments were received.

The proposed revisions that were published for comment are generally quite technical in nature and deal with the following matters:

- Inclusion of "estate of a deceased natural person" within the definition of the term "Entity" in § 801.1[a][2];
- Broadening the definition of "conversion" in § 801.1(f);
- Restating the application of the concepts of "acquiring person" and "acquired person" in specific circumstances;
- Making the waiting period requirements for secondary acquisitions coincide with those for tender offers whenever the primary acquisition is a tender offer;
- Making clear that the acceptance for payment of any shares tendered is the consummation of an acquisition within the meaning of the Act;
- Amending § 801.40 to make explicit that the provisions of that section are to be used in determining the assets of a joint venture or other corporation;
- Providing an exemption from the Act for transactions that are entirely subject to CAB jurisdiction;
- Providing an exemption from the Act for transactions subject to approval by the appropriate regulatory agency pursuant to the Change in Bank Control Act and the Change in Savings and Loan Control Act;
- Providing a partial exemption for acquisitions in connection with the formulation of certain joint venture corporations;
- Amending the sections dealing with acquisitions of or by foreign persons in order to track more closely the minimum dollar value exemption of § 802.20 and to better define tests for determining whether a sufficient nexus with the U.S. exists in a particular foreign acquisition to warrant imposition of a filing obligation;
- Clarifying the section dealing with acquisitions requiring the approval of a federal court in a bankruptcy proceeding;
- Adding a paragraph dealing with incorporating by reference materials from prior filings;
- Clarifying the rule requiring a statement of reasons for non-compliance;
- Revising the rule governing affidavits required to be submitted with the Notification and Report Form;

- Adding a rule to set forth the circumstances in which persons submitting foreign language documents are required to provide English translations;
- Providing increased flexibility as to where second request responses may be submitted;
- Providing additional notification procedures regarding issuance of second requests; and
- Changing the Notification and Report Form so as to clarify which documents filed with the SEC must be submitted.

*Have there been any instances where either the Antitrust Division of the Justice Department or the FTC approved a proposed merger and the other agency challenged it? How were such situations resolved?*

The Antitrust Division and the FTC utilize clearance procedures to determine which of the two will investigate a particular proposed merger. The agency that conducts the investigation makes the decision as to whether the proposed merger will be challenged during the statutory waiting period. Thus, conflicts do not arise between the agencies concerning whether a proposed merger should be challenged.

It should be noted that a decision not to challenge a proposed merger within the statutory waiting period does not, as the question may suggest, constitute "approval" of the merger. Such a decision merely reflects a conclusion that the premerger investigation did not produce evidence warranting the seeking of a preliminary injunction to prevent consummation, and the antitrust enforcement authorities are not barred from challenging the merger at a later date.

#### Assistance to Private Enforcement of the Antitrust Laws

*During the 12 month period ending June 30, 1981, the number of private antitrust actions brought fell by 165 cases. Also, the Department of Justice has made as one of its priorities intervention in private cases against the plaintiff where it wishes to seek a change in judicial precedent, particularly in the areas of Robinson-Patman enforcement and enforcement of prohibitions against resale price maintenance. Can you tell me in what areas the Department is affirmatively assisting small business and other private plaintiffs and in what manner?*

The enforcement and competition advocacy activities of the Antitrust Division all affirmatively assist small business—and medium-size and large businesses, and, most important of all, consumers—for a competitive market structure ultimately ensures the benefit of all participants in the economy.

For example, by trying to make precise and realistic assessments of the actual competitive conditions surrounding proposed mergers, rather than relying upon overly simplistic arithmetic tests to de-

termine their legality, we hope to reduce the likelihood of frustrating competitively neutral or procompetitive mergers. The proprietors of small businesses have a strong interest in the existence of a ready market for the sale of their operations because it enables them to recover their investment should they choose to retire or change fields, or to reap the true value of their efforts by merger with another firm able to offer significant production or other advantages.

Our realistic approach to vertical restraints is also of immediate direct benefit to small businesses. New small manufacturing enterprises benefit particularly from vertical arrangements designed to induce competent and aggressive dealers to spend the time and money necessary to develop a retail market for a fledgling manufacturer's new product. Retail dealers, many of which may be small businesses, can benefit from vertical restrictions that protect their efforts to provide services from free-riding by others. Needless prohibition of beneficial, efficiency-enhancing vertical arrangements can cause perverse substitution effects particularly damaging to small businesses, such as a manufacturer's abandonment of a franchise system in favor of vertical integration.

For a final example, our efforts in the trucking and communications industries have increased or broadened opportunities for tens of thousands of small businessmen.

*In hearings last Congress in the Small Business Committee, testimony was heard that, under Chamber of Commerce and Arthur Young & Company estimates, small businesses in the past have recovered compensation for only approximately 1/2 of 1 percent of the \$3.5 billion in monetary injury imposed upon them by antitrust violations and deceptive practices. Other hearings before that Committee showed that this estimate of injury may be very conservative. For example, in the food processing industry alone, injury from anti-competitive practices may damage small business and consumers in an amount of \$12 billion to \$15 billion a year. Possibly a significant reason for this is that small businesses and others cannot afford to bring their own action. In this regard, a report prepared by the Section of Antitrust Law of the American Bar Association analyzes antitrust cases filed between 1973 and 1978 in the Southern District of New York. In 16 of the 19 industries represented in the cases sampled, the plaintiff businesses had average assets of at least 2 1/2 times those of 99 percent of the businesses in this country. It appears that only powerful corporations can afford individual antitrust actions. What has the Department done to reduce the cost of collective or class relief, by small businesses or others? Do you believe the availability of efficient relief in this regard is desirable for the preservation of a pluralistic economic environment and the decentralization of economic power?*

We agree that it is important for the victims of antitrust violations to be able to recover the damages they suffer, and class actions are often an efficient vehicle for this purpose. While there is nothing the Department alone can do "to reduce the cost of collective or class relief, by small businesses or others," we would willingly consider or evaluate proposals by which Congress might wish to do so.

*In the In Re Cessna Distributorship Antitrust Litigation, litigation over whether small business distributors could band together and sue collectively as a procedural matter consumed \$120,000 in out-of-pockets costs (exclusive of attorney's fees) over a six-year period. The merits of the action are not even addressed during this time. Will the Department as part of its enforcement program address the problem of this inefficiency and expense? If not, how is small business to carry its enforcement burden? In this regard the combined enforcement budgets of the SEC, FTC, and Antitrust Division are only approximately 1/250 of even the Chamber of Commerce's conservative estimate of injury imposed on businesses.*

We at the Department are not familiar with the proceedings in In Re Cessna Distributorship Antitrust Litigation and neither are we party to that action, and thus it is difficult to comment upon what has transpired there. Speaking generally, however, there is little the Department can do "as part of its enforcement program" to address the problem of inefficiency and expense in private antitrust litigation. We have tried--unfortunately, with too infrequent success--to persuade judges not to accept pleas of nolo contendere in our criminal actions because judgments of conviction entered upon such pleas are not prima facie evidence against defendants in subsequent civil proceedings, whereas judgments of conviction after trial or on pleas of guilty may be used as prima facie evidence in subsequent treble-damage litigation, which tends to simplify and expedite that litigation. Active judicial control of private litigation, particularly of pretrial proceedings, is an important aid to expediting these cases.

*The Division has decided to seek intervention on the side of the defendant in Falls Cities Industries, Inc. v. Vanco Beverage, Inc., a discriminatory price case under the Robinson-Patman Act. As we understand it, the Division would like the Supreme Court to broaden the "meeting the competition" defense to such allegations. The defendant could avoid liability not by showing that it has met a particular price of a competitor, but showing only that "general competitive conditions" caused the price differential. This could make it very difficult to recover on a Robinson-Patman claim. We were under the impression that the Antitrust Division was an enforcement agency. Why is the Division intervening on the side of the defendant with a theory that could radically reduce the availability of Robinson-Patman relief? If the Division wishes to have the Robinson-Patman Act repealed, would it not be more appropriate to come to the Congress?*

The Department has not intervened, but rather has filed an amicus brief in support of the petition for certiorari in the Falls City Industries case. Our objective is to ensure that the Robinson-Patman Act is not construed in a manner that creates unnecessary interference with vigorous free market competition--the basic and primary premise of the federal antitrust laws, which are the Department's responsibility to enforce. While there is some tension between the objectives reflected in the Robinson-Patman Act on the one hand and the Sherman Act on the other, the Department has not recommended, either explicitly or implicitly, the repeal of the Robinson-Patman Act through its involvement in the cited action.

## Bankruptcy and Economic Concentration

*Over the weekend it was reported that bankruptcies among businesses in this country are up significantly, in part caused by high interest rates. What steps is the Antitrust Division taking to monitor the sale of these assets to ensure that this recession does not increase in economic concentration?*

The Division's Corporate Finance Unit, among other things, provides advice on corporate and financial matters to assist in our antitrust enforcement activities. In this connection, it monitors the financial press and is generally aware of major bankruptcy proceedings, particularly in situations where significant units or assets are to be sold. In many cases, the Corporate Finance Unit in analyzing whether a company qualifies as a "failing company" has full information not only of the plans to sell the assets, but of the identified prospective purchasers as well. When a prospective purchaser raises Section 7 problems, an effort is made by the Corporate Finance Unit and Division attorneys to determine whether a less objectional purchaser (from the competitive standpoint) is available.

## QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

## Antitrust Division

## Field Offices

*What is the status of the proposed closing of several regional antitrust offices?*

*Which ones will be closed or merged with the area U.S. Attorney offices? When will they be closed?*

*What savings will be achieved through these closings? Will the closing of these offices send a negative signal to consumers and small businesses about the government's commitment to maintaining competition in the country?*

There are no plans to close additional Antitrust Division field offices.

## Bid-rigging Prosecutions

*The other day the Attorney General pointed to the Division's activities in bid-rigging as evidence that the Division was indeed active in its pursuit of antitrust violations. When were the investigations of these violations initiated? Given the localized nature of those bid rigging violations, why didn't the Division choose to conserve its resources, and send additional cases to the local U.S. Attorneys or State Attorneys General for prosecution?*

The first grand jury investigation into bid rigging activities was authorized on March 8, 1979, in the Middle District of Tennessee. Many investigations have been authorized during the three intervening years; the most recent was authorized on February 11, 1982.

When we initiated our first investigation into bid rigging, we had no idea that the activity would be so widespread and extend into so many states. In many of these cases, leads from contractors in one state enabled us to initiate investigations in other states. As a result of our early activity in these cases, we have developed a certain amount of expertise in investigating and trying these cases. Moreover, there is a common modus operandi associated with these cases and our experience in one case has helped us in others. In addition, we have developed extremely useful and valuable relationships with the FBI and the U.S. Department of Transportation which have enabled us to handle these matters most efficiently and expeditiously. Finally, by coordinating all of these investigations through the Office of Operations, we have ensured that the same standards of indictment and sentence recommendations have prevailed even though different jurisdictions are involved.

*How many investigations of possible antitrust violations have been initiated in the last year? How many of these are going forward?*

A total of 76 preliminary inquiry investigations, 16 grand jury investigations, and 12 civil investigations have been opened since October 1, 1981.

Also, 64 preliminary inquiry investigations, 16 grand jury investigations, and 11 civil investigations are ongoing.

*Your justifications indicated that the Division is in the process of rewriting the 1968 merger guidelines. You state that under the old guidelines, freedom of businesses to undertake competitively unobjectionable mergers was unjustifiably inhibited and, more seriously, economically desirable mergers were deterred. Could you supply for the record a summary of what changes you have planned? Will these changes require Congressional review?*

The Department's merger guidelines were issued in 1968 to help the bar and the business community understand our likely enforcement intentions with respect to mergers and acquisitions. At that time, it was expressly contemplated that those guidelines would be revised to take into account future developments. Although the Department's enforcement policies have continued to evolve with new economic thinking and judicial interpretations of the Clayton Act, our merger guidelines unfortunately have remained unchanged since they were first published. As a result, they are now substantially at variance with the state of the law, with current economic knowledge, and with the Department's actual enforcement practices. This situation has contributed to confusion and uncertainty in the business community, and it should be corrected.

Accordingly, we are now devoting substantial efforts to revising the merger guidelines. Through this process, we hope to reduce uncertainty and to bring the Department's published enforcement standards into line with the current state of economic knowledge. This revision will have the additional benefit of making the guidelines correspond more closely with current developments in the law and actual Department enforcement practice.

The ultimate goal of our efforts is to develop a concise statement of the analysis that the Department will undertake in assessing the likely competitive effects of a merger or acquisition. The trend in the case law has been toward a more realistic assessment of actual competitive conditions and away from talismanic reliance on a limited set of mathematical indicators. Formulating a manageable set of standards to reflect our analysis is a task we consider essential if we are to provide accurate guidance as to our enforcement intentions in this area.

This process is a complicated and difficult one, and it is still too early for us to describe how the revised guidelines will look. We are reluctant to risk additional and unnecessary confusion by discussing specific formulations that are under review. We can, however, describe some of the issues which we are attempting to incorporate into the analysis. As you know, before the probable competitive effects of any merger can be assessed, the market within which competition takes place must be defined. Therefore, we

are attempting to develop definitions for product and geographic markets that, when applied, will reflect as accurately as possible the actual state of competition in those markets. We are also searching for the most helpful ways of expressing and understanding the structure of individual markets, taking into account such factors as the number and size distribution of firms, including the merging firms. Factors other than these concentration data are relevant to the probable competitive effects of a transaction, and we accordingly are attempting to isolate the most important of these and formulate manageable standards incorporating them. Among the factors under consideration are the rate of technological change, the amount of capital which must be put at risk to enter the market, the stability of relative market shares over time, the durability and restorability of the product, and the growth rate of sales in the individual market and related markets. Revised guidelines dealing with such issues should be of substantial assistance to the business community and the antitrust bar, and should deter anticompetitive mergers without unnecessarily deterring transactions that may contribute to productivity, cost reduction and consumer welfare.

The changes to the merger guidelines that are contemplated will not require Congressional review, because they do not change the law but only state the Division's enforcement policy. However, draft guidelines will be forwarded to the Judiciary Committees and the Appropriations Committees for comment before they are finally adopted.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## Antitrust Division

## Investigative Techniques

*On page 11 of the justifications reference is made under the program concerning terminations of private cartel behavior to various investigative techniques, such as staff and FBI investigations, civil investigative demands, and grand jury investigations. To what extent was the FBI utilized in antitrust investigations during FY 1981? How many staff years did they devote to antitrust cases and in what capacity did they participate?*

The FBI was utilized in a number of antitrust investigations during FY 1981. Although we do not maintain records as to the number of such investigations, typical functions performed by the FBI include:

- Conducting interviews of individuals and firms in both initial and advanced stages of both civil and criminal investigations;
- Assisting in document searches and reviewing such documents for possible violations of law and evidentiary material;
- Conducting financial audits and appearing as trial witnesses where appropriate;
- Utilizing sophisticated investigative techniques, which may include consensual and non-consensual electronic surveillance;
- Reviewing the records of antitrust witnesses and defendants for possible past criminal convictions.

There has been some fluctuation in the amount of work effort expended by the FBI in support of these investigations over the past several years. According to the FBI's records, 10.4 total agent workyears were expended in FY 1981 for cases involving antitrust matters and each such investigation involved a direct request from the Antitrust Division.

## Use of Paralegals

*To what extent are paralegals used in investigations and document analysis by the Division? How many are employed by the Division?*

Paralegal support is heavily utilized by the Antitrust Division. Duties include logging documents, digesting transcripts, performing legal and factual research, preparing draft briefs, memoranda and findings of fact, and organizing materials to be used as evidence. Currently, 79 paralegals are employed by the Antitrust Division in Washington and the field offices. The average salary level of the paralegals is \$21,055, compared to \$42,378 for attorneys. Overall, there is approximately one paralegal for every five attorneys employed.

At the end of 1979, the Antitrust Division had reached a ratio of one paralegal to 3.5 attorneys. At that time, extremely large cases and inquiries were underway, including U.S. v. AT&T, U.S. v. IBM, U.S. v. CBS, et al., the international oil investigation and the ocean shipping grand jury. Since attrition for paralegals generally exceeds that for attorneys, the various hiring freezes that the Division has been operating under during the past two years have resulted in the ratio decreasing to its present 1:5 level. However, since paralegal commitments of the size made in AT&T and IBM are not anticipated in the near future, the number of documents to be screened per case will be smaller and therefore not as many paralegals are necessary as in prior years.

The paralegals currently employed by the Division are, as a group, highly qualified and well experienced in their work, and provide an effective level of legal support for the caseload at hand.

#### Use of Word Processing Equipment and Computers

*What other steps has the Division taken to increase its efficiency and the timeliness of investigations, such as, increased use of word processing equipment and computers? How much did you spend on word processing and computers in FY 1981 and are you planning any program increases in these areas for FY 1982 and FY 1983?*

The Division continues to pursue an aggressive program to increase efficiency through the use of current technology in word processing and automation.

The Division has made significant progress in its effort to standardize word processing systems throughout the organization. At this time, all field offices and much of the Washington headquarters office are all using standard procedures and compatible Wang systems. These systems are equipped with telecommunications which allow the rapid exchange of documents throughout the Division. We anticipate 100 percent compatibility by mid-FY 1983.

Computer support is an important resource within the Division. The Division's Information Systems Support Group provides a broad range of litigation support services for virtually all aspects of anti-trust matters. The same Wang systems which support our word processing functions are also fully capable minicomputer systems which enable the Division to provide automated support to any requirement regardless of size or complexity. In addition, the Division has a full-service ADP time-sharing contract to provide automated services for the largest requirements. Computer support techniques played an important role in the U.S. v. AT&T effort.

These word and data processing systems provide the attorney staff excellent support capabilities and thus contribute to the increased efficiency and timeliness of all aspects of our work.

During FY 1981, the Antitrust Division devoted approximately \$8.2 million to litigation support, case management, and related information activities. It is expected that the settlement of the AT&T case and the closing of the IBM matter, combined with overall re-

ductions in ADP equipment-related expenditures and management efficiencies, will result in a total FY 1982 requirement of only \$6.7 million in these areas. The Division expects to be able to provide these services at the present level during FY 1983.

#### AT&T Settlement

*On page 20 of the justifications reference is made to the AT&T settlement. What effect will this settlement have on the Judgment Enforcement program?*

Under the terms of the proposed consent modification, six months after the entry of the modification, AT&T is to submit a plan of reorganization to the Department for its approval. That plan, in turn, is to provide for a reorganization of AT&T and subsequent divestiture of the 22 Bell operating companies within 18 months after entry to the modification, i.e., 12 months after submission of the plan. Since entry of the consent modification, if at all, is likely to come during the Spring, both AT&T's submission of its reorganization plan and our review of the plan and its subsequent implementation (if approved) are likely to occur almost entirely within FY 1983. During this time, we expect to devote all necessary resources to our implementation of this process. At the same time, we intend to maintain with full vigor our present comprehensive judgment enforcement and revision program. At times, the resources devoted to the AT&T settlement may equal or exceed those devoted to the remainder of our judgment program. Resources for supervision of the AT&T settlement efforts during FY 1983 will, however, be derived from the program category Preservation of Competitive Market Structure rather than from our Judgment Enforcement category, due to the unique resource requirements arising during FY 1983 under the AT&T settlement.

WEDNESDAY, MARCH 10, 1982.

### FEES AND EXPENSES OF WITNESSES

#### WITNESSES

KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

#### BUDGET REQUEST

Mr. SMITH. The next item we will consider is Fees and Expenses of Witnesses. The request is \$35,400,000 for fiscal year 1983, an increase of \$7,479,000 above the amount provided for fiscal year 1982 under the Continuing Resolution. We will insert the justifications at this point in the record.

[The "Fees and Expenses of Witnesses" justifications follow:]

(353)

Department of Justice  
Fees and Expenses of Witnesses  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Summary Statement.....	1
Proposed Authorization Language.....	2
Proposed Appropriation Language.....	3
Crosswalk of 1982 Changes.....	4
Summary of Requirements.....	5
Justification of Program and Performance.....	6
Priority Rankings.....	10
Justification of Adjustments to Base.....	11
Financial Analysis of Increases.....	12
Summary of Requirements by Object Class.....	13

Fees and Expenses of Witnesses

Summary Statement

Fiscal Year 1983

Fees and Expenses of Witnesses is requesting, for 1983, a total of \$35,400,000. This request represents an increase of \$7,479,000 over the 1982 appropriation.

The purpose of the Fees and Expenses of Witnesses appropriation is to pay the fees and expenses of witnesses who appear on behalf of the Government in all cases to which the United States is a party. The activities are administered by the concerned Departmental organization.

Fees and Expenses of Witnesses contains four budget activities: Fact Witnesses, Protection of Witnesses, Expert Witnesses and Mental Competency Examinations.

1. Fact Witnesses: These witnesses testify as to events or facts about which they have personal knowledge. A program increase of \$1,598,000 is requested to provide attendance fees for an increase of approximately 4,000 witness-attendance-days at \$30 per day, for travel cost increases not covered by the travel-airfare uncontrollable factor, and for increased per diem and mileage costs associated with the projected increase in attendance days.
2. Protection of Witnesses: The Attorney General provides for the security of Government witnesses or potential Government witnesses and their families when their testimony concerning organized criminal activity may jeopardize their personal security. A program increase of \$1,712,000 is requested to provide for a significant increase in the number of months that witnesses must be maintained in the program because of the difficulty of obtaining positions of employment and, increased costs associated with the travel, subsistence, relocation, housing and medical expenses of program participants and their families.
3. Expert Witnesses: The testimony of expert witnesses is used in trials where technical or scientific expertise is required in the defense or prosecution of a case. A program increase of \$2,493,000 is requested to provide for an increase in the number of cases using expert witnesses, an increase in the number of witnesses (and support personnel to assist them) used per case, increases in the rates charged by expert witnesses and, the increased costs associated with the travel, lodging and subsistence paid to expert witnesses.
4. Mental Competency Examinations: Fees of physicians and psychiatrists are paid for examining accused persons upon order of the court to determine their mental competency to stand trial. A program increase of \$107,000 is requested to provide for a projected increase in the number of court proceedings involving mental competency as an issue and for increases in psychiatrists' fees.

Fees and Expenses of Witnesses

Proposed Authorization Language

The following authorization language is requested for Fees and Expenses of Witnesses:

For Fees and Expenses of Witnesses, including:

(a) expenses, mileage, compensation, and per diems of witnesses in lieu of subsistence, as authorized by law;

(b) including advances of public moneys:

\$35,400,000,

(c) but no sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

Fees and Expenses of Witnesses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include the proposed changes in the appropriation language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Fees and Expenses of Witnesses

For expenses, mileage, compensation, and per diems of witnesses  
and for per diems in lieu of subsistence, as authorized by law,  
including advances; [\$27,921,000].

\$35,400,000

No substantive changes proposed.

Fees and Expenses of Witnesses

Crosswalk of 1982 Changes  
(Dollars in thousands)

<u>Activity</u>	<u>1982 President's Budget Request</u>	<u>Congressional Appropriation Actions on 1982 Request</u>	<u>Reprogrammings</u>	<u>1982 Appropriation Anticipated</u>
1. Fact Witnesses.....	\$10,948	\$2,073	...	\$13,021
2. Protection of Witnesses.....	6,756	1,144	...	7,900
3. Expert Witnesses.....	7,955	-1,255	...	6,700
4. Mental Competency Examinations.....	231	69	...	300
Total.....	25,890	2,031	...	27,921

358

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The increments shown reflect the differences between Congressional action and the President's Revised 1982 Budget Request (September 1981) which, for the Fees and Expenses of Witnesses appropriation, represented a 12-percent reduction below the March budget.

Fees and Expenses of Witnesses

Summary of Requirements  
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....	\$27,921
Uncontrollable increases:	
Travel costs - airfare increases.....	526
General pricing level adjustment.....	<u>1,043</u>
Total, uncontrollable increases.....	<u>1,569</u>
1983 base.....	<u>29,490</u>

<u>Estimates by budget activity/ program</u>	<u>1981 Enacted</u>	<u>1981 Actual</u>	<u>1982 Appropriation Anticipated</u>	<u>1983 Base</u>	<u>1983 Estimate</u>	<u>Increase/Decrease</u>
1. Fact Witnesses.....	\$14,201	\$13,555	\$13,021	\$13,547	\$15,145	\$1,598
2. Protection of Witnesses.....	8,821	8,566	7,900	8,453	10,165	1,712
3. Expert Witnesses.....	9,777	8,010	6,700	7,169	9,662	2,493
4. Mental Competency Examinations.....	<u>401</u>	<u>258</u>	<u>300</u>	<u>321</u>	<u>428</u>	<u>107</u>
Total.....	<u>33,200</u>	<u>30,389</u>	<u>27,921</u>	<u>29,490</u>	<u>35,400</u>	<u>5,910</u>

Fees and Expenses of Witnesses

Justification of Program and Performance

	<u>1982 Appropriation Anticipated</u>	<u>1983 Base</u>	<u>1983 Estimate</u>	<u>Increase/Decrease</u>
Fact Witnesses.....	\$13,021	\$13,547	\$15,145	\$1,598

Long-Range Goal: To maximize the effectiveness of the Department's litigative program by providing fact witnesses for criminal and civil trials.

Major Objectives:

To provide adequate resources for payment of fact witnesses who testify on behalf of the Government.

To provide for payment to a sufficient number of witnesses for the United States to be adequately represented in legal proceedings.

Base Program Description: The testimony of fact witnesses is used in court proceedings by the Department's legal divisions and district offices of the U.S. Attorneys. Fact witnesses are used primarily in criminal proceedings where the defendant is accused of violating Federal law. Payments to witnesses are intended to defray the costs of appearing to testify on behalf of the Government. Attendance fees are \$30 per court day; amounts authorized for per diem and mileage are set by the regulations governing official travel by Federal employees.

Program Changes: The requested program increase of \$1,598,000 for this activity is based upon a projected increase of approximately 4,000 witness-attendance-days and a review of financial data for the past several fiscal years which indicate a 23-percent increase in per-day costs associated with travel (only a portion of which is provided for by the travel-airfare uncontrollable factor), per diem, actual subsistence, mileage and miscellaneous expenses to be paid to fact witnesses for the more than 147,000 witness-attendance-days estimated to be needed in 1983.

	1982 Appropriation Anticipated	1983 Base	1983 Estimate	Increase/Decrease
Protection of Witnesses.....	\$7,900	\$6,453	\$10,165	\$1,712

Long-Range Goal: To enhance the Department's organized crime program by obtaining testimony from potentially endangered or threatened witnesses.

Major Objectives:

To obtain testimony which can be used to prosecute persons accused of organized criminal activity.

To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal safety.

Base Program Description: The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the U.S. Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. Rates are authorized by the Assistant Attorney General for Administration.

Program Changes: The requested program increase of \$1,712,000 for this activity is required to provide for: the sharp escalation of subsistence costs (e.g., food, clothing and personal care) which are approximately 33-percent of the program's total costs; increased housing expenses (e.g., rent, utilities, furniture, etc.) which are approximately 19-percent of all program costs; increasing dental and medical expenses (approximately 11-percent of all program costs); the rising cost of relocating individuals; and travel to and from the location at which testimony is given. In addition, the average number of months that witnesses remain in the program has increased from 12.56 months during FY 1979 and 14.70 months in FY 1980 to 16.42 months in April of 1981 and 17.70 months at the end of FY 1981. Thus, although the number of witnesses admitted to the program each year has (under strict departmental guidelines for admission) generally been stabilized, the increase in the average number of months that a witness remains in the program results in a larger number of witnesses requiring support during a given fiscal year. This increase in the average number of months that witnesses must be maintained is primarily due to (a) the implementation of a policy of "due-process termination" of funding and, (b) the difficulty of obtaining employment for program participants in light of the current state of the economy. Under "due-process termination", there is a three-month period during which notification to the Criminal Division's Office of Enforcement Operations (OEO) and the sponsoring attorney is made; the OEO response is received; written notification to the witness is made; response from the witness is received; and termination is finally accomplished based on the fact that the U.S. Marshals Service has met all requirements to formally terminate the witness protection agreement.

	1982 Appropriation Anticipated	1983 Base	1983 Estimate	Increase/Decrease
Expert Witnesses.....	\$6,700	\$7,169	\$9,662	\$2,493

Long-Range Goal: To improve the ability of the Department's litigating units to represent the United States' interests in cases involving complex and/or technical issues.

Major Objectives:

To provide expert witnesses to testify on behalf of the United States in legal proceedings where scientific or technical expertise is necessary.

To provide matching expert opinions to those presented by opposing counsel.

Base Program Description: This program provides for the fees and expenses of expert witnesses who appear on behalf of the Government when technical or scientific expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts both to testify and to refute the non-legal particulars of individual cases.

Program Changes: The requested program increase of \$2,493,000 for this activity is based upon an analysis of data for FY 1979 through FY 1981. The number and complexity of cases involving expert witnesses are rising as the Department pursues prosecutions in such matters as white-collar crime, public corruption, environmental pollution, tax fraud, deprivation of civil rights, and fraud against the government. A survey of the U.S. Attorneys' and the legal divisions' use of expert witnesses indicates that other increasing variables include the number of expert witnesses per case, the extent of their involvement, and the rate at which they are compensated. From FY 1979 to FY 1981: the total number of expert witnesses rose from 2,159 to 3,299, a 53-percent increase; the total number of cases using expert witnesses rose from 1,855 to 2,593, a 40-percent increase; total expenditures for expert witnesses increased from \$4.9 million to over \$8 million, a 63-percent increase; the average cost per expert witness rose from \$2,035 to \$2,746, a 35-percent increase; the average number of days an expert witness was used rose from 5.8 days to 11.5 days, an increase of 98-percent. In FY 1979, 9.9 percent of all cases using expert witnesses used more than one expert witness as compared to 11.7 percent in FY 1981. Because of increased case complexity, the number of witnesses paid in excess of \$10,000 (because of increased time required for the preparation of testimony) has grown by 510 percent. This increased use of experts is required in order to compensate for the increased use of experts by opposing counsel. This increased use, together with the increases in the fees charged by experts, rising travel costs, and increased use of sophisticated computer support systems to assist the expert's preparation of testimony, requires funding at the requested level.

	1982 Appropriation Anticipated	1983 Base	1983 Estimate	Increase/Decrease
Mental Competency Examinations.....	\$300	\$321	\$428	\$107

**Long-Range Goal:** To guarantee the rights of accused persons to a fair and impartial trial by ensuring their competency to stand trial.

**Major Objective:**

To pay the fees of physicians and psychiatrists for court-ordered examinations concerning the mental competency of accused persons, pursuant to 18 U.S.C. 4244-4248.

**Base Program Description:** Court-ordered mental competency examinations are administered to assure that persons charged with an offense are mentally capable of understanding the proceedings against them and will be able to assist in their own defense.

**Program Changes:** The requested program increase of \$107,000 for this activity is based upon an analysis of financial data for the past several fiscal years and assumes that (a) increased Department emphasis in the area of violent crime will generate an increase in the number of criminal proceedings involving mental competency as an issue, and (b) psychiatrists' fees will increase at a rate greater than that provided for by the general pricing level factor. While the actual need for 1983 cannot be readily predicted since this activity is a function of the number of court-ordered evaluations, trends over the past several years indicate that funding at the requested level is essential to ensure the Department's ability to meet its statutory obligations to pay for mental competency examinations.

Fees and Expenses of Witnesses

Priority Rankings

<u>Base Program</u>	
<u>Program</u>	<u>Ranking</u>
Protection of Witnesses	1
Fact Witnesses	2
Expert Witnesses	3
Mental Competency Examinations	4

<u>Program Increases</u>	
<u>Program</u>	<u>Ranking</u>
Protection of Witnesses	1
Fact Witnesses	2
Expert Witnesses	3
Mental Competency Examinations	4

**CONTINUED**

**5 OF 20**

Fees and Expenses of Witnesses

Justification of Adjustments to Base  
(Dollars in thousands)

Uncontrollable increases:

- |   | <u>Amount</u> |
|---|---------------|
| 1. Travel costs - airfare increases.....  | \$ 526        |
| Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that, despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15-percent over the 1982 budgeted amount of \$3,507,000. ( $\$3,507,000 \times .15 = \$526,000$ )   |               |
| 2. General pricing level adjustment.....  | 1,043         |
| This request applies to OMB pricing guidance as of August 1981 to selected expense categories. This increase results from applying a factor of 7-percent against the 1982 projections for the Protection of Witnesses, Expert Witnesses and Mental Competency Examination activities since the prices that the Government pays in these activities are established through the market system instead of by law or regulation (e.g., contracts with the private sector, transportation costs, utilities, medical, and housing expenses, etc.). |               |

This adjustment has been computed as follows:

<u>Activity</u>	<u>1982</u> <u>Appropriation</u> <u>Anticipated</u>	<u>x</u>	<u>GPL Factor</u>	<u>=</u>	<u>Uncontrollable</u> <u>GPL Adjustment</u>
Protection of Witnesses.....	\$7,900		.07		\$553
Expert Witnesses.....	6,700		.07		469
Mental Competency Examinations...	300		.07		21
<b>Total.....</b>					<b>1,043</b>

<b>Total, uncontrollable increases.....</b>	<b>1,569</b>
<b>Total, adjustments to base.....</b>	<b>1,569</b>

365

Fees and Expenses of Witnesses

Financial Analysis - Program Increases  
(Dollars in thousands)

Item	Fact Witnesses	Protection of Witnesses	Expert Witnesses	Mental Competency Examinations	Total
Special services pay.....	\$118	\$1,712	\$2,493	\$107	\$4,430
Travel and transportation of persons....	1,480	...	...	...	1,480
Total.....	1,598	1,712	2,493	107	5,910

Fees and Expenses of Witnesses

Summary of Requirements by Object Class  
(Dollars in thousands)

<u>Object Class</u>	<u>1982 Estimate</u>	<u>1983 Estimate</u>	<u>Increase/Decrease</u>
11.8 Special personal services payments.....	\$19,197	\$24,670	\$5,473
21.0 Travel and transportation of persons.....	8,724	10,730	2,006
Total obligations.....	27,921	35,400	7,479
Relation of obligations to outlays:			
Obligated balance, start-of-year.....	5,956	6,514	
Obligated balance, end-of-year.....	-6,514	-7,102	
Outlays.....	27,363	34,812	

367

## GENERAL STATEMENT

Mr. SMITH. Mr. Rooney, do you have a statement?

Mr. ROONEY. I do, Mr. Chairman. I have a rather brief statement which I will read.

I am pleased to support here this afternoon the 1983 budget request for the Fees and Expenses of Witnesses appropriation. The 1983 request for the appropriation is \$35,400,000, an increase of \$7,479,000 over the anticipated 1982 appropriation of \$27,921,000. The 1983 request consists of an uncontrollable increase of \$1,569,000 and program increases of \$5,910,000.

This appropriation is used by all of the Department's litigating organizations for the payment of fact and expert witnesses, for the protection of witnesses in the Witness Security Program, and for witnesses testifying on the results of mental competency examinations of defendants.

A program increase of \$1,598,000 is requested for the Fact Witness activity to provide for an increase in the number of witness-attendance days and for the corresponding cost of increased travel, per diem and mileage expenses associated with fact witness testimony.

An increase of \$2,493,000 is requested for the Expert Witness activity to provide for increases in the number of cases using expert witnesses; the number of witnesses used per case; the rates charged by experts; and the increased costs associated with the travel, lodging and subsistence paid to expert witnesses.

We are requesting an increase of \$1,712,000 for the Protection of Witnesses activity to provide for increased costs associated with the travel, subsistence, relocation, housing and medical expenses of protected witnesses and their families.

Finally, an increase of \$107,000 is requested for the Mental Competency Examination activity to provide for a projected increase in the number of court proceedings involving mental competency as an issue and for increases in psychiatrists' fees.

This concludes my statement, Mr. Chairman. I will be pleased to answer any questions which you or Members of the subcommittee may have.

## COST OF WITNESS INCREASE

Mr. SMITH. Is this increase for witness security for more witnesses or for more money per witness?

Mr. ROONEY. It is the result of an increase in the number of months that witnesses must be maintained in the program, primarily because it is getting more difficult to find them employment. In addition to this extension of the period of time that protected witnesses are actively engaged in the program, the cost of subsistence has been increasing.

Mr. SMITH. What about expert witnesses; is the request for a larger number or for more money per witness?

Mr. ROONEY. It is an increase in not only the number of expert witnesses, but the number of cases that use expert witnesses, and the cost per witness.

Mr. SMITH. Why is this?

Mr. ROONEY. More complex litigation is the primary contributor.

Mr. SMITH. Trials are taking longer?

Mr. ROONEY. Trials are taking longer, generally. However, in these more complex cases, our opposing counsel are using more experts. In many instances, that places the burden upon us to provide experts.

Mr. SMITH. What kinds of cases are these?

Mr. ROONEY. This is every type of litigation within the department where an expert is required.

Mr. SMITH. Both civil and criminal?

Mr. ROONEY. This includes both civil and criminal litigation, Mr. Chairman, and significant activity in land cases in particular, valuation of land to be exact.

Mr. SMITH. There is going to be a reduction in the number of cases involving valuation of land, isn't there? We don't have as many projects going.

Mr. ROONEY. To some degree, yes; but expert witnesses are also involved in land condemnation cases.

Mr. SMITH. I mean, you don't have as many condemnations as before, do you?

Mr. ROONEY. There is a backlog, as the Lands Division was referencing this morning. They have a very severe backlog, and they are attempting to reduce that backlog with concentrated activity. But the increase applies across the board for all civil and criminal litigation.

Mr. SMITH. These are not Indian lands cases; you are talking about construction projects?

Mr. ROONEY. It could be anywhere an expert is needed to provide valuation testimony. A point was made that the cost of the Guam land cases was \$500,000 alone.

Mr. SMITH. Is that for condemnation of land for a naval base or something?

Mr. SHAFFER. If I may, it was the reappraisal of land which was acquired during World War II. There have been suits since then, and we had to go back and reappraise the land. It cost us over a half-million dollars for land appraisers alone in those particular cases. But a lot of these cases also require sophisticated testimony. Some of the experts are using computer analyses and things of this nature.

Mr. SMITH. In that kind of case, I guess, the law could not apply where the judge appoints, I think they call it, a commission, and they are entitled to make these settlements? They don't do that in that kind of a case as they do in some construction projects.

Mr. ROONEY. It sometimes does apply. We still have the burden of paying for expert witnesses offering testimony in support of the Government's position.

Mr. SMITH. If they have a trial?

Mr. ROONEY. Exactly.

Mr. SMITH. Thank you. We have some further questions which we are going to submit to you and ask you to answer for the record.

Mr. ROONEY. Thank you, Mr. Chairman.

[Mr. Smith's questions and the answers submitted thereto follow.]

## QUESTIONS FOR THE RECORD BY MR. SMITH

## Uncontrollable Increases

Page 11 of the justifications indicates a requested increase of \$1,569,000 for uncontrollable items. Could you explain to the Committee what these uncontrollable increases are?

The requested increase of \$1,569,000 for uncontrollables is comprised of:

- (a) \$526,000 for projected increases in airfare rates associated with the transportation of fact witnesses to the trial site. This increase is based upon the Civil Aeronautics Board's estimate that 1983 airfare rates will increase 15 percent over the 1982 rates, and
- (b) \$1,043,000 for anticipated increases in the costs that the Government will have to pay for items and services utilized in association with the operations of the protection of witnesses, expert witness, and mental competency examination activities. This estimated increase was developed by applying a factor of seven percent to the 1982 estimate for items and services, the prices of which are established through the market system instead of by law or regulation, e.g., contracts with the private sector, medical and dental expenses, and housing expenses.

## Program Increases

On page six of the justifications an increase of \$1,598,000 is requested for fact witnesses based upon a projected increase of approximately 4,000 witness attendance days, as well as an increase in the per day costs. The justifications for the legal divisions and the U.S. Attorneys do not indicate any request for additional positions. In addition, the workload statistics do not indicate a great increase in the number of trials or grand jury proceedings. Therefore, what is the basis for your projection of 4,000 witness attendance days?

The projected increase of 4,000 witness attendance days (an increase of only 2.7 percent) will permit funding for witness attendance days equal to the number funded in 1981. The projected increase is based on an estimated increase in the number of days which detained witnesses must be held, and paid the attendance fee, while waiting to testify at a trial. This slight increase is a result of backlogs in the judicial system and an increase in the number of aliens detained pending their testimony as witnesses for the government in deportation hearings and alien smuggling cases.

Page seven of the justifications shows a requested increase of \$1,712,000 for protection of witnesses. How much of this increase is due to increases in subsistence and housing costs, and what inflation factor did you use in estimating the increase for those items?

Subsistence and housing costs comprise approximately 50 percent of the cost of the protection of witnesses activity. A standard inflation factor of seven percent was used to develop the 1983 projection.

You state that the number of witnesses admitted to the protection of witnesses program has generally been stabilized. How many witnesses were in the program in FY 1981, what is the estimate for FY 1982, and what is the estimate for FY 1983?

Generally, the number of witnesses admitted to the Witness Security program in a given fiscal year has been stabilized. The number of witnesses funded/maintained in the program is increasing. This is primarily the result of the difficulties that the U.S. Marshals Service has encountered in its attempts to obtain employment for witnesses during the current economic conditions.

In FY 1981, a total of 1,052 witnesses (principals) were funded/maintained in the program. For FY 1982, it is estimated that the program will fund/maintain approximately 1,184 witnesses. In FY 1983, it is estimated that the program will fund/maintain approximately 1,344 witnesses.

How much of the increase for the protection of witnesses item is due to an increase in the average number of months that witnesses must be maintained? Is this increase due to the current economic conditions?

Approximately 30 percent of the projected increase in costs for the protected witnesses activity can be associated with the increase in the number of months that a witness must be maintained in the program. This increase is primarily due to the difficulty of finding suitable employment for witnesses within the confines of the current economic conditions.

On page eight of the justifications, you indicate a requested increase of \$2,493,000 for expert witnesses. How much of this increase is due to an increase in the number of expert witnesses that you estimate will be needed in 1983? How much of the increase is associated with increased fees that are charged by expert witnesses for their services?

We cannot assign a particular portion of the requested increase for expert witnesses as directly attributable either to an increase in the number of expert witnesses or to increased fees charged by expert witnesses. This is because the budget estimates for this activity are traditionally calculated based upon averages derived from an analysis of expenditures for the activity as a whole over the past several years. While increases in the number of experts and increases in fees contribute to the projection, the average length of time that an expert is utilized, and the cost of expert expenses (as opposed to fees) for items such as computer support, research assistants, travel, etc., have also increased. Because each of these factors varies significantly from expert to expert, and case to case, we base projections of expenditures on the activity as a whole.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## Protection of Witnesses

*How does the Protection of Witnesses program, which is funded out of this appropriation, differ from the Witness Security program that is funded out of the appropriation for U.S. Attorneys and Marshals?*

The Protection of Witnesses portion of the Fees and Expenses of Witnesses appropriation is used to provide for the financial maintenance of government witnesses and their families. This includes:

- a. Subsistence expenses including food, clothing and personal care;
- b. Housing expenses including rent, phone, and furniture rental or house furnishings;
- c. Medical and dental expenses;
- d. Travel expenses of the protected witnesses and their families;
- e. Documentation expenses for changing the identity of protected witnesses and their dependents including birth records, driver's licenses, car registrations, school and employment records;
- f. One-time relocation expenses including security deposit fees for housing, utilities, furniture, and emergency motel and subsistence expenses when the true identity of a relocated protected witness becomes known;
- g. Expenses incident to producing witnesses for pre-trial conferences and trials;
- h. Movement of household goods and storage expenses;
- i. Employment expenses incident to obtaining job opportunities for protected witnesses; and
- j. Other miscellaneous expenses not specifically identified above, including any necessary costs for maintenance of safe houses for witnesses.

The Witness Security program within the U.S. Attorneys and Marshals appropriation provides funds for the salaries and expenses of the U.S. Marshals Service employees responsible for the administration of the maintenance activities described above. This includes the deputy U.S. Marshals assigned to provide physical protection witnesses when in a danger zone; the witness security specialists that provide documentation and mail forwarding services, employment and housing assistance, etc.; the development of statistical and financial reports concerning the operation of the Witness Security program; the operation of computer systems; and the cost of other administrative functions and personnel involved in the day-to-day operation of the Witness Security program.

*What are the guidelines for administering the Protection of Witnesses program?*

Once a witness is admitted to the Witness Security program (under procedures and guidelines established within the Criminal Division's Office of Enforcement Operations), the United States Marshals Service's (USMS) protection and maintenance responsibilities are carried-out under general guidelines established in a series of Departmental Orders (primarily OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures") and specific guidelines contained in a series of USMS Orders and in the USMS's Witness Security Manual (sensitive and controlled documents). These orders detail accounting and financial management procedures, approval procedures, etc. The basic authority for the Attorney General to provide for the security of government witnesses is contained in Title V of Public Law 91-452, and his authority to use appropriations of the Department for the payment of witness expenses is found at Title 28 USC 524.

*What is the new policy of "due process termination" of funding under this program?*

The Department initiated the "due process termination" policy in the summer of 1979. Under "due process termination", when a witness obtains employment and the United States Marshals Service (USMS) determines that it has fulfilled its commitments as detailed in the "memorandum of understanding" signed by the witness at the time of entry into the program, there begins a three-month period during which the USMS gives notification of the proposed termination of funding to the Criminal Division's Office of Enforcement Operations (OEO) and the sponsoring attorney; the OEO response is received; written notification to the witness is made; response from the witness is received and considered; and termination is finally accomplished based on the fact that the USMS has met all of its commitments to the witness. Due process termination has been upheld in trials and decisions in favor of the USMS and the Justice Department.

WEDNESDAY, MARCH 10, 1982.

**COMMUNITY RELATIONS SERVICE**

**WITNESSES**

**GILBERT G. POMPA, DIRECTOR**

**BERTRAM LEVINE, NATIONAL LIAISON AND POLICY DEVELOPMENT OFFICER**

**H. DALE MEEKS, ADMINISTRATIVE OFFICER**

**WALLACE WARFIELD, FIELD OPERATIONS COORDINATOR**

**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION**

**JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF**

Mr. SMITH. The Community Relations Service request is \$5,926,000 for fiscal year 1983 and is an increase of \$426,000 over the amount provided in the Continuing Resolution for fiscal year 1982. We will insert the justification material at this point in the record.

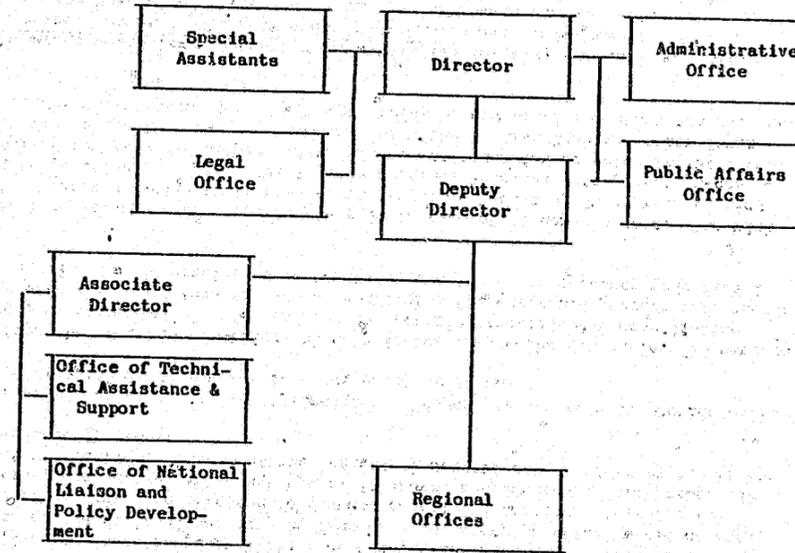
[The Community Relations Service justifications follow:]

(375)

Department of Justice  
Community Relations Service  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Proposed Appropriation Language.....	5
Crosswalk of 1982 Changes.....	6
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Justification of Program and Performance.....	9
Program Resource Information.....	9
Priority Rankings.....	21
Summary of Adjustments to Base.....	22
Justification of Adjustments to Base.....	23
Financial Analysis of Changes.....	27
Summary of Requirements by Grade and Object Class.....	28

COMMUNITY RELATIONS SERVICE



Community Relations Service

Summary Statement

Fiscal Year 1983

The Community Relations Service (CRS) is requesting, for 1983, a total of \$5,926,000, 88 permanent positions and 92 workyears. This request includes uncontrollable increases of \$61,000 over the 1982 appropriation of \$5,500, and a program decrease of 12 permanent positions 10 workyears and \$187,000 from the FY 1983 base level of funding.

The mission of the Community Relations Service (CRS) as established by Title X of the Civil Rights Act of 1964 is to provide assistance to communities in resolving disagreements and difficulties arising from discriminatory practices based on race, color or national origin which impair the rights of citizens and threaten to disrupt peaceful relations. Its services, which consist of on-site conciliation and mediation, are delivered through the field staff, represented by the Technical Assistance and Program Operations programs. Policy direction, management and logistical support are provided by the Executive Direction and Control and Administrative Services programs.

In 1981 CRS was concerned with over 1,800 instances of racial or ethnic difficulties. The agency was able to provide effective conciliation and mediation assistance in 1,022 cases--up 11 percent from the previous year.

Analysis of case trends and field observations from the 10 regional offices clearly indicate that the demand for CRS services will continue to increase. While staff reductions required in 1983 will reduce the agency's resources for conciliating and mediating cases, CRS intends to minimize the effect of this loss in part by continuing its sustained productivity increase of recent years and by making adjustments in case selection priorities so as to lessen the impact of resource reduction in the areas of greatest need.

The need for CRS resources to deal with race relations conflict has appeared to grow in time of economic stress. The risk of social discord--including the possibility of contagious violence--increases with economic hardship, intergroup rivalry for limited jobs and benefits, and the fear and frustration that give rise to scapegoating. Four specific problem areas in which CRS is now experiencing an increased demand for services and in which further increases are expected in 1983, are: 1) police-minority antagonism which impedes the fight against crime; 2) cases involving the Ku Klux Klan and other forms of racial harassment; 3) community resistance to the resettlement of Indo-Chinese refugees and other immigrant groups, and 4) deterrence of racial violence.

1. Overcoming Police-Minority Antagonism to Encourage Community Cooperation Against Crime: Minority communities suffer the highest rates of victimization from violent crime. However, the self-seeding mutual antagonism between local law enforcement agencies and minority citizens hampers the control of crime and is the greatest source of requests for CRS assistance. Allegations of police use of excessive force, and community reactions, are the source of many of the most volatile situations CRS encounters. In addition to helping heal ruptured relationships in communities that have been buffeted by the police force issue, the agency is now moving to help communities avoid preventable tragedies.

Two hundred and sixty instances of excessive force problems were alerted in 1981, an annual increase of 26 percent. At the same time, a CRS emphasis initiated three years ago to reduce problems stemming from charges of excessive force is beginning to show tangible results. Increasingly, police executives are requesting CRS technical assistance. This effort, and the related CRS project area of police-community relations, support the Department of Justice priority of combatting violent crime. CRS believes that with concentrated effort the number of citizens shot by police under circumstances when such action was clearly not necessary can be significantly reduced. Such a dramatic change would permit a significant improvement in the level of police/minority cooperation and permit the flourishing of what should be a natural alliance against those who commit violent street crime.

2. Cases Involving the Ku Klux Klan and Other Forms of Racial Harassment: Alerts involving the Ku Klux Klan and related acts of harassment increased from 8 in 1978 to 44 in 1979, to 96 in 1980, to 117 in 1981--a 22% increase in the past year. In addition to traditional types of conflict with Blacks, the Klan exploits new areas of friction such as those involving undocumented aliens and Indo-Chinese refugees. These cases which have already resulted in bloodshed are increasingly troublesome. Klan recruitment is spreading, and minority opposition grows sharper. Such cases make excessive demands on staff resources--often requiring a team response to assure that violence is avoided. As Klan groups prepare for and blatantly talk the language of "armed defense," Blacks read these manifestations and other instances of intimidation and violence as signs of an uncaring nation indifferent to their fate. Both groups indicate an increased readiness for violent confrontation. CRS is providing technical assistance to local authorities as well as to the executive offices of states where governors are seeking to deal with the problem.

3. Community Resistance to the Resettlement of Indo-Chinese Refugees and Other Immigrant Groups: Local conflicts and disorders accompanying the resettlement of Indo-Chinese refugees continued at an elevated rate in 1981. By 1983 the total number of Indo-Chinese refugees is expected to have reached over 500,000. The demand for CRS assistance is expected to rise as the number of refugees, undocumented aliens, and other immigrant groups residing in the United States increases.

4. Deterrence of Racial Violence: The economies of minority communities in old and blighted cities, being the last to recover from recession, are still likely to be depressed in 1983. These communities, as well as other centers of minority population throughout the country--impacted by joblessness, by overcrowded and sub-standard housing, and by high crime rates, and distressed by growing acts of harassment and hostility by anti-minority segments of the population--are highly susceptible to racial violence. This lingering potential for civil disorder challenges the Federal Government's responsibility for assuring the domestic tranquility. Identified by the Attorney General as the country's "early warning system" with respect to averting civil disorders, CRS maintains ongoing assessments of critical racial tension and helps to siphon off the most volatile cases by conciliating tension-laden conflicts in the most troubled cities.

Community Relations Service

Proposed Authorization Language

The Community Relations Service is requesting the following authorization language:

For the Community Relations Service, \$5,926,000.

Community Relations Service

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include the proposed changes in appropriations language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Community Relations Service

For necessary expenses of the Community Relations Service established by Title X of the Civil Rights Act of 1964, [~~\$5,500,000~~] \$5,926,000

No substantive changes proposed.

Community Relations Service

Crosswalk of 1982 Changes  
(Dollars in thousands)

<u>Activity/Program</u>	<u>1982 President's Budget Request</u>			<u>Congressional Appropriation Actions on 1982 Request</u>			<u>Reprogrammings</u>			<u>1982 Supplementals Requested Program</u>			<u>1982 Appropriation Anticipated</u>		
	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>
<u>Prevention and conciliation of Community Disputes:</u>															
Technical Assistance.....	5	5	\$267	1	1	\$14	...	...	...	...	...	...	6	6	\$281
Program Operations.....	64	64	3,384	10	11	725	...	...	...	...	...	...	74	75	4,109
Executive Dir & Control....	14	14	830	1	2	77	...	...	...	...	...	...	15	16	907
Adminis. Services.....	5	5	194	...	...	9	...	...	...	...	...	...	5	5	203
<b>Total.....</b>	<b>88</b>	<b>88</b>	<b>4,675</b>	<b>12</b>	<b>14</b>	<b>825</b>	<b>...</b>	<b>...</b>	<b>...</b>	<b>...</b>	<b>...</b>	<b>...</b>	<b>100</b>	<b>102</b>	<b>5,500</b>

382

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The increment shown reflects the Congressional action to ensure that no reduction-in-force occurred below current strength, and the 1982 President's Revised Budget (September, 1981) which represented a 12-percent reduction below the March budget.

Community Relations Service

Salaries and expenses

Summary of Requirements  
(Dollars in thousands)

Adjustments to base:

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....	100	102	\$5,500
Uncontrollable increases.....	...	...	615
Decreases.....	...	...	-2
1983 Base.....	<u>100</u>	<u>102</u>	<u>6,113</u>

<u>Estimates by budget activity</u>	<u>1981 Actual</u>		<u>1982 Approp. Anticipated</u>		<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/ Decrease</u>		
	<u>Perm. Pos.</u>	<u>WY Amt.</u>	<u>Perm. Pos.</u>	<u>WY Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt</u>
Prevention and Conciliation of Community Disputes.....	111	114 \$5,540	100	102 \$5,500	100	102	\$6,113	88	92	\$5,926	-12	-10	-\$187

Community Relations Service

Summary of Resources by Program  
(Dollars in thousands)

<u>Estimates by Program</u>	<u>1981 as Enacted</u>			<u>1981 Actual</u>			<u>1982 Approp. Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amt.</u>
Prevention and Conciliation of Community Disputes:																		
Technical Assistance.....	6	6	\$286	6	6	\$286	6	6	\$281	6	6	\$311	5	5	\$274	-1	-1	-\$37
Program Operations.....	81	84	4,040	81	84	4,037	74	75	4,109	74	75	4,526	64	68	4,413	-10	-8	-113
Executive Direction and Control.....	19	18	1,021	19	18	1,021	15	16	907	15	16	1,050	14	14	1,013	-1	-1	-37
Administrative Services.....	5	6	196	5	6	196	5	5	203	5	5	226	5	5	226	...	...	...
<b>Total.....</b>	<b>111</b>	<b>114</b>	<b>5,543</b>	<b>111</b>	<b>114</b>	<b>5,540</b>	<b>100</b>	<b>102</b>	<b>5,500</b>	<b>100</b>	<b>102</b>	<b>6,113</b>	<b>88</b>	<b>92</b>	<b>5,926</b>	<b>-12</b>	<b>-10</b>	<b>-187</b>
Other Workyears																		
Holiday.....	...			...			...			...			...			...		
Overtime.....		1			3			1			1			1				...
Total compensable workyears.....	<u>115</u>			<u>117</u>			<u>103</u>			<u>103</u>			<u>93</u>					<u>-10</u>

384

Community Relations Service  
Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity: Prevention and Conciliation of Community Disputes	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Technical Assistance.....	6	6	\$281	6	6	\$311	5	5	\$274	-1	-1
Program Operations.....	74	75	4,109	74	75	4,526	64	67	4,413	-10	-8	-113
Executive Direction and Control...	15	16	907	15	16	1,050	14	15	1,013	-1	-1	-37
Administrative Services.....	5	5	203	5	5	226	5	5	226	...	...	...
<b>Total.....</b>	<b>100</b>	<b>102</b>	<b>5,500</b>	<b>100</b>	<b>102</b>	<b>6,113</b>	<b>88</b>	<b>92</b>	<b>5,926</b>	<b>-12</b>	<b>-10</b>	<b>-187</b>

This budget activity includes all the resources for carrying out the mission of the Community Relations Service. Funds requested for this activity support personnel involved both at headquarters and in the field in the provision of assistance to communities in resolving disputes, disagreements and difficulties arising from discriminatory practices based on race, color or national origin which impair the rights of citizens and threaten to disrupt peaceful relations. This request will provide CRS with resources to continue to focus on racial disputes in three major program areas: 1) Police/minority confrontation cases, particularly those related to allegations of police use of excessive force; 2) Education cases, particularly problems generated in the aftermath of desegregation; 3) General Community Relations, including such volatile types of cases as those involving Haitian and Cuban immigrants, resettlement of Indo-Chinese refugees, Ku Klux Klan and other forms of minority harassment, and the threat of urban civil disorder.

385

Technical Assistance.....	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
		6	6	\$281	6	6	\$311	5	5	\$274	-1	-1

Long-Range Goal: To provide on-site technical specialists, to improve field staff access to technical materials and resources, to provide regional offices with consultants and citizen experts, to produce technical publications and to maintain a national repository of relevant technical materials developed by local, state and Federal agencies, national organizations and CRS' regional offices.

**Major Objectives:**

- To provide all 10 regional offices with on-site technical assistance by staff specialists and consultant experts.
- To provide regional offices with technical materials and service packages to keep conciliators and mediators abreast of developments relevant to their work.
- To maintain a repository of technical information.
- To produce technical publications and articles on conflict resolution.
- To facilitate staff training sessions in technical areas and training events and conferences on conflict resolution for public officials and community groups.

**Base Program Description:** The Technical Assistance program is implemented by CRS' Office of Technical Assistance and Support (OTAS) which consists of specialists in various problem areas. Such assistance takes the following forms: 1) On-site case support to the assigned conciliator by a staff program specialist in Administration of Justice or Education who not only consults with local education or police officials as a peer, but who can also bring to such contact the experience of working on similar problems in other communities, and a thorough knowledge of all relevant Federal programs; 2) Consultants--individuals who are preeminent in their profession in dealing with a particular area of complexity such as the design and validation of non-culturally biased selection tests; 3) Citizen experts or authorities such as an outside newspaper editor willing to consult with his peers on how the media of his city successfully supported efforts to avoid violent resistance to school desegregation, or a police chief willing to pass on to a colleague his own experience in training his department in new approaches for dealing with small-group racial confrontations in a non-inflammatory manner; 4) Providing conciliators and mediators with knowledge and skill to deal with technical problems of limited complexity, which is done through annual in-service training of regional representatives and regular provision of relevant materials; and 5) Development by the program specialist of specific back-up services for particular cases, in the form of: carefully selected program models; critiques of locally developed program materials; or specially designed service packages.

386

**Accomplishments and Workload:** Accomplishments of the Technical Assistance program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Consultant Days Provided.....	82	23	30	50
Specialist Days Provided.....	105	53	70	50
Items of Technical Information Provided.....	500	500	500	260
Staff members trained.....	20	20	20	10
Technical items published.....	3	1	3	3
Cases utilizing technical assistance materials.....	N/A	126	150	80

In addition to providing ongoing technical support for the case work of all regional offices, OTAS is cooperating in a nationwide effort, now being pursued in 19 cities, to develop and propagate improved techniques and resources to help reduce the problem of excessive use of force by police and the consequential increase in antagonism in the minority community. Through workshops and publications, police and minority organizations were helped to address the problem and to find an approach to its solution. The report of the National Consultation on Police Safety and Force, conducted by OTAS in December 1979, was coordinated by OTAS, was published in 1980 and is currently used as a resource for community programs.

By producing and disseminating technical publications on various aspects of conflict management, OTAS provides program tools which help conciliators and mediators work with local institutions and technical groups. Some of these publications, in the form of how-to-do-it manuals, are designed to be independently instructive so that localities outnumbering those CRS can serve can better deal with their own racial problems.

In 1981 OTAS initiated monthly service information bulletins to keep regional offices apprised of current developments in various program areas, including the findings of significant studies, landmark court cases, new program initiatives, etc.

In 1981 20 conciliators and mediators attended two technical update training programs conducted by OTAS. Such training is then transmitted by the participants to the full staffs of their respective regions.

Program Changes: One program specialist position will be terminated based on the assumption that the steady decrease in the proportion of cases in the Education program area will continue in 1983, lessening the need for a specialist in that area.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Program Operations.....	74	75	\$4,109	74	75	\$4,526	64	67	\$4,413	-10	-8	-\$113

Long-Range Goal: To assist in lessening racial and ethnic community conflict by: preventing or reducing violence; establishing mechanisms for better communication and dispute resolution; providing an alternative to litigation; and helping communities to identify and peacefully address problems that underlie group antagonism.

Major objectives:

To help resolve all community racial-ethnic disputes and difficulties brought to CRS' attention.

To process all alerts received in regional offices.

To assess all alerts which appear to be within CRS' jurisdiction.

To conciliate or mediate all cases which meet CRS case selection criteria.

To provide a cost-effective alternative to litigation of certain Federal civil rights cases.

To identify and provide special assistance to vulnerable communities to reduce the risk of racial violence.

Base Program Description: CRS responds to community racial or ethnic disputes and difficulties through on-site conflict resolution intervention by individual--or teams of--conciliators and mediators based in 10 regional offices. Offices are alerted to problems by public officials or community groups seeking assistance, by a network of resource contacts who have benefited from or witnessed prior CRS service, or through other means. Incidents which satisfy the criteria of an initial screening process undergo an assessment to determine the nature of the issues, whether they are amenable to the CRS process, the cost the conflict is exacting from the community and the CRS resources that would be required. Each situation is tested against standard case entry criteria employed by all regions. Specific case objectives are determined and costs of achievement are estimated before a case is opened.

CRS conciliation techniques are focused on clarifying issues, improving communication, negotiating solutions, catalyzing involvement of the community's own resources, providing or broadening the provision of technical assistance, and training and assisting in contingency planning.

Case experience in 400-500 communities a year, frequent contact with public officials and community leaders, and special analyses enables CRS to maintain appraisals of racial tension around the country. Thus the Attorney General has identified CRS as the Government's "early warning system" with respect to communities facing the risk of civil disorder.

The Administration of Justice Program, and particularly the project areas of Excessive Use of Police Force and Police/Community Relations, will continue to receive the highest priority in 1983. These directly support the Department of Justice priority to combat violent crime since they seek to dissolve the major impediments to improved cooperation between police and minority residents. A third project area is corrections.

The Education Program has two project areas. 1) School Disputes -- As school districts become more heterogeneous as a result of population shifts and desegregation, the educational process is increasingly interrupted by disputes involving students, parents and community groups. CRS' efforts in the area of school disputes are concerned with resolving, minimizing, or preventing conflicts such as those arising from the inclusion or exclusion of ethnic curricula or bilingual instruction, alleged discriminatory disciplinary practices, student racial violence, and allegations of unfair recruitment practices. 2) School Desegregation -- While the need for CRS assistance in resolving community conflict related to school desegregation is declining, the prospect of metropolitan remedies under the authority of U.S. courts and the continuing requirements of some state educational authorities will maintain an active demand for CRS assistance in 1983.

The General Community Relations Program: This category of cases, which has been claiming an increasing proportion of CRS

333

resources, embraces the full spectrum of human endeavor in which racial conflict emerges, including immigration, employment and economic development cases, housing, health and welfare, transportation issues, etc. Also included here are two fast-growing, highly volatile categories of cases--those involving the Ku Klux Klan and other types of racial harassment, and those involving Indo-Chinese refugees.

Accomplishments and Workload: Accomplishments of the Program Operations Program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
New Alerts processed.....				
Assessments conducted.....	1,404	1,548	1,600	1,650
Conciliation cases conducted.....	1,155	1,297	1,344	1,210
Conciliation cases closed.....	890	991	1,040	935
Mediation cases conducted.....	652	792	830	747
Mediation cases closed.....	34	31	30	30
	22	20	19	19

The above table reflects increased productivity in recent years subsequent to intensive management improvement efforts. We expect to see an increasing demand in the form of alerts through 1983, with a decrease in response reflecting staff reductions in 1983.

In 1981 10 regional offices dealt with a continuing upward caseload trend. The number of conciliation and mediation cases conducted in 1981, represent a 10.6 percent increase over the previous year. Case closures in 1981, 812, represent a 20.5 percent increase over the 674 closures in 1980.

While cases increased in all program areas in FY 1981, the greatest increase took place in General Community Relations (GCR), the composite category which includes many of the most rapidly growing kinds of cases. GCR cases made up 44 percent of the CRS caseload in 1981; Administration of Justice (AOJ), cases were 39 percent and Education cases, 17 percent.

Examples of Recent Case Activity:

Clash at Haitian Detention Center - Miami, Florida. Following two protest demonstrations in Miami's "Little Haiti" section in December, 1981, 500 Haitian immigrants stormed the Krome Avenue detention center in Dade County in an apparent attempt to free some or all of the 600-plus of their countrymen under detention. More than one hundred escaped through a fence broken during the confrontation. Following a meeting with the Associate Attorney General and the leadership of the Immigration and Naturalization Service, U.S. Marshals Service and Bureau of Prisons, the Director of CRS led a staff team to Miami to assess the community relations implications of the illegal Haitian immigration. Assistance was provided

to center officials and law enforcement agencies in the development of contingency plans for confrontations scheduled for New Year's Day. Improved channels of communication were established between immigration and law enforcement officials and protest leadership within the Haitian exile community and other Black organizations. CRS continued to work with other agencies of the Department of Justice and, with Florida business and civic groups, to deter unnecessary community confrontations related to the complex Haitian problem.

Joint CRS/Governor's Office Approach to Vietnamese Fishing Conflict. In the face of sporadic violence and threats of major racial attacks, CRS has, for the past 3 years, helped to maintain an uneasy peace between Anglo and Indo-Chinese refugee shrimp fishers along the Texas Gulf Coast. During 1981, the Ku Klux Klan incited Whites to drive out the Vietnamese. CRS was requested by the Governor's Office to coordinate the state's response to heated requests from U.S. shrimpers on the Texas Gulf Coast for the Governor to rid the coast of all Vietnamese. CRS, after identifying the issues involved for the state task force chaired by the Governor's Aide, set up a series of meetings along the Coast that resulted in substantial dialogue between spokespersons of the Vietnamese, local government officials, angry U.S. fishermen, law enforcement officials state legislators, and business-sector representatives. The meetings resulted in improved understanding of U.S. fishing laws and customs on the part of the Vietnamese and a framework of "keep the peace" initiative that is still considered as the principal initiative that diffused the intense and great potential for deaths and injuries.

Assistance to Federal Communications Commission (FCC) Staff in Dealing with Racial Conflict. CRS, responding to an urgent call for assistance from the Kansas City regional office of the FCC, intervened and helped quiet a bitter community dispute arising out of complaints of CB radio interference. Allegations were that a black citizens band radio operator known as "The Peace-Maker" was causing interference seriously affecting televisions, stereos, radios, and telephones. Complaints were widespread among the predominantly white residents in the small community of Auburn, Kansas, located in southwest Shawnee County. CRS conciliation assistance stimulated an agreement by the CB operator to have his five instrumentation sets checked by an authorized technician, to limit use, and participate in a communal logging exchange pertaining to dates and times of interference experienced by neighbors. As a result of CRS mediation training provided the FCC Central District and Regional Staff, the FCC, National Training Director, Washington, requested CRS to provide similar training at their national training conference in Virginia.

Jail Disorder - Brownsville, Texas. Continuous confrontations between inmates and guards in Cameron County jail, Brownsville, Texas, led to a series of disturbances including a near-tragic fire. On the sheriff's request for assistance, CRS conducted an assessment which identified the critical ongoing issues. The sheriff and prisoner representatives agreed to mediation of these issues aided by a CRS staff mediator. In a four-hour problem-solving session, 12 critical issues were reviewed and resolved. A report from the sheriff one month after case closure indicated improved inmate-staff communication and cooperation, and only one minor incident since the mediation.

Creation of the West Virginia Civil Tension Task Force. Cross burnings, circulation of hate literature and other acts of violence and harassment against racial and religious groups, prompted elected officials in West Virginia to seek ways to combat these disruptive acts. Responding to requests from the Office of the Governor and the West Virginia Human Rights Commission, CRS agreed to assist in the design and implementation of a West Virginia Civil Tension Task Force. The Task Force is aimed at providing local jurisdictions with access to state resources, guidance and technical assistance in responding to and deterring anti-minority acts of violence and intimidation. CRS is prepared to provide assistance to state and local agencies in specific instances, and especially where open confrontation is threatened.

Reduction of Risk of Civil Disorder in New Orleans, Louisiana. CRS worked closely with the Mayor of New Orleans, the police chief, other government officials and civic and business leaders to forestall the possibilities of civil disorder pending the trials of police officers accused of killing and brutalizing Black citizens. With many observers fearing that New Orleans might witness a replay of the Miami riots if the accused police were acquitted, CRS proposed and helped develop contingency plans to reduce the tension levels resulting from unresolved grievances and to assure full communication and the avoidance of blunders that could cause violence.

Training of Police Chiefs, Massachusetts. The Massachusetts Criminal Justice Training Council requested CRS assistance in developing and conducting a three-day training conference for approximately 130 police chiefs and law enforcement officers throughout the Commonwealth on the use of deadly force.

Creation of State Crisis Response Task Force, Michigan. At the request of the Governor's Office, CRS helped design a state crisis response task force to identify racial conflicts in local communities during the summer of 1981, which state intervention and resources might help resolve. CRS trained the personnel assigned to the task force and worked with them in certain controversies. The project is now being evaluated to determine whether it will be reactivated next Spring.

Resettlement of Indo-Chinese Refugees in Twin Cities, Minnesota. Settlement of 10,000 Indo-Chinese refugees in Minneapolis, St. Paul led to conflict with Black, Hispanic and Indian residents who faced new competition for jobs and housing. Minority hostility was also addressed toward established institutions. Language difficulties created friction between police and the refugees. CRS helped bring agencies of both cities together for the first time in a cooperative effort to resolve problems of services and relationships. CRS also helped the police develop a special community relations program with the Indo-Chinese in St. Paul.

Religious Sect Barricade, Miracle Valley, Arizona. On the personal request of the Governor of Arizona, CRS met with the Governor and members of the Arizona Highway Safety Patrol to resolve an armed standoff between police and 300 members of a Black religious sect which had barricaded the highway. CRS provided assistance to the State police in developing contingency plans. CRS subsequently brought the sect leaders and the local sheriff together into a mediation session which was successful in removing the barricades and in getting local authorities to address the problems which gave rise to the incident.

**Program Changes:** Ten positions will be terminated in the regional offices--two secretaries and eight conciliators. The reduced caseload capacity will be partially offset by continuing increases in productivity and by a further narrowing of case selection criteria to concentrate response in areas of greatest need.

	1982 Approp.			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive Direction and Control...	15	16	\$907	15	16	\$1,050	14	15	\$1,013	-1	-1	-\$37

**Long-Range Goal:** Provide Executive Direction and Control to CRS by initiating and administering adequate planning, coordination and control, guidance and evaluation of all CRS programs to assure effective execution of requirements of Title X of the Civil Rights Act of 1964, as amended, and to assure agency responsiveness to the priority programs outlined by the Attorney General, the President and the Congress.

**Major objectives:**

Develop, implement and direct policy, and provide executive direction and supervision for the programs of the agency.

Conduct and coordinate pertinent communications with the general public, other Federal agencies, and Congress.

Provide legal support to the management and field staff.

Participate in the preparation and defense of the annual budget and assist in the allocation of appropriated resources.

Foster improved management techniques which will limit the reduction of service delivery in spite of a reduction in personnel.

**Base Program Description:** The processes of Executive Direction and Control are performed by five staff offices centrally located in CRS headquarters. They are the Office of the Director, the Office of the Deputy Director, the Office of National Liaison and Policy Development, the Public Affairs Office (PAO), and the Legal Office.

Responsibility for the interpretation of the Agency is lodged in the Office of the Director where assistance is also provided by the Public Affairs Office (PAO). PAO develops and recommends plans, procedures and standards to effectively strengthen and improve public affairs, public information, and congressional relations programs of the Agency. The Legal Office, which also reports directly to the Director, reviews applicable legislative proposals affecting community relations and develops appropriate CRS recommendations to the Department, the Office of Management and Budget and Congressional committees. This office also provides responses to requests on the Freedom of Information and Privacy Acts, and provides

392

necessary legal advice and technical support to management and field staffs, as requested. In 1983 CRS will endeavor to perform at a minimal level the essential aspects of the public affairs and legal offices, utilizing the part-time efforts of other staff members as well as resources from other units of the Department of Justice.

The Deputy Director has direct responsibility for the operation of the field service which includes the 10 regional offices and the Office of Technical Assistance and Support. He is directly assisted in the overview of program operations by the field coordinator located within the field service. Also responsible to the Deputy Director is the Office of National Liaison and Policy Development which coordinates the Operational Planning System, including the functions of planning, policy analysis, computer-based management information and statistical analysis and program evaluation. This office also actively assists in the preparation and defense of the annual budget submissions.

**Accomplishments and Workload:** Accomplishments of the Executive Direction and Control program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
<b>Office of National Liaison and Policy Development</b>				
Program Guidance Memorandum issued.....	1	1	1	1
Reports on statistical evaluation and analysis of operations.....	4	4	4	5
Office plans reviewed/approved.....	17	17	17	15
Budget submissions.....	3	3	3	3
Management and program issue papers prepared.....	6	6	6	6
Special evaluations and analyses of operations.....	3	3	3	3
Analyses of Regional Trends.....	4	4	4	4
Operational data reports retained in storage.....	1,880	3,900	6,000	6,000
<b>Legal Office (Combines into Director's Office in 1983)</b>				
Responses to public and congressional inquiries.....	60	60	60	10
Responses to requests for legal assistance from central and regional offices in program areas.....	330	330	330	...
Responses to requests for legal assistance from central and regional offices in policy areas.....	30	60	60	...
Proposed legislation studied.....	2	2	2	...
Responses to FOIA/PA inquiries.....	24	40	40	40

Item	1980	1981	Estimates	
			1982	1983
<b>Legal Office (Continued)</b>				
Legal Information packages issued.....	6	6	6	...
Testimony or other submissions to Congress.....	12	12	12	...
Periodic reports to the Attorney General or the Associate Attorney General.....	164	164	100	100
<b>Public Affairs Office (Combines into Director's Office in 1983)</b>				
Speeches prepared.....	6	8	8	5
Media workshops conducted.....	2	2	...	...
Responses to media inquiries.....	1,330	1,330	1,330	100
Press conferences conducted.....	8	8	8	...

**Accomplishments:** In 1980 the Operational Data Information System (ODIS) completed its first full year with ADP capability and was fully merged into the Operational Planning System as its reporting component. In 1981 statistical reports and analyses of workflow, and efficiency measures for each region and program were prepared on a quarterly and annual basis. New methods of utilizing ODIS data for program evaluation were explored and a successful prototype evaluation of program impact was conducted. This was the Evaluation of the Court-Referred Mediation Project. The conceptual development of a case quality control system and of a case weighting system were begun. Full integration of the computerized Operational Data Information System (ODIS) into the Operational Planning System (OPS) in 1981 permitted the reduction in paperwork in the field for reporting purposes and consequently made more time available for conflict resolution activity. In 1981 ODIS began to provide regional managers with quarterly analyses of their operational data, thus making available a new tool for exercising staff supervision and monitoring the deployment of resources.

**Program Changes:** One program analyst position will be terminated. This loss will be partially offset by improved reliance upon ADP capability.

	1982 Approp. Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Administrative Services.....	5	5	\$203	5	5	\$226	5	5	\$226	...	...	...

Long-Range Goal: To provide the coordination of a full range of administrative support services; to meet mandated external and internal requirements; and to insure timely, efficient and effective performance.

Major objectives:

- To provide fiscal control and effective position management through the allocation of financial and personnel resources flowing to or through the Service and to furnish relevant information to all program elements supported.
- To prepare the technical data and justification for, and assist in the preparation of annual budget submissions.
- To provide timely advisory service to all management levels on technical matters related to Administrative Services.
- To provide for the timely processing of all administrative-related requests for information as to status of resources, procurement, travel, financial reimbursement and all other administrative matters.
- To provide for timely and efficient mail and messenger services.
- To provide for a records management system to include files maintenance and disposition.

Base Program Description: The Administrative Office provides direct liaison between all program areas of the Community Relations Service and the various administrative components of the Justice Management Division. In addition, the Administrative Services program provides direct input of vouchers, personnel action requests, requests for goods and services, obligating documents, inventory controls, etc., to the Justice Management Division through a centralized Administrative Office located in the CRS headquarters. This office has primary responsibility for the control and allocation of all CRS resources.

Accomplishments and Workload: Accomplishment of the Administrative Services program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Personnel actions reviewed and processed.....	200	200	200	200
Procurement actions reviewed and processed.....	475	500	525	550
Budgets prepared.....	3	3	3	3
Space adjustments processed.....	5	5	8	4
Invoices processed.....	850	900	950	1,000
Reduction-in-Force options prepared.....	..	2	3	1
CRS directives published.....	2	4	6	6
Special reports prepared.....	35	40	50	70
Financial reports prepared.....	36	40	55	100
Special projects conducted.....	4	12	12	12

During 1980, the Community Relations Service completed the reduction in the overall proportion of personnel assigned to Headquarters. As a result of these cutbacks, the Administrative Office was reduced significantly. Despite this reduction, the Administrative Office has continued to provide the full range of administrative support to all components of the CRS. This ability has been greatly enhanced beginning in 1982, with the inclusion of CRS in the Department's Financial Management Information System (FMIS). Through this system, financial information is input directly into a computer program, and information generated by this system substantially reduces the time necessary to prepare reports as well as improving their accuracy.

Community Relations Service

Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Program Operations		1
Executive Direction and Control		2
Administrative Services		3
Technical Assistance		4

397

Community Relations Service

Salaries and expenses

Summary of Adjustments to Base  
(Dollars in thousands)

	<u>Amount</u>	
1982 as enacted (Appropriated anticipated).....	\$5,500	
Uncontrollable increases:		
1982 pay increases.....	160	
Executive level pay increases.....	92	
Within-grade increases.....	35	
Health benefits costs.....	14	
Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	5	
Standard Level User Charges (SLUC).....	190	
GSA recurring reimbursable services.....	3	
Federal Telecommunications System (FTS).....	29	
Travel costs - air fare increases.....	16	
GPO printing costs.....	1	
Departmental printing and reproduction costs.....	3	
Employee data and payroll services.....	2	
Computer Services.....	49	
Full-field investigations.....	1	
General pricing level adjustment.....	15	
Total, uncontrollable increases.....	<u>615</u>	
Decreases:		
Postal services redistribution.....	<u>15</u>	
Total, decreases.....	<u>15</u>	
1983 Base.....	6,113	

398

Community Relations Service

Salaries and expenses

Justification of Adjustments to Base  
(Dollars in thousands)

Uncontrollable increases:

Amount

1. 1982 pay increase..... \$160

This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$160,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative  
to the October pay increase \$3,291,667 x 4.8  
percent for 259 days..... \$158,000  
2/261 x Amount of pay raise..... 2,000  
Total requirements..... \$160,000

2. Executive Level pay increases..... 92

This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$92,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative  
to lifting pay cap for 195 days..... \$69,000  
66/261 x Annual amount of pay raise..... 23,000  
Total requirements..... \$92,000

3. Within-grade increases..... 35

This request provides for an expected increase in the cost of within-grade step increases. This is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$34,000 and benefits \$1,000 = \$35,000).

399

	<u>Amount</u>
4. Health benefits costs.....	\$14
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provides that the government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1980, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$14,000 provides for payment of the average rate percent over the \$72,000 now available.</p>	
5. Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	5
<p>This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$5,000 was based on unemployment compensation payments for the quarter ending in March 1981.</p>	
6. Standard Level User Charges.....	190
<p>P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$92,000 is required in 1983 to pay for space occupied at the end of 1982. The amount budgeted for SLUC in 1982 is \$495,000.</p>	
7. GSA recurring reimbursable services.....	3
<p>The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$3,000 will provide the same level of service in 1983 as in 1982. This is an increase of 37 percent over the amount budgeted for in 1982 of \$10,000.</p>	
8. Federal Telecommunications System (FTS).....	\$29
<p>The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$28,751 over the 1982 base of \$107,684. This reflects the new billing method which became effective in 1982 and is based on duration of calls. It also includes the rate increase of approximately 51 percent which was granted American Telephone and Telegraph in 1982.</p>	

400

	<u>Amount</u>
9. Travel costs - airfare increases.....	16
<p>Airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983. The CAB states that despite the stabilization of gas prices and the availability of economy flights, prices will increase 15 percent over the 1982 budget amount of \$154,000. This would require an increase of \$23,000, but \$7,000 of this amount is being absorbed in accordance with the President's Economic Recovery Program.</p>	
10. GPO printing costs.....	1
<p>The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs as a base, the uncontrollable increase for GPO printing is \$1,000 over the base of \$2,000.</p>	
11. Departmental Printing and Reproduction Costs.....	3
<p>Departmental printing costs are expected to increase by 7 1/2 percent in 1983. This results in an uncontrollable increase of \$3,000 over the FY 1982 base of \$22,000.</p>	
12. Employee Data and Payroll Services.....	2
<p>The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralized payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95.00. In 1982, it will increase by \$15.00; the increased cost of servicing 100 employees is \$1,500.</p>	
13. Computer Services.....	\$49
<p>CRS initiated its Operational Data Information System (ODIS) in 1980. Since estimates were made, the Department has increased its rates significantly. This increase will provide the additional funds necessary to continue the system without interruption. In 1980, the ADP start-up year, total costs of computer services paid to SDDS and JDSC were \$31,464. In 1982 it will take over \$50,000 to meet those same service needs. The cost for 1983 is estimated at \$75,000 - \$80,000.</p>	

14. Full-Field Investigations.....	<u>Amount</u> 1
<p>Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) FOR FY 1982, which raised the standard rate charged for each full-field investigation by \$300 over the FY 1981 base cost of \$1,000. The request of \$1,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.</p>	
15. General pricing level adjustment.....	15
<p>This request applies the OMB pricing guidance of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates.</p>	
Total uncontrollable increases.....	<u>615</u>
<u>Decreases (automatic non-policy)</u>	
1. Postal Service redistribution.....	-2
Total decreases.....	<u>-2</u>
Total, adjustments to base.....	<u>613</u>

Community Relations Service

Salaries and expenses

Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Technical Assistance		Program Operations		Executive Direction and Control		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>								
GS/GM-14.....	...	...	-1	-\$40	...	...	-1	-\$40
GS/GM-13.....	-1	-\$34	-1	-\$34	-1	-\$34	-3	-102
GS-12.....	...	...	-4	-112	...	...	-4	-112
GS-11.....	...	...	-2	-48	...	...	-2	-48
GS-7.....	...	...	-2	-32	...	...	-2	-32
Total positions and annual rate...	-1	-34	-10	-266	-1	-34	-12	-334
Lapse (-).....	...	...	+2	+252	...	...	+2	+252
Total workyears and personnel compensation.....	-1	-34	-8	-14	-1	-34	-10	-82
Personnel benefits.....	...	-3	...	-1	...	-3	...	-7
Benefits-Former personnel.....	...	...	...	+56	...	...	...	+56
Travel and transportation of persons.....	...	...	...	...	...	...	...	...
Rents, Comm. and Utilities.....	...	...	...	-116	...	...	...	-116
Printing.....	...	...	...	-2	...	...	...	-2
Other services.....	...	...	...	-36	...	...	...	-36
Total workyears and obligations, 1983.....	-1	-37	-8	-113	-1	-37	-10	-187

Community Relations Service

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

<u>Grades and salary ranges</u>	<u>1982 Estimate</u>		<u>1983 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Positions &amp; Workyears</u>	<u>Amount</u>	<u>Positions &amp; Workyears</u>	<u>Amount</u>	<u>Positions &amp; Workyears</u>	<u>Amount</u>
Executive Level IV, \$58,500.....	1		1		...	
ES-5, \$58,500.....	1		1		...	
ES-4, \$58,500.....	3		3		...	
GS/GM-15, \$46,685-57,500.....	10		10		...	
GS/GM-14, \$39,689-51,596.....	14		13		-1	
GS/GM-13, \$33,586-43,666.....	32		29		-3	
GS-12, \$28,245-36,723.....	11		7		-4	
GS-11, \$23,566-30,640.....	3		1		-2	
GS-9, \$19,477-25,318.....	2		2		...	
GS-7, \$15,922-20,701.....	15		13		-2	
GS-6, \$14,328-18,630.....	2		2		...	
GS-5, \$12,854-16,706.....	6		6		...	
Total, appropriated positions.....	100	\$3,483	88	\$3,483	-12	\$89
Pay above stated annual rates.....	...	13	...	14	...	1
Lapses.....	-4	-140	...	-15	4	125
Net savings due to lower pay scales for part of year.....	...	...	...	...	...	...
Net permanent.....	96	3,356	88	3,571	-8	215

Community Relations Service

Salaries and expenses

Summary of Requirements by Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	96	\$3,356	88	\$3,571	-8	\$215
11.3 Other than full-time permanent:						
Temporary employment.....	6	110	4	110	-2	...
11.5 Other personnel compensation:						
Overtime.....	1	11	1	11	...	...
<b>Total, workyears and personnel compensation.....</b>	<b>103</b>	<b>3,477</b>	<b>93</b>	<b>3,692</b>	<b>-10</b>	<b>215</b>
12 Personnel benefits.....		330		337		7
13 Benefits to former personnel.....		...		56		56
21 Travel and transportation of persons.....		440		446		6
22 Transportation of things.....		5		5		...
23.1 Standard level user charges.....		495		587		92
23.2 Communications, utilities, and other rent.....		440		454		14
24 Printing and reproduction.....		22		24		2
25 Other services.....		220		254		34
26 Supplies and materials.....		55		55		...
31 Equipment.....		16		16		...
<b>Total obligations.....</b>		<b>5,500</b>		<b>5,926</b>		<b>426</b>
Relations of obligations to outlays:						
Obligated balance, start-of-year.....		282		293		
Obligated balance, end-of-year.....		-293		-311		
<b>Outlays.....</b>		<b>5,489</b>		<b>5,908</b>		

## GENERAL STATEMENT

Mr. SMITH. Do you have a statement concerning the request?

Mr. POMPA. Yes, I do, Mr. Chairman.

Mr. Chairman, I am pleased to have the opportunity to appear before you in support of the 1983 budget request for the Community Relations Service.

The Community Relations Service budget request is for \$5,926,000 and 88 positions. This represents a reduction of \$187,000 and 12 positions from the 1983 base level of funding.

As you know, the sole mission of CRS is to assist communities to resolve, reduce or avoid racial disputes. In conducting that mission in 1981 the agency dealt with almost 2,000 instances of racial and ethnic difficulties. We were able to provide effective assistance in 1,022 cases. This represents an increase of 11 percent over the previous year.

Analysis of case trends and field observations from our 10 regional headquarters clearly indicate that the demand for CRS services will continue to increase. Nevertheless, we believe that the staff reductions contemplated for 1983 will allow us to accomplish the essential mission of the agency. I say so for the following two reasons:

First, for the past four years the agency has engaged in a management improvement program which has enabled us to make steady gains in productivity.

Second, by making adjustments in our case selection priorities we will be able to lessen the impact of resource reduction in the areas of greatest need.

Let me illustrate this point by indicating some of the priority types of cases which will be earmarked for undiminished attention. We will continue to assign highest priority to the cultivation of community cooperation with law enforcement.

The greatest impediment to citizen-police cooperation—especially in high crime areas—is the mutual antagonism and mistrust that exists between police and minority groups. This conflict becomes most exacerbated, and often highly volatile, under circumstances when police are alleged to have used excessive force.

CRS efforts in recent years to help police agencies in this troublesome area are beginning to show tangible results. Increasingly, police executives are requesting CRS technical assistance in revising policies and training personnel so as to reduce community conflict over police use of force. A number of communities which were torn apart by police-minority conflict several years ago are today enjoying reasonably harmonious relationships as a result of our efforts. Nevertheless, the problem nationwide seems to persist at unrelenting intensity. In 1981, we received 260 alerts stemming from alleged use of excessive force by police, a 26 percent increase over the previous year.

Problems involving the Ku Klux Klan and related forms of harassment or intimidation against minorities constitute another "growth" area which we do not intend to neglect. Alerts in this area grew from an annual total of 90 in 1980 to 117 in 1981—a leap of 30 percent. We believe that increasing economic stress contributes to the anger and frustration which drives some people to seek

scapegoats whom they can blame for their distress. CRS provides assistance to communities in avoiding violence related to "hate group" activities and in developing a climate of opinion in which hate propaganda is less likely to flourish.

As you may know, CRS has been identified by the Attorney General as the nation's "early warning system" with respect to averting widespread civil disorder. Dealing with over 1,000 cases of racial conflict in from 400 to 500 jurisdictions each year, CRS is well informed as to the level of racial tension in communities across the country. This case experience, coupled with appraisals of critical tension-breeding factors, makes it possible to determine when the preconditions of social disorder are sufficiently in place to create tension levels which place a city at risk.

To the extent permitted by demands from other problem areas, CRS will give increased attention to those communities we believe to be in the higher risk ranges.

Conflict accompanying refugee resettlement continued at an elevated rate in 1981 and has shown no signs of abatement in the first quarter of this year. Nor do we expect the problem to subside when the flow of new Indo-Chinese arrivals terminates this year. Much of the conflict stems from efforts of 500,000 Indo-Chinese refugees to win a place in the economy—and the hostility those efforts engender among competing groups.

For example, problems in the fishing industry, which first emerged along the Texas Gulf Coast three years ago, are now appearing with comparable threat of violence in areas as distant as Florida and the State of Washington. In this connection it should be noted that immigration—legal and illegal—from Cuba, Haiti, Mexico and other places in Central and South America and the Caribbean, will pose increasingly troublesome community relations problems by 1983.

The temporary field office in Miami, which we opened in the wake of the 1980 riot and subsequently closed, we have again had to reopen to respond to community problems related to Cuban and Haitian immigration into South Florida. The Miami/Dade County area has become America's new gateway for the immigrants.

I expect that this temporary special need to help that community deal with community integration will continue well into 1983 and beyond.

This concludes my statement, Mr. Chairman. I welcome the opportunity to respond to the committee's questions.

## ANTICIPATED CASELOAD IN 1983

Mr. SMITH. If you are expecting increasingly troublesome community relations problems in 1983, why are you asking for reductions in personnel?

Mr. POMPA. We believe that the management initiatives and the new process that we have developed will enable us to respond to all of the problems that we anticipate, while at the same time making our contribution to the reduction of the size of government, Mr. Chairman.

Mr. SMITH. Are you going to come back here a year from now and tell us that you have got the same caseload, less caseload, or more caseload?

Mr. POMPA. I am hoping that I can come in here and tell you that we have got perhaps a lesser caseload on the basis of our activities, but I can't really assure you of that, sir. We have noted an increase in caseload in all of those areas that I have indicated, and I anticipate we will continue to have an increase in these types of activities.

Mr. SMITH. Are you saying you don't expect, that the reduction of personnel will result in an increasing caseload?

Mr. POMPA. I am not sure I follow your question.

Mr. SMITH. Unresolved case backlog.

Mr. POMPA. I don't believe that it will affect our backlog. I think the way that we have got our new system set up, we intend to address most of those backlog cases and hopefully reduce those with the personnel that we anticipate having.

#### CASELOAD SELECTION CRITERIA

Mr. SMITH. What is this new system?

Mr. POMPA. What I have instituted is a new system which involves a guidance memorandum from me outlining the priority areas that I want the agency to concentrate on, and on the basis of this guidance memorandum, the field managers are to institute a work plan built around those priority areas.

What we do is emphasize on them to be very selective in the kinds of cases that they pursue, even among the priority areas that I have outlined. We have set up a very elaborate system which screens the initial process, the part of the process which we call "alert", and then before moving on to the second part of the process which we label as "assessment", and on further down to actual conciliation and mediation. Each one of those steps involves a clearance process that screens effectively, I believe, our involvement in that case sufficiently so that we won't waste time pursuing activities that might not result in an actual case.

Mr. SMITH. Sounds to me like one way or another, you are not going to be processing cases that would have been processed in prior years?

Mr. POMPA. That is conceivably so, sir.

Mr. SMITH. Precisely what kind of a case are we talking about that will not be processed in 1983 that would have been processed in 1981?

Mr. POMPA. If we have a choice between an incident that comes to our attention that we see as having the potential for a broader problem, and another case that has a higher visibility that we could address and get maximum participation in and resolve that issue on a broader basis, we would take the second case as opposed to the former.

If I could give you by way of an example, if we had a police-minority friction case in Community A, which was fairly localized, and at the same time had a similar type of case in Community B, which had received widespread publicity, we might address the reduction of that type of problem by taking on Case B as opposed to

Case A, because of the maximum type of inclusion that we could receive in a particular state. We did that in Texas by addressing the incidents that were occurring in Houston as opposed to the incidents that were occurring in smaller communities. When we addressed the problem in Houston, we brought in the smaller communities, and thereby were able to lessen the need for responding to cases in the smaller communities.

#### RESPONSE TO INDIVIDUAL RIGHTS CASES

Mr. SMITH. So if there is an influx of Vietnamese into a community and one of them is discriminated against, you would want to process that because it might arouse the other Vietnamese in the community, but if there is only one Arab and he is discriminated against, you don't pay any attention to him?

Mr. POMPA. We generally will respond to even one-on-one cases if they have the potential for a broader implication. I think that the determination would be made on the basis of where this incident occurred. We will respond to some of these complaints even on the telephone sometimes, as opposed to sending somebody on site.

Mr. SMITH. Every individual has the same right to be protected, and have his case mitigated in some way, doesn't he?

Mr. POMPA. That is true, but I think that to the extent that our resources will allow, we will be able to provide that relief. I don't believe that we have deprived anyone of the type of relief that they are entitled to.

Mr. SMITH. But there will be individual cases that won't be processed now that would have been processed if they had occurred in 1981?

Mr. POMPA. That is conceivably true, sir, yes.

Mr. ROONEY. Mr. Chairman, we are talking here primarily of the CRS role in community disturbances.

Mr. SMITH. Right.

Mr. ROONEY. That sort of tension, rather than individual protection of civil rights.

Mr. POMPA. If I might expand on that a little bit, Mr. Chairman. The criteria for involvement in a case includes a factor that says that the incident must be broad enough and of significance to enable us to get in.

Mr. SMITH. Of course, the particular ethnic factors do have a bearing on the impact in the community and whether or not the impact is on the whole community or just one bloc. There are some people that could affect the whole community. It doesn't make any difference to them, but there are others that are just really concerned with the people of their own ethnic background.

We have some additional questions that we are going to submit to you and ask you to answer for the record.

Mr. POMPA. Thank you, sir.

[Mr. Smith's questions and the answers submitted thereto follow.]

## QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

## Community Relations Service

*Page seven of the justifications indicates a requested decrease of 12 permanent positions and \$187,000. Are these positions filled at the present time, and if so, would you have to conduct a RIF in order to achieve the reduction?*

These positions are filled at the present time and a RIF of at least a portion of these positions would be required to achieve the reduction.

*What effect would this reduction have on the Community Relations Service caseload? How are you going to compensate for reduced caseload capacity?*

The effect of these reductions on caseload would be a reduction of 125 to 150 in the number of cases processed. To minimize the impact of this reduction in the most sensitive areas of concern, CRS intends to exercise tight managerial control over case selection criteria and over regional adherence to the agency's conflict resolution priorities as set forth in the agency's Annual Work Plan. Depending on the need determined at that time, implementation of this approach is quite likely to mean maintenance of a high level of response to such volatile cases as those based on minority allegations of the use of deadly force by police. On the other hand, responses to conflicts in education—except in instances involving violence or threat of violence—are likely to receive less attention.

*Page 16 of the justifications indicates that ten of the positions proposed for elimination would be in the program operations area in the regional offices. Which regional offices would be affected by the reduction?*

The decision has not yet been made as to the regional offices which would be affected by the reduction. The relative level of critical demand for conflict intervention in the various regions varies over time. The reduction would be applied on the basis of projections to be made later this year regarding anticipated demand. To illustrate how trends and events affect staff requirements; CRS was required to open a temporary office in Miami following the 1980 riots. It was closed for only a short time when the escalation of conflict involving Cuban and Haitian refugees forced its reopening. At the same time, the same region has been experiencing an increase in the number and volatility of Ku Klux Klan cases. Barring a reversal in these developments, it is extremely unlikely that any staff reduction would be made in the Southeast Region.

THURSDAY, MARCH 11, 1982.

## FEDERAL PRISON SYSTEM

## WITNESSES

NORMAN A. CARLSON, DIRECTOR, FEDERAL PRISON SYSTEM  
 WADE B. HOUK, ASSISTANT DIRECTOR, DIVISION OF PLANNING AND DEVELOPMENT  
 GERALD M. FARKAS, ASSOCIATE COMMISSIONER, FEDERAL PRISON INDUSTRIES, INC.  
 ALAN F. BREED, DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS  
 LUMAN N. RENSCH, JR., CHIEF, OFFICE OF BUDGET DEVELOPMENT  
 DAVID J. SWEDA, BUDGET OFFICER, OFFICE OF BUDGET DEVELOPMENT  
 JIMMY G. POWELL, CHIEF, FINANCIAL MANAGEMENT  
 KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION  
 CHARLES R. NEILL, CONTROLLER  
 JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF

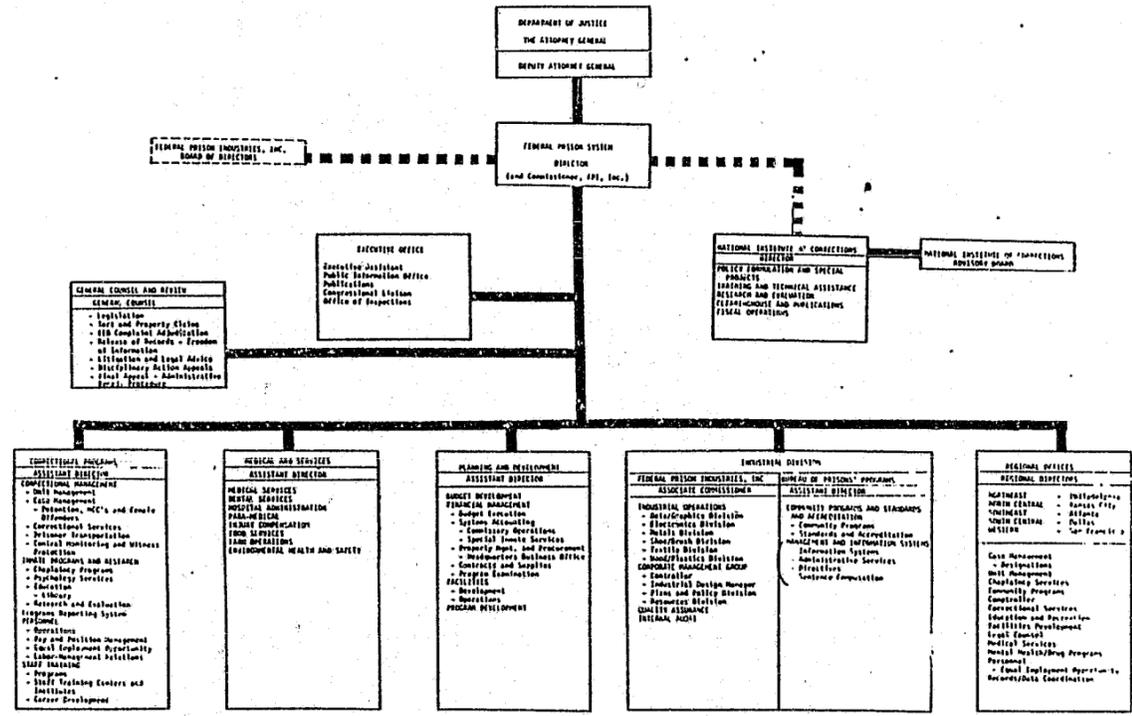
Mr. HIGHTOWER. The next item we shall consider is the fiscal year 1983 budget request for the Federal Prison System. The request for the three appropriation items totals \$394,254,000, an increase of \$16,337,000 above the level provided for fiscal year 1982 in the continuing resolution. These appropriation items are "Salaries and Expenses", "National Institute of Corrections, Salaries and Expenses" and "Buildings and Facilities."

The justifications in support of the budget request for the Federal Prison System appear under separate tabs in Volume 2 in the Justification Books. We will insert the justifications at this point in the record.

[The justifications follow:]

(411)

# FEDERAL PRISON SYSTEM



412

Approved: Charles J. Kelly Date: 12/14/77

Federal Prison System  
Proposed Authorization Language

The Federal Prison System is requesting the following authorization language:

For the Federal Prison System including-

- (A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed \$100,000 for inmate legal services within the system;
- (B) purchase and hire of law enforcement and passenger motor vehicles;
- (C) compilation of statistics relating to prisoners in Federal penal and correctional institutions;
- (D) assistance to State and local governments to improve their correctional systems;
- (E) purchase of firearms and ammunition and medals and other awards;
- (F) payment of rewards;
- (G) purchase and exchange of farm products and livestock;
- (H) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18 of the United States Code;
- (I) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions;
- (J) for Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;
- (K) for planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this clause; and
- (L) for carrying out the provisions of sections 4351 through 4353 of title 18, of the United States Code, relating to a National Institute of Corrections, to remain available until expended;

\$394,254,000

413

Federal Prison System  
Priority Ranking of Programs

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>	<u>Program</u>
1	Food and Farm Service	1.	Medical Services
2	Institution Security		
3	Medical Services		
4	Other Inmate Services (appropriated)		
5	Institution Maintenance		
6	Institution Administration		
7	Federal Prison Industries, Inc.		
8	Modernization and Repair of Existing Facilities		
9	Contract Community Treatment Centers		
10	Contract Confinement in State and Local Institutions		
11	Federal Community Treatment Centers and Other Community Programs		
12	Unit Management		
13	General and Occupational Education		
14	Psychology Program		
15	Religious Program		
16	Leisure Program		
17	Executive Direction and Control		
18	Administrative Services		
19	Other Inmate Services (Non-appropriated)		
20	Staff Training		
21	National Institute of Corrections		
22	New Construction		
23	Planning and Site Acquisition		

Department of Justice  
Federal Prison System  
Salaries and expenses  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Summary Statement.....	1
Proposed Appropriation Language.....	4
Crosswalk of 1982 Changes.....	5
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Justification of Program and Performance.....	10
Status of Congressionally Requested Studies, Reports, and Evaluations.....	43
Summary of Adjustments to Base.....	44
Justification of Adjustments to Base.....	45
Financial Analysis of Program Changes.....	50
Summary of Requirements by Grade and Object Class.....	52

Federal Prison System

Salaries and expenses

Summary Statement

Fiscal Year 1983

The Federal Prison System is requesting for Salaries and expenses for 1983, a total of \$376,533,000, 8,967 permanent positions and 8,751 workyears. This request represents an increase of 45 positions, a decrease of 85 workyears, and an increase of \$23,533,000 from the 1982 appropriation anticipated.

The mission of the Federal Prison System is to carry out the judgments of the courts for sentenced Federal offenders, provide detention services for persons serving short sentences, provide for humane incarceration of offenders and encourage offenders to participate in programs and activities that can impact positively on their capability for achieving a crime-free life. The Federal Prison System philosophy recognizes that incapacitation, retribution, deterrence and rehabilitation are all valid aims of corrections. The Bureau maintains and operates nationwide 42 penal institutions and contracts with over 313 community treatment centers, housing about 27,000 offenders in total.

The appropriation Salaries and expenses contains five budget activities which incorporate seventeen programs. The budget activities are: Inmate Care and Custody, Inmate Programs, Institution Administration and Maintenance, Community Corrections, and Program Direction.

Inmate Care and Custody

This activity includes the costs of all food, medical care, clothing, welfare services, release clothing, transportation and gratuities, housing unit furnishings, staff salaries, including salaries of Health Services Administration commissioned officers, and operational costs of functions directly related to providing for inmate custody and care. This activity also finances the costs of confining sentenced Federal offenders in contract State and local facilities. To carry out its mission in this activity, the Federal Prison System conducts the following programs:

The Food and Farm Service program is responsible for providing a nutritionally adequate, palatable diet for inmates in Federal prison facilities. Farm operations are conducted at eight institutions to utilize available land resources to produce beef and milk for use by Federal correctional institutions. In 1983, this program will continue services at the current level.

The Medical Services program provides adequate, accessible health care for each Federal offender. Phase-out of the United States Public Health Service (PHS) Commissioned Officers Corps, serving in the Federal Prison System, will begin in 1983. An increase of 57 positions is requested in 1983 to convert from PHS to civil service doctors.

The Other Inmate Services (appropriated) program provides all inmates with adequate clean clothing, footwear, linens, toiletries, and writing supplies during incarceration. It covers the costs, including staff salaries, of the clothing/laundry and commissary trust fund operations. No change is requested in this program.

The program for Contract Confinement in State and Local Institutions finances efforts for locating and contracting for space with appropriate non-Federal agencies to board certain types of Federal offenders, such as juveniles, offenders with short sentences and protection cases. The Bureau is responsible for ensuring that these facilities meet Bureau standards and that inmates housed in these facilities receive adequate services. Resources at the current level are sufficient to achieve program goals.

The Institution Security program consists of the correctional staff whose responsibility is to maintain security, control and supervision consistent with human dignity. This program will continue at the current services level during 1983.

The Unit Management program is a system of inmate management that decentralizes an institution by breaking the population down into groups of 50 to 150 offenders. It provides administration, case management services, counseling services, drug/alcohol and other needed services to the smaller groups. The proposed program decrease reflects plans to maintain other than full-time permanent employment through 1983 at the approximate level of September 1981 on-board employment.

#### Inmate Programs

This activity finances the cost of academic, social and occupational education courses, institution programs for leisure-time activities, and religious and psychology services. All programs in this activity contain program decreases which reflect plans to maintain employment through 1983 at the approximate level of September 1981 on-board employment.

General and Occupational Education programs are divided into two basic areas. General Education Services provide programs designed to strengthen offenders' abilities to cope with social, economic and related free world problems. Occupational Educational Services provides programs for offenders to raise their academic and vocational skills to better enable them to obtain useful employment after release.

The Leisure Program provides offenders with opportunities to participate in constructive recreation and leisure-time activities and to improve their social skills; this contributes to a safer and more humane environment and assists inmates in attaining success after release to the community.

The Religious Program provides for religious and pastoral care to Federal inmates who represent approximately 150 religious denominations and affiliations. The basic constitutional right of religious freedom remains intact during confinement although the full practice thereof is curtailed because of the custodial demands of an institution and its separation from the free community.

The Psychology Program provides psychological services to inmates who have mental health problems. In addition, psychology staff, by virtue of their training, assist management in consulting with and training other correctional staff.

#### Institution Administration and Maintenance

This activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions.

Institution Administration finances the costs of the institutions' executive staff (warden and staff), legal counsel, personnel and financial management, record office and safety programs. The proposed decrease in this program reflects plans to maintain other than full-time permanent employment through 1983 at the approximate level of September 1981 on-board employment.

The Staff Training program provides training to all staff in all spheres of corrections. It assures that the latest policies, procedures and correctional techniques are communicated to staff. Staff training consists of programs in each institution, training at the three Bureau staff training centers, and external training through contracts. This program will continue providing current services in 1983.

The Institution Maintenance program finances the costs of repairs to buildings and facilities, purchase of utility systems and steam power plants, telecommunications and transportation services. Services are provided through the direction of the technical facilities management staff. The proposed decrease in this program reflects plans to maintain other than full-time permanent employment through 1983 at the approximate level of September 1981 on-board employment.

#### Community Corrections

This activity provides for the care of Federal offenders in contract community residential facilities. It also finances the contract development and monitoring activities of Bureau community programs officers.

The Federal Community Treatment Centers and Other Community Programs previously covered the operations of eight Federal Community Treatment Centers (CICs) which provided residential services for institution releasees, direct commitments from the courts and persons requiring greater community supervision than can be provided by U.S. Probation Officers. To support the administration policy to reduce federal employment, the Bureau in 1982 completed the closing of all Federal Community Treatment Centers. This action was accomplished with no reduction in essential services because of the availability of adequate CIC capacity with private contracting agencies. Community programs officers located throughout the United States will continue to serve as an important link between the community and prison. A decrease in 1983 is reflected in other-than full-time permanent employment. Remaining resources are sufficient to achieve the objectives of this program.

Contract Community Treatment Centers (CICs) will provide for all community-based correctional programs. The Bureau contracts with State, local and private agencies to provide residential resources for institution releasees, direct commitments and persons requiring closer supervision than can be provided by U.S. Probation Officers.

#### Program Direction

This activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management, and legal services.

Executive Direction and Control provides the resources for overall policy and program development, implementation, direction and evaluation to assure the effective conduct of the Bureau's business. In addition, resources are included to provide the Bureau and Federal Prison Industries, Inc. with adequate legal counsel. A decrease in 1983 is reflected in other than full-time permanent employment. Remaining resources are sufficient to meet program objectives.

The Administrative Services program finances the central and regional office functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management; and ADP services, records management, mail, printing, reproduction, and space management. A decrease in 1983 is reflected in other than full-time permanent employment. Remaining resources are sufficient to meet program objectives.

Federal Prison System

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include proposed changes in appropriation language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed thirty-one of which twenty-seven are for replacement only) and hire of law enforcement and passenger motor vehicles; [~~\$353,000,000~~]; Provided, That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions. \$376,533,000

Explanation of Change:

No substantive changes proposed.

**CONTINUED**

**6 OF 20**

Federal Prison System

Salaries and expenses

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			Transfer Out			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
<b>1. Inmate Care and Custody:</b>															
a. Food and farm services.....	380	420	\$30,773	...	...	...	21	-6	\$1,125	...	-1	...	401	413	\$31,898
b. Medical services.....	602	624	30,309	...	...	...	-5	35	850	...	-7	...	597	652	31,159
c. Other inmate services.....	129	124	5,682	...	...	...	-9	-25	318	...	-2	...	120	97	6,000
d. Contract confinement in state and local institutions.....	...	...	6,330	...	...	\$3,400	...	...	-2,201	...	...	...	...	...	7,529
e. Institution security.....	3,692	3,541	79,189	...	...	...	47	86	2,459	...	-13	...	3,739	3,614	81,648
f. Unit management.....	1,162	1,124	31,878	...	...	...	-25	-25	16	...	...	...	1,137	1,099	31,894
Subtotal.....	5,965	5,833	184,161	...	...	3,400	21	65	2,567	...	-23	...	5,994	5,875	190,128
<b>2. Inmate Programs:</b>															
a. General and occupational education.....	326	318	11,041	...	...	...	-32	-39	-678	...	-1	...	294	278	10,363
b. Leisure program.....	117	114	3,982	...	...	...	1	10	415	...	-2	...	118	122	4,397
c. Religious program.....	62	64	2,818	...	...	...	6	5	200	...	-1	...	68	68	3,018
d. Psychology program.....	93	103	3,516	...	...	...	-7	-5	79	...	-1	...	86	97	3,595
Subtotal.....	598	599	21,357	...	...	...	-32	-29	16	...	-9	...	566	565	21,373
<b>3. Institution Administration and Maintenance:</b>															
a. Institution administration..	1,023	1,021	39,399	...	...	797	17	-8	1,208	...	4	...	1,040	1,009	41,404
b. Staff training.....	62	61	5,274	...	...	...	-5	4	-73	...	...	...	57	65	5,201
c. Institution maintenance.....	784	758	48,023	...	...	...	-7	-1	2,123	...	-9	...	777	755	50,146
Subtotal.....	1,869	1,840	92,696	...	...	797	5	-5	3,258	...	-9	...	1,874	1,829	96,751
<b>4. Community Corrections:</b>															
a. Federal community treatment centers and other community programs.....	102	185	4,637	...	...	...	-3	-80	-923	...	...	...	99	105	3,714
b. Contract community treatment centers.....	...	...	12,704	...	...	12,018	...	...	-6,361	...	...	...	...	...	18,361
Subtotal.....	102	185	17,341	...	...	12,018	-3	-80	-7,284	...	...	...	99	105	22,075

420

Federal Prison System

Salaries and expenses

Crosswalk of 1982 Changes (cont.)  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			Transfer Out			1982 Appropriation Anticipated		
	Pos.	WY	Am.	Pos.	WY	Am.	Pos.	WY	Am.	Pos.	WY	Am.	Pos.	WY	Am.
5. Program Direction:															
a. Executive direction and control.....	215	214	\$8,742	...	...	...	1	44	\$592	...	-1	...	216	257	\$9,334
b. Administrative services.....	173	202	12,488	...	...	...	...	5	851	...	-2	...	173	205	13,339
Subtotal.....	388	416	21,230	...	...	...	1	49	1,443	...	-3	...	389	462	22,673
Total.....	8,922	8,873	336,785	...	...	\$16,215	...	...	...	...	-37	...	8,922	8,836	353,000

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional action

Congress added \$16,215,000 to the September 1981 estimates.

Reprogramming

During the December 1981 revision and review of its 1982 financial plans, the Federal Prison System determined the need to accomplish certain reprogramming actions from the program and budget activity estimates for 1982 as adjusted for Congressional action. These reprogramming actions are required to enable the Bureau to absorb, within funds available, the 1982 costs of the following unbudgeted requirements: to provide resources for a population increase from 24,000 to 27,000 inmates; to continue housing Cuban refugees at the United States Penitentiary, Atlanta, Georgia; to continue operations at the Federal Detention Center, Florence, Arizona; to continue the production of beef and milk at eight institutions; to provide additional resources for the activation of a satellite camp at the Federal Correctional Institution, Danbury, Connecticut; to provide for previously unanticipated uncontrollable increases for workmen's compensation, postal service, standard level user charges, GSA reimbursable services, federal telecommunications systems, and utilities; and to provide for the movement of Youth Correction Act offenders to separate Bureau institutions.

Federal Prison System

Salaries and expenses

Summary of Requirements  
(Dollars in thousands)

Adjustments to base:

	Perm.	Work-	Amount
	Pos.	years	
1982 as enacted.....	8,922	8,873	\$353,000
Transfer to Federal Prison Industries, Inc. to avoid closing factories.....	...	-37	...
1982 appropriation anticipated.....	8,922	8,836	353,000
Transfer from Federal Prison Industries, Inc. to restore 1982 reduction.....	...	.37	...
Uncontrollable increases.....	...	7	26,885
Decreases.....	...	-41	-2,145
1983 base.....	<u>8,922</u>	<u>8,839</u>	<u>377,740</u>

	1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
<u>Estimates by budget activity</u>															
1. Inmate care and custody.....	6,110	6,058	\$184,909	5,994	5,875	\$190,128	5,994	5,862	\$199,975	6,051	5,857	\$199,880	57	-5	-\$95
2. Inmate programs.....	651	547	20,005	566	565	21,373	566	570	22,293	554	541	21,686	-12	-29	-607
3. Institution administration and maintenance.....	1,878	1,793	91,932	1,874	1,829	96,751	1,874	1,837	105,996	1,874	1,803	105,885	...	-34	-111
4. Community corrections.....	133	167	24,940	99	105	22,075	99	105	25,098	99	102	25,019	...	-3	-79
5. Program direction.....	388	443	19,736	389	462	22,673	389	465	24,378	389	448	24,063	...	-17	-315
<u>Total.....</u>	<u>9,160</u>	<u>9,008</u>	<u>341,522</u>	<u>8,922</u>	<u>8,836</u>	<u>353,000</u>	<u>8,922</u>	<u>8,839</u>	<u>377,740</u>	<u>8,967</u>	<u>8,751</u>	<u>376,533</u>	<u>45</u>	<u>-68</u>	<u>-1,207</u>

Federal Prison System

Salaries and expenses

Summary of Resources by Program  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
<b>Inmate Care and Custody:</b>																		
Food and farm services.....	451	442	\$29,222	451	449	\$29,534	401	413	\$31,898	401	373	\$32,238	401	373	\$32,238	...	...	...
Medical services.....	626	609	29,071	626	675	29,443	597	652	31,159	597	662	33,811	654	662	33,811	57	...	...
Other inmate services.....	129	124	5,317	129	114	5,454	120	97	6,000	120	99	6,356	120	99	6,356	...	...	...
Contract confinement in state and local institutions.....	...	...	8,030	...	...	7,462	...	...	7,529	...	...	7,529	...	...	7,529	...	...	...
Institution security.....	3,706	3,564	81,228	3,706	3,682	81,532	3,739	3,614	81,648	3,739	3,629	86,610	3,739	3,629	86,610	...	...	...
Unit management.....	1,198	1,155	31,947	1,198	1,138	31,484	1,137	1,099	31,894	1,137	1,099	33,431	1,137	1,094	33,336	...	...	...
<b>Subtotal.....</b>	<b>6,110</b>	<b>5,894</b>	<b>184,815</b>	<b>6,110</b>	<b>6,058</b>	<b>184,909</b>	<b>5,994</b>	<b>5,875</b>	<b>190,128</b>	<b>5,994</b>	<b>5,862</b>	<b>199,975</b>	<b>6,051</b>	<b>5,857</b>	<b>199,880</b>	<b>57</b>	<b>-1</b>	<b>-95</b>
<b>Inmate Programs:</b>																		
General and occupational education.....	364	300	10,600	364	276	9,954	294	278	10,363	294	279	10,826	294	277	10,780	...	-2	-46
Leisure program.....	123	119	4,009	123	115	4,205	118	122	4,397	118	124	4,525	106	104	4,082	-12	-20	-443
Religious program.....	62	64	2,597	62	64	2,621	68	68	3,018	68	69	3,148	68	67	3,112	...	-2	-56
Psychology program.....	102	111	3,163	102	92	3,225	86	97	3,595	86	98	3,794	86	93	3,712	...	-5	-82
<b>Subtotal.....</b>	<b>651</b>	<b>594</b>	<b>20,369</b>	<b>651</b>	<b>547</b>	<b>20,005</b>	<b>566</b>	<b>565</b>	<b>21,373</b>	<b>566</b>	<b>570</b>	<b>22,293</b>	<b>554</b>	<b>541</b>	<b>21,686</b>	<b>-12</b>	<b>-29</b>	<b>-607</b>
<b>Institution Administration and Maintenance:</b>																		
Institution administration.....	1,023	1,023	42,033	1,023	1,012	41,479	1,040	1,009	41,404	1,040	1,015	46,368	1,040	987	46,368	...	-28	...
Staff training.....	68	66	5,067	68	67	5,085	57	65	5,201	57	65	5,425	57	65	5,425	...	...	...
Institution maintenance.....	787	758	44,907	787	714	45,368	777	755	50,146	777	757	54,203	777	751	54,092	...	...	...
<b>Subtotal.....</b>	<b>1,878</b>	<b>1,847</b>	<b>92,007</b>	<b>1,878</b>	<b>1,793</b>	<b>91,932</b>	<b>1,874</b>	<b>1,829</b>	<b>96,751</b>	<b>1,874</b>	<b>1,837</b>	<b>105,996</b>	<b>1,874</b>	<b>1,803</b>	<b>105,885</b>	<b>...</b>	<b>-6</b>	<b>-111</b>
<b>Community Corrections:</b>																		
Federal community treatment centers and other community programs.....	133	195	5,607	133	167	5,462	99	105	3,714	99	105	4,059	99	102	3,980	...	-3	-79
Contract community treatment centers.....	...	...	19,577	...	...	19,478	...	...	18,361	...	...	21,039	...	...	21,039	...	...	...
<b>Subtotal.....</b>	<b>133</b>	<b>195</b>	<b>25,184</b>	<b>133</b>	<b>167</b>	<b>24,940</b>	<b>99</b>	<b>105</b>	<b>22,075</b>	<b>99</b>	<b>105</b>	<b>25,098</b>	<b>99</b>	<b>102</b>	<b>25,019</b>	<b>...</b>	<b>-3</b>	<b>-79</b>

423

Summary of Resources by Program (cont.)  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
<b>Program Direction:</b>																		
Executive direction and control.....	215	214	\$9,039	215	249	\$9,150	216	257	\$9,334	216	258	\$9,902	216	243	\$9,624	...	-15	\$278
Administrative services...	173	202	10,451	173	194	10,586	173	205	13,339	173	207	14,476	173	205	14,439	...	-2	-37
Subtotal.....	<u>388</u>	<u>416</u>	<u>19,490</u>	<u>388</u>	<u>443</u>	<u>19,736</u>	<u>389</u>	<u>462</u>	<u>22,673</u>	<u>389</u>	<u>465</u>	<u>24,378</u>	<u>389</u>	<u>448</u>	<u>24,063</u>	...	-17	-315
<b>Total.....</b>	<b>9,160</b>	<b>8,946</b>	<b>341,865</b>	<b>9,160</b>	<b>9,008</b>	<b>341,522</b>	<b>8,922</b>	<b>8,836</b>	<b>353,000</b>	<b>8,922</b>	<b>8,839</b>	<b>377,740</b>	<b>8,967</b>	<b>8,751</b>	<b>376,533</b>	<b>45</b>	<b>-88</b>	<b>-1,207</b>
<b>Other Workyears</b>																		
Holiday.....		159			174			159			159			159		...		
Overtime.....		<u>141</u>			<u>172</u>			<u>141</u>			<u>141</u>			<u>141</u>		...		
Total compensable workyears.....		9,246			9,354			9,136			9,139			9,051		...		-88

Federal Prison System  
Salaries and expenses

Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity: Inmate Care and Custody	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Food and Farm Services.....	401	413	\$31,898	401	373	\$32,238	401	373	\$32,238	...	...	...
Medical Services.....	597	652	31,159	597	662	33,811	654	662	33,811	57	...	...
Other Inmate Services.....	120	97	6,000	120	99	6,356	120	99	6,356	...	...	...
Contract Confinement in State and local Institutions.....	...	...	7,529	...	...	7,529	...	...	7,529	...	...	...
Institution Security.....	3,739	3,614	81,648	3,739	3,629	86,610	3,739	3,629	86,610	...	...	...
Unit Management.....	1,137	1,099	31,894	1,137	1,099	33,431	1,137	1,094	33,336	...	...	...
Total.....	5,994	5,875	190,128	5,994	5,862	199,975	6,051	5,857	199,880	57	-5	-95

This budget activity includes the costs of all food, medical care, clothing, linens, welfare services, release clothing, transportation and gratuities, housing unit furnishings, staff salaries including salaries of Health Services Administration commissioned officers, and operational costs of functions directly related to providing for inmate custody and care. Also included are the costs of confining sentenced Federal offenders in contract State and local facilities.

Food and Farm Services.....	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Food and Farm Services.....	401	413	\$31,898	401	373	\$32,238	401	373	\$32,238	...	...	...

Long-range Goal: To provide a nutritional diet for all inmates confined in Federal facilities throughout the United States.

Major Objectives:

Continue providing daily allowances from the fifteen major food categories including beef, pork, and other meats; fats; starches; milk and cheese; eggs; sweets; beverages; potatoes and other roots; leafy green and yellow vegetables; tomatoes; dried beans; peas or nuts; fresh, canned and dried fruits; citrus; and adjuncts.

Continue providing, and in some cases expand the provision of, medical and religious diets, short order lines (soup and sandwich), low calorie meals, and other menus which address special needs.

Keep abreast of technical advancements in industry by attendance at National Restaurant Association Trade Seminars, Federal Prison System workshops, etc.

Continue cost-effective farm operations to supplement food purchased from local sources.

Fully staff all satellite food operations with professional cook foremen.

Professionally analyze food service programs for nutritional adequacy.

Base Program Description: Institution food menus are prepared on a 35-day cycle, balanced for variety and adequate nutrition. The basis for the menu is the "standard ration" which consists of appropriate levels of the fifteen major food categories. The "standard ration" provides each person with a daily ration of from 4.10 to 5.99 pounds of food. Special medical and religious diets are included in the menu.

Meal preparation is accomplished primarily by inmate workers under the supervision of trained civilian staff. Nearly 10 percent of the total inmate population (2,600 inmates) work in the food service program. Inmates and staff begin preparation of the morning meal at approximately 4 A.M. and finish the clean-up of the evening meal by about 7 P.M.

Food service administrators keep abreast of new ideas and technology in the food industry by attending National Restaurant Association Seminars and Bureau food service workshops. The Bureau is introducing "short order" service and "low calorie" counters at approximately 23 institutions. The service will be expanded to other institutions where and if appropriate.

The central office Food Administrator works closely with other agencies and organizations, both in and outside Government. The United States Department of Agriculture provides the Federal Prison System with certain surplus foods from the Commodity Credit Corporation. Standards of the Food and Drug Administration serve to keep the Bureau in compliance with food service sanitation and safety codes. The General Services Administration aids in the purchase of major production equipment. The military branches have shared many common food service goals. Organizations such as the National Restaurant Association, National Security & Industrial Association, American Correctional Food Service Association, National Association of Food Service and Farm Service Supervisors, and many more, play an important role in providing assistance to food managers of the Bureau.

Farm operations are conducted to utilize available land resources to produce beef and milk, for consumption at the producing institution and for transportation to nearby institutions to offset their need to purchase some products on the open market.

Based on the recommendations of an internal farm program study group, the Bureau has reversed its earlier decision to close down all farming operations. Farm operations will be reduced and limited to the production of beef and milk. These reduced farm operations must produce foods cheaper than they can be purchased on the open market or face termination.

Accomplishments and Workload: Actual and estimated accomplishments of the Food and Farm Services Program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Meals provided.....	69,030	73,947	81,000	81,000
Pounds of food served per person per day..	5.75	5.68	5.50	5.25
Number of farms operated.....	8	8	8	8
Value of farm products produced.....	\$4,400,000	\$3,500,000	\$3,000,000	\$2,500,000

Meals provided are directly related to the inmate population.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
	Medical Services.....	597	652	\$31,159	597	662	\$33,811	654	662	\$33,811	57	...

Long-Range Goal: Provide offenders incarcerated in Federal Prison System facilities with adequate, comprehensive, accessible, and high quality health care services.

Major Objectives:

Continue to provide current level health care services in all institutions, which include promotion of good health practices, prevention of diseases and disability, inpatient and outpatient treatment, medical rehabilitation services and health education.

Provide additional medical personnel in the 12 institutions which currently lack 24-hour coverage.

Provide nursing, clinical laboratory, x-ray, pharmacy, and medical records coverage to replace inmate workers at three institutions by the end of FY 1984.

Base Program Description: The Bureau's medical facilities are of three categories: medical referral centers (five facilities); infirmaries (thirty-one facilities); and ambulatory care clinics (eight facilities).

Within 14 days of admission, all inmates receive a complete physical examination including a chest x-ray and, if indicated, a psychiatric evaluation. The physical examination is sufficiently detailed to permit a reasonably accurate physical, dental, and mental appraisal of the inmate.

Medical services are delivered at the institution level by a variety of professional and para-professional health care personnel including physicians, physician assistants, medical technical assistants, nurses and dental staff. The primary health care provider is the physician assistant. Physician assistants conduct sick call five days a week which includes examination of patient complaints, ordering and assessment of diagnostic tests and implementation of a medical treatment plan. Inmates who are in segregation units are seen once during each 24-hour period by a physician assistant. Inmates with complaints during other than normal working hours or on weekends and holidays are seen by a physician assistant on-duty or on-call. If an inmate has a health condition which is beyond the scope of a physician assistant's professional capability, the inmate is referred to a physician at the institution, a contract physician or hospital in the community or one of the Bureau's medical referral centers.

The Medical Center for Federal Prisoners at Springfield, Missouri is the major medical referral center in the Federal Prison System. Four additional regional medical referral centers within the BOP health care delivery system are:

1. FCI, Butner - referrals are mainly male psychiatric cases from the Northeast and Southeast Regions.
2. FCI, Lexington - referrals are nationwide female psychiatric cases, male medical cases from the Northeast and Southeast Regions and female cases nationwide. Also, selected chronic (disabled, handicapped, geriatric) cases are referred to Lexington on a nationwide basis.
3. FCI, Fort Worth - referrals of both male and female medical cases are made from the North Central and South Central Regions. Also selected chronic (disabled, handicapped, geriatric) care cases are referred on a nationwide basis.
4. FCI, Terminal Island - referrals of both male and female medical, surgical, and psychiatric (for male inmates) cases are made primarily from the Western Region.

427

The U.S. Public Health Service (USPHS) has provided personnel in support of the Bureau medical program. Agreements also provide for the utilization of USPHS medical facilities on a referral basis. During 1982, the Bureau will begin the phase-out of the United States Public Health Service (PHS) Commissioned Officer Corps serving in the Federal Prison System (FPS). The phase-out will be completed by the end of 1984 (except for those individuals with less than five years until retirement). Current plans provide for civil service doctors to replace the PHS Commissioned Officer Corps.

Community hospitals through contract arrangements provide medical, surgical, and rehabilitative services to inmates that are not available in Bureau hospitals. In 1979, the U.S. Marshals Service had contracted with local private security agencies to provide guard service for Bureau prisoners requiring outside hospitalization. Many of these private security agencies refused to provide this service for which they contracted because they are not permitted to be armed while in the hospital. The USMS has not had adequate staff available to provide this service when needed. As a result, wardens have been finding it increasingly necessary to use senior correctional officer staff for this purpose on an overtime basis.

Accomplishments and Workload: Actual and estimated accomplishments for the Medical Services program are presented in the following table

Item	1980	1981	Estimates	
			1982	1983
Outpatient visits.....	763,576	773,917	800,000	836,625
Inpatient admissions.....	5,786	4,919	5,359	5,567
Complete physical exams.....	51,589	36,176	36,660	37,895
Vision refractions.....	8,153	9,557	9,745	9,849
Laboratory tests.....	994,521	547,262	571,888	597,622
Surgical procedures.....	4,478	4,817	5,034	5,260
X-rays.....	65,612	60,793	63,714	66,636
Consultant visits (institution and community)...	65,202	57,451	59,665	62,571
Dental visits.....	201,450	109,793	126,500	130,295
Dental exams.....	25,160	23,158	25,500	26,265
Dental procedures.....	83,239	74,618	83,400	85,902

428

The infirmary at FCI, Terminal Island, California has been upgraded and established as a medical referral center for the western part of the country. It received a two year accreditation from the Joint Commission on Accreditation of Hospitals (JCAH) in February 1981.

The Bureau of Prisons has increased 24-hour medical coverage at 23 of the 35 existing institutions requiring 24-hour coverage.

A 23 patient female psychiatric inpatient unit with appropriate staffing and treatment programs was established and is now operational at the FCI, Lexington, Kentucky (FY-80), although facility renovations have not been completed.

Program Changes: An increase of 57 positions is requested for 1983 to provide civil service doctors in lieu of PHS Commissioned Officer Corps serving in the Federal Prison System (FPS). During 1983, the Bureau will begin the phase-out of the Corps from FPS facilities.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Other Inmate Services.....	120	97	\$6,000	120	99	\$6,356	120	99	\$6,356	...	...	...

Long-Range Goal: To provide all inmates with clean clothing, footwear, linens, toiletries and writing supplies during incarceration.

Major Objectives:

Acquire an adequate supply of clothing, footwear, linens, toiletries and stationery items for distribution to the inmate population.

Operate and maintain laundry operations.

Operate and maintain clothing issue/return operations.

Maintain the Inmate Trust Fund.

Base Program Description: Clothing, footwear, toiletries, linens and writing supplies are issued to all inmates. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with inmate labor under staff supervision.

The Bureau maintains an Inmate Trust Fund account for all monies on deposit for each inmate. Monthly inmate earnings received for work with Federal Prison Industries or performance pay, are deposited directly to each inmate's account. Inmates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services or pay for supplies to participate in programs such as college courses or leisure activities.

The Bureau reviews surplus supplies available from GSA, the military services and other Government agencies for possible use in this program. The use of surplus supplies in the past has helped to offset the costs of this program.

Accomplishments and Workload: Actual and estimated accomplishments of the Other Inmate Services program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Weekly Bedding Sets Exchanged.....	68,085	74,668	71,000	72,500
Personal Hygiene Linen Sets (towels and washclothes)				
Issued.....	33,390	34,780	35,000	35,500
Exchanged.....	178,500	178,740	180,000	180,000
Personal Clothing				
Sets Issued.....	66,780	72,470	73,000	74,500
Weekly Exchanges.....	314,670	319,280	320,000	322,000

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Contract Confinement in State and Local Institutions.....	...	...	\$7,529	...	...	\$7,529	...	...	\$7,529	...	...	...

**Long-Range Goal:** To provide, through contract, high quality and diversified state and local detention facilities to house offenders committed under the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974; offenders whose lives might be endangered in Federal institutions; offenders with special needs; and inmates serving short sentences.

**Major Objectives:**

- Place all juveniles in appropriate non-Federal juvenile facilities.
- Place juveniles near their homes and in community-based facilities whenever possible.
- House those offenders who are in danger in Federal institutions in state correctional institutions or other facilities.
- House offenders with sentences of 60 days or less in local detention facilities.
- Place offenders in contract facilities whose special needs cannot be met in Bureau facilities.

**Base Program Description:** Community Programs Officers (CPO's) are stationed in large cities throughout the United States to develop and monitor contracts with non-Federal agencies to accomplish the above objectives. The CPO's work with those agencies and with the Federal offenders confined by them and they regularly conduct surveys to locate additional contract space to meet offender housing needs.

The Bureau currently contracts with 415 local detention units (jails); 52 adult boarding facilities which are primarily adult state correctional institutions; and 66 juvenile facilities which include ranches, group homes, foster homes, state juvenile facilities, and private facilities for juveniles.

The Federal law permits a juvenile to be held until his 21st birthday and beyond in some instances. The large majority of state laws, however, declare a person an adult after he reaches his 18th birthday. Approximately 80 percent of our juveniles are age 17 and over and 60 percent are age 18 and over. Moreover, approximately 59 percent have committed violent or potentially dangerous offenses requiring more secure placement than that offered in a community-based facility.

Because of these factors, we have been unable to place many juveniles in the area of their residence which the law states must be done whenever possible. Considering the barriers to placement, the Bureau is fortunate in having been able to place juveniles in non-Federal juvenile facilities. Approximately 18 percent are confined in their state of residence which enhances the opportunity to use available community resources and increases opportunities for visits from relatives and friends.

We have used adult state correctional institutions to house both adult Federal prisoners who need protection and those whose program needs are better met in state institutions. We believe this action has prevented some deaths and assaults and has allowed these inmates to live in the general population and participate in programs which meet their particular needs rather than being locked in a segregation unit.

Finally, this program allows short term offenders to remain in their home community, near families and friends. It also saves the Government transportation expenses to and from a Federal institution.

**Accomplishments and Workload:** Actual and estimated accomplishments for the Contract Confinement in State and Local Institutions program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
<b>Average daily population:</b>				
Juveniles.....	130	101	110	110
Adult Offenders.....	99	97	100	100
Short Termers.....	687	712	525	525
<b>Number of Federal inmates admitted to non-Federal facilities:</b>				
Juveniles.....	75	76	75	75
Adult Offenders.....	83	67	75	75
Short Termers.....	4,113	3,000	3,000	3,000

In 1977, all juveniles were removed from Federal institutions and placed in private, state and local juvenile facilities. Since then, with only minor exceptions, the Bureau has been able to place all juveniles in non-Federal juvenile facilities.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Institution Security.....	3,739	3,614	\$81,648	3,739	3,629	\$86,610	3,739	3,629	\$86,610	...	...	...

**Long-Range Goal:** Provide institution security, inmate control, and inmate supervision to assure the maximum protection for the community, staff, and inmates consistent with program requirements in all Bureau facilities.

Major Objectives:

Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.

Meet correctional standards in all institutions.

Base Program Description: All institutions are assigned a security classification based on the physical restraint of each facility. There are six security level classifications, number one being the least restrictive and number six the most restrictive. Offenders are assigned a custody status which relates to the degree of supervision needed, and from a security and custody standpoint, are assigned to an institution. The result is a grouping of offenders with similar custodial needs in an institution.

Correctional officers are assigned to security posts which are established on the basis, primarily, of structural/visual considerations. Supervision of inmates is provided in living units, visiting areas, dining halls, recreation areas, or any area where inmates may be located or have access to. The two basic categories of security are perimeter security and internal security. Perimeter security consists of a walled or fenced perimeter supplemented by manned gun towers, razor tape concertina wire strung between a double fence, high mast lighting to illuminate the perimeter, perimeter patrols and highly technical equipment such as alarm systems and video surveillance. Entrances through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control.

For all practical purposes, all other security measures, processes and activities can be called internal security, which commences and terminates in receiving and discharge (R & D). All inmates are received into and discharged from the R & D units. Included in the R & D process are both metal detection and physical search procedures and intake screening to insure the safety of newly committed offenders within the general population. Medical screening is also accomplished to protect the general population from disease and health hazards.

To monitor inmates, regularly scheduled counts are conducted several times a day in all institutions. Work supervisors and program personnel are held strictly accountable for all inmates they have under supervision. Violations of institution regulations are dealt with through the Inmate Disciplinary process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Disciplinary Committee, which usually consists of a unit manager, case manager and a correctional counselor. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Institution Disciplinary Committee for hearing and decision. There is an administrative remedy process for appealing decisions of the Committee.

Administrative Detention/Disciplinary Segregation are programs for separation from the general population of offenders who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. Disciplinary segregation provides segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charge against him.

Much staff time is consumed in the monitoring of identified members of prison "gangs" such as the Mexican Mafia, Aryan Brotherhood, Nuestra Familia, Black Guerilla Family and Texas Syndicate, organizations whose constitutions advocate violence, drug trafficking, strong-arming, sexual activities and theft. If these groups can be controlled, then they will be unable to realize their goals within the institution.

Assaults, escapes and other prohibited acts are normally a violation of Federal statutes requiring FBI investigation and referral to the U.S. Attorney's Office for a determination whether or not to prosecute. Prosecution of these incidents enhance staff, inmate, and public safety. Successful prosecution frequently hinges on the initial response and handling of the crime scene and subsequent procedures by institution staff. This requires a highly trained, educated, and professional team of correctional officers.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Security program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Inmate on Inmate Assaults.....	387	362	350	340
Inmate on Staff Assaults.....	305	293	240	240
Homicides.....	13*	16	10	10
Suicides.....	10	7	10	5
Escapes:				
Institution Escapes.....	579	382	375	375
Federal CIC Escapes.....	144	100	...	...
Contract CIC Escapes.....	705	566	500	500

\* Includes one staff person

The Bureau in conjunction with the United States Marshals Service has implemented a nationwide prisoner airlift transportation system which is supplemented by a bus system to facilitate prisoner movement. We are now able to complete a coast to coast transfer in as little as two days. The Bureau and the Marshals Service share equally in the payment of contracted air costs. The Marshals Service provides the staff for flight coverage. For medical flights, the Bureau furnishes appropriate staff, usually a physician assistant.

The Bureau has made gains in hiring female correctional officers. Currently, there are female correctional officers in all level 1-4 institutions.

Over the past few years the Bureau has established or expanded jail units for pre-trial detainees at several institutions including the Memphis, Miami, and Talladega FCI's and the MC's at Chicago, New York and San Diego.

The Bureau frequently lends assistance to many state correctional systems experiencing difficulty by housing their offenders. Currently, there are approximately 950 state offenders in Bureau facilities.

In addition, the Bureau is currently housing approximately 1,600 Cuban aliens and 600 Haitian refugees pending exclusionary hearings by the Immigration and Naturalization Service.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount
	WY			WY			WY			WY		
Unit Management.....	1,137	1,099	\$31,894	1,137	1,099	\$33,431	1,137	1,094	\$33,336	...	-5	-\$95

**Long-Range Goal:** To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling, social education and vocational training opportunities and programs which are most likely to aid inmates in a successful adjustment to the institution and, upon release, a successful return to the community.

**Major Objectives:**

Subdivide the inmate population in all major institutions into small, well-defined and manageable groups whose members develop a common identity from close association with each other and their unit staff.

Increase the frequency of contacts and improve relations between staff and inmates resulting in: a) better communication and understanding between individuals; b) more individualized classification and program planning; c) more valuable program reviews and program adjustments; d) better observation of inmates, enabling early detection of problems before they reach critical proportions; e) development of common goals which encourage unit cohesiveness; f) a more positive living and work atmosphere for staff and inmates; and g) more efficient accountability and control of inmates.

Ensure that decisions regarding inmates are made by staff most closely associated with these inmates, increasing the quality and swiftness of the decisions.

Provide program flexibility so that programs promote behavioral changes.

Provide opportunities for individual and group counseling in each unit.

Provide drug abuse programs for inmates who have the need and motivation to participate.

**Base Program Description:** The purpose of the unit management program is to improve inmate control and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups. A team of multi disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and living are permanently assigned and located in the unit to work with the inmates. This places services closer to the users and permits decision-making by those who are most knowledgeable of the inmates and their programs. The increased interaction between inmates and staff enhances communication and understanding of inmate needs to a level not possible in a centralized correctional environment. The program is carried out through the proper classification of inmates and development of inmate programs on the basis of need and motivation.

All unit staff members are involved in inmate decisions or recommendations including furlough recommendations; parole recommendations; custody decisions; disciplinary committee actions; and inmate program participation.

A typical unit staff consists of a unit manager, case manager, correctional counselor, correctional officer, unit secretary, educational representative and a psychologist. Together, these individuals plan, develop, implement and evaluate the program of activities, i.e., education, vocational training, counseling, for all the offenders in their unit.

The Bureau also has established Drug Abuse Units to deal with the special problems of inmates who have a dependency on drugs and/or alcohol.

Drug Abuse Units have basically the same staff as the other units except that Drug Abuse Units have a full-time psychologist assigned to the unit because of the therapeutic requirement of the program. The primary objective of all Drug Abuse Programs is to increase an inmate's level of acceptance of responsibility for his behavior. All programs have three phases. The first phase familiarizes the inmates with the various modalities or counseling activities available in the program. All inmates are also provided instruction on the effects of drugs on the body.

The second phase is actual participation of the inmate in the therapeutic program deemed most appropriate to his particular drug problem. The program may include individual or group counseling and participation in some education or vocational training program. In addition to fulfilling the responsibilities in the drug programs, each participant is required to perform acceptably on an institution job assignment.

The third, or "pre-release phase" consists of training and orientation of the inmate for his eventual release. Instruction is provided for job placement, financial responsibility and community drug abuse services and programs. The inmate is also given guidance and instruction regarding his parole responsibilities after release. Approximately 18 to 24 months are required to complete the three phases of the program.

Accomplishments and Workload: Actual and estimated accomplishments of the Unit Management program are presented in the following table:

Item	1980	1981	Estimate	
			1982	1983
Number of Units.....	190	181	181	181
Counseling hours.....	571,763	665,669	665,700	665,700
Number of Inmates Counseled.....	14,447	16,806	16,800	16,800
Number of Inmates Involved in DAP Program.....	2,895	2,400	2,400	2,400
Initial Classification Studies.....	15,376	14,307	15,000	15,000
Parole Hearing Reports.....	23,920	23,923	23,900	23,900
Study & Observation Reports.....	703	766	800	800
Transfer Reports.....	7,234	9,900	10,500	10,500
CIC Referral Reports.....	9,240	6,749	6,700	6,700
Furloughs Processed.....	20,103	23,061	23,000	23,000

435

The Federal Prison System has virtually met its goal of establishing functional unit management in all of its major facilities. Only at the Federal Prison Camp, Maxwell AF Base, Alabama has unit management not yet been implemented. There are a total of 181 functional units in Bureau institutions. Drug abuse programs have also been implemented in all major institutions. There are now 34 drug abuse programs with at least one unit at each major institution.

Program Changes: A decrease of 5 workyears and \$95,000 is requested in 1983 as a result of maintaining other-than-full-time permanent employment through 1983 at the approximate level of on-board employment at the end of 1981. Remaining resources are sufficient to meet most objectives established for this program.

Activity: Inmate Programs

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	General and Occupational Education.....	294	278	\$10,363	294	279	\$10,826	294	277	\$10,780	...	-2
Leisure Program.....	118	122	4,397	118	124	4,525	106	104	4,082	-12	-20	-443
Religious Program.....	68	68	3,018	68	69	3,148	68	67	3,112	...	-2	-36
Psychology Program.....	86	97	3,595	86	98	3,794	86	93	3,712	...	-5	-82
Total.....	566	565	21,373	566	570	22,293	554	541	21,686	-12	-29	-607

This budget activity finances the cost of academic, social and occupational education courses, institution programs for leisure time activities, and religious and psychology services.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	General and Occupational Education....	294	278	\$10,363	294	279	\$10,826	294	277	\$10,780	...	-2

Long-Range Goal: Provide general and occupational education opportunities to all inmates who wish to participate; gain accreditation of all educational programs by approved accreditation bodies and the American Correctional Association (ACA); and complete the transfer of the vocational training program from Federal Prison Industries, Inc., to this program.

Major Objectives:

Evaluate program offerings annually to assure that the education needs of inmates are being met and that program innovations and new methods of delivering educational services, such as computer assisted instruction terminals, are examined for possible application.

Employ uniform curriculum standards.

Develop a strategy for education program certification or accreditation by regional Associations of Colleges and Schools or other appropriate accrediting agencies.

Expand institutional library services to meet ACA standards by establishing inter-library loan agreements; by utilizing mobile or rotating library collections; and/or by directly providing adequate library services.

Base Program Description: General education services provide programs designed to meet specific inmate needs for functional literacy high school equivalency, continuing education, and personal growth. There are five major components of the general education program:

1. Adult Basic Education (ABE). This program is designed for the 17 percent of the inmate population having less than a sixth grade education. English as a Second Language is also offered in institutions where a significant number of inmates speak Spanish as their primary language.
2. General Education Development (GED). The GED program is for the nearly 50 percent of Federal offenders who lack a high school diploma and consists of high school equivalency courses and G.E.D. (general equivalency diploma) examinations.

3. Adult Continuing Education (ACE). Courses are available primarily through contract and include child care/parenting, driver education, and personal hygiene.
4. Postsecondary Education (PSE). These courses are for inmates who have successfully completed high school and want to further their education.
5. Social Education. These programs help inmates develop a positive self-image and adequate social skills.

Occupational Education Services provide programs to enhance the employability of offenders upon release, particularly those who either lack a solid employment history or a saleable skill. The majority of Federal offenders are unskilled at the time of commitment to prison. Federal offenders can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work. Approximately 15,000 Federal offenders will have the opportunity to participate in these training activities through the following five major components of the occupational education program:

1. Exploratory Training. Involves study of industries and occupations for a general knowledge of the world of work rather than specific skill development.
2. Pre-industrial Training. Provides short-run training for a targeted job in prison industries.
3. Vocational Training. Provides instruction and training in specific entry-level or advanced skills.
4. On-the-Job Training. Offers organized instruction and training under actual working conditions in institution service and maintenance shops and Federal Prison Industries' factories.
5. Apprentice Training. Provides journeyman level instruction and training through structured apprenticeship programs approved at the state and national levels by the Bureau of Apprenticeship and Training, U.S. Department of Labor.

Staff are trained to deliver educational services in more effective and efficient ways through the use of new instructional materials and techniques, e.g., multi-media ABE materials developed by commercial vendors; computer assisted instruction, teaching machines and other electronic equipment. Education programs maximize the use of individual learning procedures which are successful with many offenders who have failed in traditional classroom settings.

In-house general education and occupational training programs are strengthened through contract services provided by universities, two and four year colleges, and vocational training schools.

Approved apprenticeship programs are developed and established through cooperative relationships between education staff and the Bureau of Apprenticeship and Training (BAT) through the BAT's local, regional, and national offices. The Bureau requests and receives guidance and assessment of its education programs from State Departments of Education, the American Council on Education, community and junior colleges, the U.S. Office of Education, and national and local accreditation agencies. These agencies also assist with the triennial evaluations of education programs required by Bureau policies and the American Correctional Association's standards for adult correctional institutions.

Internal evaluations by regional education administrators are conducted annually with at least one annual follow-up visit for each institution.

Accomplishments and Workload: Actual and estimated accomplishments for the General and Occupational Education Program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
<u>Enrollments:</u>				
Adult basic education.....	4,798	4,018	4,500	5,000
Adult continuing education.....	2,744	5,159	5,200	5,200
General education development (GED).....	6,273	5,251	5,300	5,300
Social education.....	16,125	15,423	15,500	15,500
Post secondary education.....	16,860	13,159	13,200	13,200
Occupational education.....	13,747	12,288	12,300	12,300
<u>Completions:</u>				
Adult basic education.....	1,978	1,463	2,000	2,500
Adult continuing education.....	1,143	2,535	2,600	2,600
General education development (GED).....	2,713	2,335	2,400	2,400
Social education.....	12,156	11,867	11,900	11,900
Post secondary education.....	10,248	8,145	8,200	8,200
Occupational education.....	6,912	5,626	5,700	5,700

Apprenticeship programs have expanded to 274 training units in 76 different trade classifications. In 1981, 704 inmates enrolled in apprenticeship programs and 258 completed the institution-scheduled portion of the program. As a result of the combined efforts of representatives from the national offices of the Women's Bureau, the Bureau of Apprenticeship and Training and the Bureau of Prisons, the four institutions which house women now have formal apprenticeship programs.

FCI Milan is the first Federal prison school to be fully accredited by the North Central Association of Colleges and Schools. FCI's Alderson, Morgantown and Sandstone were accredited in 1980, and FCI's Oxford and Pleasanton and MCFP Springfield were accredited in 1981.

Program Changes: A decrease of 2 other-than-full-time permanent workyears and \$46,000 is requested for 1982 as a result of maintaining other-than-full-time permanent employment through 1983 at the approximate level of on-board employment at the end of 1981.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Leisure Program.....	118	122	\$4,397	118	124	\$4,525	106	104	\$4,082	-12	-20	-\$443

Long-Range Goal: To provide Federal offenders a full range of recreation and leisure activities staffed by professional recreation personnel.

Major Objectives:

Continue to regularly evaluate the inmate population needs for recreation and leisure activities in each institution so that programs are tailored for those receiving the services.

Place Artists-In-Residence and visiting room programs in all institutions and camps.

Develop and implement in-service training for leisure activity staff to enhance professional skills.

Base Program Description: The constructive use of leisure time by inmates helps to minimize tensions, improve the inmates' social skills and provides for a safe, more humane environment. A wide variety of individual and group leisure activities are available ranging from athletics, e.g., swimming, weightlifting, basketball, football, volleyball, to music, drama and arts and crafts. Opportunities are available for inmates to join social and cultural organizations, and many institutions have established chess and bridge clubs. Movies are scheduled frequently as are performances by guest artists. Inmate rock and country bands and soul groups perform concerts for the institution population. Many institutions also present annual art shows displaying the work of inmate artists.

Leisure programs staff coordinate activities with community athletic teams, inmate organizations such as Jaycees, Toastmasters, NAACP and community artists and performers willing to provide shows for the inmate population. Continuing sources of new ideas for leisure programs are the inmate surveys and student interns, most of whom are pursuing university degrees in recreation. Through combined funds of the National Endowment for the Arts and the Bureau of Prisons, artists are retained on a contract basis to provide professional instruction in the visual or performing arts.

Accomplishments and Workload: Actual and estimated accomplishments of the Leisure Program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
Leisure activities, enrollments.....	16,142	16,906	17,000	17,000
Leisure activities, completions.....	10,173	9,899	10,000	10,000

The above table reflects increased participation in leisure activities. This is attributed to the increase in population and to the enthusiasm generated by staff and inmates and the self-fulfillment that results from participation in creative and physical endeavor. Institution staff, increasingly, are participating in sports and other activities with inmates. This has helped to improve staff/inmate communications and relationships.

Program Changes: A decrease of 12 positions, 20 workyears, and \$443,000 is proposed in 1983. These reductions are the result of maintaining employment in 1983 at the approximate level of on-board employment at the end of 1981. At this level of funding, resources are sufficient to meet most major objectives established for this program.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Religious Program.....	68	68	\$3,018	68	69	\$3,148	68	67	\$3,112	...	-2	-\$36

Long-Range Goal: Extend to all prisoners the greatest amount of freedom and opportunity for pursuing individual religious beliefs and practices within the constraints of confinement.

Major Objectives:

Provide seven day pastoral care in all facilities, ensuring all prisoners equitable opportunities for pursuing their religious beliefs and practices within the constraints of confinement.

Provide professionally trained staff chaplaincy personnel in all correctional facilities.

Raise chaplaincy staffing complement in all facilities to the level endorsed by ACA standards.

Double the level of prisoner/family centered program options.

Base Program Description: Chaplaincy personnel within the Federal Prison System function/as ecumenical clergy persons offering seven day pastoral care and crisis/need care to prisoners, staff and staff families. Within the correctional setting where it is common for prisoners to have poor self images, guilt feelings, and suffer from the corrosive effects of confinement, chaplaincy personnel have a major role in sustaining the prisoners. Pastoral care includes routinely visiting a minimum of once weekly, those areas of the institution where prisoners are confined without freedom of movement, such as segregation and the hospital. Visits are routinely made to the visiting room, the housing units, occasionally to the work assignment areas, and to prisoners confined to community hospitals.

Chaplaincy care is offered to all inmates by making available worship services of the various religious disciplines represented within the prisoner population. All religious activities are open to prisoners of all religious persuasions. Chaplaincy personnel are responsible for delivering the religious services of their particular faith group and for arranging the delivery of religious services of other faith groups through contract or volunteer clergy. In an average correctional facility there will be approximately 15 religious worship services offered each week.

Other religious program options offered weekly include, Bible studies, moral growth seminars, group counseling, retreats, revivals, choirs, marriage enrichment programs and cursillos. In an average institution, there are usually about 16 non-worship meetings weekly. Assistance is also provided regarding religious diets, apparel, and holiday observances.

Chaplaincy personnel recruit, train, supervise, and sustain religious volunteers from the community who regularly visit the institution to participate in the religious programming. The volunteers are representative of the community at large. Prisoners frequently develop lasting trust relationships with community volunteers who become a prime influence in the prisoner's adjustment and represent continuing contact with the world outside.

Accomplishments and Workload: Actual and estimated accomplishments of the Religious Program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
Chaplaincy volunteers.....	3,000	3,100	3,000	3,150
Chaplaincy minority contracts.....	173	130	86	88
Programs offered.....	51,000	49,200	40,250	41,000
Inmates participating in programs (instances).....	901,000	885,600	724,500	738,000
Religious furloughs over 7 days.....	90	75	95	105
Religious furloughs under 7 days.....	200	175	150	180

Over the past several years, the Religious Program has broadened religious program alternatives making available religious services for the numerous religious disciplines represented within the inmate population. The basic constitutional concept of freedom of religion has been adhered to in the Federal Prison System.

Program Changes: For 1983, a decrease of 2 workyears and \$36,000 are requested. This reduction is the result of maintaining other-than-full-time permanent employment in 1983 at the approximate level of on-board employment at the end of 1981.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Psychology Program.....	86	97	\$3,595	86	98	\$3,794	86	93	\$3,712	...	-5	-\$82

Long-Range Goal: Provide immediate and long-term psychological care for Federal inmates with mental health problems; provide as humane a correctional environment as possible by mitigating the often corrosive effects of imprisonment; and assist in the decision-making of courts, prison administrators and parole officials.

Major Objectives:

Provide psychological screening for every inmate admitted to the Federal Prison System.

Establish base rates of incidence of the different types of mental health problems found in the inmate population.

Provide psychotherapy to all inmates who desire and need it.

Provide crisis intervention counseling to every inmate in crisis.

Develop a standardized program evaluation package for drug abuse treatment programs.

Provide psychological evaluations requested by the courts, parole officials, and prison administrators.

Provide staff with training, supervision, and consultation as requested by program managers.

Implement special treatment programs in drug abuse and alcohol abuse units.

Base Program Description: Psychology staff are an integral part of correctional treatment administering programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. Policy requires that every inmate admitted to a Bureau facility be given an initial psychological screening which consists of psychological testing, psychological interviews, social history reviews, and behavioral observation. The purposes of the screening are to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the inmates and provide information about them. The Minnesota Multiphasic Personality Inventory (MMPI) is the psychological screening test used. The results of the screening are summarized in a report placed in both the inmate's central file and the psychological file.

Psychotherapy, both individual and group, is offered on a voluntary basis to those inmates who express a desire and evidence a need for it. Psychology service's resources are also geared to "life competency skills" training and orientation. The approach has proven successful in improving personal skills and knowledge including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and work skills.

Short-term crisis counseling has only recently been acknowledged by mental professionals as a powerful, viable skill. Not only have Bureau psychologists gained expertise in this area, but they also have provided training and consultation to staff in all institutions.

Bureau psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations. With the agreement and cooperation of the U.S. Parole Commission, many presentence evaluations have been diverted from the institution to the community.

There are currently 34 Drug Abuse Programs throughout Bureau facilities. In each program, the staff psychologist is responsible for the development, implementation, and evaluation of the treatment programs provided. Many successful and innovative treatment techniques have been developed by these psychologists.

Accomplishments and Workload: Actual and estimated accomplishments of the Psychology Program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
Court evaluations.....	1,000	1,001	1,200	1,100
Routine evaluations.....	23,000	26,556	23,000	29,200
Individual therapy sessions.....	34,500	26,414	34,500	29,100
Group therapy sessions.....	8,000	7,402	8,100	8,200
Participants in group therapy.....	15,500	23,727	15,600	26,100
Crisis intervention sessions.....	21,500	19,965	21,500	22,000
Staff training sessions.....	3,700	3,302	3,700	3,600
Unit team meetings.....	8,000	8,610	8,000	9,500

It should be noted that a time study performed in 1979 indicated that the workload data for this program accounts for approximately 60 percent of a staff psychologist's time. Other duties, more difficult to measure, include administration, staff consultation/supervision, personal development classes, liaison work, and research.

Program Changes: For 1983, a decrease of 5 workyears and \$82,000 is requested. This reduction is the result of maintaining employment through 1983 at the approximate level of on-board employment at the end of 1981.

Activity: Institution Administration and Maintenance	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Institution Administration.....	1,040	1,009	\$41,404	1,040	1,015	\$46,368	1,040	987	\$46,368	...	-28
Staff Training.....	57	65	5,201	57	65	5,425	57	65	5,425	...	...	...
Institution Maintenance.....	777	755	50,146	777	757	54,203	777	751	54,092	...	-6	-\$111
Total.....	1,874	1,829	\$96,751	1,874	1,837	\$105,996	1,874	1,803	\$105,885	...	-34	-\$111

This budget activity covers all costs associated with the general administration, operation and maintenance of facilities. Included are functions of the warden's office, legal counsel, personnel, financial management, records office, safety, staff training, mechanical services, motor pool operations, power house operations and other administrative functions.

Institution Administration.....	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Institution Administration.....	1,040	1,009	\$41,404	1,040	1,015	\$46,368	1,040	987	\$46,368	...	-28

Long-Range Goal: To continue to provide effective and innovative administration at all institutions and continually seek ways to improve existing administrative practices and procedures.

Major Objectives:

Fully implement on-line automation of all financial management systems to ensure that the necessary support and management data is provided to institutional managers.

Restructure and reorganize financial management to ensure successful implementation and management of automated systems and improve cost center management.

Increase the rate of minority hiring from 29 percent to 33 percent and maintain the current female hiring rate at 28 percent.

Increase minority promotions to 30 percent and female promotions from 16.7 percent to 20 percent.

Negotiate local labor contracts.

Implement the SENTRY automated sentence computation and population accountability systems.

Provide adequate professional safety staffing in all institutions to meet Occupational Safety and Health Administration, American Correctional Association and Department of Justice standards requirements, including at least two full-time safety professionals in every institution.

Base Program Description: The Institution Administration program consists of an institution's executive staff, business office, personnel office and safety office. Financial Management is charged with the management and control of all allotted funds with responsibility for procurement, warehousing, issuing supplies, equipment, contracting for services, disbursement and collection of monies and collection and input of all data for the automated accounting system and employee payroll.

The personnel office, in assembling and maintaining an effective workforce, advertises all vacancies, collects applications, establishes promotion boards and prepares a list of eligibles. The personnel office ensures that all position descriptions are current and accurate. It serves as the management representative to the union, develops manpower plans for institutions and plays a major role in recruiting minorities to meet Equal Employment Opportunity goals.

The records office is responsible for the processing of detainees, and the admission, transfer, sentence computation for and discharge of all Federal prisoners. The admissions process, for example, entails the identification of inmates, review of court documents, fingerprinting, photographing, and disposition of personal property. Following admission, the records office must perform sentence computation which involves adjustments due to U.S. Parole Commission action, Institution Disciplinary Committee actions and good time.

The records office provides paralegal services such as answers to show cause orders; determinations in sentence computation problems; interpretations of court orders; representation of the institution in court matters pertaining to inmate records; and providing expert testimony regarding sentence computation.

The safety program involves the inspection of institutions for sanitation, rodents, unsafe working conditions and presence of hazardous chemicals. The safety officer is responsible for processing accident reports and compensation forms for employees.

**Accomplishments and Workload:** Actual and estimated accomplishments for the Institution Administration Program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
Purchase Orders.....	82,189	84,827	85,400	86,000
Accounting Transactions.....	1,436,269	766,489	800,000	820,000
Commitments Processed.....	18,680	19,595	19,474	19,474
Transfers in Processed.....	13,820	11,576	11,505	11,505
Other Movement in (Furloughs, Writs, etc.).....	65,875	68,309	67,887	67,887
Discharges.....	13,650	11,850	11,925	11,505
Transfers Out.....	10,514	10,700	16,754	19,474
Other Movement Out.....	77,168	68,948	69,382	67,887
Detainers Processed.....	14,021	14,500	14,800	15,000
EEO Recruiting Actions.....	47	39	60	80
Personnel Actions.....	7,357	7,400	7,400	7,400
Safety Inspections.....	4,210	4,210	4,260	4,280
Accident/Injury Investigations.....	1,725	1,750	1,750	1,800
Fire Investigations.....	390	390	390	390

The workload of financial management has increased significantly as a result of the imposition by the Congress and the Department of Justice, of detailed fund controls. To ensure that the Federal Prison System operates within these controls and restraints, an automated on-line Financial Management Information System has been developed and activated. This system affords management instant information with regard to funds and established limitation levels.

The number of internal financial management reviews each year has been increased, as well as the scope of the reviews. An automated property management system and a real property system has been designed and will soon be implemented to eliminate deficiencies cited by General Accounting Office and Department of Justice audits.

**Program Changes:** A decrease of 28 workyears is proposed in 1983. This reduction is the result of maintaining other than full-time employment through 1983 at the approximate level of on-board employment at the end of 1981.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Staff Training.....	57	65	\$5,201	57	65	\$5,425	57	65	\$5,425	...	...	...

**Long-Range Goal:** To communicate current policies and procedures to all staff and to teach them the skills and techniques necessary to maintain a safe, secure and productive correctional environment.

Major Objectives:

To conduct 35,000 instances of training by 1986 including the following:

- 24 hours of annual correctional refresher training for each employee by 1986 (8,000 instances). One-third of this training is being provided now; the remainder will be added one-fourth at a time for the four year period 1983 through 1986. For accreditation, the American Correctional Association requires 40 hours of training each year for each employee. This course will provide 24 hours of the training by 1986.
- 16 hours of annual job specialty training for each employee by 1986 (8,000 instances). One-third of this training is being provided now; the remainder will be added one-fourth at a time for the four year period 1983 through 1986. Combined with the training above, the American Correctional Association standard of 40 hours of training each year for each employee will be met by 1986.

To provide 31,020 instances of training by 1983 as follows:

- Annual job specialty training for 3,999 employees.
- Annual executive/management classes for 200 employees including SES candidates and incumbents.
- Basic correctional training for all new staff (1,104 instances).
- Advanced correctional classes for 336 experienced employees.
- Instruction for 736 trainers, supervisors, and managers.
- Annual correctional training for 3,999 employees.
- Institution-based operations training for all staff (20,646 instances).

Base Program Description: Staff training is being provided on site at each of the institutions; at three residential training centers; through external training provided by the Office of Personnel Management and other Federal agencies; by colleges and universities; and by private agencies.

The Federal Prison System operates a training center at Glynn, Georgia which provides three weeks of introductory correctional training for all new employees. This modern facility accommodates up to forty-eight students. The training center facilities include housing for the students, rifle ranges, and adequate space for firearms, self-defense, and disturbance control training. Course materials are organized and written and provide instruction on abnormal behavior, community programs, counseling systems, the dynamics of prejudice, equal employment opportunity, employee conduct and responsibility, employee stress management, escapes, fire prevention, first aid, correctional practices, inmate discipline, interpersonal communications, and legal issues.

Most of the Bureau's meetings, workshops, and conferences are held at the management and specialty training center in Denver, Colorado. This center can house thirty-five students at costs substantially less than they would be at a motel. The center conducts a wide range of courses for supervisors and program managers and also trains trainers for the institutions' locally conducted courses. These include courses for locksmiths, bus operations trainers, equal employment opportunity counselors, unit managers, correctional counselors, correctional supervisors, medical records technicians, hospital administrative officers, case managers, and industrial mid-managers. The training center offers courses for required instructor certification in firearms, self-defense, disturbance control, and interpersonal communications.

The Oxford correctional institution operates a center which offers training for the food service personnel in all Bureau of Prisons institutions.

Accomplishments and Workload: Actual and estimated accomplishments for the Staff Training program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
External Training Provided:.....	3,089	3,833	3,600	3,600
SIC Training Provided:.....	1,351	1,311	1,440	1,440
MSIC Training Provided:.....	747	791	652	736
Internal Training Provided:.....	19,751	24,646	24,646	24,646

In 1979, the training program delivered 19,886 instances of training to nearly 10,000 employees. The associated number of manhours exceeds 430,000. In 1980, the program delivered 25,000 instances of training and 550,000 associated manhours. In 1981, the figures were 30,000 instances and 520,000 manhours. For 1982, the number of training instances is estimated to remain at 1981 levels. By 1986, the figures will be 35,000 instances and 672,000 manhours. Contrasting these with past years accomplishments illustrates the progress that has been made.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Institution Maintenance.....	777	755	-\$50,146	777	757	\$54,203	777	751	\$54,092	...	-6	-\$111

Long-range Goal: Continue preventive maintenance program and service of all utilities systems in the most energy efficient manner, to avoid excessive major repairs and interruptions in institutional programs.

Major Objectives:

Complete approximately 800 major repair projects and 105,000 minor repair projects in 1983.

Provide 24-hour coverage in high pressure boiler plants as required by the NFPA, Code 85.

Continue the program of reducing motor vehicle fuel consumption by 20 percent based on 1979 usage.

Comply with requirements of NFPA, 101 Life Safety Code as it pertains to penal facilities.

Base Program Description: Institution maintenance requirements are identified through facilities inspections conducted as part of the ongoing preventive maintenance program; through formal semiannual inspections; and through requests for specific needs identified by institution staff members. All items of work are submitted in the form of work requests to the institution facility manager. Items costing less than \$200 are approved by him and assigned to the proper shop for completion.

Requests estimated to cost from \$200 to \$4,000 are submitted to the institution Work Programming Committee for consideration and scheduling. Requests in excess of \$4,000 are included in the Modernization and Repair program of the "Buildings and facilities" appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and between five and fifteen inmates. Each institution must have staff with experience and training in each phase of construction and maintenance work (i.e., to train and supervise inmate crews in their performance of the work). Highly skilled work foremen are required in several trades such as steamfitters, air conditioning mechanics and electronics repairmen.

A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

Accomplishments and Workload: Actual and estimated accomplishments of the Institution Maintenance program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Major maintenance projects completed (\$200-\$4,000).....	763	828	830	830
Minor maintenance projects completed (\$200 or less).....	105,584	114,379	114,400	114,400
Power plants operated.....	33	33	33	33
Vehicle miles driven.....	6,535,140	6,637,383	6,637,383	6,637,383
Percentage of power plants operated with 24 hour coverage.....	91	94	94	94
Percentage increase/decrease in miles driven from previous year.....	-24%	1.6%	...	...

A program of training for facility managers has been developed recently to achieve better management of available resources. This week long training experience includes training in management duties and responsibilities, personnel policies and procedures, planning and organizing work, effective communications, systems for controlling manpower, labor management relations, and solving problems common to facilities management. The course was designed to fit as closely as possible to those situations and problems faced by a facility manager in day-to-day operations.

The Bureau has developed new energy policy to provide guidance and direction on energy conservation, reporting, and other issues. A SICOR-based automated energy reporting system has been developed and provides management with much more accurate and timely information on energy usage. Engineering surveys of all Bureau facilities are presently underway as a means of identifying ways to reduce energy consumption.

Program Changes: The 1983 request for this program includes a reduction of 6 workyears and \$11,000. The reduction is the result of maintaining other-than-full-time permanent employment through 1983 at the approximate level of on-board employment at the end of 1981.

448

Activity: Community Corrections	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount
	99	105		99	105		99	102		99	102	
Federal Community Treatment Centers and Other Community Programs.....	99	105	\$3,714	99	105	\$4,059	99	102	\$3,980	...	-3	-\$79
Contract Community Treatment Centers..	...	...	18,361	...	...	21,039	...	...	21,039	...	...	...
Total.....	99	105	22,075	99	105	25,098	99	102	25,019	...	-3	-\$79

This budget activity provides for the care of Federal offenders in Federal and contract community residential centers. Funds for this activity also support the Community Programs Officers, who serve as Bureau representatives in the community.

Federal Community Treatment Centers and Other Community Programs.....	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount	Perm. Pos.		Amount
	99	105		99	105		99	102		99	102	
	99	105	\$3,714	99	105	\$4,059	99	102	\$3,980	...	-3	-\$79

Long-Range Goal: Manage resources for confinement of offenders in non-Federal facilities and provide liaison between these agencies, the U.S. Marshal Service, U.S. Probation Service, U.S. Parole Commission, Federal Courts, and the Federal Prison System.

Major Objectives:

Contract for 100 percent of the community residential program bed space requested by Federal courts, the U.S. Probation Service and the U.S. Parole Commission.

Contract for community residential program bed space for 80 percent of all eligible Bureau releases to the community for an average length of stay of 100 days.

Monitor contract Community Treatment Centers with less than 1,000 inmate days a year annually (minor use facility), and those with 1,000 inmate days or more biannually (major use facility).

Provide training for all contractors, in relatively small groups, annually for 2-3 days and conduct basic, detailed training at the site of the contract facility at least once a year during a monitoring visit.

Provide accurate and timely information to FPS regional designators to insure appropriate placement of all newly committed Federal offenders.

Keep the Federal family aware of changes in FPS policy, sentencing alternatives and other areas of concern.

Base Program Description: The Bureau closed its Federal CIC's in 1982 (Chicago CIC residents were moved to the Chicago MCC) and all CIC residents have been placed in contract CIC's. This decision was made in response to position reductions made by the new Administration and the fact that comparable services can be provided through the contract CIC program.

Community Program Officers (CPO's) negotiate and monitor contracts for the boarding of Federal offenders in State and local institutions and for non-Federal Community Treatment Centers. Contracts are maintained with private, state and local juvenile facilities for the placement of all committed juveniles; with state correctional institutions, largely for inmates who are not safe in Federal facilities (protection cases) and those who have very special needs not met by Bureau institutions; and with local detention facilities for those offenders with 60 days or less to serve, or those recommended for local confinement by the court. Contracts are also maintained with non-Federal community treatment centers to provide services to inmates as they attempt to establish themselves as fully functioning citizens while still under supervision. The CPO's also make recommendations for designation of newly sentenced offenders and assist in the placement of direct commitments to non-Federal facilities. They serve as technical consultants to contractors on Bureau Policy.

In addition, CPO's serve as the FPS liaison with members of the U.S. Marshal Service, U.S. Probation Service, U.S. Parole Commission, Federal courts, other Federal agencies, state and local government agencies and local community agencies.

There are presently 39 CPO's stationed in 32 major cities throughout the United States.

Accomplishments and Workload: Actual and estimated accomplishments for Federal Community Programs are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Number of contracts with juvenile facilities.....	70	66	66	66
Number of contracts with adult facilities.....	100	52	52	52
Number of contracts with detention facilities.....	40	24	24	24
Number of contracts with community treatment centers.....	400	313	313	313
Contract monitoring:				
Major use facility.....	N/A	48%	75%	100%
Minor use facility.....	N/A	42%	75%	100%
Overall.....	N/A	44%	75%	100%
Designations.....	22,528	21,815	23,000	24,000

During the past year, the Bureau has revised the guidelines for assigning offenders to CICs. Inmates serving a sentence under the Youth Corrections Act and those with documented need for program participation and employment assistance needs are given priority for programming through a center.

The Bureau continues to be able to provide bed space for those offenders referred by the courts, i.e., direct commitments with short sentences, probationers needing increased security and supervision, and parolees ordered placed in centers by the U.S. Parole Commission.

Program Changes: For 1983, a decrease of 3 workyears and \$79,000 is requested. Remaining resources are sufficient to effectively administer the programs established.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Contract Community Treatment Centers..	...	...	\$18,361	...	...	\$21,039	...	...	\$21,039	...	...	...

Long-Range Goal: The contract CIC program provides high quality community-based residential correctional programs through contract for: (1) all eligible federal prisoners who need transitional programming at the end of their sentences; (2) all offenders sentenced in federal courts who the court determines should be placed in these community-based facilities as an alternative to placement in correctional institutions, and (3) offenders under probation and parole supervision who are not adjusting well in the community under supervision and need additional attention.

Major Objectives:

Provide community residential resources to 80 percent of all eligible Bureau releases.

Release inmates to CICs for an average length of stay of 100 days.

Provide 100% of the community residential program bed-space requested by federal courts, the Probation Service and the Parole Commission.

Encourage contract CICs to become involved in the accreditation process (Commission on Accreditation for Corrections). The Bureau's goal is to involve 60% of all contract CICs in the accreditation process by 1983.

Base Program Description: The Bureau contracts with State, local and private agencies to provide residential resources for institution releases, direct commitments and persons requiring closer supervision than can be provided by U.S. Probation Officers. The basic services provided by CICs are: (1) pre-release transition programs for eligible offenders returning to the community at the end of their sentence; (2) community-based residential alternatives to confinement in regular penal institutions for those sentenced offenders the federal courts determine need more than probation and less than full institution confinement and services; and (3) community-based residential care for offenders who are under probation or parole supervision but who need more intensive services and/or programs than can be provided under the "street" supervision of the U.S. Probation Officer. The Bureau has contracts with approximately 313 private CIC units.

Contract CICs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, employment and placement assistance.

Accomplishments and Workload: Actual and estimated accomplishments for the Contract CIC program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
Total Residents Admitted.....	9,033	7,412	7,100	7,500
Pre-Releasees Admitted.....	7,803	6,140	5,850	6,300
Court Referrals Admitted.....	470	534	500	500
Probation/Parole Referrals Admitted.....	760	738	600	700
Average daily CIC population.....	2,650	2,161	1,550	1,850
Average Length of Stay in CICs (days).....	95	106	80	90
Average CIC Use Level for Pre-Releasees.....	NA	67%	65%	70%
Percentage of Contracts Involved in Accreditation Process.....	22%	43%	50%	60%

In 1981, FPS revised its method of computing average CIC use levels for Pre-Releasees. The revised method reports only the percent of those eligible for pre-release programs. Excluded are inmates released to detainers and short-term offenders (serving six months or less) who are ineligible for pre-release programs. An additional 20% of the inmate population will not be referred to CIC's for a variety of reasons including a history of violence, medical problems, inmate refusal, etc.). Thus, the FPS objective is to provide CIC programs to 80% of all eligible Bureau releasees.

Centers under contract with the Bureau are becoming involved in the accreditation process and have been encouraged to work towards this goal. Currently 43% of the Bureau's contract centers are in the process of becoming accredited. We anticipate that 50% of the contractors will be involved in the accreditation process in 1982 and 60% by 1983.

452

Activity: Program Direction	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Executive Direction and Control.....	216	257	\$9,334	216	258	\$9,902	216	243	\$9,624	...	-15	-\$278
Administrative Services.....	173	205	13,339	173	207	14,476	173	205	14,439	...	-2	-37
Total.....	389	462	22,673	389	465	24,378	389	448	24,063	...	-17	-315

This budget activity covers the costs of regional and central office executive direction and management support functions such as the executive staff, regional and central office program managers, research and evaluation, program analysis, budget development, policy development and implementation, system support, financial management, personnel, ADP, space management, and legal services.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Executive Direction and Control....	216	257	\$9,334	216	258	\$9,902	216	243	\$9,624	...	-15	-\$278

Long-Range Goal: To continue providing executive direction and leadership to the Federal Prison System by coordinating, initiating and evaluating planning and operational activities through the various central office branch chiefs, regional office program managers, and the executive staff.

Major Objectives:

Provide program direction through policy development and monitoring, planning, and budgeting to all elements of the Federal Prison System on a continuing basis.

Furnish legal advice on prisoners' rights and sentencing to the Bureau, the courts, United States Attorneys and private attorneys; and provide other legal services as needed.

Communicate and implement management decisions; provide coordinated planning and budgeting, program analysis, and research; and determine efficient allocation of resources.

Provide executive direction toward meeting correctional standards for all programs.

Base Program Description: The overall administration of the Federal Prison System is located in the central office and five regional offices. The following describes the organization and functions of these offices.

The Executive Staff which plays a major role in Bureau management and operations, includes the Director, all Assistant Directors, Medical Director, Associate Commissioner for Federal Prison Industries, and all Regional Directors. The Executive Staff reviews all major issues and determines major policy for the Bureau.

The General Counsel provides legal assistance and advice to the Federal Prison System including adjudication of grievances and appeals filed under the Bureau's EDO program; review of FOIA requests; final appeal on Administrative Remedy Procedures; coordination of litigation; interpretation of laws and directives; review of policy and procedures for legal implications; and other legal assistance as necessary.

The Office of Inspections is responsible for investigating violations of standards of professional conduct by employees and officers of the Federal Prison System and for providing overall guidance in program auditing.

The Assistant Director for Correctional Programs is responsible for programs for the care, custody and correction of inmates including institution security, inmate custody, case management, unit management, chaplaincy and psychology services, staff training, and education and leisure programs. He is also responsible for the function of personnel management.

The Director of the Medical and Services Division is responsible for establishing a system-wide health care program. The Medical Director is also responsible for the Bureau's farm operations, food services, inmate compensation programs, and safety and sanitation.

The Assistant Director for Planning and Development is responsible for the Bureau's construction and mechanical services activities for new and existing facilities; program planning and evaluation; budget development; and financial management.

The Associate Commissioner for Federal Prison Industries (FPI) reports directly to the Director and to the Federal Prison Industries Board of Directors. The Associate Commissioner is responsible for four major functional areas: FPI Industrial Operations and Corporate Management; Community Programs; Correctional Standards; and Information Systems.

Accomplishments and Workload. Actual and estimated accomplishments for the Executive Direction and Control program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
Policy Statements Issued.....	64	49	50	50
Change Notices.....	41	47	49	49
Operations Memoranda.....	292	321	327	327
Program Statements Rescinded.....	83	43	44	44
Meetings, Workshops, Audits, Conferences, Staff Assistance Visits.....	1,175	1,409	1,700	2,040
Budget Back-up, Program Analysis, Projects Facilities Analysis, Capabilities, Staffing Patterns, Chart Preparation, Special Assignments.....	99	118	142	175
Public Affairs Reports and Requests.....	4,375	4,500	4,500	4,500
Congressional Inquiries.....	7,800	5,620	5,620	5,620
Tort Claims.....	1,510	1,808	1,800	1,800
FOIA/Privacy Act Cases.....	2,800	2,925	2,925	3,000
Administrative Remedy Cases.....	26,980	25,000	25,000	25,000
EEO Cases.....	80	90	85	90

Program Changes: For 1983, a decrease of 15 workyears and \$278,000 is requested for this program. Remaining resources are sufficient to meet the objectives established for this program.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	WY		Pos.	WY		Pos.	WY		Pos.	WY	
Administrative Services.....	173	205	\$13,339	173	207	\$14,476	173	205	\$14,439	...	-2	-\$37

**Long-Range Goal:** Provide for effective personnel policies and administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.

**Major Objectives:**

Increase the rate of hiring minorities from 29 percent to 33 percent and maintain the current rate of hiring for females at 28 percent. Increase the number of minority promotions from 24 percent to 30 percent and the promotion of females from 16.7 percent to 20 percent.

Review local labor contracts as they are negotiated and revise all appropriate Program Statements to conform with Civil Service Reform legislation and the new contract.

Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential problems.

Develop and issue a classification manual to increase the consistency of classification decisions.

Provide current and accurate financial management information.

Place more emphasis on cost center management (primarily through training) to ensure greater program manager involvement in the management of funds.

Conduct financial management reviews at all institutions.

Continue to implement SENTRY at institution sites during 1983.

Improve system-wide service and teletype telecommunication system.

**Base Program Description:** This program consists of human resources services, general services support, and systems support. Included are the functions of personnel management; maintenance of equal employment opportunity; medical services; financial management, including procurement and property management, and ADP services, records management, mail, printing, reproduction, and space management.

Personnel administration is largely regulated by the government-wide merit system and requires considerable planning and coordination with both the Department of Justice and the Office of Personnel Management. Coordination is necessary with colleges, high schools, civic groups, public and private groups and organizations in order to recruit an efficient work force. Increasing minority and women hiring is accomplished through recruitment campaigns, visits to colleges and universities and other similar programs. EEO specialists have been placed in each region in order to help carry out this program.

Training is provided to appropriate personnel in labor/management relations and arbitration. Provisions of newly negotiated Master Agreements and local supplemental agreements are communicated widely to increase employee involvement, particularly field employees, in the process. Merit System Protection Board and arbitration cases are reviewed and analyzed to provide more thorough insight into labor/management policy problems.

Financial Management provides for the design, development, and implementation of financial systems and the maintenance and continuous analysis, evaluation and modification of existing systems to ensure compliance with statutory and regulatory requirements and meet the administrative needs of the Bureau. Financial Management establishes property accounting, cost-based budgeting practices and suitable internal control procedures; and develops and provides financial reports on the fiscal status, financial results of operations, and the cost of the Bureau's operations. Financial Management is also responsible for the development of the Bureau's financial operating plans and the administration of funds appropriated to the Bureau. Financial audits are conducted to ensure field compliance with policies and regulations. These audits are scheduled to accomplish a financial review of each field location every 18 months. It is important to note that half of the Bureau's fiscal force consists of inmates. This help is essential to the financial program; however, it requires extensive staff time for training the offenders because of their high turnover rate and inexperience.

The Property Management and Procurement functions are also the responsibility of Financial Management. This includes procurement authority for all services and supplies; the administration of regulations for all procurement and personal property and administrative legal claims matters; and the review and interpretation of statutes and regulations of other government agencies relating to all phases of property management and procurement.

In addition, Financial Management is responsible for special inmate services (including commissary, inmate trust fund, and laundry). Commissary operations provide opportunities for inmates to purchase items above the necessities of life. Inmate trust fund operations account for all monies on deposit for each inmate. Laundry operations provide all inmates clean clothing, footwear and linens. Other inmate services include provisions for toiletries and writing supplies.

The Bureau's current information system provides a variety of demographic information on the inmate population, but its use is limited because the information is not definitive, is not timely and frequently, is inaccurate. For the past few years the Bureau has been involved in the implementation of the SENTRY system, a system which will perform up-to-the minute locator status information on all individuals under the custody of the Attorney General. It will provide population counts and refined inmate demographic statistics; interagency and intra-institution population movement, schedules, notices, and statistics; and it will automatically compute and update sentence computations. It will also provide for base program data for management of the Commissary Trust Fund operations.

Accomplishments and Workload: Actual and estimated accomplishments for the Administrative Services program are presented in the following table:

Item	1980	1981	Estimated	
			1982	1983
Personnel Surveys.....	22	22	22	22
EEO Recruiting.....	25	25	25	25
Arbitration Cases.....	75	83	95	95
Financial Management Reviews.....	21	30	27	43
System Support Batch ADF-Supported Sites.....	107	107	86	86
HQP SENTRY Sites.....	59	62	54	86
USMS SENTRY Sites.....	3	2	3	3
USPC SENTRY Sites.....	5	6	6	6

Staffing activities have been enhanced through several key efforts. The hiring of clinical psychologists has traditionally been difficult for the Bureau. Approval was sought and obtained from the Office of Personnel Management to establish and maintain a register for this profession. Since the register was established, approximately 40 psychologists have been hired with about 50 eligibles remaining on the register at all times. In addition, the Federal Prison System now maintains the register for Correctional Officer positions. Since this register was established, some 5,600 applicants have applied of which 3,180 have been rated eligible. Of those rated eligible, 434 have been hired. Approval was also granted to utilize the Graduate Cooperative Education Program for recruiting candidates for social science research positions. The Bureau has hired most of its students through the Undergraduate Cooperative Education Program which has proven to be an excellent recruiting tool to fill correctional officer positions. Administrative Systems Management organizational structures and functional responsibilities were reviewed to standardize grading patterns throughout the system. A wage board task force reviewed representative positions to overcome pay overlap problems between wage board and general schedule positions. A system of position control, compatible with the financial management reporting system, has been implemented. This system enables the Bureau to quickly provide detailed information on authorized and filled positions.

The workload of Financial Management has increased significantly as a result of funding limitations and reprogramming constraints. To ensure that the Federal Prison System complies with these requirements, an automated on-line Financial Management Information System has been developed and implemented. This system provides Bureau management instant information regarding the status of funds. The number of internal financial management reviews conducted each year has been increased, as well as the scope of reviews. An automated property management system and a real property system has been designed and implemented and will help eliminate deficiencies cited by the General Accounting Office and the Department of Justice in their financial management audits. Plans for implementing an on-line Inmate Deposit Fund and Commissary Trust Fund System have been completed.

During 1980, the SENTRY program encountered some unexpected delays. The promised dedicated IBM 370/155 host computer was removed in February 1980, and SENTRY was reassigned again to a shared environment. There followed a period of delay until long-term reliable host computer support became available. During this period, all equipment procurement activity was interrupted for several months, delaying any further equipment acquisition until 1981. Completion of all equipment acquisition is now scheduled through 1983.

Because of the long delays in conducting the competitive procurement for all SENTRY equipment, the Bureau determined in 1979 to lease a single terminal and printer for each BOP facility (except Community Programs Offices) until such time as the full complement of equipment could be acquired. Of the 59 BOP SENTRY sites shown on the workload outputs table as having equipment in 1980, 49 have the leased single-terminal configuration. These will be replaced during the period 1981 through 1983 after the major SENTRY procurement contract is awarded.

Program Changes: A decrease of 2 workyears and \$37,000 is requested in 1983. Remaining resources are sufficient to meet the objectives of this program.

Federal Prison System

Status of Congressional Requested  
Studies, Reports, and Evaluations

1. The Senate Judiciary Committee Report (97-94), relating to the Department of Justice Authorization Act for 1982, requested the following studies and reports:

- A periodic progress report on the conversion of the Leavenworth, Kansas Penitentiary to a smaller more modern facility. Until completion of the conversion the Bureau will provide a progress report to the Committee on March and October 1st of each year.
- A thorough review of the use of the Atlanta, Georgia Penitentiary. The Bureau has reviewed the alternatives concerning the Atlanta Penitentiary and has recommended to the Senate and House Judiciary Committees the continued use of the USP at Atlanta by the Federal Prison System.
- A report on the feasibility of private sector jobs for Federal inmates. The Department of Justice Evaluation Staff will be conducting a thorough review of NIC achievements and will forward a report to the committee.

Federal Prison System

Salaries and expenses

Summary of Adjustments to Base  
(Dollars in thousands)

	Work- years	Amount
1982 as enacted.....	8,873	\$336,785
Congressional action.....	...	16,215
Transfer to Federal Prison Industries, Inc., to avoid closing factories.....	-37	...
1982 appropriation anticipated.....	8,836	353,000
Transfer from Federal Prison Industries to restore 1982 reductions.....	37	...
Uncontrollable increases:		
1982 pay increase.....	...	10,617
Executive level pay increase.....	...	382
Annualization of positions approved in 1982.....	4	195
Annualization of program increase.....	3	206
Within-grade increases.....	...	1,851
Health benefits costs.....	...	1,124
Federal Employee's Compensation Act (FECA).....	...	290
Standard Level User Charges.....	...	707
GSA recurring reimbursable services.....	...	17
Postal Service Increases.....	...	224
Federal Telecommunications System.....	...	998
Travel costs - airfare increases.....	...	267
Printing costs for the Federal Register and Code of Federal Regulations.....	...	9
Department printing and reproduction costs.....	...	23
Telecommunications costs.....	...	445
Employee data and payroll services.....	...	134
Full-field investigation.....	...	528
General pricing level adjustment.....	...	6,189
Population adjustment.....	...	2,678
Total, uncontrollable increases.....	7	26,885
Decreases:		
Annualization of position reductions in 1982.....	-41	-1,320
Facilities activation costs.....	...	-825
Total, decreases.....	-41	-2,145
1983 Base.....	8,839	377,740

459

Federal Prison System  
 Salaries and expenses  
 Justification of Adjustments to Base  
 (Dollars in thousands)

Uncontrollable increases:

	<u>Work years</u>	<u>Budget Auth.</u>	
1. 1982 pay increases.....	...	\$10,617	
<p>This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$10,617,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the required is:</p>			
1982 personnel compensation and benefits relative to the October increase are \$221,188,000 x 4.8 percent for 259 days.....	10,536		
1983 annualization for 2 days is.....	81		
Total requirement.....	10,617		
2. Executive level pay increase.....	...	382	460
<p>This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$382,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:</p>			
1982 personnel compensation and benefits related to lifting pay cap for 195 days.....	285		
1983 annualization for 66 days.....	97		
Total requirements.....	382		
3. Annualization of 28 positions approved in 1982 for the activation of the Federal Detention Center (FDC), Tucson, Arizona.....	4	195	
<p>This provides for the annualization of 4 additional positions for medical services, 7 additional positions for institution security, 3 additional positions for unit management, 2 additional positions for general and occupational education programs, 1 additional position for the leisure program, 9 additional positions for institution administration, and 2 additional positions for institution maintenance, approved in 1982 for the activation of the FDC, Tucson, Arizona.</p>			

	Approved 1982 Increase	Annualization required
Annual salary rate of 28 approved positions.....	\$522	
Less lapse (24.9%).....	-135	\$135
Net compensation.....	387	
Associated employee benefits.....	160	15
Other object classes.....	1,354	45
Total costs subject to annualization.....	1,901	195

4. Annualization of other additional positions approved in 1982.....

This provides for the annualization of 11 additional positions to improve the quality of in-house medical care and permit some expansion in the hours of medical coverage.

3 \$206

	Approved 1982 Increase	Annualization required
Annual salary rate of 11 approved positions.....	\$205	
Less lapse (24.8%).....	-53	\$53
Net compensation.....	152	
Associated employee benefits.....	17	6
Other object classes.....	463	147
Total costs subject to annualization.....	632	206

5. Within-grade step increases.....

Within-grade step increases are projected to amount to 1.00 percent of total personnel compensation estimated for General Schedule employees in 1981.

... 1,851

Total personnel compensation (11.1) for permanent positions in 1982.....	\$184,701,000
Less: Wage board personnel compensation included in 11.1.....	-22,825,000
Less: Senior Executives.....	-2,416,000
General Schedule personnel compensation - FY 1982.....	159,460,000
x 1.0 percent.....	x 1.00
Subtotal, personnel compensation eligible for within grades.....	1,594,600
Plus benefits at 11.0 percent.....	175,406
Pay increase at 4.8 percent.....	1,770,006
Increased requirement 1983.....	81,000
	1,851,006

451

	<u>Work years</u>	<u>Budget Auth.</u>
6. Health benefits costs.....	...	\$1,124
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates which had a direct impact on Government costs. The requested increase of \$1,124,000 provides for payment of the average rate increase of 19.4 percent.</p>		
7. Federal Employees' Compensation Act (FECA).....	...	290
<p>This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$290,000 was based on unemployment compensation payments for the quarter ending in March 1981.</p>		
8. Standard Level User Charges.....	...	707
<p>PL 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of General Services Administration to charge for the use of space furnished. The requested increase of \$707,000 provides for the same quality and quantity of space in 1983 as in 1982.</p>		
9. GSA recurring reimbursable services.....	...	17
<p>The General Services Administration provides additional heating, ventilation, air conditioning and guard services on a reimbursable basis. A \$17,000 increase is requested for guard service to maintain the same level of service in 1983 as in 1982.</p>		
10. Postal Service increase.....	...	224
<p>The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 cents an ounce. This 5 cent increase results in an additional request of \$224,000.</p>		
11. Federal Telecommunications System.....	...	998
<p>The FIS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$998,000. This reflects the new billing method which became effective in 1982 and is based on the duration of calls. It also includes the rate increase of approximately 51 percent which was granted American Telephone and Telegraph in 1982.</p>		
12. Travel costs - airfare increases.....	...	267
<p>Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite stabilization of gas prices in 1981, and the availability of economy flights, prices will increase 15 percent in 1982. An uncontrollable increase reflecting the 15 percent growth in air fares results in an increase of \$267,000.</p>		

462

	<u>Work years</u>	<u>Budget Auth.</u>
13. Printing costs for the Federal Register and Code of Federal Regulations.....	...	9
The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding and distributing the Federal Register and the Code of Federal Regulations. An increase of \$9,000 is requested for this service in 1982.		
14. Departmental printing and reproduction costs.....	...	23
The Justice Publications Service Facility provides central printing and reproduction services to the Department. The Bureau of Prisons has no control over the rates charged for these services. Full recovery of the costs of the services will require a 7.5 percent increase or \$23,000.		
15. Departmental telecommunications costs.....	...	446
In 1981, RMT discontinued TELPAK services and increased rates under a new tariff. The requested increase of \$446,000 reflects the resulting increase of 45 percent in the message rate and 10 percent in terminal charges over the 1982 budgeted amount.		
16. Employee data and payroll services.....	...	134
The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95,000. In 1982, it will increase by \$15.00; the increase cost of servicing 9,049 employees is \$134,000.		
17. Full field investigations.....	...	528
Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) for FY 1982, which raised the standard rate charged for each full-field investigation by \$300 over the FY 1981 base cost of \$1,000. The request of \$528,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.		
18. General pricing level adjustment.....	...	6,189
This request applies the OPM pricing guidance of August 1981 to selected expenses categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates.		

463

	Work years	Budget Auth.
19. Population adjustment.....	...	\$2,678
<p>Since January 1981, the Federal inmate population has grown by more than 3,000 and now exceeds 27,000. Indicators such as increased criminal case filings and the administration's emphasis on vigorous law enforcement, including a major attack on crimes of violence, strongly suggests that the population will grow significantly in the future. As a result of the population growth, costs for food, medical supplies, clothing, and other inmate allowances will increase by \$2,678,000.</p>		
Total, uncontrollable increases.....	7	26,885
<u>Decreases (automatic non-policy):</u>		
1. Annualization of position reductions in 1982. ....	-41	-1,320
<p>The 1982 budget included reductions of 69 positions and related operating expenses for the Bureau's Farm operations. Hence the reduction requires annualization in 1983 for the part-year (eight months) salaries and benefits remaining.</p>		
2. Non-recurring facilities activation costs.....	...	-825
<p>This decrease represents the non-recurring costs for equipment, supplies, and change of official duty station associated with the 1982 activation of the Federal Detention Center, Tucson.</p>		
Total decreases.....	-41	-2,145
Total adjustments to base.....	-34	24,740

Federal Prison System

Salaries and expenses

Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Inmate Care and Custody				Inmate Program							
	Inmate Services		Unit Management		General and Occupation Education		Leisure Program		Religious Program		Psychology Program	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>												
GS/GM-15.....	14	***	***	***	***	***	***	***	***	***	***	***
GS/GM-14.....	14	***	***	***	***	***	***	***	***	***	***	***
GS/GM-13.....	14	***	***	***	***	***	***	***	***	***	***	***
GS/GM-12.....	15	***	***	***	***	***	***	***	***	***	***	***
GS-9.....	***	***	***	***	***	***	-12	\$-384	***	***	***	***
Total positions and annual rate.....	57	***	***	***	***	***	-12	-384	***	***	***	***
Lapse (-).....	***	***	***	***	***	***	***	***	***	***	***	***
Total workyears and personnel compensation.....	***	***	***	***	***	***	-12	-384	***	***	***	***
Positions other than permanent.....	***	***	-5	-\$86	-2	-\$41	-8	-23	-2	-\$32	-5	-\$74
Personnel benefits.....	***	***	***	-9	***	-5	***	-36	***	-4	***	-8
Total workyears and obligations 1983	***	***	-5	-95	-2	-46	-20	-443	-2	-36	-5	-82

Federal Prison System  
Salaries and expenses  
Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Institution Administration and Maintenance		Community Corrections		Program Direction				Total			
	Institution Services		Institution Maintenance		Fed. CTOs and other Community Programs		Executive Direction and Control		Administrative Services			
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount		
<u>Grades</u>												
GS/GM-15.....	...	...	...	...	...	...	...	...	...	14	...	
GS/GM-14.....	...	...	...	...	...	...	...	...	...	14	...	
GS/GM-13.....	...	...	...	...	...	...	...	...	...	15	...	
GS/GM-12.....	...	...	...	...	...	...	...	...	...	-12	-\$384	
GS-9.....	...	...	...	...	...	...	...	...	...	45	-384	
Total positions and annual rate.....	...	...	...	...	...	...	...	...	...	...	...	
Lapse (-).....	...	...	...	...	...	...	...	...	...	...	...	
Total workyears and personnel compensation.....	...	...	...	...	...	...	...	...	...	-12	-384	
Positions other than permanent.....	-28	...	-6	-\$100	-3	-\$71	-15	-\$250	-2	-\$33	-76	
Personnel benefits.....	...	...	...	-11	...	-8	...	-28	...	-4	-113	
Total workyears and obligations 1983	-28	...	-6	-111	-3	-79	-15	-278	-2	-37	-88	-1,207

Federal Prison System

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
ES-6 \$58,500.....	1		1		...	
ES-4 \$58,500.....	15		15		...	
ES-3 \$58,500.....	4		4		...	
ES-2 \$56,936.....	1		1		...	
GS/GM-15 \$46,685-57,500.....	82		96		14	
GS/GM-14 \$39,689-51,596.....	171		185		14	
GS/GM-13 \$33,586-43,666.....	170		184		14	
GS-12 \$28,245-36,723.....	588		603		15	
GS-11 \$23,566-30,640.....	1,065		1,065		...	
GS-10 \$21,449-27,884.....	44		44		...	
GS-9 \$19,477-25,318.....	1,149		1,137		-12	
GS-8 \$17,634-22,926.....	1,197		1,197		...	
GS-7 \$15,922-20,701.....	2,614		2,614		...	
GS-6 \$14,328-18,630.....	355		355		...	
GS-5 \$12,854-16,706.....	325		325		...	
GS-4 \$11,490-14,937.....	42		42		...	
GS-3 \$10,235-13,304.....	16		16		...	
Ungraded positions.....	1,083		1,083		...	
Total appropriated positions.....	8,922	\$193,113	8,967	\$205,452	45	\$12,339
Pay above stated annual rates.....	...	694	...	790	...	96
Lapses.....	-385	-9,106	-397	-10,007	-12	-901
Net permanent.....	8,537	184,701	8,570	196,235	33	11,534

467

**CONTINUED**

**7 OF 20**

Federal Prison System

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	8,537	\$184,701	8,570	\$196,235	33	\$11,534
11.3 Other than full-time permanent.....	202	2,618	126	2,049	-76	-569
11.5 Other personnel compensation:						
Overtime.....	141	4,626	141	4,848	...	222
Other compensation.....	159	7,069	159	7,432	...	363
Total, workyears and personnel compensation.....	9,039	199,014	8,996	210,564	-43	11,550
12 Personnel benefits.....		25,000		27,668		2,668
21 Travel and transportation of persons.....		7,961		8,214		253
22 Transportation of things.....		1,689		1,630		-59
23.1 Standard level user charges.....		1,327		2,034		707
23.2 Communications, utilities and other rent...		22,496		26,850		4,354
24 Printing and reproduction.....		325		360		35
25 Other services.....		44,437		48,741		4,304
26 Supplies and materials.....		39,828		42,091		2,263
31 Equipment.....		5,178		4,771		-407
41 Grants, subsidies, and contributions.....		756		756		...
42 Insurance claims and indemnities.....		31		31		...
Total obligations.....	9,039	348,036	8,996	373,710	-43	25,674

468

Federal Prison System

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES						
11.1 Personnel compensation:						
Military.....	97	\$3,516	55	\$1,993	-42	\$1,523
Total workyears and personnel compensation.	97	3,516	55	1,993	-42	-1,523
12.1 Personnel benefits: Military.....		1,390		788		-602
21 Travel and transportation of persons.....		11		8		-3
22 Transportation of things.....		33		24		-9
24 Printing and reproduction.....		11		8		-3
25 Other services.....		3		2		-1
Total requirements, HHS Allocation.....	97	4,964	55	2,823	-42	-2,141
Total requirements, Salaries and expenses..	9,136	353,000	9,051	76,533	-85	23,533
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		19,298		20,314		1,016
Obligated balance, end-of-year.....		-20,314		-22,129		-1,815
Outlays.....		351,984		374,718		22,734

Department of Justice  
Federal Prison System  
National Institute of Corrections  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
Summary Statement.....	1
Proposed Appropriation Language.....	2
Crosswalk of 1982 Changes.....	3
Summary of Requirements.....	4
Justification of Program and Performance.....	5
Status of Congressionally Requested Studies, Reports, and Evaluations.....	8
Justification of Adjustments to Base.....	9
Summary of Requirements by Grade and Object Class.....	11

Federal Prison System

National Institute of Corrections

Summary Statement

Fiscal Year 1983

The National Institute of Corrections is requesting, for 1983, a total of \$11,054,000, 30 permanent positions and 30 workyears. This represents a decrease from the 1982 appropriation of \$132,000.

The mission of the National Institute of Corrections is to work with state and local governments to assist them in developing and training their corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections.

The Institute seeks to improve correctional practices through a variety of activities, including management and line staff development, research and evaluation, information-sharing, standards development, and implementation of improved practices, and technical assistance.

During 1983, the Institute will continue its program emphases on promoting the use of alternatives to incarceration, improving existing and developing new offender classification processes, and assisting in development of ways to address the needs of special offenders. Efforts will continue to improve the knowledge and skills of sheriffs and jail administrators and other correctional personnel through a variety of training offerings. The National Corrections Academy will offer training to over 3,500 local correctional personnel working in prisons, community corrections and jails. To the extent possible the Institute will respond to State and local requests for technical assistance and will continue the dissemination of correctional information and technology through its clearinghouse activities.

Federal Prison System  
National Institute of Corrections

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include proposed changes in appropriation language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites authorities contained in H.R. 7594, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

National Institute of Corrections  
For carrying out the provisions of sections 4351-4353 of title 18,  
United States Code, which established a National Institute of  
Corrections, [\$11,186,000], to remain available until expended.

\$11,054,000

No substantive changes proposed.

Federal Prison System  
 National Institute of Corrections  
 Crosswalk of 1982 Changes  
 (Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
1. National Institute of Corrections.....	30	30	\$10,358	...	...	\$828	30	30	\$11,186

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The Congress increased the NIC program by \$828,000 to maintain approximately the same level of assistance to state and local correctional agencies that was provided in 1981.

Federal Prison System  
National Institute of Corrections  
Summary of Requirements  
(Dollars in thousands)

Adjustments to base:	Perm. Pos.	Work- years	Amount
1982 as enacted (appropriation anticipated).....	30	30	\$11,186
Uncontrollable increases:			
1982 pay increases.....	...	...	36
Executive Level pay increases.....	...	...	18
Within-grade increases.....	...	...	10
Health benefits costs.....	...	...	2
Standard Level User Costs (SLUC).....	...	...	8
Travel costs - airfare increases.....	...	...	18
Departmental printing and reproduction costs.....	...	...	4
General Pricing Level Adjustment.....	...	...	815
Total, uncontrollable increases.....	...	...	911
1983 Base.....	30	30	12,097

474

Estimates by budget activity	1981 Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. National Institute of Corrections.....	30	29	\$9,894	30	33	\$10,087	30	30	\$11,186	30	30	\$12,097	30	30	\$11,054	...	...	-\$1,043

Federal Prison System

National Institute of Corrections

Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity: National Institute of Corrections	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
National Institute of Corrections.....	30	30	\$11,166	30	30	\$12,097	30	30	\$11,054	...	...	-\$1,043

Authorization for this program is contained in the Juvenile Justice and Delinquency Prevention Act of 1974. The primary purpose of the National Institute of Corrections (NIC) is to offer assistance through grants and contracts to state and local correctional agencies. Improving correctional practices at all levels has been a national need recognized by correctional and non-correctional personnel. NIC helps to ameliorate this need through its training, technical assistance, research and standards development activities. The institute offers information and clearinghouse services to the correctional community and helps state and local correctional agencies build the capacity to do their own research.

Long-Range Goal: Provide leadership in moving corrections toward greater professionalism; develop national policies from the guidance and coordination of Federal agencies and initiatives affecting corrections; serve as a national center to which state and local correctional agencies can turn to receive many different types of assistance; and serve as a source of correctional information and knowledge to provide immediate and accurate information about a wide variety of correctional programs, policies, planning standards, and practices.

Major Objectives:

- To assist jails in evolving as humane, fair, efficient, and effective operations that comply with legal requirements.
- To strengthen correctional programs by effective and efficient utilization of staff and organizational resources.
- To increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration and promoting a safe, humane, and constitutional environment for those offenders who must be incarcerated.
- To develop the capacity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.
- To provide training to the correctional community to upgrade skills of personnel.

**Base Program Description:** The program consists of four elements. The technical assistance element provides specialized assistance to state and local correctional agencies in response to specific requests within selected programmatic areas. The research and evaluation element supports applied research and program evaluation of correctional activity. The policy standards element supports the collection and dissemination of relevant correctional policies, programs, practices, and resource documents and provides assistance to jurisdictions attempting to develop and implement correctional standards. The training element attempts to advance correctional organizational performance through a systematic staff development program.

In an effort to increase coordination, reduce duplication, and upgrade state and local corrections, the National Institute of Corrections has initiated several activities, including developing memoranda of understanding between Federal agencies, placing representatives of several Federal agencies on the NIC Advisory Board, and conducting frequent meetings with representatives from the entire spectrum of correctional practice. An annual plan is approved by the Advisory Board, after which the NIC staff develops a program strategy utilizing training, technical assistance and clearinghouse, policy/program development and evaluation to accomplish the objectives in the plan.

**Accomplishments and workload:** Accomplishments of the National Institute of Corrections program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Application papers processed.....	800	672	500	500
Grants and contracts awarded.....	225	190	240	234
Technical assistance processed.....	656	762	800	720
Training participants.....	3,700	3,700	4,000	3,000
Agencies requesting training.....	800	800	800	1,000
Information requests.....	7,000	7,164	7,050	8,050

During 1981, NIC completed: a) the development of a validated bail decision-making guideline model; b) the drafting of policy principles on classification; c) the development of an objective prison classification model; and d) the development and publication of a probation classification and case management model.

The Institute also funded efforts in 1981 to develop and implement statewide jail standards in Alabama, Mississippi, Montana, New Hampshire, New Mexico and South Dakota.

One hundred eighty representatives from 45 local jurisdictions participated in the Institute's Planning New Institutions program. This program assists correctional agencies that are considering building a new correctional facility or undertaking major renovation of an existing facility. The Institute worked with the National Fire Protection Association in developing specialized training curriculum in fire safety to assist correctional managers in assessing their fire safety needs, developing long- and short-range policies and procedures, and properly training their employees in fire prevention and emergency readiness. The Institute responded to 762 requests for short-term technical assistance in 1981. Examples of assistance rendered included: training (specialized and management); analysis of programs, policies/procedures, staffing and/or security practices; design and implementation of classification systems and inmate grievance systems; and organizational development. During the serious disturbance at the New Mexico State Penitentiary in 1981, NIC provided a full-time advisor to the Department of Corrections and the Governor to assist in planning to meet immediate and long-range needs, development of a Master Plan, technical assistance needs, mental health plans, security issues, evaluation of the Department's classification system and assessment of training and staff development needs and resources.

After the establishment of the National Corrections Academy in 1981, the scope of professional correctional training was expanded through the utilization of the Bureau of Prisons capabilities in training state and local correctional personnel in such specialized programs as: Advanced Correctional Supervisory Training; Unit Management Training; Self Defense; and Disturbance Control. Training conducted at the Academy includes: planning the opening of new institutions, basic and middle management training, fire safety, security, executive seminars, personnel management, containment of prison violence, jail management and operations, corrections in county government, development and implementation of jail standards, working female offenders and prison industries.

Program changes:

The decrease of \$1,043,000 shown for 1983, reflects the full absorption of uncontrollable increases consistent with the President's economic recovery program. This absorption will require decreases in grant programs for evaluation, policy and program development, training and technical assistance.

National Institute of Corrections

Status of Congressionally Requested  
Studies, Reports, and Evaluations

1. The Senate Judiciary Committee Report (97-94) relating to the Department of Justice Authorization Act for 1982, requested a detailed evaluation of the achievements of the National Institute of Corrections. The evaluation is to focus on the extent to which stated goals have been achieved, the benefits derived from the Institute's activities, and the best organizational location of the Institute within the Department. The Department of Justice Evaluation Staff is coordinating a thorough evaluation of the Institute and plans, tentatively, to have a report ready for the Committee by the end of September, 1982.

Federal Prison System  
National Institute of Corrections  
Justification of Adjustments to Base  
(Dollars in thousands)

<u>Uncontrollable increases:</u>	<u>Amount</u>
1. 1982 Pay increases.....	\$36
This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$36,000 reflects 1982 as well as 1983 requirements for this pay increase. The calculation of the amount required is:	
1982 personnel compensation and benefits relative to the October pay increase	
\$744,000 x 4.8 percent for 259 days.....\$35,724	
2/261 x annual amount of pay raise..... 276	
Total requirements..... 36,000	
2. Executive Level pay increases.....	18
This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$18,000 reflects 1982 as well as 1983 requirements for these pay increases. The calculation of the amount required is:	
1982 personnel compensation and benefits relative to lifting pay cap for 195 days.....\$13,450	
66/261 x annual amount of pay raise..... 4,550	
Total requirements..... 18,000	
3. Within-grade increases.....	10
This request provides for an expected increase in the cost of within-grade step increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$8,960 and benefits \$920 = \$9,880.)	
4. Health benefits costs.....	2
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$2,000 provides for payment of the average rate percent over the \$10,310 now available.	

479

	<u>Amount</u>
5. Standard level user charges (SLUC)..... P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$8,000 is required in 1983 to pay for space occupied at the end of 1982. The amount budgeted for SLUC in 1982 is \$51,000.	\$8
6. Travel costs - airfare increases..... Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981, and the availability of economy flights, prices will increase 15 percent over the 1982 budgeted amount of \$120,000.	18
7. Departmental printing and reproduction costs..... Departmental printing costs are expected to increase by 7.5 percent in 1983. This results in an uncontrollable increase of \$4,000 over the 1982 base of \$51,000.	4
8. General Pricing Level Adjustment..... This request applies the OMB pricing guidance of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 8.2 percent against those sub-object classes where the prices the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, and contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates.	815
Total uncontrollable increases.....	911

480

Federal Prison System

National Institute of Corrections

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges

ES-4, \$58,500.....
GS/OS-15, \$46,685-57,500.....
GS/OS-14, \$39,689-51,596.....
GS/OS-13, \$33,586-43,666.....
GS-12, \$28,245-36,723.....
GS-11, \$23,566-30,640.....
GS-9, \$19,477-25,318.....
GS-7, \$15,922-20,701.....
GS-6, \$14,328-18,630.....
GS-5, \$12,854-16,706.....
GS-4, \$11,490-14,937.....
Total, appropriated positions.....
Pay above stated annual rates.....
Lapses.....
Net permanent.....

1982 Estimate		1983 Estimate		Increase/Decrease	
Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
1		1			
3		3		...	
1		1		...	
12		12		...	
2		2		...	
1		1		...	
3		3		...	
3		3		...	
1		1		...	
2		2		...	
1		1		...	
30	\$893	30	\$951	...	\$58
...	3	...	3	...	...
...	...	...	...	...	...
30	896	30	954	...	58

Federal Prison System

National Institute of Corrections

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

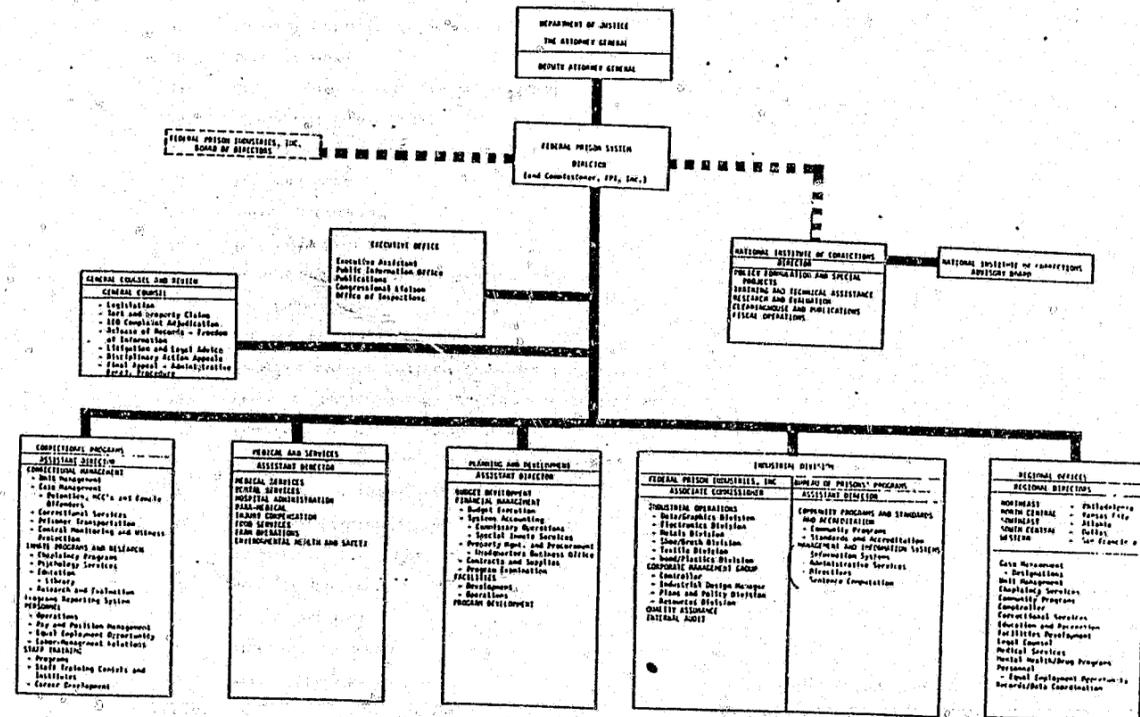
Object Class	1992 Estimate		1993 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	30	\$896	30	\$954	...	\$58
11.5 Other personnel compensation:						
Overtime.....	...	4	...	4	...	...
Total, workyears and personnel compensation.	30	900	30	958	...	58
12 Personnel benefits.....		92		100		8
21 Travel and transportation of persons.....		292		310		18
22 Transportation of things.....		10		10		...
23.1 Standard level user charges.....		51		59		8
23.2 Communications, utilities & other rent.....		56		60		4
24 Printing and reproduction.....		51		55		4
25 Other services.....		450		3,450		3,000
26 Supplies and materials.....		57		61		4
31 Equipment.....		8		28		20
41 Grants, subsidies, and contributions.....		9,021		6,354		-2,667
Total obligations.....		10,988		11,445		457
Unobligated balance, start-of-year.....		-534		-732		
Unobligated balance, end-of-year.....		732		341		
Total requirements.....		11,186		11,054		
Relation of obligations to outlays:						
Obligations incurred, net.....		10,988		11,445		
Obligated balance, start-of-year.....		6,410		6,906		
Obligated balance, end-of-year.....		-6,906		-5,812		
Outlays.....		10,492		12,539		

482

Federal Prison System  
Priority Ranking of Programs

Ranking of Base Programs		Ranking of Program Increases	
Ranking	Program	Ranking	Program
1	Food and Farm Service	1.	Medical Services
2	Institution Security		
3	Medical Services		
4	Other Inmate Services (appropriated)		
5	Institution Maintenance		
6	Institution Administration		
7	Federal Prison Industries, Inc.		
8	Modernization and Repair of Existing Facilities		
9	Contract Community Treatment Centers		
10	Contract Confinement in State and Local Institutions		
11	Federal Community Treatment Centers and Other Community Programs		
12	Unit Management		
13	General and Occupational Education		
14	Psychology Program		
15	Religious Program		
16	Leisure Program		
17	Executive Direction and Control		
18	Administrative Services		
19	Other Inmate Services (Non-appropriated)		
20	Staff Training		
21	National Institute of Corrections		
22	New Construction		
23	Planning and Site Acquisition		

# FEDERAL PRISON SYSTEM



484

Approved: *Charles J. Pull* Date: *12/1/77*

Federal Prison System

Proposed Authorization Language

The Federal Prison System is requesting the following authorization language:

For the Federal Prison System including-

- (A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed \$100,000 for inmate legal services within the system;
- (B) purchase and hire of law enforcement and passenger motor vehicles;
- (C) compilation of statistics relating to prisoners in Federal penal and correctional institutions;
- (D) assistance to State and local governments to improve their correctional systems;
- (E) purchase of firearms and ammunition and medals and other awards;
- (F) payment of rewards;
- (G) purchase and exchange of farm products and livestock;
- (H) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18 of the United States Code;
- (I) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions;
- (J) for Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;
- (K) for planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this clause; and
- (L) for carrying out the provisions of sections 4351 through 4353 of title 18, of the United States Code, relating to a National Institute of Corrections, to remain available until expended;

.\$394,254,000

Department of Justice  
Federal Prison System  
Buildings and Facilities  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
Summary Statement.....	1
Proposed Appropriation Language.....	2
Crosswalk of 1982 Changes.....	3
Summary of Requirements.....	4
Justification of Program and Performance.....	5
Status of Construction of Facilities.....	8
Justification of Adjustments to Base.....	9
Summary of Requirements by Grade and Object Class.....	10

Federal Prison System

Buildings and Facilities

Summary Statement

Fiscal Year 1983

The Federal Prison System is requesting for 1983, a total of \$6,667,000, 25 permanent positions, and 17 workyears for the Buildings and Facilities appropriation. This request represents a decrease from the 1982 appropriation of \$7,064,000 and 3 workyears.

A major objective of the Federal Prison System facilities development program is to provide offenders with a safe and humane environment which affords an acceptable level of privacy and is located, where possible, close to the offenders' area of residence. Towards this end, the Bureau is now in the final stages of a program of construction of smaller, modern institutions which in design and structure, accommodate the offering of a complete range of programs and activities for improving offenders' capabilities to achieve crime-free lives.

Also included within this appropriation is an ongoing program of renovation/rehabilitation and modernization of utilities systems and structures at existing institutions.

The Buildings and Facilities appropriation contains three budget activities: Planning and Site Acquisition, New Construction, and Modernization and Repair of Existing Facilities.

The activity Planning and Site Acquisition provides resources for the identification and location of suitable sites for the construction of new correctional facilities. It also provides for the design of these facilities in a manner consistent with security and program requirements and architectural innovation. No funds are requested for this program in 1983.

The activity New Construction provides the resources required to construct new correctional institutions. No funds are being requested for this program in 1983.

The activity Modernization and Repair of Existing Facilities provides the resources to undertake essential rehabilitation, renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. The \$6,667,000 requested for 1983 will finance approximately 320 minor repair and improvement projects at existing institutions and payment of \$1,500,000 for the Oxford, Wisconsin lease/purchase agreement.

Federal Prison System

Buildings and Facilities

Justification of Proposed Language Changes

The 1983 budget estimates include proposed changes in appropriation language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites authorities contained in H.R. 7594, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, [\$13,731,000, including \$1,920,000 for the planning, design, acquisition, and preparation of a site for a Federal correctional institution to be located in central Arizona and any necessary relocation or replacement of existing site structures or other improvements, as well as the grading and development of utility distribution systems], to remain available until expended: Provided, that labor of United States prisoners may be used for work performed under this appropriation. \$6,667,000

Explanation of changes

1. This change deletes the language providing authority for site acquisition and development for a Federal correctional institution in central Arizona, contained in the Senate version of H.R. 4169 and the continuing resolution (P.L. 97-92). Because this is a no-year appropriation, the authority provided in 1982 continues until the amount made available is expended.

Federal Prison System

Buildings and Facilities

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/program	1982 President's Budget Request			Congressional Appropriation Actions or 1982 Request			Reprogrammings			1982 Appropriation Anticipated		
	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.	Pos.	WY	Ant.
1. Planning and Site Acquisition.....	...	...	...	...	...	\$1,920	...	...	...	...	...	\$1,920
2. New Construction.....	...	...	...	...	...	...	...	...	...	...	...	...
3. Modernization and Repair of Existing Facilities..	25	20	\$12,083	...	...	-272	...	...	...	25	20	11,811
Total.....	25	20	12,083	...	...	1,648	...	...	...	25	20	13,731

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The Congress increased the total appropriation above the President's request by \$1,648,000. At the same time, the Congress specified an amount of \$1,920,000 to be used for planning, design, acquisition, and preparation of a site for a Federal Correctional Institution to be located in central Arizona. The effect of this action will be to reduce the amount provided for major rehabilitation projects at existing facilities by \$272,000 in 1982.

Federal Prison System

Buildings and Facilities

Summary of Requirements  
(Dollars in thousands)

	<u>Perm.</u>	<u>Work-</u>	<u>Amount</u>
	<u>Pos.</u>	<u>years</u>	
<u>Adjustments to base:</u>			
1982 as enacted (appropriation anticipated).....	25	20	\$13,731
<u>Uncontrollable increases:</u>			
Within-grade increases.....	...	...	6
Health benefits costs.....	...	...	2
Travel costs - airfare increases.....	...	...	3
Total, uncontrollable increases.....	...	...	11
<u>Decreases:</u>			
Non-recurring costs for planning and site acquisition approved in 1982.....	...	...	-1,920
Non-recurring costs for rehabilitation of utilities systems requested and approved for 1982.....	...	-1	-2,560
Non-recurring costs for rehabilitation and renovation of existing structures requested and approved for 1982.....	...	-2	-2,595
Total, decreases.....	...	-3	-7,075
1983 base.....	25	17	6,667

490

<u>Estimates by budget activity/ program:</u>	<u>1981 as Enacted</u>			<u>1981 Actual</u>			<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>			
	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	
	<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			
1. Planning and Site Acquisition.....	...	...	...	...	...	...	...	...	\$1,920	...	...	...	...	...	...	...	...	...	...
2. New Construction.....	...	...	...	...	...	\$6,012	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Modernization and Repair of Existing Facilities.....	35	20	\$10,020	35	20	9,703	25	25	11,811	25	17	\$6,667	25	17	\$6,667	...	...	...	...
Total.....	35	32	10,020	35	20	15,715	25	20	13,731	25	17	6,667	25	17	6,667	...	...	...	...

Federal Prison System

Buildings and Facilities

Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity: Planning and Site Acquisition	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	WY		Pos.	WY		Pos.	WY		Pos.	WY	
Planning and Site Acquisition.....	...	...	\$1,920	...	...	...	...	...	...	...	...	...

This budget activity provides for the identification and location of suitable sites for, and design of new correctional facilities to be constructed. P.L. 97-92, December 15, 1981, specifies that \$1,920,000 be earmarked for planning, design, acquisition, and preparation of a site for a Federal Correctional Institution to be located in Central Arizona.

Activity: New Construction	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	WY		Pos.	WY		Pos.	WY		Pos.	WY	
New Construction.....	...	...	...	...	...	...	...	...	...	...	...	...

The Bureau's long-range construction program was undertaken specifically to (1) reduce institutional overcrowding, (2) eventually close the three large and antiquated penitentiaries, and (3) develop smaller, more humane facilities that will offer programs designed to provide inmates an opportunity to achieve a crime-free life. In 1981, construction was completed on the Otisville, New York FCI for adults. Construction of the Tucson, Arizona, Federal Detention Center will be completed in February 1982.

Activity: Modernization and Repair of Existing Facilities	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	WY		Pos.	WY		Pos.	WY		Pos.	WY	
Modernization and Repair of Existing Facilities.....	25	20	\$11,811	25	17	\$6,667	25	17	\$6,667	...	...	...

This activity provides resources for major rehabilitation, renovation or replacement of structures and utilities systems, and minor repair projects at existing institutions. Also financed is the \$1.5 million payment for the Oxford, Wisconsin FCI lease/purchase agreement.

**Long-Range Goal:** To protect capital investment in facilities, achieve accreditation of all institutions and provide safe, efficient and adequately sized and equipped facilities for the operation of correctional programs within Bureau institutions.

Major Objectives:

Repair and renovate facilities as required.

Meet physical standards for accreditation.

Monitor use of space through space studies and improve facilities as required.

Make all facilities energy efficient in accordance with Department of Energy Life Cycle Costing method.

Comply with all pollution control requirements.

Provide all physical requirements of the Architectural Barriers Act.

Comply with all requirements of the National Fire Protection Association, 101 Life Safety Code as it pertains to penal facilities.

Comply with all requirements of the Joint Commission for Accreditation of Hospitals.

Comply with all applicable requirements of the Occupational Safety and Health Administration.

Renovate United States Penitentiary, Leavenworth, Kansas.

Base Program Description: The Chief Executive Officer of each Bureau institution initiates a modernization and repair program to achieve the Bureau's long range goals and major objectives. He is assisted by regional office facilities staff who perform space utilization studies at each institution on a 2-year cycle. These studies involve examining all space in each institution, assessing its use, and developing an overall space utilization and renovation plan.

Currently, most work objectives are accomplished using inmate labor crews supervised by Bureau staff. In the past, many of the larger projects were accomplished through contracts with local construction firms which allowed for faster completion of the work with minimal supervision. Using inmate crews to do nearly all of the work requires considerably more time and staff supervision but is cost effective. However, some projects requiring special skills or equipment are contracted with local construction firms.

Program activity is identified by two specific categories of projects: Major line item projects (projects valued over \$100,000) for which funds are specifically requested by project in appropriations requests; and repair and improvement projects (projects valued at \$4,000 to \$100,000). The repair and improvement projects address immediate needs resulting from emergencies and correctional program changes as well as some ongoing requirements, and are considered the base requirements for this activity. All projects are closely monitored by the regional facilities staff for quality and timeliness of completion.

Coordination with regulatory agencies is required for pollution abatement and energy allocation programs. The Environmental Protection Agency is consulted for guidance in the design of sewage treatment plants, acceptable fuels for heating and cooling, disposal of farm wastes and other pollutants. The Department of Energy is consulted with regard to availability and allocation of energy sources. Coordination with the General Services Administration is required for the procurement of certain materials and equipment. Repairs and improvements to buildings and facilities are accomplished within the Bureau of Prisons in accordance with existing occupational safety and building legislation.

Accomplishments and Workload: Accomplishments of the Modernization and Repair program are presented in the following tabular and narrative materials:

Item	1980	1981	Estimates	
			1982	1983
New repair and improvement projects established....	230	318	320	320
New line item projects established.....	...	6	19	...
Projects completed and closed.....	240	251	250	250
Projects active.....	486	448	450	450

Approximately 200-240 modernization and repair projects are completed annually. Illustrative of the types of projects are:

Project	Amount
Install High Mast Lighting - Lewisburg	\$200,157
Construct Fire Station/Repair Facility - Otisville	196,500
Replace Electric Substation - Springfield	150,000
Jail Conversion - Terminal Island	95,000
Install Perimeter Security System - Englewood	77,000
Renovate Inmate Housing - Fort Worth	30,000
Remodel Segregation/Detention - Bastrop	25,000
Renovate Hospital Cells - Lampas	7,500

Over the past 3-1/2 years over \$4,000,000 was obligated throughout the Bureau for projects to bring housing units into compliance with certain provisions of the NFPA 101 Life Safety Code and requirements set by the Bureau of Prisons. These projects include installation of proper exits, emergency lights, smoke detection systems, standpipes and hose cabinets, and removal of combustible building materials. The Bureau is currently assessing requirements under the recent publication of the NFPA Life Safety Code for penal facilities which revises and updates some of the fire safety standards.

Energy conservation continues to receive heavy emphasis. Engineering surveys have been completed at all institutions to identify and quantify energy usage. In-depth studies have been completed at 19 institutions to identify and cost retrofit projects to reduce energy consumption. Approximately \$478,000 was expended in 1981 to accomplish retrofit projects having very quick payback, e.g., roof and steamline insulation, lighting changes and load demand controllers.

Federal Prison System

Buildings and Facilities

Status of Construction of Facilities  
(Dollars in thousands)

Project	Inmate Capacity	Budget Request or Appropriation Planning and Site Acquis.		Construction		Total Funding	Total Current Cost Estimate or Actual	Current Status-January 1982		Expected Completion Date	Estimated Activation Date
		Fiscal Year	Amount	Fiscal Year	Amount			Oblig. to Date	Stage of Programs		
Under construction or fully funded:											
Tucson, Arizona FDC.....	200	...	...	1977	\$7,100 <sup>1/</sup>	\$7,100	\$7,100	\$6,652	Construction on schedule. Project 98% complete.	Feb. 1982	Mar. 1982
Danbury, Connecticut FCI.	98	...	...	1978	1,000	1,000	1,000	987	Project 72% complete.	June 1982	June 1982 <sup>4/</sup>
Sandstone, Minnesota FCI.	95	...	...	1979	1,225	1,225	1,110	1,079	Construction in progress. 40% complete.	Jan. 1983	Jan. 1983 <sup>4/</sup>
Boron, California, FFC...	100	...	...	1980	676 <sup>2/</sup>	676	676	79	Construction in progress. 10% complete.	June 1983	June 1983 <sup>5/</sup>
Seagoville, Texas, FCI...	100	...	...	1979	1,350 <sup>3/</sup>	1,350	1,350	0	In design.	Mar. 1983	Mar. 1983

- <sup>1/</sup> Includes an increase of \$4.4 million reprogrammed from unobligated balances, approved June, 1980.
- <sup>2/</sup> Includes an increase of \$176,000 reprogrammed from unobligated balances, approved June, 1980.
- <sup>3/</sup> Includes an increase of \$750,000 reprogrammed from the cancelled Laguna Housing project.
- <sup>4/</sup> Project delays reflect inability to maintain sufficient numbers of qualified inmates on the work.
- <sup>5/</sup> Project was deferred pending completion of population study to verify need.

Federal Prison System  
Buildings and Facilities  
Justification of Adjustments to Base  
(Dollars in thousands)

<u>Uncontrollable increases:</u>	<u>Perm.</u> <u>Work-</u> <u>Years</u>	<u>Amount</u>
1. Within-grade increases.....	...	\$6
<p>This request provides for an expected increase in the cost of within-grade step increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$5,600 and benefits \$620 = \$6,220.)</p>		
2. Health benefits costs.....	...	2
<p>The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$2,000 provides for payment of the average rate percent over the \$10,310 now available.</p>		
3. Travel Costs - airfare increases.....	...	3
<p>Although airlines fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent over the 1982 budgeted amount of \$18,200.</p>		
Total uncontrollable increases.....	...	<u>11</u>
<u>Decreases (Automatic non-policy):</u>		
1. Nonrecurring costs for planning and site acquisition approved in 1982.....	...	-1,920
2. Nonrecurring costs for rehabilitation of utilities systems requested and approved for 1982.....	-1	-2,560
3. Nonrecurring costs for rehabilitation and renovation of existing structures requested and approved for 1982.....	<u>-2</u>	<u>-2,595</u>
Total decreases.....	<u>-3</u>	<u>-7,075</u>
Total, adjustments to base .....	-3	-7,064

495

Federal Prison System

Buildings and Facilities

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS/GM-14, \$39,689-\$51,596.....	...		...		...	
GS/GM-13, \$33,586-\$43,666.....	2		2		...	
GS-12, \$28,245-\$36,723.....	...		...		...	
GS-11, \$23,566-\$30,640.....	4		4		...	
GS-10, \$21,449-\$27,884.....	...		...		...	
GS-9, \$19,477-\$25,318.....	...		...		...	
GS-8, \$17,634-\$22,926.....	...		...		...	
GS-7, \$15,922-\$20,701.....	...		...		...	
GS-6, \$14,328-\$18,630.....	1		1		...	
GS-5, \$12,854-\$16,706.....	...		...		...	
GS-4, \$11,490-\$14,937.....	...		...		...	
Ungraded positions.....	18		18		...	
Total, appropriated positions.....	25	\$692	25	\$692	...	...
Pay above stated annual rates.....	...	3	...	2	...	-1
Lapses.....	-5	-135	-8	-241	-3	-106
Net permanent.....	20	560	17	453	-3	-107

Federal Prison System

Buildings and Facilities

Summary of Requirements by Grade and Object Class (cont.)  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent and total, workyears and personnel compensation.....	20	\$560	17	\$453	-3	-\$107
12 Personnel benefits.....		62		54		-8
21 Travel and transportation of persons.....		70		15		-55
22 Transportation of things.....		77		17		-60
23.2 Communications, utilities & other rent.....		1,556		1,501		-55
24 Printing and reproduction.....		21		15		-6
25 Other services.....		13,283		5,263		-8,020
26 Supplies and materials.....		6,954		3,611		-3,343
31 Equipment.....		1,434		315		-1,119
32 Lands and structures.....		1,055		9		-1,046
<b>Total obligations.....</b>		<b>25,072</b>		<b>11,253</b>		<b>-13,819</b>
Unobligated balance, start-of-year.....		-15,927		-4,596		
Unobligated balance, end-of-year.....		4,586		...		
<b>Total requirements.....</b>		<b>13,731</b>		<b>6,667</b>		
<b>Relation of obligations to outlays:</b>						
Obligations incurred, net.....		25,072		11,253		
Obligated balance, start-of-year.....		6,043		-7,067		
Obligated balance, end-of-year.....		-7,067		-7,359		
<b>Outlays.....</b>		<b>24,048</b>		<b>10,961</b>		

497

Department of Justice  
Federal Prison System  
Federal Prison Industries, Incorporated  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Summary Statement.....	1
Proposed Appropriation Language.....	2
Summary of Requirements.....	3
Justification of Program and Performance.....	4
Summary of Adjustments to Base.....	7
Summary of Requirements by Grade and Object Class.....	8

Federal Prison System

Federal Prison Industries, Incorporated

Summary Statement

Fiscal Year 1983

Federal Prison Industries, Incorporated was created by Congress in 1934 and is a wholly owned Government corporation. The Corporation is authorized to operate industries in Federal penal and correctional institutions and disciplinary barracks (18 U.S.C. 4121-4128). Supervision is provided by the Director of the Bureau of Prisons who has jurisdiction over all Federal penal and correctional institutions. Profits from the Corporation's industrial activities are used to fund activities which benefit Federal inmates by providing vocational training and for compensating inmates performing outstanding services in institutional operations. Central office administration expenses and vocational training funds are subject to Congressional limitation. For 1983, a total of 793 permanent positions and 790 workyears are requested. In addition, an increase of \$3,000,000 is requested in the limitation for vocational training expenses which will permit the creation of new and innovative education, training and work experience programs designed to enable offenders to find meaningful employment upon release from prison.

Administrative expenses - A board of six directors, appointed by the President and serving without compensation, controls the policies of the Corporation. General management of the Corporation is presently performed by a staff of 42 employees located in Washington, D.C. Expenses of this function are subject to Congressional limitation. Additional resources are requested to improve management of the corporation.

Vocational training expenses - The vocational training expenses limitation provides funds for active educational and vocational training programs that are designed to prepare residents for productive and meaningful employment upon release. Expenses of this function are subject to Congressional limitation.

Industrial manufacturing program - Approximately 6,700 inmates in 39 locations are employed in the manufacture of such items as furniture, clothing, shoes, electronics, metal and canvas products. They also work in service industries such as furniture refinishing, tire recapping and data processing. All products of the Corporation are sold to Federal agencies, the Department of Defense, the Postal Service, and the General Services Administration, are the largest customers.

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Proposed Changes in Appropriation Language

The 1963 budget estimates include proposed changes in the appropriations language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES  
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed [\$2,365,000] of the funds of the corporation shall be available for its administrative expenses, and not to exceed [\$2,701,000] for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

\$2,524,000  
\$6,216,000

Federal Prison System  
Federal Prison Industries, Incorporated

Summary of Requirements  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
<u>Adjustments to base:</u>			
1982 estimated obligations.....	793	790	\$132,366
Uncontrollable increases.....	...	...	2,318
1983 Base.....	<u>793</u>	<u>790</u>	<u>134,684</u>

<u>Estimates by budget activity</u>	<u>1981 Actual</u>			<u>1982 Estimated Obligations</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Administrative expenses.....	39	36	\$1,969	42	39	\$2,365	42	39	\$2,524	42	39	\$2,524	...	...	...
2. Vocational training expenses... Limitation change required for civilian pay raises....	97	79	2,991	97	84	2,880	97	84	3,216	97	84	6,216	...	...	\$3,000
Sub-total, funds subject to Congressional limitations.....	...	...	...	...	...	-179	...	...	...	...	...	...	...	...	...
3. Cost of production.....	136	114	4,960	139	123	5,066	139	123	5,740	139	123	8,740	...	...	3,000
4. Other expenses.....	772	695	107,162	654	667	115,970	654	667	117,570	654	667	117,570	...	...	...
5. Buildings and improvements.....	...	...	8,339	...	...	6,616	...	...	6,660	...	...	6,660	...	...	...
6. Machinery and equipment.....	...	...	711	...	...	1,907	...	...	1,907	...	...	1,907	...	...	...
Subtotal.....	...	...	2,881	...	...	2,807	...	...	2,807	...	...	2,807	...	...	...
1981 pay raise for vocational training.....	908	809	124,053	793	790	132,366	793	790	134,684	793	790	137,684	...	...	3,000
<b>Total.....</b>	<b>908</b>	<b>809</b>	<b>124,053</b>	<b>793</b>	<b>790</b>	<b>132,366</b>	<b>793</b>	<b>790</b>	<b>134,684</b>	<b>793</b>	<b>790</b>	<b>137,684</b>	<b>...</b>	<b>...</b>	<b>3,000</b>

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Program and Performance  
Activity Resource Summary  
(Dollars in thousands)

Activity: Federal Prison Industries, Inc.	1982 Estimated Obligations			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Administrative Expenses.....	42	39	\$2,365	42	39	\$2,524	42	39	\$2,524	...	...	...
Vocational Training Expenses.....	97	84	2,880	97	84	3,216	97	84	6,216	...	...	\$3,000
Industrial Operations:												
Cost of Production.....	654	667	115,970	654	667	117,570	654	667	117,570	...	...	...
Other Expenses.....	...	...	6,616	...	...	6,660	...	...	6,660	...	...	...
Buildings and Improvements.....	...	...	1,907	...	...	1,907	...	...	1,907	...	...	...
Machinery and Equipment.....	...	...	2,807	...	...	2,807	...	...	2,807	...	...	...
Total.....	793	790	132,545	793	790	134,684	793	790	137,684	...	...	3,000

Federal Prisons Industries, Incorporated, was created by Congress in 1934 and is a wholly owned Government Corporation. Its mission is to employ and train Federal inmates through a diversified program providing products and services to other Federal agencies. These operations are conducted in such a manner as to offer a minimum of competition to private industry and labor. Employment provides inmates with work, occupational knowledge and training and experience. New industries which will utilize skills in demand in the labor market are developed, where possible, to replace industries providing less valuable training.

Long Range Goal: Employ all inmates available for work in Industries; provide inmate opportunities to acquire work knowledge, skills, training and apprenticeship programs to develop entry level skills.

Major Objectives:

Operate 78 industrial factories and shops with inmate labor.

Provide on-the-job training to 6,700 inmates in all industrial factories in 1983.

Provide classroom-type industrial training in electronics, computer programming, and in all production training units.

Provide apprenticeship programs for acquiring trade skills, such as printing trades, metal working and tool making.

Sell products and services to other Federal agencies at a profit.

Transfer funds to the Bureau of Prisons to support inmate performance pay.

Fund demonstration and improvement programs for the enhancement of inmate training.

Implement an automated management information system by 1985.

Improve the Quality Assurance Program by placing quality control positions in all institutions with major industrial operations.

**Base Program Description:** Federal Prison Industries, Inc., is entirely self-sustaining. No appropriations are required. Revenues are derived entirely from the sale of products and services to other Federal agencies. Operating expenses are applied against these revenues, resulting in operating income or loss.

Institution factories and shops are operated by cadres of civilian supervisors and managers, training and overseeing the work of inmates. The factories utilize raw materials to produce finished goods which are shipped to Government customers, primarily the Department of Defense, the Postal Service and the General Services Administration. Institution factories manufacture such items as furniture, clothing, shoes, electronics, metal and canvas products; and provide such services as data processing, furniture refinishing, and tire recapping. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. Prices are usually established in negotiation with customer agencies at or near to, but not exceeding, current market prices. A portion of the profits realized by these operations are reinvested to improve facilities, purchase new equipment, maintain state-of-the-art capability and provide working capital.

To operate modern factories and shops and produce products that must meet Government specifications with inmates, who for the most part have no previous training, experience or skills, requires a significant amount of training. Much of the needed training occurs on-the-job, with civilian supervisors and experienced inmates explaining and demonstrating the work to newly assigned inmates. Where skills require a more formal training, such as with computer programming, classroom instruction is provided. Production training units, a special type of industry concentrating on training more than production, utilize a combination of both classroom and on-the-job training to offer a unique and effective method of skill development. Also, registered programs of apprenticeship are in operation and approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and local unions.

As a manufacturing concern, the Corporation makes capital investments in buildings/improvements, machinery and equipment as necessary in the conduct of its industrial production. Federal Prison Industries currently funds part of the vocational training program within the Federal Prison System.

Other expenses charged to the industrial manufacturing program include inmate accident compensation and Meritorious Service Awards (MSA) to inmates.

Accomplishments and Workload: Actual and estimated accomplishments for Federal Prison Industries, Inc. are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Average inmate employment.....	6,361	6,494	6,600	6,700
New facilities established.....	1	2	0	0
Sales.....	\$116,995,000	\$129,000,000	\$135,000,000	\$138,000,000
Industrial earnings.....	12,947,000	15,639,000	16,000,000	15,000,000
Use of earnings:				
Vocational training.....	2,984,000	2,991,000	3,000,000	6,000,000
MSA (performance awards, pay).....	2,969,000	3,393,000	3,500,000	3,500,000
Accident compensation.....	174,000	166,000	170,000	180,000
Retained earnings.....	6,731,000	9,011,000	9,000,000	9,000,000
Number of shyps/factories.....	76	76	78	78

During 1981, an average of 6,494 inmates was employed at 38 institutions in 76 factories.

Because the inmate population at an institution fluctuates, the number of inmates available for industrial work fluctuates. Our industry programs must remain flexible to accommodate these variables in the work force. During 1981, all inmates who wanted industrial work were employed.

Program Changes: An increase of \$3,000,000 in the vocational training expenses limitation is requested to establish several new and innovative employment programs at selected institutions. These programs will be developed primarily by contracting with accredited educational institutions and private sector organizations. Guidelines will be established to test the effectiveness of the proposed programs which include vocational assessment and screening, counseling, skill training, work experience and placement assistance. The overall objective is to significantly increase the rate of success for offenders to find meaningful employment after release from prison.

Federal Prison System  
Federal Prison Industries, Incorporated  
Summary of Adjustments to Base  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1982 estimated obligations.....	793	790	\$132,366
<u>Uncontrollable increases:</u>			
Pay increase 1981 (vocational training).....	...	...	179
Pay increase 1982.....	...	...	155
Within-grade increases.....	...	...	134
Health benefits costs.....	...	...	144
Standard Level User Charges.....	...	...	13
Federal Telecommunications System (FTS).....	...	...	57
Travel costs - airfare increases.....	...	...	11
General Pricing Level Adjustment.....	...	...	1,625
Total, uncontrollable increases.....	...	...	2,318
1983 Base.....	793	790	134,684

Federal Prison System  
 Federal Prison Industries, Incorporated  
 Summary of Requirements by Grade and Object Class  
 (Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-4, \$58,500.....	3		3		...	
GS/GM-15, \$46,685-57,500.....	8		8		...	
GS/GM-14, \$39,689-51,596.....	14		14		...	
GS/GM-13, \$33,586-43,666.....	31		31		...	
GS-12, \$29,245-36,723.....	62		62		...	
GS-11, \$23,566-30,640.....	122		122		...	
GS-10, \$21,449-27,884.....	21		21		...	
GS-9, \$19,477-25,318.....	93		93		...	
GS-8, \$17,634-22,926.....	25		25		...	
GS-7, \$15,922-20,701.....	34		34		...	
GS-6, \$14,329-18,630.....	17		17		...	
GS-5, \$12,854-16,706.....	26		26		...	
GS-4, \$11,490-14,937.....	7		7		...	
GS-3, \$10,235-13,304.....	3		3		...	
GS-9, \$9,381-11,807.....	1		1		...	
Ungraded positions.....	326		326		...	
Total positions.....	793	\$19,601	793	\$20,020	...	\$419
Lapses.....	-3	-75	-3	-75	...	...
Net permanent.....	790	19,526	790	19,945	...	419

Federal Prison System

Federal Prison Industries, Incorporated, Prison Industries Fund

Summary of Requirements by Grade and Object Class (cont.)  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	790	\$19,526	790	\$19,945	...	\$419
11.3 Positions other than permanent.....	...	77	...	78	...	1
11.5 Other personnel compensation.....	16	673	16	677	...	4
11.8 Special personnel services payments.....	...	11,773	...	11,817	...	44
Total, workyears and personnel compensation.....	806	32,049	806	32,517	...	468
12 Personnel benefits.....		3,128		3,272		144
13 Benefits for former personnel.....		49		49		...
21 Travel and transportation of persons.....		555		566		11
22 Transportation of things.....		953		953		...
23.1 Standard level user charges.....		52		65		13
23.2 Communications, utilities, and other rent.....		13,146		13,203		57
24 Printing and reproduction.....		334		334		...
25 Other services.....		4,511		7,511		3,000
26 Supplies and materials.....		72,875		74,500		1,625
31 Equipment.....		1,907		1,907		...
32 Lands and structures.....		2,807		2,807		...
Total obligations.....		132,366		137,684		5,318
Unobligated balance, start-of-year.....		-73,303		-73,303		...
Unobligated balance, end-of-year.....		73,303		73,303		...
Total requirements.....		132,366		137,684		...
Relation of obligations to outlays:						
Obligations, net.....						
Receivables in excess of obligations, start-of-year.....		-56,537		-56,537		
Receivables in excess of obligations, end-of-year.....		56,537		56,537		
Outlays.....		...		...		

507

Federal Prison System

Federal Prison Industries, Incorporated, Administrative Expenses

Summary of Requirements by Grade and Object Class (cont.)  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	38	\$1,175	38	\$1,233	...	\$58
11.3 Positions other than permanent.....	...	20	...	21	...	1
11.5 Other personnel compensation.....	1	...	1	...	...	...
11.8 Special personal services payment.....	...	7	...	7	...	...
Total, workyears and personnel compensation...	39	\$1,202	39	\$1,261	...	59
12 Personnel benefits.....		129		134		5
21 Travel and transportation of persons.....		126		127		1
22 Transportation of things.....		32		32		
23.1 Standard level user charges.....		39		52		13
23.2 Communications, utilities, and other rent.....		17		17		
24 Printing and reproduction.....		118		118		
25 Other services.....		678		678		
26 Supplies and materials.....		24		105		81
93 Administrative expenses included in schedule for funds as a whole.....		-2,365		-2,524		-159
Total requirements.....	...	...	...	...	...	...

508

Federal Prison System

Federal Prison Industries, Incorporated, Vocational Training Expenses

Summary of Requirements by Grade and Object Class (cont.)  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	84	\$1,919	84	\$2,170	...	\$251
11.3 Positions other than permanent.....		2		2	...	...
11.5 Other personnel compensation.....		12		16	...	4
11.8 Special personal services payment.....		9		53	...	44
Total, workyears and personnel compensation.	84	1,942	84	2,241	...	299
12 Personnel benefits.....		215		230		14
21 Travel and transportation of persons.....		33		40		2
22 Transportation of things.....		18		18		...
23.1 Standard level user charges.....		8		8		...
23.2 Communications, utilities, and other rent...		102		102		...
24 Printing and reproduction.....		50		50		...
25 Other services.....		148		3,148		3,000
26 Supplies and materials.....		179		379		200
93 Vocational training expenses included in schedule for funds as a whole.....		-2,701		-6,216		-3,515
Total requirements.....		...		...		...

509

## GENERAL STATEMENT

Mr. HIGHTOWER. We are happy to have Norman Carlson, the Director of the Bureau of Prisons with us today. Mr. Carlson, you have a statement, I understand. We will place it in full in the record, and we will be happy to hear from you further at this point.

[The prepared statement follows:]

## DEPARTMENT OF JUSTICE

STATEMENT BY THE DIRECTOR, BUREAU OF PRISONS  
NORMAN A. CARLSON  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE  
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you to discuss the Federal Prison System's budget request for 1983. Mr. Chairman, I sincerely appreciate the support of you and your colleagues in the deliberations on our 1982 budget and look forward to working with you on the 1983 request.

As you will note, we are requesting a total of \$394,254,000 and 9,022 positions, a level which maintains the Bureau of Prisons' programs and operations at or near the current level. The request includes net uncontrollable cost increases of \$18,587,000 and program reductions of \$2,250,000.

Prison Population

When I appeared before the Subcommittee last year, the Federal Prison population had declined to 24,400. Since that time, the inmate population has increased dramatically to 27,900, exceeding current institution physical capacity by over 18 percent.

Several major factors have contributed to this increase. New commitments to Bureau institutions for the period February 1981 through January 1982, have increased by more than 1,200 over the same period a year ago. The number of offenders released from Federal custody during this same period decreased by nearly 2,700. In summary, Mr. Chairman, we are receiving a larger number of

offenders and they are serving longer sentences. This is illustrated by the following comparative statistical data between 1980 and 1981:

- 832 fewer releases to parole;
- average sentence of new commitments from the courts increased by more than three and one half months;
- average time served by released offenders increased by two months;
- 900 fewer transfers to contract Community Treatment Centers.

The number of unsentenced offenders in federal facilities has also increased by nearly 570 since last year. There are approximately 2,200 Cubans and Haitians detained in our facilities. A further increase of over 200 is largely attributable to the inability of the U.S. Marshals Service to renew or negotiate contracts for housing unsentenced federal prisoners with state and local jails because of severe overcrowding.

As you can appreciate, it is extremely difficult to predict future prison population because of the many variables involved. We believe, however, that the federal prisoner population will continue to expand for several reasons. The Department of Justice has intensified its investigative and prosecutorial efforts to reduce the incidence of violent crime and the level of narcotics trafficking. The number of offenders confined for narcotics violations is currently ten percent higher than a year ago, and is expected to increase as a result of the combined drug enforcement efforts of the FBI and the DEA. Secondly, because of overcrowding in state and local correctional systems, we anticipate increasing pressures to house state offenders in Bureau facilities as well as further difficulty in our ability to place unsentenced federal offenders in state and local facilities. Finally, we anticipate the continued necessity to house a

large number of Cuban detainees. We recently received approximately 350 additional Cubans from Fort Chaffee, Arkansas in connection with the transfer of refugee resettlement functions from the Department of Health and Human Services.

#### Atlanta Penitentiary

In view of the increasing population, the current level of overcrowding and the continuing requirement to house Cuban detainees, the Department requested congressional concurrence with our determination that the plan to close the Penitentiary at Atlanta, Georgia, be cancelled. The majority of the Cubans in our system were transferred to Atlanta last year. Approximately 1,800 offenders are currently housed at Atlanta, of which 1,400 are Cuban detainees. To proceed with plans to close Atlanta at this time would require relocation of the Cubans to other overcrowded Bureau institutions at great expense. We are aware that this Committee favorably supports the Department's proposal.

#### Salaries and Expenses

As mentioned previously, the 1983 budget request provides for resources to maintain most programs and operations at or near current levels.

For the Salaries and Expenses Appropriation, we are requesting \$376,533,000 and 8,967 positions, increases of \$23,533,000 and 45 positions from the anticipated appropriation for 1982. An increase of \$26,885,000 is requested for uncontrollable items including already enacted pay raises, maintenance of an increased prisoner population, annualization of costs for increases authorized in 1982 and escalation in operational costs. This increase is offset by a decrease of \$2,145,000 resulting from annualization of last year's position reductions and nonrecurring activation costs for the Metropolitan Correctional Center, Tucson, Arizona.

We are requesting an increase of 57 positions to begin replacement of U.S. Public Health Service (PHS) Commissioned Officer Corps positions with civil service medical positions. While the Public Health Service Hospital System is being phased out, the Department was successful in negotiating for a three-year period in which to complete the conversion of the 112 PHS positions. This period of time will allow for maximum replacement of PHS staff through normal attrition, provide sufficient time to acquire quality replacement staff and enable PHS staff serving three-year obligations under the scholarship program, to complete their obligations to the Federal Government.

Offsetting these increases are program reductions of \$1,207,000 and 12 positions. These reductions, which are accompanied by a decrease of 88 workyears, reflect the Administration's objective of maintaining employment through 1983 at approximately the current on-board level. These decreases are spread across the following program areas:

<u>Program</u>	<u>Positions</u>	<u>Workyears</u>	<u>Amount</u>
Unit Management	...	5	\$95,000
Education	...	2	46,000
Leisure	12	20	443,000
Religion	...	2	36,000
Psychology	...	5	82,000
Inst. Administration & Maintenance	...	34	111,000
Community Programs	...	3	79,000
Program Direction	...	17	315,000

National Institute of Corrections

The next item, Mr. Chairman, is the request for the National Institute of Corrections (NIC). We have requested \$11,054,000 and 30 positions in 1983 to continue the work of this small but important organization. No additional positions are requested. The decrease of \$132,000 from the anticipated 1982 appropriation will require some minor decreases in grant programs for evaluation, policy and program development, and technical assistance. The NIC, however, will be able to maintain operations near the current services level.

Buildings and Facilities

For Buildings and Facilities, we are requesting \$6,667,000 and 25 positions, a decrease of \$7,064,000 from the anticipated appropriation for the current year. No new construction or major renovation or rehabilitation projects are proposed for 1983. Positions remain the same as in 1982. Uncontrollable increases of \$11,000 for pay, health benefits costs, and travel cost increases are offset by decreases of \$7,075,000 resulting from nonrecurring project costs authorized in 1982. The amount requested for 1983 will finance approximately 320 minor repair and improvement projects at existing institutions and payment of \$1,500,000 for the Oxford, Wisconsin, lease/purchase agreement.

Non-Appropriated Funds

No additional positions are requested for either Federal Prison Industries, Inc. (FPI), or the Commissary Trust Fund. We are, however, requesting an increase of \$3,000,000 in FPI's vocational training expenses limitation for 1983 to develop new and innovative education, training and work experience programs designed to enable offenders to find meaningful employment after release from prison. These programs will be developed primarily through contracts with community educational institutions and private sector organizations and will include vocational assessment and screening, job counseling, skill training, and work experience.

This concludes my formal statement, Mr. Chairman. I would be pleased to answer any questions you or your colleagues on the Committee may have.

Mr. CARLSON. Thank you very much, Mr. Chairman and Congressman Fazio. I am pleased to be here and I will summarize my statement if that is permissible.

The total request is \$394 million and 9,022 positions for the Bureau of Prisons for fiscal year 1983. This is a level which essentially will maintain the programs and operations of the Federal Prison System at their current level with no major increases.

#### POPULATION INCREASE

The inmate population of the Federal Prison System has been increasing steadily and now stands at 27,900. That represents an increase of over 3,500 inmates since I appeared before you one year ago. At the present time, the inmate population exceeds the physical capacity of existing institutions by over 18 percent, which is primarily accounted for by a rapid increase in new commitments.

There are several reasons for the increase. First, there are more cases being filed by U.S. Attorneys across the country, and more commitments are being sent to us by the U.S. District Courts. The number of new commitments last year exceeded the number in 1980 by over 1,200.

In addition, the number of releases from our institutions has declined both by parole as well as by expiration of sentence. Moreover, the sentence length imposed by Federal Courts has been increasing because of the types of cases being presented by U.S. Attorneys.

#### CUBANS AND HAITIANS

In addition to the regular prison population, Mr. Chairman, we currently have in custody some 1,600 Cubans that came to the United States as part of the Mariel boatlift. The majority of those are incarcerated in the penitentiary at Atlanta, Georgia.

In addition, we are assisting the Immigration and Naturalization Service by detaining some 550 Haitian refugees whose cases are pending review by the Immigration Service.

#### POPULATION TREND

I believe the population increase we have seen during the past year is going to continue into the future. I say that for several reasons. First, the FBI and DEA have changed their priorities, particularly in the area of narcotic offenders. Together with armed bank robbers, that constitutes approximately 50 percent of the total prison population.

Both of those are high priorities with the FBI and DEA. As a result, I think we will see more cases being filed for prosecution and committed to our custody. These inmates receive longer sentences than the average inmate we have in the Federal Prison System. As a result I think we will find an accumulation of long-term cases being committed by the courts.

#### ATLANTA PENITENTIARY

One thing I would like to draw the committee's attention to is our request for Congressional concurrence with the proposal to keep the Atlanta, Georgia Penitentiary open.

As you recall, the 1980 Authorization Act required that we close Atlanta by September 1, 1984. At that time, the population was going down and had been declining rather steadily for the preceding two years. That situation has now reversed itself. The population has been going up rather substantially and I believe it is going to continue to go up in the months and years ahead.

What we propose to do is renovate Atlanta much as we are doing at Leavenworth, Kansas, modernizing housing units and making it into an institution that will eventually house approximately 900 inmates.

I think that Atlanta can be converted into a decent institution and can operate effectively as a part of the Federal Prison System.

#### SALARIES AND EXPENSES

Concerning Salaries and Expenses, you will note we are requesting a net increase of 45 positions. Actually there are no net increases in the total number of Federal employees involved. These are mainly positions, Mr. Chairman, which will be used to phase out the existing U.S. Public Health Service doctors and dentists in the Federal Prisons.

What we are doing is converting the Public Health Service positions to Civil Service, and transferring positions from the Department of Health and Human Services to the Department of Justice. We are not requesting a net increase, but rather a transfer of positions from one agency to the other.

#### NATIONAL INSTITUTE OF CORRECTIONS

I would like to conclude my remarks by commenting on the National Institute of Corrections, which, as you know, is administratively attached to the Bureau of Prisons. We are requesting a 1983 budget of approximately \$11 million, which represents a minor decrease over the current year authorization and appropriation.

With the demise of LEAA, the National Institute of Corrections is the only agency that provides assistance to state and local corrections agencies. I think they have done a good job providing training and assistance. The feedback that I receive from my colleagues and local sheriffs across the country has been very positive as to what the National Institute of Corrections has done in terms of providing support, assistance and training to state and local governments.

That concludes a brief summary, Mr. Chairman. I will be happy to answer any questions that you or Congressman Fazio may have.

#### CUBANS AND HAITIANS

Mr. HIGHTOWER. Thank you very much, Mr. Carlson. I am particularly concerned about the incarceration of the Cubans and Haitians and others you are holding for the Immigra-

tion and Naturalization Service. Are they treated exactly like any other detainee or anyone else committed by the court?

Mr. CARLSON. The only substantial difference, Mr. Chairman, is that they are not required to work. They have not been convicted of a felony, and as a result, they are detainees, which is a separate legal category. They may volunteer to work. Most of them do so of their own volition, but we cannot force them to work, except to keep their own area clean.

The only substantial difference then is the work details. Insofar as the food, the medical care, all the other activities, it is essentially the same as provided to any sentenced offender in our institutions.

Mr. HIGHTOWER. Does this create any problems?

Mr. CARLSON. It does present somewhat of a problem, because they are a different category. They have not been convicted of an offense. However, we have adapted quite well to the new mission, and we are able to accommodate the Cuban detainees as well as the Haitians without any major problems.

It does, of course, exacerbate the overcrowding problem, but with that exception, we handle them effectively.

Mr. HIGHTOWER. Are they held separately?

Mr. CARLSON. To a large extent, they are. The institution in Atlanta has been turned over almost entirely to the Cuban population. There are approximately 1,500 Cubans held there, and less than 200 other convicted felons. They are housed in separate units, and they have little interaction with convicted felons.

We try to keep them as separate as possible. It is not possible to keep them completely separate because of the confines of the institution, but we do the most effective job possible.

Mr. HIGHTOWER. Does this total number diminish from day to day and week to week?

Mr. CARLSON. It has not diminished substantially. As I recall, there have been approximately 800 Cubans released from Atlanta. On the other hand, we have transferred 490 in there, 350 Cubans and 140 others due to parole revocation, because of the closure of the Fort Chaffee Detention Center.

The total number of Cubans has remained fairly constant over the past year. There is some fluctuation with the Haitians as the Immigration Service completes their hearings. We are hopeful that the court in Miami that is hearing the case will permit the Immigration Service to move ahead with the hearing processes so a number can be returned to Haiti at an early date.

Mr. HIGHTOWER. Do you receive any assistance from INS to cover these costs? Has there been any budget transfer?

Mr. CARLSON. At this point in time, no. We have had to accept the Cubans and Haitians out of our existing budget. However, with the transfer of the 350 Cubans from Fort Chaffee, we will be able to pick up some of the budgetary transfer that is taking place between the Department of Health and Human Services and the Department of Justice. So we will be budgeted for that group that recently came into our system.

Mr. HIGHTOWER. Does INS have people at the facility in Atlanta working with these people?

Mr. CARLSON. Yes, sir, they do, Mr. Chairman.

They provide staff at each institution housing detainees, both translators as well as INS staff, to serve as liaison between the Immigration Service and the Bureau of Prisons.

Mr. HIGHTOWER. Do you see anything on the horizon that could make any substantial change in this policy whereby a rather large number of them may be released?

Mr. CARLSON. Mr. Chairman, there is a suit now pending in the U.S. District Court in Miami, the Southern District of Florida, which I understand will be argued next week. The outcome of that suit could very substantially impact insofar as handling the Haitians are concerned.

I would hope that the suit could, once and for all, settle some of the legal disputes involved and that they could begin deporting some of these people to Haiti if that is what the final outcome will be.

#### U.S. PUBLIC HEALTH SERVICE COMMISSION

Mr. HIGHTOWER. On page one of the justifications, it is indicated that due to the phase-out of U.S. Public Health Service Commission Officer Corps of Physicians, you will need an increase of 57 positions to hire Civil Service doctors. What additional cost will you incur by phasing out the Public Health Service doctors and converting them to Civil Service doctors? Is there any benefit to making this conversion?

Mr. CARLSON. There will be no additional cost. These are transfers of positions from the Department of Health and Human Services and there will be no increase in budgetary requirements.

Mr. HIGHTOWER. Is it difficult to maintain corps positions adequate to take care of the number of prisoners we have?

Mr. CARLSON. Yes, it is. It is also difficult to recruit Civil Service doctors. We had, of course, hoped that the Public Health Service doctors would stay with the Bureau of Prisons.

However, that decision has been reached and as a result we are trying to do the best we can to phase the changeover over a three-year period. We are proposing to accomplish most of the transfers over the next three fiscal years so we don't have a sudden interruption in the existing medical programs. The first year will not present a major problem because we have enough attrition that we will be able to accommodate the proposal for fiscal 1983.

Mr. HIGHTOWER. Could you provide for the record the number of prisoners now held in the system that were at the time of their incarceration licensed to practice medicine?

Mr. CARLSON. I will be happy to.

[The information follows:]

#### PRISONERS IN THE MEDICAL PROFESSIONS

As of March 12, 1982, there were 108 Bureau of Prisons inmates whose occupation prior to incarceration was in the medical profession:

Physicians and surgeons.....	18
Osteopaths.....	3
Dentists.....	3
Pharmacists.....	14
Registered nurses.....	8
Therapists.....	3

Dietitians .....	1
Medical and dental technology .....	16
All other occupations in medicine and health .....	42
Total .....	108

#### PRISONERS IN THE MEDICAL PROFESSION

Mr. HIGHTOWER. Just a matter of a guess, would you say that there are 25, 30 or more such doctors?

Mr. CARLSON. I would suspect that you are in the ball park. Most of these are Medicaid fraud cases or narcotic cases and just off the top of my head I would say 25 to 50 would be a realistic number.

Mr. HIGHTOWER. Do you see any problem, if the law would permit it, with a situation where a doctor, convicted for some offense that had nothing to do with the practice of medicine, were allowed to use his professional expertise and ability during the time of his confinement in the penitentiary?

Mr. CARLSON. We have discussed this issue on several occasions because of the shortage of doctors and skilled medical help in our institutions but we do see several problems, Mr. Chairman.

First, we are concerned that other inmates would put tremendous pressure on an inmate doctor to do things which he might otherwise not want to do. In other words, some of the more aggressive inmates could put undue pressure on the inmate doctor to do things which would not ordinarily be dictated by good medical practice. I am, of course, thinking of narcotics and other dangerous drugs.

There is also a liability issue. Suppose an inmate doctor does practice medicine in some fashion and another inmate, as many are prone to do, decides that he is not satisfied with it and goes into federal court and files a personal liability suit against that doctor. The doctor would have no malpractice insurance, and I think it would raise a substantial legal issue as to his liability if he is practicing medicine without any type of protection.

As you probably are aware, inmates are prone to file such suits and I am concerned about the position we would put a doctor in if he was not covered by some type of tort protection or medical liability insurance.

Mr. HIGHTOWER. But that is not an insurmountable problem, is it? If you required some statutory change that could be taken care of.

Mr. CARLSON. Yes, I suppose there could be statutory language devised which would protect the doctor, but at the present time, given the existing statute and also given the fact when a doctor is convicted the insurance company drops his insurance, I think we have a difficult question to grapple with.

Mr. HIGHTOWER. Do you use paramedics?

Mr. CARLSON. Yes, we use basically physicians' assistants. These are people who have formal training as paramedics. They are the backbone of our program; they are the ones that work the 24-hour shifts and provide most medical care.

Mr. HIGHTOWER. Would the use of convict physicians as paramedics reduce some of the difficulties you have described?

Mr. CARLSON. It might; however, again I am concerned that other inmates may exert undue pressure on them to go beyond what a normal paramedic would do in terms of the practice of medicine. Paramedics, of course, are fairly limited in the discretion they have and cannot, for example, prescribe medications. They cannot administer dangerous drugs or any type of narcotic or tranquilizer without the prescription of an M.D. on staff.

#### HOUSING OF TRUSTEES

Mr. HIGHTOWER. I don't want to belabor this issue but just one more point. Are trustees housed with the other prisoners?

Mr. CARLSON. Yes. We have minimum security facilities, Mr. Chairman, and all the inmates that live in those facilities are trustees or minimum security inmates.

Some of these are first-time white collar offenders. On the other hand, many of them are inmates who are finishing up long sentences and are transferred to that status prior to release. So you have a mixture. It is not all just first-time offenders, it is a heterogeneous grouping of offenders.

Mr. HIGHTOWER. If your convict physician were housed with that group, the possibility of undue influence would be greatly reduced, wouldn't it?

Mr. CARLSON. It would be minimized, you are correct, sir, and we will look at the issue. As I say, we have looked at the issue in the past, and given the difficulty we are having in recruiting Civil Service physicians, we will continue to look at it.

#### INSTITUTION SECURITY

Mr. HIGHTOWER. The justifications on page 10 show no increase in funds or positions for institution security. You have testified that the inmate population in your institutions has increased significantly over the past year. Why, then, aren't you asking for an increase in institutional security programs?

Mr. CARLSON. Mr. Chairman, we are maintaining our base which, given the present situation regarding the overall budget, I think is a good posture to be in.

We are not losing positions. We are maintaining the same base that we had in 1982. Essentially there is only a 12-position reduction overall. I think we will be able to maintain those institutions even with the level of population projection.

If the population, of course, goes up even more dramatically than it has in the past year, we may have to reconsider that issue. But at this time, I feel that we will be able to operate effectively for the next 12 months.

Mr. HIGHTOWER. What effect would a level budget for institution security have on your ability to maintain the safety of staff, inmates and the public given the fact that the inmate population is increasing?

Mr. CARLSON. It makes it more difficult, without question. Overcrowding exacerbates the tensions and frustrations that exist in any institution.

On the other hand, as you recall, about four years ago our population was close to 30,000, around 3,000 higher than we are today.

**CONTINUED**

**8 OF 20**

So relatively speaking, we are still at a tolerated level of overall overcrowding. It is not desirable. It is not something we would care to have exist over a long period of time but I think we will be able to manage at least for the next year.

#### INMATE PROGRAMS

Mr. HIGHTOWER. On page 21 of the justifications you are showing a decrease of 12 positions and 29 work years for the inmate programs. The budget states that you are maintaining employment at 1981 levels to reduce expenses. Inmate programs are developed to provide general, occupational, and educational opportunities as well as other programs to promote the general well-being of the prisoner population. Given the fact that the population of your institutions is increasing, how are you going to maintain the quality of these programs if you are going to cut the staff in this area?

Mr. CARLSON. It is more difficult. We were required to take a cut, and I felt it would be better to take the cut in this area than in the area of correctional supervision. We have not taken any cuts in our basic line officer cadre.

We have elected to take the minimal cuts that we are required to take, from this area. There are several ways that we will try to accommodate this. First, by using contract and part-time personnel insofar as possible, also by expanding the use of volunteers, particularly in areas such as religion and leisure time activities where we can bring in volunteers from local communities to enhance the program capabilities.

#### FEDERAL COMMUNITY TREATMENT CENTERS

Mr. HIGHTOWER. On page 34 of the justification you show a reduction of three work years and \$79,000 in the Federal Community Treatment Centers and other community programs. Have you closed all of your Federal Community Treatment Centers in order to place inmates in contract Community Treatment Centers?

Mr. CARLSON. Yes, we have, Mr. Chairman.

#### EXECUTIVE DIRECTION

Mr. HIGHTOWER. On page 38 of the justifications you show 216 permanent positions and 257 work years for fiscal 1982. For fiscal 1983 you are proposing a decrease of 15 workyears and \$278,000 in the executive direction activity. How are you going to handle this reduction? What activities are you going to eliminate?

Mr. CARLSON. Mr. Chairman, these are essentially other than permanent positions in the system that are simply not going to be filled. The reduction can be accomplished through normal attrition and will not require a RIF action on our part at all.

#### NATIONAL INSTITUTE OF CORRECTIONS

Mr. HIGHTOWER. The fiscal year 1983 budget request for the National Institute of Corrections is \$11,054,000, a decrease of \$132,000 from the amount provided for fiscal year 1982 under the Continuing Resolution. On page 7 of the justifications you show a decrease of \$1,034,000 for fiscal year 1983 reflecting full absorption of uncon-

trollable increases for this account. The justifications go on to say that this absorption would require decreases in grant programs for evaluation, policy and program development, training and technical assistance. How will these cuts affect state and local correctional program development?

Mr. CARLSON. Mr. Chairman, this is the budget for the National Institute of Corrections. We were required to take a cut in that budget category. It will have some impact on the overall program but the basic thrust of NIC at the present time is in the area of staff training, primarily through the Academy at Boulder, Colorado.

I personally feel and I think the NIC Board agrees with me, that it is much more important to keep the training aspect and technical assistance aspect in full swing rather than take cuts in those areas.

We will make the adjustment in this one area, which will have minimal impact on the overall state and local correctional scene.

#### BUILDINGS AND FACILITIES

Mr. HIGHTOWER. The next item in your budget is Buildings and Facilities. The request for fiscal year 1983 is \$6,667,000, a reduction of \$7,064,000 from the amount provided for the current fiscal year under the Continuing Resolution.

Does this reduction represent completed programs?

Mr. CARLSON. That represents the projects that were funded last year by the committee which will be completed in the very near future. These essentially are modernization and renovation programs in existing institutions.

#### ATLANTA RENOVATION

Mr. HIGHTOWER. In your opening remarks, though, you mentioned something about renovation at the Atlanta facility. Is money included for that here?

Mr. CARLSON. No, it is not.

Mr. HIGHTOWER. Do you anticipate coming in with a supplemental request later?

Mr. CARLSON. We hope that we will not have to, Mr. Chairman. There is a possibility that the funds that are being transferred to the Department of Justice from the Department of Health and Human Services for the Cubans may provide us enough flexibility to begin the renovation effort.

We are not certain at this point in time but if there are funds available from that transfer we will use them because we feel it is justified and Atlanta houses primarily Cuban detainees.

Mr. HIGHTOWER. Will this work be done in-house?

Mr. CARLSON. Yes, some of the work will be done in-house by inmate labor. The entire renovation will be phased over a six-year time frame. We will keep the institutions open so we can only do so much at a time and we now project approximately a six-year time phased renovation effort.

Mr. HIGHTOWER. Are you saying that you expect to be keeping the Cubans for six years?

Mr. CARLSON. Even if the Cubans would leave, Mr. Chairman, we have more than an ample number of inmates to transfer into that institution. That would be one vehicle by which we could relieve the overcrowded conditions in other institutions.

I have no idea how long we will have the Cubans. We have had them now for nearly two years, and as I understand it, there is no move afoot to release substantial numbers to the community.

Mr. HIGHTOWER. I am very sympathetic with your problem, Mr. Carlson, because you have to deal with things as they are and have to assume that they are going to continue as they are, whereas, we could hope that some action here or down the street will make some changes for the inmates.

Mr. CARLSON. Mr. Chairman, I join you in that hope.

Mr. HIGHTOWER. Is this an indication that you plan to use the Atlanta facility, for the indefinite future.

Mr. CARLSON. Yes, sir; Mr. Chairman, even, as I said, if the 1,450 Cubans were released tomorrow, we have more than enough inmates to transfer into that institution to relieve overcrowding in existing institutions so it is very critically needed as part of the overall Federal Prison System.

Mr. HIGHTOWER. Would it be used as minimum security?

Mr. CARLSON. No, what we propose to do, Mr. Chairman, is to renovate it in such a way that it would be a level 4 or 5 institution which is roughly equivalent to a maximum security facility.

We would also, however, build a minimum security camp on the grounds immediately adjacent to the institution so we could house minimum security prisoners outside of the facility itself.

#### PHOENIX FACILITY

Mr. HIGHTOWER. What is the status of the facility in Phoenix?

Mr. CARLSON. As you recall, site and planning funds were earmarked for that facility in the last continuing resolution. We are actively involved in that planning effort at the present time.

The environmental impact statement will be ready soon for distribution and for comment. We are nearly ready to begin the architectural plans for the institution.

The program design has been completed. We are now in the final stages of the acquisition of the land that the facility will be built on and we are very optimistic that we will be able to complete that project over the next three to four years.

#### NEW CONSTRUCTION

Mr. HIGHTOWER. You are not requesting any appropriations for new construction projects this year. Given the significant increase in prison population last year, what will be the effect of placing the new construction program in suspense?

Mr. CARLSON. Mr. Chairman, if the population continues to increase at the rate it has, it obviously is going to present us with a very difficult situation. The new Metropolitan Correctional Center at Tucson, Arizona will begin accepting inmates shortly after the 15th of April.

In addition, we are building new housing units in two of our existing institutions, Seagoville, Texas and Boron, California. We are

also opening a camp in Danbury, Connecticut and another housing unit at Sandstone, Minnesota. Sandstone is having a new housing unit completed that will accept about 100 inmates in the very near future.

#### ARIZONA FACILITY

Mr. HIGHTOWER. What will be the population of the new Arizona facility?

Mr. CARLSON. Initially, Mr. Chairman, we are proposing 400 but the physical plant will be designed so that it can be expanded to 600. This will provide flexibility if the population in that district increases dramatically and enable us to add on new housing units at comparatively low cost.

The core facility will initially be built for 400.

Mr. HIGHTOWER. And you will move in 400 immediately?

Mr. CARLSON. When the facility in Phoenix is completed, yes.

Mr. HIGHTOWER. You said it is going to be opened right away?

Mr. CARLSON. That is the Tucson facility. No, we will not move in all 200 or 250 immediately. This will be essentially a jail population, pre-trial cases that are awaiting trial in the U.S. District Court in Tucson. They will merely be booked into that facility as the FBI and DEA make arrests. The population will be built up from zero within a short period of time.

There is a substantial backlog of criminal cases in that district, and I am very confident that the institution will be filled within a few months.

#### FEDERAL PRISON INDUSTRIES

Mr. HIGHTOWER. The next item is the Federal Prison Industries, Incorporated. On page 6 of the justifications you are requesting an increase of \$3 million to provide new and innovative programs for prisoner training and employment under the Vocational Training program. What are these new and innovative programs?

Mr. CARLSON. Mr. Chairman, as we discussed earlier, there were cutbacks taken in in the area of inmate programs. One way we plan to accommodate that, which I failed to mention, was to use funds that have been generated by Federal Prison Industries, the profits, so to speak, to expand educational programs.

We plan to use the \$3 million to expand educational programs by using contracts with local community colleges. We feel it is more economical to contract with a community college to come into institutions and put on a program than it is for us to hire a staff of teachers to do the same thing.

Mr. HIGHTOWER. How are you going to select prisoners for these programs?

Mr. CARLSON. It will be done on a voluntary basis. The programs will be made known to the inmate population and as in the case of virtually all of our educational programs except for basic literacy, participation will be on a voluntary basis.

Mr. HIGHTOWER. And it will be available to the general inmate population?

Mr. CARLSON. That is correct. They will be available to all inmates.

## RELEASE OF PAROLEES

Mr. HIGHTOWER. Mr. Fazio?

Mr. FAZIO. Thank you, Mr. Chairman.

I appreciate your letting me sit in today to engage in a line of questioning with both the Bureau of Prisons and hopefully with the U.S. Parole Commission as well.

I would like to take note of the presence of Mr. Alan Breed, who is the Director of the National Institute of Corrections, and a very highly respected penalist in the Sacramento area when he served State government there.

It is good to see him.

Mr. Carlson, I want to question the Bureau of Prisons in areas that relate to the security of the community. Mr. Matsui, my colleague from Sacramento, and I are concerned as are the local officials, as to the problems regarding the release of parolees, the individual who finds himself assigned to a community facility, in a halfway house or similar situation and who may become a threat to the community.

We have had several crimes, three specifically, committed by Federal parolees in the period right after the first of this year.

This is really an outgrowth of the concern that evidenced itself last year in the Sacramento area. We are near a number of State prisons. There were a number of parolees from those facilities. Obviously a far greater portion of the crime enforcement activities are at the State and local level but these parolees had become sufficiently known to the local law enforcement agencies. The situation became such that they took action to change the State law to ensure that the chief of police, or the sheriff, would be notified automatically of the whereabouts of these people who were still under sentence but who were, at the time, in the community.

There was, I think, evidence to show that there was a much higher than normal rate of crime committed by these recidivists, these individuals who had a clear pattern of criminality.

The State law now permits the local law enforcement officials to get the names, the type of crime, pictures, the pertinent information that would allow them to follow up on an investigation should there be any similarity in terms of an investigation between the crimes that had been committed by a parolee, someone in a halfway house, and the crime that had recently been committed.

It became evident that the Federal Government was not cooperating in a similar manner with local law enforcement agencies on a voluntary basis. Hence, Mr. Matsui and I have both attempted to change the law in that regard.

The Commission, whom we will be talking to in a moment or so, has acted administratively.

I wonder if you can help us understand the manner in which the Bureau of Prisons operates as it relates to the release to halfway houses of a number of people who still may constitute a threat to the community.

## RELEASE TO HALFWAY HOUSES

Do you have any information on file at the Bureau as to the number of prisoners who have been released to halfway houses and

subsequently been returned to incarceration as a result of violations of the law that they may have committed?

Mr. CARLSON. Congressman Fazio, we do not have the data in respect to violations of the law. We do have the rate of escapes from halfway houses which would be roughly comparable in some cases. The fact that inmates escape in and of itself is a violation of Federal law, and many are prosecuted as a result of their escape.

The number that escape has been fairly consistent over the years. Roughly nine percent of all the inmates we transfer to a halfway house fail to complete the period of time. They are declared escapees and are referred to the FBI for possible prosecution.

Mr. FAZIO. Is there any way we could capture that figure, then, from the other related agencies?

Mr. CARLSON. We could possibly do so through our computer, and would be happy to work with your staff on that. We could try to follow the cases through the FBI which would be the central source of data that we would use.

Mr. FAZIO. I would like to try to do that. We could perhaps communicate after the hearing and work on a method to gather information.

I am not interested in destroying the principle. I am very much interested in getting a handle on the problem so that we may deal with it perhaps more efficiently than we have in the past.

[The information follows:]

As I indicated during the Hearing, approximately eight percent of all inmates transferred to halfway houses escape prior to their release dates. This escape rate includes those inmates arrested in the community for a new offense while in the program. Unfortunately, our existing data base does not break out those who are arrested for new offenses.

## SUPERVISION WITHIN HALFWAY HOUSES

Mr. FAZIO. How do you keep tabs on the prisoners in the halfway houses currently? What kind of methods do you use to ensure that the prisoners are acting properly?

Mr. CARLSON. One of the requirements we have in the Statement of Work and the various contracts we have with the halfway houses is that they provide supervision. The inmates are required to sign in on a regular basis so that there are controls that are provided by the halfway house staff.

We do monitor the halfway houses on a regular basis to ensure that there is quality control built in, that they are fulfilling requirements of our Statement of Work.

Mr. FAZIO. How do you determine when a halfway house which you contract with is acceptable? What standard do you apply when you make decisions as to who you will affiliate with?

Mr. CARLSON. Congressman Fazio, as I mentioned we have a Statement of Work which we are required to use under the Government Procurement Regulations. Halfway houses have to meet all the local building codes, fire codes and a host of other requirements.

I will be happy to supply you with the Statement of Work which is illustrative of the areas that we look at.

[The information follows:]

STATEMENT OF WORK  
CONTRACT COMMUNITY TREATMENT CENTERS  
MARCH 1982

TABLE OF CONTENTS

7300.6  
March 5, 1982

I. INTRODUCTION

- i. Background
- ii. Objective
- iii. Explanation of Terms
- iv. Scope of Work

II. REQUIREMENTS

- 1. Administration
- 2. Personnel
- 3. Facility
- 4. Safety and Sanitation
- 5. Programs
  - A. Resources
  - B. Intake
  - C. Individual Program Planning and Progress
  - D. Employment
  - E. Residence Development
  - F. Drugs/Alcohol
  - G. Authorized Absences
  - H. Passes
  - I. Furloughs
  - J. Live-out
  - K. Discipline
  - L. Driving
  - M. Marriage
- 6. Services
  - A. Food Services
  - B. Medical Services
- 7. Records and Reports
- 8. Release Preparation
- 9. Escapes
- 10. Death of an Offender
- 11. Probationers, Parolees, Mandatory Releasees and Pre-Trial Services Defendants

Attachment A - Prohibited Acts  
Attachment B - Incident Report  
Attachment C - Resident Rights at Center Discipline Committee Hearing  
Attachment D - Notice of Center Discipline Committee Hearing  
Attachment E - CDC Report  
Attachment F - Duties of Staff Representatives  
Attachment G - Pass Request

CONTRACT COMMUNITY TREATMENT CENTERS

7300.6  
March 5, 1982

I. INTRODUCTION

i. BACKGROUND

The U.S. Department of Justice, Federal Prison System, provides funds - under contracts to State and local governments and to private organizations - for the provision of residential care for Federal offenders in Community Treatment Centers (sometimes referred to as halfway houses). Under the provisions of Title 18, U.S. Code, Sections 4002, 4082, 5013 and 5040, these centers are responsible for ensuring control and accountability of residents and providing or making arrangements for custody, subsistence, medical care, education, and training opportunities to those persons in the centers.

Community Treatment Centers provide:

- A. Flexibility in programs which can be geared to the specific needs of each individual in residence.
- B. Expertise and capability in assisting the offender to find employment, a place to live, to develop resources on his own and to develop self-confidence.
- C. Integration and transition of residents into productive community living.

The transitional period of residence in the halfway house program has proven cost-beneficial to the taxpayer in that the resident is not a total burden to the government. During residency, the resident becomes a wage earner and taxpayer and defrays some of his support costs.

ii. OBJECTIVE

The objective of this contract is to provide community based services for Federal offenders. These services shall include programs designed to assist offenders in becoming law-abiding, self-sufficient, contributing members of the community, as specifically set forth in this Statement of Work.

iii. EXPLANATION OF TERMS

- \* A. Community Treatment Center (CTC): The facility in which the Contractor's programs are operated also referred to as "facility", center, halfway house or CTC. \*
- B. Contractor: The entity which provides the services described in this Statement of Work.
- C. Community Programs Manager (CPM): An employee of the Federal Prison System responsible for developing contract resources and monitoring contract compliance.
- D. U.S. Probation Officer (USPO): An officer of the Federal Court System who is responsible for supervising Federal offenders placed on probation by the Federal courts. These officers also supervise mandatory releasees and those released on parole by the U.S. Parole Commission.

CONTRACT COMMUNITY TREATMENT CENTERS  
STATEMENT OF WORK

Chapter I  
Page I  
7300.6  
March 5, 1982

II. REQUIREMENTS

Chapter I. ADMINISTRATION

- \* A. It is the Contractors responsibility to maintain documentation proving that provisions in this Statement of Work are being met. \*
- B. The Contractor shall have an up-to-date written manual which shall be available to, and reviewed by, staff and which describes the purpose, philosophy, programs, services and policy of the facility for all elements of work contained herein. The Contractor must operate according to this manual.
- \* C. The Contractor shall attend and participate in meetings sponsored by Bureau of Prisons staff and other Contractors for the purpose of technical \* overview of performance under contract, including programs performed under contract, problems encountered and recommendations for contract performance improvement.
- D. No resident shall have the authority to supervise other residents.
- E. The use of physical force shall be resorted to only in instances of justifiable self-defense, prevention of loss or damage to property, or the prevention of self-inflicted harm, and only to the degree necessary. Safety of residents and staff will be given highest priority in such policy.
- F. The Contractor shall conduct searches of the facility, and personal \* belongings of the resident as needed but at a minimum of once a month. The resident may be pat searched or strip searched by a staff member of the same sex for good cause. \*
- G. The Contractor shall ensure that when co-correctional facilities are provided under this contract, sleeping areas shall be appropriately separated by sex. Also appropriate procedures shall be established for use of toilet facilities if separate facilities are not available.

Statement of Work  
Contract CTCs

Chapter 2  
Page I  
7300.6  
March 5, 1982

Chapter 2. PERSONNEL

- A. The Contractor shall have adequately trained and physically able, paid staff on the premises to provide twenty-four hour coverage, seven days a week. The number of staff will depend on physical plant and population. Volunteers may be used at the discretion of the Government.
- B. The Contractor shall maintain written job descriptions which accurately describe current duties for all positions performing services under this contract. The job descriptions shall be given to each employee.
- C. The Contractor shall identify and establish minimum employment qualifications for all staff performing services under this contract.
- D. The staffing pattern of the facility shall concentrate counseling staff when most residents are available at the facility.
- E. Standards of Employee Conduct. Standards shall include, but are not limited to, the following:
  - (1) Contractor staff shall not display favoritism or preferential treatment of one resident, or group of residents, over another.
  - (2) No Contractor employee may deal with any resident except in a relationship that will support the approved goals of the center program. Specifically, staff members must never accept for themselves or any member of their family, any personal (tangible or non-tangible) gift, favor or service, from a resident or from any resident's family or close associate, no matter how trivial the gift or service may seem. All staff are required to report to the center director any violation or attempted violation of these restrictions. In addition, no staff shall give any gifts, favors or services to residents, their families or close associates.
  - (3) No Contractor employee shall enter into any business relationship with Federal residents or their families (e.g., selling, buying or trading personal property).
  - (4) No Contractor employee shall have any outside contact (other than incidental contact) with a resident, his family or close associates, except for those activities which are an approved, integral part of the center program and a part of the employee's job description.
  - (5) Contractor employees are forbidden to engage in any conduct which is criminal in nature or which would bring discredit upon the Contractor.
  - (6) Any violation or attempted violation of the restrictions referred to in this section on Employee Conduct will be closely scrutinized. Any failure to report a violation or take appropriate disciplinary action against the offending party or parties may subject the Contractor to appropriate action, up to and including termination of the contract.
  - (7) The Contractor shall notify his employees of the Standards of Employee Conduct and document this notification.

Chapter 3. FACILITY

- A. The Contractor shall conform to all applicable zoning ordinances, laws and codes; and local building, sanitation, health, and fire codes.
- B. The Contractor shall have documentation confirming adherence to local laws, ordinances, and codes, where applicable; or shall document non-applicability.
- C. The facility shall be located in an area where the distance to the general area of work is less than one and a half hours each way from center to place of employment/education. The facility shall also be located within one mile of public transportation, or the Contractor shall provide other means \* of transportation to and from resident's place of employment/education.
- D. Sleeping quarters shall be well-lighted and ventilated.
  - (1) Each resident shall be supplied with bed, mattress and space for storage of personal articles. (See Chapter 4, Section F)
  - (2) Upon arrival, each resident shall be supplied with at least one complete set of appropriate bed linen and towels. The Contractor shall ensure \* that these items are exchanged or washed at least weekly.
- \* E. The Contractor shall provide and designate space to meet program \* requirements.
- \* F. The Contractor shall provide toilets, wash basins and bathing facilities \* within the facility.

Chapter 4. SAFETY AND SANITATION

- A. The Contractor shall have written emergency and evacuation plans, including diagrammed plans for evacuation, covering such emergencies as fire, natural disaster or severe weather. The plans shall be communicated to each new \* resident upon arrival. The plans also shall be posted in conspicuous locations in the facility. Evacuation drills will be conducted and documented at least quarterly when a representative number of residents are available. All agency personnel are to be trained in the implementation of the emergency plans. These plans shall be reviewed at least annually, and updated if needed. \*
- B. The Contractor is required to meet fire safety requirements as defined by a representative of the Federal Prison System or their consultant in addition to local fire codes.
- C. The Contractor's facility shall have:
  - (1) At least two means of exit from every floor level.
  - (2) Smoke detectors on every floor, located so as to provide complete, prompt coverage.
  - (3) Illuminated exit signs and egress route with electric power and battery-powered stand-by emergency lighting.
  - (4) Portable fire extinguishers, appropriately classed and rated and located throughout the facility (i.e., rule of thumb is 2A rated, Class A extinguisher per 6,000 square feet for light hazard occupancy with a maximum travel distance of 75 feet to an extinguisher).
- D. Hazardous materials such as paint, adhesives, thinners, etc., shall be stored in metal containers away from sleeping areas, stairwells, exits, kitchens furnaces, etc. \*
- E. The Contractor shall arrange for fire inspections and testing of equipment by a fire equipment representative at least semi-annually.
- \* F. Mattresses and pillows acquired after the inception of the contract may not contain polyurethane or polystyrene. \*
- G. The Contractor shall ensure that the facility and surrounding outside areas are kept in a clean and sanitary condition at all times. Hallways, stairs, and exits shall be kept clear at all times. \*

## Chapter 5. PROGRAMS

A. Resources

- (1) The Contractor shall develop and utilize a network of community resources and services, including referrals to other Federal, state and community agencies in an attempt to fulfill each resident's specific needs and goals.
- (2) The Contractor's programs shall include individual counseling relative to the search for gainful employment, job training, academic and vocational opportunities, adjustment on the job, money management skills, re-establishment of family ties, center behavior, substance abuse, and community adjustment. The Contractor shall provide opportunities for resident participation in recreational, religious and other programs.
- (3) As indicated by the individual's need(s), the Contractor shall provide or arrange for employment assistance, maintenance of employment, savings program, group counseling, carefully planned community living arrangements which will meet the needs of the individual and his/her family after release, access to and use of supportive community resources which can be utilized after release, and placement in educational and/or training programs.
- \* (4) When the Contractor uses citizen volunteers in the programs, they shall be screened as to their background suitability for such work and shall \* receive orientation, training and supervision from the Contractor. The CPM will approve the procedure used to select and train volunteers.

B. Intake

There are several sources of referrals. They are: transfer from a Federal institution; direct commitment from Court; U.S. Probation Officer referrals (probationer, mandatory releasee or parolee); and Pre-Trial Agency referral. All sources must go through the Community Programs Manager, and the Contractor shall consider Federal referrals only from the Community Programs Manager.

- (1) Contract centers shall specify their criteria for accepting/rejecting the referral. Should the referral be unacceptable, notification shall be made in writing to the CPM citing the specific reasons for the denial.
- (2) Contractor and/or the CPM shall establish the transfer reporting date on which the individual is to report to the center. Notification shall be in writing to the CPM, with a copy to the referring institution if the potential resident is in a Federal institution.

- \* (10) If the Contractor requires that all residents pay appropriate and \* reasonable costs incident to confinement, and the Contractor is authorized by the Government to collect subsistence, agreement forms shall be forwarded to the prospective resident prior to his transfer.  
  
The offender must sign the agreement prior to the transfer from the institution, or if he is committed directly to the facility, the Contractor shall obtain the resident's signature on the form during intake. Any waivers for individual residents in such a program must be documented and justified. \*
- (11) Demonstration of confidentiality of case records is essential. Applicable state and Federal procedures and guidelines must be adhered to. In order to release information to employers, etc., a release must be obtained from the resident. A standard release form is shown below. If the offender is transferred from a Federal institution, a release form should already be in the file, signed by the inmate. If a form is not on file, one shall be obtained by center staff.
- \* Contractors may use their own form as long as it meets the basic requirements. \*

## CONSENT TO RELEASE OF INFORMATION

I, \_\_\_\_\_, Register Number \_\_\_\_\_, hereby authorize employees of the Department of Justice and employees of any facility contracting with the Department of Justice to release any or all of the contents of information in my Inmate Central File to educational facilities, social agencies, prospective employers, etc., for the purpose of assisting in all phases of community programming and release planning. I also authorize the above persons to advise prospective employers that I am currently in the custody of the U.S. Attorney General serving sentence / under supervision of U.S. Parole Commission or U.S. Probation Office/. This consent will remain in effect until my release from supervision or until revoked in writing by me.

Witness' Signature \_\_\_\_\_

Resident's Signature \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

C. Individual Program Planning and Progress

- (1) During the first week the Contractor shall design an individual program plan with/and for each resident which includes performance of ex- \* pected behavior and accomplishments, and a time schedule for achievement. The plan shall include increasing opportunities and privileges with family and in community activities, emphasizing decreasing levels of supervision and increasing levels of resident responsibility. The program plan shall be signed by staff and resident.

D. Employment

- (1) The Contractor shall develop meaningful resident employment opportunities by staff contact with prospective employers, liaison with community placement services and development of related supportive resources. Meaningful employment means the matching of jobs to resident needs, aptitudes, desires and capabilities.
- (2) Contractor staff shall prepare the resident for job hunting. This shall include counseling on how to conduct themselves in an interview, exploration and assessments of the individual resident's skills, and interests and economic needs that will influence the type of employment that will be suitable.
- (3) Contractor staff shall assist each resident in job placement to the extent needed. This may include helping him search for a job, going with him to the interview, etc.
- (4) The Contractor shall approve each resident's employment and will ensure that all employers are aware of the resident's legal status.
- (5) The Contractor shall contact each resident's employer a minimum of once per week the first 30 days of employment, and thereafter no less than once a month depending on need. The Contractor will discuss \* the resident's job performance. A staff member shall visit the resident at his job site at least once. These contacts will be documented and placed in the inmate's file. The Contractor shall require the resident to obtain permission from the staff of the facility prior to making any changes in employment.
- \* (6) Certain major sanctions will initially have impact on the resident's ability to perform his work, but restriction from work, in and of itself, may not be used as a punishment. \*

- E. Residence Development. The Contractor shall provide assistance to residents in obtaining housing/residence suitable for release purposes. Residence suitability is to be verified by the Contractor through an on-site visit and the address is to be submitted to the USPO for approval as a release residence. (See Chapter 8, p. 1.)

F. Drugs/Alcohol

- (1) The Contractor staff shall contact the U.S. Probation Officer, or designee, at least two weeks prior to the resident's arrival from an institution, to set up a program planning conference concerning drug counseling for sentenced residents with a condition of drug aftercare upon release. That conference shall be held within a week of the inmate's arrival and the client will be a part of the conference.  
  
At that time, plans will be made for counseling services. All of the residents with a condition of drug aftercare will receive drug aftercare services from the U.S. Probation Service once they are released from the center. Therefore, if at all possible, the resident should receive counseling from the same agency and individual while the resident is in the center as will be provided upon release under supervision. An exception will be when specialized drug counseling services are a part of the CTC program.
- \* (2) If the Contractor has specialized counseling as an integral part of his/her program at least thirty minutes counseling shall be provided weekly to sentenced residents who have alcohol or drug aftercare as a condition of their release. This shall be in lieu of a. above.
- (3) Counseling shall be provided by a professional counselor, having an advanced degree in behavioral sciences, preferably in the area of psychology or social work or rehabilitative counseling, or a person with a Bachelor's degree and at least two years of drug treatment experience or training. Paraprofessionals with appropriate training and \* experience may be utilized, provided they are under the direct supervision of a professional counselor.
- (4) When such counseling is to be conducted by someone other than the Contractor, center staff shall contact the CPM for approval of the plan, including the number and length of counseling sessions per month.
- (5) Center staff shall document the date and time of each counseling session for the resident's file. If counseling is conducted by the Contractor, the counselor shall keep notes of the sessions and summarize them each month for inclusion in resident's file.
- \* (6) The Contractor shall specify the method of urine collection and make arrangements to obtain urine samples as follows:  
NOTE: The government has a contract for urine testing. \*

Statement of Work  
Contract CTCsChapter 5  
Sections G, H, I  
Page 1  
7300.6  
March 5, 1982

- G. Authorized Absences. The Contractor shall only authorize a resident to leave the facility on pass as provided in Section H; on a furlough, as provided in Section I, on live-out as provided in Section J; or the resident may be at his place of employment/education or seeking employment/education; or in transit between the center and employment/education.
- H. Passes
- (1) A pass is a type of furlough authorized by Title 18, U.S. Code Section 4082, and is granted on a less formal basis than outlined in Section I. The Contractor shall grant passes as a viable part of the total reintegration process of the resident. A pass is limited to the local community (up to 50 mile radius).
  - \* (2) Approved passes shall begin only after the resident's return to the center after work on Friday and may extend to curfew on Sunday. However, an extended pass may be approved for a long weekend where a legal holiday falls on the preceeding Friday or the following Monday. \*
  - \* (3) The Contractor shall ensure that the pass (See Attachment G) is completed and signed by the resident. \*
  - \* (4) Passes, if recommended, must be recommended by a paid staff member and must be signed by the Center Director. \*
  - \* (5) A record must be maintained of who approved/denied the pass and justification for the action must be documented. \*
- I. Furloughs
- (1) A furlough is an authorized absence from the facility for a sentenced offender (18 U.S. Code 4082). Furloughs generally range from three (3) to seven (7) days in length and may be to the immediate area or outside the area (within the U.S.). The Contractor shall consider each furlough request in light of the following reasons, specified by Federal statute:
    - (a) To respond to specific family crisis/emergencies, and/or urgent offender needs;
    - (b) To obtain necessary medical/dental treatment which is not otherwise available;
    - (c) To participate in completion of release plans, including interviews with prospective employers, school enrollment and obtaining housing;

Statement of Work  
Contract CTCsChapter 5  
Section J  
Page 1  
7300.6  
March 5, 1982J. Live-Out

- (1) Live-out is a selective procedure which is used discriminately according to an individual resident's program needs. It is a time of testing and improving the abilities of residents to assume their post release responsibilities. Live-out is a type of furlough whereby the sentenced resident is authorized to live in his approved release residence. Live-out shall not begin prior to the last thirty days of the resident's formal release date.
- (2) Since live-out represents the final step of release planning, it is essential that the USPO be involved in the live-out decisions regarding residents who will be released under supervision.  
  
As soon as the Contractor makes a preliminary determination that live-out may be in order for the resident, the Contractor shall contact the U.S. Probation Officer (if the resident is a prospective parolee or mandatory releasee) to discuss the plan developed by staff and resident together. The Contractor shall commit the final detailed plan in writing.
- (3) The Contractor shall verify the suitability of the live-out residence including the resident's ability to pay costs attendant to said residence.
- (4) The Contractor shall write the CPM detailing the plan and the reasons for it, and requesting approval of the plan. Any change in the plan shall also be approved by the CPM.
- (5) Each resident approved for live-out (prior to entering live-out status) shall be instructed by the Contractor regarding his obligations and responsibilities. In addition, each resident shall sign a statement which includes the following:  
  
"I have been informed that live-out is an extension of confinement. I am aware that I am still under the custody of the U.S. Attorney General, and failure to report as required will be considered a violation of this agreement."
- (6) The Contractor shall establish a definite written contact with the live-out resident. It must include, but not necessarily be limited to, the following:
  - (a) The live-out resident shall telephone the facility on each day (before or after work). He is not scheduled to report physically to the center.
  - (b) A staff member shall visit the live-out resident in his or her home or at the job site once every two weeks.

K. Discipline

(1) Procedures Upon Admission to Center. The Contractor shall furnish each new resident upon arrival with a copy of Prohibited Acts imposed by the Federal Prison System, (Attachment A, Prohibited Acts); those imposed by the center itself; types of disciplinary action which may be taken; and the disciplinary system within the center and time limits thereof. The Contractor shall also provide each new resident a copy of the established rules of the facility. Copies of these documents shall be posted at a prominent location, accessible to all residents. The resident file shall contain a signed receipt stating that the resident has received a copy of, and understands, the contents of said documents.

(2) Types of Disciplinary Actions. There is a wide range of sanctions that a Contractor may impose for violation of center rules. The majority of these are minor in nature, such as reprimand, loss of T.V. or other privileges, or restriction to quarters. They require no special due process and shall be handled according to Contractor policy. The Contractor shall provide the CPM with a list of agreed upon minor sanctions that the Contractor may impose. Any changes in this list shall be approved by the CPM. \*

A recommendation for one or more of the major sanctions listed below requires a formal disciplinary hearing before the Center Disciplinary Committee (CDC) which follows the procedures described in this section. It also requires that one of the major prohibited acts, listed in "Prohibited Acts" (Attachment A) has been alleged to have been committed. Not all prohibited acts in Attachment A are sufficiently serious to support a major sanction. Those acts marked with an asterisk are considered so minor in nature that they will not support recommending a major sanction.

(a) Parole date rescision or retardation. The center may make recommendations for parole rescision or retardation.

(b) Forfeiture of Good Time (FGT). The center may make recommendations to the CPM for forfeiture of good time. Call the CPM regarding FGT available for forfeiture for the specified violation. \*

(c) Disciplinary Transfer. The center may make a recommendation to the CPM for transfer of a resident (See Para. 3 (b) & (c)). \*

(3) Procedures Related to Recommending Disciplinary Action where Major Sanctions are Involved.

\* (a) Informal resolution of incidents involving an infraction is preferred and shall always be considered prior to taking formal disciplinary action. Informal resolution may involve imposition of any sanction except major sanctions.

"informant" information that if released could result in harm. If there is anything unusual about the resident's behavior, this shall be noted. The reporting employee will list any staff, resident, or other witnesses to the incident, and the disposition of any physical evidence (e.g., weapon or property) which the employee may have personally handled.

The reporting employee will sign the report and indicate his title in the appropriate blocks. The date and time of the report being signed is also to be entered.

(f) The Incident Report shall ordinarily be completed by the staff member who witnessed the incident, or who first came on the scene. However, the charge may also be taken from a police report, FBI report, DEA report, etc., in which case, the relevant information shall be transferred to the Incident Report Form. When this occurs, the charge may be translated into terms of the center's "Prohibited Acts" (e.g., No. 15 - Possession or Use of Narcotics), or the resident may be charged with Prohibited Act #41 - "Violation of a law while in the Community."

(g) The completed Part I of the Incident Report shall be delivered to the resident involved within 24 hours of the time staff becomes aware of the resident's involvement in the incident. The staff member delivering the Incident Report shall note on the report the date and time the resident received the report. The investigation shall be ordinarily completed within 24 hours from the time Part I is delivered to the resident. Time limits here as elsewhere may be extended for good cause, such as absences of the resident or medical condition, but reasons must be documented.

(h) A copy of the statement "Resident Rights At Center Discipline Committee Hearing" (Attachment C) shall be presented to the resident at the time he is given a copy of Incident Report. The Rights form shall be signed and dated by both the resident and the employee and the date of delivery to the resident recorded.

(i) The Incident Report shall also be delivered to the head of the center who shall appoint an investigator. The reporting of the offense and the investigation of the offense must be independent. Therefore, the investigating staff member shall ordinarily be someone other than the reporting staff member. The only exception is when the incident is simply "lifted" from a police report; in such cases the reporting officer only exercises a clerical function in transcribing the incident, and therefore may also be the investigating officer.

(j) The Investigator shall complete Part II of Incident Report (Attachment B), recording all steps and actions taken. This is not given to the resident.

If it is determined after a hearing that only a minor sanction is appropriate, this shall be imposed by center staff and materials forwarded to the CPM for information purposes.

- (r) If the committee finds that a prohibited act was committed, the committee chairman shall complete the CDC Report, Attachment E. A verbatim record is not required. The evidence relied upon, the decision, and the reasons for the recommendations shall be written out in specific terms, unless doing so would jeopardize center or individual security. Under "evidence relied upon," there must be reference to the specific facts the CDC relied upon and not mere reference to the report that contains those facts. These are essential items required by the Supreme Court in Wolff v. McDonnell. A copy of the CDC Report (Attachment E) shall be given to the inmate. (Part II of the Incident Report will not be given to inmate.)
- (s) Immediately after the hearing, center staff shall forward all original documentation related to the proceedings to the CPM. In the case of recommended parole sanctions, the CPM, after review, shall immediately forward the copy of the materials to the Regional U.S. Parole Commission. IDC materials on any resident with a parole must be forwarded by the CPM to the U.S. Parole Commission. \*
- (t) In the event the Committee finds that no prohibited act was committed, or if the finding that the resident committed the act is overturned on appeal, the material shall be expunged by staff. The requirement for expunging the disciplinary hearing material does not preclude maintaining for research purposes copies of disciplinary actions resulting in "not guilty" findings in a master file separate from the resident's central file. However, this material may not be used in a manner which would adversely affect the resident.
- (u) At the time the resident is advised of the disciplinary action, he shall also be advised that he may contest the decision by writing to the Regional Director within 30 calendar days from the date the disciplinary action is imposed. If the resident is to be transferred to a federal institution, then the staff should advise the resident to use the Administrative Remedy procedure and file his complaint with the warden. \*

L. Driving

- (1) If the Contractor wishes to approve driving privileges for the resident, he shall seek authorization from the CPM, subject to the following conditions:
- (a) That the driving privilege is needed by the resident to go to and from work, training, school or staff approved social or family activities. The resident may not drive for any other purpose. \*
- (b) That other transportation is unavailable or, in the judgement of the Contractor, is unsuitable.
- (c) That the resident has provided proof of valid insurance, driver's license, vehicle licensing and registration to the CPM via the Contractor. The Contractor shall maintain copies of these documents except for the driver's license, which may not be copied. The Contractor shall record the driver's license number and expiration date in the client's file. If the Contractor sees a need to check the resident's driving record, he should contact the CPM for assistance. \*
- (d) If the vehicle to be used is the property of some person other than the resident, Contractor must have verified proof (e.g., copy of documents) of valid insurance, vehicle licensing and registration for the car and a signed authorization to use the vehicle must be obtained from the legal owner.
- (2) The Contractor shall maintain the license number and a description of the vehicle on file.

M. Marriage

The Contractor shall refer a resident's request for marriage to the CPM, with Contractor's recommendations, for residents serving sentence. All other marriage requests shall be forwarded to the USPO.

Chapter 6. SERVICESA. Food Services

- The Contractor shall provide for the feeding of residents either by Contractor preparation and serving in the facility; resident preparation of food provided by Contractor; or through arrangements with a local \* restaurant. When food service is provided at the Contractor facility, the Contractor shall make arrangements for diets required by a physician and provisions for meals for those residents who work odd hours and are not available at meal time.
- (1) Contractor prepared meals shall include reasonable selection of items from the five basic food groups per day, which are: milk; meat; vegetable and fruit; bread and cereal; and fats and sweets. When the resident's program requires a sack lunch, these lunches shall be nutritious and have variety and balance. The Contractor shall prepare menus at least a week in advance. The Contractor shall provide that a registered dietitian or physician annually approves the nutritional value of a fixed menu and semi-annually if menu is not fixed. This shall be documented. Copies of menus shall be maintained by the Contractor for three months. \*
- (2) When the Contractor provides food services in the facility, all persons preparing food shall comply with applicable Federal, state and/or local health laws and regulations.
- (3) At a minimum, the Contractor shall comply with the following standards as taken from the Department of Health, Education, and Welfare (HEW) Publication #FDA 78-2081 of 1976 and entitled, "Food Service Sanitation Manual."
- \* (a) Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling.
- (b) Food containers shall not be stored under exposed or unprotected sewer lines or water lines, except automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.
- (c) Potentially hazardous food shall be kept at an internal temperature of 45° F or below or at an internal temperature of 140° F or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130° F.

B. Medical Services

- (1) The Contractor shall have basic first aid supplies, as provided in the American Red Cross First Aid Manual, on-site at all times.
- (2) One staff member on each shift of the center shall be trained in emergency first aid.
- (3) Written arrangements shall be made with a licensed general hospital, private physician or clinic to ensure that emergency medical service is available twenty-four (24) hours a day.
- (4) Only medical and dental personnel who are appropriately licensed or certified shall prescribe or administer medical and dental care for residents.
- (5) The Contractor shall request CPM approval prior to non-emergency medical treatment. In an emergency, the Contractor shall obtain the necessary medical treatment required to conserve the resident's health. The Contractor shall notify the CPM of such treatment as soon as possible.\*\*
- (6) In the event an offender is committed to the center via direct court commitment, the Contractor shall ensure that a physical examination of the individual is accomplished within five (5) working days of his arrival at the center. The examination should be a general office physical (comparable to an insurance type physical, i.e., routine laboratory studies - CBC, urinalysis, serological tests for syphilis, chest X-Ray and Tine Test) and shall not require hospitalization to complete the exam. The results of the evaluation shall be appropriately documented and made a part of the resident file, plus a copy shall be \* sent to the CPM. \*\*
- (7) If communicable or debilitating physical problems are suspected, the Contractor will make arrangements for an examination of the resident within twenty-four (24) hours.\*\*
- \* (8) Medical expenses for persons under supervision of a U.S. Probation Officer shall be the responsibility of the resident. Staff shall assist the resident by identifying available community resources. \*

\*\* Contact CPM for billing procedures for medical expenses.

Chapter 7. RECORDS AND REPORTS\* PRIVACY ACT NOTIFICATION

This procurement action requires the Contractor to do one or more of the following: design, develop, or operate a system of records on individuals to accomplish an agency function in accordance with the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 USC 552a) and applicable agency regulations. Violation of the Act may involve the imposition of criminal penalties.

The above notification applies to the records described in this Section. \*

- A. Procedures for locating and verifying the whereabouts of residents at all times shall be instituted. These procedures shall include separate formal sign in and out log sheets for each resident. Each log sheet shall contain (a) resident's full name and register number, (b) present legal status, (c) time out, destination, purpose and authorized return time, and (d) time in - certified by staffs' signature or initials, with a section for special comments.\*
- \* B. The Contractor shall maintain a case record for all residents. This record shall include all significant decisions and events relating to that resident, and at a minimum, the following information:
- (1) Initial intake information form.
  - (2) Case information from referral source, if available.
  - (3) Case history/social history.
  - (4) Medical record, when available.
  - (5) Individual plan or program.
  - (6) Signed release of information forms.
  - (7) Evaluation and progress reports.
  - (8) Current employment data.
  - (9) Rules of residence and disciplinary policy, signed by the resident.
  - (10) Copy of any disciplinary action.
  - (11) Documented legal authority to accept the resident.
  - (12) Referrals to other agencies.
  - (13) Final terminal report.
- \* C. Since resident records are exempt from the disclosure requirements of the Privacy Act, the Contractor shall not release any information other than Contractor generated information from the resident's file to the resident \* without approval by the CPM. Information shall not be released to any other individual(s) unless a "Consent to Release Information" has been executed (see Chapter 5, Sections A, B, C - p. 3).
- (1) Upon termination of the resident's program the Contractor shall forward the resident file record to the CPM via certified mail. The Contractor may retain public information which can identify the former resident, copies of research data which have been depersonalized and copies of reports generated by the Contractor.

Chapter 8. RELEASE PREPARATIONA. Release Plan

For sentenced residents scheduled for release, the Contractor, in concert with the resident, shall establish a formal release plan and execute release certificates as appropriate. Therefore, four to six weeks prior to the release date, the Contractor shall present a release plan for approval as follows:

- (1) In parole cases - to USPO, with a copy to CPM.
- (2) In mandatory release cases - to USPO, with copy to CPM.
- \* (3) In expiration cases - (although a release plan shall be developed, no government approval is necessary). \*

This plan shall include the verified specifics of the proposed residence, employment or training program and family situation.

- \* B. If an approved plan cannot be developed by the date of parole, the Contractor must notify the U.S. Parole Commission of the delay immediately. It is probable the date will be advanced. The resident shall not be released until a plan is approved. In the case of Mandatory Release, the resident must be released on that date. \*
- C. See Chapter 11, p. 1, for instructions on releasing persons already under supervision (probationers, etc.).
- \* D. Contractor shall verify the correctness of each resident's release date with the CPM prior to each resident's release. No release date of any federal prisoner shall be retarded, advanced or otherwise changed without approval of a CPM or U.S. Parole Commissioner. \*
- E. Release Certificates
- (1) In mandatory release cases, the Contractor will execute Mandatory Release Certificates (which will be partially completed by the referring institution). \*
  - \* (2) In parole cases, after the USPO has formally accepted the proposed release plan, the Contractor shall request parole certificates from the appropriate regional office of the U.S. Parole Commission, with a carbon copy of the request to the CPM. The request shall be made at least two weeks in advance of the parole date. The Contractor shall obtain the signature of the parolee on the certificate and execute formal discharge procedures at the direction of the CPM. \*
  - \* (3) There are no release certificates on expiration cases, unless there is a special parole term to follow release.
- F. At release, staff shall make sure the individual understands his status, the condition of any supervision required, and that the resident who will be under supervision of a USPO must report to that office within seventy-two hours after release. The contractor must insure that residents take all their personal property.

Chapter 9. ESCAPES

- \* A. Any center resident who fails to report to the center for admission or \* willfully absconds, fails to remain at the approved place of employment or training during the hours specified by the terms of the employment or training program, fails to return to center at the time prescribed, or who fails to return from an authorized furlough or pass at the time and place stipulated shall be placed on escape status. In addition, any resident who is arrested while in the center program (or on furlough) for violation of local, county, or state laws may be considered to have escaped, depending on the circumstances.
- B. The Contractor shall notify the CPM and the U.S. Marshal's Office immediately upon identifying a resident as an escapee.
- C. If the resident who has absconded is a parolee, mandatory releasee, probationer or pre-trial detainee, see Chapter 11, p. 1.
- \* D. Personal property left behind by an escaped resident shall be considered voluntarily abandoned. Staff shall contact the CPM for instructions. If an inmate is being held in a local jail, however, staff should try and determine the likelihood of early release and be guided accordingly. \*

Chapter 10. DEATH OF AN OFFENDER

- \* In the event of the death of a resident, the Contractor shall immediately notify the CPM and the USPO and the resident's family. The center staff shall arrange for a finger-print (right thumb or right index) to be taken, and staff shall date and sign the fingerprint card to ensure that positive identification has been made. The fingerprint card shall then be sent by certified mail to the CPM for inclusion in the Judgment and Commitment file. \*
- If death is due to violence, accident surrounded by unusual or questionable circumstances, or if death is sudden and the deceased has not been under immediate medical supervision, center staff shall call the coroner of the local jurisdiction to review the case, and examine the body if necessary. After autopsy, the body will be turned over to family members or processed for burial in accordance with local law or practice. \*
- \* Personal property of a deceased resident will be inventoried and forwarded to the person to be notified in case of emergency or to the nearest of kin. \*

Chapter II  
PROBATIONERS, PAROLEES, MANDATORY RELEASEES,  
AND PRE-TRIAL SERVICES DEFENDANTS

- A. U.S. Probation Officers, acting as representatives of the U.S. Parole Commission, are responsible for residents assigned to the Contractor under Title 18, U.S. Code, Section 3651 (Probationers); and Title 18, U.S. Code, Section 4209 (Parolees and Mandatory Releasees). Pre-Trial Service Officers, acting as representatives of the U.S. District Courts, are responsible for residents committed under Title 18 U.S. Code Section 3146 (Pre-Trial service defendants).
- B. All referrals for CTC placement of the persons described in this Section shall be processed through the CPM.
- C. Contractor is responsible for providing all services cited in the Scope of Work, except as follows:
- (1) Intake. Center staff in cooperation with the USPO or Pre-Trial Services Officer shall develop an individual program plan for each resident.
  - (2) Medical Services. The Contractor shall notify the USPO of medical problems of probationers, parolees, and mandatory releasees. The Contractor shall notify the Pre-Trial Services Officer for pre-trial residents. Medical expenses for persons under supervision of a U.S. Probation Officer or Pre-Trial Services Officer are the responsibility of the resident. Staff should assist the resident in finding appropriate community resources. \*
  - (3) Unauthorized Absence. The failure of a resident to be at an assigned place at a specific time shall be reported immediately to the USPO or Pre-Trial Services Officer as appropriate, and the CPM.
  - (4) Good Time. Good time is not earned nor forfeited for these residents, as they are not serving a sentence.
  - (5) Driving. Permission to drive must be requested from and approved by the USPO or Pre-Trial Services Officer as appropriate.
  - (6) Release. When the center determines that the resident's program is completed or that participation in the center's program will produce no further significant benefits, the staff shall notify the USPO or the Pre-Trial Services Officer as appropriate, (with a copy to the CPM) who will then make other arrangements for the residence, program and welfare of the releasee. A Terminal Report shall be completed by the Contractor and forwarded to the USPO or Pre-Trial agency, as appropriate, and to the CPM.

FEDERAL PRISON SYSTEM  
PROHIBITED ACTS (CTC'S)

## CODE:

1. Killing
2. Assaulting any person (includes sexual assaults)
3. Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive or any ammunition
4. Rioting
5. Encouraging others to riot
6. Taking hostage (s)
7. Conduct which disrupts or interferes with the security or orderly running of the facility
8. Escapes (including any arrest by law enforcement authorities)
9. Fighting with another person
10. Threatening another with bodily harm or any other offense.
11. Extortion, blackmail, protection: Demanding or receiving money or anything of value in return for protection against others to avoid bodily harm, or under threat of informing
12. Making sexual threats to another or engaging in prohibited sexual conduct
13. Tampering with or blocking any lock device
14. Adulteration of any food or drink
15. Possession, introduction, or use of any narcotics, narcotic paraphernalia, or drugs not prescribed for the individual by the medical staff
- \* 16. Failure to stand count. \*
17. Engaging in, or encouraging a group demonstration
18. Refusing to provide a urine sample or take part in other drug-abuse testing
19. Introduction of alcohol into a center
20. Give or offering an official or staff member a bribe, or anything of value
21. Giving money to, or receiving money from, any person for any illegal or prohibited purposes
22. Destroying, altering, or damaging center property, or the property of another person having a value in the excess of \$100.00
23. Indecent exposure
24. Stealing (theft)
25. Misuse of authorized medication
26. Refusing to work, or to accept a program assignment
27. Refusing to obey an order of any staff member
28. Violating a condition of a furlough
29. Violating a condition of a community program
30. Unexcused absence from work or any assignment
31. Failing to perform work as instructed by the facility staff
32. Insolence towards a staff member
33. Lying or providing false statement to a staff member

FEDERAL PRISON SYSTEM  
INCIDENT REPORT (CTC'S)  
Part I - Incident

1. Name of Center		
2. Name of Resident	3. Register Number	4. Date of Incident
		5. Time
6. Place of Incident	7. Assignment	8. Quarters
9. Incident	10. Code	
11. Description of Incident		
12. Signature of Reporting Employee	a. Date and Time	13. Name and Title (Printed)
14. Incident Report Deliver to Above Resident By	15. Date Incident Report Delivered	16. Time Incident Report Delivered
17. DATE		

Facility \_\_\_\_\_

## RESIDENT RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING (CTC'S)

As a resident charged with a violation of Center rules or regulations, referred to the Discipline Committee for disposition, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the Center Discipline Committee;
2. The right to have a member of the staff who is reasonably available to represent you before the Center Discipline Committee;
3. The right to call witnesses and present documentary evidence in your behalf, provided center safety would not be jeopardized;
4. The right to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act;
5. The right to be present throughout the Center Discipline Committee hearing except during Committee deliberations and except where center safety would be jeopardized;
6. The right to be advised of the Center Discipline Committee recommendation and Bureau of Prisons decision, the facts supporting the recommendation and decision, except where institutional safety would be jeopardized, and the disposition in writing; and,
7. The right to contest by letter the Bureau of Prisons' decision to the Regional Director within 30 days of notice of the decision and disposition.

I hereby acknowledge that I have been advised of the above rights afforded me at a Center Discipline Committee hearing.

Signed: \_\_\_\_\_ Reg. No.: \_\_\_\_\_ Date: \_\_\_\_\_

Notice of rights given to resident on \_\_\_\_\_ date by \_\_\_\_\_ employee signature

Facility \_\_\_\_\_

NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (CTC's)

DATE: \_\_\_\_\_

TO: \_\_\_\_\_ Reg. No.: \_\_\_\_\_

ALLEGED VIOLATION(s): \_\_\_\_\_

DATE OF OFFENSE: \_\_\_\_\_ Code No.: \_\_\_\_\_

You are being referred to the Center Discipline Committee for the above charge(s).

The hearing will be held on: \_\_\_\_\_, at \_\_\_\_\_ A.M.  
P.M. at the following location: \_\_\_\_\_

You are entitled to have a staff member represent you at the hearing. Please indicate below whether you desire to have a staff representative, and if so, his or her name.

(do) \_\_\_\_\_ (do not) \_\_\_\_\_ wish to have a staff representative.

If so, the staff representative's name is: \_\_\_\_\_

You will also have the right to call witnesses at the hearing and to present documentary evidence in your behalf, provided calling your witnesses will not jeopardize center safety. Names of witnesses you wish to call should be listed below. Briefly state what each proposed witness would be able to testify to:

NAME: \_\_\_\_\_, Can Testify to: \_\_\_\_\_

CENTER DISCIPLINE COMMITTEE REPORT (CTC'S)

NAME OF RESIDENT \_\_\_\_\_ REG. NO. \_\_\_\_\_

Date of Incident Report: \_\_\_\_\_ Number of Prohibited Acts: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Summary of Charge(s): \_\_\_\_\_

I. NOTICE OF CHARGE(S)

A. Advance written notice of charge (copy of incident report) was given to resident on \_\_\_\_\_

(date) at (time) by \_\_\_\_\_

B. The CDC Hearing was held on \_\_\_\_\_ at \_\_\_\_\_ (date) (time)

C. The resident was advised of his rights before this CDC by \_\_\_\_\_ on \_\_\_\_\_ (date) and a copy of the advisement of rights form is attached.

II. STAFF REPRESENTATIVE

A. Resident waived right to staff representative \_\_\_\_\_

B. Resident requested staff representative and \_\_\_\_\_ appeared.

C. Requested staff representative declined or could not appear but resident was advised of option to postpone hearing to obtain another staff representative with the result that \_\_\_\_\_

III. PRESENTATION OF EVIDENCE

A. Resident has been advised of his right to present a statement or to remain silent, to present documents, including written statements of unavailable witnesses, and for relevant and material witnesses to appear in his behalf at the hearing. Resident (admits) (denies) the charge(s).

B. Summary of Resident Statement: \_\_\_\_\_

C. Witnesses:

1. The resident requested no witnesses \_\_\_\_\_

2. The following persons were called as witnesses at this hearing and appeared: \_\_\_\_\_

3. A summary of testimony of each is attached \_\_\_\_\_

FEDERAL PRISON SYSTEM

Attachment F  
7300.6  
March 5, 1982

FACILITY \_\_\_\_\_

DUTIES OF STAFF REPRESENTATIVES (CTC's)

There may be questions as to just what part an employee takes when he serves as a staff representative of a resident who appears before the CDC.

Employees who write the incident report or who witness the reported incident, or who investigate the charges, or who sit on the CDC may not act as staff representatives for that particular case. If, during your representation, you encounter difficulties which you believe will prevent you from functioning properly, you should notify the CDC chairman of this, and he will excuse you if there is good reason to do so.

- (1) You are to assist the resident in presenting whatever information he wants to present and in preparing his defense. This will require, in every case, consultations with the resident, and familiarity with your Statement of Work.
- (2) You are to speak to witnesses who might furnish evidence on behalf of the resident, if the inmate indicates there are such witnesses whom he wishes to have called.
- (3) You should become familiar with all reports relative to the charge against the resident. Confidential or security information must of course be protected.
- (4) You should present any evidence favorable to the resident's defense.
- (5) You should present information which may assist the CDC and which may obtain a lesser sanction for the resident. If you believe you need additional time to pursue any of the functions, you may request a delay in the CDC hearing from the Chairman, but ordinarily only after you have the concurrence of the resident to do this.
- (6) You are to help a resident understand the charges against him and the potential consequences.
- (7) You should be familiar with procedures at the CDC hearing, explain them to the resident in advance, and, if necessary during the hearing, assist the resident in understanding procedural points.
- (8) You should not be present during CDC deliberations. An exception would be where you have read confidential information, and want to discuss that with the committee outside the resident's presence. In that case, you will have to explain to the resident in general terms, what you are doing, and you should leave the committee as soon as that function is over.
- (9) If the resident asks you to assist in writing the Regional Director to contest the disciplinary action, you may assist him in doing so.

PASS REQUEST

Attachment G  
7300.6  
March 5, 1982

TO: CENTER DIRECTOR

FROM: \_\_\_\_\_ (Name) DATE: \_\_\_\_\_

I request approval for a pass during the following period. I will stay at the address listed and the people with whom I am staying will know my whereabouts at all times. I will phone the CTC from my pass residence between the hours of 8:00 PM and 12:00 midnight each day of the pass. Unless granted special permission in writing by the Director, I will remain at my pass residence from the time I call in until 7:00 AM the following morning. I understand that violation of any of these conditions may result in cancellation of the pass, disciplinary action, and charges of escape. I also understand that CTC staff may telephone my pass residence to verify my presence.

FROM: \_\_\_\_\_ (Time) \_\_\_\_\_ (Date) TO: \_\_\_\_\_ (Time) \_\_\_\_\_ (Date)

NAME OF PERSON WITH WHOM STAYING: \_\_\_\_\_

RELATIONSHIP: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY AND STATE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

I am currently employed: Yes: \_\_\_ No: \_\_\_ Date of last paycheck: \_\_\_\_\_

RESIDENT'S SIGNATURE: \_\_\_\_\_

\*\*\*\*\*

PASS RECOMMENDED BY: \_\_\_\_\_ (Counselor)

APPROVED: \_\_\_\_\_ (Center Director) DATE: \_\_\_\_\_

SIGN OUT: \_\_\_\_\_ (Resident's Signature) \_\_\_\_\_ (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ (Staff Signature)

SIGN IN: \_\_\_\_\_ (Resident's Signature) \_\_\_\_\_ (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ (Staff Signature)

RECORD OF TELEPHONE OR OTHER CONTACTS:

	COMMENTS			
TIME				
DATE				
CONTACT BY STAFF				
CONTACT BY RESIDENT				
STAFF INITIAL				

## EDUCATIONAL TRAINING IN HALFWAY HOUSES

Mr. HIGHTOWER. What kind of educational training do you mandate? Are you requiring these personnel to meet certain standards? Are we able to affirm that they are the ones who are actually fulfilling the responsibilities that they contracted for? Do we keep close enough tabs to know that they are actually managing the facilities?

Mr. CARLSON. I can't assure you that we are doing that 100 percent of the time. We do monitor each halfway house according to the usage level. They are monitored at least once a year by our staff. Those that are used extensively are monitored twice a year by one of our Community Programs Officers.

With 400 contracts across the country we obviously don't have a staff person in each halfway house.

Mr. FAZIO. How many prisoners currently, at any given time, are assigned to halfway houses?

Do you have that figure?

Mr. CARLSON. Approximately 1,500.

Mr. FAZIO. What percentage of the total prison population does that constitute?

Mr. CARLSON. My math isn't that good. Five to ten percent.

Mr. FAZIO. Is it growing?

Mr. CARLSON. No, though it has been higher. Funds for the halfway house program have been reduced over the past two years and as a result we have cut down the number of inmates in a halfway house.

Formerly it was as high as 2,200 inmates.

## COOPERATION WITH STATE AND LOCAL ENFORCEMENT

Mr. FAZIO. Would you have any problem administratively or philosophically with making distribution of information concerning the location of these individuals and the identifying information that I mentioned earlier, making that available to local law enforcement on a routine basis?

Mr. CARLSON. Mr. Fazio, the Bureau of Prisons for many years, and I have been in the organization for 25 years, has cooperated with local law enforcement when we have been asked. If the police ask us for the release date of a given inmate, identified by name, we always provide it to them.

In addition, with the Secret Service we have a routine process by which we notify them of all persons making threats against the President or other officials.

The Privacy Act appears to present a problem. Our counsel is now researching that issue and trying to accommodate the notification process given the stringent requirements of the Privacy Act.

If we can accommodate your request under the existing Privacy Act, I see no problem. We want to cooperate fully with legitimate requests from other agencies.

Mr. FAZIO. Well, when Mr. Baer comes before us on behalf of the Parole Commission he can indicate as to the areas in which we feel we have flexibility under the Privacy Act. I think you will find it is their interpretation that they have sufficient ability to make this

information available on a routine basis without violating the Privacy law.

I think it is particularly important that they think in terms of dealing with law enforcement in the prospective rather than retroactively in isolated instances where they may request specific information about a given prisoner.

I think what they are looking for is not the ability to harass people, not necessarily the ability to violate their privacy if they act the way they normally would be expected to as people who are still under the authority of the Bureau of Prisons but simply to be in a position to have the knowledge of the whereabouts of a person who has a pattern of criminal history that might include them in any investigation that would logically follow the commission of a crime.

Now, obviously there could be abuses of discretion on all sides here.

I would like to err, at this point, on the side of giving the local police chief or sheriff the ability to do his job as effectively as he possibly can. So what I am hoping we can get the Bureau to confirm is a policy similar to one that I am hoping that the Commission will adopt, or through law the Congress might enact, that would, on a routine basis, require that information that would be easily gathered and placed in the hands of the local law enforcement agency be automatically provided on every prisoner, every one of these 1500 individuals who are sent to one of these 400 community facilities.

Would there be any reluctance on your part to do that or any financial problem in complying?

Mr. CARLSON. There would be some administrative problems with respect to parolees and those transferred to a halfway house.

The major problem would be those who are not paroled or transferred to a halfway house but released without supervision. We have no control as to where they go. We give them a bus ticket but we know that many inmates sell those bus tickets and use the money for other purposes.

With that type of individual we simply have no control. We can't force them to do anything.

Mr. FAZIO. No, and we could not ask you to keep track of people released under those circumstances.

Well, I appreciate your response and I look forward to hearing from you later on in letter form. We look forward to working with you as we try to implement these goals.

Mr. CARLSON. I assure you we will, Congressman Fazio.

Mr. HIGHTOWER. Mr. Fazio, we appreciate your participation this morning.

Thank you, Mr. Carlson. We always appreciate hearing from you.

I might add that I am very appreciative of your work. I think it is superb and we appreciate the fact that you cooperate with people that are trying to assist in prison rehabilitation.

I am thinking, of course, of Chuck Colson in the Prison Fellowship and others that I happen to know about and we think that your response has been splendid. We have some additional questions which we shall submit to you and ask you to answer for the record.

Mr. CARLSON. Thank you very much, Mr. Chairman.  
[The questions and answers submitted thereto follow:]

QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

Salaries and Expenses

Prison Population

*What were the average daily population figures for FY 1980 and FY 1981 in federal prison institutions? What are the average daily population estimates for FY 1982, and FY 1983?*

The average daily population for FY 1980 was 23,918 and for FY 1981 was 24,932. As of March 7, 1982, the average daily population was 27,858. As you know, our budget request for FY 1983 supports an average daily population of only 27,000. We have already exceeded that estimate.

The Bureau of Prisons predicts future inmate populations using several models. We have not found these predictions particularly reliable, as the science of inmate population prediction is not well developed. Nonetheless, based on these models we estimate inmate populations for 1983 in the following range:

Low	High	Average
26,573	32,732	29,653

The above estimates are functions of trends established during the past year as well as during the previous administration. If we estimate future inmate population based only on trends established during this administration, the estimates for 1983 would be 33,804.

*What is the total number of federal inmates housed in state or local facilities at the present time? How does this compare with last year?*

As of January 30, there were 357 federal inmates housed in state and local facilities. In addition, there were 971 federal inmates in contract Community Treatment Centers (CTCs). Last year at this time, there were 907 federal inmates in state and local facilities and 2,089 in contract CTCs.

*In the FY 1982 budget, I believe you were projecting a decline in the federal prison population. What has happened in the space of one short year to turn this around?*

Several major factors have contributed to this increase. New commitments to Bureau institutions for the period February 1981 through January 1982, have increased by more than 1,200 over the same period a year ago. The number of offenders released from federal custody during this same period decreased by nearly 2,700. In summary, we are receiving a larger number of offenders and they are serving longer sentences. This is illustrated by the following comparative statistical data between 1980 and 1981:

- 832 fewer released to parole;

- average sentence of new commitments from the courts increased by more than three and one half months;
- average time served by released offenders increased by two months;
- 900 fewer transfers to contract Community Treatment Centers.

The number of unsentenced offenders in federal facilities has also increased by nearly 570 since last year. There are approximately 2,200 Cubans and Haitians detained in our facilities, 350 more than a year ago. A further increase of over 200 is largely attributable to the inability of the U.S. Marshals Service to renew or negotiate contracts for housing unsentenced federal prisoners with state and local jails because of severe overcrowding.

We believe that the federal prisoner population will continue to expand for several reasons. The Department of Justice has intensified its investigative and prosecutorial efforts to reduce the incidence of violent crime and the level of narcotics trafficking. The number of offenders confined for narcotics violations is currently ten percent higher than a year ago, and is expected to increase as a result of the combined drug enforcement efforts of the FBI and the DEA. Secondly, because of overcrowding in state and local correctional systems, we anticipate increasing pressures to house state offenders in Bureau facilities as well as further difficulty in our ability to place unsentenced federal offenders in state and local facilities. Finally, we anticipate the continued necessity to house a large number of Cuban detainees. We recently received approximately 350 additional Cubans from Fort Chaffee, Arkansas in connection with the transfer of refugee resettlement functions from the Department of Health and Human Services.

*I don't believe you are requesting any funds to build new prison facilities. How are you going to handle the increased population?*

In addition to the expanding the capacity of existing facilities we plan to send forward to the Congress a 1985 amendment for construction of a 400-bed FCI in Phoenix, Arizona. We are screening federal surplus property to see if suitable sites are available for Bureau of Prisons' needs. We are also examining our needs for additional facilities. In addition, we monitor closely contract community treatment center programs to ensure maximum usage of this alternative. In the meantime, we will have to continue double-bunking some of the inmate population.

#### Medical Services

*On page 12 of the justifications, you indicate that all inmates in your institutions receive a complete physical within 14 days of admission. Why then is there such a disparity in statistics in the number of complete physicals which are shown on page 13 of the justifications? The figures for 1981 show a significant decline from 1980.*

The decline in physicals from 1980 to 1981 is primarily attributable to three reasons:

1. Inmate physicals declined by 8,802 because of a policy change no longer requiring inmates to take an exit physical prior to release.
2. Pre-employment physicals and other employee physicals declined by 1,300.
3. Actual physicals reported in 1980 were overstated by 5,311. The amount reported was based on an estimate rather than an actual count.

#### Community Treatment Centers

*If you are shifting to contract community treatment centers, why do the statistics on page 37 show a decline in the number of placements in the contract Community Treatment Centers from 1980 to 1981-1982-1983?*

To keep within the Administration's goal of reducing federal spending, the resources available in 1981 and 1982 and those requested for 1983 are not sufficient to maintain the number of placements in contract Community Treatment Center at 1980 levels.

*Do you feel that it is less expensive to use contract facilities rather than maintain federal facilities? If so, how much do you believe can be saved? Please elaborate for the record.*

No. If we consider only direct costs, it was less expensive to use federal CTCs rather than contract facilities. For example, in 1980, our last full year of operating federal CTCs, costs were \$16.84 per inmate per day whereas contract CTCs were \$24.51. However, this direct cost comparison is somewhat misleading since it excludes administrative overhead, retirement contributions, etc. In recent years, it became increasingly difficult to establish federal CTCs in the geographic areas required. Contract CTCs, however, are available in many locations. Thus, we believe that the cost difference is not significant and certainly is outweighed by the program flexibility that is gained by using contract facilities.

#### Executive Direction

*Please explain why the number of workyears significantly exceeds the number of permanent positions. Do some of the workyears represent contracts or do they represent overtime by your staff?*

Workyears displayed in the budget include workyears relating to other-than-permanent positions as well as permanent positions. The excess in this program reflects requirements for part-time, temporary, or intermittent positions. None of the workyears represent contracts or overtime by our staff.

## Population Adjustment

On page 49 of the justifications, you are requesting an increase of \$2,678,000 for a population adjustment. The justifications indicate that this increase is necessary because the federal inmate population will grow significantly in the future. Is this increase based on the growth that has already occurred, the cost of which you have already had to absorb, or is this increase requested for the anticipated future growth of the inmate population?

The increase is based on the growth that has already occurred. It will allow us to restore funds to the Contract Community Center program from which funds were reprogrammed in FY 1982 to finance the cost of the population increase.

## Youth Correction Act Offenders

We understand that the Bureau of Prisons is under a court order requiring that you place Youth Correction Act offenders in separate institutions. What do you estimate will be the cost to carry out the court order?

During FY 1982 the estimated cost to carry out the court order is \$400,000.

Have you considered appealing the decisions of the court in this matter, particularly since the House and Senate versions of the revised Federal Criminal Code would abolish the Youth Correction Act?

The court decisions requiring total separation of YCA offenders were reviewed over several years of extensive litigation in different parts of the country. Following the Court of Appeals decision (Tenth Circuit) in *Watts v. Hadden*, the Solicitor General decided no further appeal would be pursued. As the court said (in *Watts*, as well as in other cases), the Bureau of Prison's disagreement with the treatment and separation provisions of the YCA must be resolved through amendment of the Act of Congress, and not through the courts.

## State or District of Columbia Prisoners in the Federal System

How many prisoners in the federal system are state or District of Columbia prisoners?

As of March 5, 1982, there were 945 state prisoners in the Federal Prison System. Following is a listing by state:

Alaska	171	Montana	3
Alabama	112	North Carolina	3
Arkansas	7	North Dakota	2
Arizona	9	Nebraska	1
California	59	New Hampshire	10

Colorado	2	New Jersey	15
Connecticut	11	New Mexico	76
Delaware	34	Nevada	3
Florida	40	New York	12
Georgia	12	Ohio	7
Hawaii	16	Oklahoma	18
Iowa	23	Oregon	6
Idaho	3	Pennsylvania	6
Illinois	3	Rhode Island	7
Indiana	1	South Dakota	1
Kentucky	1	Texas	74
Massachusetts	55	Utah	14
Maryland	47	Virginia	2
Maine	13	Vermont	27
Michigan	13	Washington	11
Minnesota	6	Wisconsin	2
Mississippi	1	Wyoming	6
		Total	945

In addition to state prisoners, there are 1,316 from the District of Columbia.

How much income do we get from this activity and where do you account for it in the budget?

During FY 1981, we were reimbursed \$5.6 million by states for housing state prisoners in the Federal Prison System. These funds are deposited to our account with Treasury and are used to offset the costs of housing the state prisoners. Reimbursements received, and reimbursable obligations and expenditures are reflected in a special schedule in the Budget Appendix.

In addition, we received \$10.4 million from the District of Columbia for housing their prisoners in our system. However, these funds are deposited to U.S. Treasury Miscellaneous Receipt Account and are not available to the Bureau as income.

## Administrative Services

It is my understanding that the financial audit teams used at Federal Prison Institutions are made up of 50 percent inmates and 50 percent professional staff. Since most prisoners are eventually released, is there a high turnover rate on these teams?

Financial audit teams do not have inmates as participants. The teams are composed only of professional staff.

However, inmates are used at each institution in the Financial Management Section to assist financial staff with the clerical aspects of Budgeting, Procurement, Accounting, Vouchering, etc. The financial staff at each institution is made up of approximately 50 percent inmates and 50 percent professional staff. As expected, there is a very high turnover rate of inmate clerical workers.

*How much staff time is involved in training prisoners for these teams who then rotate out of the positions?*

As stated above, inmates are not used on the audit teams. At the institution level, where we use inmates in the financial management area to provide clerical support, the training process is continuous.

*Do you believe these financial audit teams are cost effective given the substantial turnover rate for the inmate participant?*

It would not be cost effective or practical to use inmates in the audit process.

National Institute of Corrections

Absorption of Uncontrollable Increases

*Page seven of the justifications shows a decrease of \$1,043,000 for FY 1983 reflecting the full absorption of uncontrollable increases for this account. The justifications go on to say that this absorption will require decreases in grant programs for evaluation, policy and program development, training and technical assistance. What will the impact be on state and local institutional management systems as they exist?*

The impact of the reduction has its greatest effect on NIC's testing, developing and experimental work with new correctional policy formulation and new program development. These activities are NIC's investment in future programs and do not have an immediate impact on state and local operations. Some efforts will continue, but at reduced levels.

*Page four of the justifications indicates that the uncontrollable increases for this account are \$911,000. What would be the impact on state and local correctional program development if this amount were restored so that you would have only a \$200,000 reduction?*

NIC would be able to restore its efforts in the policy/program development and evaluation area to previous levels. This would include, but not be limited to, the improvement of technical assistance and training delivery efforts associated with the state prison overcrowding project and assistance to improve state capacity to deliver improved probation services at the local level. Both programs are designed to develop strategies for reducing overcrowding in state prisons.

*I notice on page ten of the justifications that you were permitted to use an inflation factor of 8.2 percent in figuring the general pricing level adjustment for this item. I believe the Department of Justice used a 7 percent inflation factor in every other appropriation item. How do you account for this discrepancy?*

The higher percentage change factor was permitted for the National

Institute of Corrections (NIC) pursuant to Office of Management and Budget guidance for state and local government purchases. This factor was also used in the Office of Justice Assistance, Research, and Statistics appropriation.

National Corrections Academy

*How much does it cost to operate the National Corrections Academy and what are the sources of funding for this program?*

During FY 1982, the costs to operate the National Corrections Academy will be approximately \$2.6 million. Funds previously used for grants and contracts to conduct training throughout the United States have been consolidated for use at one rental location, the Corrections Academy.

*Who is operating the National Corrections Academy?*

The day-to-day operation of the National Corrections Academy is under the direction of the National Institute of Corrections. Currently, training is provided at the Academy by four permanent staff members assigned to the Academy and through a variety of contractual arrangements.

*Could you give us some examples of the kinds of courses that are offered? Please feel free to elaborate for the record.*

For the first year of operation, training conducted at the National Corrections Academy is designed for administrators and managers of correctional systems and programs and for staff trainers. Specialized training will also be conducted for team participants in NIC projects that have primary research and implementation components. Some examples of the kinds of courses offered are: advanced management; basic management, jail management and operation; development and implementation of state jail standards, etc. For a detailed listing and description of the courses offered by the Academy a copy of the NIC Training Schedule is attached.

U.S. Department of Justice  
National Institute of Corrections

## NIC TRAINING SCHEDULE



November 1981

### The National Corrections Academy

The National Institute of Corrections was created in 1974 to serve as a national center of assistance to state and local corrections. The Institute evolved from a recommendation at the 1971 National Conference on Corrections in Williamsburg, Virginia, for a national training academy for corrections.

Training state and local correctional personnel became one of the Institute's primary focuses. The National Institute of Corrections' other legislatively mandated activities of technical assistance, clearinghouse services, research, evaluation, and policy formulation are conducted both independently and complementary to the Institute's training activities.

In 1981, after years of discussion and planning by the Institute's 16-member Advisory Board, a decision was made to consolidate the National Institute of Corrections training activities at one central location. On October 1, 1981, the National Corrections Academy officially began operation in Boulder, Colorado. Housed at the College Inn Conference Center, a facility owned and operated by the University of Colorado, the Academy is now the site of Institute training that previously had been conducted at locations throughout the country.

### Facilities and Accommodations

The College Inn Conference Center, located in the foothills of the Rocky Mountains, offers a relaxed environment where training, housing, and dining facilities are located under one roof. Within walking distance are many shops and dining establishments for those wishing to spend personal time off the premises.

### Funding and Staffing

The National Corrections Academy's first year of operation is being funded by the redirection of the National Institute of Corrections' training monies into one centralized facility. Instead of providing training regionally as has been done in the past, the Institute created the Academy to consolidate its training programs and to further enhance the field's sense of professionalism and purpose.

Since no additional funds or staff positions were appropriated to the Institute to operate the National Corrections Academy, NIC reassigned several staff members to the Academy. This small core staff will be augmented by highly qualified instructors working under contract with the National Institute of Corrections and by universities and organizations working under Institute grants.

### Training Programs and Audience

Most of the training to be conducted at the National Corrections Academy during its first year of operation is designed for administrators and managers of correctional systems and programs and for staff trainers. Specialized training will also be conducted for team participants in NIC projects that have primary research and implementation components.

For all National Institute of Corrections' training, whether conducted by grantees, consultants, or staff, NIC corrections specialists are involved in the selection of trainees from nominations submitted. The

Institute has a policy of ensuring that women and minorities are fairly represented in all training programs.

Nominees for training should note that for any given program, the National Institute of Corrections receives many more applications than there are training slots available. Persons who meet the qualification criteria for participation in a training program, but whose applications are denied, will be placed on a waiting list for future training.

### Costs of Training

There are no costs associated with attendance at Academy training programs, except those for ground transportation to and from your airport of departure and from Denver's Stapleton International Airport to Boulder and back. Regularly scheduled airport limousines and buses are reasonably priced for the 30-mile Denver/Boulder trip. Training participants wishing to rent automobiles must do so at their own or their agency's expense.

In most cases, persons accepted for training will be provided with an airline ticket. Persons who choose to drive their own automobiles or use other means of transportation to the Academy will be reimbursed for expenses up to an amount that would have been spent had the Institute purchased a roundtrip airline ticket at discount rates prevailing at the time the individual was accepted for training.

There are no registration, tuition, or materials fees associated with Academy training. Training and materials are provided directly by NIC staff, consultants, and/or grantee organizations working under Institute auspices.

Room and board are provided at the College Inn Conference Center. Participants are housed two to a room, and three meals a day are provided cafeteria style.

### Application Procedures

Training programs scheduled for the National Corrections Academy follow. Also given are NIC training programs that were funded during the past fiscal year and are scheduled to take place at various locations throughout the country. In addition, training programs that are being provided as a joint effort of the Federal Bureau of Prisons and the National Institute of Corrections are listed. These latter training events will be provided by the Federal Prison System at its training facilities; travel and per diem expenses will be paid by the National Institute of Corrections.

Individuals who meet the eligibility requirements and are interested in participating in any of the training programs should complete the attached application and, in the space provided, obtain the nomination and endorsement of a supervisor or chief executive officer. Applications should be received by the National Corrections Academy, 1790 30th Street, Boulder, CO 80301 at least 60 days prior to the start of the desired program. In the case of the 28-day Advanced Management training, applications must be received 90 days before the program begins. All applications will be acknowledged by the Academy staff.

National  
Corrections Academy  
1790 30th Street, Suite 140  
Boulder, Colorado 80301  
(303) 497-6060

### Academy-Based Programs

#### Executive Seminars

These three-day seminars will explore and analyze key issues that are critical to effective correctional management. The training will develop a thorough understanding of the issue among participants and will cover specific strategies for dealing with the issue.

#### Eligibility:

Fifteen top correctional executives who have the authority to implement changes in their organizations will participate in each seminar. Prisons, jails, and community corrections will be represented.

#### Topics and Dates:

Organizational Design  
Mar 14-17, 1982  
Legislative Processes  
Apr 5-8, 1982  
Policy Design and Development  
May 26-29, 1982  
Planning Strategies  
Jun 1-4, 1982  
Public and Press Relations  
Jul 6-9, 1982

#### Advanced Management

This 28-day program will provide correctional administrators with the theory and skills necessary to improve the management of their organizations. The training will focus on sharpening the administrators' perceptions of their work environments; developing skills by which to examine and analyze those environments; and improving the manner in which they perceive, develop, and use organizational resources. The curriculum will include units on planning, organizational design, budgeting, information management, personnel management, correctional standards, and program evaluation and review. Geared to the experienced manager, the training will build

upon participants' past correctional management training and experience.

#### Eligibility:

Thirty administrators and managers of correctional organizations with 25 or more employees will participate in each program.

#### Dates:

Jun 6-Jul 2, 1982  
Oct 24-Nov 21, 1982  
A third program will be announced.

#### Basic Management

This 15-day program will provide new and potential mid-level correctional managers and supervisors with a sound base of management knowledge. The training will cover basic management and administrative theory, skills, tools, and techniques. Emphasis will be given to such areas as standards compliance, budgeting, planning, personnel management, affirmative action, program evaluation, and information systems.

#### Eligibility:

Thirty individuals will be trained in each program. Participants will hold or be likely to assume in the near future mid-level management positions in prisons, jails, and community programs.

#### Dates:

Jun 6-20, 1982  
Sep 26-Oct 10, 1982  
Nov 7-21, 1982  
Nov 28-Dec 12, 1982  
Jan 16-30, 1983  
Feb 6-20, 1983  
Mar 6-20, 1983  
Apr 10-24, 1983  
Two additional programs will be announced.

### Personnel Management

This five-day program will provide personnel managers in corrections with the knowledge and skills needed to meet the field's increasing personnel problems, comply with legal and professional standards, and meet affirmative action goals. The training will review the role of personnel managers in corrections, their common needs, and the development of strategies to meet those needs. Topics will include job qualifications, attrition, labor/management relations, and the development of minority and female employees.

#### Eligibility:

Thirty personnel managers from jails, prisons, and community corrections will participate in each program.

#### Dates:

Sep 6-11, 1982  
Nov 28-Dec 3, 1982  
A third program will be announced.

### Training for Staff Trainers

This seven-day program will provide correctional staff trainers with the knowledge and skills needed to improve and effectively increase their agency-based training programs. The program will cover assessing the training needs of employees, analyzing jobs and tasks, reviewing training methods and resources available for training purposes, evaluating training programs, and avoiding liability for failure to train. The training will emphasize adult learning processes, the use of instructional media, and techniques for testing achievement.

#### Eligibility:

Twenty-five training officers, training supervisors, training specialists, and training coordinators working in prisons, jails, and community corrections will participate in each program.

#### Dates:

Jan 10-17, 1982 (in San Diego, CA)  
May 16-22, 1982  
Jun 13-19, 1982  
Jun 20-26, 1982  
Aug 15-21, 1982  
Sep 12-18, 1982  
Oct 17-23, 1982

### Planning New Institutions

This six-day program is the second phase of training for teams of officials from jurisdictions that are planning to construct a new institution or undertake major renovation of an existing facility. The first phase of the program will take place in the community.

The training will cover legal and constitutional issues related to correctional standards, advantages and disadvantages of new facilities, community involvement, project management, architect selection and relationships, site selection, and staffing. Topics to be covered include advanced correctional practices in architecture and programming; facility and inmate data analysis and projection; and facility programming and design.

#### Eligibility:

Thirty individuals, comprised of teams of four from each jurisdiction, will be trained in each program. Participants representing jail systems will include the sheriff, jail administrator, a county commissioner, and the architect or planner. Participants representing prison systems will include the state commissioner of corrections, the warden of the facility under consideration, the state planner or architect, and a legislative representative. All participants will have completed phase 1 training. (For phase 1 participation, contact the National Corrections Academy for an application.)

#### Dates:

Apr 12-18, 1982  
Jun 13-19, 1982  
Aug 29-Sep 4, 1982  
Oct 3-9, 1982  
Dec 5-11, 1982  
Jan 16-22, 1983

### Containment of Prison Violence

This five-day program will cover issues related to violence, inmate gangs, and predatory behavior in correctional institutions. Participants will be taught practices and procedures used to contain gang activity and techniques for controlling predatory behavior.

#### Eligibility:

Thirty prison and jail administrators and institutional managers responsible for inmate custody, security and control will participate in each program.

#### Dates:

Feb 7-12, 1982  
Feb 14-19, 1982  
Mar 14-19, 1982  
May 31-Jun 5, 1982

### Institutional Fire Safety

This five-day program will focus on the basic fundamentals of fire safety in correctional institutions. The training will cover safety problems and the science of fire safety, and will assist participants in developing immediate and long-range fire safety plans for their institutions.

#### Eligibility:

Thirty managers who are directly responsible for fire safety planning in a prison or jail will participate in each program.

#### Dates:

Jan 31-Feb 5, 1982  
Sep 12-17, 1982  
Oct 3-8, 1982  
Oct 10-15, 1982

#### Facility and Architectural Plan Review

This five-day, special-issue seminar will assist individuals involved in construction or renovation of correctional facilities in accurately reading, interpreting, and reviewing architectural plans. The training will focus on the basic fundamentals of understanding architectural drawings.

##### Eligibility:

Thirty managers of construction or renovation projects, state department or corrections plan developers, and state jail inspectors will participate in the program.

##### Date:

Jan 31-Feb 5, 1982

#### Jail Management and Operation

This 12-day program will focus on improving the management and operations skills and knowledge of sheriffs and jail administrators, with particular emphasis on working to achieve organizational performance that meets constitutional requirements and national accreditation standards. The training is divided into two segments: management skills, and jail programs and operations. The first segment will address administrative concepts, management styles, decisionmaking, problem solving, and personnel administration. The second will emphasize the development and improvement of jail services and operations to attain compliance with standards and legal mandates.

##### Eligibility:

Thirty sheriffs and jail administrators will participate in each program; preference will be given to sheriff/jail administrator teams from the same jail.

##### Dates:

Jan 3-15, 1982  
Jan 31-Feb 12, 1982  
Feb 28-Mar 12, 1982  
Mar 28-Apr 9, 1982  
May 16-28, 1982  
Jun 6-18, 1982  
Jul 18-30, 1982  
Aug 1-13, 1983  
Oct 17-29, 1983  
A tenth program will be announced.

#### Corrections as Part of County Government

This six-day, special-issue seminar will develop better communication and working relationships among sheriffs, jail administrators, and their local county officials. The training will promote a better understanding by county board members and the local jailers of their shared objectives and responsibilities. Topics to be covered include the purpose of the jail, court-ordered jail changes, management styles, responsibility charting, and action planning.

##### Eligibility:

Fifteen teams, consisting of a county board member and the sheriff or jail administrator, will participate in each program. The county official will be one who has a policymaking role in local corrections. (An application must be submitted for each participant.)

##### Dates:

Feb 7-12, 1982  
Oct 17-22, 1982  
Three additional seminars will be held by the NIC Jail Area Resource Centers at locations to be announced.

#### Development and Implementation of State Jail Standards

This five-day, special-issue seminar will provide training in jail standards development and implementation for teams of key policymakers in states that are interested in developing or revising their jail standards. Training will cover legal issues related to jail standards, the rationale for standards, legislative and advisory models of implementation, cost implications, and strategic implementation issues. The program will increase state policymakers' awareness of jail standards.

##### Eligibility:

Key policymakers in states interested in developing or revising state jail standards.

##### Date:

Aug 29-Sep 3, 1982

Academy-Based Programs	1982												1983
	January	February	March	April	May	June	July	August	September	October	November	December	January
Organizational Design Seminar			Mar 14-17										
Legislative Processes Seminar				Apr 5-8									
Policy Design and Development Seminar					May 26-29								
Planning Strategies Seminar						Jun 1-4							
Public and Press Relations Seminar							Jul 6-9						
Advanced Management						Jun 6 - Jul 2				Oct 24 - Nov 21			
Basic Management						Jun 6-20			Sep 26 - Oct 10	Nov 7-21 Nov 28 - Dec 12		Jan 16-30	
Personnel Management									Sep 6-11	Nov 28 - Dec 3			
Training for Staff Trainers	Jan 10-17				May 16-22	Jun 13-19 Jun 23-26		Aug 15-21	Sep 12-18	Oct 17-23			
Planning New Institutions				Apr 12-18		Jun 13-19		Aug 29 - Sep 4	Oct 3-9		Dec 5-11	Jan 16-22	
Containment of Prison Violence		Feb 7-12 Feb 14-19	Mar 14-19		May 31 - Jun 5								
Institutional Fire Safety	Jan 31 - Feb 5								Sep 12-17	Oct 3-8 Oct 10-15			
Facility and Architectural Plan Review	Jan 31 - Feb 5												
Jail Management and Operation	Jan 3-15 Jan 31 - Feb 12 Feb 28 - Mar 12 Mar 28 - Apr 9				May 16-28	Jun 6-18	Jul 18-30	Aug 1-13		Oct 17-29			
Corrections as Part of County Government		Feb 7-12								Oct 17-22			
Development/Implementation of State Jail Standards								Aug 29 - Sep 3					

**NIC Fiscal Year 1981 Funded Programs**

Mid-Level Management	Jan 7-14 Jan 21-28	Feb 4-11	Mar 18-25	Apr 1-8	May 13-20 May 27 - Jun 3								
Prison Industries Management	Jan 25-29	Feb 15-19											
Working with Female Offenders	Jan 18-23												
Parole Board Seminars	Jan 17-22	Feb 14-19	Mar 14-19										

**Federal Prison System Co-Sponsored Programs\***

Self Defense	Jan 25-29												
Disturbance Control					May 3-7								
Basic Locksmithing	Jan 18-27					Jun 14-25							
Food Service Administration			Mar 8-12			Jun 21-25		Sep 20-24					
Institutional Cooking		Feb 16-26					Jul 19-29						

\*Note that ten percent of all available training slots in the Federal Prison System's ongoing, internal staff training program has been reserved for state and local correctional employees. Contact the National Corrections Academy, 1790 30th Street, Boulder, CO 80301 (telephone 303-497-6060) for more information about these programs.

### NIC Fiscal Year 1981- Funded Programs

Prior to the establishment of the National Corrections Academy, NIC training was conducted regionally and in strategic, accessible points throughout the U.S. Travel and per diem expenses for training participants were included in the grants to the organizations conducting the training programs.

As the National Corrections Academy begins its first year of operation, various training programs that were funded and planned prior to the start-up of the Academy will be conducted throughout the country. For these programs, the grantees will arrange for sites and will administer the travel and per diem accounts for participants.

#### Mid-Level Management

This seven-day program will provide new and potential mid-level correctional managers and supervisors with a sound base of management knowledge. The training will cover basic management and administrative theory, skills, tools, and techniques. Emphasis will be given to such areas as standards compliance, budgeting, planning, personnel management, affirmative action, program evaluation, and information systems.

##### Eligibility:

Thirty individuals will be trained in each program. Participants will hold or be likely to assume in the near future mid-level management positions in prisons, jails, and community programs.

##### Dates:

Jan 7-14, 1982 (in San Jose, CA)  
Jan 21-28, 1982 (in Jacksonville, FL)  
Feb 4-11, 1982 (in New Orleans, LA)  
Mar 18-25, 1982 (in Boston, MA)  
Apr 1-8, 1982 (in San Jose, CA)  
May 13-20, 1982 (in Jacksonville, FL)  
May 27-Jun 3, 1982 (in Boston, MA)

#### Prison Industries Management

This three-day program will assist managers of prison industries in developing strategies to improve their management techniques, achieve economic self-sufficiency, and provide cost-effective training for inmate workers. National standards related to prison industries will be reviewed, and the costs and resources necessary to meet the standards will be covered. The curriculum covers topics in management, standards compliance, marketing and production, fiscal management, and human relations.

##### Eligibility:

Thirty managers and potential managers at the factory or enterprise level of prison industries will participate in each program.

##### Dates:

Jan 25-29, 1982 (in Atlanta, GA)  
Feb 15-19, 1982 (in Denver, CO)

#### Working with Female Offenders

This four-day program will improve the knowledge and skills of correctional employees who manage or supervise programs for female offenders. The training will address current trends in programming for the female offender, relevant legal decisions and forecasts, program assessment methods, and use of community resources. The program will encourage the identification and coordination of state and regional resources that are available to provide necessary services to female offenders and the development of strategies for using the resources.

##### Eligibility:

Thirty correctional employees who manage or supervise programs for female offenders will participate in the program.

##### Date:

Jan 18-23, 1982 (in Atlanta, GA)

#### Parole Seminars

This five-day program will develop the basic skills of parole board members and will enhance their awareness and understanding of the parole function and responsibility. Training will cover recent changes and current trends in parole, decisionmaking skills, legal decisions affecting parole, and techniques for responding to demands for increased accountability for parole decisions and supervision.

##### Eligibility:

Twenty-five new and veteran parole board members will participate in each program.

##### Dates:

Jan 17-22, 1982 (location to be announced)  
Feb 14-19, 1982 (location to be announced)  
Mar 14-19, 1982

### Federal Prison System Co-Sponsored Programs

Responding to a recommendation of the Attorney General's Task Force on Violent Crime that federal agencies increase their efforts to assist states and localities in dealing with problems associated with violent crime, the Federal Prison System is offering a number of specialized training programs in cooperation with the National Institute of Corrections.

The Federal Prison System (FPS) will be providing the training programs given below at its staff training centers and specialized facilities. The National Institute of Corrections will provide the travel and per diem funds for participants.

The courses are all based on standard Federal Prison System curriculums for its own staff, but are modified where necessary for the state and local practitioner. In addition to the specially scheduled classes, the Federal Prison System has reserved 10 percent of all space in its ongoing staff training programs for state and local practitioners. During fiscal year 1982, the following five-day programs will be conducted at the FPS Denver Staff Training Center:

- Advanced Correctional Supervisory Training
- Unit Management Training
- Investigative Supervisory Training
- Correctional Management Training

In addition, 30 three-week Introduction to Correctional Techniques programs will be conducted at the Federal Law Enforcement Training Center in Brunswick, Georgia. Ten percent of training spaces in these programs are also reserved for state and local practitioners.

#### Self-Defense

This five-day program will provide correctional staff trainers with knowledge and experience in the fundamental techniques required to teach basic self-defense and control procedures. The techniques taught are easily acquired and retained, have been demonstrated as effective in control situations, and are not dependent in their effectiveness on the individual's size or physical condition. The use of this self-defense method has been upheld by the courts in cases where excessive force was charged. Provided by the Federal Prison System, the course will consist of lecture, demonstration, and practice of techniques by trainees.

##### Eligibility:

Thirty staff trainers from prisons, jails, and community corrections will participate in the program.

Preference will be given to teams of two from the same agency to facilitate the transfer of acquired skills to other agency employees. No previous self-defense training is required.

##### Date:

Jan 25-29, 1982 (in Denver, CO)

#### Disturbance Control

This five-day program will provide institutional staff trainers with the skills necessary to develop and teach the techniques needed to control disturbances. Provided by the Federal Prison System, the course will stress the control, removal, and detention of individuals involved in demonstrations on institutional grounds.

##### Eligibility:

Twenty-five staff trainers, and supervisors who are directly responsible for custody, security, and control in prisons and large jails will participate in the program.

##### Date:

May 3-7, 1982 (in Denver, CO)

#### Basic Locksmithing

This five-day program will develop knowledge and skills needed to install, repair, and maintain the types of locking devices used in most correctional facilities. Provided by the Federal Prison System, the training will stress tool and key control and sound security practices.

##### Eligibility:

Twenty-five individuals who are or will soon be responsible for the maintenance of locking devices in prisons and jails will participate in each program.

##### Dates:

Jan 18-27, 1982 (in Fort Worth, TX)  
Jun 14-25, 1982 (in Fort Worth, TX)

#### Food Service Administration

This five-day program will address the subject of food service in correctional institutions, with emphasis on the integral part food service plays in the management of a facility. Provided by the Federal Prison System, the training will develop knowledge and skills in the areas of menu development, nutritional requirements, cost accounting and budgeting, communications, supervision of staff and inmates, and time management.

##### Eligibility:

Ten managers and supervisors who are responsible for large food service operations in prisons and jails will participate in each program.

##### Dates:

Mar 8-12, 1982 (in Oxford, WI)  
Jun 21-25, 1982 (in Oxford, WI)  
Sep 20-24, 1982 (in Oxford, WI)

**Institutional Cooking**

This two-week, hands-on program will teach experienced food preparation personnel how to improve and maintain efficiency, productivity, and quality in correctional institution cooking. Provided by the Federal Prison System, the training will develop knowledge and improved skills in the areas of custody, security, and control; supervision and motivation of inmates; basic cooking and baking; and stock management and inventory control.

**Eligibility:**

Ten experienced food service supervisors who are new to the areas of correctional institution cooking and inmate supervision will participate in each program. Preference will be given to those nominated by correctional food service administrators.

**Dates:**

Feb 16-26, 1982 (in Oxford, WI)  
Jul 19-29, 1982 (in Oxford, WI)

**National Institute of Corrections Advisory Board**

John R. Armore  
Vice President  
The National Alliance of Business  
Washington, D.C.

Cameron M. Batjer  
Chairman  
U.S. Parole Commission  
Bethesda, Maryland

George Bohlinger  
Acting Administrator  
Law Enforcement Assistance  
Administration  
Washington, D.C.

Norman A. Carlson  
Director  
Federal Bureau of Prisons  
Washington, D.C.

Bennett J. Cooper  
Director  
Division of Administration of Justice  
Columbus, Ohio

Shirley Gray  
Director  
Foothill Area Office  
County of Los Angeles  
Probation Department  
Pasadena, California

Dorcas Hardy  
Assistant Secretary for Development  
Department of Health and  
Human Services  
Washington, D.C.

Stephen Horn  
President  
California State University  
at Long Beach  
Long Beach, California

Robert J. Kutak  
Attorney  
Omaha, Nebraska

Charles Laurer  
Acting Administrator  
Office of Juvenile Justice and  
Delinquency Prevention  
Washington, D.C.

A. Leo Levin  
Director  
Federal Judicial Center  
Washington, D.C.

William Lucas  
Sheriff  
Wayne County  
Detroit, Michigan

W. Walter Menninger  
Senior Staff Psychiatrist  
Division of Law and Psychiatry  
Menninger Foundation  
Topeka, Kansas

Norval Morris  
Professor  
University of Chicago Law School  
Chicago, Illinois

Vincent O'Leary  
President  
State University of New York  
Albany, New York

Vacant (Practitioner)

**Buildings and Facilities****Appropriations Language Change**

*Please explain to the Committee the reasons for the proposed deletion of certain appropriation language which is shown on page 2 of the justifications.*

This change deletes the language providing authority for site acquisition and development for a Federal Correctional Institution in central Arizona, contained in the Senate version of H.R. 4169 and the continuing resolution (P.L. 97-92). Because this is a no-year appropriation, the authority provided in 1982 continues until the amount made available is expended.

**Proposed Decreases**

*On page four of the justifications, you indicate that the proposed decreases of \$7,075,000 are all related to non-recurring costs. Could you provide for the record what projects or work was completed with these funds?*

Because most projects in the Buildings and Facilities account require two or more years for completion, the account has been designated a "no-year" appropriation, i.e., funds appropriated are available until expended. Unobligated balances on projects at the end of the fiscal year do not lapse (as in the case of an annual appropriation), but are carried forward into the next fiscal year's availability. It has been standard budget procedure to treat all projects for which funds have been appropriated as non-recurring in the year following the year in which funds were appropriated. This does not mean that the project is completed, but that, for funding purposes, it is non-recurring. Following is the list of projects for which funds were made available in 1982 and which were treated as non-recurring in 1983:

<u>Institution</u>	<u>Project</u>	<u>Amount</u>
Alderson	Convert oil-fired boiler to coal	\$105,000
Tallahassee	Rehabilitate powerhouse	660,000
El Reno	Boiler heat recapture	225,000
Lewisburg	Rehabilitate power plant boilers, Phase 2 of 2	190,000
Leavenworth	Install steam absorption chiller	165,000
Texarkana	Replace roofs and add insulation	180,000
Leavenworth	Cellhouse conversion, Phase 1 of 3	1,500,000
Leavenworth	Building repairs	200,000
Lexington	Upgrade sewage plant, Phase 1 of 2 (Phase 1 - FY 1981)	350,000
Ashland	Rehabilitate domestic water and fire lines	250,000
Lewisburg	Replace steam distribution	315,000
Danbury	Replace plumbing	150,000
Leavenworth	Replace fire water mains	150,000

Lompoc	Install electric locking system in "J" housing unit	255,000
Alderson	Renovate housing units, Ph 2 of 4	80,000
Petersburg	Construct medical facility (clinic)	380,000
Phoenix	Site and planning	1,920,000
Total		7,075,000

## New Construction

*Do you have enough space in your present institutions to handle the projected growth in the Federal inmate population which you have predicted? If not, how are you going to provide for this projected growth?*

No. Previously approved budget requests will permit us to expand capacity by 579. Specifically, construction of the Metropolitan Correctional Center, Tucson, Arizona has been completed. This facility increases our physical capacity by 190. In addition, we are constructing a satellite camp with a physical capacity of 98 at the Federal Correctional Institution, Danbury, Connecticut scheduled for completion in June 1982. Also, additional housing units will be constructed during 1983 at the Federal Prison Camp, Boron, California and the Federal Correctional Institutions Sandstone, Minnesota and Seagoville, Texas providing 291 additional capacity.

Also, as you know, the 1982 Continuing Resolution (P.L. 97-92) directed the Bureau of Prisons to undertake planning and site acquisition activity for the proposed Federal Correctional Institution near Phoenix, Arizona. We plan to send forward a FY 1983 amendment for construction of this 400-bed facility. With a Phoenix FCI included, we would be increasing capacity by a total of 979 against our current total shortage of approximately 4,000.

In addition, we continue to screen Federal surplus property to determine if suitable sites are available for Bureau of Prisons' needs. We are examining our needs for additional facilities, and closely monitoring the contract community treatment center programs to ensure maximum usage of this alternative.

## 1982 Deferrals

*Have you deferred any funds that were appropriated in this account for FY 1982 or prior years? Could you tell us how much is deferred, for that projects this money was originally appropriated, and what are the reasons for the deferral?*

Yes. An amount of \$2,700,000 has been placed in deferral in the current apportionment for this account for future obligation. This means simply that these funds are not required for obligation purposes until 1983. Following is a listing, by project, of the amounts deferred:

Institution	Project	Amount
Tallahassee	Rehabilitate powerhouse	\$600,000
Leavenworth	Cellhouse conversion, Phase 1 of 3	500,000
	Building repairs	100,000
	Replace fire water mains	50,000
Lewisburg	Replace steam distribution	100,000
Danbury	Replace plumbing	50,000
Alderson	Renovate housing, Phase 2 of 4	150,000
Eglin	Renovate housing	200,000
Petersburg	Construct medical facility	100,000
*Various	Miscellaneous repair and improvement	850,000
Total		2,700,000

\*Consists of approximately 50 projects with relatively small amounts deferred.

## Modernization and Repair of Existing Facilities

*The 1983 budget request of \$6,667,000 is allocated exclusively to the modernization and repair of existing facilities. The justifications do not appear to contain any detailed information on what these funds will be used for. How can we be sure that the request you are making is justified?*

No major or line item (\$100,000 or more) rehabilitation/renovation projects are being requested in 1983. The balance of the modernization and repair program, traditionally referred to as the "base" program for this account, consists of the \$1.5 million annual payment for the Oxford, Wisconsin FCI lease/purchase agreement and minor repair and improvement projects (\$4,000 to \$100,000) at 43 institutions. This funding level (which has been revised in recent years only to reflect inflation) will provide for approximately 300 repair projects to be approved prior to the onset of the fiscal year following a rigorous analysis of requirements identified by the various institutions. Only the most critical projects are funded as can be evidenced by the nearly \$7.5 million in requested repair projects which have been deferred because of insufficient funds. Typical of repair and improvement projects are inmate housing renovation, building repairs, roof replacement, utilities systems repair and replacement, exterior painting and road resurfacing.

## Renovation of the U.S. Penitentiary, Atlanta, Georgia

*What are your plans in respect to renovating the U.S. Penitentiary, Atlanta, Georgia and what are the estimated costs?*

We have formulated a renovation strategy that would bring the Atlanta penitentiary into compliance with the Department of Justice and the American Correctional Association's standards. Generally renovation of the facility will include, upgrading the condition of the physical plant; renovating the existing housing units, which will reduce physical capacity to 872; and the construction of a satellite camp with a physical capacity of 98.

The estimated cost of renovation will be approximately \$19,000,000 excluding inflation, and would be completed in six years.

*Are there any funds included in this budget request for remodeling Atlanta?*

We are currently reviewing several funding alternatives, e.g., re-programming, supplementals, etc.

#### Overcrowding

*What steps are you taking to address the problem of overcrowding in the Federal Prison System?*

Previously approved budget requests will permit us to expand capacity by 579.

Specifically, construction of the Metropolitan Correctional Center, Tucson, Arizona has been completed. This facility increases our physical capacity by 190. In addition, we are constructing a satellite camp with a physical capacity of 98 at the Federal Correctional Institution, Danbury, Connecticut scheduled for completion in June 1982. Also, additional housing units will be constructed during 1983 at the Federal Prison Camp, Boron, California and the Federal Correctional Institutions, Sandstone, Minnesota and Seagoville, Texas providing 291 additional capacity.

Also, as you know, the 1982 Continuing Resolution (P.L. 97-92) directed the Bureau of Prisons to undertake planning and site acquisition activity for the proposed Federal Correctional Institution near Phoenix, Arizona. We plan to send forward a FY 1983 amendment for construction of this 400-bed facility.

With a Phoenix FCI included, we would be increasing physical capacity by a total of 979 against our current total shortage of approximately 4,000.

#### Status of the Proposed Phoenix, Arizona Correctional Facility

*What is the status of the proposed construction of a new institution in Phoenix, Arizona?*

Our staff architects are preparing design concepts for the proposed Federal Correctional Institution (FCI) near Phoenix, Arizona. Site plans have been prepared which display the proposed relocation of the FBI training facility currently on the site. This relocation of FBI structures is necessary to accommodate the construction of the FCI. The environmental impact statement is completed and requires only final coordination. The FPS will shortly be in a position to proceed with final site acquisition and the procurement of architectural and engineering services.

Although the 1983 Buildings and Facilities request does not currently include construction funds for this project, we plan to send forward to the Congress a 1983 amendment of \$22 million for construction of the 400-bed FCI.

#### Federal Prison Industries, Incorporated

#### Program Increase for Vocational Training Expenses

*How are you going to verify the employment success rate of the individual inmate chosen for these new programs?*

Evaluation and follow-up analysis will be required for all funded training programs. These will be designed by appropriate Bureau research staff under the overall supervision and coordination of the Bureau Research Chief. Meetings have already been held among education, research and UNICOR staff to discuss the form of these evaluations and follow-ups and how they will be implemented.

THURSDAY, MARCH 11, 1982.

**U.S. PAROLE COMMISSION**

**WITNESSES**

**BENJAMIN F. BAER, ACTING CHAIRMAN**

**PETER B. HOFFMAN, RESEARCH DIRECTOR**

**ELIZABETH L. TAYLOR, ACTING CHIEF OF CASE OPERATIONS**

**JAMES R. DRALEY, PROGRAM MANAGEMENT OFFICER**

**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION**

**CHARLES R. NEILL, CONTROLLER**

**JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF**

Mr. HIGHTOWER. The next appropriation item we shall consider is the fiscal year 1983 request for the United States Parole Commission. The request for fiscal 1983 is \$6,856,000, an increase of \$656,000 from the amount provided for fiscal 1982 under the continuing resolution.

The justifications appear under a separate tab in Volume 1 of the justification book.

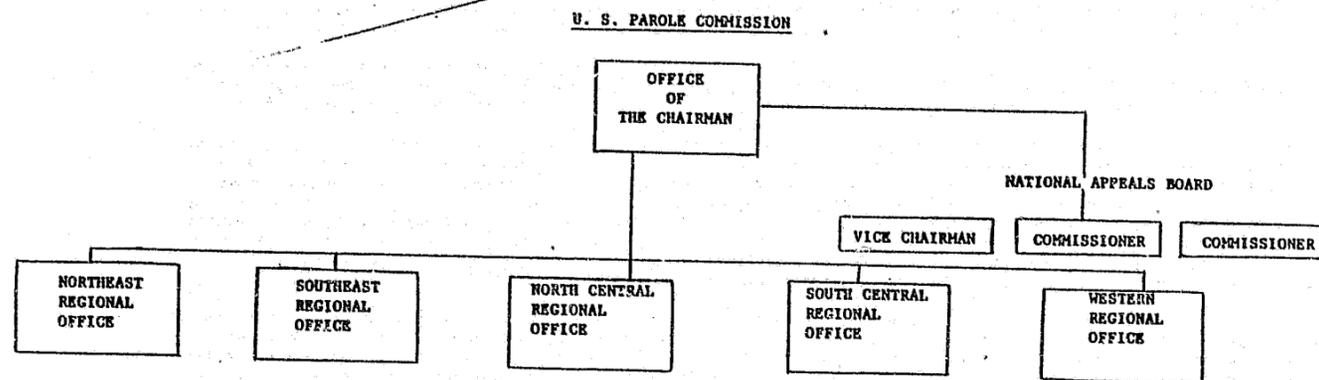
We will insert those justifications into the record at this point.  
[The justifications follow.]

(583)

Preceding page blank

Department of Justice  
U. S. Parole Commission  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page</u> <u>Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Proposed Appropriation Language.....	5
Crosswalk of 1982 Changes.....	6
Summary of Requirements.....	7
Justification of Program and Performance.....	8
Summary of Adjustments to Base .....	12
Financial Analysis - Program Changes.....	17
Summary of Requirements by Grade and Object Class .....	18



United States Parole Commission

Summary Statement

Fiscal Year 1983

The United States Board of Parole was created by Congress in 1930. In 1976, the Parole Commission and Reorganization Act (Public Law 94-233, effective 5/14/76) retitled the agency as the United States Parole Commission. Placed within the Department of Justice for administrative purposes, the Commission is an agency with independent decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release).

The Parole Commission and Reorganization Act provides for nine Commissioners, appointed by the President by and with the advice and consent of the Senate. One Commissioner is designated as Chairman. Each of the five Regional Offices of the Commission is under the supervision of a Commissioner, and three Commissioners comprise a National Appeals Board in Washington, D.C. At present the Parole Commission operates out of five regional offices and a headquarters office in Washington, D.C. Hearing examiners working out of the regional offices interview prisoners eligible by law for parole and make recommendations to the Commissioners. These hearings are conducted by examiner panels at all Federal prisons on a regular schedule, and at State and local facilities, as required. Summaries of the hearings are recorded and then transcribed and sent to the regional office for the initial review and decision of a Commissioner.

On a cooperative basis, the Commission uses the services of staff employed by the Federal Prison System, who are assigned to the correctional institutions throughout the Nation. The staff prepares classification summaries, progress reports, and other reports concerning parole applicants.

Field supervision of released prisoners is provided by United States Probation Officers, who are employed by the U.S. Probation Service in the Administrative Office of the United States Courts. According to statute, they function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releasees are prepared by these officers and submitted to the Commission.

A two stage appeal system is in effect to permit review of parole decisions. Decisions on appeal at the regional level must be completed within 30 days and at the National Appeals Board level within 60 days.

National parole policy is reviewed by formal Commission deliberation quarterly. This continual study and review is designed to monitor and refine parole practices throughout the Federal system.

A small but active research program is ongoing.

Research projects include:

1. Development of methods for increasing hearing panel reliability in guideline assessments.
2. Refinement of the offense severity and salient factor score scales used by the Commission.
3. Further assessment of the effects of the expanded presumptive parole date procedures.
4. Participation in the development of the joint Bureau of Prisons - U.S. Marshals - Parole Commission Sentry System for automated data processing of offender information.
5. Development and implementation of a system to enable hearing examiners to make more effective pre-hearing reviews of inmate files.

The General Counsel's Office advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations, and assists U.S. Attorney's office in defending the Commission against lawsuits brought by prisoners and parolees. The Office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974 as amended in 1975. The Counsel's office responds directly to requests submitted under the Freedom of Information Act of 1966 as amended in 1974. Finally, the legal counsel staff has responsibility for analyzing applications for exemption from prohibitions imposed by federal law against persons who have been convicted of certain crimes from occupying labor union, management, or pension fund positions, and ensuring the conduct of appropriate hearings under the Administrative Procedures Act.

The Commission's legal staff participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries.

The Commission's Operation Section provides quality control of case decisions, coordinates the limited training program, and develops procedures to implement Commission policy including a comprehensive manual. In addition to these functions, this section has assumed the responsibility for the Commission of coordinating the Witness Security Program.

For 1983 a decrease of 15 positions, 6 workyears and \$100,000 is proposed.

U. S. Parole Commission

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For necessary expenses of the United States Parole Commission, as authorized by law, \$6,856,000.

Explanation of changes

No changes proposed.

U. S. Parole Commission

Crosswalk of 1982 Changes  
(Dollars in thousands)

<u>Activity/Program</u>	<u>1982 President's Budget Request</u>			<u>Congressional Appropriation Actions on 1982 Request</u>			<u>1982 Appropriation Anticipated</u>		
	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>
Parole	158	159	\$5,686	14	8	\$514	172	167	\$6,200

590

Congressional Appropriation Actions.

Congress acted to add to the September budget, which included a reduction of approximately 12 percent for the U.S. Parole Commission.

U. S. Parole Commission

Salaries and expenses

Summary of Requirements  
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....	172	167	\$6,200
Uncontrollable increases.....	...	...	756
1983 base.....	<u>172</u>	<u>167</u>	<u>6,956</u>

591

<u>Estimates by</u> <u>budget activity</u>	<u>1981 Enacted</u>		<u>1981 Actual</u>		<u>1982 Appropria-</u> <u>tion Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>WY Amt.</u>	<u>Perm.</u>	<u>WY Amt.</u>	<u>Perm.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm.</u>	<u>WY</u>	<u>Amt.</u>	<u>Perm.</u>	<u>WY</u>	<u>Amt.</u>
Parole	178	171 \$6,115	178	171 \$6,093	172	167	\$6,200	172	167	\$6,956	157	161	\$6,856	-15	-6	-\$100

U. S. Parole Commission  
Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity:	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Parole	172	167	\$6,200	172	167	\$6,956	157	161	\$6,856	-15	-6

Long-range Goal: To make decisions relative to the grant or denial of parole, conditions of parole, supervision of parolees and mandatory releasees, recommitment in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976.

Major objectives:

- Establish a national paroling policy and promote the consistent exercise of discretion in the paroling process.
- Develop and apply specific guidelines and rules for parole decision making so that the duration of terms of imprisonment throughout the federal system will be equitable.
- Meet the statutory limitations of granting or denying parole within the time requirements in the law to all federal prisoners who are eligible for Parole Commission consideration.
- Improve the rehabilitation process of the parolee by maintaining an effective parole supervision program through the U.S. Probation Offices.
- Modify or revoke the parole or mandatory release of any individual who violates the conditions of release.
- Administer the aspects of the Commission's responsibilities under labor and pension laws by making decisions relative to the grant or denial of applications pursuant to these laws.

Base Program Description:

At present, the Parole Commission operates out of five regional offices and a headquarters office in Washington, D.C. Hearing examiners working out of the regional offices interview prisoners eligible for parole and make recommendations to the Parole Commissioners. These hearings are conducted by examiner panels at all federal prisons on a regular schedule, and at state prisons and local communities, as required. Summaries of the hearings are recorded and then transcribed and sent to the regional office for the initial review and decision of a Commissioner.

A two-stage appeal system is in effect to permit review of parole decisions. Decisions on appeal at the regional level must be completed within 30 days and at the National Appeals Board level within 60 days.

Other professional level personnel in the area offices coordinate the work with the Bureau of Prisons institutions and the probation officers attached to each United States District Court.

An ongoing research program is conducted in areas related to parole and information and guidance is provided to state parole boards, criminal justice agencies and others interested in improving the criminal justice process.

A review of national parole policy by formal Commission deliberation takes place quarterly. This continual study and review is aimed at the stabilization and refinement of parole practices throughout the federal system.

Accomplishments and Workload:

1. The Commission has carried on an active program of research.
2. 15,000 hearings were conducted. These included statutory review hearings, initial hearings, regular reviews, rescission hearings, revocation hearings as well as others.
3. 3,500 arrest warrant decisions were made on parole and mandatory release cases.
4. The number of appeals processed at the regional level was 4,800 and at the national level 2,700.
5. A completely revised procedures manual has been developed and approved by the Commission and is now in effect.
6. The Commission has participated in 1,200 hearings for the Cuban detainees housed primarily in the Atlanta Penitentiary.

The workload of the Parole Commission is presented in the following table.

Item	1980	1981	Estimates	
			1982	1983
<b>Hearings:<sup>1/</sup></b>				
Initial.....	10,379 <sup>2/</sup>	9,000	9,550	9,550
Record Review.....	5,844	9,372 <sup>3/</sup>	14,000 <sup>4/</sup>	14,000
Rescission.....	1,096	1,100	1,100	1,100
Local Revocation.....	319	400	400	400
Institutional Revocation.....	2,042	1,900	2,000	2,000
Other.....	393	450	450	450
Statutory Review.....	1,790	1,500	1,500	1,500
<b>Total.....</b>	<b>21,863</b>	<b>23,722</b>	<b>29,000</b>	<b>29,000</b>
Appeal Decisions.....	8,113	7,500	7,500	7,500
<b>Number Under Supervision, June 30, 1981</b>				
(Parolees and Mandatory Releasees).....	20,814	18,500	20,000	20,000
Warrants Issued.....	3,566	3,500	3,500	3,500

504

<sup>1/</sup> Approximately 2% of the cases included under the various hearing categories were conducted as record reviews (i.e., not in-person hearings).

<sup>2/</sup> These figures include long-term cases, of which there were 1,464 in FY 1979 and 1,146 in the first half of FY 1980.

<sup>3/</sup> Partial implementation of the pre-hearing review process.

<sup>4/</sup> Full implementation of the pre-hearing review process.

**Program Changes:** In keeping with the President's intent to reduce federal employment a decrease of 15 positions and \$100,000 is requested. With the resources proposed, the Parole Commission will be able to support 157 permanent workyears and 4 workyears of temporary and part-time employment. That is 6 fewer than the number of workyears in 1982. Since the workload of the Commission is mandated by law, the Commission will therefore increase its productivity to produce the same number of considerations as in the past.

595

U. S. Parole Commission

Salaries and expenses

Summary of Adjustments to Base  
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
1982 appropriation anticipated.....	172	167	\$6,200
Adjustments to base:			
Uncontrollable increases:			
1982 pay increase.....	...	...	163
Executive level pay increase.....	...	...	99
Within-grade increases.....	...	...	46
Health benefits costs.....	...	...	14
Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	...	...	7
Standard Level User Charges (SLUC).....	...	...	227
GSA recurring reimbursable services.....	...	...	3
Postal service increases.....	...	...	129
Federal Telecommunications System - FTS.....	...	...	14
Travel costs - airfare increases.....	...	...	21
GPO printing costs.....	...	...	3
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	1
Departmental printing and reproduction costs.....	...	...	1
Employee data and payroll services.....	...	...	3
Full-field investigations.....	...	...	2
General pricing level adjustment.....	...	...	23
Total uncontrollable increases.....	...	...	756
1983 Base.....	172	167	\$6,956

596

U.S. Parole Commission

Salaries and expenses

Justification of Adjustments to Base  
(Dollars in thousands)

Uncontrollable increases:

Budget  
Authority

1. 1982 pay increases.....

163

This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$163,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative to the October pay increase	
\$3,354,167 x 4.8 percent for 259 days	\$ 161,000
2/261 x Annual amount of pay raise.....	2,000
Total requirements.....	\$163,000

2. Executive Level pay increases.....

99

This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$99,000 reflects 1982 as well as 1983 requirements, for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative to lifting pay cap for 195 days	
\$292,636 66/261 x Annual amount of pay raise.....	\$ 74,000
Total requirements.....	25,000
	\$ 99,000

3. Within-grade increases.....

46

This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$42,000 and benefits \$4,000 = \$46,000).

597

Uncontrollable increases:

Budget  
Authority

4. Health benefits costs.....	14
The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$14,000 provides for payment of the average rate percent over the \$77,000 now available.	
5. Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	7
This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$7,000 was based on unemployment compensation payments for the quarter ending in March 1981.	
6. Standard Level User Charges.....	227
P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$227,000 is required in 1983 to pay for space occupied at the end of FY 1982. The amount budgeted for SLUC in 1982 is \$434,000.	
7. GSA recurring reimbursable services.....	3
The General Services Administration provides additional heating, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$3,000 will provide the same level of service in 1983 as in 1982. This is an increase of 1 percent over the amount budgeted for 1982 of \$322,000.	
8. Postal Service increases.....	129
The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 an ounce. This 5 cent increase and the results of a department-wide redistribution of Postal Service charges results in an additional request of \$129,000, over the currently budgeted amount of \$37,000.	

598

Uncontrollable increases:

	<u>Budget Authority</u>
9. Federal Telecommunications System (FTS)..... The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$14,000 over the 1982 base of \$45,000. This reflects the new billing method which became effective in 1982 and is based on the duration of calls. It also includes the rate increase of approximately 51 percent which was granted American Telephone and Telegraph in 1982.	14
10. Travel costs - airfare increases..... Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent over the 1982 budgeted amount of \$140,000.	21
11. GPO Printing Costs..... The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs as a base, the uncontrollable increase for GPO printing is \$3,000 over the base of \$50,000	3
12. Printing costs for the Federal Register and Code of Federal Regulations..... The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and <u>Code of Federal Regulations</u> (CFR). The requested uncontrollable increase provides funding for 30 pages in the <u>Federal Register</u> and 35 pages in the <u>CFR</u> .	1
13. Departmental Printing and Reproduction Costs..... Departmental printing costs are expected to increase by 7 1/2 percent in 1983. This results in an uncontrollable increase of \$1,000 over the FY 1982 base of \$13,000.	1

599

Uncontrollable increases:

	<u>Budget Authority</u>
14. Employee data and payroll services..... The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95. In FY 1982, it will increase by \$15; the increased cost of servicing 157 employees is \$3,000.	3
15. Full-field investigations..... Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) for FY 1982, which raised the standard rate charged for each full-field investigation by \$300 over the FY 1981 base cost of \$1,000. The request of \$2,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.	2
16. General Pricing Level Adjustment..... This request applies to OMB pricing guidance as of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates.	23
Total, uncontrollable increases/adjustments to base.....	<u>756</u>

000

**CONTINUED**

**9 OF 20**

U.S. Parole Commission  
Salaries and expenses  
Financial Analysis - Program Changes  
(Dollars in thousands)

<u>Item</u>	<u>Total</u>	
	<u>Pos.</u>	<u>Amount</u>
<u>Grades</u>		
GS/14.....	1	\$40
GS/5.....	5	60
Total positions and annual rate.....	6	100
Total workyears and obligations, 1983.....	6	100

601

U.S. Parole Commission

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-18, \$57,500 .....	9		9		...	
GS-15, \$46,685-57,500 .....	4		4		...	
GS-14, \$39,689-51,596 .....	39		35		4	
GS-13, \$33,586-43,666 .....	4		4		...	
GS-12, \$28,245-36,723 .....	16		10		6	
GS-11, \$23,566-30,640 .....	5		5		...	
GS-10, \$21,449-27,884 .....	1		1		...	
GS-9, \$19,477-25,318 .....	14		14		...	
GS-8, \$17,634-22,926 .....	1		1		...	
GS-7, \$15,922-20,701 .....	16		16		...	
GS-6, \$14,328-18,630 .....	26		26		...	
GS-5, \$12,854-16,706 .....	20		15		5	
GS-4, \$11,490-14,937 .....	17		17		...	
<b>Total, appropriated positions .....</b>	<b>172</b>	<b>\$4,322</b>	<b>157</b>	<b>\$4,301</b>	<b>-15</b>	<b>-21</b>
Pay above stated annual rates .....	...	17	...	17	...	...
Lapses .....	-9	-234	...	-5	9	229
<b>Net permanent .....</b>	<b>163</b>	<b>4,105</b>	<b>157</b>	<b>4,313</b>	<b>-6</b>	<b>208</b>

602

U.S. Parole Commission

Salaries and expenses

Summary of Requirements by Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Request		Increase/Decrease	
	Workyears	Amount	Workyear	Amount	Workyears	Amount
11.1 Full-time permanent .....	163	\$4,105	157	\$4,313	-6	\$208
11.3 Other than full-time permanent:						
Part-time.....	4	43	4	43	...	...
11.5 Other personnel compensation:						
Overtime.....	...	6	...	6	...	...
Total, workyears and personnel compensation.....	167	4,154	161	4,362	-6	208
12 Personnel benefits .....		428		442		14
13 Benefits to former personnel.....		6		7		1
21 Travel and transportation of persons.....		496		517		21
22 Transportation of things.....		31		31		...
23.1 Standard level user charges.....		434		661		227
23.2 Communications, utilities, and other rent.....		310		456		146
24 Printing and reproduction.....		62		67		5
25 Other services .....		186		214		28
26 Supplies and materials .....		62		68		6
31 Equipment .....		31		31		...
Total requirements.....	167	6,200	161	6,856	-6	656
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		292		416		
Obligated balance, end-of-year.....		-416		-553		
Outlays .....		6,076		6,719		

603

## CHANGE IN DISCLOSURE RULE

Mr. HIGHTOWER. Mr. Baer, we are happy to welcome you. Mr. Fazio, who is sitting with the committee this morning, has a conflicting committee appointment at this hour and so I am going to yield to him at this time for such questions as he may have and then we will come back for your comments on your general statement.

Mr. BAER. Very good, Mr. Chairman.

Mr. FAZIO. Thank you, Mr. Chairman.

I want to reiterate my appreciation for your flexibility in letting me intrude into your schedule here.

Mr. Baer, I welcome you as well and I also want to take the opportunity to thank you for your responsibility for concerns that Mr. Matsui and I have in regard to the policies of the U.S. Parole Commission.

First of all, I would like to express my appreciation for a specific recommendation that I gather has been made to change the rules which regard to disclosure of information about parolees which, until presently, had been apparently impeded by an interpretation of the Privacy Act that would have prevented that kind of information from being made available to local police chiefs and sheriffs.

Are you going to urge the adoption of that rule by the full Commission, and what chance do you think it has of passing?

Mr. BAER. Congressman Fazio, we are in the process of revising the rule. The staff has been working on the language. I have discussed it with other Commission members and I am hopeful that we can come to an agreement on the rule.

We appreciate this is a Commission policy so I need the concurrence of the majority of the Commission members.

In answer to your question I expect that concurrence will be forthcoming.

Mr. FAZIO. Currently, each regional Commissioner has the authority to make these kind of determinations; is that correct?

Has there been some differentiation between regions on that level?

Mr. BAER. No, there is a Commission policy, and as you indicated, there was some question about the interpretation of it. We hope to clarify that with the revised rule.

In my opinion it will change the emphasis somewhat toward the protection of the public and the enforcement of parole conditions.

As you know, each parolee, when he is paroled, goes out under certain conditions and this rule change, we think, will help the probation officer, who is our parole agent, enforce those conditions.

Mr. FAZIO. Now, the information that you will be making available, were this policy to be adopted, will constitute what? What specific information will be made available?

Mr. BAER. There are two sections. There are certain types of information that a probation officer, on an individual basis, will want to give to law enforcement and, in turn, get information from them. Currently there is an ongoing cooperation.

We think this change will clarify the types of information to be exchanged.

Further, there is also what we call routine disclosure in cases where a local law enforcement official requests information. This policy change would delegate the authority to the chief probational officer of the district to give the following information: the parolee's name, his address, crime of conviction and the FBI file number. That is in the present draft that we are working on.

Mr. FAZIO. If this were adopted this would mean that a request could be made on a blanket basis to the local Chief Probation Officer to make available that information on every parolee that comes into his jurisdiction, those four items on a routine basis; is that correct?

Mr. BAER. That is correct; yes, sir.

Mr. FAZIO. This would not require a request in each instance. In other words, the burden would be on you to provide the information and not on them to request it?

Mr. BAER. That is correct.

The Commission is delegating the release of this information to the Chief Probation Officer in the district.

## AVAILABILITY OF ADDITIONAL INFORMATION

Mr. FAZIO. Is there any possibility that the photo and fingerprints that you have in your possession in the criminal justice system could be made available regardless of whether the FBI number were made available? This is really a matter of timing.

It is my understanding that the FBI number does provide access to this data but it would take longer and it would be of some use to the local law enforcement official if he had a current picture and the fingerprints which might be immediately used.

Now, I may be gilding the lily a little here in this request but I am wondering what your response to that would be?

Mr. BAER. I would say that we don't plan to do that at this time. There are a number of problems and that would require further study on our part.

Mr. FAZIO. Would you take a look at that possibility?

I am wondering what the additional burden might be? I understand the prison system takes pictures of the individual on initial incarceration but that may be very different from when they leave.

Mr. BAER. I understand what you are saying. This is something that we would want to discuss with the Bureau of Prison people. I know what you mean that a picture taken in 1981 may not be the same in 1984.

Mr. FAZIO. I am responding, by the way, to direct specific concerns of my local chief of police and sheriff who have been very much in the forefront in changing this law at the State level.

## ADDING PAROLEES TO FBI COMPUTER SYSTEM

You are, I understand, considering the possibility of putting the names of all Federal parolees into the FBI's nationwide criminal justice computer system.

Mr. BAER. Yes, sir.

Mr. FAZIO. What is the status of that, because that has tremendous potential to aid every law enforcement agency automatically.

Mr. BAER. One of our staff persons is currently working on that project and we are going forward with it.

Mr. FAZIO. What is the time line, potentially?

Mr. BAER. Can I ask Ms. Taylor? She has been working on that project.

Ms. TAYLOR. I think we can resolve it when the Commission is presented a policy and takes a vote on it.

Mr. HOFFMAN. The FBI is willing to cooperate and add the names of parolees to the National Crime Information Center. That will be brought before the Commission for a decision shortly and once the Commission grants authority to proceed, it would be in the hands of the computer experts.

It is not clear at this time just how long it would take to implement the project. What may delay it a bit, is that it would be a more efficient procedure if the United States Probation Service would participate and would also add the names of probationers, or particularly probation absconders, at the same time.

Now, to do this requires the approval of the Probation Committee of the Judicial Conference. So you have a number of—

Mr. FAZIO. Well, I certainly would want to lend my support for the inclusion of the probationers as well because we have a situation now where privacy concerns that initially protected this information from dissemination for parolees did not apply, as I understand it, to people who were tried and perhaps given a tremendous amount of publicity and then exonerated or people who are in the local community on probation have perhaps never served a sentence. Yet, those people who are actually under the criminal justice system's control were being protected as opposed to those others who were not.

Mr. HOFFMAN. There are two issues which are involved. The first is getting the various agencies to agree on the way of doing it and the second is the authority to proceed.

The second one is an operational one. It is not clear yet whether the FBI has the capacity in the system to enter the names of everyone or whether it would be more appropriate to have some selection criteria.

It is a mechanical issue. Although computers have a capacity to process large quantities of information, it is not quite as extensive as it might appear to the layman.

Mr. FAZIO. I sat with my chief of police the morning after a crime was committed by a Federal parolee, and his search of the computer system for about 12 hours could not turn up any Federal records as to the whereabouts of this individual.

They did not know whether he escaped from Marion or whether he escaped from the halfway house he was assigned to in Cincinnati, or whether he had been sent to the area.

There was no one in the Federal system who knew. The computer systems are not foolproof and in many cases are not of great assistance under the circumstances.

I have two other points and then I will have to go and the committee can proceed with its regular business.

#### INCLUSION OF INFORMATION ON SPECIAL CONDITIONS OF PAROLE

There are, on occasions, special conditions of parole that could be very important as to the assistance that you hope to get in enforcing the conditions of parole.

I understand that you don't currently intend to include those in the information you make available to local law enforcement.

Mr. BAER. No, Congressman Fazio, there is a standard set of conditions and then there may be an additional one depending on the case. A common additional one is that, for instance, someone who has been addicted to drugs has to participate in a drug program.

Mr. FAZIO. I understand they are the standard ones but is it possible to make those additional conditions also available to the law enforcement agency so if they are to be of assistance to you they will know whether someone has violated their parole?

Mr. BAER. I think in an individual case the probation officers are in touch with the law enforcement people because it is a two-way proposition. We can check that.

Mr. FAZIO. Would you consider making that additional non-general standard parole condition available? I think it might have some very useful application.

Mr. BAER. At this particular point in time I don't want to say yes or no on that.

#### WAIVER OF FOURTH ADMENDMENT RIGHTS

Mr. FAZIO. Well, let's consider that.

The next point, which is perhaps more controversial, is that under California law, as a condition of parole, individuals are required to waive their Fourth Amendment rights against search and seizure.

I would think that there is some benefit to have that kind of waiver as part of the general parole conditions at the Federal level or as an additional special add-on which might apply in certain instances.

It would seem to me if you had a drug pusher you would want the local law enforcement official to be able to search the individual to see whether they had drugs on their body at a time when it might be logical to assume they had committed a crime.

Under the California law that currently can be done and under Federal law that is not allowed.

I am wondering if you would indicate whether you think we could make some change in that regard?

Mr. BAER. Congressman Fazio, the issue that you are raising has to do with a policy that the Federal Parole Commission has had for a number of years.

There are several different points of view and there are some wide divergences. I am very new as the Acting Chairman, and this is an issue that I intend to look into very thoroughly.

It is possible that our policy may be changed or it may not but I will assure you that we are going to give it a very hard look.

Mr. FAZIO. Well, that provision is included in legislation I have introduced and I intend to pursue that.

It seems to me that we are talking now about people, to use the phrase over again, they are still serving their sentence. It seems to

me if we are going to impose conditions of parole we ought to be in a position of knowing whether they are complying with them and not hinder ourselves from the ability to enforce those parole conditions by applying a standard that I don't think must be applied to people who have not served time in a penal institution.

It seems logical to me that we would not impede our probation officer or any other law enforcement official at any other level of government from enforcing the conditions of parole.

Thank you very much, Mr. Chairman. I appreciate your giving me all this time.

#### GENERAL STATEMENT

Mr. HIGHTOWER. We are glad to have you.

Mr. Baer, we will be glad to have your statement at this point.

Mr. BAER. Mr. Chairman, I am pleased to appear before you today in support of the 1983 budget request of the U.S. Parole Commission.

Our budget request is for \$6,856,000 and 157 permanent positions, which represents a reduction of \$100,000 and 15 positions for the upcoming fiscal year.

The reduction is in keeping with the President's intention to reduce Federal employment and does not reflect a major change in the Commission's program. We are in the process of studying Parole Commission staffing patterns in order to absorb this reduction in ways that will minimize its effect. Our workload in 1983 is expected to remain about the same as the workload for the current year. We have been reviewing our procedures and are implementing changes in order to adhere to the President's policy of reducing the size of the Federal Government. For example, some changes that should save time and expenses are:

1. Conducting hearings at some selected institutions on a tri-monthly basis rather than on a bi-monthly basis.
2. Reducing the need to use contract typists to type hearing summaries by absorbing the work internally; and,
3. Continuing prehearing file reviews in our Regional Offices to reduce the time required to conduct hearings actually held at Federal institutions. This prehearing review also increases the quality of the hearing and the subsequent decision and allows parole on the record for certain selected offenders who can be safely released without the necessity of a personal hearing. Further, we are continuing to designate Federal Probation Officers located in the vicinity of certain State institutions to conduct certain hearings that would otherwise be conducted by Commission staff.

We anticipate conducting approximately 15,000 parole hearings and making a total of approximately 40,000 parole decisions during 1983. We are operating under the same strict guidelines that were issued last year by the Commission to keep our expenditures to a minimum so that we can carry out our responsibilities while reducing employment.

I believe that this request will enable us to continue essential operations and meet the requirements of the law.

This concludes my statement, Mr. Chairman. I shall be pleased to answer any questions you or members of the subcommittee may wish to raise.

Mr. HIGHTOWER. Thank you, Mr. Baer.

#### RESOURCE REDUCTION VERSUS WORKLOAD LEVEL

Mr. HIGHTOWER. In regard to the 15 positions and \$100,000 program decrease, do you intend to eliminate these positions through attrition or do you plan a reduction in force?

Mr. BAER. Through attrition, Mr. Chairman. We are trying to operate in a way that we won't be over our capacity at the beginning of the 1983 fiscal year.

Mr. HIGHTOWER. The workload statistics shown on page 10 of the justification indicate there will be no increase in the workload in 1983 as compared to 1982. Given the fact that the present Federal prison population has increased significantly over the last year, do you feel that the projection of no increase in your workload in the fiscal year is correct?

Mr. BAER. As of this time we can probably manage. It is difficult to know how soon our hearings will increase.

I have heard the testimony of Director Carlson and I was aware, anyway, that the commitments are increasing somewhat. Part of the Bureau's increase, as Mr. Carlson indicated, was due to the Cubans and the Haitians with whom we are ordinarily not involved.

However, with the increase in commitments it is anticipated that our hearings may increase. If it changes rapidly, we may need more help and we probably will in fiscal year 1984.

Mr. HIGHTOWER. We certainly appreciate your being here this morning. We will have some additional questions that we will submit to you to be answered in writing.

The committee will recess until 2:00 p.m. this afternoon.

[The questions referred to and the answers submitted follow:]

## QUESTIONS FOR THE RECORD BY MR. HIGHTOWER

## Workload Projections

*As you note on page 11 of the justifications, the workload of the Parole Commission is mandated by law. How will you handle your workload if your projections that appear in this budget document for FY 1983 turn out to be too low?*

The workload projections in the 1983 submission were based on the assumption that the prison population was not going to rise. As you know, the latest estimates from the Federal Prison System now include an increase in prison population; a portion of this increase is a result of the temporary influx of Haitians and Cubans in the prison system. Apart from this influx, another factor in the population increase has to do with the imposition of longer sentences. While we cannot rule out the possibility that our workload will be affected in 1983, we think it more likely that the effect will be felt sometime after that.

*Even if your workload projections turn out to be right, you will still have to increase your productivity to maintain the same output in FY 1983 as in FY 1982 since you are projecting a decrease in positions. How much of an increase in productivity will be required and how are you going to achieve it?*

We do not have an accurate estimate as to how much productivity will have to increase to meet the projected workload. We are studying our staffing patterns and needs and are making plans based on this study to transfer employees to equalize our workload from region to region.

## Regional Offices

*I understand that the Parole Commission operates out of five Regional Offices and a Headquarters Office. With respect to the proposed reduction of 15 positions, would these reductions be spread equally among the Regional Offices and the Headquarters Office?*

The proposed reductions will be spread equally among the regional and headquarters offices.

*Are you planning to close any of the five Regional Offices? If so, could you tell us where?*

At this time we do not plan on closing any of the five Parole Commission Regional Offices. We did conduct a brief study concerning the cost savings of moving our Philadelphia office to Washington, D.C. From the study we concluded that only minor cost savings would be generated from this particular move and therefore decided against proposing it.

THURSDAY, MARCH 11, 1982.

**DRUG ENFORCEMENT ADMINISTRATION**

**WITNESSES**

**FRANCIS M. MULLEN, JR., ACTING ADMINISTRATOR**  
**FRANK V. MONASTERO, ACTING ASSISTANT ADMINISTRATOR, OPERATIONS**  
**DONALD F. QUINN, ACTING ASSISTANT ADMINISTRATOR, OPERATIONAL SUPPORT**  
**GENE R. HAISLIP, ACTING DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF DIVERSION CONTROL**  
**MALCOLM E. ARNOLD, ACTING DEPUTY ASSISTANT ADMINISTRATOR, ADMINISTRATION**  
**JAMES K. WILLIAMS, ACTING CHIEF, BUDGET AND MANPOWER MANAGEMENT SECTION**  
**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION**  
**CHARLES R. NEILL, CONTROLLER**  
**JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF**  
**GORDON FINK, CHIEF, CONGRESSIONAL AND PUBLIC AFFAIRS OFFICE**

Mr. SMITH. This afternoon we consider the fiscal year 1983 budget request for DEA. The request for 1983 is \$246,945,000 and that is an increase of \$16,096,000 above the amount provided in the current fiscal year under the continuing resolution.

The justifications appear under a separate tab in Volume 2 and we will insert them, at this point in the record.

[The justifications follow:]

(613)

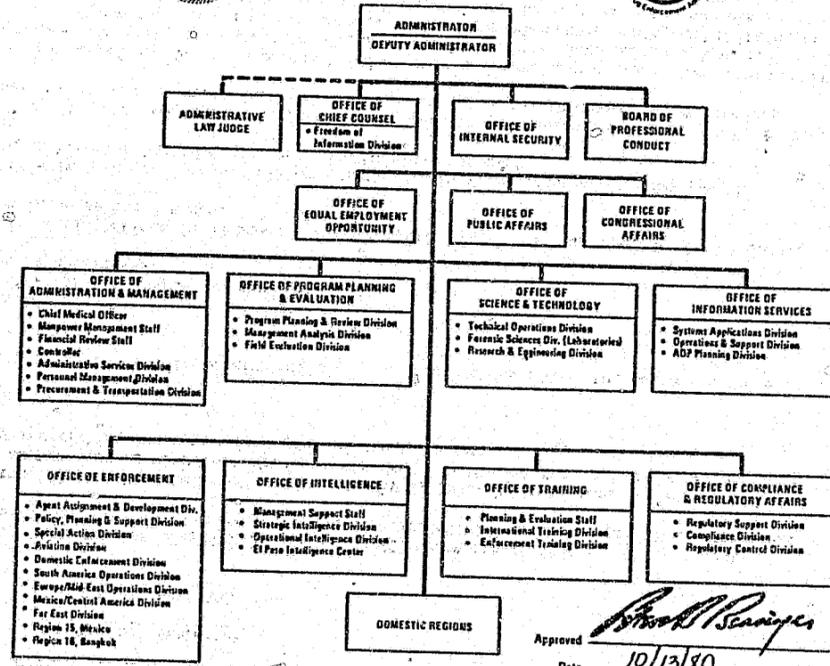
Preceding page blank

Department of Justice  
Drug Enforcement Administration  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	5
Proposed Appropriation Language.....	7
Crosswalk of 1982 Changes.....	8
Summary of Requirements.....	9
Summary of Resources by Program.....	10
Justification of Program and Performance.....	11
Priority Rankings.....	46
Summary of Adjustments to Base.....	47
Justification of Adjustments to Base.....	48
Financial Analysis--Program Decreases.....	54
Summary of Requirements by Grade and Object Class.....	55
Justification of Multi-Activity Program Decreases.....	57



**U.S. Department of Justice  
Drug Enforcement Administration**



615

Approved: *Robert M. Searles*  
Date: 10/13/80

Drug Enforcement Administration

Summary Statement

Fiscal Year 1983

The Drug Enforcement Administration is requesting, for 1983, a total of \$246,945,000, and 3,953 permanent positions. This request represents an increase of \$16,096,000 in funding from the anticipated 1982 appropriation of \$230,849,000, and 3,953 permanent positions.

The Drug Enforcement Administration (DEA) was established in the Department of Justice on July 1, 1973, by Reorganization Plan No. 2 of 1973. DEA's mission is to provide leadership in the suppression of narcotics and dangerous drugs at the national and international level, and to enforce the controlled substances laws thereby restricting the aggregate supply of drugs of abuse.

The appropriation finances the following major functions:

- Drug law enforcement at the Federal level, including coordination with foreign officials on drug matters (under the policy guidance of the President's Strategy Council).
- Regulation of legitimate controlled substances.
- Development and maintenance of drug intelligence systems.
- Coordination with State, local, and other Federal officials in drug enforcement activities.
- Improvement of State and local drug law enforcement capabilities.

This appropriation finances a nationwide operation with field offices in 50 States, foreign operations in 43 countries, 8 field forensic laboratories, and Federal/State and local task forces in 18 selected areas.

While heroin remains DEA's principal target, the traffic in dangerous drugs, bulk marihuana, cocaine, and counterfeit methaqualone continues to undermine the economic and social fabric of both the United States and many foreign countries.

Narcotics trafficking frequently involves violent crime; it invariably breeds violence; it unquestionably causes acute misery and, in many instances, death. It also generates huge profits that can be used to avoid detection and finance further organized crime enterprises.

Heroin availability and subsequent abuse have increased somewhat in 1981. As of the third quarter of calendar year 1981, the heroin purity increased to 4.3% from a low of 3.8% in 1980. Furthermore, emergency room mentions of heroin/morphine abuse increased by 26% in 1981. DEA accurately predicted increased supply and trafficking in Southwest Asian heroin, which allowed time for adequate planning and shifting of resources to prevent the influx from seriously afflicting the U.S. population up to this point. We have had unprecedented success in penetrating drug trafficking networks and disabling their conversion laboratories at overseas locations in Italy and the Middle East and thus preventing the converted heroin from reaching the U.S. population.

DEA will continue to pursue asset seizures on a broad scale as part of its three-dimensional approach to arrest the traffickers, remove the drugs, and seize trafficker drug-related assets.

Management of DEA and FBI investigative activities will be coordinated to insure that FBI capabilities will be utilized to the fullest extent in drug enforcement activities.

This operational plan for 1983 has the support of the Congress. Most recently the Committee on the Judiciary, United States Senate observed in Report No. 97-94 to accompany S-951, Department of Justice Authorization Act, 1982 that they emphasize, in particular, the following:

- ...greater attention should be given by DEA to targeting the source of illicit drugs...
- ...interdicting illicit drugs at the transshipment points is a viable strategy and should be more actively pursued when opportunities to target production in source countries is limited...
- ...much more needs to be done in this [to better target financial transactions related to illicit drug traffic] vital law enforcement area. DEA [should] coordinate with the FBI and seek the Bureau's assistance in training new DEA agents.

The 1983 request will provide funding for the ongoing level of operations for DEA programs.

#### Enforcement of Federal Law and Investigations

The Domestic Enforcement program encompasses the enforcement of Federal laws regarding narcotics and dangerous drugs. Specifically, the activity aims to reduce the domestic supply of illicit drugs of abuse to a level with which our society and institutions can reasonably cope.

The Foreign Cooperative Investigations program encompasses efforts to reduce illicit opium production and the supply of heroin destined for the United States; particularly from Southwest Asia; efforts to curtail the supply of illicitly-produced dangerous drugs, cocaine and marijuana entering the United States; and the collection and dissemination of tactical operational and strategic intelligence.

The Compliance and Regulation program encompasses the investigation of, and prevention of, diversion of narcotics and dangerous drugs from licit channels. By authority of the Controlled Substances Act this activity includes (a) registering legitimate manufacturers, distributors, and practitioners of controlled drugs; (b) determining points of diversion into the illicit market; (c) conducting targeted investigations of high level violators; (d) conducting periodic investigations of manufacturers, wholesalers, importers/exporters, and methadone clinics; (e) investigating pre-registrants; (f) scheduling and classifying of controlled drugs; (g) authorizing imports and exports; (h) establishing manufacturing quotas; and (i) providing assistance and guidance to the States.

The State and Local Assistance program encompasses cooperative law enforcement activities with State, county, and local authorities which benefit the Federal drug enforcement program. Included are training programs for law enforcement officers and forensic chemists; laboratory support for law enforcement agencies (including analysis of evidence and professional testimony in State prosecution cases); and support for enforcement activities of the Federal/State and local task forces.

For 1983 the program level will provide for the operation of 18 Federal/State and local task forces, provision of laboratory services on a selective basis and training of 5,360 State and local law enforcement officers.

Intelligence

This activity encompasses the collection, analysis, and dissemination of drug intelligence in support of DEA, other Federal, State, and local efforts to interdict or suppress the illicit movement of drugs. The intelligence activity provides a systematic approach for attacking the drug traffic by assessing the vulnerabilities of traffickers. It supplies information for policy determination and enforcement strategy.

Research and Development

This activity encompasses research programs directly related to the DEA law enforcement and intelligence functions. It supports these programs through development of specialized covert equipment, operational engineering, and scientific support.

Support Operations

This activity encompasses laboratory analysis of evidence in support of investigation and prosecution of drug traffickers; training programs for all levels of DEA operational personnel; and maintenance of an effective technical equipment program, including aircraft operations, to support increasingly complex high level investigations.

Program Direction

This program encompasses the overall management and direction of DEA. It includes the development of coordinated and definitive policy; program analysis and planning; security of DEA; legal counsel; and coordination and performance of administrative functions.

Drug Enforcement Administration

Proposed Authorization Language

The Drug Enforcement Administration is requesting the following authorization language:

For the Drug Enforcement Administration for its activities including -

- (A) hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;
- (B) payment in advance for special tests and studies by contract;
- (C) payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));
- (D) payment of expenses not to exceed \$70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General;
- (E) payment of rewards;
- (F) payment for publication of technical and informational material in professional and trade journals, and purchase of chemicals, apparatus, and scientific equipment;
- (G) payment for necessary accommodations in the District of Columbia for conferences and training activities;
- (H) acquisition, lease, maintenance, and operation of aircraft;
- (I) research related to enforcement and drug control to remain available until expended;
- (J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(K) payment for firearms and ammunition, and attendance at firearms matches;

(L) payment of tort claims against the United States when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad; and

(M) not to exceed \$1,700,000 for the purchase of evidence and payments for information (PE/PI) to remain available until the end of the fiscal year following the year in which authorized:

\$246,945,000. For purpose of section 709(b) of the Controlled Substances Act (21 U.S.C. 904(b)), such sums shall be deemed to be authorized by section 709(a) of such Act, for fiscal year ending September 30, 1983.

Drug Enforcement Administration

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include the proposed changes in the appropriations language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed [three hundred seventy-five] passenger motor vehicles [of which three hundred ten are] (for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; acquisition, lease, maintenance, and operation of aircraft: (\$230,849,000), of which not to exceed \$1,200,000 for research shall remain available until expended[.]

two hundred seventy-seven

\$246,945,000,

and

and \$1,700,000 for purchase of

evidence and payments for

information shall remain

available until September 30,

1984.

Explanation of change

This change would provide Drug Enforcement Administration with "multi-year" authority for expenditure of funds used for the purchase of evidence and payments for information (PE/PI). This authority was provided in the same amount in the Supplemental Appropriations and Rescissions Act, 1981 and is included in both the House and Senate versions of H.R. 4169, the 1982 appropriation bill now pending before the Congress. The present continuing resolution does not clearly provide this authority to carry forward funds from 1982.

Drug Enforcement Administration

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
1. Enforcement of Federal Law and Investigations												
a. Domestic enforcement.....	1,742	1,760	\$100,214	175	160	\$8,092	...	...	...	1,917	1,920	\$108,306
b. Foreign cooperative investigations....	323	356	26,862	32	-5	1,844	...	...	...	355	353	28,706
c. Compliance and regulation.....	331	342	14,468	77	53	1,269	...	...	...	408	395	15,737
d. State and local assistance												
State and local training.....	31	32	2,118	18	16	869	...	...	...	49	48	2,987
State and local laboratory services.	15	21	1,510	15	9	388	-8	-8	-\$523	22	22	1,375
State and local task forces.....	...	54	2,159	114	56	9,219	...	...	...	114	110	11,378
Diversion investigative units.....	...	11	700	...	...	...	...	...	...	...	11	700
2. Intelligence.....	316	323	16,228	50	40	1,569	...	...	...	366	363	17,797
3. Research and development.....	19	17	616	...	1	1,219	...	...	...	19	18	1,835
4. Support operations												
DEA laboratory services.....	174	168	8,443	...	7	615	8	0	523	182	183	9,581
DEA training.....	26	24	2,051	...	1	158	...	...	...	26	25	2,209
Technical operations.....	119	111	10,133	...	6	3,498	...	...	...	119	117	13,631
5. Program direction												
Executive direction and control.....	263	253	10,471	...	9	375	...	...	...	263	262	10,846
Administrative services.....	104	104	5,128	9	8	633	...	...	...	113	112	5,761
<b>Total.....</b>	<b>3,463</b>	<b>3,578</b>	<b>201,101</b>	<b>490</b>	<b>361</b>	<b>29,748</b>	<b>...</b>	<b>...</b>	<b>...</b>	<b>3,953</b>	<b>3,939</b>	<b>230,849</b>

622

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriations Action

The 1982 request level includes the President's revised budget request submitted in September and reflects a reduction of approximately 12% from the March request.

The Congressional action reflects the level of funding contained in P.L. 97-92, Continuing Resolution for 1982.

Reprogramming

The reprogramming represents a permanent reclassification of positions and funding associated with the provision of laboratory services to other Federal agencies from the State and Local Laboratory Services program to the DEA Laboratory Services program.

Drug Enforcement Administration

Salaries and Expenses

Summary of Requirements  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
<u>Adjustments to base:</u>			
1982 as enacted (appropriation anticipated).....	3,953	3,939	\$230,849
Uncontrollable increases.....	...	9	20,648
Decreases.....	...	-16	-2,052
1983 base.....	<u>3,953</u>	<u>3,932</u>	<u>249,445</u>

<u>Estimates by budget activity</u>	<u>1981 Actual</u>			<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Enforcement of Federal law and investigations:															
a. Domestic enforcement.....	1,891	1,968	\$104,037	1,917	1,920	\$108,306	1,917	1,921	\$117,357	1,917	1,873	\$116,150	...	-48	-\$1,207
b. Foreign cooperative investigations.....	345	315	22,674	355	353	28,706	355	356	31,615	355	347	31,385	...	-9	-230
c. Compliance and regulation..	408	345	12,611	408	395	15,737	408	395	16,935	408	385	16,676	...	-10	-259
d. State and local assistance..	316	330	21,062	185	191	16,440	185	180	17,062	185	175	16,947	...	-5	-115
2. Intelligence.....	387	362	18,504	366	363	17,797	366	363	19,264	366	354	19,034	...	-9	-230
3. Research and development.....	26	20	1,276	19	18	1,835	19	18	1,917	19	18	1,917	...	...	...
4. Support operations.....	322	311	21,051	327	325	25,421	327	325	27,265	327	315	27,035	...	-10	-230
5. Program direction.....	397	379	14,839	376	374	16,607	376	374	18,030	376	365	17,801	...	-9	-229
<b>Total.....</b>	<b>4,092</b>	<b>4,030</b>	<b>216,054</b>	<b>3,953</b>	<b>3,939</b>	<b>230,849</b>	<b>3,953</b>	<b>3,932</b>	<b>249,445</b>	<b>3,953</b>	<b>3,832</b>	<b>246,945</b>	<b>...</b>	<b>-100</b>	<b>-2,500</b>

Drug Enforcement Administration

Summary of Resources by Program  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Enforcement of Federal law and investigations:																		
Domestic enforcement.....	1,891	1,866	\$98,722	1,891	1,968	\$104,037	1,917	1,920	\$108,306	1,917	1,921	\$117,357	1,917	1,873	\$116,150	...	-48	-\$1,207
Foreign cooperative investigations.....	345	345	26,023	345	315	22,674	355	353	28,706	355	356	31,615	355	347	31,385	...	-9	-230
Compliance and regulation.....	408	397	14,891	408	345	12,611	408	395	15,737	408	395	16,935	408	385	16,676	...	-10	-259
State and local assistance:																		
State and local training.....	49	48	2,667	49	46	2,922	49	48	2,987	49	48	3,182	49	47	3,153	...	-1	-29
State and local laboratory services.....	35	35	1,958	35	35	1,963	22	22	1,375	22	22	1,575	22	21	1,546	...	-1	-29
State and local task forces.....	208	162	13,284	208	229	14,782	114	110	11,378	114	110	12,305	114	107	12,248	...	-3	-57
Diversion investigative units..	24	24	1,651	24	20	1,395	...	11	700	...	...	...	...	...	...	...	...	...
Intelligence.....	387	382	18,769	387	362	18,504	366	363	17,797	366	363	19,264	366	354	19,034	...	-9	-230
Research and development.....	26	25	772	26	20	1,276	19	18	1,835	19	18	1,917	19	18	1,917	...	...	...
Support operations:																		
DEA laboratory services.....	174	173	8,488	174	172	8,330	182	183	9,581	182	183	10,423	182	178	10,308	...	-5	-115
DEA training.....	29	28	2,611	29	23	1,776	26	25	2,209	26	25	2,378	26	24	2,349	...	-1	-29
Technical operations.....	119	115	10,309	119	116	10,945	119	117	13,631	119	117	14,464	119	113	14,378	...	-4	-86
Program direction:																		
Executive direction and control....	277	269	10,476	277	252	9,824	263	262	10,846	263	262	11,838	263	255	11,666	...	-7	-172
Administrative services.....	120	117	5,554	120	127	5,015	113	112	5,761	113	112	6,192	113	110	6,135	...	-2	-57
Total.....	4,092	3,986	216,175	4,092	4,030	216,054	3,953	3,939	230,849	3,953	3,932	249,445	3,953	3,832	246,945	...	-100	-2,500
Other Workyears																		
Holiday.....		5			5			5			5			5		...		
Administratively Uncontrollable																		
Overtime.....		425			441			444			444			444		...		
Overtime.....		20			20			20			20			20		...		
Total compensable workyears.....		4,436			4,496			4,408			4,401			4,301		...		-100

624

Drug Enforcement Administration  
Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity: Enforcement of Federal law and investigations	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
				Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Subactivity: Domestic enforcement												
Domestic enforcement.....	1,917	1,920	\$108,306	1,917	1,921	\$117,357	1,917	1,873	\$116,150	...	-48	-\$1,207

Long-Range Goal: To reduce the supply of illicit drugs to levels where our society and institutions can cope reasonably with the consequences of drug abuse.

Major Objectives:

- Increase overall pressure on the heroin trafficking apparatus and hold below 4% the average purity of heroin available at the retail level.
- Increase investigative emphasis in the dangerous drug area, contain in particular the increased level of traffic in clandestinely-manufactured PCP, methaqualone and LSD, and reduce the retail availability of the substances as measured by reported drug injuries and deaths.
- Increase the Federal government's role against violent crime by supporting within resource availability local drug enforcement and intelligence operations wherein violent crimes surface as collateral violations to ongoing drug investigations.
- Maintain investigative pressure on the cocaine, marijuana and counterfeit methaqualone traffic entering CONUS from South America via the Southeastern and South Central part of the United States; to prevent any significant increase in availability as measured by changes in national retail price/purity averages.
- Implement a Caribbean enforcement/intelligence program involving coordinated interdiction, investigative and eradication initiatives. This strategy is designed to supply intelligence and equipment support to Caribbean enforcement operations and enhance DEA enforcement effectiveness through increased use of sophisticated and innovative investigative approaches and methods of operation.
- Utilize assistance from the U.S. military forces, within limitations of law, to provide intelligence and assistance related to the transportation of illicit drugs.
- Continue to redesign and improve the Narcotics and Dangerous Drugs Information System (NADDIS) to provide varied inquiry capability, quicker response time, and enlarged data storage capability. The NADDIS is an automated index of DEA investigative files and, as such, is the key to information retrieval.
- Immobilize major traffickers and their organizations by seizing drug-related assets.

Base Program Description: DEA carries out this mission through:

- Undercover operations.
- Electronic surveillance.
- Development and utilization of confidential sources of information.
- Emphasis on use of the various conspiracy statutes and the more sophisticated statutory tools such as the Continuing Criminal Enterprise provision, tax laws and Racketeer Influenced Corrupt Organizations (RICO).
- Conspiracy prosecutions developed most often through exploitation and extension of evidence and witnesses in the substantive cases with emphasis on interoffice cooperation and investigative assistance.
- Employment of Mobile Task Forces (MTF) and Central Tactical Units (CENTACs) for investigative concentration on major trafficking organizations.
- Financial investigative efforts involving the illicit international and national money flow related to drug trafficking. Extensive coordination with the Internal Revenue Service (IRS) and Federal Bureau of Investigation (FBI).
- Precursor liaison measures aimed at identifying and immobilizing clandestine laboratory operations.
- Full cooperation between DEA, U.S. Customs Service, Immigration and Naturalization Service (INS), and the U.S. Coast Guard in border and sea interdiction activities.
- Coordination and cooperation with State and local law enforcement agencies in the exchange of investigative/intelligence information.
- Utilization of special reverse undercover operations where the agent poses as a drug seller.
- Establishment of proprietary business operations which offer to sell precursor chemicals to illicit drug manufacturers.

In order to provide for more effective control and efficient utilization of DEA resources, field elements will be directly responsible for the execution of resource and policy decisions made at headquarters. Management of DEA and FBI investigative activities will be coordinated to insure that FBI capabilities will be utilized to the fullest extent in drug enforcement activities.

The major thrust of the Domestic Enforcement program is the elimination or immobilization of the highest echelons of the traffic in the priority drugs of abuse. Heroin is the foremost priority. This strategy is based on the experience that the greatest impact on traffic can be achieved at these levels and that this represents the most cost-effective employment of resources.

The social harm inflicted by the abuse of drugs includes deaths and injuries and strains placed on our national institutions. A criminal element that profits significantly from the traffic contributes huge amounts of untaxed money to either organized crime coffers or investments in legitimate enterprises which have a corrupting influence on our communities. Drug trafficking also impacts on our economy through the outflow of United States capital to foreign countries. Furthermore, it has contributed to making many communities unsafe because of drug-related street crime.

DEA's investigative activities fall into two major categories based on the source of the investigation: DEA-initiated investigations, and cooperative investigations stemming from referrals by other Federal law enforcement agencies such as the U.S. Customs Service and the Immigration and Naturalization Service. While DEA has the principal responsibility in drug offense cases with respect to referral-type investigations, as a practical matter, DEA exercises only limited control over drug priorities in this area. These cases emanate predominantly from border seizures, and the standards established for prosecution by the several United States Attorneys vary considerably.

A significant part of the effort of the field offices is necessarily employed in substantive DEA initiated case development; the total effort involves a mix of substantive and conspiracy cases. Conspiracy prosecutions develop most often through exploitation and extension of evidence and witnesses developed in the substantive cases. Interoffice cooperation and investigative assistance are emphasized.

In selected priority trafficking situations that are interoffice and international in nature, Mobile Task Force organizational, operational and management procedures are used in the application of investigative resources. The Mobile Task Force approach stresses economy of force, mobility, speed, and flexibility in responding to high level drug trafficking organizations.

Mobile Task Forces fall into two categories: (1) Central Tactical Units (CENTACs) directed by headquarters staff, which stress conspiracy investigations where multi-office coordination is necessary; and (2) task forces which are deployed to a location to confront a conspiracy, a substantive case, or an interdiction effort, and are managed by a designated field office. CENTAC units are organized to respond to an existing high level conspiracy—they are not assembled and tasked with searching for a target of opportunity.

CENTAC operations targeted against major conspiracies will receive added emphasis. These activities will be undertaken on a case-by-case basis when it is determined by DEA management that intelligence or evidence points to probable success commensurate with resources expended. Through demonstrated success of these investigations, DEA aims to create in the minds of major traffickers a certainty of punishment under all applicable Federal statutes, as well as the more complete immobilization of their organizations.

There has been continued utilization of DEA/FBI cooperative efforts on a case-by-case basis to combine the expertise of both agencies during complex investigations aimed toward the prosecution of major organized crime violators implicated in the narcotics traffic.

DEA is focusing ongoing efforts on financial investigations involving international money flows and drug traffickers' assets. These investigations, involving close cooperation between DEA, the U.S. Customs Service, and the Internal Revenue Service, and FBI are aimed at important violators generally isolated from drug charges, who direct, control, and profit significantly from the traffic. Assets emanating from investments of these profits are vulnerable to forfeiture. This innovative combined Federal technique is seen as an effective tool in reducing capital assets of the traffickers, thereby immobilizing major trafficking organizations.

Conventional and well-proven enforcement methods such as informant development, undercover infiltration, and purchases of information and drug evidence will continue to be used as tools in the development of both substantive and major conspiracy investigations. These activities provide for acquisition of evidence which, among other things, reinforces the credibility of testimony of government witnesses.

Also high on the list of priorities is the immobilization of domestic clandestine laboratory operations and the supporting precursor liaison program. The rescheduling of PCP; the scheduling of P-2-P; and the controls placed on piperidine have resulted in more effective control of illicit manufacture of PCP, methamphetamine, and amphetamines.

Ongoing enforcement efforts are being directed against major traffickers/organizations involved in the smuggling of huge quantities of cocaine, marijuana, and methaqualone entering the continental United States in the Southeastern part from South America.

Full cooperation between DEA, U.S. Customs Service, Immigration and Naturalization Service, and the U.S. Coast Guard in border interdiction activities will be maintained. DEA will continue to support the border interdiction function through, (1) immediate referral of smuggling information, (2) cooperative investigations where appropriate, and (3) coordination of defendant debriefing techniques in cases not acceptable for Federal prosecution.

Critical support requirements of the enforcement, intelligence, laboratories, and regulatory activities of DEA have mandated the necessity for a fully interfaced information system of data records, processed on a single hardware system and managed by a single retrieval (data base management system) method. In 1980 DEA embarked on the planning for acquisition of this unified system, which will replace the information systems formerly known as the CSA (Regulatory), NADDIS (Enforcement), STRIDE (laboratories), and PATHFINDER (Intelligence). The system will provide data access across existing files of DEA records in the drug law enforcement, drug evidence analysis, narcotic intelligence and controlled substances regulation and compliance areas. This system is planned to be fully operational by 1984 or 1985.

The telecommunications system encompasses the following:

Secure Voice: Cryptographic secure voice devices located at DEA Headquarters to provide intelligence and enforcement elements access to the United States intelligence community.

Speech Privacy: Commercially-available speech privacy devices to offer a deterrent against monitoring of phone calls.

Facsimile: A system which includes 130 terminals in field offices, compatible with other government agencies, and commercial firms with similar equipment.

DEA Secure Teletype System (DSTS): A leased line network that provides the capability to transmit classified and sensitive message traffic in support of the DEA mission domestically and through the headquarters telecommunications center to foreign offices via Department of Defense Automatic Digital Network (AUTODIN) access channels and the State Department's Diplomatic Telecommunications Systems.

Accomplishments and Workload: Nationally, due to the combined Federal efforts, domestic and foreign, the average retail purity of heroin available at the street level was 4.3% at a price of \$2.35 per milligram during 1981. This is an increase compared to the record low level in 1979, but lower than anticipated from the sudden increase in Southwest Asian (SWA) heroin. The moderate increase can be credited to accurate intelligence and immediate enforcement action, both domestic and foreign.

Based upon early identification of the SWA threat and special high priority enforcement action and coordination (Special Action Office/SWA) with foreign source and transit countries, much of the SWA threat was reduced before it reached the United States. Continued enforcement pressure is being maintained on SWA heroin by appropriate domestic and foreign field offices.

During 1979-81, efforts to reduce the availability of clandestinely manufactured dangerous drugs also increased. Seizures of clandestine PCP laboratories increased from 20 in 1976 to 44 in 1977, and further increased to 58 in 1978 during the period when the Special Action Office/Phencyclidine (SAO/PCP) was in full operation. In 1979, there were 47 clandestine PCP laboratories seized, in 1980 there were 52 seized, and in 1981, 36. The decrease is attributed to the lessened availability of the precursor chemical, piperidine, which was subjected to control on November 10, 1978, when Title III of Public Law 96-633 was enacted. In 1980, a total of 250 clandestine laboratories of all types were seized and in 1981, 192 laboratories were seized. Based upon legislative initiatives, voluntary cooperation by the chemical industry, and investigative operations, the availability of PCP, methamphetamine and amphetamine was reduced to low levels during 1981.

Statistics and reliable intelligence data continue to show marked increases in the availability of cocaine, marihuana, and counterfeit methaqualone entering the CONUS from South America via air and sea into the Southeastern part of the U.S. DEA continues to maintain its enforcement efforts, on a priority basis, to combat this massive economic threat and achieve its major objectives. The overall Federal effort to reduce the availability of these drugs was spearheaded by highly successful cooperative investigations by DEA, the U.S. Coast Guard, U.S. Customs Service and INS. Their interdiction efforts are centered in the South Florida-Caribbean area. A major thrust of these operations is and will continue to be the maritime traffic between the Guajira Peninsula of Colombia and the southeastern part of the United States, particularly South Florida.

In the period 1979-1981, DEA has increased activity in the prosecution of the financial aspects of drug trafficking by increased utilization of criminal forfeiture proceedings (21 USC 881 and 18 USC 1961-1964) against violator assets, and increased utilization of civil forfeiture proceedings (21 USC 881) against violator assets. During 1981, DEA seized cash and property valued at \$161 million from violators. DEA is projecting seizures of \$225 million of drug related assets in 1982. One of DEA's objectives is to seize and ultimately forfeit to the U.S. Government ever increasing amounts of drug trafficking assets. This will be accomplished without any deemphasis of Class I and II level investigations. In furtherance of this objective, DEA established a special Financial Investigations Training School in May 1979, and by the end of 1981, 1,690 (90%) special agents had completed such training.

CENTAC accomplishments, in terms of 1981 arrests, continued to demonstrate CENTAC effectiveness by achieving 162 indictments of which 66.7% were Class I and II violators. In 1982, CENTAC operations are expected to match or exceed the accomplishments of 1981. The violators characteristically include some of the most important individuals in the whole organization encompassed by the conspiracy. In many instances, violators are reached through the CENTAC approach, who have successfully isolated themselves from activities which generate prosecutable, substantive evidence. In most cases, evidence developed in the course of routine investigative activities by field offices is expanded by the use of the CENTAC approach.

Operation Grouper, a major MTF in 1980-81, targeted 14 major maritime smuggling groups operating in South Florida. The results, 127 total arrests including 45 Class I violators and 34 Class II violators, are having a significant impact on this form of drug trafficking in the area.

DEA will continue to rely heavily on operational reporting by field supervisors--this is central to the overall enforcement management planning and evaluation system. Additional Enforcement Management Information Systems (EMIS) are under development and will be operational in 1982. The case status system will enable DEA to determine the number of active cases, their status, and associated investigative costs. This information will merge with the G-DEP System to aid management resource and policy decision making. The manpower utilization system will show managers how our manpower is being spent. The confidential source system will provide us data on the number of informants, how they are utilized, what they are being paid, etc.. All of these information systems are currently in the developmental stage.

Currently, the HADDIS System provides 24 hour/day, 7 day/week service. This permits more timely response to investigations of a particularly time-sensitive nature. PATHFINDER is and continues to be used heavily by CENTACs in conspiracy analysis.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Total domestic Federal arrests.....	7,241	8,820	8,700	8,910
Total DEA initiated.....	(6,458)	(7,390)	(7,300)	(7,430)
a. Class I cases.....	3,142	3,425	3,380	3,440
b. Class II cases.....	952	1,050	1,040	1,050
c. Class III cases.....	1,829	2,200	2,170	2,210
d. Class IV cases.....	535	715	710	730
Federal referrals.....	(783)	(1,430*)	(1,400)	(1,480)
Investigative hours by class of case (DEA initiated).....	(1,611,500)	(1,777,903)	(1,750,000)	(1,740,000)
Class I.....	975,498	1,112,743	1,100,000	1,105,000
Class II.....	199,247	203,793	200,000	200,000
Class III.....	398,741	426,333	415,000	400,000
Class IV.....	38,014	35,034	35,000	35,000
Assets seized (\$ in millions).....	94	161	225	275
CENTAC indictments by Class I and II violators				
Class I violator.....	49	86	100	100
Class II violator.....	21	21	30	30
Clandestine laboratory seizures.....	250	192	210	210

\* Referrals from other Federal agencies added to referrals from U.S. Customs Service and INS effective 1981.

Program Change: The request also includes a reduction of \$1,207,000 and 48 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

Activity: Enforcement of Federal law and investigations	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Subactivity: Foreign cooperative investigations												
Foreign cooperative investigations.....	355	353	\$28,706	355	356	\$31,615	355	347	\$31,385	...	-9	-\$230

Long-Range Goals: Reduce the supply of illicit drugs of foreign origin destined for the United States.

Major Objectives:

- Encourage, advise, and assist host countries in the development and implementation of effective measures to control licit drug crops, reduce illicit cultivation and conversion, and interdict in-country staging areas and trafficking routes for movement of drugs into international smuggling channels.
- Encourage and assist host countries to establish and support effective drug enforcement and intelligence agencies, and to promote intergovernmental enforcement cooperation and intelligence exchange.
- Promote, advise, and assist source countries in the planning and implementation of effective programs for eradication of illicit opium, coca, and marijuana crops; and to encourage vigorous control of licit cultivation.
- Operate DATS terminals at a minimum of 18 DEA overseas offices.
- Encourage development of essential chemicals programs to identify laboratory operations and restrict trafficking in essential chemicals destined for illicit use.
- Support host country development of institutions through DEA training of cadres for establishment and operation of cooperative and effective drug enforcement agencies.
- Promote the adoption of crop substitution and alternate income producing programs.
- Initiate over 700 new cooperative investigations of international traffickers in conjunction with foreign police officials.
- Increase efforts to collect money-flow documentation in support of joint prosecutive efforts.
- Interface South American operational efforts with domestic DEA operations and ongoing U.S. Coast Guard and U.S. Customs Service efforts directed toward drug interdiction at sea.
- Achieve 1,400 arrests of international traffickers, thereby immobilizing major trafficking organizations.
- Encourage foreign government officials to apprehend and extradite fugitives to appropriate prosecutorial jurisdictions.
- Provide increased liaison with foreign-based U.S. military elements in order to promote effective information exchange and drug enforcement assistance.
- Collect strategic intelligence on major drug trafficking routes and groups; opium poppy, cannabis and coca growing areas; clandestine laboratory locations; and drug trafficking staging areas.
- Facilitate the rapid exchange of tactical and strategic intelligence between DEA's foreign and domestic offices, and among the numerous host countries that experience illegal drug consumption, production, or trafficking problems.
- Encourage foreign police officials to seize drug-related assets, when appropriate legal authority exists, to further immobilize trafficking organizations by removing drug trafficking profits.

Base Program Description: The purpose and principal thrust of this program is to both motivate and assist foreign source, transit, and companion victim countries in the development of drug law enforcement and ancillary programs to reduce the supply of illicit drugs produced, processed, and prepared for ultimate delivery to the United States. The primary strategy is to disrupt the flow of narcotics and dangerous drugs as close to the foreign source as possible with the aim of disrupting the international flow of drugs.

Heroin, the priority drug of abuse in terms of comparative social harm, emanates as opium from foreign agricultural sources, and is processed in foreign laboratories and staged in the foreign areas for introduction into the international export/import smuggling channels. While the demand for heroin is growing in traditional opium consuming countries, the major emphasis of the foreign production, processing, staging and smuggling operations is to supply the more affluent American and Western European markets.

An important part of this program is to collect and produce, on a continuing basis, tactical/operational and strategic foreign drug-related intelligence. This intelligence enables the DEA and other United States and foreign authorities to make maximum use of their assets and capabilities to control illicit drugs. It also enables United States drug suppression agencies to recognize drug flows into the United States and forecast future trends in narcotics problems.

In an effort to insure that foreign counterparts have sufficient knowledge and expertise to furnish assistance, DEA conducts a variety of training programs for foreign enforcement and regulatory officials. These programs also serve to stimulate foreign governments to become actively involved in a broad range of drug control programs.

DEA foreign activities focus on the provision of expert advice and authorized investigative, intelligence, and training assistance in those foreign areas deemed most critical to the reduction of drugs destined for the U.S. A natural extension of these programs is DEA encouragement and assistance in the implementation of substantive intergovernmental enforcement cooperation and intelligence exchanges. DEA foreign training activities directly support this overall effort in terms of development of capable host country cadres for building and operation of effective and cooperative drug enforcement agencies.

The major activities/techniques employed in accomplishment of the major objectives are as follows:

- Criminal drug information collection and exchange directly support intelligence production and prosecution of defendants in the United States and the host countries. These efforts include:
  - Development of sources of information knowledgeable of illicit cultivation, production, and transportation activities.
  - Undercover penetration of trafficking organizations in support of host country operations.
  - Surveillance assistance and development of evidence against major traffickers of drugs destined for the United States.
  - Provide host countries with information for effective enforcement programs.
  - Participation with foreign officers in pursuing investigative leads.
  - Coordination of matters regarding extraditions, expulsions, joint prosecutions, and requests for judicial assistance.
  - Acquisition and transmittal to the United States of drug samples supplied by foreign government officers for laboratory analyses to determine the origin of drugs destined for the United States.
- Traditional drug intelligence activities conducted overseas concurrently with the foregoing involve the identification and dissemination of information collection requirements, collection against these requirements by special agents, initiation of Special Field Intelligence programs, analytical research processing, and the production and dissemination of tactical/operational and strategic foreign intelligence.

- Liaison, which is central to the DEA foreign mission includes visits, briefings, exchanges, and contacts with foreign law enforcement officials to encourage cooperation and development of effective host country drug enforcement capability and commitment.
- DEA conducts a variety of international training programs which are funded by the Department of State, Bureau of International Narcotic Matters: Five-week Advanced International Drug Enforcement schools, two-week in-country training schools, two to four week executive observation programs, instructor training programs, intelligence collection and analysis schools, three-week forensic chemist seminars, and sponsors the International Drug Enforcement Officers Association Conferences.
- Foreign language training provided by the Department of State, Foreign Service Institute, ensures that DEA employees are equipped for their assignments in foreign countries.

The PATHFINDER system and its interface to NADDIS has proven in domestic investigations to be an invaluable enforcement/intelligence tool. This base level will permit continuous on-line access to essential NADDIS data on an around-the-clock basis at 18 foreign offices.

Accomplishments and Workload:

Major accomplishments are best viewed in terms of geography:

• MEXICO AND CENTRAL AMERICA

- Continued and improved cooperation with the Office of the Attorney General of Mexico has resulted in the initiation of several new drug-related investigative programs.
- Numerous Special Field Intelligence programs (SFIP) have been initiated in Mexico with significant results.
- Honduras law enforcement officers have been provided extensive training in drug investigative techniques which has resulted in a significant increase in drug investigations within Honduras. DEA has most recently established an office at Tegucigalpa.
- DEA has initiated a special program in cooperation with Costa Rican Officials to identify and eradicate newly cultivated opium poppy fields in that country.

• SOUTH AMERICA

- In Colombia, DEA has established resident offices in Cali and Medellin to provide increased enforcement support to Colombian authorities.
- A special 600-man Narcotic Unit within the Columbian National Police has been established in the north coast area to disrupt marihuana traffic. There has also been favorable reaction in Colombia toward a herbicide marihuana eradication program. It is believed, that with repeal of existing U.S. legal constraints such a program could be mounted in the foreseeable future.
- An essential chemicals control program has been initiated and extended to those South American countries involved in the production of cocaine or the essential chemicals required for coca processing. Due to its success in Brazil, DEA has intensified similar programs in other countries, particular Columbia.
- Peru has enacted legislation making all coca cultivation, above licit market requirements, illegal and has embarked on crop control measures in one primary growing area of the country. Peru's efforts should have a significant impact on coca cultivation and consequently on the world cocaine supply over the next 5-10 years.

• EUROPE AND MIDDLE EAST

- DEA intelligence probes in West Germany have identified a sizeable number of Turkish and Pakistani traffickers transporting Southwest Asian heroin into Western Europe. Quarterly reports are produced containing analyses of the changing heroin situation in Europe and Southwest Asia.
- In Turkey, tentative working agreements will involve the Turkish National Police (TNP) and the militia (Jandarma) in drug control programs.
- In Pakistan, the United States Government will continue support of the Pakistan Narcotics Control Board (PNCB) in administering the opium production ban within Pakistan. Pakistan has shown some interest in initiating an opium eradication campaign.
- DEA intelligence probes in Pakistan, Turkey, and Mexico have pinpointed illicit laboratory locations, identified the operators, and assessed the potential output of a number of sophisticated morphine, heroin, and opium production operations.
- Liaison with Eastern Block Countries has steadily increased resulting in improved cooperation.
- DEA is proceeding with plans to open offices at key Southwest Asian heroin transiting countries such as Yugoslavia and Cyprus.
- The ability of DEA to develop financial investigations should improve if tentative plans to open an office at Bern, Switzerland are realized.

• FAR EAST

- Despite the complex problems that exist in the Golden Triangle due to insurgency, lack of central government control, and the unstable political situation, advances have been made in this area. A much stronger commitment by some governments has resulted in increased enforcement activity. However, Southeast Asian heroin continues to be readily available in world markets.
- As a direct result of DEA initiatives, host government law enforcement authorities are cooperating in investigative and intelligence sharing programs which has led to interdiction and controlled convoy investigations not previously thought possible.
- Financial investigations, which target major international trafficking groups, are continuing.

• PROGRAM EVALUATIONS

DEA has completed the process of returning all foreign regional offices to headquarters and subsequently directing those regions from headquarters. The Paris Regional Office was transferred to headquarters in 1980, and the Bangkok and Mexico City Regional Offices were returned in 1981. Some resource economies should result from full implementation of a direct reporting mode for foreign regions. DEA will monitor closely the effectiveness of direct reporting to ensure that foreign program operations are not adversely affected.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Foreign cooperative cases initiated.....	684	659	700	700
Foreign cooperative arrests.....	1,106	1,344	1,380	1,400
Intelligence reports prepared 1/.....	...	45	45	45
Enforcement support activity 2/.....	240	225	225	225
Information responses 3/.....	1,449	2,200	2,200	2,200

- 1/ Reports describing developments and trends in drug trafficking, and situation and geographic survey reports regarding narcotics growth, production, and movement.
- 2/ Enforcement support reports, including the development of biographical sheets, major organizational reports, trafficker profiles, trafficker network analyses, and case file research projects.
- 3/ Quick written and/or verbal responses to requests from DEA and other agencies.

Program change: The request also includes a reduction of \$230,000 and 9 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

Activity: Enforcement of Federal law and investigations	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Subactivity: Compliance and Regulation			Perm. Pos.			Perm. Pos.			Perm. Pos.		
	WY	Amount		WY	Amount		WY	Amount		WY	Amount	
Compliance and regulation.....	408	395	\$15,737	408	395	\$16,935	408	395	\$16,676	...	-10	-\$259

635

Long-Range Goal: Reduce to the maximum extent possible the diversion of legitimately produced controlled substances into illicit channels, and to ensure that State and local agencies are equipped to adequately control practitioner diversion.

Major Objectives:

- Conduct pre-registrant investigations of applicants for DEA registration, conduct mandated cyclic investigations, perform drug destructions, and promote voluntary compliance within the regulated industry.
- Identify and investigate G-DEP I and II registrant violators and provide state diversion programs with information and assistance for cases which are not appropriate for Federal investigation.
- Assist foreign governments with their regulatory programs, conduct liaison and coordinate international diversion intelligence information.

- Process import/export transactions and prepare United Nations reports as required by the Single and Psychotropic Conventions.
- Schedule drugs according to abuse potential and establish production quotas for Schedule I and II substances.
- Process new and renewal registration applications and issue order forms for Schedule I and II substances.

**Base Program Description:** This program is responsible for preventing and attacking the diversion of controlled substances from legitimate channels into the illicit market. This problem is addressed by both Federal and State Governments. The Federal effort is directed at major diverters (G-DEP I and II) and those handlers of substantial quantities of controlled substances. The states are responsible for monitoring and enforcing compliance of the vast majority of these registrants; however, major diverters exceeding the Federal violator standards and those involved in multi-state operations require Federal attention. Other groups with an interest in reducing the diversion problem include the pharmaceutical industry and the medical professions. DEA supports and fosters self-regulation and self-enforcement of these groups through active liaison and education. It should also be noted that the role of the Federal Government also includes activities which are required by Federal statute or international treaties. The potential for others to perform these activities, e.g., registration, issuance of import/export permits, scheduling of drugs, establishment of quotas, etc., is minimal.

The role of legally produced drugs in the abuse problem is not well known. Five years ago, the President's Strategy Council on Drug Abuse reported that 7 million people used prescription drugs (barbiturates, amphetamines, tranquilizers) for non-medical purposes. Additionally, GAO reports that legal drugs are involved in as much as 70% of all drug-related injuries or deaths. DEA, through its Office of Compliance and Regulatory Affairs, is the sole Government agency responsible for enforcing the provisions of the "Comprehensive Drug Abuse Prevention and Control Act of 1970" (P.L. 91-513, Controlled Substances Act) as they pertain to legitimately produced controlled substances.

There are 636,000 registrants (manufacturers, distributors, and practitioners). This program serves all American citizens by ensuring that the manufacture of controlled substances does not exceed that amount required for medicinal use and by controlling the distribution of these substances to prevent their diversion into illicit channels.

A two-prong approach—prevention and detection—is taken by DEA to reduce drug diversion. Most of the diverse prevention aspects are mandated by law. DEA conducts investigations on all applicants for DEA registration. This is the first line of defense against a potential diverter. Compliance investigators destroy or witness the destruction of unwanted, surplus or seized stocks of controlled substances. Accomplished in a timely fashion, this greatly reduces the possibility of these drugs entering the illicit market. Directly addressing the prevention effort is the Voluntary Compliance program which supports and fosters self-regulation and self-enforcement among the regulated industry and professions. Other preventive measures include the scheduling of substances and the establishment of production quotas which effectively ensure necessary controls over and limit the production of dangerous and highly abused substances. All legal handlers of controlled substances must annually register with DEA. Registration certificates and order forms for the purchase of Schedule I and II substances are issued as appropriate.

Prevention activities associated with international diversion include foreign regulatory programs established in Bonn and Mexico City, diplomatic initiatives with source or transit country foreign governments and the United Nations in requesting multinational cooperation as well as the maintenance of DEA's system of control for imports and exports of controlled substances. As required by the Single and Psychotropic Conventions, DEA provides quarterly and annual reports to the United Nations concerning import, export and production activities. As the United States is a party to these conventions, DEA must respond to U.N. World Health Organization inquiries by preparing background papers for the U.S. Government's position on substances under consideration for international scheduling.

Detection of drug diversion often goes hand-in-hand with prevention. An excellent illustration of this is the Cyclic Investigation program which consists of regularly scheduled checks (generally every three years) on non-practitioner registrants designed to uncover security breaches, inventory discrepancies, etc. In addition to detecting violations of this nature, the cyclic investigation program acts as a deterrent because every registered manufacturer or distributor knows that at some point in time its practices will be reviewed and that violations could result in administrative, civil or criminal action. DEA has recently revised the criteria upon which cyclic investigations are based resulting in more workyears being devoted to potentially violative firms and less time spent on firms with no diversion history or which do not handle the more common drugs of abuse.

The Targeted Registrant Investigation Program (TRIP) is an outgrowth of Operation Script which showed that certain violative practitioners were G-DEP I and II level violators responsible for diverting millions of dosage units into the illicit traffic. The complexity of these investigations and the development of multi-state operations render it both impossible and inappropriate for states to address the diversion problem without Federal assistance. DEA's targeting procedure consists of identifying violators by state. All violators in each state are then ranked one through five according to anticipated priority for an investigation. These state lists are then combined into an overall ranking. A profile is developed on all registrants on the prioritized list utilizing the Automated Reports and Consummated Order System (ARCOS), which tracks substance from point of distribution or export to the dispensing level, and the Drug Abuse Warning Network (DAWN), which provides hospital emergency room and medical examiner data on drug abuse episodes, as well as other Federal Informational sources. Through this process certain violators will surface as clearly justifying Federal investigative effort in line with G-DEP criteria. Preliminary investigations (generally less than 80 hours) are conducted to corroborate this. If a G-DEP I or II violator is not indicated, the profile and all other available information are referred as an integrated package to the appropriate state, where the primary responsibility for practitioner diversion lies. Only the relatively few number of practitioner diverters on the point of a conceptual "violator pyramid" whose activities appear to be either of such a conspiratorial or violative nature as to warrant immediate and appropriate Federal attention are referred to DEA compliance investigators for action. The vast majority of actions against practitioner registrants continues to be handled at the state level. Most states routinely request ARCOS profiles to assist them in conducting registrant investigations.

Accomplishments and Workload: In 1981, 547 cyclic investigations were performed and 2,035 pre-registration investigations were performed. Also, 171 complaint investigations were initiated, 26 of which were performed under the auspices of a Targeted Registrant Investigation Program. Investigative activity resulted in 84 criminal arrests, 11 civil prosecutions, 69 administrative hearings and 117 letters of admonition. During the first 6 months of 1981, civil fines and criminal penalties related to program activities exceeded \$4 million.

Operation Script, a pilot project initiated in 1980 to identify and investigate significant violators, has been developed into a continuing program, the Targeted Registrant Investigation Program (TRIP). The percentage of registrant investigations resulting in arrest has increased substantially in 1981 (from 24% to 68%) as TRIP became operational. Additionally, assets valued in the area of \$3 to \$4 million which were derived from illegal drug trafficking have been identified in TRIP cases. These assets will be subject to forfeiture when the investigations have been completed.

The modest international compliance program has successfully identified numerous commercial trading routes where bulk methaqualone was being diverted from legitimate commerce, tableted into counterfeit "Quaaludes" in Colombia, South America, and smuggled into the United States. Seizures increased from 12.6 tons in 1980 to 51 tons in 1981. Control actions of these major producing countries have heavily impacted on the availability of legitimately produced methaqualone for illicit purposes. Intelligence sources indicate upward pressure on the price of illicit methaqualone powder. Also, it appears that other substances are being used to counterfeit "Quaaludes" since methaqualone powder is becoming scarce. The international compliance program has also identified the diversion of several other legitimately produced substances in international commerce such as secobarbital, methamphetamine, diazepam and chemical precursors.

Three "Drug Oriented Investigations" are continuing. These investigations are directed at methaqualone (Quaalude), hydromorphone (Dilaudid), and phendimetrazine, which are well known for their abuse. Inquiry directed at all levels of the legitimate distribution chain will document regulatory and criminal violations and indiscriminate overprescribing. This information will support rescheduling actions and quota reductions.

The Voluntary Compliance program interfaces with trade and professional associations, licensing boards, and professional schools having major emphasis on self-regulation and self-policing. In 1981, DEA participated in over 12 national meetings and numerous state and local meetings using the DEA national exhibit and 29 portable exhibits.

The U.S. policy on the importation of narcotic raw materials has been revised. This action was necessitated by international treaty obligations as a result of the increasing number of suppliers and the excessive inventories held worldwide. The intent of the new policy, which limits both the number of countries exporting and the quantities exported, is to restore a balance between supply and legitimate demand for medical use and thereby reduce the likelihood of diversion into the illicit market.

The Compliance program has continued to initiate scheduling actions in response to new drugs of abuse and different trafficking patterns. Alphamethylfentanyl, a new clandestinely-manufactured highly potent narcotic drug, has been placed in Schedule I. Control of this drug, which has been implicated in many overdose deaths, will enable authorities to take appropriate action against manufacturers and traffickers. Fenethylamine, an amphetamine-type drug which is being illegally imported, has been placed in Schedule I along with the domestically produced stimulant, ethylamphetamine. International scheduling actions resulted in the domestic control of sufentanil and tilidine in Schedule I and pipradrol and SPA in Schedule IV as stimulants. These benzodiazepines, drugs related to diazepam (Valium) have been finalized in Schedule IV with one other proposed.

A drug reference manual has been prepared by DEA in collaboration with the U.S. Customs Service to assist Customs border personnel in detecting the illegal importation of drugs and the chemicals used in the manufacture of drugs. This manual has been prepared in French and Spanish versions for use by foreign officials. Quotas limiting national production of Schedule I and II drugs were established and reports of production and inventories of these substances were submitted to the United Nations in accordance with U.S. treaty obligations.

Methodology has been developed to provide investigative leads for the Targeted Registrant Investigation Program involving a technique of combining DEA information systems, primarily based on ARCOS data, to identify individuals associated with drug diversion.

Registration applications of all legitimate handlers of controlled substances are being processed and order forms for Schedule I and II substances are being issued as required by the CSA.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Cyclic investigations conducted.....	862	547	841	850
Targeted registrant investigations conducted.....	144	126	156	156
Pre-registrant investigations conducted.....	1,414	2,035	1,500	1,500
Import/export documents processed.....	2,083	2,143	2,205	2,300
Foreign regulatory programs.....	3	3	4	4
ARCOS profiles prepared.....	286	286	286	286

Item	1980	1981	Estimates	
			1982	1983
Scheduling actions completed.....	7	13	12	13
Quotas established.....	444	444	444	444
Registration applications processed.....	614,885	621,034	636,000	650,000
Order forms books issued.....	328,525	326,000	322,258	320,000

Program change: The request also includes a reduction of \$259,000 and 10 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

Activity: Enforcement of Federal law and investigations Subactivity: State and local assistance	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		
State and local training.....	49	48	\$2,987	49	48	\$3,182	49	47	\$3,153	...	-1	-\$29

**Long Range Goal:** Expand significantly and economically the personnel resources available nationwide at all levels of government for the control of drug abuse and trafficking. The training programs are consistent with 21 U.S.C. 872 (Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801-966) and Executive Order 11641 of 1972, as amended by the President's Reorganization Plan No. 2 of 1973.

**Major Objectives:**

- Provide training in basic, advanced, and specialized drug law investigative techniques and methodologies to State, local, military, and other Federal officers and chemists.
- Provide training in management and supervision of drug investigative units for State, local, military, and other Federal professionals.
- Provide information, publications, films, and other materials and displays on controlled substances, drug abuse and its problems to the public, community leaders, criminal justice agencies and associations, CSA registrants, and educational and health professionals.
- Respond to consumer inquiries and complaints.

**Base Program Description:** The purpose of the State and Local Training program is to expand DEA's enforcement and drug abuse suppression efforts by increasing the cooperation between law enforcement agencies at all levels of government in the United States and convey changes in national priorities and strategies to all levels of drug law enforcement effort; develop required training programs and determine resource requirements to provide increased skills to Federal, State, and local police agencies and military offices; and utilize all available resources where appropriate to gain the benefits from greater expertise and prevent duplication of effort.

639

DEA has primary responsibility for developing a national drug abuse control strategy. The enforcement, drug supply suppression, and prevention programs must be adequately communicated to State, local, military, and other Federal officials if DEA's national strategy is to have full impact.

National manpower being brought to bear against the illicit drug traffic is increased and made more efficient if State, local, military, and other Federal law enforcement agencies can be sufficiently trained or brought up to date in the skills peculiar to drug law enforcement and suppression. This approach also frees Federal resources for concentration on high level national and international drug trafficking organizations.

Changing strategies, like the increasing emphasis on the financial aspects of drug enforcement, require an intensified effort through an increase in specialized training programs so that new techniques can continue to be conveyed to these non-DEA participants to provide more effective means of controlling the drug abuse problem.

With the exception of the Forensic Chemist Seminars, those State and local training programs previously conducted at DEA Headquarters are now conducted at the Federal Law Enforcement Training Center (FLETC), Glyco, Georgia. These programs and those conducted in the regions provide a variety of basic, advanced, specialized, management, leadership, and methods of instructional training. (The Forensic Chemist Seminars remain in Washington, D.C., because there is no laboratory at FLETC). The general public and community leaders are reached through publications, displays, and conferences concerning the awareness and prevention of drug abuse.

DEA had experienced a decline in enrollment in the programs conducted by the National Training Institute at headquarters due to the high cost of lodging and meals in the Washington, D.C., area, coupled with the reduced LEAA funding for State and local assistance. The 1981 relocation to FLETC has enabled law enforcement agencies to provide the necessary funding for their officers' attendance at DEA-sponsored training programs.

Accomplishments and Workload: DEA is constantly shifting emphasis in training programs based on changing trends in the illicit trafficking of narcotics and dangerous drugs. There is a continuing demand for advanced and specialized skills training such as conspiracy, financial investigations, clandestine laboratory investigations, criminal compliance, etc.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
State and local officials:				
Training programs conducted by headquarters.....	26	20	20	20
Training programs conducted by regions.....	182	77	125	125
Trainee days.....	49,565	36,102	44,400	44,400

Program Change: The request also includes a reduction of \$29,000 and 1 workyear. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

Activity: Enforcement of Federal law and investigations Subactivity: State and local assistance	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
State and local laboratory services.....	22	22	\$1,375	22	22	\$1,575	22	21	\$1,546	...	-1	-\$29

Long Range Goal: Provide support to State and local law enforcement agencies engaged in drug prosecutions through analysis of drug evidence and assist State and local agencies to achieve forensic analytical self-sufficiency.

Major Objectives:

- Assist State and local laboratories to achieve self-sufficiency through the following:
  - Publication of technical information and participation in national and local forensic science meetings.
  - Providing training in forensic drug analytical techniques.
  - Supporting programs that assist in enhancing State and local laboratory capabilities (participation in American Society of Crime Laboratory Directors, American Academy of Forensic Scientists, and regional professional associations).
- Provide quantitative and qualitative analysis of drug evidence for those agencies that do not have laboratories and on difficult and complex exhibits requiring highly specialized examinations for those agencies that have laboratories but do not have the necessary expertise or instrumentation.
- Provide expert testimony in courts relative to analytical findings for prosecutive purposes.
- Provide analytical drug reference standards where there is no commercial source.
- Conduct ballistics examinations of tablets and capsules to identify common origins of clandestinely-produced dosage units and to identify licitly-manufactured dosage units diverted to the illicit market.
- Assist the Federal Bureau of Investigation (FBI) by providing reference materials for their centralized automated data system for the on-line retrieval of infrared spectral data—Criminalistics Laboratory Information Services (CLIS).

Base Program Description: The State and Local Laboratory Services program is responsible for providing technical assistance to State and local agencies which is beyond the expertise of the forensic laboratory servicing the agency and for helping State and local forensic laboratories achieve self-sufficiency in the analysis of drug evidence for criminal investigations and prosecutions.

This program includes seeking means to upgrade the analytical capabilities of State and local laboratories. When State and local agencies cannot provide proper laboratory services or need technical assistance in the development of prosecutive presentations and cross-examination of defense expert witnesses, DEA offers assistance. The major component is the analysis of drug evidence for duly constituted State, county, and municipal law enforcement agencies, assuring that cases developed will not be dismissed for want of competent laboratory support. This program, in conjunction with other assistance programs, will help focus State and local law enforcement attention on the appropriate response to the drug problem.

Additionally, DEA assists other agencies to achieve forensic analytical self-sufficiency by conducting training in drug analytical techniques, publishing and distributing the scientific newsletter Microgram which provides intelligence and technical information to the

forensic community, publishing technical information in scientific journals, participating in national and local forensic meetings, and providing analytical drug reference standards.

This program also analyzes drug exhibits in a timely manner to assist in complying with State Speedy Trial provisions in support of prosecutions, provides expert testimony and conducts highly-specialized ballistics analysis of tablets and capsules to identify common origins of licit and illicitly-produced dosage units diverted to the illicit market. Expertise in the ballistics examination of drug dosage units rests solely with DEA.

DEA renders forensic analytical support to the Metropolitan Police Department, Washington, D. C. (MPDC). More than half of the drug exhibits DEA analyzes for other agencies are submitted by the MPDC, which is completely dependent on DEA for forensic drug analysis. Related to this analytical commitment is the resultant need to offer expert witness testimony in the D.C. Superior Court.

In general, other evidence analyzed within the State and local program is of an unusual or difficult nature which is analyzed by the DEA laboratory system as an aid to State and local forensic laboratories less capable of performing such analyses.

**Accomplishments and Workload:** In support of other agency drug investigations during 1981, DEA laboratories analyzed 16,712 exhibits of evidence, testified in 244 trials, conducted 417 ballistics examinations, published 12 issues of *Microgram*, and conducted four State and Local Forensic Chemist Seminars to train over 60 chemists. Additionally, DEA actively participates in regional, national, and international forensic science organizations by holding officer positions, participating on committees, and presenting scientific papers.

The success of this program in assisting self-sufficiency of state and local agencies can be partially measured in the reduction of evidence analyses from almost 16,000 in 1975 and 1976 to just over 9,500 in 1979 and 1980. In 1981 there were 8,589 evidence analyses conducted for this program. A further reduction to 6,000 analyses is predicted for 1982 and 1983, as a result of recently issued DEA policy on acceptance of State and local evidence and designated priority. At these levels, approximately 80 percent of the workload is generated by the Metropolitan Police Department, Washington, D.C., which does not have its own laboratory and relies totally on DEA. The remaining 20 percent is submitted by the 50 states and numerous local law enforcement agencies.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Drug exhibit analyses.....	11,767 1/	10,712 1/	6,000	6,000
Ballistics examinations.....	246	417	140	140
Issues of <i>Microgram</i> .....	12	12	12	12
Training conducted (seminars).....	4	4	4	4
Court appearances.....	213	244	121	121
Evidence turn-around time (days).....	22	11	14	14
Evidence backlog.....	618	327	1,827	3,147

1/ Includes analyses for other Federal agencies.

**Program change:** The request also includes a reduction of \$29,000 and 1 workyear. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

642

Activity: Enforcement of Federal law and investigations Subactivity: State and local assistance	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
State and local task forces....	114	110	\$11,378	114	110	\$12,305	114	107	\$12,248	...	-3	-\$57

**Long Range Goal:** To complement the Federal drug enforcement effort by increasing the effectiveness of State and local drug enforcement activities aimed towards disruption of all levels of illicit drug trafficking.

**Major Objectives:**

- Achieve measurable progress in orienting task force enforcement efforts towards all levels of the illicit drug traffic and the priority drug of abuse (heroin) as determined by the social harm and violent crime being experienced in the respective jurisdiction.
- Achieve, within the framework of the drug priorities, a measurable upgrade of the level of the violators being targeted in task force cases.
- Provide technical and operational intelligence to the task force participants and to other Federal drug enforcement programs.
- Develop an effective cadre of State and local officers, thoroughly trained and experienced in proven drug enforcement techniques, and rotate such a force for maximum effectiveness.
- Provide investigative cases with high potential for further development by other Federal drug enforcement programs.
- Encourage State and local agencies to assume a greater portion of the costs of Federal/State and Local Task Forces.

**Base Program Description:** The DEA/State and Local Task Force program brings DEA agents and State and local police officers together into cohesive organizational units in diverse areas of the country in order to assure attention to drug enforcement, inter-departmental and interagency cooperation, and intelligence exchange on a continual basis.

State and local drug enforcement is an essential part of the national drug strategy:

- State and local police, due to their large aggregate numbers, can add greatly to the absolute number of people in the field who operate in an integrated, multi-lateral effort against the illicit drug traffic.
- State and local police are dispersed throughout the nation and therefore can provide full geographic coverage.
- State and local efforts can disrupt the retail illicit market, keep dealers cautious and increase the cost of their drug operations, and thereby discourage experimental users from progressing to chronic abuse.
- State and local enforcement and Federal enforcement both develop investigatory leads, informants and intelligence which are of value to each other and which can be exchanged, thus strengthening the efforts of both, increasing the absolute knowledge of both, and providing a source of validation of existing knowledge of both.

DEA Federal/State and Local Task Forces operate within the framework of DEA policy, procedures, and guidelines under the direction of the appropriate field office.

The State and Local Task Force program has proven itself an effective complement to the Federal drug enforcement effort by increasing the effectiveness of State and local drug enforcement activities aimed towards disruption of all levels of illicit drug trafficking. As part of a comprehensive national and international drug effort by Federal elements and their State, local, and foreign counterparts, the Task Force program plays a critical role by attacking the mid-level violator, the link between supplier and consumer. With removal of this link, the cycle of drug production and consumption—supply and demand—would be broken. In addition, the Task Force program provides DEA access to the lower levels of the trafficking spectrum, where investigations of new or unknown trafficking organizations are generally initiated, without investment of Federal effort against traffickers at the street level.

**Accomplishments and Workload:** In 1981, the Task Forces have continued to elevate the level of case in which they have become involved, bringing increasing resources to bear on drug law enforcement with a smaller Federal force. In 1981, approximately 46 percent of Task Force investigative manhours have been directed at heroin traffickers, an area where efforts against the mid-level violator are especially critical. The overall Task Force conviction rate for 1981 is expected to be approximately 93% in Federal courts and approximately 98% in State courts. It is significant to note that, while DEA has invested only 9.8% of its total investigative manhours to Task Forces, these resources have consistently achieved over 2,000 arrests per year. Approximately 30% of Task Force arrests continue to be in the Class I and II case category. In 1981, 67% of Task Force investigative manhours were devoted to Class I and II investigations. Task Force arrests in Class I and II cases have increased approximately 26% between 1980 and 1981.

DEA Federal/State and Local Task Forces are well established and fully operational in 18 cities: Buffalo, Chicago, Denver, Guam, Long Island, Los Angeles, Lubbock, Minneapolis, Newark, New York, Orlando, Philadelphia, Phoenix, Rochester, San Diego, San Jose, St. Louis, and Washington, D.C.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Investigative work hours by class of case.....	195,490	199,515	195,000	185,000
Class I.....	88,744	104,858	101,400	96,200
Class II.....	29,085	28,517	27,400	25,900
Class III.....	64,422	57,006	56,500	53,600
Class IV.....	13,239	9,134	9,700	9,300
Arrests by class of case.....	2,776	2,650*	2,700	2,750
Class I.....	485	460	470	475
Class II.....	326	360	370	375
Class III.....	973	940	950	960
Class IV.....	992	890	910	940

\*Projections based on a 9-month statistics.

Program Change: The request also includes a reduction of \$57,000 and 3 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

Activity: Intelligence	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Intelligence.....	366	363	\$17,797	366	363	\$19,264	366	354	\$19,034	...	-9	-\$230

Long Range Goal: To develop and maintain an international drug intelligence system that provides a wide range of tactical, operational, and strategic products and services required by DEA and other Federal, State, and local agencies for use in policy development, planning, and enforcement operations to promote the most effective utilization of resources.

Reorganization Plan No. 2 of 1973 requires that DEA develop and maintain a National Narcotics Intelligence System in cooperation with Federal, State, local, and foreign officials. Legal authorization for this program is contained in Executive Orders 11727, 11676, and 12036; Attorney General's Order 520-73; and the Controlled Substances Act. In addition, Section 503 (a)(4) of the Controlled Substances Act directs the Attorney General to "maintain in the Department of Justice a unit which will accept, catalog, file, and otherwise utilize all information and statistics, and make such information available for Federal, State, and local law enforcement purposes."

**Major Objectives:**

- Collect and disseminate strategic intelligence to provide management at all levels with the information needed to apply resources effectively and appropriately.
- Provide funds and support for Special Field Intelligence programs to identify and fill critical information gaps in drug priority areas.
- Support law enforcement activities by providing tactical and operational products and services which identify and analyze drug traffickers and their organizations.
- Exchange intelligence information with worldwide counterparts and cooperating agencies in order to provide optimum support to drug enforcement operations.
- Provide intelligence support to Federal, State and local law enforcement organizations through the use of interagency resources at the El Paso Intelligence Center (EPIC).

Base Program Description: The Intelligence program supports DEA Headquarters and field elements (including Federal, State, local and foreign counterparts) in a wide variety of efforts to suppress national and international narcotics trafficking through systematic collection, analysis, production and dissemination of tactical, operational and strategic domestic and international information in a variety of ways and means. Major program components include: TACTICAL AND OPERATIONAL INTELLIGENCE: Manual and automated investigative research and intelligence production supporting a wide variety of DEA investigative efforts directed against the highest levels of traffickers and their operations, both nationally and internationally, with the goal of immobilization of operations and confiscation of assets and resources; STRATEGIC INTELLIGENCE: Long-range collection, analysis and production of intelligence designed to provide insight

645

into a variety of drug-related topics and issue areas normally encountered at the national, international or program oversight level; EL PASO INTELLIGENCE CENTER: Federal interagency effort (administered by DEA) designed to promote and facilitate interagency investigative and interdiction support and intelligence production and exchange, with formal participation by 47 State, local and territorial law enforcement agencies; DOMESTIC INTELLIGENCE: Direct, on-site investigative research and intelligence production support to DEA field elements across the United States in furtherance of a wide variety of enforcement, intelligence, liaison and information exchange efforts between Federal, State, and local territorial law enforcement agencies. Other program areas include the Special Field Intelligence program (SFIP) which is an intelligence collection program designed to fill critical operational and strategic intelligence gaps in support of various DEA responsibilities in the U.S. and abroad, and the PATHFINDER automated intelligence system, which provides a dynamic automated capability to intelligence research and support activities in the U.S. and abroad.

**Accomplishments and Workload:** The period under review has been characterized by a strengthening of DEA's ability to produce quality intelligence products, increased targeting of designated priority topics, improved pre-selection of major trafficking syndicates, and more accurate forecasting. The results have been rewarding and improvements continue.

- The National Narcotics Intelligence Consumers Committee (NNICC) produced and published in January 1981 the annual Narcotics Intelligence Estimate (NIE), the most comprehensive and authoritative assessment and prediction available to the Federal Government on the supply of drugs to the U.S. illicit market, as well as associated financial transactions.
- The Heroin Signature program analyzed and reported on approximately 1,250 randomly-selected DEA exhibits and 60 District of Columbia Police Department heroin exhibits during 1981; it demonstrated the continuing availability of Southwest Asian heroin throughout the U.S., identified a significant increase in Mexican heroin along the Southwest border and a re-emergence of Southeast Asian heroin.
- Southwest Asian heroin is a major DEA priority and intelligence and enforcement efforts have been concentrated in support of conspiracy and financial investigations and for the use of the Attorney General, Congress, the White House, State Department and the DEA Administrator in the development and implementation of an overall strategy to combat this problem.
- In the Southeast Asian heroin intelligence sector, an on-site analysis by DEA resulted in a threat estimate on the opium harvest in the Golden Triangle, indicating a bumper crop of opium in 1981, threatening heroin production in Southeast Asia and possible increased heroin availability in the U.S. later in 1981 and possibly into 1982.
- Relative to cocaine and cannabis, the Miami District Intelligence Group supported many operations, including nine significant enforcement efforts. One of these was directed against the largest marihuana smuggling ring in the U.S.; other significant efforts included work against major cocaine and marihuana traffickers in the Southeastern U.S., traditional organized crime figures, money laundering operations and drug-related homicides.
- Concerning Mexican heroin, the Office of Intelligence projected an increase in Mexican heroin availability in the U.S. in 1981, and provided DEA and Department of Justice management with analytical and predictive intelligence on Mexico for several Congressional hearings, biweekly heroin summaries, monthly Mexican heroin seizure activity reports and 35 situation reports and briefings on Mexican heroin availability across the U.S.
- Regarding organized crime, DEA intelligence elements monitored, analyzed and disseminated strategic and operational intelligence on illegal drug assets, related money flow and ways and means by which "narco-dollars" are re-invested and legitimized.
- In the dangerous drugs field, which includes illicit drug manufacture and the diversion of legal pharmaceuticals, DEA intelligence elements produced five major reports and nine special studies, one of which contributed to increased schedule controls by the U.S. Government on a precursor.
- EPIC has continued to expand its support capability and has experienced increased usage from almost every participating Federal and State law enforcement agency. During 1981, EPIC conducted approximately 220,000 watch transactions.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Intelligence reports 1/.....	650	675	700	700
Special Field Intelligence programs 2/.....	37	40	40	40
Enforcement support activity 3/.....	1,800	4,500	4,700	4,800
Information responses 4/.....	48,000	50,000	50,000	50,000
El Paso Intelligence Center watch transactions 5/.....	164,000	220,000	240,000	260,000

- 1/ Intelligence reports: Number of studies, reference documents, recurring reports, special publications, situation and geographic survey reports produced.
- 2/ Special Field Intelligence program: Number of SFIPs conducted by the program during the year.
- 3/ Enforcement support activity: Number of biographical sheets, major organizational reports, narcotic trafficker profiles, trafficking network analyses and other in-depth research projects conducted by intelligence personnel (including those done for Special Action Office enforcement programs, CENTACS, Mobile Task Forces and routine investigations).
- 4/ Information responses: Identification of possible enforcement targets and information of interest to DEA as well as other Federal, State and local agencies.
- 5/ El Paso Intelligence Center watch transactions: Direct, real-time responses to requests from participating Federal, State, local and territorial agencies through searches of PATHFINDER manual and automated data bases.

Program Change: The request also includes a reduction of \$230,000 and 9 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

Activity: Research and development	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	WY		Pos.	WY		Pos.	WY		Pos.	WY	
Research and development.....	19	18	\$1,835	19	18	\$1,917	19	18	\$1,917	...	...	...

Long Range Goal: To support DEA's enforcement and intelligence programs by providing engineering development for technical investigative equipment and research and engineering studies.

Major Objectives:

- Increase the quantity of investigative evidence by providing quick-reaction (ad hoc) support to current field operations and special services in the areas of evidence tape processing and short-term investigative equipment modification and development.
- Develop new or improved technology and procedures to increase efficiency of agency field operations by conducting applied scientific research and engineering development.

647

- Provide scientific and technological information, training, coordination and liaison services for DEA and other law enforcement agencies.

Base Program Description: The Research and Development program supports DEA's enforcement and intelligence efforts and consists of:

- Technology Development for new and improved technology to support agency field operations and long-range operational requirements. Typical applications are special protective equipment for special agents, vehicle tracking equipment and various types of surveillance equipment.
- Quick Reactions Support for ongoing investigations in terms of short-term technical development and special engineering services. Typical applications are for covert installations of surveillance equipment, technical investigative equipment modifications and evidence tape enhancement.
- Research and Engineering Design Studies are conducted for major system acquisitions and mission-oriented programs. Typical applications are agency-wide communications configurations, Voice Privacy radio communications systems and Automatic Data Processing (ADP) security threats.

Accomplishments and Workload:

- Workload inputs under the technology development objectives are defined as requests/requirements for the application of new or significantly-improved technology which will usually require (1) contractor support, (2) a funding level of \$50,000 to \$500,000, and (3) from one to three years to complete. There were six significant developments completed in 1981 which consisted of covert automatic tracking systems, personal special agent safety devices and covert radio-controlled systems. During 1982, four developments have been completed and are now undergoing operational test and evaluation. During 1983, there will be the operational deployment of earlier developments and the start of five new developments.
- Technical Services consists of Quick Reaction Support (QRS) requests initiated by special agents and require a short response time to complete, usually from a few hours to several days. This direct support of field operations includes the design and fabrication of special devices and tracking transmitters such as the concealment of these devices in assorted packages, the preparation of pseudo-narcotics, and audio tape recording enhancement which significantly enhances the intelligibility of tape recordings used for evidentiary purposes. Off-the-shelf hardware of prior developed techniques and materials are generally used for these efforts. In 1981, 175 QRS and 10 tasks were completed. In 1982, 250 QRS and 10 tasks will be completed. In 1983, 300 QRS and 16 tasks are projected.
- Research and Engineering Design Studies workload inputs are requests/requirements for the analytical support for major studies or taskings. Based upon the estimated size of effort required, they are usually completed within two years with the publication of a Final Report or Technical Memorandum or prototype equipment. Major studies usually require support with funding levels of \$50,000 to \$500,000 and no more than two years to complete. There has been an effort to perform more studies with in-house staff requiring 3 or 4 staff members for a study and more than 6 months to complete. This change in emphasis toward in-house efforts increases cost efficiency measured in dollar expenditures.
- During 1981, some of the major efforts completed were Analysis of DEA Radio System and DEA's Radio System Voice Privacy Requirements. In 1981, the following tasks were completed: Support to DPA Sinsemilla Working Group; technical analysis of investigative equipment inventory and feasibility of treating data from chemical analysis statistically to identify the area of origin of opium.
- The development of a voice privacy radio system for DEA will continue as the major activity for 1982-1983.
- In 1983 an operational test and evaluation of an earth-orbiting satellite radio communication system is planned to support DEA operations in remote locations.

Activity: Support operations	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
DEA laboratory services.....	182	183	\$9,581	182	183	\$10,423	182	178	\$10,308	...	-5	-\$115
DEA training.....	26	25	2,209	26	25	2,378	26	24	2,349	...	-1	-29
Technical operations.....	119	117	13,631	119	117	14,454	119	113	14,378	...	-4	-86
Total.....	327	325	25,421	327	325	27,265	327	315	27,035	...	-10	-230

This activity encompasses laboratory analysis of evidence in support of investigation and prosecution of drug traffickers; training programs for all levels of DEA operational personnel; and provision of technical investigative resources and expertise at levels commensurate with DEA's enforcement initiatives and strategies.

DEA laboratory services.....	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
DEA laboratory services.....	182	183	\$9,581	182	183	\$10,423	182	178	\$10,308	...	-5	-\$115

Long-Range Goal: Support the enforcement mission of DEA through analysis of drug evidence and related forensic services by satisfying the forensic laboratory needs of DEA's enforcement and intelligence activities. Additionally, other Federal and foreign drug law enforcement officials will receive the training and assistance required to complement and enhance the mission of DEA.

Major Objectives:

- Comply with the Speedy Trial Act of 1974 by timely analysis of drug evidence.
- Contribute to the successful prosecution of drug law violators through the presentation of expert testimony in court.
- Provide field assistance (clandestine laboratory investigations and seizures and vacuum sweeps) to special agents.
- Assist in the development of conspiracy cases, the monitoring of foreign drug distribution patterns, and the determination of origin of controlled substances in illicit channels by conducting in-depth and signature analyses.
- Provide information on the retail level price and availability and the domestic distribution patterns of heroin through signature analysis of Domestic Monitor program evidence.
- Conduct ballistics examinations on tablet, capsules, and papers to identify common origins of clandestinely produced dosage units and to identify licitly manufactured dosage units diverted to the illicit market.
- Improve forensic capabilities of law enforcement agencies worldwide by conducting a series of technical assistance programs, providing leadership in international communications among forensic scientists, and assisting foreign countries in the prosecution of drug law violators.

- Assist other Federal agencies that require DEA laboratory expertise in forensic drug examination. It should be noted that in previous years this assistance has been an objective of the State and Local Laboratory Services program and is now identified in the DEA Laboratory Services program as of 1982 and 1983 to properly reflect DEA's role as the lead agency in Federal drug enforcement.

**Base Program Description:** The DEA forensic laboratory system, which is comprised of seven field laboratories and the Special Testing and Research Laboratory is responsible for accomplishing the following: analyzing drug evidence; providing expert scientific testimony for prosecutive purposes; participating in clandestine laboratory investigations and seizures and providing photographic capabilities; providing examinations for latent fingerprints; conducting special training; conducting vacuum sweeps for traces of drugs; conducting in-depth and signature analyses of drug evidence; providing scientific assistance; and ballistics examinations of tablets, capsules and papers for source identification.

Encompassed within the DEA Laboratory Services program is the System to Retrieve Information from Drug Evidence (STRIDE). This is a series of interrelated computer systems designed to support enforcement and intelligence operations through the processing of data generated by the DEA laboratories. STRIDE provides data regarding evidence examined by DEA laboratories to produce information which is used to determine trends in drug abuse and trafficking of narcotics, to warn of new drugs of abuse, and to identify common sources of illegal drugs. The system is also used to provide information on illegal distribution of licitly-produced drugs, data on the availability of drugs on the street, statistics on drug removal, and a system for monitoring the locations of evidence items. Information from the system is provided to local, State, Federal, and foreign law enforcement agencies. STRIDE is also a management tool to assist in measuring laboratory effectiveness and allocating resources. The sub-systems of STRIDE are: laboratory analysis program; ballistics program; laboratory manpower utilization program; and evidence inventory program.

The expeditious analysis of drug evidence and the presentation of expert testimony in court is essential to the successful investigation and prosecution of drug law violators and is therefore the primary purpose of the DEA laboratory system. The timely analysis of drug evidence is an integral aspect of DEA's compliance with the Speedy Trial Act of 1974.

DEA forensic chemists also provide field assistance (clandestine laboratory investigations and seizures and vacuum sweeps) to special agents and compliance investigators.

DEA's laboratories are called upon with increasing frequency to provide information on the retail level availability of illicit drugs and trends of the United States illicit market. The Domestic Monitor program requires subjecting street level heroin samples to source analysis as well as qualitative and quantitative analysis to obtain price/purity data. This approximately triples the time of analysis for each exhibit, but provides strategic intelligence information on area of origin determinations in addition to availability data at the retail level.

Additionally, DEA laboratories assist other Federal agencies such as the Federal Bureau of Investigation, Coast Guard, Naval Investigative Service, Army Criminal Investigative Division, Marine Corps, National Park Service, Immigration and Naturalization Service, and General Services Administration through the analysis of drug evidence, providing court testimony, and training.

**Accomplishments and Workload:** Program measures included on the following page.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Drug exhibit analyses.....	21,394	19,875	23,200	23,200
Ballistics examinations.....	1,189	2,026	1,360	1,360
Heroin Signature analyses.....	1,142	1,289	1,250	1,250
Training conducted.....	...	1	1	1
Court appearances.....	678	676	709	709
Field assistance on clandestine laboratory raids.....	463	123	145	145
Evidence turn-around time (days).....	16	13	13	13
Evidence backlog.....	1,008	733	733	733
Domestic Monitor program exhibit analyses.....	398	457	650	650

Program Change: The request also includes a reduction of \$115,000 and 5 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
DEA training.....	26	25	\$2,209	26	25	\$2,378	26	24	\$2,349	...	-1	-\$29

**Long Range Goal:** To develop and maintain a sophisticated and professional workforce which will effectively implement the DEA mission and provide leadership in drug law enforcement. Statutory authority for the training program is the Comprehensive Drug Abuse Prevention and Control Act of 1979 (21 U.S.C. 810-966), the President's Reorganization Plan No. 2 of 1973, and Office of Personnel Management regulations (Chapter 410 of the Federal Personnel Manual).

**Major Objectives:**

- Provide entry-level training for DEA special agents, compliance investigators, and intelligence analysts.
- Provide advanced and specialized investigative skills training for investigative and technical personnel.
- Produce audio-visual tape training programs for use by DEA personnel.
- Provide supervisory and mid-level management training for core-occupation personnel.

**Base Program Description:** This program provides entry-level and specialized training for DEA personnel to build and maintain a sophisticated and professional workforce capable of providing leadership in drug law enforcement. This training will insure the availability of well-trained personnel to perform those functions as mandated to DEA by the Controlled Substances Act of 1970, in a manner that takes advantage of the most modern and innovative techniques known to counteract increasingly sophisticated drug traffickers. Operational personnel must receive training at all levels of career development in order to perform the specialized tasks unique to the Drug Enforcement Administration.

In October 1981, DEA began conducting the majority of its training programs at the Federal Law Enforcement Training Center (FLETC), Glynn, Georgia. The first seven weeks of the entry-level curriculum for special agents (as well as firearms and physical instruction in the DEA-specific follow-on training) will be provided by FLETC instructors in the Criminal Investigators School. DEA will provide an additional minimum of seven weeks of drug law enforcement training for special agents and also continue to instruct and coordinate the remaining programs conducted at FLETC and at DEA Headquarters.

Accomplishments and Workload: DEA shifted emphasis in training programs based on changing trends in the illicit trafficking of narcotics and dangerous drugs.

A unique investigative approach, "reverse undercover", in which DEA agents pose as drug sellers, rather than drug buyers, was employed by the South Eastern Region during 1980 and proved to be very successful, particularly with regard to arrests and seizures of assets. To encourage and assist the other regions in this technique, DEA conducted a seminar in 1981 which was attended by all Deputy Regional Directors and Special Agents-in-Charge. Due to the interrelated nature of the subject matter, in 1982 DEA is combining "reverse undercover" and financial investigations into a new advanced program designated Asset Removal. Four schools are scheduled.

DEA is participating in the development of training programs to be conducted jointly with FLETC. Training courses in Marine Law Enforcement will enhance our agents' capabilities to operate in the type of investigations characterized by "Operation Grouper." Also, a new program in officer survival will serve to update and reinforce the agent's previous training in those skills needed to cope with the increased violence being encountered in drug investigations.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
<b>DEA personnel:</b>				
Entry-level training programs.....	5	4	5	5
Advanced and specialized skills programs.....	41	9	14	14
Foreign language (individuals).....	103			
Audio visual instruction productions.....	6	6	10	10
Training days.....	11,345	10,998	12,220	12,220

Program Change: The request also includes a reduction of \$29,000 and 1 workyear. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Technical operations.....	119	117	\$13,631	119	117	\$14,464	119	113	\$14,378	...	-4	-\$86

Long-Range Goal: To support the mission of DEA by providing radio communications and technical/investigative systems, equipment, and personnel in support of enforcement activities; and provide responsive and effective air support to DEA investigations.

Major Objectives:

- Provide support, whether it be direct technical/investigative assistance or equipment, at all levels of DEA's law enforcement activities.
- Provide sufficient technical personnel to properly maintain, install, and monitor the performance of DEA's investigative equipment and radio communications.
- Maintain a ratio of one portable radio for every two special agents and supply 90% of DEA's special agents with mobile radios.
- Meet DEA's long-range communications needs by operating a High Frequency/Single Side Band (HF/SSB) network.
- Ensure the training of special agents and technical personnel on technical investigative and radio equipment.
- Maintain an accurate inventory of technical, investigative, and radio communications equipment to ensure the maximum utilization of equipment by DEA law enforcement personnel.
- Assist other Federal, State, and local law enforcement agencies with equipment and expertise on a priority basis.
- Install and maintain a voice privacy network on DEA's UHF and HF/SSB radio communications equipment.
- Maintain an established aircraft fleet of sufficient size and appropriate operational characteristics to support the DEA enforcement mission requirements.
- Maintain a cadre of properly qualified and safety conscious agent/pilots, who possess a thorough knowledge and understanding of the DEA enforcement mission and the requirements of the DEA units they support.
- Employ DEA aviation resources in the most effective and cost beneficial ways for maximum agency accomplishments.

Base Program Description: The Technical Operations program supports DEA law enforcement through personnel and equipment resources for those areas having the most critical need for technical support and expertise. Special agents and professional/technical personnel who operate and maintain radio and other technical investigative equipment and aircraft are assigned to headquarters and designated field offices.

Long-range communications support is accomplished by a combination of DEA-owned mobile and base stations, High Frequency/Single Side Band (HF/SSB) radio, and the contracted services of Rockwell Collins in Cedar Rapids, Iowa, where the Collins Control Center provides 24-hour support to DEA's long-range communications system.

DEA's aviation program supports the enforcement mission with a total of 40 aircraft. The aircraft fleet is comprised of four light observation helicopters, eight light twin-engine airplanes, one large twin-engine aircraft, and 27 light single-engine airplanes. Replacement value of all aircraft is estimated to be \$6 million.

The current 40 aircraft fleet has been acquired through transfer of aircraft from other agencies (3); transfer of aircraft from military surplus (16); purchase of aircraft from commercial sources (11); and transfer of seized aircraft from the courts (10). These aircraft range in age from two to 35 years. To meet DEA needs, an aircraft replacement plan has been implemented.

DEA aircraft and pilots are strategically located to assure coverage to as many enforcement units as possible. From these bases of operation, air support is provided to DEA enforcement operations in geographic areas consistent with the capabilities of the aircraft.

The Technical Operations program addresses the problem of increasing the effectiveness and safety of DEA special agents by providing technical investigative and radio equipment and expertise to these agents. Drug traffickers are growing more sophisticated in conducting their illegal activities. The use of aircraft, boats, electronic equipment and counter-surveillance devices presents DEA and other law enforcement agencies with serious investigative and security problems. Inexpensive "scanners" can and have intercepted DEA's radio

**CONTINUED**

**10 OF 20**

transmissions. These interceptions can lead to compromising and dangerous situations. Providing our communications system with a voice privacy capability is an important objective of this program.

**Accomplishments and Workload:** The Technical Operations program is a vital activity within the Drug Enforcement Administration. Investigative and technical assistance is actively sought to support DEA's complex investigative activities. Radio and investigative equipment is now used in every phase of enforcement operations to enhance investigations and to provide a safer environment for DEA's law enforcement personnel.

In 1981, technical operations personnel directly assisted in 1,032 investigations. As a result, 1,430 defendants were arrested; 96% of these were Class I and II case arrests. An analysis of domestic investigative activities for 1981 disclosed an approximate 280% increase in the use of technical investigative aids over the prior year. A 250% increase in the use of the dialed number recorder (pen register) and a 200% increase in the use of the 24-hour covert video installation were experienced. The covert aircraft transponder installation of 1981 resulted in an approximate 100% increase in drug and aircraft seizures.

DEA has continued to proceed with the planned introduction of voice privacy into the UHF radio system. Preliminary tests have been conducted and the Operation Test and Evaluation (OTE) has been completed.

The aviation support program was more effective in part to the introduction of two new twin-engine aircraft into the DEA fleet. Equipped with navigation devices, which provide latitude and longitude positions of the aircraft, and search radar units, which provide surface coverage for ships at sea, these aircraft have furnished more accurate air intelligence data. Both aircraft began operating at a time when the need to increase intelligence collection of ship and aircraft movements was rapidly increasing.

Twin-engine aircraft were used extensively in over-water search missions and in international operations which accounted for 24% of the total flight missions conducted in 1981. In 1981, pilots participated in 309 undercover operations. Heroin case support accounted for 11% of the total missions flown. Cocaine case support accounted for 13.5% of the total flight missions conducted. Marijuana/hashish case support accounted for 12.5% of the total flight missions. Aviation support was especially cost effective in clandestine dangerous drug laboratory investigations. Many of the laboratories were purposely established in remote, poorly accessible areas to elude detection. In many cases aircraft were the only effective means of surveillance. A total of 53 (28%) of the 192 clandestine laboratories seized by DEA in 1981 were the direct result of aviation support.

The number of missions completed in 1981 rose to 4,499 from 4,059 in 1980, an increase of 11%.

Program measures include the following:

Item	1980	1981	Estimates	
			1982	1983
Technical operations direct case support.....	1,016	1,032	1,045	1,055
Aviation missions requested.....	4,923	5,662	5,500	5,500
Aviation missions completed.....	4,059	4,499	4,500	4,500

**Program Change:** The request also includes a reduction of \$86,000 and 4 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

654

Activity: Program direction	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive direction and control.....	263	262	\$10,846	263	262	\$11,838	263	255	\$11,666	...	-7	-\$172
Administrative services.....	113	112	5,761	113	112	6,192	113	110	6,135	...	-2	-57
Total.....	376	374	16,607	376	374	18,030	376	365	17,801	...	-9	-229

This activity includes the resources dedicated to the overall administration and management of the Drug Enforcement Administration and consists of the following two programs: Executive Direction and Control and Administrative Services. Included are the elements of policy development and implementation; congressional and public affairs; legal counsel; management direction; program planning and evaluation; budget preparation and financial management; internal security; field evaluation; freedom of information and privacy; personnel resources management; equal employment opportunity; medical and safety programs; and general administrative support services.

Executive direction and control.....	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
	263	262	\$10,846	263	262	\$11,838	263	255	\$11,666	...	-7	-\$172

Long-Range Goal: Maintain and develop management functions which effectively and efficiently develop and implement agency policy, and enhance the decision-making process.

**Major Objectives:**

- Provide management direction and control through policy development, organizational and program planning, and improved management systems.
- Monitor and evaluate all priority programs within DEA.
- Develop legislative and administrative proposals as a means of improving the functioning of the criminal justice system.
- Provide budget formulation, execution, and administrative capabilities and improve control of expenditures.
- Direct and coordinate administrative control and service functions.
- Provide information to specific interest groups and to the general public, regarding DEA's mission and activities.
- Reduce the instances of integrity misconduct breakdowns within DEA and provide and maintain a secure environment for DEA employees and property.
- Provide Congress the information necessary to carry out legislative and oversight responsibilities.
- Provide full range of legal services to DEA management and agency personnel.
- Process all Freedom of Information/Privacy Act (FOI/PA) requests in a manner which will allow DEA to show that a good faith effort is being made to comply with the law, and to adequately defend DEA's position in FOI/PA litigation.

655

Base Program Description: In addition to policy development, guidance, and direction provided by the Administrator, the Executive Direction and Control program is currently carried out through:

- Developing awareness of Federal drug enforcement among the public.
- Providing the Congress with the material necessary for it to conduct, on a fully informed basis, its legislative and oversight responsibilities in the drug law enforcement area.
- Providing management direction, guidance, and support through sound organizational planning and control, improved management systems, and record management to include analytical studies related to organizational, as well as operational matters.
- Providing sound day-to-day management in the areas of administrative, medical, and safety services; financial analysis and personnel management; manpower management; and procurement and transportation.
- Evaluating priority programs within DEA and assuring a viable management system to include evaluation in the form of periodic on-site studies, and management reviews during which the Administrator reviews performances of major headquarters and field offices.
- Providing for the allocation and control of financial resources through financial planning, budget formulation, resource justification, budget report preparation, special analyses, appropriation accountability, and financial data collection and dissemination.
- Providing and preparing agency responses to requests made pursuant to the FOI/PA to include reviewing of each document with the goal of allowing maximum release to the public and responding to administrative appeals and litigation which result from challenges to agency action.
- Organizing the legal counsel program around a functional concept with individual attorneys specializing in assigned areas of expertise to include preparation of briefs, opinions and presentations in the following areas: regulatory matters, civil litigation, criminal matters, training, personnel and EEO matters, management and procurement issues, international matters and the Privacy Act and representing DEA at a variety of administrative hearings.
- Insuring the integrity of DEA personnel through a prompt and thorough investigation of possible illegalities or misconduct on the part of any employee, and the employment of a set of preventive programs designed to discourage integrity breaches, criminal behavior, and/or misconduct. The integrity control program is accomplished through the utilization standard investigative and reporting techniques to establish relevant facts upon which DEA management can take appropriate corrective measures. Through the security function policy and procedures for security programs, monitoring of security investigations, physical security surveys, and ADP surveys is carried out.

DEA has a public responsibility to apply its resources in the most efficient, economical, and effective manner possible. Inherent in this responsibility is the concept of accountability for actions and performance which can only be achieved through proper executive direction and control.

The immediate clients served by this program are the personnel of the Drug Enforcement Administration, while the ultimate clients are the American public, other Federal, State, and local law enforcement organizations; other Federal departments; and foreign governments.

Accomplishments and Workload: During 1981, the Model Drug Paraphernalia Act, drafted by the Office of Chief Counsel has been adopted in at least 21 states and the Model Forfeiture of Drug Profits Act, also drafted by the Office of Chief Counsel, has been adopted in three states and is under consideration in several others. The office continues to absorb an increasing workload in vehicle and asset seizures and in administrative hearings.

The Freedom of Information Division has produced an exemplary success rate with respect to sustaining DEA's processing of requests against administrative appeals and lawsuits. While successful compliance with certain statutory time requirements has been marginally achieved, the uniform dissemination of information within the law has been excellent. The application of the permissible exemptions to disclosure,

as they relate to protecting active, ongoing investigations and the safety of DEA employees and of sources of information, has been judiciously applied.

Permanent Change of Station (PCS) travel advance procedures were centralized in DEA Headquarters to effect better obligation control and case management, improve timeliness of voucher submissions, and eliminate fragmented administrative responsibilities.

An overall agency reduction in outstanding travel advance balances of approximately 9% was achieved during the year as the result of increased emphasis on the need for frequent monitoring of accounts and tighter fiscal controls. The centralization of all Permanent Change of Station advances has also contributed to the reduction. A pocket-sized Temporary Duty Travel Handbook was published as a reference for employees in travel status.

The Office of Planning and Evaluation produced a recurring reports study which will serve as a guide to field managers and which resulted in the elimination of many unneeded reports. Management of DEA and FBI investigative activities will be coordinated to insure that FBI capabilities will be utilized to the fullest extent in drug enforcement activities. Three studies to improve methods and save manpower were undertaken in the areas of duplicating equipment, shifting from an annual to a three-year registration cycle, and timeliness of personnel security clearances. The system to follow-up on directives has been improved through automation. A study of controllable costs identified offices with high expenditures and resulted in implementation of cost-saving procedures. The Office of Planning and Evaluation continues to refine various evaluation systems (field evaluations, annual program reviews, and special studies) to improve the efficiency and effectiveness of management.

**Program Change:** The request also includes a reduction of \$172,000 and 7 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Administrative services.....	113	112	\$5,761	113	112	\$6,192	113	110	\$6,135	...	-2	-\$57

**Long-Range Goal:** Provide effectively and efficiently the following administrative services for all DEA elements: personnel, health and safety, employee development, equal employment opportunity, equipment needs, and general support services.

**Major Objectives:**

- Promote an effective and efficient personnel operation in all areas of responsibility.
  - Provide a responsive recruitment program.
  - Conduct a sound program of position classification.
  - Administer an active incentive awards program.
  - Conduct an objective evaluation program of the agency's personnel management activities.
  - Administer a fair program of discipline, grievances and appeals.
  - Administer the Merit Pay program.

657

- Provide necessary medical services, promote an effective safety program and provide assistance to employees with personnel and behavioral problems which interfere with job performance.
- Provide for the prompt, fair, and impartial consideration and disposition of EEO complaints, increase the representation of minorities and women at all levels and apply the principles of Equal Employment Opportunity through implementation of an affirmative action program.
- Acquire and maintain adequate facilities, vehicles, supplies, and equipment.
  - Provide adequate office facilities to meet DEA requirements.
  - Provide an adequate and efficient fleet of motor vehicles to meet drug law enforcement needs.
  - Provide and maintain furniture and non-technical equipment.
- Provide various other general support services.
  - Provide artwork, library services, and efficient office services.
  - Provide an efficient contracting, procurement, and transportation program.

**Base Program Description:** The Administrative Services program provides the necessary support services to enable the Drug Enforcement Administration to carry out its mission in the most effective and efficient manner possible.

All elements and personnel of the Drug Enforcement Administration are served by this program as follows:

- The personnel management function provides the following services: career planning, executive and employee development; employee and labor relations; pay and position management; and staffing and benefits management. Staff employees ensure that programs are properly written, interpreted, and disseminated, while operating employees ensure that programs are properly implemented. With passage of the Civil Service Reform Act (CSRA) many old policies have been rewritten and new policies have been formulated.
- The medical program includes the scheduling of physical examinations of employees selected for overseas assignments and for their dependents. Physical examinations are also conducted on an annual basis for all special agents and chemists. Special attention is also devoted to job-related medical services and safety.
- The Equal Employment Opportunity (EEO) program continuously reviews all employment and management practices and procedures to assure elimination of any artificial or unnecessary barriers to the hiring, training, and advancement of members of underrepresented groups.
- Through the EEO program prompt and impartial consideration is given to informal or formal complaints of discrimination in any aspect of employment.
- Vehicles are replaced as they become either economically or mechanically deficient according to General Services Administration (GSA) criteria and DEA resource availability in order to maintain a safe and efficient motor vehicle fleet. Some additional needs are supplemented by suitable seized vehicle resources following administrative or judicial forfeitures.
- The management and coordination of actions relating to facilities is carried out in cooperation with GSA.
- The use of furniture and equipment at headquarters and in the field is monitored to insure that it is in good condition and properly utilized.
- The requests for contracts and purchase orders are negotiated and executed to assure compliance with DEA policy and other government rules and regulations. The necessary services in the arranging of transportation for employees and property is also provided.
- The maintenance of adequate stocks of office supplies, stationery, forms, directives, and manuals through a receiving and warehousing activity is operated; a variety of office furniture and equipment moves at headquarters are conducted. A headquarters "in-house" offset printing facility is operated and all incoming, outgoing, and interagency mail is received, processed, and distributed among appropriate headquarters elements and/or other agencies.

- Visual services are provided through an "in-house" graphic arts program. Requirements which exceed "in-house" capabilities are reviewed, coordinated, and contracted out to approved commercial vendors.
- Reference materials (journals, Congressional reports, etc.) relating to narcotic and dangerous drug research activities are acquired and a cataloging/retrieval system for this information is maintained.
- The Administrative ADP systems provide information and reports in such areas as Vehicle Management, Drug Abuse Reporting, Defendants Statistics, FBI Narcotic Reporting, Privacy Act, Ceiling Control, and other managerial functions.

Accomplishments and Workload: In conformance with the Civil Service Reform Act, a new performance appraisal system was implemented and the Merit Pay System placed into effect in DEA. All supervisors and managers have received training in the conduct of Performance Appraisal System. The Federal Equal Opportunity Recruitment program for DEA has been published and implementation has begun. The President signed an Executive Order granting non-competitive conversion to career status for eligible special agents serving under Schedule B appointment.

The EEO program has made significant progress in achieving its major objectives in several areas. Minorities increased in the workforce to 25% in 1981.

During 1981, a contract was let for initiating the external contractor component of the Employee Assistance program.

A new control system has been instituted in the copying/reproduction system to fully document and control all requests for replacement, changes and/or other actions received from headquarters and field units.

New procedures have been instituted in Office Services to eliminate duplication of supplies and reductions in the quantity of supplies stocked.

Significant improvements were made during 1981 in the arrangements of household goods shipments originating outside CONUS by implementation of the International Through Government Bill of Lading (ITGBL) method. The ITGBL has resulted in a less costly and more responsive method for moving DEA employees' household effects from overseas to CONUS and intra-foreign country moves.

Airlines teleticketing machines were installed in the Miami Regional Office and the Glynco, Georgia Training Center for use in conjunction with the headquarters automated reservation and ticketing system (SABRE). Use of these machines effects a savings on the cost of tickets purchased.

Microfiche of the Federal Reporting and GAO unpublished decisions (1955-1979) were purchased. These additions will result in the savings of manpower, material, dollars, and space.

Program Change: The request also includes a reduction of \$57,000 and 2 workyears. The justification for this reduction is found on page 57 in the section for Justification of Multi-Activity Program Decreases.

Drug Enforcement Administration

Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Domestic Enforcement		1
Foreign Cooperative Investigations		2
Intelligence		3
DEA Laboratory Services		4
Technical Operations		5
Compliance and Regulation		6
DEA Training		7
Executive Direction		8
Administrative Services		9
State and Local Task Forces		10
State and Local Training		11
Research and Development		12
State and Local Laboratory Services		13

660

Drug Enforcement Administration

Salaries and expenses

Summary of Adjustments to Base  
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....	3,953	3,939	\$230,849
Adjustments to base:			
Uncontrollable increases:			
1982 pay increases.....	...	...	6,597
Executive level pay increases.....	...	...	743
Annualization of additional positions approved in 1982.....	...	9	305
Within-grade increases.....	...	...	1,272
Federal Employees' Compensation Act (FECA) - unemployment benefits.....	...	...	23
Federal Employees' Compensation Act (FECA) - workers compensation.....	...	...	345
Standard Level User Charges (SLUC).....	...	...	2,656
GSA recurring reimbursable services.....	...	...	848
GSA non-recurring reimbursable services.....	...	...	500
Postal Services increases.....	...	...	232
Federal Telecommunications System (FIS) rate increase.....	...	...	1,156
Travel costs - airfare increases.....	...	...	759
Government Printing Office (GPO) printing costs.....	...	...	31
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	14
Departmental printing and reproduction costs.....	...	...	19
Employee data and payroll services.....	...	...	59
Full-field investigations.....	...	...	120
General pricing level adjustment.....	...	...	3,236
Foreign allowances.....	...	...	1,048
Distributed Administrative Support (DAS).....	...	...	381
Restoration of Cargo Preference Act savings.....	...	...	250
Overseas mail charges.....	...	...	14
Departmental telecommunications costs.....	...	...	40
Total, uncontrollable increases.....	...	9	20,648
Decreases:			
Non recurring items for 36 new positions related to the 1982 Amended Appropriation.....	...	...	-612
- Purchase of motor vehicles for 33 agent positions requested in 1982 (\$192,000)	...	...	...
- Purchase of technical investigative equipment for 33 agents requested in 1982 (\$18,000)	...	...	...
- Purchase of mobile/portable radios for 33 agents requested in 1982 (\$69,000)	...	...	...
- Purchase of operating equipment for 36 positions requested in 1982 (\$52,000)	...	...	...
- Background investigations for 36 positions requested in 1982 (\$36,000)	...	...	...
- Basic entry level training for 33 agents requested in 1982 (\$245,000)	...	...	...
Encryption of the entire DEA Automated Teleprocessing System (DATS).....	...	...	-740
Annualization of 1982 position and program reductions (1982 March Amendment).....	...	...	-700
Total, decreases.....	...	-16	-2,052
1983 Base.....	3,953	3,932	249,445

661

Drug Enforcement Administration

Salaries and expenses

Justification of Adjustments to Base  
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
<u>Uncontrollable increases:</u>			
1. 1982 pay increases.....	...	...	\$6,597
<p>This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. This request of \$6,597,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount is required is:</p>			
1982 personnel compensation and benefits relative to the October pay increase			
\$136,521,000 x 4.8 percent for 259 days.....			\$6,553,000
2/261 x Annual amount of pay raise.....			44,000
Total requirements.....			<u>6,597,000</u>
2. Executive level pay increases.....	...	...	743
<p>This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$743,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:</p>			
1982 personnel compensation and benefits relative to lifting pay cap for 195			
days .....			\$630,000
66/261 x Annual amount of pay raise.....			113,000
Total requirements.....			<u>743,000</u>
3. Annualization of additional positions approved in 1982.....	...	9	305
	<u>Approved 1982 Increase</u>	<u>Annualization Required</u>	
Annual salary rate of 36 approved positions (26 Domestic Enforcement program and 10 Foreign Cooperative Investigation program).....	\$957,000	...	
Less lapse (25 percent).....	<u>-239,000</u>	\$239,000	
Net compensation.....	718,000	239,000	
Associated employee benefits.....	98,000	24,000	
Other object classes.....	<u>169,000</u>	42,000	
Total costs subject to annualization.....	985,000	<u>305,000</u>	

662

4. Within-grade increases.....

This request provides for an expected increase in the cost of within-grade step increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$1,156,000 and benefits \$116,000 = \$1,272,000.)

Perm. Pos.      Work-years      Amount  
 ...      ...      \$1,272

	Number of GS Positions	Annual Salary Rate	Pay at Base of Grade	Cost of Within-grade	Lower Pay Scale Adjust.	Adjust. Cost of Within-grades	Change from FY
1983	3,930	\$118,655	\$104,568	\$14,087	...	\$14,087	\$1,156
1982	3,930	111,553	99,214	12,339	104.8	12,931	-1,450
1981	4,069	115,075	102,486	12,589	114.3	14,389	945
1980	4,051	104,998	94,005	10,993	122.3	13,444	20
1979	4,188	99,451	89,053	10,398	129.1	13,424	...

5. Federal Employees' Compensation Act (FECA) - unemployment benefits.....

This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$23,000 was based on unemployment compensation payments for the quarter ending in March 1981.

...      ...      23

6. Federal Employees' Compensation Act (FECA) - Workers' Compensation.....

The increase reflects the billing provided by the Department of Labor for the actual costs in 1981 of employees' accident compensation. The 1983 billing will be \$2,577,000 or \$345,000 over the 1982 estimate of \$2,232,000.

...      ...      345

7. Standard Level User Charges (SLUC).....

P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$2,656,000 is required in 1983 to pay for space occupied at the end of 1982. The amount budgeted for SLUC in 1982 is \$14,805,000.

...      ...      2,656

699

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
8. GSA recurring reimbursable services.....	...	...	\$848
The General Services Administration provides additional heating, air conditioning, and guard service over normal requirements on a reimbursable basis. The requested increase of \$848,000 includes \$356,000 to adjust for the increased costs of the same quality and quantity of space in 1983 as in 1982 and \$492,000 for a deficit carried forward from 1982. This is an increase of 53 percent over the amount budgeted for 1982 of \$1,612,000.			
9. GSA nonrecurring reimbursable services.....	...	...	500
Renovation and alterations of existing space at several locations will require a one-time increase in nonrecurring reimbursable charges to GSA of \$500,000 for relocation and renovation of the San Francisco Laboratory.			
10. Postal Services increases.....	...	...	232
The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 an ounce. This 5 cent increase results in an additional request of \$232,000 over the currently budgeted amount of \$899,000.			
11. Federal Telecommunication System (FTS) rate increase.....	...	...	1,156
The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$1,156,000 over the 1982 base of \$1,870,000. This reflects the new billing method which became effective in 1982 and is based on the duration of calls. It also includes the rate increase of approximately 51 percent which was granted American Telephone and Telegraph in 1982.			
12. Travel costs - airfare increases.....	...	...	759
Although airline fares are subject to less regulation as a result of the Deregulation Act, the regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent over the 1982 budgeted amount of \$5,057,000.			
13. Government Printing Office (GPO) printing costs.....	...	...	31
The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs as a base, the uncontrollable increase for GPO printing is \$31,000 over the base of \$509,000.			

664

	Perm. Pos.	Work- years	Amount
14. Printing costs for the Federal Register and Code of Federal Regulations.....  The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations (CFR). The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$408 per page for the Federal Register and \$65 per page for the CFR. The requested uncontrollable increase provides funding for 257 pages in the Federal Register and 190 pages in the CFR.	...	...	\$14
15. Departmental printing and reproduction costs.....  Departmental printing costs are expected to increase by 7 1/2 percent in 1983. This results in an uncontrollable increase of \$19,000 over the 1982 base of \$250,000.	...	...	19
16. Employee data and payroll services.....  The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95. In 1982, it will increase by \$15; the increased cost of servicing 3,964 employees is \$59,000.	...	...	59
17. Full-Field Investigations.....  Costs in this area have increased as the result of a projection by the Office of Personnel Management (OPM) for 1982, which raised the standard rate charged for each full-field investigation by \$300 over the 1981 base cost of \$1,000. The request of \$120,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.	...	...	120
18. General pricing level adjustment.....  This request applies to OMB pricing guidance as of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates.	...	...	3,236

665

	Perm. Pos.	Work- years	Amount
19. Foreign allowances.....	...	...	\$1,048
<p>Allowances for Government employees in foreign areas are determined by the Department of State. The State Department anticipates a 20 percent increase in 1983. The requested increase of \$1,048,000 provides 20 percent more than the \$5,240,000 budgeted for 1982.</p>			
20. Distributed Administrative Support (DAS).....	...	...	381
<p>Under the Foreign Affairs Administrative Support System (FAAS), an annual charge is made by the Department of State for administrative support items; the amount of this charge is determined by the Department of State. The Department of State advises that a 20 percent increase in foreign operations is anticipated. The base for 1982 is \$1,905,000.</p>			
21. Restoration of Cargo Preference Act Savings.....	...	...	250
<p>The Office of Management and Budget has rescinded its earlier decision to seek repeal of that portion of the Cargo Preference Act which requires the Government to ship household effects on United States flag vessels.</p>			
22. Overseas mail charges.....	...	...	14
<p>The overseas mail transportation costs increase for 1983 is \$13,514 for a total of \$135,000. These costs are reimbursed to the Military Postal Service, Department of Defense.</p>			
23. Departmental telecommunications costs.....	...	...	40
<p>In 1981, AT&amp;T discontinued TELEPAK services and increased rates under a new tariff. The requested increase of \$40,000 reflects the resulting increase of 45 percent in the message rate and 10 percent in terminal charges over the 1982 budgeted amount.</p>			
Total uncontrollable increases.....	...	9	20,648
<u>Decreases (Automatic non-policy):</u>			
1. Nonrecurring items for 36 new positions related to the 1982 Amended Appropriation.....	...	...	-612
<ul style="list-style-type: none"> <li>- Purchase of motor vehicles for 33 agent positions requested in 1982 (\$192,000).</li> <li>- Purchase of technical investigative equipment for 33 agents requested in 1982 (\$28,000).</li> <li>- Purchase of mobile/portable radios for 33 agents requested in 1982 (\$69,000).</li> <li>- Purchase of operating equipment for 36 positions requested in 1982 (\$52,000).</li> <li>- Background investigations for 36 positions requested in 1982 (\$36,000).</li> <li>- Basic entry level training for 33 agents requested in 1982 (\$245,000).</li> </ul>			

666

	Perm. Pos.	Work- years	Amount
2. Encryption of the entire DEA Automated Teleprocessing System (DATE).....	...	...	-\$740
3. Annualization of 1982 position and program reductions reflected in the March 1982 Amendment (5 positions in the Domestic Enforcement program and 11 positions in the Diversion Investigative Unit program).....	...	-16	-700
Total decreases.....	...	-16	-2,052
Total, Adjustments to base level estimates.....	...	-7	18,596

Drug Enforcement Administration

Salaries and expenses

Financial Analysis - Program Decreases  
(Dollars in thousands)

Item	Domestic Enforcement		Foreign Cooperative Investigations		Compliance and Regulation		State and Local Training		State and Local Laboratory Services		State and Local Task Forces		Intelligence	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Total workyears and personnel compensation.....	48	\$1,098	9	\$209	10	\$236	1	\$26	1	\$26	3	\$52	9	\$209
Personnel benefits.....		109		21		23		3		3	5			21
Total workyears and obligations, 1983.....	48	1,207	9	230	10	259	1	29	1	29	3	57	9	230

899

Item	DEA Laboratory Services		DEA Training		Technical Operations		Executive Direction and Control		Administrative Services		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Total workyears and personnel compensation.....	5	\$105	1	\$26	4	\$78	7	\$156	2	\$52	100	\$2,273
Personnel benefits.....		10		3		8		16		5		227
Total workyears and obligations, 1983.....	5	115	1	29	4	86	7	172	2	57	100	2,500

Drug Enforcement Administration

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

<u>Grades and salary ranges</u>	<u>1982 Estimate</u>		<u>1983 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Positions &amp; Workyears</u>	<u>Amount</u>	<u>Positions &amp; Workyears</u>	<u>Amount</u>	<u>Positions &amp; Workyears</u>	<u>Amount</u>
Executive Level III, \$59,500.....	1		1		...	
Executive Level V, \$57,500.....	1		1		...	
GS-18, \$57,500.....	3		3		...	
GS-17, \$57,500.....	11		11		...	
GS-16, \$54,755-57,500.....	22		22		...	
GS/GM-15, \$46,685-57,500.....	134		134		...	
GS/GM-14, \$39,689-51,596.....	424		424		...	
GS/GM-13, \$33,586-43,666.....	727		727		...	
GS-12, \$28,745-36,723.....	1,083		1,083		...	
GS-11, \$23,566-30,640.....	229		229		...	
GS-10, \$21,449-27,884.....	6		6		...	
GS-9, \$19,477-25,318.....	123		123		...	
GS-8, \$17,634-22,926.....	54		54		...	
GS-7, \$15,922-20,701.....	282		282		...	
GS-6, \$14,328-18,630.....	358		358		...	
GS-5, \$12,854-16,706.....	294		294		...	
GS-4, \$11,490-14,937.....	133		133		...	
GS-3, \$10,235-13,304.....	40		40		...	
GS-2, \$9,381-11,807.....	7		7		...	
Ungraded positions.....	21		21		...	
<b>Total, appropriated positions.....</b>	<b>3,953</b>	<b>\$113,449</b>	<b>3,953</b>	<b>\$119,068</b>	<b>...</b>	<b>\$5,619</b>
Pay above stated annual rates.....	15	460	15	460	...	...
Lapses.....	-84	-1,434	-191	-2,685	-107	-1,251
<b>Net permanent.....</b>	<b>3,884</b>	<b>112,475</b>	<b>3,777</b>	<b>116,843</b>	<b>-107</b>	<b>4,368</b>

699

Drug Enforcement Administration

Salaries and Expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	3,884	\$112,475	3,777	\$116,843	-107	\$4,368
11.3 Positions other than permanent:						
Part-time permanent.....	10	112	10	118	...	6
Temporary employment.....	25	319	25	339	...	20
Other part-time and intermittent employment.....	20	229	20	243	...	14
11.5 Other personnel compensation:						
Overtime.....	20	700	20	700	...	...
Administratively uncontrollable overtime.....	444	9,100	444	10,062	...	962
Other compensation.....	5	1,049	5	1,049	...	...
11.8 Special personal services payments.....	...	1,000	...	1,000	...	...
Total, workyears and personnel compensation.....	4,408	124,984	4,301	130,354	-107	5,370
12 Personnel benefits.....		19,373		20,777		1,404
21 Travel and transportation of persons.....		9,881		10,752		871
22 Transportation of things.....		1,838		2,183		345
23.1 Standard level user charges.....		14,795		17,440		2,645
23.2 Communications, utilities, and other rent.....		12,793		15,748		2,955
24 Printing and reproduction.....		1,085		1,149		64
25 Other services.....		32,016		34,098		2,082
26 Supplies and materials.....		6,855		6,932		77
31 Equipment.....		8,672		7,412		-1,260
41 Grants, subsidies, and contributions.....		...		...		...
42 Insurance claims and indemnities.....		100		100		...
Total obligations.....		232,392		246,945		14,553
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		29,173		34,537		
Obligated balance, end-of-year.....		-34,537		-39,346		
Outlays.....		227,028		242,136		

670

Drug Enforcement Administration  
Salaries and expenses, Drug Enforcement Administration  
Justification of Multi-Activity Program Decreases  
(Dollars in thousands)

Item of decrease: Workyear Reduction

Program	Enforcement of Federal Law and Investigations			Intelligence			Support Operations			Program Direction			Total		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Domestic enforcement.....	...	48	\$1,207	...	...	...	...	...	...	...	...	...	...	48	\$1,207
Foreign cooperative investigations.....	...	9	230	...	...	...	...	...	...	...	...	...	...	9	230
Compliance and regulation.....	...	10	259	...	...	...	...	...	...	...	...	...	...	10	259
State and local assistance:															
State and local training.....	...	1	29	...	...	...	...	...	...	...	...	...	...	1	29
State and local laboratory services.....	...	1	29	...	...	...	...	...	...	...	...	...	...	1	29
State and local task forces.....	...	3	57	...	...	...	...	...	...	...	...	...	...	3	57
Diversion investigative units.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intelligence.....	...	...	...	...	9	\$230	...	...	...	...	...	...	...	9	230
Research and development.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
DEA laboratory services.....	...	...	...	...	...	...	...	5	\$115	...	...	...	...	5	115
DEA training.....	...	...	...	...	...	...	...	1	29	...	...	...	...	1	29
Technical operations.....	...	...	...	...	...	...	...	4	86	...	...	...	...	4	86
Executive direction and control.....	...	...	...	...	...	...	...	...	...	...	7	\$172	...	7	172
Administrative services.....	...	...	...	...	...	...	...	...	...	...	2	57	...	2	57
<b>Total.....</b>	...	<b>72</b>	<b>1,811</b>	...	<b>9</b>	<b>230</b>	...	<b>10</b>	<b>230</b>	...	<b>9</b>	<b>229</b>	...	<b>100</b>	<b>2,500</b>

671

In order to support the President's Economic Recovery Program, a reduction of 100 workyears and \$2,500,000 is proposed.

The workyear decrease has been proportionally allocated to the programs to minimize the impact on the Nation's drug enforcement effort. It is anticipated that the 1983 requested workyear level will enable DEA to provide for the ongoing level of operations.

## GENERAL STATEMENT

Mr. SMITH. Do you have a statement?

Mr. MULLEN. Yes, Mr. Chairman. I have actually two statements, I have a brief two-page statement which I would like to read and a longer statement which I would like to insert into the record.

Mr. SMITH. All right, we will insert that at this point.

[The prepared statement follows:]

DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF THE ACTING ADMINISTRATOR, FRANCIS M. MULLEN, JR.,  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE DEPARTMENTS OF COMMERCE,  
JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before this Subcommittee for the first time to discuss the Drug Enforcement Administration (DEA) budget, our mission, our objectives and our plans for 1983.

1983 Budget Request

The 1983 appropriation request for DEA totals \$246,945,000 and 3,953 positions. This represents a net increase of \$16,096,000 from the pending 1982 amount of \$230,849,000. This appropriation finances a comprehensive program that operates with field offices in 50 states and 43 foreign countries, eight field forensic laboratories, and Federal/State and local task forces in 18 areas.

In keeping with the President's economic recovery program, our 1983 budget includes a decrease from the current services level of \$2.5 million in salaries and benefits--equivalent to 100 workyears--to be allocated proportionally to the workyears budgeted for the various DEA programs. This will minimize the adverse impact on the Nation's drug enforcement effort, and will provide funding for the ongoing level of operations within DEA.

Management of Federal Drug Enforcement

## Interagency-

Since the DEA last came before the Congress for consideration of its program in conjunction with the appropriation request, there have been several significant changes with regard to how we approach the drug enforcement effort. As you are no doubt aware, on January 21, 1982, Attorney General William French Smith announced major revisions in the Nation's Federal drug enforcement effort. The purpose of these changes is to promote more effective drug enforcement through coordinated efforts involving DEA, the FBI, the United States Attorneys and agencies from other Departments, where appropriate.

The Attorney General has created a committee that will oversee the development of drug policy and assure that all the Department's resources, including its prosecutorial and correctional efforts, are effectively engaged in the effort against drug trafficking.

Additionally, the Attorney General adopted the recommendations of a committee of Department of Justice officials he appointed last summer to study how the DEA's and FBI's efforts could be better coordinated. Responsibility for the general supervision of drug enforcement efforts has been delegated to the Director of the FBI, so that as DEA's Administrator, I now report to the Attorney General through Director Webster. In furtherance of this relationship, the Attorney General also has moved to involve the FBI in the drug enforcement effort. This will, for the first time, bring the full resources of the FBI to bear on the problems associated with drug trafficking.

Assigning the FBI jurisdiction in drug investigations will immediately increase the number of agents available for our mission. DEA will be able to make maximum use of the FBI's wide deployment. In quite a few areas, DEA has

small representational offices that will certainly benefit from the manpower and expertise of the FBI.

No less significant will be the enhancement of investigations into the many other violations that go hand-in-glove with drug trafficking. Uniting the efforts of DEA and the FBI will afford the government the opportunity to attack the other crimes uncovered in drug investigations, such as organized criminal activities, money laundering, bank fraud and public corruption.

## DEA Organization

Internally, DEA is moving toward streamlining its Headquarters' programs, adjusting to a drug program management structure, while at the same time we are dismantling the geographic regional structure and advancing to a direct reporting mode. These two actions will make DEA a more effective, less bureaucratic agency and will also provide managers with more resources for field investigations of drug violations.

In short, the greater involvement of the FBI in the investigation of Federal drug offenses, the recent initiative by the Department of Justice to place the highest priority on the coordination of drug investigative efforts involving the DEA, the FBI, the U.S. Attorneys, and other Federal agencies, and our internal reorganization should result in a more efficient use of drug enforcement resources.

Effect of Drug Abuse and Scope of U.S. Government Strategy

## Effects of Drug Abuse

My interests and objectives are to keep the United States Government at the forefront of the drug war. The public has entrusted us with their faith to address this insidious problem which is a major cause of crimes against the public. Violent crime associated with drug trafficking is unacceptable; the

drug-money induced erosion of our financial and tax structure is unacceptable; the injurious health repercussions our youth are suffering are unacceptable. Clearly, the drug problem is one which requires Federal leadership not only to manage the international and interstate aspects; but also to influence and motivate State and local authorities to implement worthy drug control programs.

#### United States Government Strategy

The strategy of the U.S. Government must be to make the trafficking of drugs considerably less lucrative in terms of increased and consistent punishment, and to assure the certain loss of accumulated profits and proceeds of this criminal enterprise. We must also approach the demand issues and make the use of drugs less appealing. Finally, we need to better educate the public about the health consequences of drug abuse.

#### Impact of Federal Drug Law Enforcement

Federal drug law enforcement can act aggressively in several areas:

##### Internationally

- to stop production at the source and
- to assist in the interdiction of drugs and moneys before they penetrate U.S. borders.

##### Domestically

- to investigate and develop cases at the highest levels of violators,
- to strike at organized crime,
- to hold to a minimum the availability of controlled substances,
- to seize for forfeiture the profits and proceeds of drug trafficking, and
- to strengthen the cooperative Federal, State and local drug enforcement apparatus to increase the likelihood of law enforcement activity at all levels of drug trafficking.

#### Assessment of Drug Trafficking Situation

##### Heroin

I think it needs to be said that the efforts of DEA have had a demonstrable impact in protecting the American public from the dangers of drug abuse. This success over an extended period of time is the result of following the U.S. national strategy of placing first priority on heroin suppression.

Heroin availability and subsequent abuse continue at relatively low levels compared with record high levels as recently as 1976. We accurately predicted increased supply and trafficking in Southwest Asian heroin, which has allowed time for adequate planning and shifting of resources to prevent the influx from seriously afflicting the U.S. population. We have had unprecedented international success in penetrating drug trafficking networks and disabling their conversion laboratories at overseas locations in Italy and the Middle East thus preventing the converted heroin from reaching the U.S. population.

##### Dangerous Drugs

Abuse of legally-produced dangerous drugs is our second priority objective. This facet of drug abuse, although perhaps the least publicized component of our total operations, is no less a vital element in our strategy. Sixty to seventy percent of all deaths and injuries from controlled substances are associated with legally-produced drugs. Our international efforts directed toward control of bulk shipments of pharmaceutical material have had significant results. Domestically, our initiatives are targetted at controlling diversion of drugs from legitimate handlers, particularly practitioners. Overprescribing and misprescribing are problems of diversion that are recognized by health professionals as warranting attention. Mobilizing the resources of the business community in the area of diversion of legitimate drugs will be a major component of a Federal strategy.

## Cocaine and Cannabis

Cocaine and cannabis trafficking seem to be relentless. Our multi-faceted enforcement operations, such as the recently concluded Operation Tiburon III, remove vast quantities of these drugs from the marketplace. However, without meaning to detract in the least from the accomplishments of this enforcement campaign, we need to have effective controls on the illicit cultivation of these substances. Control at the source is a pillar of the U.S. drug strategy. All the coca leaves are cultivated on foreign soil; all but seven percent of the cannabis is cultivated beyond our shores. A strong, viable international program is critical to the realization of a measurable impact on the supply of these drugs and the narco-dollars that grow and multiply as a result of the market for cocaine and marihuana. Eradication, crop substitution, income subsidies and enforcement actions need to be set in motion and/or accelerated.

Foreign Operations

## DEA Activities

DEA's lead agency role overseas of working actively with counterpart agencies has been highly effective and must be continued. This effort includes technical assistance in eradication, cooperative investigations and legislative proposals, the provision of training, and the exchange of intelligence. We are prepared to work more diligently to achieve our program goals.

Legislative and Diplomatic Efforts

However, we will need the support of the Congress to help convince the leadership of drug-source nations that the United States is firmly and irrevocably supportive of drug control abroad and at home.

## Impact of Domestic Activities on Foreign Governments

To effectively persuade foreign governments to act on drug control, the Federal Government must combine a convincing domestic program with a consistent diplomatic program. Strong coordination must be established to ensure that all aspects of the U.S. policy support our drug control interests overseas. Advancement of a firm domestic marihuana control program is a needed demonstration of this commitment. We are actively involved with marihuana-source states to develop and implement domestic eradication programs.

Federal, State and Local Cooperative Activities

Domestically, our commitment to working with the Federal law enforcement community has never been stronger. In these austere times, we have all recognized the need for further enhancement of cooperative endeavors. We are maintaining a strong emphasis on interagency investigations with the Customs Service, the Coast Guard and the rest of the Federal enforcement community. I believe we will be seeing an acceleration in the number of interagency, high-level investigations.

El Paso Intelligence Center (EPIC) and Military Assistance

The El Paso Intelligence Center (EPIC) has a vital place at the heart of our operations. EPIC is an interagency operation supported by DEA, the FBI, Coast Guard, Immigration and Naturalization Service, U.S. Customs Service, Bureau of Alcohol, Tobacco, and Firearms, Federal Aviation Administration, U.S. Marshals Service and the Internal Revenue Service. EPIC also has working agreements with 46 State law enforcement agencies and the Virgin Islands. As the number of participating agencies has increased, the reliability of EPIC's products and services has been recognized by consumers and, as a result, the increase in

demand for EPIC's services has been significant. With drug enforcement emphasis on international operations, conspiracy cases and financial investigations, EPIC's workload has become more complex. As a result of the enactment of the Department of Defense Authorization Act, 1982 (P.L. 97-86) on December 1, 1981, DEA can look forward to increased military assistance in drug smuggling incidents and cases, which should provide for further enhancement and utilization of EPIC's capabilities.

#### Investigative Support in DEA

Thus far, I have discussed our major program directions and, in so doing, I have left unstated the critical components of DEA's activities which support our enforcement program and provide the DEA agents with the needed tools of the trade. Support operations activity encompasses: our strategic and tactical intelligence program; laboratory analysis of evidence in support of investigations prosecution of drug traffickers and support of State and local operations; training programs for all levels of DEA operational personnel, State and local personnel, and foreign officials; and maintenance of an effective technical equipment program, including aircraft operations to support increasingly complex high-level investigations. The individuals who staff these vital functions are extraordinarily committed to supporting our agents and the DEA mission.

#### Conclusion

For years, DEA has done fine work at home and abroad. In my eight months as Acting Administrator, I have been pleased at the obvious dedication and professionalism of the staff and the continued effectiveness of the enforcement effort. I am confident that an infusion of FBI resources to supplement those of DEA will aid immeasurably in our national drug enforcement effort. Through a

unified effort involving DEA, the FBI, prosecutors and others, we will have the resources and the expertise to attack the upper echelons and the financial structures of the Nation's large drug trafficking organizations.

The new unified DEA/FBI effort, however, is only one part of the Administration's concerted program to impact on the flow of drugs into the United States and on those who control and profit from drug trafficking. With statutory restrictions clarified, the Administration is now implementing a program to involve the military in lending equipment, such as radar, to civilian law enforcement and passing on information related to drug smuggling. The Treasury Department is establishing a financial intelligence center in Florida designed to follow and seize the millions of dollars in profits which are transitting banking institutions in Florida.

In addition the Administration is marshalling into Florida investigative resources from around the country, including FBI, DEA, and Customs officers, to exert more enforcement pressure on the trafficking organizations. The Vice President is directing a special task force to coordinate the Administration's program.

The control of the drug problem requires action by every level--individuals, organizations, local and State government, and the Judicial, Legislative and Executive Branches. Legislative initiatives in the areas of criminal forfeiture, bail, and sentencing are essential to these integrated enforcement efforts. We look forward to your support of our agenda.

This concludes my statement, Mr. Chairman. I shall be pleased to answer any questions you or other members of the Subcommittee may have.

## BIOGRAPHY

FRANCIS M. MULLEN, JR.

Francis M. Mullen, Jr. was nominated by President Reagan on January 21, 1982 to serve as Administrator of the Drug Enforcement Administration. He has been acting in that capacity since July 13, 1981 upon appointment by Attorney General William French Smith. Mr. Mullen came to DEA from the Federal Bureau of Investigation where he had been Executive Assistant Director in charge of all FBI investigative activity.

Mr. Mullen was born in New London, Connecticut on December 14, 1934, and received his early education there. Prior to enrolling in college, Mr. Mullen served in the United States Air Force for four years. He attended Mitchell College in New London, Connecticut and was awarded a Bachelor of Science degree from Central Connecticut State College in 1962. While attending college, Mr. Mullen was a member of the New London, Connecticut Police Department.

Mr. Mullen entered on duty with the FBI in May 1962 and served in Milwaukee, Wisconsin and Los Angeles, California prior to reporting to FBI Headquarters in 1969 in a supervisory capacity. He returned to the field as Assistant Special Agent in Charge of the Denver, Colorado office in 1973 and subsequently served another tour in FBI Headquarters as an Inspector. In 1975, Mr. Mullen was designated as Special Agent in Charge of the Tampa, Florida office and in 1976 transferred in the same capacity to the New Orleans, Louisiana office.

He returned to FBI Headquarters in October 1978 as Inspector--Deputy Assistant Director of the Criminal Investigative Division, where he supervised white collar and organized crime investigations. Mr. Mullen was made Assistant Director of that division in August 1979. He was then appointed Executive Assistant Director--Investigations in June 1980. In this position, Mr. Mullen was one of the three top management officials in the FBI and was responsible for all of the FBI's intelligence and criminal operations.

Mr. Mullen and his wife, Nancy, have three children; a son serving in the U.S. Army, a married daughter and one daughter living at home.

## BIOGRAPHY

FRANK V. MONASTERO

Mr. Monastero was named Acting Assistant Administrator for Operations on February 5, 1982. During his tenure with the Drug Enforcement Administration (formerly, the Bureau of Narcotics and Dangerous Drugs) from 1966 to the present time, he has held the following positions: Deputy Regional Director, Boston Regional Office; Chief, Enforcement Policy Staff, Office of Enforcement; Associate Regional Director, New York Regional Office; Assistant Regional Director, Kansas City Regional Office; Deputy Regional Director, New York Regional Office; Deputy Assistant Administrator for Intelligence; Director of the Office of Planning and Evaluation; and Director of Training.

Mr. Monastero was born in Totowa, New Jersey on September 15, 1932. He graduated from Georgetown University in 1953 with a B.S. degree in Social Sciences. During 1954-56 he served in the United States Air Force.

## BIOGRAPHY

DONALD P. QUINN

Donald P. Quinn is presently serving as the Acting Assistant Administrator for Operational Support of the Drug Enforcement Administration. Prior to that he served as Assistant Administrator for Administration and Management, Drug Enforcement Administration. His previous appointments include Deputy Assistant Administrator for Administration and Management; Assistant to the Assistant Administrator for Administration and Management, Drug Enforcement Administration; Chief, Organizational Analysis Section, Drug Enforcement Administration; Deputy Comptroller Career Program Manager, U.S. Army Materiel Command, Department of the Army, Alexandria, Virginia; Senior Management Analyst, Theater Army Support Command, Department of the Army, Worms, Germany; Program Analysis Officer, Office of the Comptroller, U.S. Army Materiel Command, Washington, D. C. and Chief, Management Systems, Army Aviation Materiel Laboratories, Fort Eustis, Virginia.

Mr. Quinn was born in Scranton, Pennsylvania on July 9, 1940. He received a Bachelor of Science Degree from the University of Scranton in 1962 and a Master of Science Degree from George Washington University in 1966. He served with the U.S. Army in Korea and Fort Eustis, Virginia as an Adjutant and Company Commander from 1963-1966.

He is married to the former Bonita Gietka and has four children.

## BIOGRAPHY

GENE R. HAISLIP

Gene R. Haislip is presently Acting Deputy Assistant Administrator, Office of Diversion Control which was formerly the Office of Compliance and Regulatory Affairs, Drug Enforcement Administration. Prior to that appointment he served as Executive Assistant to the Administrator, Drug Enforcement Administration. Previous appointments include Assistant Chief Counsel; Acting Assistant Administrator for Program Planning and Evaluation; Deputy Assistant Administrator for Program Planning and Evaluation; Deputy Assistant Secretary of Health, Department of Health, Education and Welfare; Chief of Congressional Relations; Special Assistant, Office of the Deputy Director, Bureau of Narcotics and Dangerous Drugs; and Attorney, Bureau of Narcotics and Dangerous Drugs, Washington, D.C.

Mr. Haislip was born in Danville, Virginia, on July 14, 1938, and grew up in Norfolk, Virginia. He received a Bachelor of Arts Degree from the College of William and Mary (1960), L.L.B. from the College of William and Mary (1963), and L.L.M. from George Washington University (1966).

## BIOGRAPHY

MALCOLM E. ARNOLD

Malcolm E. Arnold is presently the Acting Deputy Assistant Administrator for Administration in the Drug Enforcement Administration. Mr. Arnold joined the Drug Enforcement Administration as the Controller in March, 1980. From 1970 to 1975 he served on the staffs of the International Affairs Division and the Program Coordination Division of the Office of Management and Budget; his last position at OMB was Acting Chief of the Justice/Treasury Branch, Economics and General Government Division. His other Federal work experience includes service with the Agency for International Development in Washington, D.C., and Jakarta, Indonesia. He has private sector work experience in the electronics industry and served three years in the Marine Corps.

Mr. Arnold was born in Washington, D.C., on November 19, 1934. He was educated at UCLA and Harvard University, where as a Woodrow Wilson Fellow he pursued a Ph.D. in government and Asian affairs. In 1969 he graduated from the Department of State's Foreign Service Institute in Economic Studies.

Mr. Arnold is married to the former Carol Irene Condon; he has four children.

## BIOGRAPHY

JAMES K. WILLIAMS

James K. Williams is presently Acting Chief, Budget and Manpower Management Section of the Drug Enforcement Administration. Prior positions held have been in the field of Financial Management in the Drug Enforcement Administration and its predecessor agencies, the Bureau of Narcotics and Dangerous Drugs in the Department of Justice, and Bureau of Narcotics in the Treasury Department.

Mr. Williams was born in Paintsville, Kentucky on July 26, 1936. He attended the University of Baltimore and received a Bachelor of Science Degree in Accounting in 1963.

Mr. Williams is married to the former Carolyn Larson, and they have two children.

Mr. MULLEN. I am certainly pleased to have this opportunity to appear before this subcommittee for the first time as Acting Administrator of the Drug Enforcement Administration.

#### INTRODUCTION OF ASSOCIATES

I am accompanied today by Frank Monastero, Acting Assistant Administrator for Operations; Donald P. Quinn, Acting Assistant Administrator for Operational Support; Gene R. Haislip, Acting Deputy Assistant Administrator, Office of Diversion Control; Malcolm E. Arnold, Acting Deputy Assistant Administrator for Administration; Gordon Fink, Chief of our Congressional and Public Affairs Office; James K. Williams, Budget and Manpower Management Section; Kevin D. Rooney, Assistant Attorney General for Administration, and John R. Shaffer, Director of the Budget Staff, U.S. Department of Justice.

#### 1983 OVERVIEW

The 1983 appropriation request for DEA totals \$246,945,000 and 3,953 positions. This represents a net increase of \$16,096,000 from the pending 1982 amount of \$230,849,000.

Our budget includes a decrease of \$2.5 million in the salaries and benefit base—equivalent to 100 work years. The ongoing level of operations, however, will be maintained.

The greater involvement of the FBI in the investigation of Federal drug offenses, the recent initiative by the Department of Justice to place the highest priority on the coordination of drug investigative efforts involving the DEA, the FBI, the U.S. Attorneys, and other Federal agencies, and our internal reorganization should result in a more efficient use of drug enforcement resources.

The drug problem is one which requires Federal leadership not only to manage the international and interstate aspects, but also to influence and motivate State and local authorities to implement effective drug control programs.

Trafficking in drugs must be made less lucrative and the use of drugs less appealing.

DEA resources will continue to be applied to investigation of, first, heroin trafficking, then dangerous drugs, cocaine and cannabis trafficking.

The efforts of DEA have had an impact in protecting the American public from the dangers of drug abuse by placing first priority on heroin suppression.

Control of drugs at the source, usually overseas, is a pillar of our strategy. We will continue to fulfill the role of lead agency in drug enforcement activities overseas.

Domestically, our commitment to working with the Federal law enforcement community has never been stronger. I believe we will see an acceleration in the number of high level interagency investigations.

Right now the Treasury Department is establishing a financial intelligence center in Florida, and investigative resources from around the country are being marshalled in Florida to exert more enforcement pressure on traffickers.

Further, the El Paso Intelligence Center will assume an even more critical importance as a result of the enactment of the Defense Department Authorization Act, 1982, which increased military assistance in combatting drug trafficking.

The control of the drug problem requires action by every level—individuals, organizations, local and State government, and the Judicial, Legislative and Executive Branches.

And I am prepared to answer any questions you may have.

#### FBI/DEA COORDINATION

Mr. SMITH. Recently, the Attorney General announced that the DEA and the FBI would consolidate their drug investigations. What is the purpose of this consolidation? What are the main features of it that differ from the way these investigations have been conducted in the past?

Mr. MULLEN. In the past, Mr. Chairman, the Administrator of the Drug Enforcement Administration reported to the Attorney General through the Associate Attorney General. In the future I will report to the Attorney General through the Director of the FBI.

The Director has been given overall policy command of the drug enforcement effort. This will ensure that the resources of both the FBI and DEA are being used in concert and we are not working at cross purposes. We can bring fully to bear the efforts of the 8,000 FBI agents, especially the 1300 accountants on the drug problem so that they will complement the DEA effort.

This means we will see many joint investigations.

As an example, when I went to DEA on July 13th of last year, there were between 10 and 15 joint investigations between DEA and the FBI.

Today I can report that we have 153, all aimed at the highest level of the drug trafficking world.

This means that in cities such as Cincinnati, Ohio, which I visited last year, where there were two DEA agents stationed to cover the entire southern Ohio area we now have available 87 FBI agents assigned to the same area.

In a city such as Pittsburgh where we have eight DEA agents and the FBI has 118, it will mean that we will now be able to use more sophisticated investigative techniques for wiretap and undercover operations.

Mr. SMITH. Are the FBI agents going to be taken off other work?

Mr. MULLEN. We found prior to this closer cooperative effort that 25 percent of the FBI organized crime program was leading into the drug trafficking area. We found that some of the bank fraud and embezzlement cases were leading into drug trafficking.

But to answer your question fully, yes, this will result in the FBI agents being taken off of other work. Most likely, the lesser important cases, say, in bank fraud and embezzlement where the amount is minimal or something of that nature.

#### JOINT INVESTIGATIONS

Mr. SMITH. Well, now how will investigations under this arrangement differ from the way you handled joint investigations before?

Mr. MULLEN. There will be more of them and I think with the increased accounting expertise we will be able to go after the money flow, the money that is flowing out of the United States, say, through the Bahamas, the Cayman Islands, to the Swiss banks.

I think we will be better able to track the money flow.

Mr. SMITH. Procedurally will there be any difference in the way you operate an investigation?

Mr. MULLEN. I think the lines of command will be much clearer, that I report through the Director and we can mandate the cooperation.

When you tell two agencies to work together it is often difficult to achieve.

Mr. SMITH. Was there any difficulty in getting them to work together in the past?

Mr. MULLEN. In the past, yes, there has been some difficulty.

Mr. SMITH. What kind of difficulty?

Mr. MULLEN. Just who will contribute what resources. I think in the end it would boil down to who gets credit, who is going to run the investigation. Now we have worked out definitive guidelines.

For example, if the FBI starts the investigation and has the majority of the resources, then they would be in command but we are insisting in each and every case that DEA be advised at the outset of every investigation that it be tracked by DEA.

We must have one responsible agency fully in command of the drug effort. That will continue to be DEA. If DEA instigates the investigation and has the majority of the resources, then DEA will be in command.

#### REPROGRAMMING REQUIREMENTS

Mr. SMITH. You did not send a reprogramming request up. Doesn't this new arrangement change the use of resources and line items in the budget? Why wasn't there a reprogramming?

Mr. MULLEN. It was not necessary. The FBI is working the drug effort within its organized crime program.

Mr. SMITH. There was no change in the amount of money used under any line item in the budget?

Mr. MULLEN. None that I am aware of, Mr. Chairman. Another area, and I did not complete before what this entailed, the FBI was given jurisdiction which they did not have before and would refer all cases to the DEA and DEA simply did not have the resources.

I would like to make clear that it wasn't that DEA wasn't able to do the job because of expertise. They clearly have the expertise. They just did not have the people.

#### DRUG STRATEGY/PRIORITY

Mr. SMITH. Now, I understood you to stress also that one of your priorities is to try to reduce production in other countries. Is that right?

Mr. MULLEN. Not priority. What I classified, Mr. Chairman, were the four drug types, the heroin, dangerous drugs, cocaine and cannabis, the marijuana.

We have them prioritized in that order because of the serious health hazards from heroin, the overdose deaths.

Mr. SMITH. Are you depending more heavily upon preventing production in some other country or upon catching traffickers in this country or what?

Mr. MULLEN. We have several pillars of investigative strategy. One of these is eradication at the source and we work very closely with the State Department in that area.

And we have in DEA 178 agents assigned overseas to work with foreign police agencies in an effort to encourage them to eradicate at the source, arrest those who are trafficking and interdict at the source.

So that is one main pillar of the program but we are also just as concerned with seizing the assets in this country and our enforcement efforts in this country.

Mr. SMITH. I know a lot of people, and I think mistakenly, think you can do wonders by preventing production someplace. But there is so much land in this world that can produce marijuana, especially, I don't see how you can prevent it. If they move out of one place, they can go somewhere else and harvest it some months later. That does not mean you shouldn't do something about it, but you are sure going to have to get the traffickers that sell it here or they will just get it from somewhere else.

Mr. MULLEN. I fully agree with you.

I think we have to make it prohibitively expensive, personally and financially, for those who are trafficking. That is to take their assets and send them to prison. That, in time, will put a stop to it.

Mr. SMITH. The other thing is that at times if foreign nationalist are caught someone puts the bail cash up for them and they are gone. If they know they can get out on bail it isn't hard to hire people to put up the money.

Mr. MULLEN. Well, \$1 million bail for a drug trafficker is the cost of doing business.

What we are looking for from the Congress is some help with regard to bail reform. As it stands now a Federal judge may hold an individual to ensure his appearance in court.

We would like to see danger to the community—and I consider any drug trafficker a danger to the community as well as repeat offenders, perhaps, given no bail and held for trial.

I think that would go a long way toward alleviating the problem of individuals absconding and then coming back again with another load of drugs.

#### PARAQUAT ALTERNATIVES

Mr. SMITH. I will bring it up again as I've brought it up many times before. I still think we ought to put some emphasis on putting some kind of agent on the source wherever it is. Just spray some kind of an agent that makes people nauseated if they smoke the stuff. Let it go right through the system so that when people are buying drugs on the street, they don't know whether they are getting some of that or getting some other.

You have got to make it where those who buy drugs are less sure that they can use them and still get a lift out of them or whatever they get. You have got to make it that they are afraid that the neg-

atives are greater than whatever enjoyment they are getting out of using drugs.

Mr. MULLEN. I know the State Department is doing some work in the area of a marker. I do not know what they are working in that area.

Mr. SMITH. Well, a marker just let's them know. That would be some help in tracing it, but whatever is used it ought to be done in such a way so that it is mixed in with the total source. Then the users won't know when they buy drugs whether they are getting some of the sprayed drugs or getting some of the other. The way it is now, if there is some bad dope on the street, we have ways of trying to warn people. We help them to avoid getting something bad, you know.

Mr. Miller, do you have any questions?

#### INTERAGENCY COOPERATION

Mr. MILLER. Mr. Chairman, I do have a couple of questions.

Mr. Administrator, you speak in your short statement about the cooperation between DEA, the FBI, the U.S. Attorneys and other Federal agencies.

What other Federal agencies are involved?

Mr. MULLEN. Mainly the Coast Guard and U.S. Customs but also the IRS is involved in the drug enforcement effort.

I did mention the FBI. I think we are all aware of the FBI and DEA relationship.

Mr. MILLER. That is correct.

Now, how would the Internal Revenue Service be involved?

Mr. MULLEN. The Internal Revenue Service would be involved. We identify individuals suspected that we are aware of being involved in drug trafficking. We refer those names to Treasury and IRS can conduct an investigation relating to the sources of their income, should it be derived from drug trafficking or whether they are reporting the income derived.

We do not receive, on a reciprocal basis, the information from IRS. It is a one-way program. We are furnishing information through Treasury.

The Under Secretary of Treasury for Enforcement, Mr. John Walker, is chairing an Asset Removal Committee and under our program of investigation where we are trying to seize the assets of the traffickers he can also utilize IRS or Treasury agents in that matter.

Mr. MILLER. If you people would suspect that you had someone that was involved in drug trafficking, would it not be better to follow that case, move in, do something about it? It seems that going through the IRS is the long way around to report the possibility of someone's assets building up.

You probably do it on the basis of net worth, sometimes taking a year or two to evaluate the pieces of evidence, just what the net worth is and where it came from, and then probably the whole matter winds up in court.

It seems as though you or the FBI need to really investigate in order to shut that person off so that they would not be moving the drugs.

Mr. MULLEN. We probably need just a little more than suspicions. We would need some indication, perhaps some source information. Perhaps with the resources, we are not able to catch that particular individual involved in the actual trafficking but maybe being behind the scene.

That would be the type of case that I would be talking about.

Mr. MILLER. I asked that because IRS comes for their funding to one of the other appropriations subcommittees on which I serve, and Customs also comes to that subcommittee.

You mentioned that you are involved to some degree with Customs. You did mention the Coast Guard?

Mr. MULLEN. Heavily involved; yes.

#### DEA/CUSTOMS COOPERATION

Mr. MILLER. Customs worked with you, and has it been beneficial what they can do? They are certainly in a position to be able to see what comes in the country. We know it is impossible to see everything but they have that responsibility if they possibly can.

Mr. MULLEN. Yes, the relationship has been beneficial. Customs really has the primary mission of interdiction, of catching the drugs at the airports, at the seaports and out in the Caribbean along with the Coast Guard and they have been very effective.

When Customs does come across the drug trafficker they make the stop, the seizure and then DEA is immediately notified and DEA then conducts the investigation which may then go throughout the United States and even overseas.

On the other hand, DEA, through its overseas agent network, attempts to obtain intelligence and to advise Customs when these shipments will be coming through.

We usually focus this activity on the El Paso Intelligence Center program out there where DEA has top position and a Customs Official is second in command out there.

#### FOREIGN OPERATIONS/COOPERATION

Mr. MILLER. How many people do you have in foreign nations?

Mr. MULLEN. One hundred seventy-eight agents are assigned overseas. I believe it is 276 total personnel.

Mr. MILLER. And those people are able, for instance, to get a bead on a shipment that will be coming out, and contact our Customs so that they will be able to be on the lookout for that particular shipment?

Mr. MULLEN. With some regularity we are able to do that working with foreign police. DEA agents are very active with foreign police agencies and it has been a very successful program.

Mr. MILLER. Do we find most of the foreign police being receptive and especially in an area where the drug may be produced?

Mr. MULLEN. We find that most are receptive. What we do run into in some areas such as Southeast Asia, the traditions and customs where the growing of opium has been carried on for centuries, and we are trying to encourage the police to go in and eradicate and the government to substitute other crops and we are having to overcome decades and centuries of tradition.

But we find in most instances that the police are cooperative. And in addition to the working relationship we trained many of these foreign police at our training academy down at Glynco, Georgia, so we have a very good relationship with most.

On occasion, we did have some difficulty in the not too distant past with regard to Bolivia. We did find involvement on the part of police officials there but this is rarely the case.

Mr. MILLER. But in some foreign nations I can visualize the possibility that there would be people not interested in stopping the crop because it, in turn, would bring back revenue to the government which would help pay the very people who would be attempting to stop it.

Mr. MULLEN. That is true. And even in some nations and I can cite Jamaica as an example where the government is friendly and wants to do something, the President realizes what it is going to do to the economy of that country.

So we are working with them through the State Department towards crop substitution and a means of getting another economic program that would substitute, say, for marijuana growing down there.

That is a problem.

#### REPEAL OF PARAQUAT AMENDMENT

Mr. MILLER. Are we using our personnel in order to crop-substitute or at least teach the people how and show them what they should be doing?

Mr. MULLEN. Yes, we are. That is, again, a State Department program but using A.I.D. we have a very active program in that area.

Mr. MILLER. At one time we also were spraying in some countries. Is that still in operation? Didn't we have some restrictions?

Mr. MULLEN. We did have a restriction. The amendment which prohibited the use of paraquat, that amendment was rescinded with the last session of Congress and we are now again authorized to use paraquat and Mexico had a very successful program this spring. And we are very hopeful that the source of 90 percent of our marijuana will also implement the program and we are also stressing use of this herbicide in some domestic eradication programs.

So the prohibition is no longer in effect and we are recommending using it.

#### WAR ON DRUG ABUSE

Mr. MILLER. I am wondering whether we are winning or losing. Are we gaining or going backward? We are taking one step forward and two back.

What about the age of those who use drugs, do you have some background on that? Are they starting younger?

I hear the stories. I have read some of stories that grade school students are using drugs.

Are we losing out because somehow the drug peddlers are getting to our young people and getting them started earlier and they pick

up a habit and then we have the crime in the street for them to support the habit?

Mr. MULLEN. I don't think the users are getting any younger. We have seen usage at the grammar school level but for the third year in a row we have seen decreases with regard to high school marijuana usage.

I really believe that we have not won the battle against drug abuse but we certainly haven't lost it. But what I see at present is an opportunity to win it.

I see the Congress totally ready to take whatever action is necessary and the Administration, committed, the news media, the public.

I believe people are more aware of what the drugs have been doing to their bodies and what it is doing to their livelihood and I just see a change in attitude. I see law enforcement not only at the Federal level but at all levels finally coming together, putting the resources where they can do the most good and I am very optimistic.

I don't think we will ever eliminate the problem. As long as we have human beings and as long as we have drugs available we will have an abuse problem. But I do believe that in time and in the not too distant future we will have less of a problem than we had today.

Mr. MILLER. You are saying we are winning. If we have less of a problem in the future we are winning?

Mr. MULLEN. I am saying we will win it. With the initiatives we have now underway, I believe we will win it, yes. I am confident that that is the case.

#### FREEDOM OF INFORMATION REQUESTS

Mr. MILLER. Does the DEA receive requests under the Freedom of Information Act?

Mr. MULLEN. We receive numerous requests, Congressman Miller. Fifty percent of which come from the criminal element or from individuals in prison. I will have to get the figures for you for the record but I believe last year we received in excess of 1800 requests and we have 38 positions assigned to doing nothing but processing FOIA requests.

We have backlogged now, I see from our records here, 2,057 requests. They are incoming at the rate—last year we received 1,747 new requests.

It is a real burden to us and some relief would be helpful, especially from the number we are receiving from the criminal element and those in the prisons trying to find out who put them there.

Congressman, I don't know if you have had an opportunity to see the mosaic prepared by the FBI which showed through information already released that members of organized crime could identify sources who would have helped us investigate organized crime, already released.

So it is a problem for us.

## FEES CHARGED FOR FOIA/PA REQUEST

Mr. MILLER. I have not. Tell me about the charges, if you will. Those prisoners, as an example, they will want this information. Do you have a charge for that information?

Mr. QUINN. We do charge for the information. There is a fee charged for it.

Mr. MILLER. There is a fee?

Mr. MULLEN. So much per page unless it is under a court order. Often we will have a court order where it will stipulate that there will be no charge.

Mr. MILLER. You have 38 employees assigned to Freedom of Information Act. Now, would they be supported by the revenue that would be coming in because of the charge?

Mr. MULLEN. Mr. Quinn will answer that question.

Mr. QUINN. No, sir. They are appropriated employees. Any fee that comes in gets turned back into the Treasury.

Mr. MILLER. I understand that but I am thinking about whether an equal amount would be coming in.

Mr. QUINN. Whether it is a wash, no, sir, I don't believe it is. I think we would have to provide that for you.

Mr. MILLER. If you could provide it for the record I would appreciate it very much.

[The information follows:]

FEES CHARGED BY DEA FOR PROCESSING FREEDOM OF INFORMATION ACT (FOIA)/  
PRIVACY ACT (PA) REQUESTS, 1981

Title 28, Code of Federal Regulations, Sections 16.9 and 16.46 govern fees to be charged by Department of Justice components. Search fees are permitted for FOIA requests only, in the amount of \$8 per hour. Document reproduction fees for both FOIA and PA requests are allowed at the rate of 10¢ per page. Regulations specify however, that fees should not be charged when, in the aggregate, they amount to less than \$3 per request.

As a matter of policy, DEA requires fees only when a total of \$10 or more is chargeable for any given request. Administrative handling costs make it impractical to require fees of less than \$10 per request.

DEA records indicate the following charges in 1981:

Freedom of Information Act Fees.....	\$1,500
Privacy Act Fees .....	890
Total.....	2,390

The total estimated cost of FOIA/PA operations in DEA in 1981 was \$1.6 million.

Mr. MILLER. I am happy to hear you say that we are gaining. It is an expensive program. There are many parts of government involved in it and I guess if we are gaining it is worth the expense because the youth of the Nation, we can't invest too much in them.

## CONSOLIDATION OF DRUG EFFORT

So, with all of those people who are involved, and I don't know whether it is a fair question to ask you because here you have the Coast Guard and Customs and the FBI and your own organization and I don't know how many more, but could we do a better job somehow if we consolidate it?

Mr. MULLEN. I would like to see how the relationship works with DEA and FBI. I think we have to be careful we do not get too

many agencies in there with jurisdiction or we will be working against each other on occasion.

We have undercover operations going. I think it has to be coordinated at one source and I believe that has to be in the Justice Department with your chief law enforcement officer of the Nation, the Attorney General, being in overall command.

That is what we have now. We must work together within our jurisdictions. Customs has the interdiction responsibility. Coast Guard has the responsibility on the high seas. DEA and the FBI have the investigative responsibility domestically along with our many State and local police departments.

We must coordinate with each other at all levels but I do not see any area right now where we could have further consolidation of effort.

## TASK FORCES

Mr. MILLER. But are plans or studies being made to somehow find out if that would be beneficial because of so many agencies that are involved in this?

Mr. MULLEN. Continuing studies at all times to see how other agencies can do more and I think we will have areas like south Florida where the Vice President has his task force in operation where we are working in concert.

If we develop techniques there that we find effective we would spread those to other parts of the country.

In addition, we have 18 joint Federal, State and local task force operations underway right now. For example, in New York City where we have DEA agents, New York State Police, New York City Police working together and where DEA provides the resources such as the vehicles, communications equipment and overtime pay.

So we bring in the local resources in that manner. So we are continually alert to ways in which we can improve the drug enforcement effort.

## FBI OVERSEAS OPERATIONS/DEA INTEGRITY

Mr. MILLER. To give an example of also what I had in mind when you speak of the number of people that are overseas and DEA representatives, does the FBI have their representatives, their agents overseas, too?

Are you tramping on their toes or are they tramping on your toes overseas?

Mr. MULLEN. Not at all. We are going to maintain the integrity of the DEA overseas operations. The agents overseas are called country attaches. As I indicated, there are 178 of those. The FBI calls their overseas agents legal attaches and they perform vastly different functions.

The DEA are out there working with the local police, gathering intelligence, spotting growing areas.

The FBI legal attaches are also involved in intelligence exchange of information but there is more of a liaison function. For example, if we are looking for a fugitive and the FBI learns that he has gone to Australia, the FBI will not send agents to look for that fugitive.

They will notify Australia through the legal attaches and they will conduct the investigation there for the government.

So, DEA is more operational. We will maintain the integrity of the two systems, keep them separate, unless with this new program, say, in a country such as Italy, in Rome, the FBI comes across information from Italian sources they would make it available to the DEA counterpart there. They know that each other is there and that they can work together if necessary.

Mr. MILLER. Thank you, Mr. Chairman.

#### GAO REQUEST/DEA RESPONSE

Mr. SMITH. Has the GAO asked you for some information?

Mr. MULLEN. GAO has asked for a lot of information; yes, sir.

Mr. SMITH. Have you had any problem working it out?

Mr. MULLEN. We have of late. I have implemented new guidelines for what I hoped would facilitate the exchange of information with GAO.

Mr. SMITH. What is the problem? What is your difference of opinion as to what they should have access to?

Mr. MULLEN. I don't know what all of the differences are right now. I can make a copy of the guidelines available to the committee for the record.

Mr. SMITH. Do you think it has been worked out where it is acceptable to both GAO and DEA?

Mr. MULLEN. Not yet. I think one of the critical areas is the access to pending files and to informant files where we believe that in law enforcement we must maintain the integrity of those files. It is very difficult to develop informants and we just do not like them accessed.

Mr. SMITH. Well, they would not want the names of informants. They might want to know that you are actually using the money for an informant's program but they would not want the names of the informants or that kind of information that would reveal sources or anything like that.

Mr. MULLEN. Well, with regard to the pending files we have the same difficulty. I am sure we can give them that type of information to make sure we are using the money properly.

What I have tried to do is have a single focal point here in Washington that GAO can contact. We want to look into this area. We will be arranging visits to these offices rather than have visits to the office not known to DEA Headquarters and things such as that.

These are not insurmountable difficulties and I want to assure the chairman if there is any question as to what we are doing in DEA. I will be available any time to come up and give a personal and very frank briefing but I will work out with GAO acceptable procedures.

#### FORFEITURES

Mr. SMITH. Now, what about forfeitures? Do you have figures indicating how much has been forfeited in the past year?

Mr. MULLEN. I do.

Mr. QUINN. Sir, in 1981 our overall DEA seizures, exclusive of other agency seizures was \$66 million, and our actual forfeitures were about \$13 million.

The overall seizures to include other agencies like IRS and Customs amounted to approximately \$161 million and the forfeitures were about \$109 million.

Mr. SMITH. Now, were those forfeitures to the Federal Government or to local governments?

Mr. QUINN. These forfeitures are generally to the Federal Government.

Mr. SMITH. You are not including amounts that local governments had?

Mr. QUINN. No, sir; those figures do not include the local governments.

Mr. MULLEN. Mr. Chairman, the goal for 1982 is to seize an amount equivalent to or in excess of our budget which was \$231 million.

Mr. SMITH. You are talking about all the problems in the State of Florida. It is a problem but some of those sheriffs think it is not too bad. They get an airplane once in a while. Many have airplanes down there now, the county sheriffs do, and new trucks, and cars.

#### GSA SPACE

Mr. SMITH. I notice you have requested an 18 percent increase for GSA standard level user charges.

Are you using less space, more space? Are they just charging you more for the same space?

Mr. QUINN. It is basically charging more for the same space.

Mr. SMITH. If you have less people you won't need as much space, will you?

Mr. QUINN. Well, if we were able to decrease the space commensurate with the people but, unfortunately, the reductions are not total office reductions. Generally, they are taking maybe two or three personnel from an office and you would really have to retain the same space.

As a matter of fact, to give up space when we just have a small reduction like that costs us more money.

Mr. SMITH. Well, if it is 18 percent more for the same space, is this space under the same contracts that it was under a year ago? Are they paying more? They are not paying 18 percent more, are they?

Mr. QUINN. Well, overall, GSA is paying more but it is an average rate across the government. The SLUC rate is an average rate. GSA actually pays different rates.

Mr. SMITH. But it is a comparable rate, isn't it? They are comparing the amount that your building would bring if it were rented in the private market, aren't they?

Mr. QUINN. Well, it is a standard rate that they charge across the board and a comparable rate. For example, in our headquarters building, GSA charges us a rate of over \$12 per square foot but they are actually paying a little over \$5.0 a square foot. But in another part of town you may have the reverse situation.

## GSA RECURRING REIMBURSIBLES/TELECOMMUNICATIONS INCREASE

Mr. SMITH. Also, you are requesting a substantial increase for recurring reimbursable services and for the telecommunication systems charges. Fifty-three percent for recurring reimbursable services, 62 percent for the increase in telecommunication system charges. What can you tell us about those two?

Mr. QUINN. Well, these are all uncontrollable increases that amount to the sum of \$20.6 million worth of increases that we have.

Mr. SMITH. Are you using more services and more telecommunications?

Mr. QUINN. No, sir. It is basically an increase in the line charges, the various rates of the telephone companies. We have the GSA non-reimbursable or non-recurring reimbursable services, and that is basically for renewing of existing utilities. And we have Federal telecommunication rate increases.

Mr. SMITH. You mean what GSA charges you for those?

Mr. QUINN. That is correct, sir.

Mr. SMITH. But you don't know how much the increase was to GSA for those?

Mr. QUINN. Not the exact increase to GSA; no, sir.

## SEIZURES AND FORFEITURES

I might add, sir, on those figures that I quoted earlier on the seizures and forfeitures, there are some State and local seizures and forfeitures included in that information.

Mr. SMITH. Do you have any idea how much?

Mr. QUINN. Yes, sir; I think I can set it forth for you.

In the seizure area approximately \$23 million of that total figure of \$161 million—correction, sir. Approximately \$13 million of the \$160 million were State and local and the forfeitures, approximately \$13 million of the \$109 million were State and local.

Mr. SMITH. That means the general Treasury got how many dollars?

Mr. QUINN. Well, that is something that is difficult to track. Right now the total seizures and forfeitures and what actually went back into the Treasury for the 1981 period from what we can track in DEA, we are only talking a few million dollars.

Now we are tightening up our procedures in that area so that we will be able to track that more accurately in the future. Some of that money we are aware of. Other money goes back through other agencies into the Treasury that we do not have a track on.

## LANGUAGE CHANGES

Mr. SMITH. You are asking for some appropriations language changes. What do you have to say about that?

Mr. QUINN. Basically in the appropriation language, what we are looking for in new authority is the carryover PE/PI of approximately \$1.7 million, approximately 15 percent of our PE/PI budget and, of course, we have in our language this year the purchase of 277 vehicles which was in last year's language.

## BANK SECURITY ACT

Mr. MILLER. Mr. Chairman, I do have a couple of questions, if I might.

There have been reports that DEA is not making full and effective use of the Bank Security Act which requires the reporting of changed transactions over \$10,000. As I recall, a \$5,000 out-of-country transaction would have to be reported.

It seems that possibly that Act could help lead you people to the flow of dollars out to buy the various drugs that are peddled eventually in the United States?

Mr. MULLEN. That particular flow goes to the Treasury Department. I understand the Treasury is making extensive use of that particular law and several operations such as Greenback down in Florida specifically utilize that law.

The DEA would make use of it when cases are referred from Customs when they do identify a trafficker through monitoring the transactions of \$10,000 or more.

I mentioned earlier the Asset Removal Committee being chaired by Mr. Walker at Treasury and that is another facet of that program, to track the large money transactions.

So I believe it is being utilized. We are well aware of the law and what it can do for us.

Mr. MILLER. You feel that DEA is utilizing the law?

Mr. MULLEN. I do.

## BUDGET REDUCTION IMPACT

Mr. MILLER. Another article was in one of the local papers and it was conveying the message that you were out of money and that many of the DEA agents, investigators, whatever you may call them, were restricted in travel and that many of the automobiles were not able to move out of the garage because there was not money to even buy gasoline or diesel fuel or whatever is required.

Is there anything to that report?

Mr. MULLEN. Some months ago when it appeared as though we were going to take a significant budget reduction somewhere in the area of \$201 million in 1982 we did have some difficulty with the purchase of gas and some of the cars were tied up.

However, we were never restricted to travel in connection with an investigation or for court testimony or anything like that.

In the end we were given the budget of over \$231 million for 1982 which is adequate and we have had no difficulty in pursuing our investigations.

This article may be dated.

Mr. MILLER. It is dated, as a matter of fact. It is November 20, 1981.

Mr. MULLEN. We were having some difficulty at that time.

Mr. MILLER. Perhaps it is stretched a little, too. I read the first of the article:

The Federal Drug Enforcement Administration has run short of funds to reimburse its agents for hotel rooms and meals while out of town. One group of agents in Detroit has been sleeping on rented cots and cooking on a hot plate while on an out-of-town assignment.

Mr. MULLEN. We may have had that happen. I would have to look into the specific case that they were not doing it because of their location in an undercover investigation or something like that.

Mr. MILLER. That is different than what the article is implying, though, that you did not have funds for hotel rooms.

Mr. MULLEN. We did have some difficulty and we restricted the travel in connection with the training programs or conferences but we did not restrict the travel with regard to our investigative activity.

One other report came in and I will put that to rest right now and that is that the agents in Miami had to hold a bake sale to keep the office open. This wasn't true. There were all kinds of stories going around. But we are adequately funded, Congressman Miller, in pursuing our investigations.

Mr. MILLER. Yes, if we get into bake sales we have hit the bottom of the barrel.

Thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you. We have some additional questions which we will submit to you and ask you to answer for the record.

Mr. MULLEN. Thank you, Mr. Chairman.

[The questions and the answers thereto follow:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Appropriation Language Changes

*On page seven of the justifications you list several changes to the appropriation language which you are requesting. What is the alleged need for these changes?*

We have proposed that our 1983 Appropriations Language include the authority to carry-over for one additional year about 15 percent of our annual Purchase of Evidence/Payments for Information (PE/PI) availability. This will provide the capability to continue investigative activities at the start of new fiscal year and to assure effective use of this investigative tool. This authority was included in the Supplemental Appropriations and Recission Act of 1981 and is included in both the House and Senate versions of H.R. 4169, the 1982 Appropriations Bill now pending in the Congress.

Also we are requesting the authority to purchase the same number of passenger motor vehicles (277) planned to be purchased in 1982. The apparent reduction in the number of vehicles to be purchased (from 375 to 277) noted in our Appropriation Language is the result of utilizing the language in the last Appropriation Bill approved by Congress - H.R. 7584.

*With respect to the multi-year authority for expenditure of funds used for the purchase of evidence and payments for information, how much was obligated for this purpose in FY 1981 and what do you anticipate will be obligated in FY 1982?*

A total of \$9,521,000 was obligated in 1981, and our budget for 1982 contains \$10,584,000.

Program Decrease

*On page two of the justifications you indicate that heroin availability and subsequent abuse increased in 1981. You also state that emergency room incidence of heroin/morphine abuse increased by 26 percent in 1981. In view of these statistics, why are you proposing a decrease of 100 workyears for FY 1983?*

The reduction of 100 workyears and \$2,500,000 is being proposed to support the President's Economic Recovery program. The workyear decrease will be allocated proportionally to the programs to minimize the impact on the nation's drug enforcement effort and will not impact on agent staffing. It is anticipated that the 1983 requested workyear level will enable DEA to provide for the ongoing level of operations.

*Do you really believe that you can have an effective impact on drug trafficking and drug abuse with the level of resources that you are requesting for FY 1983?*

The resources provide for the on-going level of DEA operations and there is a commitment to increase overall U.S. Government resources applied to the problem.

The major thrust of this budget is to concentrate our efforts on the elimination and immobilization of those in the highest echelons of organizations trafficking in priority drugs of abuse. This will be accomplished by targetting the source of illicit drugs; interdicting drugs at transshipment points where opportunities to target production at the source is limited; increasing overall pressure on heroin trafficking networks; and by immobilizing major traffickers and their organizations through seizure of drug-related assets.

*Page nine of the justification indicates that the proposed cut of 100 workyears is spread among each of your program activities. Was this done to minimize the effect of the reduction? Do you think that there is a risk that you will weaken each of your activities with this approach?*

The reduction has been allocated in proportion to workyears in all programs to minimize the impact on the nation's drug enforcement effort. It is anticipated that the 1983 requested workyear level will enable DEA to provide for the on-going level of operations in all programs.

#### DEA and FBI Consolidation on Drug Investigations

*Recently the Attorney General announced that DEA and FBI would consolidate their operations on drug investigations. Could you tell us the purpose of this reorganization and describe for us what are the main features of the reorganization?*

- . The FBI will be given concurrent jurisdiction with DEA over drug offenses.
- . DEA will be placed under the general supervision of the Director of the FBI. The Administrator of DEA will report to the Department of Justice through the Director of the FBI.
- . The FBI's resources and wide deployment will:
  - . increase the number of agents available for drug work;

- . establish a law enforcement presence in locales in which DEA had a negligible presence;
- . enhance the ability to conduct:
  - . Title III investigations
  - . financial investigations
  - . joint organized crime investigations
  - . "spin-off" public corruption investigations.
- . The Forum for Cooperative Strategy has been formed. The Committee will be chaired by the Associate Attorney General and will include the FBI Director, the DEA Administrator, the Assistant Attorney General, Criminal Division and others. The Committee will generally oversee the development of drug enforcement policies and assure that other Department components are attuned to DEA-FBI priorities.
- . The Department will begin cross-training and limited agency rotation programs.
- . DEA will continue its regulatory and compliance activities.

*Why wasn't this committee notified of this reorganization in accordance with our reprogramming and reorganization policy?*

The Attorney General's announcement, giving the FBI a greater role in drug enforcement, should not have been interpreted as the basis for a functional DEA/FBI reorganization. The major difference is that the Administrator of DEA will report through the FBI Director to the Attorney General. Granting the FBI jurisdiction over drug enforcement efforts has not involved a functional DEA/FBI reorganization; selected FBI resources and personnel will now be assigned to work with DEA in the investigation of narcotics trafficking.

A reprogramming of personnel and funds may be required and the Committee will be notified of any reprogramming as soon as it is approved by the Department and OMB.

*How will joint operations between the DEA and the FBI related to drug investigations be managed? Who will be in charge? How will the resources of the two organizations be allocated? Who will maintain files and records and how will these joint operations be targeted?*

DEA and the FBI field office managers will identify major drug trafficking groups in their divisions and thereafter either individually or jointly target them for investigation utilizing the available resources and expertise of both agencies.

In all field offices DEA and the FBI will each assign an experienced special agent on a liaison basis for the purpose of insuring day-to-day coordination and cooperation in investigative matters. Certain types of joint investigations will require Headquarters approval for both organizations.

In general, the agency that initiates the investigation and develops the primary investigative information will be in charge. It is expected that a high level of cooperation will exist between the DEA and the FBI and will result in a large number of joint investiga-

tions. In these cases a written operational plan will be agreed to by both agencies and this plan will indicate which agency will be in charge.

There are three ways in which FBI agents and resources may be devoted to drug investigations.

First, in pursuing violators traditionally within the jurisdiction of the FBI, drug related aspects may be uncovered. With the coordination of the DEA these drug-related aspects may be pursued as part of the FBI's new authority. Secondly, joint investigations between the FBI and the DEA will result in the full scope of FBI resources being applied to drug law enforcement. Examples of this kind of operation are the development of Title III intercepts, the manning of long-term surveillance operations, and assistance in the development of the financial aspects of drug investigations. Thirdly, the FBI will continue to pursue drug violators on Indian Reservations.

As part of any operational plan for a joint investigation, a decision will be made as to which agency's recordkeeping system will be used.

The Headquarters Review Committee will develop procedures for indexing into agency files. This will assure a full exchange of information in keeping with a mandate of complete mutual support. Attached is a copy of the DEA/FBI Implementation Guidelines.

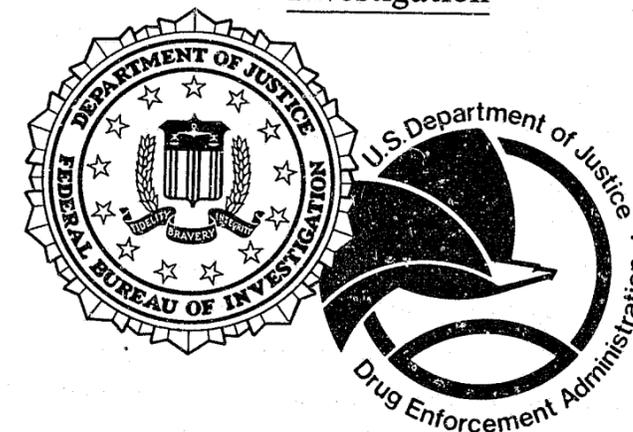
U.S. Department of Justice  
Federal Bureau of Investigation

Implementation Directive  
For Concurrent Drug  
Investigative Jurisdiction  
Between

The Drug Enforcement  
Administration

and

The Federal Bureau of  
Investigation





U.S. Department of Justice  
Federal Bureau of Investigation

Washington, D.C. 20535

March 12, 1982

President Ronald Reagan has mandated that the Federal Government will do its utmost to assist in the reduction of crime throughout the Nation. In keeping with this mandate, during the past year Attorney General William French Smith initiated a task force to examine in depth the crime problems facing this country today. The task force findings endorsed, among other items, the proposition that the Attorney General should support the implementation of a clear, coherent and consistent national policy with regard to narcotics and dangerous drugs, reflecting an unequivocal commitment to combating international and domestic drug traffic.

The Attorney General, in order to insure maximum effectiveness and efficiency in the enforcement of criminal drug laws in the United States, on January 28, 1982, made the resources of the FBI available to complement and supplement those of the DEA in this effort. To this end, the FBI concurrently with the DEA was granted authority to investigate violations of the criminal drug laws of the United States. To insure complete coordination of the drug enforcement effort of the U. S. Department of Justice, the Administrator of the DEA will perform his functions under the general supervision of the Director of the FBI and will report through him to the Attorney General as appropriate.

This initiative by the Attorney General in harnessing the investigative resources of these two great institutions with long, proud and richly deserved records of achievement is unparalleled. The enclosed implementation directive, prepared jointly by the FBI and the DEA, addresses areas in which the FBI will supplement and, just as important, complement the efforts of the DEA in jointly attacking the drug crime problem nationwide. Acting Administrator Mullen and his field representatives will continue to be the primary architects of the Federal drug enforcement program after coordination with their FBI counterparts. Periodically, this directive will be reviewed with participation from each agency through the Headquarters Review Committee.

This directive and, more importantly, our joint efforts will ultimately succeed only with the full realization of all investigative personnel that we in the DEA and FBI are allies joined together in a unique venture to address the most significant crime problem facing the Nation today. I am confident that through the dedication, cooperation and professionalism of all personnel, we will accomplish our mandated goals and will have a major impact on the illicit trafficking of drugs.

*Francis M. Mullen, Jr.*  
Francis M. Mullen, Jr.  
Acting Administrator  
Drug Enforcement Administration

*William H. Webster*  
William H. Webster  
Director

I. BACKGROUND

Illicit drug traffic presents an ever-increasing threat to our society, its institutions and people. The Attorney General has identified drug trafficking as the number one crime problem in the United States. Clearly, an increased Government response is needed. On January 28, 1982, the Attorney General issued an order delegating to the FBI concurrent jurisdiction with DEA for investigations of violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970, hereinafter referred to as the Controlled Substances Act. The Attorney General also announced that the Administrator of the DEA will function under the general supervision of the Director of the FBI, who will continue to report to the Attorney General. This decision recognizes that the strengths and unique capabilities of each agency, when joined together, will result in a more effective national drug investigative effort. The purpose of this joint directive is to implement the Attorney General's decision.

II. ROLES

The Attorney General has mandated that DEA will continue to function as the principal Federal drug enforcement agency, responsible for the enforcement of the Controlled Substances Act; the Diversion Control Program for the legitimate drug industry; drug intelligence analyses; and publication of appropriate strategic assessments.

In delegating concurrent jurisdiction to the FBI as it relates to the Controlled Substances Act, the Attorney General

has mandated that the FBI assume a significant drug enforcement role working in close cooperation with DEA. He has also directed that FBI expertise in such areas as organized crime (OC), financial investigations and white-collar crime investigations be fully utilized in drug enforcement work.

In furtherance of these directives, the FBI will focus its resources on drug investigations involving traditional OC families (La Cosa Nostra), violence-prone, nontraditional OC groups such as the outlaw motorcycle gangs, and ethnic or racial OC groups such as the Israeli, Mexican and Black Mafias and La Nuestra Familia. The DEA will continue to focus on investigations of major drug organizations according to established priorities. Where feasible, the FBI and DEA will buttress each other's investigative role by utilizing each agency's intelligence base and expertise. Nothing in the above delineation of roles will preclude either agency from coordinated selection of prioritized, mutual targets of opportunity.

The specific areas of responsibility and requisite coordination between DEA and FBI will vary with the availability of resources and the extent of the drug crime problem in a particular field division. Therefore, it will be incumbent upon FBI and DEA field office management to identify the major drug-trafficking groups in their divisions and, thereafter, either individually or jointly target them for investigation, utilizing available resources and expertise of both agencies.

In major urban areas, the number of joint investigations will be greater, necessitating close coordination to preclude

duplication of effort and minimize physical danger to personnel. In areas with less DEA presence, the FBI will be expected to conduct drug investigations in conjunction with DEA, but with minimal direct support from DEA.

Both DEA and the FBI will place strong emphasis on major distributors and organizations involved in the manufacturing, importing, distributing and financing of illicit controlled substances. To effectively immobilize these major organizations and traffickers, conspiracy investigations (particularly the use of the Continuing Criminal Enterprise and Racketeer Influenced and Corrupt Organizations Statutes) should be the focal point of our investigative efforts. Resources, both personnel and financial, should not be devoted to targeting street violators, which would duplicate the role of state and local law enforcement agencies.

### III. COORDINATION OF INVESTIGATIVE ACTIVITY

#### A. Introduction

A successful cooperative effort against drug trafficking will depend, in large measure, on the degree of coordination and the spirit of cooperation at all levels. All Special Agents must recognize that rules and procedures cannot substitute for good-faith cooperation, which will be expected from all personnel of both agencies. Concurrent jurisdiction in drug investigations without proper coordination could cause not only inefficient use of resources and information, but create dangerous situations in street operations. Inefficiency caused by

duplication of effort or failure to take full advantage of opportunities to combine resources or information for a better investigative product must be avoided.

#### B. Headquarters Coordination

1. The Executive Headquarters Staff of DEA and FBI will meet regularly, as appropriate, to insure mutuality at the policy level.

2. A Headquarters Review Committee, consisting of equal FBI and DEA representation, will be established. The purpose of this Committee is to monitor the implementation of this directive, develop new national-level initiatives and resolve any problems referred by field office management. Prior to this Committee addressing field disputes, efforts must be expended to resolve such problems at the lowest possible level by respective agency counterparts.

3. FBI and DEA will each assign a Special Agent Supervisor in a liaison capacity at the opposite Headquarters for the purpose of insuring day-to-day coordination and cooperation in investigative activities.

#### C. Field Coordination

1. Management Meetings: The Special Agents in Charge and appropriate supervisory personnel of both agencies will be responsible for the implementation of this directive. Thereafter, meetings will be held on a regularly scheduled basis to enhance coordination, resolve problems and discuss ongoing or contemplated operations which may affect or be of interest to the other agency.

It is expected that first-line supervisors of both agencies will have an ongoing dialogue with their counterparts.

2. Exchange of Liaison Officers: In all field offices, DEA and the FBI will each assign an experienced Special Agent on a liaison basis for the purpose of insuring day-to-day coordination and cooperation in investigative matters.

3. Investigative Coordination:

a. Federal-level drug investigations fall into one of three categories:

- i. Investigations of matters within the DEA's area of responsibility as outlined under Part II of this directive and conducted solely by DEA or by DEA with agencies other than the FBI;
- ii. Investigations of matters within the FBI's area of responsibility as outlined under Part II of this directive and conducted solely by the FBI or by the FBI with agencies other than the DEA; and
- iii. Joint FBI/DEA investigations.

b. With the exception of minor drug investigations targeted at low-priority subjects such as those conducted by the FBI on Indian or Government Reservations and by DEA at ports of entry,  
 i. e. airports, all drug investigations

instituted unilaterally by the DEA or the FBI should be coordinated through the liaison Agents at the field office level in order to:

- i. Insure that the DEA or FBI does not currently have an investigation ongoing with regard to the proposed targets of the drug investigation;
  - ii. Obtain all intelligence information each agency may have regarding the targets of the proposed investigation; and
  - iii. Determine any interest on the part of the FBI or DEA to enter into a joint investigation regarding the targeted subjects.
- c. At the outset of joint investigations, a specific plan should be devised at the field office level regarding the role of each agency (FBI/DEA) in the investigation. Each Headquarters should then be advised of this plan by established procedure.
- d. Request for Investigative Support: DEA may request assistance from its counterpart FBI field office for manpower support or investigative expertise which cannot be met by available DEA manpower. Conversely, the FBI may request assistance from its counterpart DEA field office for manpower support or

investigative expertise which cannot be met by available FBI manpower. Examples of such operations could include, but are not limited to:

- i. Development of Title III intercepts (including the use of FBI/DEA technical expertise and/or equipment if necessary);
  - ii. Manning of undercover operations;
  - iii. Long-term surveillance operations;
  - iv. Large-scale arrests and/or searches and seizures; and
  - v. Assistance in the development of the financial aspects of drug investigations.
- e. Joint FBI/DEA Investigations: Joint investigative efforts on a long-term basis are encouraged when the investigative targets are appropriate and resources of the respective agencies are available. Such investigations will require approval at the FBI/DEA Headquarters level. Funding of drug purchases, other operating expenses and dissemination of informant information will be handled in accordance with information set forth in other portions of this directive.

#### IV. INVESTIGATIVE MATTERS

##### A. Investigative Expenses

As a matter of policy, each agency will bear its own

investigative expenses and acquire supplemental funding through established agency's procedures.

Where one agency plays a minor, supportive role, the primary agency will supply the funds for the purchase of drug evidence.

In joint investigations, the agency responsible for funding purchases of drug evidence will be decided at the development of the operational agreement.

Policy relative to payments to informants is discussed in Subsection IV., C.

##### B. Access to Information Systems

Both the FBI and the DEA have developed a variety of information systems which will be utilized in drug investigations. As a matter of policy, there will be a full exchange of information in keeping with the mandate of complete, mutual support. Each agency will be responsible for searching its own data bases or other information systems upon request, or in keeping with proper investigative routine and providing the results to the other consistent with the intent of this directive. The Headquarters Review Committee, among other duties, will develop procedures for indexing into agency files.

##### C. Informants and Cooperative Witnesses

Informants will continue to be handled and supervised by their respective agencies. Each agency's informants will be routinely debriefed on matters of interest to the other agency. To facilitate this, a debriefing guide will be provided containing areas of inquiry pertinent to each agency. The respective Special

Agents in Charge will be responsible for the prompt, complete dissemination of informant information to their counterpart.

Cooperative witnesses will be controlled by the appropriate agency. In joint investigations, there must be an agreement as to which agency will control the cooperative witness to insure consistent and productive use. As with informants, appropriate dissemination of information must be made.

Informant payments will generally be made from the funds of the agency controlling the informant. Payments to informants of the other agency can be made in appropriate cases with concurrence of the respective Special Agents in Charge, Headquarters' approval if necessary and appropriate documentation.

D. Technical Support to Investigations

As a general rule, each agency will provide its own technical support as dictated by needs and capability. Should a need be identified in the local field office of either agency which cannot be locally met, support will be sought from that agency's Headquarters, as would normally be the case. If the support is needed on a short-term basis, the Special Agent in Charge, at his discretion, may seek assistance from his counterpart as this will be most efficient and cost effective in such situations. Longer term or more sophisticated requirements will be forwarded to the appropriate Headquarters where the support will be provided or sought from the counterpart Headquarters staff. A program will be implemented within the technical support structure of each agency to familiarize each other on available capabilities to insure that investigations are

enhanced to the fullest within the total capability of both agencies.

E. Evidence Processing

1. Drug Evidence - As a matter of policy, the DEA laboratory system will be responsible for the analysis of all drug exhibits collected, purchased or seized by either agency under any circumstances. Conversely, the FBI laboratory system will be responsible for analysis of all nondrug evidence requiring examination or analysis for investigations of either agency. Latent fingerprint examinations will also be accomplished in the FBI Identification Division for both agencies. This policy recognizes the efficient use of developed expertise, especially as it relates to expert testimony at time of trial. Any evidence submitted for analysis to the facilities of either agency will be processed with the same priority as if submitted by personnel of the host agency.

Where drug evidence is acquired in a joint FBI/DEA investigation, custody normally will be assumed by DEA for processing and submission to the laboratory.

Of special note is drug evidence seized by the FBI incidental to the arrest of a DEA fugitive. The processing of this evidence will be coordinated with DEA field management to assure that the prosecuting U. S. Attorney's Office is afforded the use of this additional evidence at trial. This may require transferring custody of the drugs to DEA for processing or direct FBI submission to the DEA laboratory handling other drug exhibits in the case.

2. Nondrug Evidence - Special Agents in Charge will be responsible to insure that the investigative value of nondrug evidence of interest to the other agency is shared fully consistent with the intent of this directive.

3. Clandestine Drug Laboratories - Special caution must be taken relative to the seizure of clandestine drug laboratories by Agent personnel. This caution cannot be overstated, as the common presence of explosive chemicals and the delicate nature of closing down an in-process operation present real dangers. Therefore, unless there are the most extenuating circumstances, neither FBI nor DEA personnel will attempt the seizure of a clandestine laboratory without the presence of a DEA chemist experienced in the required procedures.

F. Furnishing Controlled Substances

Controlled substances are by their very nature harmful to humans and, therefore, require a special degree of care in handling. The responsibility for keeping these substances out of the hands of the public applies to all law enforcement personnel. The handling of these substances must be distinguished from other forms of contraband or instruments of criminal activity. However, there are certain circumstances in which it is advantageous to an investigation to furnish small quantities of controlled substances to a violator through an undercover Agent or informant. The furnishing of a controlled substance by an Agent of the Government is considered sensitive enough to require the personal approval of the Administrator of DEA. In joint investigations, concurrence of both Headquarters will be required.

The Acting Administrator of DEA will develop standards for making decisions for furnishing controlled substances, mentioned above, and for allowing drugs to leave the Government's control, mentioned under Subsection G, which apply equally to DEA and FBI. This approach will provide for consistent standards for both agencies, and these standards shall be implemented upon approval of the Director of the FBI. Drugs shall not be allowed to leave the Government's control without the concurrence of the Acting Administrator of DEA unless specifically authorized by the Director of the FBI.

G. Other Instances of Allowing Drugs to Leave the Government's Control

There will also be situations when specific information is developed by an informant or through other investigative techniques, such as a court-approved electronic intercept, regarding the shipment, delivery or location of controlled substances not directly controlled by the informant or undercover Agent. In these situations, the respective Headquarters must be immediately advised by teletype if there is not an immediate plan to seize the controlled substances. In certain cases, it may not be appropriate to seize such drugs in order to enhance the effectiveness of an investigation (e.g., continue Title III, begin new Title III, develop undercover operation). The FBI or DEA may continue an investigation without seizing substantial amounts of illicit drugs only when authority is obtained from the Administrator of DEA. In joint investigations, the concurrence of both Headquarters will be required.

#### H. Show Drugs

In some instances in order to develop evidence of a subject's involvement in a major drug conspiracy, undercover Agents may pose as drug manufacturers or distributors rather than drug buyers. This type of undercover operation may require the display of quantities of controlled substances obtained from a DEA regional laboratory. Approval for such activity must be sought from the appropriate Headquarters following established procedures and, in joint investigations, concurrence of both Headquarters will be required. In conducting this type of undercover operation, the FBI and DEA will insure that close contact and coordination are maintained between each other, and the agency (FBI/DEA) conducting the operation will insure proper coordination with state and local agencies in order to avoid a confrontation situation.

#### I. Seizure of Trafficker Assets

With the delegation of concurrent drug investigative jurisdiction to the FBI, Special Agents of the FBI will be authorized to seize property or other assets of traffickers as provided in Section 881 of the Controlled Substances Act following established procedures. The disposition of property suitable for official use will be made with the seizing agency having the first opportunity to place the property in service. In joint investigations, disposition of property suitable for official use will be discussed and agreement reached at the field level.

#### J. Fugitives

The FBI has agreed to provide direct assistance to DEA in the apprehension of significant DEA fugitives who are U. S. citizens and believed to be residing in the United States. These investigative matters will continue to receive priority investigative attention within the FBI. The initiation of these investigations will be coordinated by FBI Headquarters with direct support from DEA Headquarters. At the outset of the fugitive investigation, the appropriate DEA field office will provide all known information regarding the individual, and DEA will subsequently conduct no unilateral investigative efforts to apprehend the subject. Upon apprehension, the appropriate FBI Special Agent in Charge will be responsible to insure that his counterpart is expeditiously advised of the apprehension of the subject.

#### K. Coordination with Other Law Enforcement Agencies

The implementation of concurrent drug investigative jurisdiction will require close attention by the Special Agents in Charge and Headquarters' officials to insure that traditional interagency relationships will not be disrupted. DEA will continue to be the agency responsible for coordination of the drug program with state and local agencies. This role will also continue in relation to U. S. Customs Service, U. S. Coast Guard and others involved in the various drug interdiction efforts. DEA, in consultation with their FBI counterparts, as appropriate, will continue to be the spokesman for the Federal drug program.

In those investigations where DEA is playing a minimum support role or is not directly involved, a key element in the FBI's ongoing coordination efforts will be the advisement of DEA of the FBI's interaction with state or local law enforcement agencies in the investigation.

All Special Agents in Charge will be held accountable to insure that "agency shopping" by third parties does not develop.

The Special Agent in Charge of the respective agency should insure that their drug-related initiatives are known at the appropriate Law Enforcement Coordinating Committees.

L. Conduct of Foreign Investigations

In keeping with the principle that the United States Government should present a single point of contact with foreign drug enforcement counterparts, DEA will continue to be responsible for the conduct of drug investigations in foreign countries. This will include the investigation of leads generated in all types of FBI/DEA cases. In joint cases, the domestic DEA offices will transmit the investigative leads following established procedures. Where the FBI is conducting a drug investigation and there is minimum DEA participation, the request for foreign investigation will be transmitted to FBI Headquarters which, in turn, will task DEA Headquarters to transmit the lead to the appropriate DEA foreign office for action. An information copy of the request will be provided to the local DEA office by the originating FBI office for information and coordination. An information copy of investigative matters involving FBI interests will also be

simultaneously provided by the DEA Country Attache to the FBI Legal Attache for information. Any involvement of FBI personnel in foreign investigations must have the concurrence of both Headquarters.

M. Referral of Public Corruption Information

A priority within the FBI is the investigation of public corruption which is showing a significant increase in relation to drug trafficking. As a matter of policy, any drug case initiated by DEA which develops a public corruption aspect will be immediately coordinated with the appropriate FBI Special Agent in Charge and a mutually agreed upon plan established for pursuit of the case. Additionally, DEA informants routinely will be debriefed regarding public corruption matters. Indications of drug-related corruption on the part of foreign officials will be forwarded to the appropriate DEA foreign office for action. The DEA foreign offices will coordinate such information with the FBI Legal Attache having geographic jurisdiction for the country involved.

Any information developed which reflects on the integrity of employees of either agency will be immediately forwarded, following established procedures, to the Office of Professional Responsibility of the originating agency with a copy to the counterpart Special Agent in Charge. The respective Headquarters' Office of Professional Responsibility Staff will insure transmittal of employee-related allegations to the other on a timely basis for appropriate investigation and disposition.

N. Reporting Investigative Results

When an investigation is conducted primarily by one

agency with the other agency providing minimal support, the reporting rules of the principal agency will be followed throughout. In joint FBI/DEA investigations, a determination will be made at the outset as to which agency's reporting rules will be utilized in order to prevent duplication of recorded information.

O. Measurements of Accomplishments

As a result of concurrent jurisdiction, DEA and the FBI will each establish internal procedures for monitoring resources committed and results achieved in joint or independent cases, consistent with each agency's internal management controls and needs. In addition, it will be the responsibility of the Headquarters Review Committee to establish a common system for measuring accomplishments. The elements of this system, as well as reporting requirements, will be agreed to by each Headquarters and appropriate procedures established and published.

V. TRAINING

FBI Headquarters, in concert with DEA Headquarters, will be responsible to insure that a sufficient number of FBI Special Agents receive requisite training to conduct Federal-level drug investigations with minimal support from DEA. Conversely, DEA Headquarters, in concert with FBI Headquarters, will be responsible to insure that all DEA Special Agents are apprised of traditional FBI jurisdictional interests and an appropriate number of DEA Special Agents receive requisite training to enhance these joint efforts.

VI. PROCEDURES

The Headquarters Review Committee will be responsible to oversee the development, coordination and implementation of the necessary procedures for the implementation of the policy established in this directive. It is expected that procedures will be published within each agency consistent with the directives and management systems in force in each; however, all procedures or subsequent policy published as a result of the delegation of concurrent drug investigative jurisdiction to the FBI, must be coordinated with appropriate elements of the other Headquarters.

*With this reorganization can some of the support operations common to both agencies, for example, training, laboratories and support equipment be consolidated at significant savings to the government? What efforts have been made to study this possibility?*

After study by the Attorney General it has been decided that DEA and the FBI exist as separate agencies with the Administrator of DEA reporting to the Attorney General through the Director of the FBI. However, there will be increased use of capabilities which are discrete to the individual agencies. Development of support systems will continue to be coordinated with a view to ensuring the most economical and compatible operations. It is now planned that the support operations common to both agencies will be consolidated.

Any evidence submitted for analysis to laboratory facilities of the other agency will be processed for analysis with the same priority as if submitted by personnel of the same agency. Due to the increased involvement of the FBI in drug cases, the DEA laboratories will have an increase in drug evidence workload.

Cross-tracking of agents will be done at the respective training facilities.

We would anticipate that there would be a significant impact on the drug traffic through the more efficient use of currently available resources in the DEA and the FBI, as well as other agencies.

Development of support systems will continue to be coordinated with a view to ensuring the most economical and compatible operations.

*How are foreign cooperative investigations going to be affected by this reorganization? Will FBI agents play a more active role overseas? How will the new organizational structure affect your relationships with foreign governments who are assisting the fight against drugs?*

There will be no organizational change in our foreign program. DEA will continue to handle all drug enforcement and liaison matters. Investigative leads, whether developed by the FBI or DEA, will be followed up by the DEA overseas.

*Will this reorganization eventually lead to a termination of DEA as a separate organization and a merger of its personnel and other resources with the FBI? Can you give us a timetable on that?*

There were a number of reasons for determining that a merger of the two agencies was not appropriate at this time. First, our experience over the last six months of increased DEA-FBI cooperation demonstrates that fine work can be done under the structure we have announced. Our joint efforts have been remarkable. Also DEA has been doing fine work both domestically and in foreign countries.

Also, a merger could create some personnel problems. DEA agents are in the competitive service, while FBI agents are not. Under the law, FBI funds cannot be used to compensate competitive service employees. Therefore, a merger would be legally impossible unless every DEA agent were willing to waive his competitive service rights.

Finally, a complete merger could not be accomplished without legislation, which would take months to enact. The Administration felt that the urgency of the problem required the agency to move forward immediately.

The structure the Attorney General has announced establishes a very workable long-term arrangement for drug enforcement. One of the problems for past Administrations which faced this issue was that they could only speculate about whether a merger would work. This structure will give real data on that issue. If, down the road, it looks like the nation would benefit from a merger, that can be undertaken. If it looks like it would not, the current structure can be kept in place.

## QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

## Drug Enforcement Administration

*During the current year the DEA has been devoting fewer resources to the Diversion Investigation Units, and has requested no funding for them in FY 1983. Are the states assuming the responsibility for maintaining the units as planned? Will the absence of federal support have any adverse affects on the continuation of the state-run units?*

Eleven states are receiving federal assistance for the DIU program in 1982. Of the 12 DIU's no longer provided federal support, four states have assumed responsibility for continuing the program. This is due to a variety of reasons, the most significant of which are: (1) lack of adequate state budget resources, and (2) lack of cooperation between key state agencies and professional boards.

This agency has attempted to ease this impact through offers of increased assistance from local field offices in conjunction with the Targeted Registrant Investigation Program. In addition, in our diversion control program, we will attempt to develop, to the extent manpower and budget resources allow, alternatives to the DIU's which will be responsive to the needs of individual states.

A major accomplishment of the DIU program was the creation of an awareness of the drug diversion problem within the states. Though the absence of federal funding might preclude the continuation of a formalized DIU program with state resources, the awareness of the problem has prompted State Police Agencies to devote specialized personnel specifically to this problem.

*Your justifications indicate that several countries, which produce large quantities of illegal drugs, have enacted laws to curb the drug activities in their countries. Have these laws made a noticeable impact on the quantity of drugs smuggled into the United States? Are some laws more effective than others? If so, has the United States encouraged foreign countries to adopt the more effective ones?*

In addition to illegal drugs, several countries have made significant advances toward curbing the diversion of legally produced substances. In 1981, the Federal Republic of Germany, a major source and transit country of methaqualone, imposed stringent import and export control measures. During this period, Hungary, another leading source country, voluntarily curtailed the production and exportation of methaqualone. At this same time, the Government of Colombia prohibited the importation of methaqualone and notified the appropriate international drug control officials. More recently, Austria, a third producing country, curtailed methaqualone production and expects methaqualone to be under control within the next few months. All of these actions were a direct result of diplomatic initiatives undertaken by DEA with the assistance of the Department of State. These actions have significantly reduced the availability of legitimately produced methaqualone for illicit purposes.

During the period January 1, 1982 to March 21, 1982, law enforcement

authorities seized approximately 1,073 kilograms of methaqualone in illicit channels of distribution. During this same period in 1981, law enforcement authorities seized over 7,800 kilograms of methaqualone; a total of 57 metric tons of methaqualone was seized during the entire calendar year 1981. Law enforcement authorities in South America report a scarcity of methaqualone powder for clandestine tableting operations which have been the primary suppliers of methaqualone tablets for the illicit U.S drug market.

The narcotic laws recently enacted in the Federal Republic of Germany appear to be effective in reducing the availability of methaqualone and other psychotropic substances for illicit purposes. For example, the free trade zone of Hamburg was the primary shipping/transit point for illicit shipments of methaqualone diverted from international commerce. Under the new German law, the free trade zone of Hamburg is no longer exempt from drug control measures and drug law enforcement authorities. Hamburg officials now report that there are no pending shipments of methaqualone destined for South America.

United States drug authorities are working closely with foreign counterparts in countries which appear to have inadequate drug control measures. In addition, high-level diplomatic missions have been initiated to encourage countries to adopt effective drug laws. Recent meetings with Swiss officials included discussions on German drug traffickers who are storing shipments of diverted methaqualone in Swiss warehouses because German laws are more stringent.

*Despite the recent effort of the DEA and other law enforcement offices to curb the amount of cocaine coming into the country, it appears that the drug is still readily available in this country and that the number of users has increased dramatically, particularly among middle and upper class professionals. A recent Yale University study indicated that cocaine used in small doses on an occasional basis was no more harmful than the use of alcohol. How can we best discourage use in the country? Should the criminal penalties imposed for possession of small amounts of cocaine be stronger? Do you have statistics on the arrest and conviction rate of small time users?*

Cocaine availability and use has greatly increased in recent years. The best strategy the government can follow to counter this trend is a two-pronged approach of demand reduction and supply reduction. It is important that the government provide wide dissemination of the facts of cocaine use in order to discourage the demand for cocaine. At the same time, the Federal Government is attempting to reduce cocaine availability through diplomatic initiatives with coca-growing and cocaine-manufacturing countries. Special multi-agency enforcement efforts in the Caribbean have been designed to obstruct the cocaine flow to the Southeastern United States.

DEA's efforts are focused on traffickers, not on users, so we do not have statistics on the arrest and conviction rate of small time users. The National Institute of Drug Abuse in the Department of Health and Human Services is the federal agency that monitors usage rates. There are several factors that must be considered with regard to the question of imposing stronger penalties for cocaine use. One is the additional resource commitment that would be required if penalties

**CONTINUED**

**11 OF 20**

were stronger. Another is the relationship of cocaine penalties to those of other drugs of abuse, including heroin and marihuana.

*Many of the state and local intelligence network projects which have received funding from the Department of Justice are involved in drug enforcement activities. Could you describe for the Committee how these projects have aided the DEA in its enforcement efforts over the past few years, and how, if at all, their absence might impact on the efforts of the DEA?*

The Federal Government does receive some information as a result of the state and local drug grant program. However, the vast majority of the information collected primarily benefits state and local governments.

If federal aid is discontinued to these projects, state and local governments will have to make a determination as to whether to continue funding these projects with their own resources. Since the Federal Government, and DEA in particular, currently receive minimal narcotics-related information from this source, their abolition due to lack of state and local government funding would have no significant impact on the efforts of DEA.

*Could you describe the DEA's efforts in controlling the domestic cultivation of marihuana?*

An estimated 10-15,000 tons of marihuana are consumed in the United States annually. Up to 10 percent of that amount is believed to be cultivated in the United States. A large percentage of the domestically cultivated marihuana comes from Hawaii and California. However, a survey conducted in 1981 by DEA showed that commercial marihuana cultivation exists in at least 25 states mostly in the southeastern and south central areas of the country. The extent of cultivation in these states has not been determined with accuracy but indications are that it is or has potential to constitute a significant illicit cash crop in those states. A recent phenomenon pacing the emergence of commercial domestic cultivation is the technique used to produce an extremely potent grade of a product called "sinsemilla" (Spanish for without seeds). Sinsemilla, with over six percent THC content, is not only shown to magnify the debilitating effects of its ingestion into the body particularly among youth but the high prices commanded and paid are compelling incentives to the grower and can have significant impact on local economies.

Other incentives to grow marihuana domestically center around the advantages inherent in not having to import from a foreign country, dealing with other criminals, traversing great distances and crossing international boundaries.

Since 1979, DEA has supported efforts by state and local enforcement agencies in California and Hawaii. In 1981, this support was expanded to include eradication programs in five other states.

The need for federal involvement in domestic high grade commercial marihuana cultivation is evident based not only on the significant cultivation documented in California and Hawaii, but also on the proliferation indications and potential this highly profitable enterprise represents.

DEA's strategy establishes a concept for the application of federal involvement domestically within a flexible framework such that resource application is scaled to the local situation consistent with DEA's priorities and a policy of encouraging maximum state and local participation and initiative.

The goal of this strategy is to both suppress commercial sinsemilla or high grade marihuana cultivation and to suppress the proliferation of that cultivation in areas that have not yet developed a large or sophisticated growing or marketing capability.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## Language Request for Vehicles and Aircraft

*On page seven of the justifications you are requesting language which would permit you to purchase passenger motor vehicles and acquire or lease and operate aircraft. Can't asset seizures, which include cars and aircraft, provide DEA with suitable vehicles and aircraft through the forfeiture process so that you would not need to purchase additional transportation equipment?*

Not entirely. The provisions of 21 U.S.C. 881 allow DEA to seize all vehicles, vessels and aircraft used to facilitate drug violations. Conveyances valued at less than \$10,000 are forfeited administratively by DEA, unless a claim and bond are filed to make the forfeiture judicial. Conveyances valued at more than \$10,000 are forfeited judicially. Although some of the civil proceedings to complete such forfeitures take time, DEA ultimately places such property in use in as many cases as possible.

We can expect to acquire a limited number through this means due to the following reasons:

- All seizures are not suitable for DEA use. Many are special purpose vehicles, e.g., trucks, campers, motor homes, motorcycles, etc., and many are not economical for DEA use. Further, as violators become more sophisticated and more aware of federal seizure authority, we find that fewer vehicles, which would otherwise be subject to seizure, are owned by the violators. Violators are leasing vehicles in many cases and making only minimum down payments in other cases.
- The forfeiture process takes considerable time (sometimes years). This results in the vehicle under seizure deteriorating. Due to the uncertainty of the process and the time involved, a replacement schedule could not be maintained from this source.
- Most traffickers do not keep required maintenance records, nor is required maintenance performed. Therefore, the seized vehicles, boats and aircraft may be too expensive to maintain, and in the case of aircraft, potentially unsafe.
- Many aircraft are not owned outright by the trafficker. Therefore, any outstanding lien must be satisfied by the government. These frequently exceed \$100,000.

*What percentage of DEA seizures (FY 1981 \$161 million) were ultimately forfeited to the U.S. Government?*

In FY 1981, DEA asset seizures, which were available for forfeiture under those statutes enforced by the DEA, totaled \$64.7 million.

In FY 1981, DEA asset seizures, which were processed through to forfeiture under those statutes enforced by DEA, totaled \$12.9 million. These forfeitures in FY 1981 may not be directly traceable to the FY 1981 seizures, but in some cases are the result of finali-

zation of the forfeiture process relating to seizures in FY 1980 and even FY 1979.

In FY 1981, DEA was involved with many other agencies in cooperative investigations which resulted in seizures which were available for forfeiture under the statutes enforced by those agencies or governments. These seizures in FY 1981 totaled \$96.3 million. DEA records do not reflect the status of the forfeiture proceedings in these other agencies.

*Have you noticed an increase in the forfeiture rate of seized assets? If yes, to what extent? If no, please explain.*

There was a substantial increase in both DEA seizures and forfeitures from FY 1980 to FY 1981. Based on figures from the DEA Asset Removal Program (Domestic) DEA seizures increased \$25.3 million during this time, which represents an increase of 64.6 percent. The increase in DEA forfeitures of \$6.1 million was an even greater proportional increase in that this figure represents a near doubling of forfeiture amounts from FY 1980 to FY 1981.

During this period DEA deposits to the U.S. Treasury (from all sources) increased over 2.5-fold. It is noteworthy that while proceeds from sales increased 74 percent from FY 1980 to FY 1981, their relative proportion of the total decreased by 6.8 percent. During the same time period the amount of seized monies more than tripled (from \$840 thousand to \$2.68 million).

The proportion of 21 U.S.C. 881A, 881J and the Continuing Criminal Enterprise (CCE) seizures remained relatively stable from FY 1980 to FY 1981. Although the proportion of Racketeer Influenced and Corrupt Organization (RICO) seizures nearly doubled; it still represents a very small percentage of DEA seizure activity (1.3 percent in FY 1980 and 2.2 percent in FY 1981).

Unlike seizures, the relative proportion of DEA forfeitures changed substantially from FY 1980 to FY 1981. The largest shift occurred in Section 881 forfeitures, which decreased from 81.6 percent of all DEA forfeitures in FY 1980 to 49.3 percent in FY 1981. Forfeitures for CCE increased substantially during this time period—from two percent of all DEA forfeitures in FY 1980 to 17 percent in FY 1981. RICO forfeitures nearly doubled—from 7.7 percent in FY 1980 to 13.7 percent in FY 1981. Based on these figures it appears that DEA asset removal activities have emphasized use of the criminal forfeiture provisions of the CCE and RICO statutes. This trend is consistent with the recommendations in the GAO report, "Asset Forfeiture—A Seldom Used Tool in Combatting Drug Trafficking."

THURSDAY, MARCH 11, 1982.

**FOREIGN CLAIMS SETTLEMENT COMMISSION**

**WITNESSES**

**J. RAYMOND BELL, CHAIRMAN**

**DAVID R. ROGERS, GENERAL COUNSEL**

**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION**

**CHARLES R. NEILL, CONTROLLER**

**JOHN R. SHAFFER, DIRECTOR, BUDGET STAFF**

Mr. SMITH. The request for fiscal year 1983 for the Foreign Claims Settlement Commission is for \$820,000. That is an increase of \$115,000.

We will insert the justifications at this point in the record.  
[The justifications follow:]

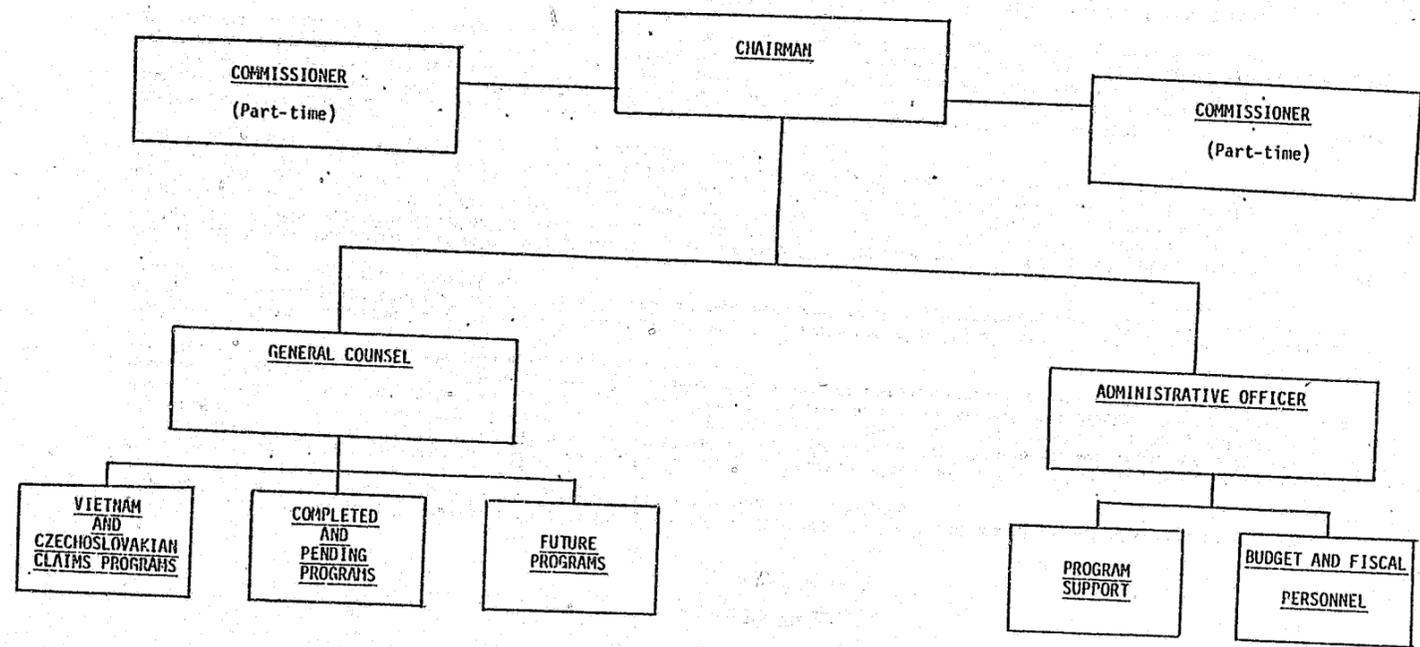
(737)

Preceding page blank

Department of Justice  
Foreign Claims Settlement Commission  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart .....	1
Summary Statement .....	2
Proposed Authorization Language .....	4
Justification of Proposed Changes in Appropriation Language .....	5
Crosswalk of 1982 Changes .....	6
Summary of Requirements .....	7
Justification of Program and Performance .....	8
Justification of Adjustments to Base .....	10
Summary of Requirements by Grade and Object Class .....	12

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE  
UNITED STATES



739

J. Raymond Bell, Chairman

Foreign Claims Settlement Commission

Summary Statement

Fiscal Year 1983

The Foreign Claims Settlement Commission is requesting a total of \$820,000, 18 permanent positions and 19 workyears for 1983. This request represents an increase of \$115,000 from the 1982 appropriation of \$705,000.

The principal mission of the Commission is to settle the claims of American citizens arising out of the nationalization, expropriation or other takings of their properties and interests by certain foreign governments. The Commission has compiled and evaluated such claims against 12 countries under the International Claims Settlement Act of 1949, involving Yugoslavia, Panama, Poland, Bulgaria, Hungary, Rumania, Italy, the Soviet Union, Czechoslovakia, Cuba, China and the German Democratic Republic. The Commission and its predecessor agency, the War Claims Commission, have also undertaken and completed numerous programs arising out of World War II under the War Claims Act of 1948 and the Micronesian Claims Act of 1971.

The Foreign Claims Settlement Commission functions with one budget activity covering the adjudication of international claims as well as the salaries and other costs of the three Presidentially appointed members of the Commission, the Office of the General Counsel and an administrative support operation.

During the current year, the Commission will continue a program under Title VII of the International Claims Settlement Act of 1949 (Public Law 96-606, approved December 28, 1980) which requires the Commission to receive and determine the validity and amounts of claims of nationals of the United States for loss of property in Vietnam as a result of nationalization, expropriation or other taking by the Socialist Republic of Vietnam. The Commission will apply extensive efforts in identifying and assisting claimants in filing their claims. The volume and type of losses sustained by the actions of the Vietnam Government and thus the actual workload involved cannot be determined until all claims have been received.

During 1982, the Commission was granted new authority under Public Law 97-127, approved December 29, 1981, to receive and determine the validity and amounts of claims by nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property which occurred after August 8, 1958. The Commission's experience in launching new programs has shown that there can be only a limited number of decisions issued during the first program year because of the consistent tendency on the part of claimants to file during the final phase of the period available.

Under the adjudication of international claims activity, the Commission will also provide continuing service to former and prospective claimants on a total of 32 completed international and war claims related programs. This staff will also be providing advice on policy determinations, pre-program planning, evaluation of pending claims legislation and liaison with congressional committees considering legislation intended to provide compensation to new categories of claimants.

The Commission will serve in an advisory capacity to other government agencies in matters of policy on claims of United States citizens against foreign governments. The planned staff for the budget year will provide advisory services to potential claimants and their

attorneys between periods of completed claims agreements, the enactment of legislation authorizing programs and the availability of funds to start new programs. During 1983, the Commission will provide technical assistance to the Department of State in its efforts to negotiate claims settlement agreements with foreign governments. Under the provisions of Section 620(e) of the Foreign Assistance Act of 1961, the Foreign Claims Settlement Commission is authorized to evaluate expropriated property upon the instructions of the President.

Under the War Claims Act of 1948, as amended, the Commission authorizes payments to American military prisoners of war captured by hostile forces in Southeast Asia during the Vietnam conflict. The Commission to date has granted awards to 733 prisoners of war or their survivors in the amount of \$5,309,485; \$229,337 to 41 civilian internees; and \$68,675 to members of the crew of the USS Pueblo for a total of \$5,607,497.

The status of a small number of MIA's with prisoner of war classification remains to be determined by the Department of Defense. Upon receipt of these final determinations, this program will be completed.

Since its organization in 1954, the Commission has consisted of three Commissioners, appointed by the President with the advice and consent of the Senate. One member has been designated as the Chairman with full responsibility for the management and direction of the Commission. The transfer of the Commission as a separate agency within the Department of Justice altered the nature of two of these appointments to part-time with provisions for compensation at the Executive Level V rate of pay for performance of official business of the Commission at the direction of the Chairman.

Foreign Claims Settlement Commission

Proposed Authorization Language

The Foreign Claims Settlement Commission is requesting the following authorization language:

For the Foreign Claims Settlement Commission including -

- (A) services as authorized by Section 3109 of Title 5, United States Code;
- (B) expenses of packing, shipping and storing personal effects of personnel assigned abroad;
- (C) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;
- (D) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;
- (E) advance of funds abroad;
- (F) advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission;
- (G) hire of motor vehicles for field use only;
- (H) employment of aliens;

\$820,000.

742

Foreign Claims Settlement Commission

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; [\$705,000].

\$820,000

Explanation of changes

No substantive changes proposed.

Foreign Claims Settlement Commission

Crosswalk of 1982 Changes  
(Dollars in thousands)

744

<u>Activity/Program</u>	<u>1982 President's Budget Request</u>			<u>Congressional Appropriation Actions on 1982 Request</u>			<u>Approved Reprogrammings</u>			<u>1982 Appropriation Anticipated</u>		
	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>	<u>Pos.</u>	<u>WY</u>	<u>Amt.</u>
1. Adjudication of International Claims .....	18	19	\$620	...	...	\$85	...	...	...	18	19	\$705
Total .....	18	19	\$620	...	...	\$85	...	...	...	18	19	\$705

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The increment shown reflects the difference between Congressional action and the President's Revised 1982 Budget Request (September 1981) which, for the Foreign Claims Settlement Commission, represented a 12 percent reduction below the March budget.

Foreign Claims Settlement Commission

Salaries and expenses

Summary of Requirements  
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Perm.</u>	<u>Work-</u>	<u>Amount</u>
	<u>Pos.</u>	<u>years</u>	
1982 as enacted (appropriation anticipated) .....	18	19	\$705
Uncontrollable increases:			
1982 pay increases .....	...	...	11
Executive level pay increases .....	...	...	24
Within-grade increases .....	...	...	4
Health benefits costs .....	...	...	3
Standard Level User Charges (SLUC) .....	...	...	46
Postal service increase .....	...	...	1
Travel costs .....	...	...	24
Printing costs for the Federal Register and Code of Federal Regulations .....	...	...	1
General pricing level adjustment .....	...	...	1
Total, uncontrollable increases .....	...	...	\$115
1983 base .....	18	19	\$820

745

<u>Estimates by budget activity</u>	<u>1981 as Enacted</u>			<u>1981 Actual</u>			<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>FY 1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>
	<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>		
1. Adjudication of International Claims ....	18	20	\$850	18	20	\$820	18	19	\$705	18	19	\$820	18	19	\$820	...	...	...
Total .....	18	20	\$850	18	20	\$820	18	19	\$705	18	19	\$820	18	19	\$820	...	...	...

Foreign Claims Settlement Commission

Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Activity: Adjudication of International Claims	18	19	\$705	18	19	\$820	18	19	\$820	...	...	...

746

Long-Range Goal: To make effective determinations of all unsettled claims of American nationals against foreign governments within the framework of Congressional modifications to the International Claims Settlement Act of 1949.

Major Objectives:

- To identify and categorize issues and unique problems peculiar to the Vietnam and Czechoslovakian Claims Programs.
- To review evidence on claims and to seek additional information from sources to be determined.
- To prepare and issue decisions on 25% of claims during the budget year.
- To conduct pre-program planning of pending new programs.
- To provide technical assistance upon request, to the Department of State during the course of negotiations on claims settlement agreements.
- To respond to requests for policy determinations on matters relating to the settlement of international claims.
- To provide legal advice and support of adjudicatory units and the Commission on the settlement of claims.

Base Program Description: The Adjudication of International Claims activity of the Commission consists of a small staff at the Commission headquarters. Additionally, this activity provides administrative support for the Commission and legal advice to the adjudicatory functions and the Commissioners.

Public Law 96-606, approved December 28, 1980, authorized the determination of claims of American nationals for losses resulting from the nationalization of American-owned property in Vietnam by the Socialist Republic of Vietnam. In carrying out its function, a staff of attorneys reviews the evidence submitted and seeks additional information from a wide variety of sources and researches legal issues under international law. The Commission issues an initial or proposed decision determining the validity and amount of the claim. The claimant is afforded an opportunity under the Commission regulations to object, submit further evidence, or have an oral hearing before the Commission which then issues a final decision.

Public Law 97-127, approved December 29, 1981, authorized the determination of claims of nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property which occurred after August 8, 1958. The budget year will be the first full year of activity under the Czechoslovakian Claims Program. The initial period under all programs is devoted to the receipt and review of claims and to early developmental work involving legal research and investigation of the facts and conditions surrounding the actions of the Czechoslovakian Government. Because the filing period will continue throughout the budget year, precise workload information will not be available until all claims have been filed and initially reviewed.

Funding for the activity covers the cost of salaries for the three Presidentially appointed Commission members, the staff of the General Counsel's office and an administrative support staff. This staff provides continuing service, maintenance and responses to former and prospective claimants on 32 completed programs involving 750,000 claimants. Also, the staff will provide policy determinations, pre-program planning, evaluation of pending claims legislation and liaison with congressional committees considering legislation intended to provide compensation to new categories of claimants.

Additionally, the Commission serves in an advisory capacity to other government agencies on matters of policy on international claims and provides advisory service to potential claimants.

Accomplishments and Workload: Accomplishments of the Adjudication of International Claims Program appear in the following table:

Item	1980	1981	Estimates	
			1982	1983
Decisions - Vietnam International Claims Program .....	...	...	20	80
Decisions - Czechoslovakian International Claims Program .....	...	...	50	400
Decisions - German Democratic Republic Claims Program:				
Awards .....	959	785	...	...
Denials .....	1,971	182	...	...
Decisions - China Claims Program .....	...	83	...	...
Decisions - Vietnam Prisoner of War Program .....	7	1	2	...
Inquiries on Closed Programs (Review of Claims) .....	510	700	600	950
General Inquiries .....	14,200	10,400	8,100	8,200
Legislative Reports and Legal Memoranda .....	45	50	100	75
Special Reports .....	15	15	15	15

Foreign Claims Settlement Commission

Salaries and expenses

Justification of Adjustments to Base

Uncontrollable increases:

- |   | <u>Amount</u> |
|---|---------------|
| 1. 1982 Pay increases.....  | \$11          |
| This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$11,000 reflects 1982 as well as 1983 requirements for pay.  |               |
| 2. Executive Level pay increases.....   | 24            |
| This provides for full funding of the January 1, 1982 Executive Level pay increase contained in P.L. 97-92. The request of \$24,000 reflects 1982 as well as 1983 requirements for pay.   |               |
| 3. Within-grade increases.....  | 4             |
| This request provides for an expected increase in the cost of within-grade salary increases. Forty-four percent of the staff will be eligible for within-grade increases during the budget year. This increase is slightly less than one percent of the personnel compensation expected to be paid.   |               |
| 4. Health benefits costs.....   | 3             |
| The Federal Employees Health Benefits Act (P.L. 93-246) provides that the government's share of health insurance* would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$3,000 provides 19.4 percent more than the amount budgeted for 1982. |               |

748

	<u>Amount</u>
5. Standard Level User Charges.....	\$46
<p>P. L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$46,000 is required in FY 1983 to pay for space occupied at the end of FY 1982. The amount budgeted for Standard Level User Charges in 1982 is \$103,000.</p>	
6. Postal Service increase.....	.1
<p>The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 cents an ounce. This 5 cent increase results in an additional request of \$1,000 over the currently-budgeted amount of \$3,000.</p>	
7. Travel costs - part-time Commissioners.....	24
<p>An increase in the cost of per diem and mileage of \$11,000 and airfares of \$13,000 for a total of \$24,000 arises because the budget year will be the first full year since enactment of Public Law 96-209 that requires the payment of such costs for part-time Commissioners appointed by the President and confirmed by the Senate. During 1980 and 1981, these members were Washington, D.C., metropolitan area residents and their services did not involve the payment of travel and per diem expenses. In 1982, the members serving on a part-time basis, even though they are from other areas of the United States, will not require substantial transportation and per diem costs since the need for their services will be limited during the initial stages of the Vietnam and Czechoslovakian Claims Programs. In 1983, the Commission estimates that it will incur costs for 48 trips to Washington involving a total of 144 days of per diem.</p>	
8. Printing costs for the Federal Register and Code of Federal Regulations.....	1
<p>The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and the <u>Code of Federal Regulations</u> (CFR). The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$408 per page for the <u>Federal Register</u> and \$80 per page for the CFR.</p>	
9. General pricing level adjustment.....	1
<p>This request applies the OMB guidance of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against the sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with private sector, transportation costs and utilities. Excluded from the computation are categories of expenses where inflation has already been built into the 1983 estimates.</p>	
Total uncontrollable increases.....	\$115

749

Foreign Claims Settlement Commission

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level V, \$57,500.....	2		2			
ES-4, \$58,500.....	1		1		...	
GS/GM-14, \$39,689-\$51,596.....	1		1		...	
GS/GM-13, \$33,586-\$43,666.....	3		3		...	
GS-12, \$28,245-\$36,723.....	2		2		...	
GS-11, \$23,566-\$30,640.....	1		1		...	
GS-9, \$19,477-\$25,318.....	2		2		...	
GS-6, \$14,328-\$18,630.....	1		1		...	
GS-5, \$12,854-\$16,706.....	1		1		...	
GS-4, \$11,490-\$14,937.....	2		2		...	
GS-3, \$10,235-\$13,304.....	2		2		...	
Total, appropriated positions.....	18	\$482	18	\$519	...	\$37
Pay above stated annual rates.....	...	2	...	2	...	...
Lapses.....	...	-2	...	-2	...	...
Net savings due to lower pay scales for part of year.....	...	...	...	...	...	...
Net permanent.....	18	\$482	18	\$519	...	37

750

FOREIGN CLAIMS SETTLEMENT COMMISSION

Salaries and Expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	18	\$482	18	\$519	...	+\$37
11.3 Positions other than permanent.....	1	16	1	16	...	...
11.5 Other personnel compensation.....	...	...	...	...	...	...
11.8 Special personal services payments.....	...	...	...	...	...	...
Total, workyears and personnel compensation.....	19	498	19	535	...	+37
12 Personnel benefits.....	...	39	...	44	...	+5
21 Travel & transportation of persons.....	...	6	...	30	...	+24
23.1 Standard Level User Charges.....	...	103	...	149	...	+46
23.2 Communications, utilities and other rent.....	...	17	...	18	...	+1
24 Printing & reproduction.....	...	16	...	17	...	+1
25 Other services.....	...	18	...	19	...	+1
26 Supplies & materials.....	...	5	...	5	...	...
31 Equipment.....	...	3	...	3	...	...
Total obligations.....	19	705	19	820	...	+115
Relation of obligations to outlays:						
Obligated balance, start-of-year.....	...	118	...	100		
Obligated balance, end-of-year.....	...	-100	...	-117		
Outlays.....	...	723	...	803		

## UNCONTROLLABLES

Mr. SMITH. Is this \$115,000 all for uncontrollables?

Mr. BELL. That is correct, sir.

Mr. SMITH. I understand you are going to have an increase in workload?

Mr. BELL. Yes, we will but we do not anticipate that we will have to ask for a supplemental at this particular period.

Mr. SMITH. You are going to take care of the increase in uncontrollables and the increase in workload with the same amount?

Mr. BELL. That is correct.

Mr. SMITH. Then you have been getting too much money.

Mr. BELL. No, sir; we have been overworked.

Mr. SMITH. Well, is there any balance remaining in the payment of Vietnam Prisoner of War Claims appropriation?

Mr. BELL. \$85,000. As you know, there are a minor number of certifications we have not yet had from the Department of Defense on the missing in action group.

Mr. SMITH. All of these relate to personnel missing in action?

Mr. BELL. That is correct, sir.

Mr. SMITH. Well, they have been pending for a long time?

Mr. BELL. Yes, as have the previous claims but we feel that once that is concluded that will end our responsibility in that particular area.

Mr. SMITH. How will that ever be completed?

Mr. BELL. Well, I think at some point the Defense Department may just bring things to a head arbitrarily and say that the evidence points to the fact that they are unaccounted for.

Mr. SMITH. Unaccounted for or died in action?

Mr. BELL. I assume that they are reluctant at this particular stage to make any firm decision.

Mr. SMITH. Do you have any statement you want to make?

Mr. BELL. Mr. Chairman, we have a four-page statement but in the interest of conserving your time I will be glad to put it in the record.

## GENERAL STATEMENT

Mr. SMITH. We will insert your prepared statement in the record at this point since the hour is late and then proceed to questions. [The prepared statement follows:]

STATEMENT OF CHAIRMAN J. RAYMOND BELL  
FOREIGN CLAIMS SETTLEMENT COMMISSION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE  
DEPARTMENTS OF COMMERCE, JUSTICE, STATE,  
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you in support of the Foreign Claims Settlement Commission's request for Fiscal Year 1983 funds.

This request is for \$820,000; 18 permanent positions and 19 workyears for 1983, an increase of \$115,000 from the anticipated 1982 appropriation of \$705,000 and provides for no increase in positions. This increase arises from Government salary increases, including the removal of the Executive Level pay cap, together with inflationary increases for the rental of space and other basic service charges and an increase in travel costs due to the appointment of part-time Commissioners who reside outside the Washington metropolitan area.

During Fiscal Year 1983, the Commission will be involved in two claims programs and residual activities from previous programs.

CLAIMS AGAINST CZECHOSLOVAKIA

On December 29, 1981, the President signed the Czechoslovakian Claims Settlement Act of 1981, which approved the agreement between the Government of the United States of America and the Government of the Czechoslovak Socialist Republic on the settlement of certain outstanding claims. The statute authorized the

Commission to receive and determine the validity and amounts of claims of United States nationals for property losses in Czechoslovakia arising as the result of the nationalization or other taking of property which occurred after August 8, 1958. In addition, the statute directed the redetermination of certain claims which had previously been denied by the Commission when they were considered pursuant to Title IV of the International Claims Settlement Act of 1949.

All provisions of this statute were contingent upon the actual transfer of certain gold to Czechoslovakia and the payment by Czechoslovakia of some \$81.5 million in settlement of claims. This transfer occurred on February 20, 1982 and immediately thereafter, on February 24, 1982, the Commission officially announced the commencement of the program. In an attempt to expedite the completion of this program, the Commission established a filing deadline of October 31, 1982, shortening by four months the maximum filing period allowed by statute. The Commission set the final date for completion of all its affairs under this program on October 31, 1984.

In answer to a preliminary notice forwarded by the Commission to individuals who had previously signified an interest in the program, the Commission has already received requests for 1,800 claim forms. The Commission is presently undertaking a mass publicity campaign to inform potential

claimants of the existence of the program. Although it is too early to predict with certainty the total number of claims which may be filed asserting post-1958 losses, it appears, based upon the present response, that the Commission would anticipate 3,000 to 4,000 claims to be filed in this program.

In addition, the Commission has identified approximately 100 claims which will be subject to redetermination pursuant to the direction of the statute. These claims, in general, relate to large industrial holdings which will present complicated matters of valuation.

During Fiscal Year 1983, the Commission intends to complete all redeterminations, as called for by the statute, and to make substantial progress in the adjudication of new claims filed for post-1958 losses.

#### CLAIMS AGAINST THE SOCIALIST REPUBLIC OF VIETNAM

The Commission is presently still receiving claims asserting property losses in the Socialist Republic of Vietnam. Although at this time the Commission has received less than 100 claims in this program, the asserted amounts already exceed \$20 million. Historically, the majority of claims in a claims program are filed within the last few months of the filing period. Therefore, the Commission anticipates a substantial number of additional claims will be filed before the filing deadline of July 31, 1982.

During Fiscal Year 1983, the Commission will be heavily involved in the investigation and determination of these claims against the Socialist Republic of Vietnam.

OTHER ACTIVITIES OF THE COMMISSION

During 1983, the Commission will be concerned with the residual activities from completed programs, including, for example, approximately 2,500 claimants who received awards on \$77 million for property losses in the German Democratic Republic, in addition to some 6,000 claimants who were granted awards in excess of \$1.8 billion for property losses in Cuba. No funds are presently available for payment of awards in either of these programs. The claimants and their successors in interest continue to inquire and express interest in the prospect of receiving payment on their awards.

Due to certain federal and state benefits granted to former prisoners of war, the Commission receives upwards of 1,000 requests a year for verification of prisoner of war status as determined by the War Claims Commission under the War Claims Act of 1948, as amended. Additionally, the residual activities arising out of the Philippine Rehabilitation Act of 1946 and the Micronesian Claims Act of 1971 are serviced by the Commission.

The Commission continues to carry a minor responsibility under the War Claims Act for the payment of survivors of former military prisoners of war from the Vietnam conflict.

The status of a small number of MIA's with prisoner of war classifications remain to be determined by the Department of Defense. Upon the issuance of final determinations in these claims, the Commission will be able to complete its work on this program.

Mr. SMITH. Mr. Miller?  
Mr. MILLER. No questions.  
Mr. SMITH. Thank you very much, gentlemen. We have some additional questions which we will submit and ask you to answer for the record.  
Mr. BELL. Thank you, Mr. Chairman.  
[The questions and the answers thereto follows:]

## QUESTIONS FOR THE RECORD BY MR. SMITH

## Increase in Workload

*I note on page nine of the justification that the workload statistics indicate that the workload of the Commission is expected to increase significantly in FY 1983. For example, you estimate that the decisions in the Vietnam International Claims program will increase from 20 in 1982 to 80 in 1983. In the Czechoslovakian program the decisions are expected to increase from 50 in 1982 to 400 in 1983. How are you going to handle this increase if you are not requesting any increase in staff or other resources?*

The fact that more decisions are issued in 1983 does not necessarily indicate any substantial increase in the staff workload. The issuance of a decision is but the final step of a claims development process which starts with the filing of a claim. This process requires some or all of the following activities; review of the claim and supporting documents as filed, initiating correspondence to the claimant and other sources to obtain additional evidence, legal and factual research, and preparation and staff review of recommended proposed decisions for submission to the Commissioners for their issuance.

## Payment of Vietnam POW Claims

*Is there any balance remaining in the payment of Vietnam Prisoner of War Claims appropriation? If so, how much is remaining and could any of it be used to finance the program of the Commission for FY 1983?*

At present, there is a balance of approximately \$85,000 remaining in the Vietnam Prisoner of War Claims appropriation fund. The Commission is waiting on a small number of determinations to be made by the Department of Defense which will result in the payment of the remaining claims. Until final determinations are made the Commission cannot estimate the exact dollar amount that could remain unexpended.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## Foreign Claims Settlement Commission

## New Claims Program

*In FY 1982 the Commission began two new claims programs. These were the Vietnam International Claims program and the Czechoslovakian International Claims program. Can you tell us how long you expect these claims programs to last? How many claims do you anticipate that the Commission will adjudicate and what will the estimated dollar value of those claims be?*

The claims program involving Vietnam under Public Law 96-606 will be completed on July 31, 1985. The period for filing claims ends on July 31, 1982. We anticipate receiving less than 500 claims in this program and are not in a position to make any estimate of the total dollar value of these claims.

The claims program involving Czechoslovakia under Public Law 97-127 will be completed on October 31, 1984. The filing period has just commenced for this program and runs until October 31, 1982. From the present indications, we anticipate 3,000 to 4,000 claims; however, it is too early to offer any type of a firm prediction on the number of claims which will be received and we presently have no basis to estimate the dollar value of these claims.

*How much of the Commission's staff will be allocated to each of the claims programs?*

During 1983, approximately 90 percent will be allocated to the Czechoslovakian program and ten percent to the Vietnam program.

*Do you anticipate that these levels of staffing will be adequate to carry out these programs during FY 1983?*

The positions requested will be adequate to meet the requirements of these two programs during FY 1983.

MONDAY, MARCH 15, 1982.

**IMMIGRATION AND NATURALIZATION SERVICE**

**WITNESSES**

**ALAN C. NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE**

**DORIS M. MEISSNER, ACTING DEPUTY COMMISSIONER**

**JAMES A. KENNEDY, ACTING COMPTROLLER**

**THOMAS N. PERRELLI, DIRECTOR, PROGRAM PLANNING AND BUDGET STAFF**

**KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION**

**CHARLES R. NEILL, CONTROLLER**

Mr. HIGHTOWER. We will next consider the fiscal year 1983 budget request for the Immigration and Naturalization Service. The fiscal year 1983 request is for \$524,599,000. This amount is an increase of \$96,042,000 over the level provided for fiscal year 1982 under the continuing resolution. The justifications in support of this request appear under a separate tab in Volume III of the justification books. We will insert these justifications in the record at this point.

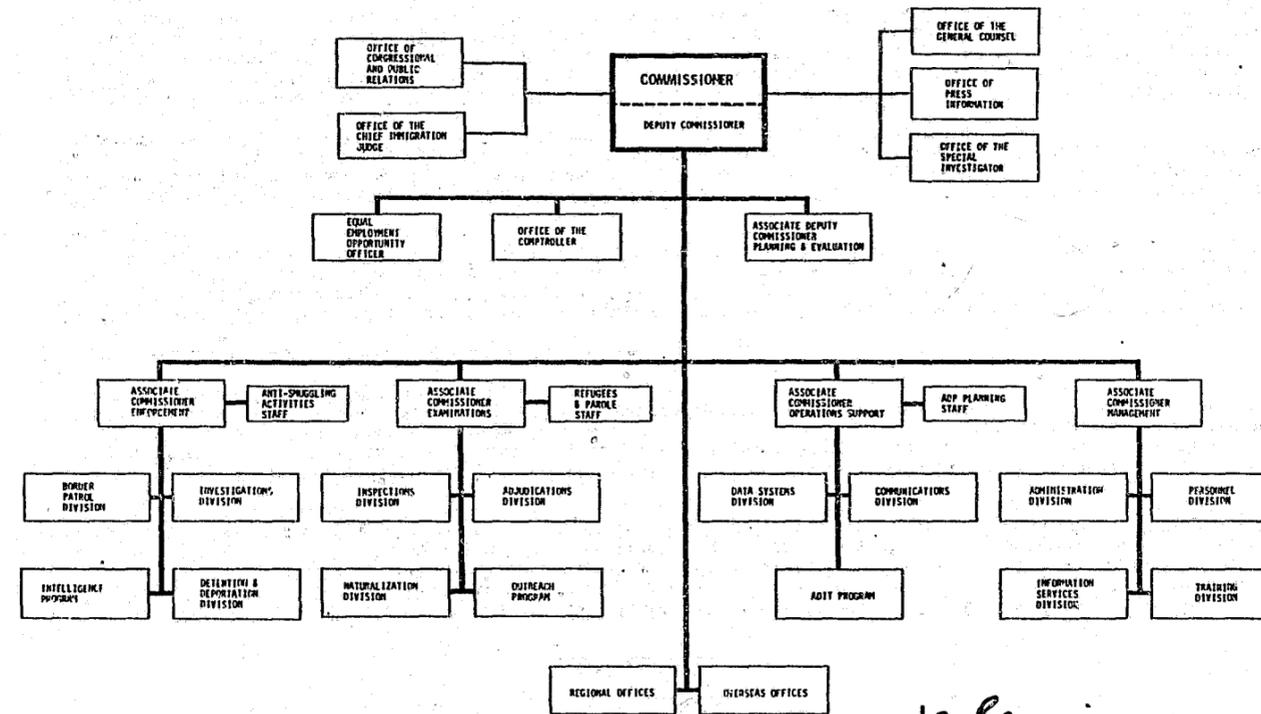
[The justifications follow:]

(761)

Department of Justice  
Immigration and Naturalization Service  
Budget Estimate, Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	3
Justification of Proposed Changes to the Authorization Language.....	4
Justification of Proposed Changes in Appropriation Language.....	5
Crosswalk of 1982 Changes.....	7
Summary of Requirements.....	9
Summary of Resources by Program.....	10
Justification of Program and Performance.....	11
Program Resource information.....	11
Status of Congressionally Requested Studies, Reports, and Evaluations.....	62
Priority Rankings.....	63
Summary of Adjustments to Base.....	64
Justification of Adjustments to Base.....	65
Financial Analysis of Increases.....	72
Summary of Requirements by Grade and Object Class.....	73

# IMMIGRATION AND NATURALIZATION SERVICE



763

APPROVED: *John S. Greenfield* DATE: Nov. 21, 1988  
Associate Attorney General

Immigration and Naturalization Service

Summary Statement

Fiscal Year 1983

For 1983, the Immigration and Naturalization Service (INS) is requesting a total budget of 10,661 positions, 10,856 workyears and \$524,599,000. Compared to 1982, the request represents an increase of 102 workyears and \$96,042,000. The request provides for the continuation of seven INS' activities without any program changes. Included within the request is \$58,735,000 for the new activity "Reception, Processing and Care" -- which is to place the Cuban/Haitian Task Force for administering Section 501(c) of the Refugee Education Assistance Act of 1980 (PL 96-442) within the Department of Justice, and \$37,307,000 for uncontrollable cost changes.

The mission of the INS is to facilitate entry of persons legally admissible to the United States as visitors or immigrants, and to grant them benefits to which they are entitled; to prevent improper entry and the granting of benefits to those not legally entitled to them; to apprehend and remove those aliens who enter illegally or who violate their lawful status and/or whose stay is not in the public interest; and to enforce sanctions against those who act or conspire to subvert the requirements for selective and controlled entry.

The major thrusts contained in the request include the following:

- The INS Mission Plan. The Mission Plan provides the framework for formulating this request as well as the Amendment to the 1982 budget. The plan is a response to INS' commitment to Mission effectiveness in an environment of limited resources and increasing workload. It has selected an overall strategy of concentrating and focusing efforts on those sites and groups of aliens that represent a substantial immigration problem for the country and for the effective administration of our immigration laws.
- 1982 Budget Amendment. The Administration has added additional resources in the 1982 budget to implement the President's new immigration policy, based on the recommendations of the Interagency Task Force on Immigration and Refugee Policy which was chaired by the Attorney General. The additional resources were added to improve enforcement capabilities of the Service and to detain Haitians at Fort Allen Detention and Krome North Service Processing Centers.
- Reception, Processing and Care. Authorized by PL 96-442 and established on July 15, 1980, this activity was previously managed by the Cuban/Haitian Task Force under the Department of Health and Human Services. By Executive Order, the responsibility of administering Section 501 (C) of the Refugee Education Assistance Act of 1980 (PL 96-442) has been placed within the Department of Justice. This activity provides for the reception of newly-arriving entrants; their transportation to initial holding centers; and processing and care while they undergo medical and security screening and await resettlement, placement, or deportation. Also included are funds for medical services and care for the entrants, both within the centers and in the community immediately after they are resettled. The Office of Refugee Resettlement, Public Health Service and other Federal agencies are to provide these services and will be reimbursed by INS under directives from the Attorney General as authorized by Section 501 (C) of the Refugee Education Assistance Act of 1980.

Immigration and Naturalization Service

Proposed Authorization Language

The Immigration and Naturalization Service is requesting the following authorization language:

For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration including -

- (A) advance of cash to aliens for meals and lodging while enroute;
- (B) payment of allowances to aliens, while held in custody under immigration laws, for work performed;
- (C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;
- (D) payment of rewards;
- (E) not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate;
- (F) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;
- (G) acquisition, lease, maintenance, and operation of aircraft;
- (H) payment for firearms and ammunition and attendance at firearms matches;
- (I) operation, maintenance, remodeling and repair of buildings, and the purchase of equipment incident thereto;
- (J) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;
- (K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens;
- (L) acquisition of land as sites for enforcement fences, and construction incident to such fences;
- (M) research related to immigration enforcement which shall remain available until expended;
- (N) payment of expenses related to the purchase and/or lease of privately owned horses and to accept donated horses for use by the Immigration and Naturalization Service law enforcement operation; and
- (O) payment of expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) for the processing, care, maintenance, security, transportation and initial reception and placement in the United States of Cuban and Haitian entrants.

\$524,599,000 of which not to exceed \$100,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General and of which \$1,821,000 shall remain available for construction until expended and, provided that none of the funds available for the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime in an amount in excess of \$20,000.

765

Immigration and Naturalization Service  
Justification of Proposed Changes in Authorization Language

The Immigration and Naturalization Service is requesting the following new language to be added to its authorities in 1983.

- (N) payment of expenses related to the purchase and/or lease of privately owned horses and to accept donated horses for use by the Immigration and Naturalization Service law enforcement operation;

After a 24-year period, the Border Patrol's use of horses was resumed at Ajo, Arizona, in February, 1980. Two horses were leased and used to patrol the Organ Pipe National Monument Wilderness Area where vehicular traffic is prohibited. Since they were extremely effective in this area, the use of horses was expanded in March 1980 to include the Chula Vista and Brownfield stations. The advantages of horses are numerous. They provide for easy access to marshy/muddy areas and increase the visibility of their rider. In large groups of aliens, they provide their rider with a greatly enhanced crowd control capability. Horses are immune to tear gas and are quiet and compatible with the environment. Through the efforts of our Western Regional Office, the INS was able to replace eight leased horses with donated Morgan horses. As a result, for a minimum of cost, the INS has been able to continue the horse patrol at the Chula Vista and Brownfield stations. However, as INS has no statutory authority to accept gifts, it appears that acceptance of these horses may have been unauthorized. This change to the Authorization Language is requested in order to continue INS' program of using horses for law enforcement.

- (O) payment of expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) for the processing, care, maintenance, security, transportation and initial reception and placement in the United States of Cuban and Haitian entrants.

This activity provides for the reception of newly arrived entrants; their transportation to initial holding centers; and processing and care while they undergo medical and security screening and await resettlement, placement, or deportation. Also included are funds for medical services and care for the entrants, both within the centers and in the community immediately after they are settled. The activity will provide essential services to the entrants humanely and efficiently. The activity was previously managed by the Cuban and Haitian Task Force, established on July 15, 1980. The program is authorized by Public Law 96-442 and by Executive Order which places the responsibility for administering Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) within the Department of Justice. Services provided directly and indirectly by the Office of Refugee Resettlement, Public Health Service, and other Federal agencies may be reimbursed by INS under directives from the Attorney General to them, as authorized by Section 501(c) of the Refugee Education Assistance Act of 1980.

...\$1,821,000 shall remain available until expended...;

No year funds are needed for replacement of two Border Patrol stations - one at El Cajon, California and the other at Eagle Pass, Texas. Though the construction funds for these two stations are budgeted for in the 1982 Budget Amendment and included in the 1982 column of this submission there is some question as to whether the entire amount budgeted can be obligated within 1982; hence, the request for no year funds in 1983.

DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
SALARIES AND EXPENSES

The 1983 budget estimates include the proposed changes in appropriations language listed and explained below. The current appropriations language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed [five hundred ten] of which four hundred [thirty] shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; [\$428,557,000], of which not to exceed \$400,000 shall remain available for research until expended; Provided, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$20,000 [except in such instances when the Commissioner makes a determination that this restriction is impossible to implement: Provided further, That the Attorney General shall exercise his best efforts to ensure that none of the funds appropriated by this joint resolution may be obligated or expended after March 1, 1982, for the detention of any entrant, any applicant for political asylum or for refugee status, or any other alien which would cause the total number of aliens to exceed five hundred and twenty-five at the facility known as Krome North, located in the State of Florida, or to exceed five hundred and twenty-five at any other facility in the State of Florida for the detention of aliens awaiting exclusion, deportation, or resettlement which is not used for such purpose on the date of enactment of this joint resolution].

payment of allowances (at a rate not in excess of \$4 per diem) to aliens for work performed while held in custody under the immigration laws;

four hundred one

and for expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) to process, care, maintain, transport, return and initially resettle Cuban and Haitian entrants;

\$524,599,000

and of which \$1,821,000 shall remain available for construction until expended

767

Explanation of Changes

1. The first change increases the amount which may be paid to aliens who do work for the Service while held in INS detention facilities. 8 USC 1555 requires that the rate of payment of allowances be specified from time to time in the Appropriation Act. The present rate of reimbursement, \$1.00 per day, has been in effect since 1948, and is too low to encourage aliens to volunteer for work in and around the detention facilities.
2. The second change, including the deletion of 30 replacement vehicles, provides for the purchase of 401 passenger motor vehicles of which 400 are for replacement only. The 1981 appropriation provided 510 vehicles of which 430 were for replacement only. Both the House and the Senate versions of H.R. 4169 now pending continue the authorization to purchase and replace the same number of vehicles in 1982 as in 1981.
3. The third change provides for the new activity entitled Reception, Processing and Care of Cuban and Haitian entrants. This activity provides for the reception of newly arrived entrants; their transportation to initial holding centers; and processing and care while they undergo medical and security screening and await resettlement, placement, or deportation. Also included are funds for medical services and care for the entrants, both within the centers and in the community immediately after they are settled. The activity will provide essential services to the entrants humanely and efficiently. The activity was previously managed by the Cuban and Haitian Task Force, established on July 15, 1980. The program is authorized by Public Law 96-442 and by Executive Order which places the responsibility for administering Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) within the Department of Justice. Services provided directly and indirectly by the Office of Refugee Resettlement, Public Health Service, and other Federal agencies may be reimbursed by INS under directives from the Attorney General to them, as authorized by Section 501(c) of the Refugee Education Assistance Act of 1980.
4. The fourth change provides no year funds for construction. No year funds are needed for replacement of two Border Patrol stations -- one at El Cajon, California and the other at Eagle Pass, Texas. Though the construction funds for these two stations are budgeted for in the 1982 Budget Amendment and included in the 1982 column of this submission, there is some question as to whether the entire amount budgeted can be obligated within 1982; hence, the request for no year funds in 1983.
5. The fifth substantive change deletes the authorization granting the Commissioner authority to determine if the \$20,000 limitation on overtime pay should be lifted in certain cases.
6. The sixth change deletes appropriation language added in P.L. 97-92, further continuing appropriations for 1982. This language was not part of the basic language used to provide funds to INS but is contained in Section 128 of the continuing resolution. This language, the Department believes, should not be continued because it does not recognize that the facility has been constructed to house a greater number of detainees than 525 and calls upon the Attorney General to make unwarranted determinations on the population to be housed at the Krome North facility.

Immigration and Naturalization Service

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogrammings			1982 as Enacted (Appropriation) Anticipated		
	Pos.	NY	Amt.	Pos.	NY	Amt.	Pos.	NY	Amt.	Pos.	NY	Amt.
<b>1. Border Enforcement</b>												
Inspections.....	1,357	1,725	\$51,946	...	-20	-8539	...	...	...	1,357	1,705	\$51,407
Border Patrol-Immediate..	2,748	2,615	92,321	...	-65	-2,240	...	...	...	2,690	2,550	90,081
Anti-Smuggling.....	304	281	11,966	...	...	-125	...	...	...	304	281	11,841
Alien Documentation.....	48	48	6,142	...	...	...	...	...	...	48	48	6,142
Subtotal.....	4,457	4,639	162,375	...	-85	-2,504	...	...	...	4,399	4,584	159,471
<b>2. Interior Enforcement</b>												
Border Patrol - Other....	200	179	7,326	...	-5	-260	...	...	...	200	174	7,066
Investigations.....	608	679	27,690	...	...	-453	...	...	...	796	642	27,237
Subtotal.....	808	858	35,016	...	-42	-713	...	...	...	996	816	34,303
<b>3. Detention and Deportation</b>												
Detention.....	639	792	52,992	...	...	-3,736	...	...	...	639	792	49,256
Deportation.....	388	363	28,559	...	...	-2,883	...	...	...	388	363	25,676
Trial Litigation.....	108	89	3,971	...	...	-2	...	...	...	108	87	3,893
Judicial Review.....	136	148	5,490	...	...	...	...	...	...	136	140	5,490
Subtotal.....	1,271	1,392	91,012	...	-2	-6,697	...	...	...	1,271	1,380	84,315
<b>4. Intelligence</b>												
Intelligence.....	36	31	1,838	...	-11	-6	-377	...	...	25	25	1,461
Subtotal.....	36	31	1,838	...	-11	-6	-377	...	...	25	25	1,461
<b>5. Service to Public</b>												
Adjudications Operations..	575	669	19,400	197	109	3,363	...	...	...	762	778	22,763
Naturalization Operations..	396	386	12,656	...	...	...	...	...	...	396	386	12,656
Status Verification.....	162	186	8,166	...	...	...	...	...	...	256	194	9,278
Information Services.....	324	323	7,874	...	...	...	...	...	...	324	323	7,874
Overseas.....	113	120	6,678	...	...	...	...	...	...	113	120	6,678
Subtotal.....	1,570	1,684	54,774	281	117	4,475	...	...	...	1,651	1,601	59,249
<b>6. Support Operations</b>												
Training.....	51	50	4,689	...	...	...	...	...	...	51	50	4,689
Research and Development..	2	2	506	...	...	...	...	...	...	2	2	506
Construction and Engineering.....	15	14	41,065	...	...	-35,350	...	...	...	15	14	5,715
Data Systems.....	90	87	15,083	...	...	-300	...	...	...	90	87	14,783
Communications Systems....	18	17	6,490	...	...	-925	...	...	...	18	17	5,565
Records.....	873	946	16,846	...	-22	-104	...	...	...	873	924	16,742
Statistics.....	45	40	1,056	...	...	...	...	...	...	45	40	1,056
Subtotal.....	1,094	1,156	85,735	...	-22	-36,679	...	...	...	1,094	1,134	79,055
<b>7. Program Direction</b>												
Executive Direction and Control.....	506	511	20,371	...	-2	-60	...	...	...	506	509	20,311
Administrative Services....	462	495	20,391	...	...	...	...	...	...	462	495	20,391
Subtotal.....	968	1,006	40,762	...	-2	-60	...	...	...	968	1,004	40,702
<b>Total.....</b>	<b>10,204</b>	<b>10,796</b>	<b>471,512</b>	<b>400</b>	<b>-42</b>	<b>-42,955</b>	<b>...</b>	<b>...</b>	<b>...</b>	<b>10,604</b>	<b>10,754</b>	<b>428,557</b>

769

Explanation of Changes

Congressional Appropriation Actions

Congress eliminated \$35,000,000 for the construction of a permanent detention facility. It deleted \$2,000,000 from alien travel, and added 281 positions and \$4,475,000 for service to the public, along with some more other minor changes. In conference action, the pending budget was reduced by \$10,000,000 without specific designation. Congress also added 188 positions to the investigations program.

Immigration and Naturalization Service

Salaries and expenses

Summary of Requirements  
(Dollars in thousands)

Adjustments to base:													Perm.	Work-	Amount
													Pos.	years	
1982 as enacted (Appropriation Anticipated)													10,604	10,754	\$428,557
Uncontrollable increases													...	213	43,869
Decreases													...	-168	-6,562
1983 base													10,604	10,799	465,864

Estimates by budget activity	1981 Actual			1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1. Border Enforcement....	4,617	4,434	\$155,068	4,399	4,584	\$159,471	4,399	4,694	\$175,419	4,399	4,694	\$175,419	...	...	...
2. Interior Enforcement..	978	886	32,991	996	816	34,303	996	779	37,902	996	779	37,902	...	...	...
3. Detention and Deportation.....	1,105	1,129	48,444	1,271	1,390	84,315	1,271	1,312	92,442	1,271	1,312	92,442	...	...	...
4. Intelligence.....	47	33	1,274	25	25	1,461	25	25	1,552	25	25	1,552	...	...	...
5. Service to Public.....	2,034	1,803	54,481	1,851	1,801	59,249	1,851	1,841	64,988	1,851	1,841	64,988	...	...	...
6. Support Operations....	1,135	1,020	38,741	1,094	1,134	49,056	1,094	1,151	49,034	1,094	1,151	49,034	...	...	...
7. Program Direction.....	970	951	39,079	968	1,004	40,702	968	997	44,527	968	997	44,527	...	...	...
8. Reception/Processing/Care.....	...	...	...	...	...	...	...	...	...	57	57	58,735	57	57	58,735
<b>Total.....</b>	<b>10,886</b>	<b>10,256</b>	<b>370,078</b>	<b>10,604</b>	<b>10,754</b>	<b>428,557</b>	<b>10,604</b>	<b>10,799</b>	<b>465,864</b>	<b>10,661</b>	<b>10,856</b>	<b>524,599</b>	<b>57</b>	<b>57</b>	<b>58,735</b>

771

**Immigration and Naturalization Service**  
**Summary of Resources by Program**  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
<b>Border Enforcement:</b>																		
Inspections.....	1,557	1,562	\$51,364	1,557	1,703	\$58,749	1,357	1,705	\$51,407	1,357	1,712	\$55,781	1,357	1,712	\$55,781	...	...	...
Border Patrol - Immediate Border.....	2,690	2,516	79,531	2,690	2,381	79,038	2,690	2,550	90,081	2,690	2,651	100,208	2,690	2,651	100,208	...	...	...
Anti-Smuggling.....	297	278	12,295	297	300	12,365	304	291	11,841	304	283	12,759	304	283	12,759	...	...	...
Alien Documentation.....	73	46	5,633	73	50	5,116	48	48	6,671	48	48	6,671	48	48	6,671	...	...	...
Subtotal.....	4,617	4,402	150,823	4,617	4,434	155,269	4,399	4,584	159,471	4,399	4,694	175,419	4,399	4,694	175,419	...	...	...
<b>Interior Enforcement:</b>																		
Border Patrol - Other than Border.....	182	170	6,517	182	181	6,772	200	174	7,066	200	183	7,875	200	183	7,875	...	...	...
Investigations.....	796	696	27,592	796	705	26,219	796	642	27,237	796	596	30,027	796	596	30,027	...	...	...
Subtotal.....	978	866	34,109	978	886	32,991	996	816	34,303	996	779	37,902	996	779	37,902	...	...	...
<b>Detention and Deportation:</b>																		
Detention.....	518	505	24,442	518	577	22,129	639	792	49,256	639	608	53,296	639	688	53,296	...	...	...
Deportation.....	401	349	17,495	401	346	18,812	388	363	25,676	388	376	29,193	388	376	29,193	...	...	...
Trial Litigation.....	84	70	2,429	84	81	3,145	108	87	3,893	108	94	4,155	108	94	4,155	...	...	...
Judicial Review.....	102	94	4,082	102	125	4,358	136	148	5,490	136	154	5,798	136	154	5,798	...	...	...
Subtotal.....	1,105	1,018	48,948	1,105	1,129	44,344	1,271	1,390	84,315	1,271	1,312	92,442	1,271	1,312	92,442	...	...	...
<b>Intelligence:</b>																		
Intelligence.....	47	30	1,530	47	33	1,274	25	25	1,461	25	25	1,552	25	25	1,552	...	...	...
<b>Service to Public:</b>																		
Adjudications Operations.....	902	818	24,209	902	824	22,448	762	778	22,763	762	795	24,780	762	795	24,780	...	...	...
Naturalization Operations.....	429	383	12,004	429	368	11,758	396	386	12,656	396	396	14,014	396	396	14,014	...	...	...
Status Verification.....	256	243	9,399	256	243	8,951	256	194	9,278	256	197	10,152	256	197	10,152	...	...	...
Information Services.....	324	319	7,598	324	315	6,871	324	323	7,874	324	323	8,747	324	323	8,747	...	...	...
Foreign Offices.....	123	86	6,307	123	53	4,453	113	120	6,678	113	120	7,295	113	120	7,295	...	...	...
Subtotal.....	2,034	1,888	59,517	2,034	1,807	54,481	1,851	1,801	59,749	1,851	1,841	64,988	1,851	1,841	64,988	...	...	...
<b>Support Operations:</b>																		
Training.....	51	50	5,569	51	60	4,607	51	50	4,689	51	50	4,834	51	50	4,834	...	...	...
Research and Development.....	2	2	805	2	3	171	2	2	506	2	2	513	2	2	513	...	...	...
Construction and Engineering.....	10	10	3,347	10	11	3,704	15	14	5,715	15	17	4,089	15	17	4,089	...	...	...
Data Systems.....	83	52	9,043	83	69	10,485	90	87	14,783	90	90	15,410	90	90	15,410	...	...	...
Communications Systems.....	16	11	3,653	16	11	4,207	18	17	5,565	18	18	4,334	18	18	4,334	...	...	...
Records.....	921	810	16,486	921	828	14,596	873	924	16,742	873	934	18,678	873	934	18,678	...	...	...
Statistics.....	52	42	1,053	52	38	891	45	40	1,056	45	40	1,176	45	40	1,176	...	...	...
Subtotal.....	1,135	977	39,656	1,135	1,028	38,741	1,094	1,134	49,056	1,094	1,151	49,034	1,094	1,151	49,034	...	...	...
<b>Program Direction:</b>																		
Executive Direction and Control.....	517	498	20,311	517	470	18,296	506	509	20,311	506	509	22,050	506	509	22,050	...	...	...
Administrative Services.....	453	488	18,575	453	481	20,783	462	495	20,391	462	488	22,477	462	488	22,477	...	...	...
Subtotal.....	970	986	38,886	970	951	39,079	968	1,004	40,702	968	997	44,527	968	997	44,527	...	...	...
<b>Reception/Processing/Care</b>																		
Reception/Processing/Care.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
<b>Total.....</b>	<b>10,886</b>	<b>10,127</b>	<b>371,469</b>	<b>10,886</b>	<b>10,256</b>	<b>370,078</b>	<b>10,604</b>	<b>10,754</b>	<b>428,557</b>	<b>10,604</b>	<b>10,799</b>	<b>465,864</b>	<b>10,661</b>	<b>10,856</b>	<b>524,599</b>	<b>57</b>	<b>57</b>	<b>58,735</b>
<b>Other Workyears</b>																		
Holiday.....	1,682			1,688														
Overtime.....	784			322			1,927		1,898				1,898					
Administrative Uncontrollable Overtime.....	659			712			290		385				293					
1931 Act Overtime.....	...			559			534		532				532					
Total compensable workyears.....	11,768			13,547			13,778		13,767				13,762					

772

Immigration and Naturalization Service  
Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity: Border Enforcement	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Inspections.....	1,357	1,705	\$51,407	1,357	1,712	\$55,781	1,357	1,712	\$55,781	...	...	...
Border patrol - immediate border.....	2,690	2,550	90,081	2,690	2,651	100,208	2,690	2,651	100,208	...	...	...
Anti-smuggling.....	304	281	11,841	304	283	12,759	304	283	12,759	...	...	...
Alien documentation, identification and telecommunications (ADIT).....	48	48	6,142	48	48	6,671	48	48	6,671	...	...	...
Total.....	4,399	4,584	159,471	4,399	4,694	175,419	4,399	4,694	175,419	...	...	...

	1982 as Enacted (Appropriation Anticipated)			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Inspections.....	1,357	1,705	\$51,407	1,357	1,712	\$55,781	1,357	1,712	\$55,781	...	...	...

**Long-Range Goal:** To ensure that the entry of persons applying for admission to the United States is controlled in a manner which is consistent with the national interest, facilitating the entry of qualified persons and identifying and denying the admission of those not qualified; and to provide support to the Adjudications program by granting or denying applications and petitions for benefits, which are sent to ports of entry for adjudication during stand-by time; and to issue Border Crossing Cards at the ports.

Major Objectives:

To inspect 359,000,000 persons applying for admission to the United States in cooperation with other Federal agencies.

To facilitate the entry of 358,260,000 qualified persons through ports of entry.

To prevent the entry of 740,000 inadmissible applicants through ports.

To adjudicate 740,000 applications and petitions sent to ports to utilize inspector stand-by time.

To adjudicate 190,000 applications for Border Crossing Cards presented at ports.

Base Program Description: The principal statutory authorization for the Inspections program is contained in Sections 235 and 238 of the Immigration and Nationality Act. The purpose of the program is to facilitate the entry of U.S. citizens and qualified alien applicants into the United States, and to bar the entry of inadmissible aliens at ports of entry. Large and continuing increases in applicants for admission have raised a substantial challenge to the INS to devise new approach to meet its workload. Although the statute requires the inspection of all persons entering the United States, the application of the inspection process, including the level of individual inspection based on an assessment of risk, allows for variation in staffing assignments.

Persons applying for admission to the United States are inspected at ports of entry to determine if they are qualified for admission; and if so, under what conditions, or if they are properly excludable. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities.

Cross-designated inspectors are utilized at both land borders in a system where one agency does the primary inspection required by all agencies. "Citizen By-Pass," "One-Stop" inspection and foreign preclearance inspections have been developed in cooperation with the U.S. Customs Service and the Animal and Plant Health Inspection Service to facilitate entry for the traveling public and to better utilize inspection resources.

Determinations of inadmissibility are based on examination of the applicant, relating documents or prior information.

Local and national lookout systems containing information relating to excludable aliens are available for use at each port of entry. Required documentation is examined to determine its validity and relationship to the applicant. Inadmissible aliens are denied entry to the United States. Any criminal activity discovered in the inspection process is referred for appropriate investigation.

Applications and petitions for a full range of benefits under the immigration law are adjudicated during periods of stand-by time which are present at many ports during non-peak workload hours.

Applications for Border Crossing Cards are presented directly at the ports located on the U.S./Mexican border and are adjudicated and issued by inspection personnel at these locations.

Item	1980	1981	Estimates	
			1982	1983
Total persons inspected.....	308,982,835	321,148,385	339,000,000	359,000,000
Citizens inspected.....	119,837,147	125,640,085	137,600,000	145,800,000
Aliens inspected.....	189,145,688	195,508,300	201,400,000	213,200,000
Persons admitted.....	308,089,762	320,490,257	338,280,000	358,260,000
Citizens admitted.....	119,837,147	125,640,085	137,600,000	145,800,000
Aliens admitted.....	188,252,615	194,850,172	200,680,000	212,460,000
Aliens withdrawing at entry.....	893,073	658,128	720,000	740,000
Border crossing cards issued.....	215,187	200,000	180,000	190,000
Remoted adjudications completed.....	815,166	800,000	720,000	740,000

Accomplishments and Workload: The Inspections Program workload increased 12 percent in 1980 and another 6 percent in 1981; however, during this period the OMB ceiling was reduced by 100 positions. The additional requirements generated by the Cuban crisis placed a severe strain on the inspection resources. To alleviate the impact of increased workload in the face of resource reductions, the INS extended the "One-Stop" inspection procedure to Los Angeles, Atlanta and Houston. Further efforts to restrain the growth of 1931 Act overtime costs and to maintain the \$20,000 limit on individual overtime earnings included an automated overtime monitoring system, rescheduling of shift schedules, use of temporary employees, and modifications to overtime assignment criteria. Although the detection of inadmissible aliens fell by 80,000 or 8 percent in 1980 and 235,000 or 23 percent in 1981, the number of inadmissible aliens detected remained between 0.3 and 0.4 percent of the total number of aliens inspected. While the number of completed adjudications has been maintained at the 800,000 level, it is anticipated that there will be a 7 percent decrease in 1982 due to the personnel reduction in this program. This reduction is likely to be partially offset through the use of regional adjudication centers and up-front processing elsewhere in INS. The issuance of Border Crossing Cards, economically important to the Mexican border area, has decreased 22 percent since 1979.

775

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Border patrol - immediate border.....	2,690	2,550	\$90,081	2,690	2,651	\$100,208	2,690	2,651	\$100,208	...	...	...

Long-Range Goal: To ensure that the entry of persons into the United States between ports of entry is controlled in a manner which is consistent with the national interest as established and provided by Congress, by prevention of entry without inspection and by reducing the undocumented alien population.

**Major Objectives:** To deter uncontrolled entry into the interior of the United States by the rapid detection, interception and apprehension of the majority of illegal entrants before movement to the interior can be achieved.

**Basic Program Description:** The Border Patrol program is attempting to meet its major objective through the administration of three major program activities:

1. Linewatch will continue to be its primary border activity. The prevention of entry, or the immediate apprehension of entrants, is one method of accomplishing this objective.
2. Once an illegal entry has been made, successful entrance into the interior is restrained by:
  - a. Maintenance of traffic check coverage on major routes of travel, and
  - b. Full-time surveillance of public transportation systems and freight trains departing the immediate border areas.

**Accomplishments and Workload:** Accomplishments of the Border Patrol program - Immediate Border are presented in the following table:

Item	1979	1980	1981	Estimates	
				1982	1983
Deportable aliens apprehended.....	785,911	683,142	745,732	995,900	1,100,700
Smuggled aliens apprehended.....	132,722	83,788	91,407	122,500	135,300
Smugglers apprehended.....	14,928	12,518	13,820	18,900	20,900

776

Although the Border Patrol has traditionally used apprehensions as a measure of productivity, it is more a measure of activity than productivity. Theoretically, the number of apprehensions would approach zero as the Border Patrol approaches its long-range goal. However, as long as the Border Patrol is required by the number of illegal entrants to continue its reactive rather than preventive posture, apprehensions will continue to be the best measure of goal accomplishment. With relatively no control over workload input, the number of aliens attempting illegal entry is assumed to remain constant.

During 1981, the Border Patrol apprehended 745,732 undocumented aliens within 100 miles of the border; in 1982, approximately 995,900 apprehensions will be made. For 1983, a total of 1,100,700 apprehensions are projected.

Projected apprehensions are based primarily on 1979 apprehensions per workyear by sector and location. The effects of the Cuban/Haitian program and the restrictions on apprehension of illegal aliens at places of business for the 1980 Census make it extremely difficult for the INS to project 1982 and 1983 apprehensions based on 1980 and 1981 statistics. Since there is no hard evidence that the flow of illegal entrants is subsiding, the use of the 1979 apprehension rate appears reasonable. With funding for staffing the Cuban/Haitian camps, the Border Patrol should be relieved of detail responsibilities in 1982.

The Border Patrol has increased and will continue to increase its efficiency by the removal of officers from administrative duties, the reconfiguration of its vehicle fleet to save fuel and replacement costs, and the use of Army-owned helicopters.

Coverage in certain areas has been enhanced by the implementation of the horse patrol and all-terrain carriers. The Border Patrol is now better able to deal with border violence. Through the use of horses and helicopters, its crowd control capability has been greatly enhanced.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount
Anti-smuggling.....	304	281	\$11,841	304	283	\$12,759	304	283	\$12,759	...	...	...

Long-Range Goal: To reduce the number of illegal aliens in the United States, and to prevent the entry of unqualified persons by detecting and successfully prosecuting those individuals involved in the smuggling and transporting of aliens.

Major Objectives:

- To identify smugglers of aliens.
- To investigate and apprehend smugglers of aliens, concentrating resources on major violators.
- To prepare sufficient evidence to support the U.S. Attorneys in obtaining convictions of 5,600 smuggling violators.
- To increase deterrent efforts such as conveyance seizures, extraterritorial prosecutions, fines and sentences.

Base Program Description: The majority of smugglers are physically apprehended by the Border Patrol and Investigations. A significant number of smugglers are minor violators; that is, they operate independently and infrequently. However, in many cases they may be associated with major conspirators. Officers assigned to the Anti-Smuggling program identify and infiltrate conspiracies of major importance, collect evidence to be used in convicting these smugglers and make apprehensions. The Anti-Smuggling officers interview defendants to ascertain if any connection exists with major smuggling rings and prepare the cases for prosecution and presentation to the U.S. Attorneys. Smugglers are classified by Anti-Smuggling officers as Category I, II, III, or IV violators. Category I violators are major violators, and these cases involve multi-volume operations (250 aliens transported per month, earning in excess of \$50,000), participation in other criminal activities, traffic in terrorists, corporate smuggling or corrupt officials. Category II violators are volume operators, transporting 100-250 aliens or earning in excess of \$25,000 per month. Categories III and IV are low-level violators and non-professional violators (relative and household employee smugglers), respectively.

In addition to the prosecution efforts, Anti-Smuggling officers are actively involved in liaison with Canadian and Mexican officials in attempts to prosecute major violators outside the United States. The Anti-Smuggling officers maintain active informant programs. In 1978, legislation was enacted authorizing the INS to seize conveyances used in smuggling. Officers assigned to the Anti-Smuggling program perform the bulk of this seizure work which has provided a number of replacement vehicles for the INS fleet as well as serving as a deterrent to smuggling.

777

Accomplishments and Workload: Accomplishments of the Anti-Smuggling program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Cases received.....	10,009	10,000	10,500	11,000
Cases completed.....	9,805	10,300	9,700	9,800
Cases presented to U.S. Attorneys (regardless of charge).....	8,179	9,300	8,700	8,800
Cases authorized by U.S. Attorneys (regardless of charge).....	3,021	7,000	6,600	6,700
Total convictions (regardless of charge).....	5,814	5,900	5,500	5,600
Sentences imposed (years).....	1,836	1,600	1,600	1,800
Conveyance seizures.....	2,569	2,831	3,400	3,500

Anti-Smuggling officers do and will play significant roles in the arrest, indictment and prosecution of alien smugglers. In a recent case, for example, Chicago-based Anti-Smuggling officers obtained 17 indictments on major smugglers in Florida, Illinois, Indiana, New Jersey and Texas. This ring reportedly netted over \$1 million annually by smuggling aliens from Mexico, Central and South American countries, and its members were charged with various counts of transporting, harboring, obstruction of justice and perjury. In 1980, 16,238 smugglers were apprehended, but apprehensions in 1981 were down to 13,939; nevertheless approximately 9,300 violators were presented to U.S. Attorneys which represents a 13 percent increase in presentations over 1980. In 1981, Anti-Smuggling officers have concentrated their efforts and resources on major violators and conspirators, and liaison with the U.S. Attorneys has been a priority.

Conveyance seizures also increased in 1981. Total seizures for 1981 were 2,831 and these conveyances were valued at over \$6 million. While the average value per vehicle in 1980 was over \$4,000 as compared to an average value of approximately \$2,000 in 1981, the 1980 seizures included a number of vessels seized during the Cuban boat lift.

Cooperation with Mexico has aided in the deterrence efforts as well as in the conviction of smugglers outside of the United States. The Government of Mexico has continued the assignment of special units at interior roadchecks in Mexico resulting in the apprehension of Central American aliens before they reach the U.S. border.

	1982 as Enacted (Appropriation Anticipated)			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Alien documentation, identification and tele- communications (ADIT).....	48	48	\$6,142	48	48	\$6,671	48	48	\$6,671	...	...

778

Long-Range Goal: To enable INS and related agencies to accurately validate the status of aliens, to eliminate the fraudulent use of alien identification documents and to facilitate the providing of services to legally entitled aliens. As such, the program directly supports the INS' mission goals by facilitating the Examinations and Enforcement operations.

Major Objectives:

To maintain high volume production and issuance of secure identification cards.

To establish the computer data bases associated with card information to be integrated with other INS computer support systems.

Base Program Description: The INS is required under Sections 264(a)(d)(e) and 8 CFR 212.6(a) (b)(c) of the Immigration & Nationality Act to document the status of aliens admitted for permanent residence in the United States. This responsibility is now met through the operation of the ADIT program designed to deter the fraudulent use of INS-issued identification documents. The secured alien documentation system encompasses the production and issuance of quality identification cards and the establishment of the corresponding central computerized card data base. Volume card issuance is presently accomplished through the operation of a high volume central production facility in Arlington, Texas which receives workload input from INS offices nationwide. The facility is operated under contract for card production with technical and operational direction and performance monitoring performed by on-site INS personnel. The production operation must function at a base rate of approximately one million cards annually to satisfy the INS' minimum recurring documentation needs. In the future, identification data will be accessible from INS offices nationwide using computer terminals being installed through the Master Index Remote Access (MIRAC) automation support project. In addition, immigrant visa processing will become a separate government contracted function in 1983.

779

Accomplishments and Workload: Accomplishments of the Alien Documentation, Identification and Telecommunications program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Alien documentation cards issued.....	655,697	838,923	1,000,000	1,100,000

Over two million Alien Registration Receipt Cards (I-551) and Non-Resident Border Crossing Cards (I-586) have been produced and issued. Cards are now being produced at the rate of 3,800 per day and the average production processing time is less than a month. Procedures at consulates, ports of entry and district offices continue to be refined to facilitate applicant processing. Automation of production continues to be upgraded to increase card issuance volume and reduce processing time. Card-associated computer data bases continue to be integrated with other INS systems for future use in providing inspection/enforcement support to field operations.

Activity: Interior Enforcement	1982 as Enacted (Appropriation Anticipated)			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Border patrol program - other than border.....	200	174	\$7,066	200	183	\$7,875	200	183	\$7,875	...	...	...
Investigations program.....	796	642	27,237	796	596	30,027	796	596	30,027	...	...	...
Total.....	996	816	34,303	996	779	37,902	996	779	37,902	...	...	...

Activity: Interior Enforcement	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Border patrol program - other than border.....	200	174	\$7,066	200	183	\$7,875	200	183	\$7,875	...	...	...

Long-Range Goal: To protect and defend the rights of all U.S. citizens and legal entrants through the detection and apprehension of all undocumented aliens currently within the United States.

Major Objectives: To substantially reduce the undocumented alien population currently in the interior of the United States and deter other potential entrants from attempting entry. (Without knowing the number of illegal entrants currently in the United States, it is not possible to set a fixed percent. "Substantial" refers to an amount significant enough to deter potential illegal entrants from attempting entry.)

Base Program Description: The reduction in the illegal alien population will be effectively accomplished through the following activities:

Farm and ranch checks (approximately 50 percent of all apprehensions).

City patrol (approximately 25 percent of all apprehensions).

Other activities (approximately 25 percent of all apprehensions) - traffic and transportation checks, crewman controls, other agency apprehensions and coastal patrol.

Accomplishments and Workload: Accomplishments of the Border Patrol - Other Than Border program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Deportable aliens apprehended.....	76,278	79,558	91,500	93,000
Smuggled aliens apprehended.....	28,859	31,493	36,200	36,800
Smugglers apprehended.....	558	380	450	450

Since the size of the undocumented alien population is currently unknown, it is not possible for this program to define its workload input. Workload output is measured in terms of apprehensions.

During 1979, the Border Patrol apprehended 102,818 deportable aliens. Approximately 9,000 of these apprehensions were made as the result of an extended detail of border personnel into the Livermore, California area. Apprehensions in 1980 declined by 19 percent after excluding the Livermore detail. This decline was caused by two factors. The development of the 1980 Census resulted in the termination of operations at places of employment and at residences without prior approval from the appropriate U.S. Attorneys. This resulted in a drastic cut in farm and ranch check operations which were previously the most productive activity. Apprehensions also declined because of an extended detail of Border Patrol agents to support the Cuban/Haitian program.

INS anticipates that the Cuban/Haitian program will have a minimal impact on apprehensions in 1982 and no impact in 1983. Restrictions on operations resulting from the 1980 Census were lifted January 13, 1981; however, the Cuban/Haitian details continued through 1981. Apprehensions in 1982 and 1983 are based on the rate of apprehensions noted in 1979 after allowing for the impact of the extended detail into the Livermore area. Projected deportable alien apprehensions will rise from actual of 79,558 in 1981, 91,500 in 1982 and 93,000 in 1983.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Investigations.....	796	642	\$27,237	796	596	\$30,027	796	596	\$30,027	...	...	...

Long-Range Goal: To locate illegal aliens who are gainfully employed in the United States. To arrest and convict illegal aliens and U.S. citizens who indulge in various violations of the Immigration and Nationality Act.

Major Objectives:

To locate and apprehend 125,100 illegal aliens through area control activities with special emphasis on those who are presently employed in high paying jobs.

To complete 21,800 investigations resulting in the possible prosecution of aliens who have gained entry into the United States using visa fraud or other irregularities or are classified as criminal, immoral, narcotic, subversive or terrorist.

To seek convictions of U.S. Code violators.

To support other branches of the INS in carrying out the INS' responsibilities, i.e., examinations for visa irregularities and fraud; and deportation for expulsion.

To assist the Border Patrol in the prevention of illegal entry.

To cooperate with other federal, state and local law enforcement and regulatory agencies to enforce criminal and regulatory laws. This coordination will be increased to provide further disincentives for the illegal alien to remain in the United States.

Base Program Description: The principal effort of the Investigations program is the detection and apprehension of illegal aliens who have entered and obtained employment in the interior of the United States. Consistent with the INS Mission Plan, special emphasis is placed on those illegals who are employed in high paying jobs which are attractive to unemployed U.S. citizens and lawful resident aliens. Activities include liaison efforts with state and local police departments, liaison with federal, state and local regulatory and service agencies and assistance to cooperative employers, state and local agencies and public interest groups in the interior of the country.

Field components establish and lead multi-agency efforts against employers who are significant and notorious users of labor by aliens in illegal status. These efforts are planned and directed to achieve the greatest negative economic impact on those employers who utilize such labor. This impact will be effected both through the INS' function of apprehending and removing the illegal alien work force as well as enforcement of associated employment-related statutes (tax, wage and hour and safety) by other agencies. In leading such operations, the INS, through the media and in contacts with interested citizens groups, promotes exposure of the adverse consequences to employers who regularly engage in hiring illegal alien laborers.

Investigations casework includes fraud, criminal, immoral, narcotic, subversive, terrorist and other investigative cases. In addition, this activity includes searching and apprehending aliens who have absconded to avoid deportation or exclusion proceedings. If a decision is made that a case should be opened, it is assigned to an investigator. The investigator proceeds to investigate the case using established procedures to collect evidence to determine if a violation of law has occurred. These procedures may include interviews with witnesses and subjects, contact with informants to gain intelligence, use of consensual monitoring or physical surveillance, collection and analysis of physical evidence, contact with state or

local law enforcement agencies, and undercover operations. If a case involves a violation under the jurisdiction of another Federal law enforcement agency, the investigator contacts the appropriate office and coordinates further investigations of the case. In some instances, the case may be referred to another agency completely.

Time limits are imposed on certain cases of high priority or special interest. If the investigator concludes that there is sufficient evidence to substantiate the violation, an investigative report is prepared and the case is presented for appropriate INS proceedings and/or to the U.S. Attorneys for prosecution.

**Accomplishments and Workload:** Accomplishments of the Investigations program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Deportable aliens apprehended (Area Control).....	105,045	93,210	118,600	125,100
Non-dual action cases completed.....	71,221	39,055	29,100	21,800
Deportable aliens apprehended (other investigative effort).....	20,590	15,496	11,500	8,600

This table illustrates the effect of the allocation of a high percentage of investigative manpower towards area control and away from casework. Increased emphasis will be placed on the location and apprehension of illegal aliens who are currently employed in high paying jobs. INS investigators are responsible for the apprehension of 62,607 illegal aliens in 1981 who were employed at the time of apprehension and earning in excess of \$469 million annually. There were also 1,776 aliens apprehended who were receiving some form of welfare or other public assistance.

Activity: Detention and Deportation	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Detention.....	639	792	\$49,256	639	688	\$53,296	639	688	\$53,296	...	...	...
Deportation.....	388	363	25,676	388	376	29,193	388	376	29,193	...	...	...
Trial litigation.....	108	87	3,893	108	94	4,155	108	94	4,155	...	...	...
Judicial review.....	136	148	5,490	136	154	5,798	136	154	5,798	...	...	...
Total.....	1,271	1,390	84,315	1,271	1,312	92,442	1,271	1,312	92,442	...	...	...

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Detention.....	639	792	\$49,256	639	688	\$53,296	639	688	\$53,296	...	...	...

Long-Range Goal: To adequately detain, until ready for removal, those aliens subject to deportation proceedings who are likely to abscond or whose freedom at large would clearly represent a present danger to public safety and security.

Major Objectives:

- To obtain the removal of deportable and excludable aliens to the greatest extent possible without detention.
- To detain aliens, when possible, in cost-effective non-INS facilities which meet INS standards.
- To adequately staff the INS Service Processing Centers (SPC's) to ensure the availability of necessary alien detention capability.

Base Program Description: The Detention program maintains the operation of five major SPC's, four of which are located on the southern border. These facilities provide the detention capability to support the apprehending activities of the Border Patrol and Investigations programs. INS is now attempting to increase this detention capability as a result of the continued influx of undocumented aliens from Central and South America. The immigration detention officers at these facilities are responsible for all matters relating to the care and custody of aliens detained.

When possible, the Detention program uses cost-effective non-INS detention facilities. Over 1,000 of these non-INS facilities have been utilized at different times throughout the United States. In 1981, approximately 39 percent (88,589) of all detained aliens were detained in non-INS detention facilities. The INS will continue the strategy of attaining the highest possible utilization of non-INS detention facilities. Unfortunately, the availability of non-INS detention space is limited. The continuing and expected increase in the number of apprehended undocumented aliens requires the INS to maintain an adequate detention capability. This is necessary to maintain proper control over those apprehended aliens subject to deportation when the release of these aliens will result in danger to public safety and security or the alien will likely abscond. The Detention program is responsible to provide this capability through the use of INS and non-INS detention facilities. The Detention program maintains nationwide detention capability through use of INS and non-INS detention facilities for the undocumented aliens apprehended by the Border Patrol and Investigations activities. In this capacity, over 1,000 non-INS detention facilities have been utilized in the past. Illegal immigration resulting in the necessary apprehension, detention and expulsion of undocumented aliens is a national issue which transcends state and local boundaries. The ability of the states to effectively combat this problem individually is severely limited. The establishment and implementation of national policies and strategies to deal with this national problem as well as providing the necessary resources are the responsibilities of the Federal government. In the past, state efforts to create statutes imposing immigration restrictions have been declared unconstitutional by the U.S. Supreme Court.

Accomplishments and Workload: Accomplishments of the Detention program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Mandays of detention.....	592,903	970,440	1,241,200	1,362,500
Average number of aliens in detention per day.....	1,624	2,659	3,400	3,700
Aliens detained.....	243,087	268,581	356,400	389,300

The Detention, Investigations and Border Patrol activities are interdependent in that (1) Detention is completely reliant upon the other two activities to apprehend the undocumented aliens to be detained, while (2) the Investigations and Border Patrol activities must be paced to the availability of detention space. Therefore, any change in the Detention program can effect the operations of the Border Patrol and Investigations activities.

Beginning in 1980 and continuing into 1981, certain external developments have greatly influenced INS detention operations. These include the Cuban/Haitian influx and the Census moratorium. While detention operations have had to adjust and expand to meet these developments, the direct result has been a decline in the workload accomplishments in 1980 and 1981 as compared to 1979.

As of May 3, 1981, 125,138 Cubans arrived in the United States and were processed by INS. The vast majority have been sponsored and resettled throughout the United States. INS still has personnel detailed at St. Elizabeth's Hospital in Washington, D.C.; Krome North in Miami, Florida; Federal Correctional Institutes in Atlanta, Georgia; Otisville and Raybrook, New York; Alderson, West Virginia; Lexington, Kentucky, and La Tuna, Texas. It began operating the Krome North Service Processing Center on April 1, 1981. In addition, over 1,300 Cuban criminals are presently being detained in Federal and local detention facilities.

Haitians were arriving in the Miami area at a rate of approximately 600 monthly. With this influx, a \$5.8 million construction and renovation of the Krome North Service Processing Center to efficiently process the incoming Haitians and other undocumented aliens was required in 1981. The construction and renovation was performed by the Department of Health and Human Services (HHS) to specifications provided by INS. At present, the Krome facility is operating at full capacity.

In August 1981, the INS began operating a new temporary detention facility at Fort Allen, Puerto Rico. By agreement with the Governor of Puerto Rico, a maximum of 800 aliens can be detained at this facility at any one time. The opening of this facility was necessitated by the continued influx of undocumented Haitians into Miami which had caused overcrowding of the Krome North Service Processing Center.

	1982 as Enacted (Appropriation Anticipated)			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Deportation.....	388	363	\$25,676	388	376	\$29,193	388	376	\$29,193	...	...	...

**Long-Range Goal:** To maintain and further develop a control system which ensures that every case involving a deportable alien is processed as expeditiously as the law permits and, when appropriate, the alien's removal from the United States is effected.

**Major Objectives:**

- To ensure the prompt removal of apprehended aliens who are found to be expellable from the United States.
- To allow apprehending activities to operate at their full capacity by maintaining a parity with removal capability.
- To maintain and modernize the control system necessary to cope with the increasing number of apprehended illegal aliens.
- To expel 1,151,900 aliens in support of the apprehension activities.

**Base Program Description:** The Deportation program accomplishes the removal of illegal aliens either through voluntary departure procedures or formal deportation proceedings. It is the responsibility of the Immigration Deportation officers to supervise aliens while under bond, released on own recognizance or in detention; to maintain liaison with the Department of State and foreign governments to obtain travel documents; and to effect deportations or removals.

The Deportation program provides an alien removal capability by various methods. The INS operates its own fleet of passenger vans and buses to transport aliens. In addition, an alien travel fund is maintained to cover the transportation expenses of those aliens required to be expelled at U.S. Government expense. Nearly 79 percent of the aliens expelled in 1981, who incurred travel expense, were removed at government expense. Maintaining an adequate vehicle fleet and a sufficient alien travel fund are necessary to allow the apprehending activities to operate at their full capacity.

The Deportation program is in the process of automating its Deportation Docket Control System which will increase efficiency and provide the timely removal of expellable aliens. The continuing number of apprehended illegal aliens to be expelled requires INS to maintain a system of controls over the apprehended aliens and, when necessary, the capability to expeditiously remove these aliens from the United States. The Deportation program provides this capability. The Deportation program maintains a nationwide system of control over deportable aliens, and when necessary, effects the prompt removal of aliens from the United States.

Accomplishments and Workload: Accomplishments of the Deportation program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Aliens expelled.....	736,474	837,011	1,052,200	1,151,900
Voluntary departures not under docket control.....	677,420	820,357	1,031,300	1,129,000
Deported or voluntary departure under alternate orders of deportation.....	17,262	16,654	20,900	22,900
Voluntary departures under docket control.....	41,792	46,676	58,700	64,200
Indigent aliens returned to their native lands at their own request	22	28	28	28
Aliens released on recognizance.....	2,855	965	1,200	1,400
Aliens placed on bond.....	8,323	13,216	17,100	18,700
Aliens placed under supervision.....	274	337	400	500
Unexecuted final orders of deportation pending at end of year.....	22,816	23,521	30,400	33,200

Beginning in 1980 and continuing into 1981, several unusual developments have impacted on deportation operations. These include the Cuban/Haitian influx, census moratorium and Iranian Student Program. While deportation operations have had to adjust to meet these developments, the result has been a decline in workload accomplishments in 1980 and 1981 when compared to 1979.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		
Trial litigation.....	108	87	\$3,893	108	94	\$4,155	108	94	\$4,155	...	...	...

Long-Range Goal: To provide legal representation for the U.S. Government in all cases and matters arising before the immigration judges and the Board of Immigration Appeals, and to assure due process for all litigants.

Major Objectives: To reduce the current backlog of cases which cannot be tried expeditiously with the present number of trial attorneys and clerical support, to provide prompt and professional representation for the U.S. Government at all hearings and to provide legal counsel to all INS officers operating in the field.

Base Program Description: This program addresses the problem of conducting prompt and fair deportation and exclusion hearings and all other types of hearings involving discretionary relief before immigration judges. The number of aliens apprehended each year for being in this country in an illegal status has been increasing. Before these aliens may be excluded or deported, they are entitled to a hearing before an immigration judge if they desire. For a number of reasons, aliens have become more sophisticated regarding immigration laws and the majority of them now demand hearings before immigration judges. These hearings cannot be held if an attorney is not available to represent the U.S. Government when issues are contested. An in-

**CONTINUED**

**12 OF 20**

sufficient number of trial attorneys and clerical support denies due process and expeditious hearings to the aliens who have requested them and has a serious impact on the removal of aliens whose stay in the United States is not in accordance with the law.

Accomplishments and Workload: Accomplishments of the Trial Litigation program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Trial attorney appearances.....	60,785	58,617	59,000	60,000
Cases completed.....	60,055	54,580	50,000	51,000

All detained cases are handled expeditiously resulting in no one spending any unnecessary time in detention. Bond redetermination cases are given priority which permits aliens to receive a quick review of the amount of bond to be posted. A shortened stay in custody reduces the expenditure of funds involved in the detainee's support and gives the alien his freedom. Cases completed decreased in 1981 because of special details required of attorneys for other-than-hearing work due to increases in asylum cases.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Judicial review.....	136	148	\$5,490	136	154	\$5,798	136	154	\$5,798	...	...	...

Long-Range Goal: To schedule, conduct and enter decisions in bond redetermination, deportation and exclusion hearings with a minimum of delay after initiation of proceedings.

Major Objectives: To schedule and complete hearings and to enter decisions within two days of requests for bond redetermination, one month after arrival in exclusion cases, and three months after initiation of proceedings in deportation cases; to transcribe hearings and complete required preparation of records in appealed cases within two months after the notice of appeal has been filed.

Base Program Description: Exclusion hearings are held when aliens are believed by the examining inspector at the port of entry to be inadmissible to the United States. Exclusion hearings are to be held on the day of the alien's arrival in this country if the alien is in detention; for non-detained aliens, such hearings are to be held within a week of arrival at the alien's destination in the United States. The immigration judge's order may admit or exclude the alien, or permit him to withdraw his application for admission.

788

Deportation hearings are held in cases where deportation proceedings have been instituted. Such hearings should be scheduled within a month after deportation proceedings have been instituted. Delays in effecting the departure of aliens illegally in the United States breed contempt for the immigration laws and for law enforcement. Permitting such aliens to remain in this country for long periods is also unfair to the great majority of aliens who, being completely law-abiding, obtain all necessary documentation before entering the United States, work only with official permission, and depart when their authorized period of admission has expired. The immigration judge may order the alien deported; grant relief from deportation such as voluntary departure, suspension of deportation, registry, adjustment of status, political asylum or waiver of deportability; or, if he decides that the U.S. Government has not established deportability, terminate the proceedings.

Bond determination hearings are held when an alien in custody seeks release on his own recognizance or a reduction in the amount of the bond.

Accomplishments and Workload: Accomplishments of the Judicial Review program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Exclusion hearings received.....	4,059	4,707	5,700	7,100
Deportation hearings received.....	57,855	50,713	75,000	80,000
Bond redetermination hearings received.....	4,532	6,249	10,500	11,000
Exclusion hearings completed.....	3,180	3,702	4,000	5,000
Deportation hearings completed.....	55,886	45,961	60,000	61,000
Bond redetermination hearings completed.....	4,532	6,247	10,500	11,000

789

Activity: Intelligence	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	NY		Pos.	NY		Pos.	NY		Pos.	NY	
Intelligence.....	25	25	\$1,461	25	25	\$1,552	25	25	\$1,552	...	...	...

Long-Range Goal: To provide user-oriented tactical and strategic intelligence to assist operating units in controlling the entry of aliens into the United States, particularly in identifying unqualified aliens prior to their entry; to assist in the determination of the status of aliens not legally entitled to be in the United States; and to provide information to operating units which will aid in the identification of undocumented aliens, and conviction of counterfeiters and alien smugglers.

Major Objectives:

To make the intelligence program more responsive to the needs of operational users.

To utilize in-depth analysis to identify major fraudulent document trafficking organizations, alien smuggling organizations, arrangers of fraudulent schemes and international terrorists, and to develop detailed intelligence on the modus operandi of such organizations and individuals.

To produce strategic intelligence studies on alien smuggling, illegal entry, fraudulent documents and immigration fraud.

To produce new and updated working aids and reference materials for dissemination to field Service officers to aid the detection of fraudulent travel and identity documents; therefore, preventing the entry and potentially costly expulsion of unqualified persons.

To make full use of the capabilities of the El Paso Intelligence Center (EPIC) and to participate in other joint intelligence efforts such as the Treasury Enforcement Communications System (TECS).

To implement a balanced Servicewide Intelligence program to improve and fully utilize the overall intelligence collection capabilities of border patrol agents, criminal investigators, anti-smuggling officers, immigration inspectors and immigration examiners.

To assist in countering the increasing sophistication of criminal activities by providing expert witnesses to testify in the prosecution of major alien smuggling and fraudulent document cases.

To help improve the INS' ability to assure the safety of both its officers and aliens by obtaining knowledge in advance of border demonstrations and other violence.

To aggregate and analyze enforcement experience for decision-making on Servicewide issues and for strategic program development such as profiles for inspections and adjudications.

Base Program Description: The Central Office Intelligence staff provides program planning, coordination, and direction to INS intelligence activities, and serves as the channel of intelligence with and support to other agencies at the Washington level and to INS management. Requirements of the operational users are identified and collection, reporting and production efforts are reoriented accordingly. Coordination and liaison are required with the FBI, CIA, U.S. Customs Service, U.S. Coast Guard, FAA, DEA, BATF, Secret Service, Royal Canadian Mounted Police, Department of Defense and other agencies. Intelligence is exchanged and support is provided to other government agencies in sensitive cases involving the entry, departure adjustment of status or naturalization of aliens. The Central Office Intelligence staff also provides a number of high priority intelligence studies and responds to the continual stream of unpredicted events and requests for support from other agencies and INS officers to meet emergent needs.

INS participates with DEA and other agencies in the El Paso Intelligence Center (EPIC) which maintains INS data bases on alien smuggling, false claims to U.S. citizenship and reports of the arrival of private aircraft. INS intelligence analysts produce tactical intelligence analyses and special reports on alien smuggling. Current intelligence is disseminated by means of periodic reports and responses to queries from the field. Efforts are underway with U.S. Customs Service and DEA to automate a portion of these data bases. The utilization of joint intelligence efforts has proved to be a cost-effective method of producing and disseminating intelligence information.

The INS Forensic Document Laboratory became operational in 1979 and has expanded to become an effective tool for combatting document and other fraud schemes. The laboratory provides the capability for the scientific analysis of any form of questioned document evidence developed in the investigation of immigration fraud or other violations of the Immigration and Nationality Act. Additionally, the laboratory produces working aids to assist INS field officers in the detection of fraudulent documents, conducts surveys and research into the technical aspects of document fraud, establishes highly sensitive technical reference resources relating to worldwide travel documents, and develops intelligence information regarding the technical aspects of newly devised documentary fraud. Laboratory personnel provide expert testimony in criminal actions or administrative hearings, maintain liaison with other government agencies in cases where INS has an interest, and respond to requests for technical assistance in the field as may be required.

Field intelligence officers presently assigned as regional intelligence officers provide technical guidance and coordinate the Intelligence program within their respective regions. These officers maintain local data bases, prepare regional intelligence reports, coordinate the dissemination of intelligence and conduct on-the-job intelligence training in the field.

Accomplishments and Workload: Accomplishments of the Intelligence program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Scientific examination and analysis of fraudulent documents conducted.....	4,400	6,000	6,000	6,000
New INS data inputs processed at EPIC.....	219,000	199,864	200,000	200,000
Queries of INS data bases at EPIC.....	43,600	41,499	43,600	45,000
Positive INS responses provided to queries received by EPIC.....	12,800	10,900	11,300	11,700

The INS Forensic Document Laboratory (FDL) is receiving increasing visibility in the national law enforcement community. The FDL renders technical support directly to Enforcement and Examinations and is also receiving recognition by other federal agencies. Notable instances of this include assistance to the FBI in a recent espionage case where the FDL verified dates of travel from passport entry/exit indicia; the Department of Justice Office of Special Investigations in exposing a suspected Nazi war criminal; and in an interagency task force (INS-HHS-SSA) where INS is providing the sole forensic laboratory support for international fraud and forgery. From an international perspective, the FDL has cooperated with the Department of State to provide technical assistance to foreign governments. The Intelligence program is cooperating with the Department

of State in a joint effort to intercept and prevent the entry of international criminals and terrorists. Intelligence liaison with the FBI, Secret Service, U.S. Customs Service, U.S. Coast Guard and other agencies has been strengthened. Timely intelligence support has been provided to INS representatives assigned to eleven Organized Crime Strike Forces throughout the country. Strategic intelligence assessments on critical areas affecting INS operations have been prepared for use by INS decision-makers particularly regarding the Cuban and Haitian situations.

Activity: Service to Public	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Adjudications.....	762	778	\$22,763	762	795	\$24,780	762	795	\$24,780	...	...	...
Naturalization.....	396	386	12,656	396	396	14,014	396	396	14,014	...	...	...
Status verification.....	256	194	9,278	256	197	10,152	256	197	10,152	...	...	...
Information services.....	324	323	7,874	324	333	8,747	324	333	8,747	...	...	...
Overseas.....	113	120	6,678	113	120	7,295	113	120	7,295	...	...	...
Total.....	1,851	1,801	59,249	1,851	1,841	64,988	1,851	1,841	64,988	...	...	...

Activity: Service to Public	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Adjudications.....	762	778	\$22,763	762	795	\$24,780	762	795	\$24,780	...	...	...

**Long-Range Goal:** To determine eligibility for benefits provided by law sought by and for aliens within the United States and to provide services to those aliens. To act in a timely and consistent manner and with proper regard for due process and equity entitlements. To maintain and control information relating to the determination of the status of aliens, to exercise control over aliens when appropriate, and to effect removal of those aliens whose stay in the United States is not in accordance with the law.

**Major Objectives:**

To reduce the projected 1983 volume of pending cases to within an acceptable range of 90,000 to 120,000 cases. This equates to an average of three to four weeks receipts.

To gain a 10 percent overall productivity improvement based on the processing time of the individual cases.

**Base Program Description:** The principal statutory authorizations that this program administers are Sections 203-205, 212, 214, 245, 248 and 249 of the Immigration and Nationality Act. The purpose of the program is to provide prompt decisions to persons seeking benefits, detect fraudulent applicants and maintain control over aliens when necessary.

The Adjudications program is using several different methods to reduce excess workloads and adjudication time. First, it has encouraged the support activities to apply as many dollars as possible to the eventual automation of the paperwork process.

Second, it has done extensive testing of the concept of adjudicating as much of the work as possible as soon as it is brought or mailed to the INS offices. Based upon test results from Houston and Boston, INS will continue an aggressive program that INS calls "Up-Front Adjudications" during 1983. The goal is to adjudicate as many cases as possible immediately upon their submission to the INS and provide sound decisions promptly to the public.

Third, it will continue to utilize Immigration Inspector standby-time at ports of entry to adjudicate applications and petitions which do not require interviews. In 1980, Inspections' contribution to Adjudications' productivity amounted to 816,000 completions, or 47 percent of the 1,733,000 total completions for that year.

Fourth, INS will maintain a small staff of 13 employees at the Service Processing Center at Fort Allen, Puerto Rico to adjudicate applicants for political asylum received from detained Haitians.

Finally, INS' method of detecting fraudulent applications and petitions is to conduct interviews in those cases where circumstances appear to present the greatest possibility of fraud. In calendar year 1980, some 31,000 interviews took place. This amounted to 19 percent of all cases filed in the largest fraud categories.

**Accomplishments and Workload:** Accomplishments of the Adjudications program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
<b>Workload Demand:</b>				
Adjudications received.....	1,831,053	1,885,203	1,600,000	1,600,000
End of year pending.....	246,395	314,536	...	...
<b>Workload Production:</b>				
Adjudications completed within program.....	1,733,000	1,769,554	1,800,000	1,850,000
Adjudications completed using immigration inspector standby time at ports of entry*.....	815,166	800,000	720,000	740,000

\*These case completions are included in the "adjudications completed within the program."

In addition to processing 40 percent of the 125,000 Cuban entrants during 1980, Adjudications was able to keep the end of period pending figures to a low 246,395 cases. This is an outstanding accomplishment although an acceptable caseload range at the end of 1980 would have been 120,000 to 150,000 cases. The latter equates to between three and four weeks' average receipts. The acceptable pending amount is less for 1983 than for 1980 due to the anticipation of fewer receipts in 1983 resulting from management innovations regarding applications for extension of temporary stay. At the end of 1981, the pending figure was 314,536 cases.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Naturalization.....	396	386	\$12,656	396	396	\$14,014	396	396	\$14,014	...	...	...

**Long-Range Goal:** To encourage, facilitate and provide for the timely naturalization of all eligible applicants and the expeditious adjudication of applications for determination of nationality status. To reduce the time an applicant must wait to be naturalized or to have his U.S. citizenship documented. Waiting periods over and above those statutorily mandated amount to an effective denial of rights and prevent the applicants from making their full potential contribution to the country.

**Major Objectives:**

- To give prompt responses to those who seek the benefits of the naturalization laws.
- To give legally correct responses to those who seek benefits provided for by the Congress.
- To notify applicants of arrangements for their preliminary hearing within two months of receipt of their applications.
- To restore to the naturalization process the dignity lost because of INS efforts to cope with increasing workloads.
- To reduce the projected 1983 volume of pending naturalization applications to within an acceptable range of 70,000 to 90,000 cases. This equates to an average of three to four months of receipts.
- To reduce the projected 1983 volume of pending citizenship applications to 17,000 which represent four months of receipts.

**Basic Program Description:** Article I, Section 8, Clause 4 of the U.S. Constitution mandates the establishment of a "uniform rule of naturalization." The Congress, in compliance with its Constitutional mandate, has specified in Section 301-360 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1401-1503) the exclusive means by which an alien may become a U.S. citizen. It vests exclusive jurisdiction to naturalize in certain Federal and state courts, and reserves to the Attorney General the authority to prescribe the nature and scope of the examination of petitioners for naturalization as to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts. This

authority in Section 332 of the Act (8 U.S.C. 1443) is to be exercised through INS employees designated by the Attorney General to administer the naturalization laws. Therefore, the Federal role and the role of this program are mandated by statute.

Applications received are first screened for the applicant's initial eligibility. Preliminary hearings are then held in which their eligibility is fully evaluated. At that time, the applicant files his petition with the naturalization court and the Government makes its recommendation to the court. The court renders the final decision and, if it is favorable, admits the petitioner to citizenship. Those seeking documentary proof of citizenship must testify to those facts which give rise to the citizenship claim and support the claim with appropriate evidence. An administrative decision is rendered which is based on the claim presented and the law in effect at the time the claim arose. Adverse decisions are ultimately appealable to the courts.

In 1980, a plan for the consolidation of all lawyering activities was approved for implementation in the INS. The major effect will be that the attorney work force will be consolidated into another program and the authorized force in Naturalization will be reduced. On a theoretical basis, this pool of attorneys would be available to complete the workload of the Naturalization operations. However, it is anticipated that 20 percent fewer attorney hours will be applied to the activity in 1983. It is planned that this transfer will take place during 1982 and have major program impact during 1983.

Accomplishments and Workload: Accomplishments of the Naturalization program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
<u>Workload Demand:</u>				
N-400 received.....	278,169	270,997	275,000	275,000
N-600 received.....	38,315	41,191	50,000	50,000
<u>Workload Production:</u>				
N-400 completed.....	264,000	235,579	255,000	255,000
N-600 completed.....	36,487	36,403	33,000	33,000
<u>Workload Performance:</u>				
Persons naturalized.....	177,474	174,977	193,000	193,000
Certificates issued.....	23,629	26,948	25,000	25,000
N-400 pending end of fiscal year.....	112,824	147,957	145,000	165,000
N-600 pending end of fiscal year.....	29,479	39,256	60,000	77,000

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Status verification.....	256	194	\$9,278	256	197	\$10,152	256	197	\$10,152	...	...	...

795

Long-Range Goal: To establish evidence which will assist in prompt and equitable decisions concerning petitions and applications for immigration benefits.

Major Objectives:

To determine whether grounds exist for revocation of naturalization, exclusion, deportation or eligibility for INS benefits to those individuals who may be in the criminal, subversive or terrorist classes.

To investigate persons suspected of fraudulent acts who try to enter, remain or assist others to enter the United States illegally.

To support the Adjudications and Naturalization programs as well as the U.S. Consular Offices in processing visa applications to preserve the integrity of the application and petition process, and provide an effective deterrent to abuses of the process.

Base Program Description: Investigations are conducted on cases which have been referred to Investigations by other branches of the INS and the Department of State. Implementation is by controlled case assignments with established supervisory call-ups to ensure prompt action and supervisory review for effectiveness and completeness of the investigation. Applications and petitions for immigration and naturalization benefits pending before the INS often have issues that cannot be resolved by the adjudicator through file review or interviews.

Through these investigations, marriage frauds, document frauds or falsely obtained labor certifications may be exposed. Coordination between the Adjudications and Naturalization Divisions and Investigations will continue and cases will be referred for field investigation only after the adjudicator and his supervisor agree that the referral is appropriate. The Department of State is contacted when there is a high probability of fraud involved. Issues resulting from these interviews will lead to investigations in the field.

Accomplishments and Workload: Accomplishments of the Status Verification program are presented in the following table:

Item	Estimates			
	1980	1981	1982	1983
Investigations completed.....	12,251	12,436	9,300	9,500

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount
	Information services.....	324	323	\$7,874	324	333	\$8,747	324	333	\$8,747	...	...

Long-Range Goal: To develop and maintain an effective program to provide timely and accurate information to the public, and INS itself concerning immigration benefits and procedures, policies, plans and activities.

796

**Major Objectives:**

- To respond to 90 percent of all telephone inquiries received from the public within four minutes service time.
- To respond to 100 percent of all in-person inquiries from the public within fifteen minutes service time.
- To respond to 100 percent of all written inquiries received from the public within fifteen days service time.
- To improve service to the public by providing better information, reducing response times and improving public service area facilities.

Service times are defined for: (1) telephone inquiries as the total time that a caller is on a line waiting to be serviced and being serviced; (2) in-person inquiries as the total time the person is in the waiting room having his questions answered; and (3) correspondence inquiries as the total time from receipt of the correspondence to the answer being dispatched.

**Base Program Description:** The responsibility of the Information Services program to provide accurate information concerning benefit procedures is given in the Immigration and Nationality Act and 8 CFR 103.

Inquiries are received by telephone, in-person, and in-writing. These inquiries are handled by contact representatives (CR's) who are supported by manual systems. To improve response times and still provide quality, personal service to the public's inquiries, efforts are directed toward increasing the number of CR's. More recently plans are taking shape for automating many of the CR's support systems. Such items as word processing equipment and automatic sequencing of incoming telephone calls with recorded messages are being placed in operation at various information service centers. In addition, actions are being initiated to continue improvements in the public service areas by providing more waiting room space and better, sturdier furniture. Waiting lines at in-person information counters will decrease as more offices adopt longer operating hours.

This program interfaces with many of the other Service to the Public programs and the Records program.

**Accomplishments and Workload:** Accomplishments of the Information Services program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Inquiries and callers at information counters.....	9,132,651	9,205,299	9,300,000	9,300,000

In 1980, the Information Services program moved ahead in the area of automatic call distributors with telephone answering devices. There were nine new or upgraded replacement systems installed at field offices during 1980. In 1981, nine more were installed. These systems have aided in reducing the caller's waiting time. Tape libraries have been installed at seven field office locations - Washington, D.C., Los Angeles, Miami, Dallas, San Antonio, Tampa and San Francisco. Reports thus far indicate the tape systems are favorably received but have not yet reached full utilization by the public. Surveys in 1981 focused on improved content and greater public awareness of the tape libraries as a source of information about immigration and naturalization.

During 1980 and 1981, the Alien File Tracking System was extended beyond the Houston District Office. This system permits locating the alien files via automation means whenever the file may be in the files control office. The system is operating at four field offices--Boston, Houston, Newark, and Washington, D.C. This system improves the response times for locating alien files and for providing requested information to the public at the local office. Also, the Alien Applications and Petitions Tracking System was implemented at five field offices--Boston, Houston, Los Angeles, Newark and Washington, D.C. This system, too, provides improvements in alien information services and in response-time servicing.

One contact representative training course was held in 1980 and two were held in 1981. Over 75 percent of the on-board contact representatives have received training. It will be necessary to conduct two training courses, one basic course and one refresher course annually, to maintain an adequate level of competent contact representatives.

As part of the INS Mission Plan to improve service to the public, a handbook for contact representatives was published in 1981. This handbook provides standard guidelines for use by INS representatives in furnishing information to the public.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Overseas.....	113	120	\$6,678	113	120	\$7,295	113	120	\$7,295	...	...	...

798

**Long-Range Goal:** To approve qualified applicants for refugee status and for admission into the United States; to adjudicate petitions and applications for benefits under the Immigration and Nationality Act; and to verify claims on applications and petitions by conducting immigration investigations.

**Major Objectives:**

- To approve for admission into the United States 160,000 qualified refugee applicants.
- To adjudicate 62,000 applications and petitions for benefits under the Immigration and Nationality Act.
- To receive and verify information concerning 5,500 immigration cases.
- To detect fraud and prevent violations of the Immigration and Nationality Act in 5 percent of the applications received for refugee status.

**Base Program Description:** Section 207(c)(1) of the Immigration and Nationality Act as amended by the Refugee Act of 1980 places the responsibility for the selection, admission and adjustment of refugees upon the Attorney General. It is necessary that the screening and selection process be accomplished abroad as contemplated by the Act. To do otherwise will abrogate

the procedural intent of the law. In addition, it is extremely difficult and very costly, if indeed possible, to expel undesirable or unqualified aliens from the United States. INS provides valuable advice to consulates abroad and offers an investigative capability.

The INS currently maintains and staffs overseas offices in Europe, Mexico and Asia. Applicants seeking refugee status are processed for admission to the United States within numbers established by the President and Congress. Applications and petitions received within the jurisdiction of the overseas office are processed at that location. Inquiries concerning immigration matters are received, and investigations are conducted to secure and verify requested information. A continuing effort is made to detect fraud and prevent violations of the Immigration and Nationality Act. Program activities are coordinated with the Department of State and voluntary agencies.

Accomplishments and Workload: Accomplishments of the Overseas program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Refugees processed.....	233,260	177,842	160,000	160,000
Refugee numbers approved for entry to the United States.....	231,700	158,531	140,000	140,000
Adjudications completed.....	51,421	60,980	62,000	62,000
Case studies completed.....	4,587	4,126	5,300	5,500

217,000 refugees were approved for entry into the United States.

91.5 percent of all applications and petitions received were completed.

100 percent of all case studies received were completed.

5 percent of all refugee applications resulted in denials.

Today there are few issues more prevalent and relevant in international communities than that of refugees. While only 35,159 refugees were authorized to enter the United States in 1978, the number grew to 133,057 in 1979, 231,700 in 1980 and 158,531 in 1981. The overseas offices are responsible for processing all applicants for refugee status which includes determining who is a refugee and their eligibility for admission to the United States under the Immigration and Nationality Act. The reasons for denials can be failure to meet the definition of "refugee" and inadmissibility including narcotics violators, criminals and polygamists.

In addition to refugee processing, the bulk of the work of overseas offices is the adjudication of applications and petitions for benefits under the Immigration and Nationality Act and case studies (investigations). The majority of adjudications are visa petitions filed by U.S. citizens and lawful U.S. permanent residents and applications for waivers of grounds of excludability. In 1980, the Overseas offices completed over 51,000 such cases.

Case studies are field investigations requested by state-side INS offices to verify occupations and work experience claimed by potential beneficiaries of the Immigration and Nationality Act. Over 4,200 were completed by overseas offices in 1980. A substantial number verified fraud, resulting in solid denial of the benefits sought and grounds for deportation.

Activity: Support Operations	1982 as Enacted (Appropriation Anticipated)			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Training.....	51	50	\$4,689	51	50	\$4,834	51	50	\$4,834	...	...
Research and development.....	2	2	506	2	2	513	2	2	513	...	...	...
Construction and engineering...	15	14	5,715	15	17	4,089	15	17	4,089	...	...	...
Data systems.....	90	87	14,783	90	90	15,410	90	90	15,410	...	...	...
Communications systems.....	18	17	5,565	18	18	4,334	18	18	4,334	...	...	...
Records.....	873	924	16,742	873	934	18,678	873	934	18,678	...	...	...
Statistics.....	45	40	1,056	45	40	1,176	45	40	1,176	...	...	...
Total.....	1,094	1,134	49,056	1,094	1,151	49,034	1,094	1,151	49,034	...	...	...

Activity: Support Operations	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Training.....	51	50	\$4,689	51	50	\$4,834	51	50	\$4,834	...	...

Long-Range Goal: To establish and maintain an employee development system compatible with the needs of individual INS employees. To maintain and upgrade the skills of the entire workforce to enable the INS to be more effective and efficient.

**Major Objectives:**

- To provide basic training for all new recruits to the INS' officer corps positions.
- To deliver the Servicewide Basic Supervisory Training Program to all probationary employees in such positions.
- To provide the maximum number of developmental opportunities (within funding limitations) for incumbents in managerial, executive and management official positions.
- To continue the development, and implementation of training programs mandated by law or regulations.

To maintain a limited program for the development of work related skills for non-officer corps personnel such as specialists, and para-professional, secretarial and clerical employees.

To maintain a viable administrative issuance system for training policies and procedures.

Continue to update the basic officer corps training programs through systematic job/task analysis.

To reduce the backlog of advanced technical training for journeyman officers by 30 percent.

**Base Program Description:** Personnel for this program are located at the Central Office, in each Regional Office and at the Officer Development Training Facility (ODTF) at Glyngo, Georgia. Programs developed by the Training Division and Central Office operating units, having Servicewide applicability, are called Central Office Directed training programs. Regional, local and individual training programs developed or provided by the Regional Offices are designated Regional directed (discretionary) training and usually do not have Servicewide applicability. The Training Division has total responsibility for and control of its own initiatives but only evaluative and funding control over programs which are Regional-directed.

The Officer Development Training Facility at Glyngo, Georgia is the primary center for training the INS officer corps; however, it accounts for less than one-half of the INS' training activity.

The major responsibilities inherent to accomplishing the major goals and objectives are listed below:

Provide basic training for all new recruits to officer corps positions at the Officer Development Training Facility at Glyngo, Georgia.

Central Office will maintain a Servicewide Basic Supervisory program consisting of INS personnel policies and procedures, interaction skills and managerial/supervisory theory for newly appointed supervisors.

Central Office will maintain a Servicewide training program for middle managers and executives to upgrade management performance.

An annual training needs survey of all employees will be accomplished at the Central Office and in the Regions.

Conduct a limited number of advanced technical training programs for journeyman officers at the Officer Development Training Facility.

Complete the job/task analysis process required to update the basic training programs for at least two of the INS' seven major occupations.

Training or orientation of officers assigned overseas and customized training programs to immigration officers from other countries will be accomplished by the Central Office and the Officer Development Training Facility.

Internal consultations with operational program managers concerning the development and administration of servicewide programs will be provided by the Central Office and the Officer Development Facility. Consultations for special training needs in the regions will be provided by the Regional training officers. The Central Office will continue to provide guidance and assistance to Regional training officers concerning administration of their programs.

Maintain a limited number of Central Office directed programs for secretaries and clerks.

The Central Office will continue to develop systems for reporting and monitoring formal individual training accomplishments.

Development of handbooks for the systematic identification of comprehensive training needs for selected occupations will continue.

In addition, the Training Division (Central Office) has funding and limited evaluation responsibilities for all servicewide training. Training has been provided to employees in such areas as:

Equal Employment Opportunity training for managers, supervisors, counselors, investigators and special emphasis program leaders.

All phases of personnel functioning as changes in law and regulations occur.

Advanced technical and journeyman training for the officer corps personnel.

Training for contact representatives and Freedom of Information training for all employees who deal with the public.

Professional training and updating for trial attorneys and immigration judges.

Electronic and automated data processing training for operations support personnel.

All of these efforts are aimed at meeting identified management needs, overcoming employees performance deficiencies, upgrading skills in providing career opportunities.

Accomplishments and Workload: Accomplishments of the Training program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Border patrol basic training.....	190	269	469	336
Immigration officer basic.....	152	68	240	288
Detention officer basic.....	24	...	131	48
Advanced officer training.....	450	383	250	250

Item	1980	1981	Estimates	
			1982	1983
Executive development training incidents.....	5	20	5	30
Management development training.....	35	263	200	200
Basic supervisory training.....	100	192	200	216
Extension training program.....	11,319	3,076	3,100	3,100
Foreign officer training.....	99	53	90	100
Contact representatives and docket clerks.....	74	172	148	100
Regional/Central Office training.....	2,500	1,850	2,500	2,500
Occupational surveys completed for Project CORE.....	1	2	2	2

The above presents data concerning the performance of the Training Division in 1981 as compared to 1980. At the current funding level overall productivity will remain essentially the same for 1983. Items of special importance are noted below:

The Officer Development Training Facility (ODTF), working closely with the operational program coordinators, annually provides a 14-16 week basic training course for all border patrol and immigration officer trainees (500 officers in 1981). The Spanish language and law portions of these programs are credited with college level equivalency by the American Council on Education. The physical training course has been validated to insure that it is job-related. All permanent and instructor staff have been trained in criterion reference instructions techniques so that the course development and delivery will be uniform and valid.

Project Course Review (CORE) has begun the process of revising the Border Patrol curriculum and the job/task analysis for immigration examiners and inspectors have been completed.

The ODTF staff has assumed the responsibility for the refinement of all advanced technical courses for journeyman and supervisory officers (383 were trained in 1981). Moreover, the staff developed and delivered a Spanish course for the Bureau of Prisons personnel to assist them in their responsibilities for Cuban refugees detained in Atlanta, Georgia.

A significant expansion of the training of non-officer employees, 48 deportation docket clerks and 100 contact representatives at ODTF occurred this year.

Specialized training was provided for a total of 29 immigration officers from such countries as Nigeria, Botswana, Korea and Bahrain.

Annually INS participates in 30-40 slots in the Department of Justice middle management programs. In 1981, an INS program of development for middle managers was implemented and 236 training incidents were provided for managers.

The INS has implemented its first national basic supervision course for first-line supervisors.

A career development program for Information Services employees was developed and implemented in 1981.

Responding to the needs of clerical and administrative support personnel, the Division implemented in the Central Office and three district offices a program on communications, attitude and skills development.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount	Perm. Pos.	HY	Amount
Research and Development.....	2	2	\$506	2	2	\$513	2	2	\$513	...	...	...

Long-Range Goal: To develop and identify technologies by which illegal entries may be reduced and controllable at an acceptable cost. To provide consulting technical support to all INS activities upon request.

Major Objectives:

To develop and evaluate wide area surveillance techniques to significantly improve border enforcement between ports of entry.

To develop and evaluate techniques for improving inspections methods at ports of entry.

Base Program Description: The current staff defines problems, develops concepts of technical solutions, designs and implements tests and evaluations of research/developmental systems and techniques, directs contractors, initiates and directs interagency technical programs, and provides technical consulting to the Central Office and operating groups.

The objectives of the program are being pursued through in-house, contract, interagency agreement and information interchange activities. These activities cover technical areas of sensors, signal processing, radar, infrared imaging, low-light level TV, communications, data processing, video techniques, pattern recognition, simulation, test and evaluation, airborne platforms and systems analysis.

Accomplishments: The completion of a detailed evaluation of alternative linewatch systems for the El Paso Border Patrol sector is the most recent accomplishment. Using the Linewatch Computer Simulator (LINESIM) developed in 1977 and applied in the Chula Vista Sector, the evaluation shows how much more effective other systems are using imaging devices when compared to the current and planned systems and analyzes the comparative total life cycle costs of the alternatives.

An agreement was made with the U.S. Air Force to test and evaluate the latter's advanced developed model of a line sensor which offers a reliable and economic means of detecting and locating intrusions over long distances. Detailed test designs have been completed and, having been approved by the Air Force, tests are to be conducted under operational conditions in a Border Patrol Sector. A system has been installed in the Western Region, and instrumentation is being designed and installed to implement the tests.

The Inspection research program (Enclosed Space Detection) has progressed to the point where the feasibility for automatic detection of people in large vehicles such as tractor-trailers has been demonstrated. Strong evidence also indicated that the systems are feasible for rooms in buildings. The potential devices from such research offer enormous productivity and safety to improve in inspections at land, airport and sea ports of entry. This program offers security benefits beyond INS interests to many other law enforcement groups in Federal and state governments, and to Department of Defense's weapon storage and transportation agencies. The first laboratory model, built in 1978, has been improved to operate more quickly and reliably and a second model will be completed in 1982 for use in windy environments on large mass vehicles.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Construction and Engineering...	15	14	\$5,715	15	17	\$4,089	15	17	\$4,089	...	...	...

**Long-Range Goal:** To provide adequate facilities for all INS operating elements so that they may fulfill their requirements to administer the Immigration and Nationality Act and to provide maximum service to the public.

**Major Objectives:**

- To construct, alter and maintain adequate and attractive facilities as required by the operating elements for effective performance.
- To develop a facilities management information system to meet external and internal facilities management information requirements.
- To maximize savings through energy conserving structures.
- To provide facilities for easy access by the physically handicapped.
- To maintain the latest technology and code requirements such as OSHA health and safety requirements in the INS' facilities.
- To provide support responsibility for the design of Federal inspection service facilities at all domestic and overseas airports.
- To provide support responsibility to the records information services related to the implementation of the "Quality of Life Office System" techniques and visual identification aids.

**Base Program Description:** Construction and Engineering performs the administrative functions related to the space and facilities requirements of the INS; provides design and construction capability for the alteration of existing and new facilities; and plans and implements the energy conservation and facilities for the handicapped programs.

Work is performed in the Central Office with input from the field offices and the use of contractors for design and construction. Multi-year funding is required for new construction. The first year funding is for land procurement and design by architect/engineer; the second year is for construction of the facility.

Space is acquired through the General Services Administration by INS lease, by INS construction, by joint INS/U.S. Customs construction and through assignment by airport authorities. New inspections facilities are coordinated as necessary with the U.S. Customs Service, U.S. Public Health Service, Department of Agriculture, General Services Administration, state, county, local, airport and foreign authorities. Office space requirements are coordinated with GSA. The development and support of the design facilities for airports, support of the Quality of Life Office Systems techniques and visual identification aids are being actively pursued.

Accomplishments and Workload: Accomplishments of the Construction and Engineering are as follow:

1981

Continue planning and implementation of relocating district offices as well as the relocation of one regional office in conjunction with GSA.

Continue implementation of programs for energy conservation and facilities for the physically handicapped programs.

Continue planning with airport authorities for installing new and expanded inspection facilities at international airports with emphasis on "one-stop" inspection concept.

Coordinating and monitoring of the GSA design contract for Chula Vista, new border station and upgrade Service Processing Center.

Continue monitoring of GSA activities on the relocation of the New York District Office and Service Processing Center to 201 Varick Street.

Continue monitoring of the construction progress of the modification to El Paso border barrier.

Complete design contract for Phase II building improvements at Port Isabel, Texas.

Monitoring construction progress of Phase I building renovations at Port Isabel, Texas.

Coordinating and monitoring GSA construction contract for the upgrading of the utility system at Port Isabel, Texas.

Coordinated with GSA on the final design of the repair and alteration requirements for Port Isabel, Texas.

Continue monitoring of design contract for the building expansion at El Centro Service Processing Center.

Coordinate and monitor with the Corps of Engineers on the design and construction of a Service Processing Center at Krome North Florida.

Develop six design contracts for installing solar heating systems at six INS facilities in accordance to Department of Energy requirements.

Continue planning and re-evaluation activities with the airport authorities for installing new and expanded inspection facilities at international airports.

Participate in the development of historic preservation guidelines to comply with Departmental regulations.

Implementing energy conservation and handicapped programs on a limited base at newly constructed or renovated facilities.

1982 Projected Accomplishments

Continue planning and implementation of relocation of district offices as required in conjunction with GSA.

Continue monitoring of design and construction for compliance with criteria and good engineering judgement at:

- Chula Vista, California, Border Patrol Station and upgrade Service Processing Center
- El Centro, California, Administration expansion
- Port Isabel, Texas
  - Phase I - Building renovation
  - Phase II - Building renovation
- Upgrading of utility system repair and alteration requirements
- Six solar systems

Continue implementation of energy conservation and physically handicapped programs.

Improve planning activities with airport authorities by developing more definitive criteria for new and expanded inspection facilities at international airports.

Initiate planning activities to establish a facilities maintenance program.

Initiate planning activities to establish a conceptual basis for developing space standards for the operating elements.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Data Systems.....	90	87	\$14,783	90	90	\$15,410	90	90	\$15,410	...	...	...

**Long-Range Goal:** The Mission Plan specifically addresses the following activities to which Data Systems provides support:

- To provide for greater effectiveness in deterring uncontrolled entry and facilitating entry of qualified persons;
- To increase the timeliness and consistency and maintenance of information necessary for appropriate control of the status of aliens;
- To expand and refine the use of presently available automation resources for case control and docket management and for retrieval of information;
- To expand the capacity to identify repeat smuggling violators using more sophisticated information retrieval systems and to develop a records system having a timely and an accurate response capability;
- To establish a records and information program which meets the needs of INS operating components; and
- To provide for the development and maintenance of information and data collection systems.

Support of these activities by Data Systems will be increased through the implementation of the comprehensive ADP Long-Range Plan.

**Major Objectives:** To support the development and implementation of systems based on user requirements as defined by the INS Mission Plan and within the parameters of the ADP Long-Range Plan. Generally, systems will be developed which will support decision-making in resource management, examinations casework and enforcement. Within this context, current systems will be examined as to their applicability to the Mission Plan. Specific areas include:

- To maintain and operate current systems: Master Index System (MIS), Nonimmigrant Document Control System (NIDCS), Financial Management Information System (FMIS), Service Lookout Book, Statistical Reporting System (SRS), and several small systems.
- To continue implementation of the Naturalization and Citizenship Casework support System (NCCSS) through expansion of the system to 30 files control offices, and the detention and deportation system to 15 offices.
- To maintain word processing capabilities in Central and field offices to handle forms, reports and general correspondence.
- To develop and oversee the implementation of the major enhancements to the nonimmigrant document control system designed to satisfy the mission-related information requirements as identified in the Price Waterhouse Study.

To improve the quality of service provided by the Master Index System through a major enhancement resulting in its evolution into a Central Index of alien information.

To develop a design concept utilizing electronic data in place of paper files for alien casework.

Base Program Description: The INS is required by Section 290 of the Immigration and Nationality Act of 1952 to maintain a centralized index of aliens admitted and excluded as well as sponsors. In addition, Data Systems must support the maintenance of other records as outlined in Sections 231, 240 and 264 of the Act as well as support the specific missions of the INS. Data Systems exists to deal with the large volume of required records which cannot be adequately maintained by manual methods. INS determines the technology required to carry out its mission in accordance with 5 U.S.C. 1103.

Maintenance and operation of current systems are achieved through use of computerized support provided on a reimbursable basis by the Justice Data Service Center (JDSC), or bought and/or leased through private vendors.

Data Systems will maintain the current level of support of the records function in five district offices through continued operation of Applications and Petitions Tracking (APTS) and A-File Tracking. The Naturalization and Citizenship Casework Support System (NCCSS) and the detention and deportation system are scheduled for implementation in 1982 and 1983. It should be noted that during 1981 and 1982, field automation funds have been used to support word processing and Master Index Remote Access (MIRAC). In 1983, these funds will be required to support expansion of NCCSS. Sixty-three field locations currently have access through MIRAC. Dial-up terminals are used at 25 files control offices and four international airports for inquiry access to the Master Index System. Remote data entry is underway at 41 of the locations. FNIS continues to provide resources management support to the Central and regional offices. Cutbacks or discontinuance of any of these services, particularly remote access to the Master Index, would result in ineffective service to the users and necessitate a return to manual information gathering and processing.

Data Systems practices two methods for increasing the efficiency and effectiveness of functional and automated current operations. The first method is the expansion of proven capabilities to an ever greater number of users. The second involves an assessment of current capabilities to improve and enhance existing systems.

Parallel to these activities, Data Systems is seeking to improve the overall service to users through the development and implementation of identified user requirements. To this end, work continues on NCCSS and an enhanced Nonimmigrant Document Control System utilizing established planning practices consistent with Departmental, OMB, GAO, GSA, Congressional and other relevant guidelines.

Development of these systems is being monitored to ensure conformance with the ADP Long-Range Plan. Data Systems must continue to provide some automated support while systems identified in the ADP Long-Range Plan are being developed. As the ADP planning proceeds, it is clear that certain user requirement areas will be paramount and necessitate development and implementation in 1983. Areas which have been identified include an alternative system design for recordkeeping and information systems for decision-making. Additional manpower will be required to meet the expanded role of Data Systems resulting from ADP plan development.

Accomplishments and Workload: Accomplishments of the Data Systems program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Systems maintained.....	14	14	14	14
Record volume (X 1000).....	35,777	36,777	40,000	41,500
Terminals.....	286	455	455	455
Locations serviced.....	40	65	65	65

Continued operational and maintenance support was provided for the Master Index System, Nonimmigrant Document Control System, Statistical Reporting, Master Index Remote Access Project, Service Lookout Book, Financial Management Information System, Adjudications Operational Analysis, Officer Corps Rating, Administrative Program Management, Special Requests and word processing.

Twenty-six sites were given remote access (full-service) to the Master Index, increasing the number of operational sites to forty-one. Twenty-nine sites have dial-up terminals for inquiry access to the automated Master Index System on a temporary basis until on-line remote terminals are installed. New capabilities were made available to the dial-ups during 1981.

Approximately 2,000,000 records were keyed into the Statistical Reporting System in 1980.

Three million records were added to the Master Index System in 1981, bringing the total to 15,000,000 records that can be accessed through on-line terminals.

Fifty-two pieces of word processing equipment (WPE) are now located in the Central Office and 67 pieces in 22 field offices. A servicewide study was conducted in 1981 to document all word processing equipment requirements.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Communications systems.....	18	17	\$5,565	18	18	\$4,334	18	18	\$4,334	...	...	...

Long-Range Goal: To provide the modern communications and electronic technology required by INS operational elements as well as the associated management direction necessary for the full use of that technology.

Major Objectives:

To provide INS elements with reliable, modern communications and electronics equipment and systems in support of the mission goals associated with enforcement and control.

To provide field offices with access to centralized data bases and computing resources through an efficient data communications network facilitating the automation of case control and modernization of acquisition and storage of data.

To implement strategies for service to the public by ensuring professional telephone information service and restructuring of the public information function through acquisition of state-of-the-art call answering and sequencing equipment in concert with intensified training of the staff and improved procedures at all district offices.

To provide an adequate equipment maintenance and replacement schedule to ensure an effective communications and electronics program.

To maintain close liaison and cooperation with other users and regulatory agencies utilizing similar technology, particularly as a strategic element in ensuring coordinated border control activities.

**Base Program Description:** Detailed technical equipment and system solicitations are prepared in response to operational requirements. Monitoring and directing the progress of contractors through design, production and installation are performed to ensure timely accomplishment of each project. Effective communications between the program and the operating elements are maintained as an element essential to the success of each project. Radio frequency management, inventory and replacement schedules are maintained through the use of computer time-sharing services. Projects serve both law enforcement and public service activities. Although the program encompasses all categories of electronics technology, primary efforts are in the program areas of radio communications, telephone call-handling, intrusion detection (sensors), electronics security equipment and systems, and data communications systems.

The radio communications program area is designed to replace antiquated equipment with modern, updated types which ensures officer safety and meets expanded and special requirements for patrol, investigative and anti-smuggling activities.

The telephone call-handling program area is designed to provide improved information services to the public through the use of sophisticated call answering and sequencing equipment and systems at district offices.

The intrusion detection and electronics security program area is designed to provide sophisticated intrusion detection systems utilizing advanced sensors, improved displays and computer-aided dispatching techniques to increase the effectiveness of the Border Patrol in stemming the flow of undocumented entrants. Other security equipment provided include covert monitoring equipment, closed circuit television system (CCTV), and special body scanners and walk-through detectors to ensure expeditious processing of undocumented entrants.

The data communications program, which is required for inquiries and updates to central files from field offices, is currently accomplished by mail, telephone, telegrams and limited data communications.

The existing support staff researches operational needs and meets these needs through preparation and award of detailed requirements packages and subsequent contract monitoring and evaluation. Essential to this mission is the close rapport between the staff and the operating divisions on a thorough understanding of the latter's needs as well as the technical complexities, limitations and trade-offs involved when translating operational requirements into equipment needs. The staff also provides

a permanent core of communications and electronics engineering expertise, the requisite technical interface between operational and contractor or manufacturer personnel, frequency management support and overall procedural and policy direction to the operating elements.

This balance between efforts and expertise of the communications staff and contractors is constantly examined to ensure the most efficient, effective support to the operating divisions.

**Accomplishments:** Accomplishments for the program encompass four program areas: radio communications systems, data communications network, telephone call-handling systems, and intrusion detection and security systems.

#### Radio Communications Systems

Meeting the current standards and consisting of reliable, modern equipment, these systems incorporate improved command and control capability for officers, ensure safety and provide increased operational mobility. Implementation of a shared radio communications system with the U.S. Customs Service in the Grand Forks, North Dakota was initiated in 1979 and operating in 1981; the diagnostic equipment to enhance the system is planned for 1982. Limited radio communications systems have been installed in 31 of 36 district offices.

#### Data Communications Network

Immigration and Naturalization Service Interim Network Communications (INSINC) functional specifications have been developed and procurement initiated. Initially, 38 of the agency's field offices will be provided with direct access to the Master Index and the five regional offices will be provided with direct access to the Financial Management Information System. Expansion in two increments of 40 and 89 additional offices is planned based on availability of funds.

#### Telephone Call-Handling System

Systems to improve the public telephone information answering capability through the use of automated answering and recording equipment have been installed in 26 district offices in 1981: Houston, Washington, D.C., Atlanta, Los Angeles, San Francisco, Dallas, San Diego, Phoenix, Honolulu, Detroit, Philadelphia, Boston, Miami, Chicago, Denver, Newark, New York, San Antonio, Kansas City, St. Paul, Hartford, Tampa, Baltimore, Cincinnati, Seattle and Cleveland. The servicewide study of the telephone information function conducted in 1981 resulted in recommendations to ensure improved overall telephone response to the public.

#### Intrusion Detection and Electronics Security Systems

Replacement continued with installation of sophisticated intrusion detection systems in the Yuma and El Paso Border Patrol Sectors in 1981. These systems are comprised of specialized sensors to detect intrusions in the field and current technology minicomputers at the headquarters console to permit improved control of operational activities through computer-aid dispatching and the generation of system performance reports. During 1981, acquisition of sensor systems was initiated for the Marfa and McAllen Border Patrol Sectors. Previously installed CCTV systems at the El Paso Service Processing Center were enhanced with perimeter coverage cameras.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Records.....	873	924	\$16,742	873	934	\$18,678	873	934	\$18,678	...	...	...

**Long-Range Goal:** To develop and maintain a record and information system emphasizing timeliness of service to meet the needs of INS operating components and other U.S. law enforcement agencies with high quality, responsive support.

**Major Objectives:**

- To implement the INS mission goals and strategies and develop quality controls in accordance with the INS Mission Plan, including lead responsibility for the institution of microfilm/electronic summaries of records holdings and reduction of hard copy information at INS.
- To reduce significant backlogs and improve responses to requests from the public, INS personnel, law enforcement agencies and other government agencies.
- To control, maintain and make available when requested all immigration and naturalization records and information from these records.
- To support the INS' Files Control Offices and provide operational support for the Alien Files Tracking System, and Applications and Petitions Tracking System.
- To deliver all field office mail to appropriate offices within the shortest possible time after receipt.
- To implement automated systems and procedural improvements recommended in the National Archives and Records Service (NARS) Study.
- To maintain an active Records Management Committee to recommend improvements in the INS' Records Program.

**Base Program Description:** This program is intended to improve records service to the Enforcement and Examinations programs and the public by upgrading the level of support furnished. Funding will be employed to continue pursuing a program of action designed to greatly improve the manual records systems including reductions of servicewide backlogs, greater accountability and enhance procedures/controls; to develop and maintain immigration and naturalization records in a manner which will permit the records information to be readily available when needed; to deliver the mail to the appropriate offices within the shortest possible time after receipt.

The Records program is authorized under the Immigration and Nationality Act and 8 CFR 103. Its operating program serves the INS operating divisions and other government agencies including the Federal Bureau of Investigation, Central Intelligence Agency, Drug Enforcement Administration, Office of Personnel Management, U.S. Travel Service and of the Department of Defense.

Accomplishments and Workload: Accomplishments of the Records program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Aliens files opened.....	1,025,741	903,441	1,100,000	1,200,000
Index searches completed.....	13,572,740	2,911,082	3,100,000	3,400,000

Much has been done and is being done in the area of automation of the Records activity to make searching and recordkeeping less time-consuming and more responsive to the demands of law enforcement agencies and the public. The automation of the Master Index of alien files has permitted Records to shorten the time previously required to perform records searches. In addition to the approximately 15,000,000 files automated, new files are being developed and automated. Records personnel are now able to respond more rapidly to users' requests and with more complete information.

The implementation of automated files tracking in some Files Control Offices has also improved the Records personnel reaction time to users' requests for alien files information. This system assists the Records clerks in locating files. As the tracking system becomes operational in more Files Control Offices, records clerks and search personnel will become available to perform other search activities such as correspondence and special program searches, heretofore only rarely performed because of the lack of available time and staff. Tracking systems are now located in Boston, Houston, Newark and Washington, D.C.

Additionally, the Master Index Remote Access System (MIRAC) designed to make the job of data entry and inquiry easy and efficient has begun at 19 Files Control Offices. This system allows for data entry, edit, verification and transmittal to the main computer. The MIRAC System at Harlingen, Texas became operational in July 1981. This will bring the total to 20 Files Control Offices with MIRAC capabilities. It is anticipated that 15 additional Files Control Offices will possess MIRAC capabilities by the end of 1982.

Decentralized visa processing is in operation at two Eastern field offices--Baltimore and Washington, D.C. As more field offices become decentralized, the keying of the more recent visa information into the Central Index will upgrade the currency and availability of the alien files information. The renegotiation in September 1981 of new keying contracts for the I-94 nonimmigrant arrival/departure documents will permit better recordkeeping, resulting in more up-to-date nonimmigrant records. The Records personnel are providing operational support to the Alien Files Tracking Systems, and the Applications and Petitions Tracking System. The automation of the recordkeeping activities has been impacting on the Records backlogs and on alien informational responses to public inquiries. Automation has been taking place in Records with the use of a bar coding device to track files at one location and a computer process to track the location of checked-out files at three other field offices. The bar coding and/or computer tracking approach is favorable in that the problem of file location is improved and the time needed to track and locate a file has been reduced. Manual operations still remain the overwhelming majority of

Records activity and for the near-term the big effort will be towards improving the manual systems and operations. Presently, Records personnel are manually preparing transfer forms and index cards because these functions have not been fully automated at all Files Control Offices.

The mail guide is being implemented throughout the INS' mail activities and has resulted in more effective and efficient mail deliveries, i.e., less re-routing and misdirected mailings. Mail delivery throughout the field offices has continued to be accomplished within the shortest possible time after receipt. The Records Management Committee was established and now performs reviews of field office Records activities and initiates improvements where necessary. The Committee is also developing a Record Clerk training program to provide an introduction to the INS' Records operations.

Recently, GSA approved disposition schedules for several of the INS' case file forms. As forms are removed from case files and transferred to permanent storage or destroyed additional storage space will be made available. In addition the disposition schedule for maintaining case files has been revised and approved, reducing the retention period from 100 to 75 years. Much space currently used for storing case files will be available for other uses.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Statistics.....	45	40	\$1,056	45	40	\$1,176	45	40	\$1,176	...	...	...

**Long-Range Goal:** To maintain a statistically valid data base through the application of state-of-the-art statistical analysis techniques on aliens entering and existing in the United States; to provide day-to-day technical and analytical assistance to the Enforcement, Examinations and Management programs; and to provide analytical support in the implementation of the INS Mission Plan.

**Major Objectives:**

To complete a redesign of a servicewide productivity measurement data system to provide program managers with a valid basis for allocating resources, setting performance standards, forecasting workload levels and formulating budget requirements.

To initiate statistically based studies and analyses designed to aid the Enforcement and Examinations activities such as applicant profiles.

To advance the utilization of the state-of-the-art statistical techniques such as sampling and automating the statistical data capture methods to maximize the validity, efficiency and quality of the data production activities.

To provide analytical data and statistical assistance on entrants to the United States and on the movement of nonimmigrant aliens into and out of the United States in support of day-to-day operational needs of the INS' as well as long-range planning

To maintain a systematic review program on the statistical validity of the INS' data base, including both the automated and manual collection and reporting methods at all organization levels within the organization.

To provide statistical information requested by INS management, DOJ, Congress, other Federal and non-Federal government agencies, and the public in a timely manner.

**Base Program and Description:** This program addresses the need for statistical data regarding immigrants and nonimmigrants to serve the needs of the Congress, the Department of Justice, the INS program managers, other Federal agencies and the public. The Attorney General is authorized and directed by 8 U.S.C. 1458, Section 347 of the Immigration and Nationality Act to prepare from the records in the INS' custody a report on those seeking citizenship. This report shows by nationality those seeking citizenship and their relationship to the numbers of aliens arriving annually, the prevailing census populations of the foreign-born, their economic, vocational and other classifications in statistical form with analytical comment.

The INS Long-Range Plan tasked the Statistics program with developing an effective work measurement system, implementation of a quality assurance and quality control programs, and a provision of feedback to management and the operating divisions, and obtaining full reimbursement for all special records and data provided to private and U.S. agencies outside of the Department of Justice.

**Accomplishments and Workload:** Accomplishments of the Statistics program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Immigrant visas coded.....	317,411	555,211	310,000	310,000

Over 100 workload reports were produced during 1981. These reports were developed from several hundred feeder reports from the INS' field offices and the Central Office. Efforts are being directed toward the development of a new automated productivity measurement data system to provide program managers with a statistically valid basis for allocating resources, setting performance standards, forecasting workload levels and formulating budget requirements. The prototype of the system will be a model system for Information Service's programs and will tailor reports to individual managers' needs at all levels servicewide. Reports will include statistical tables, charts, graphs, forecasts and analyses. Data processing will be automated.

Over 200,000 visa documents were coded by employing and training handicapped personnel in visa coding and accompanied by training and sensitizing co-workers and supervisors. Recently the Branch was given an award by the Department of Justice for promoting Equal Opportunity through its efforts with the handicapped employees.

Statistics Branch has also presented a paper at a national professional association meeting describing the characteristics of apprehended aliens. This research effort will assist the INS enforcement activities in developing profiles of high-risk entrants and will also provide analytical assistance to the profile effort by conducting special studies and developing methodologies.

The Branch has expanded its Public User Data Tape Program, which minimizes the need for INS processing special table requests and improves the capability of outside requesters to do their own data tabulations, research and analyses. The Statistical staff serves as consultants to these outside analysts, often from state and local governments rather than as processors of requests for tables. The Public User Tape Data Program encompasses a decade of immigrant data as well as selected alien registration and refugee data.

The Statistics Branch initiated a quality control program which will eventually involve all INS information services systems. The primary focus in 1981 has been on the Master Index System (MIS). A pilot study of the viability and validity of the MIS was completed at the Baltimore File Control Office. Additional file control offices will be studied and a significant improvement in the efficiency and accuracy of the MIS is anticipated.

Activity: Program Direction	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Executive direction and control	506	509	\$20,311	506	509	\$22,050	506	509	\$22,050	...	...	...
Administrative services.....	462	495	20,391	462	488	22,477	462	488	22,477	...	...	...
	968	1,004	40,702	968	997	44,527	968	997	44,527	...	...	...

Executive direction and control	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Executive direction and control	506	509	\$20,311	506	509	\$22,050	506	509	\$22,050	...	...	...

817

**Long-Range Goal:** To increase effectiveness in the accomplishment of the INS mission through the implementation and execution of the Mission Plan; to formulate and coordinate meaningful and consistent policy and provide program direction throughout all levels of the INS; and to evaluate policy with a view toward recommending practical changes.

**Major Objectives:** To provide comprehensive programs and policy development on a national scope; to plan, coordinate, monitor and evaluate the Mission Plan and the programs and policies of all INS activities to ensure effective law enforcement and service to the public; to prepare and execute budgets; to provide timely legal services to INS and the Department of Justice staff; to investigate allegations of employee misconduct; to respond to congressional, public and media inquiries; and to comply with the requirements of the Freedom of Information and Privacy Act.

**Base Program Description:** The planning staff is charged with the responsibility for coordinating and monitoring the progress of mission plan strategy implementation. The staff also ensures that all policy directives are eventually incorporated into INS operations, instructions, regulations, interpretations, officer handbooks and other employee guides. This review process is an ongoing program that provides managers and members of their staffs at all levels of the organization with accurate and consistent planning guidance.

In an effort to improve service to the public, automation is being introduced at district offices to improve access to information contained in alien case files and to track the processing of applications and petitions filed by aliens in the United States. Side benefits of this effort are improved response time to inquiries and daily availability of detailed workload and financial information. The INS Outreach program has been established to assist aliens seeking immigration benefits by offering training in immigration procedures to non-profit voluntary counseling agencies. These Outreach efforts help the INS overcome huge processing tasks at a substantial savings.

The effectiveness of INS programs is monitored through regularly scheduled field office inspections which are followed up with unannounced visits to assure that corrective action, where required, has been taken. Tracking of budget execution at the Central and regional office levels and increased planning and evaluation emphasis provide other avenues of control.

Accomplishments and Workload: Accomplishments of the Executive Direction program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
<b>Congressional Affairs</b>				
Telephone inquiries.....	37,178	36,809	35,000	33,000
Written inquiries.....	6,623	5,747	6,000	7,000
Telephone replies.....	45,522	57,948	60,000	50,000
Written replies.....	7,817	6,334	6,500	8,000
<b>Professional Responsibility</b>				
Cases received.....	382	421	450	450
Cases completed.....	313	327	350	350
<b>Field Inspections and Audits</b>				
Field Inspections and Audit Reports (Workload Demand).....	15	15	20	20
External Audit Reports (Workload Demand).....	6	11	...	...
<b>Work Production Estimates</b>				
Field Inspections and Audit Reports (Workload Production).....	15	15	20	20
External Audit Reports (Workload Production).....	6	11	...	...
<b>Privacy Act and Freedom of Information (FOI)</b>				
Privacy Act requests.....	19,773	19,738	22,000	22,000
FOI requests.....	11,891	10,553	12,000	12,000
Privacy Act responses.....	20,520	20,467	22,000	22,000
FOI responses.....	12,424	9,896	11,500	11,500

INS has developed a Mission Plan consisting of the mission statement, background assumptions, mission level goals and the strategies which will be pursued to achieve those goals. It defines the responsibilities of the INS, the anticipated environment, the future direction to be taken and the nature of actions for movement to meet those responsibilities. This plan is intended to document and communicate the direction and methods that INS has decided to follow and to act as a guide to program and operational planning, to budgeting and to future decision-making by management. Efforts have continued to

reduce paperwork, expand Outreach programs in areas with heavy alien population, and to introduce automation at field office locations. The INS is also continuing to make increased use of computers in records, financial management, research projects and budget preparation. Follow-up field inspections and evaluations are performed to identify those areas where corrective action has been taken and those where action is still needed. This approach helps to ensure compliance with policy directive and increase efficiency at the locations inspected. Emphasis has been shifted from examination of minor compliance items to the broader areas of quality and quantity of work performed. In this way, overall program management is examined and recommendations are formulated to improve it.

	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Administrative services.....	462	495	\$20,391	462	488	\$22,477	462	488	\$22,477	...	...	...

**Long-Range Goal:** To provide the full-range of administrative support services to all INS units on a timely basis in compliance with applicable laws, policies, and external and internal requirements.

**Major Objectives:**

To provide the full-range of personnel and EEO Affirmative Action support services and program direction on a timely basis Servicewide. This includes: development and administration of Merit Staffing and Promotion Plan; EEO Affirmative Action program policy, development and evaluation; alcohol, drug abuse, health and safety, labor relations, contract negotiations and other employee relations program development, implementation and monitoring; manpower planning and staffing to meet Servicewide operational needs; manual and automated personnel records and information support systems; implementation of legislative and regulatory requirements and policy development; classification and position management and personnel management evaluation; EEO Complaint investigations and program direction; lead and support responsibilities for the INS long-range goals and strategies related to the Personnel and EEO Affirmative Action programs.

To provide the full-range of accounting support services and program direction on a timely basis Servicewide. This includes: automated and manual financial reporting systems and policy development, documentation, implementation and monitoring; maintenance and operation of a financial system of accounts; fiscal control over INS appropriated funds and cash and/or valuables in its custody; payment of vouchers; accurate and timely financial reports as required to meet managerial needs and external reporting requirements; implementation of legislative regulatory and external and internal policy and procedure requirements; support responsibility for the INS long-range goals and strategies related to the accounting program.

To provide the full-range of property management and procurement support services and program direction on a timely basis Servicewide. This includes: leases, contracts and other procurement activity; forms printing and distribution; personal property records maintenance and accounting; manual and automated property management and procurement management control systems; fleet management; property management and procurement services; Central and regional office support services; Construction and Engineering activities for field offices; implementation of legislative, regulatory and external and internal policy and procedure requirements; support responsibility for the INS long-range goals and strategies related to the property management and procurement program elements.

To provide the full-range of management analysis support services on a timely basis Servicewide. This includes: administration, control and analysis of forms and reports; special and recurring organization and procedural studies and analysis; design of forms for manual and automated systems and reduced public reporting burden; budget information and execution for the Administrative Services program; implementation of legislative and regulatory policy and procedure requirements; forms and reports simplification and consolidation; lead and support responsibility for implementation of the INS long-range goals and strategies related to the management analysis program including information support for management decisions at all levels and review of information requirements.

To provide mail and messenger service for the Central Office.

To provide support services for the receipt and transmission of messages through the Justice Telecommunications System (JUST).

**Base Program Description:** Administrative Services is responsible for the development, implementation, direction, evaluation and operation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. Responsibilities also include counseling employees and providing technical assistance, advice and support to managers and supervisors in performing their daily activities. It serves all program elements of the INS.

The elements within this program are required by and operate under the provisions of 5 U.S.C. 2101 - 8913 on Government Organization and Employees, the EEO Act of 1972 and the Age Discrimination Act of 1967 as amended; Public Law 95-454; 31 U.S.C. 66(a)(2)(4) and (c) and 31 U.S.C. 665; 28 CFR 0.138, 0.139, 0.140, 0.159 and 41 CFR supplemented by Department of Justice Orders, General Services Administration, Treasury, General Accounting Office, Office of Management and Budget, and Office of Personnel Management directive and regulations.

Organizationally, the objectives are accomplished through policy development, coordination and control at the headquarters level with delegation of authority to the field as needed to meet management requirements. The accounting, personnel and general services (Procurement and Property Management) components have operating units in the Central Office and counterparts in the four regional offices. Management analysis activity in the regional offices is performed by employees of other programs as a collateral duty. Field activities below the regional level are generally performed by personnel assigned to other programs at these locations who devote all or a portion of their time to administrative support services. Budget formulation and execution are decentralized in that each region requests funds within regional priorities for its geographical area. These requests are reviewed by headquarters and included in the Servicewide budget to the extent permitted by policy direction and fiscal counterparts. These activities currently require a high degree of manual paperwork; however, the development and implementation of automated and/or mechanical processing support systems are being actively pursued.

Each headquarter branch coordinates its own functional activities with the appropriate authority as required by Department of Justice orders, controlling legislation, Federal regulations and program requirements. Many personnel issues require clearance through employee unions. The Associate Commissioner, Management coordinates externally mandated requirements through assignments to the appropriate program element for action. The responsible program element prepares and disseminates directives to field offices as necessary for compliance and reviews performance. Departmental auditors, the INS' Office of Performance Review, General Accounting Office (GAO) and the agencies that promulgated the requirements periodically review the activities of the program elements to evaluate compliance.

Accomplishments and Workload: Accomplishments of the Administrative Services program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Personnel actions.....	23,709	25,086	25,778	25,778
Position reviews completed.....	6,197	5,671	5,514	5,514
Disciplinary actions.....	442	260	322	322
Incentive awards.....	1,160	1,079	1,464	1,464
Vouchers examined.....	103,421	110,700	112,800	112,800
Bills prepared.....	41,112	56,550	59,250	59,250
Contracts and leases awarded.....	326	249	245	245
Purchase orders issued.....	22,445	17,200	17,400	17,400
Collection for fines, fees, etc.....	\$30,650,950	\$31,263,000	\$32,670,000	\$32,670,000

A high percentage of this program's activities are of a recurring nature as a result of the statutory, regulatory and internal and external requirements under which they operate. For example, the Civil Service Reform Act of 1978 has had a significant impact on the INS personnel management program. Some significant achievements are:

Documentation of the Financial Accounting System (FACS) to meet the GAO requirements and approval was begun.

A contract review board was established to improve resource utilization and assure regulatory compliance.

A vehicle management and control system for better utilization of vehicles, energy consumption reduction, policy development, implementation and evaluation and cost control was begun.

The total INS forms were reduced two percent annually in 1980 and 1981.

Systems (multi-year affirmative action plan and others) to track the racial and ethnic composition of the applicant pool, VRA employees by race and sex, the representation of women and minorities on merit promotion rating panels Servicewide, and the accession and attrition of selected occupations were implemented to improve personnel management information and performance.

Upward Mobility program employees were increased to 93 and the number of minority and female employees were increased in key occupations.

A centralized Border Patrol agent recruitment program was implemented. The entry-level oral interview process is being re-designed to standardize the selection for entry level positions.

Occupational classification studies were conducted and 20 new classification standards affecting approximately 3,100 positions were implemented to improve the classification and position management function.

Performance appraisal systems were developed and implemented (SES, Merit Pay, Non-Merit Pay) to improve productivity and performance.

The Administrative Manual transmittal distribution list was reduced by 348 copies for an annual savings of \$11,900.

Activity: Reception, Processing and Care	1982 as Enacted			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Reception, Processing and Care.	...	...	...	...	...	...	57	57	\$58,735	57	57	\$58,735

822

This activity provides for the reception of newly-arriving entrants; their transportation to initial holding centers; and processing and care while they undergo medical and security screening and await resettlement, placement, or deportation. Also included are funds for medical services and care for the entrants, both within the centers and in the community immediately after they are resettled.

Long-Range Goal: To process, transport and care for newly arriving entrants in the United States; and to care for them while they undergo medical and security screening and await resettlement, placement, or deportation.

Major Objectives:

To provide housing and training programs for those Cubans for whom resettlement has not yet been feasible due to their medical condition, anti-social behavior or other learning disabilities.

To provide medical and mental screening for newly arriving aliens to detect contagious diseases or dangerous mental conditions that pose a threat to the U.S. or other detained aliens.

To provide continuing medical and mental care for detained aliens until their cases have been processed.

To provide a secure facility for those entrants not yet found suitable for resettlement, or whose sponsorships have failed and whose parole has been revoked pending their resettlement.

**Base Program Description:** The Reception, Processing and Care program is authorized by Executive Order which places the responsibility for administering Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) within the Department of Justice. The program provides medical screening for arriving aliens, suitable housing and care for detained arrivals, and rehabilitative and medical services for those requiring such assistance.

The objective of this program is to ensure that an average of 700 entrants can be securely housed, given medical and mental care (as required) and rehabilitative training such as an English language, job skills, and social behavior, all designed to prepare the entrant for placement into American society. Presently there are approximately 600 Cubans located in various locations throughout the United States who require further medical and mental care and rehabilitative training or whose sponsorship have failed and their paroles revoked. Since some of the Cuban entrants currently detained may never achieve a level of mental health to allow for their resettlement, this program provides for grants and contracts with non-Federal agencies to accommodate these persons with appropriate long-term medical care.

Newly arriving aliens may pose a health danger to the American public. The screening and treatment of arriving aliens is an essential part of this program. The medical and mental screening will allow for the detection of contagious or dangerous conditions which may pose a threat to the United States.

**Accomplishments:** The reception, processing and care of newly-arriving entrants during the Mariel Boatlift was accomplished through the use of several locations throughout the United States and with the help of numerous Federal and non-Federal agencies.

**Program Changes:** The \$58,735,000 and 57 positions requested for this program are necessary to provide for the processing, care, maintenance, security, transportation and initial reception and placement in the United States of approximately 700 Cuban and Haitian entrants. The medical and training programs will be conducted by the Department of Health and Human Services (HHS) under a cost reimbursable arrangement with the INS.

Immigration and Naturalization Service

Status of Congressionally Requested  
Studies, Reports and Evaluations

Non-Immigrant Information Requirements Study

Price Waterhouse & Co.'s final report on the Non-Immigrant Information Requirements Study was submitted to INS in June 1981. The INS is now undertaking development of a new nonimmigrant document control system based on the requirements defined in this study.

President's Management Improvement Council (PMIC)

The PMIC report was submitted to the House and Senate Judiciary Committees on September 30, 1981.

Immigration and Naturalization Service

Priority Rankings

98-521 O-82-51

<u>Ranking of Base Programs</u>		<u>Ranking of Program Increases</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Inspections Program	1	Reception/Processing/Care*	1
Border Patrol Program - Immediate Border	2		
Adjudications Operations	3		
Records	4		
Data Systems	5		
Detention	6		
Investigations Program	7		
Deportation	8		
Administrative Services	9		
Executive Direction and Control	10		
Naturalization Operations	11		
Information Services	12		
Judicial Review	13		
Trial Litigation	14		
Training	15		
Communications Systems	16		
Construction and Engineering	17		
Border Patrol - Other Than Border	18		
Anti-Smuggling	19		
Status Verification	20		
Alien Documentation Program (ADIT)	21		
Overseas	22		
Statistics	23		
Intelligence	24		
Research and Development	25		

\*NOTE: This program has no base level - the entire amount constitutes a program increase.

825

Immigration and Naturalization Service

Salaries and expenses

Summary of Adjustments to Base  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
FY 1982 as Enacted (Appropriation Anticipated).....	10,604	10,754	\$428,557
<b>Uncontrollable increases:</b>			
1. 1982 Pay Increases.....	...	...	13,670
2. Executive Level Pay Increases.....	...	...	427
3. Annualization of 604 additional positions.....	...	...	5,344
4. Within-grade increases.....	...	213	3,509
5. Health benefits cost.....	...	...	1,383
6. Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	...	...	300
7. Federal Employees' Compensation Act (FECA) - Workers' Compensation.....	...	...	301
8. Standard level user charges (SLUC).....	...	...	6,452
9. GSA recurring reimbursable services.....	...	...	386
10. Postal Service increases.....	...	...	864
11. Overseas mail charges.....	...	...	5
12. Federal Telecommunications System (FTS) rate increase.....	...	...	990
13. Travel costs - Airfare increases.....	...	...	3,050
14. GPO printing costs.....	...	...	160
15. Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	4
16. Departmental printing and reproduction costs.....	...	...	74
17. Departmental telecommunications costs.....	...	...	209
18. Employee data and payroll services.....	...	...	161
19. Full-field investigations.....	...	...	343
20. General pricing level adjustment.....	...	...	5,797
21. Distributed Administrative Support (FAAS).....	...	...	187
22. Cargo Preference Act.....	...	...	63
23. Foreign Allowances.....	...	...	190
<b>Total uncontrollable increases.....</b>	<b>...</b>	<b>213</b>	<b>43,869</b>
<b>Decreases:</b>			
1. Nonrecurring costs for personnel compensation and benefits for temporary employees.....	...	-168	-1,422
2. Nonrecurring Overtime Costs.....	...	...	-245
3. Nonrecurring Transportation equipment.....	...	...	-10
4. Nonrecurring costs of transfers.....	...	...	-802
5. Nonrecurring costs of details.....	...	...	-418
6. Nonrecurring Departmental payroll services for temporary employees.....	...	...	-13
7. Nonrecurring costs for communication equipment.....	...	...	-1,303
8. Nonrecurring costs for portable sensors.....	...	...	-150
9. Nonrecurring costs for surveillance equipment.....	...	...	-134
10. Nonrecurring costs for equipment at Port Isabel SPC.....	...	...	-154
11. Nonrecurring costs for all other equipment.....	...	...	-90
12. Nonrecurring costs construction at Eagle Pass.....	...	...	-1,021
13. Nonrecurring costs for construction at El Cajon.....	...	...	-800
<b>Total decreases.....</b>	<b>...</b>	<b>...</b>	<b>-6,562</b>
FY 1983 Base.....	10,604	10,799	465,864

Immigration and Naturalization Service

Salaries and expenses

Justification of Adjustments to Base  
(Dollars in thousands)

<u>Uncontrollable increases:</u>	<u>Work- Years</u>	<u>Amount</u>
1. 1982 pay increases.....	...	\$13,670
This provides for full funding of the October 4, 1981 pay increase contained in Executive order 12330. The request of \$13,670,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:		
1982 personnel compensation and benefits relative to the October pay increase		
\$13,565,000 for 259 days..... \$13,566,000		
2/261 x Annual amount of pay raise..... 104,000		
Total requirements..... \$13,670,000		
2. Executive Level pay increases.....	...	427
This provides for full funding of January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$427,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:		
1982 personnel compensation and benefits relative to lifting pay cap for 195 days..... \$320,000		
66/261 x Annual amount of pay raise..... 107,000		
Total requirements..... \$427,000		
3. Annualization of additional positions approved in 1982.....	213	5,344
This provides for the annualization of 604 additional positions in 1982. (495 positions for the Administration's enforcement package and 109 positions for the detention of Haitians.)		

827

	Approved 1982 Increase	Annualization Required	Work- Years	Amount
Annual salary rate of 604 approved positions...	\$12,663			
Less lapse (35%).....	-4,873	\$4,873		
Net compensation.....	7,790			
Overtime and employee benefits.....	1,177	471		
Total costs subject to annualization.....	\$8,967	\$5,344		

4. Within-grade increases..... ... \$3,509

This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years. (Personnel compensation \$3,210,000 and benefits \$299,000 = \$3,509,000). These figures include personnel compensation of \$147,000 and benefits of \$14,000 which are associated with the Administration's enforcement program and the detention of Haitians.

828

	No. of GS Pos.	Annual Salary Rate	Pay at Base of Grade	Cost of Within Grades	Lower Pay Scale Adjust.	Adjusted Cost of Within Grades	Change from Previous Years
FY 1983	10,414	231,397	206,088	25,309	...	25,309	3,210
FY 1982	10,357	227,008	204,909	22,099	104.8	22,099	4,084
FY 1981	10,639	219,035	201,020	18,015	109.1	18,015	4,000
FY 1980	10,707	196,293	182,278	14,015	114.2	14,015	-2,232
FY 1979	10,879	186,435	171,251	15,184	120.1	16,247	2,047

5. Health benefits costs..... ... 1,383

The Federal Employees Health Benefits Act (P.L. 93-246) provided that the government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$1,383,000 provides 19.4 percent more than the \$7,130,365 budgeted for 1982. A base of \$619,000 and an uncontrollable increase of \$210,000 are associated with the Administration's enforcement program and the detention of Haitians.

	<u>Work- Years</u>	<u>Amount</u>
6. Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	...	\$300
<p>This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$300,000 was based on unemployment compensation payments for the quarter ending in March 1981.</p>		
7. Federal Employees' Compensation Act (FECA) - Workers' Compensation.....	...	301
<p>The increase reflects the billing provided by the Department of Labor for the actual costs in 1981 of employees' accident compensation. The 1983 amount will be \$2,615,000 or \$301,000 over the 1982 estimate.</p>		
8. Standard Level User Charges (SLUC).....	...	6,452
<p>P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$6,452,000 is required in 1983 to pay for space occupied at the end of 1982. The amount budgeted for Standard Level User Charges in 1982 is \$16,788,000.</p>		
9. GSA recurring reimbursable services.....	...	386
<p>The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$386,000 will provide the same level of service in 1983 as in 1982. This is an increase of 20 percent over the amount budgeted for 1982 of \$1,928,000.</p>		

829

	Work- Years	Amount
10. Postal Service increases.....	...	\$864
<p>The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 cents an ounce. This 5 cent increase results in an additional request of \$864,000 over the currently budgeted amount of \$2,700,000.</p>		
11. Overseas mail charges.....	...	5
<p>The Department of Army advised the Department of Justice by letter on June 24, 1981 that the overseas mail transportation costs will be increased. This will increase the Service's billing by \$4,505.</p>		
12. Federal Telecommunications System (FTS).....	...	990
<p>The FTS increase reflects the advance billing provided to the Department of Justice by the General Services Administration. In 1983, the uncontrollable increase will be \$990,000 over the 1982 base of \$1,707,000. This reflects the new billing method which became effective in 1982 and is based on the duration of calls. It also includes the rate increase of approximately 51 percent which was granted American Telephone and Telegraph in 1982.</p>		
13. Travel costs - Airfare increases.....	...	3,050
<p>Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that due to the decreased gas prices in 1981 and the availability of economy flights prices will increase only 15 percent in 1982. This will result in a \$2,386,000 increase over the airfare amount budgeted for 1982 of \$15,908,000. An additional \$664,000 increase is needed to meet our 1982 projected needs based on estimated apprehensions. A base of \$8,015,000 and an uncontrollable increase of \$1,202,000 are associated with the Administration's enforcement program and the detention of Haitians.</p>		
14. GPO printing costs.....	...	160
<p>The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs of \$2,670,700 as a base, the uncontrollable increase for GPO printing is \$160,242,000.</p>		

880

	<u>Work- Years</u>	<u>Amount</u>
15. Printing costs for the Federal Register and Code of Federal Regulations.....	...	\$4
<p>The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the Federal Register and the Code of Federal Regulations (CFR). The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$408 per page for the Federal Register and \$80 per page for the CFR. The requested uncontrollable increase provides funding for 74 pages in the Federal Register and 150 pages in the CFR.</p>		
16. Departmental printing and reproduction costs.....	...	74
<p>Departmental printing costs are expected to increase by 7-1/2 percent in 1983. This results in an uncontrollable increase of \$74,194,000 over the 1982 base of \$989,249,000.</p>		
17. Departmental telecommunications costs.....	...	209
<p>In 1981, AT&amp;T discontinued TELEPAK services and increased rates under a new tariff. The requested increase of \$208,639,000 reflects the resulting increase of 45 percent in the message rate and 10 percent in terminal charges over the 1982 budgeted amount of \$628,346,000.</p>		
18. Employee data and payroll services.....	...	161
<p>The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. These service charges are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95.00. In 1982, it will increase by \$15.00; the increased cost of servicing 10,604 employees is \$160,410,000. Of these amounts 604 employees and \$9,060,000 are associated with the Administration's enforcement program and the detention of Haitians.</p>		

	Work- Years	Amount
19. Full-field investigations.....	...	\$343
<p>Costs in this area have increased as the result of projections by the Office of Personnel Management (OPM) for 1982, which raised the standard rate charged for each full-field investigation by \$300 over the 1981 base cost of \$1,000. The request of \$343,000 reflects the 1983 requirement for full-field investigations at the current rate of \$1,300.</p>		
20. General pricing level adjustment.....	...	5,797
<p>This request applies the OMB pricing guidance of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1983 estimates. An uncontrollable increase of \$2,629,000 is associated with the Administration's enforcement program and the detention of Haitians.</p>		
21. Distributed Administrative Support (FAAS).....	...	187
<p>FAAS shows a 32.3 percent increase from 1980 billing of \$438,061,000 to 1981 billing of \$579,576,000. The 1982 base of \$579,576,000 was multiplied by 32.3 percent for an uncontrollable increase of \$187,203,000. The Department of State has been consistently increasing the billing and the INS base has remained constant.</p>		
22. Cargo Preference Act.....	...	63
<p>A reduction of \$63,000 was included in the 1982 budget based on the assumption that the Cargo Preference Act would be amended. Since the Administration no longer supports the legislation, INS will have to pay the original cost. This is considered an uncontrollable increase because it represents no change over current operations.</p>		
23. Foreign Allowances.....	...	190
<p>Allowances for Government employees in foreign areas are determined by the Department of State. The Department of State anticipates a 20 percent increase in 1983. The requested increase of \$190,000 provides 20 percent more than the \$950,000 budgeted for 1982.</p>		
Total uncontrollable increases.....	213	\$43,869

892

	<u>Work- Years</u>	<u>Amount</u>
Decreases (Automatic non-policy):		
1. Nonrecurring costs for personnel compensation and benefits for temporary employees.....	-168	-\$1,422
2. Nonrecurring overtime costs.....	...	-245
3. Nonrecurring transportation of equipment.....	...	-10
4. Nonrecurring costs of transfers.....	...	-802
5. Nonrecurring costs of details.....	...	-418
6. Nonrecurring Departmental payroll services for temporary employees.....	...	-13
7. Nonrecurring costs for communications equipment.....	...	-1,303
8. Nonrecurring costs for portable sensors.....	...	-150
9. Nonrecurring costs for surveillance equipment.....	...	-134
10. Nonrecurring costs for equipment at Port Isable SPC.....	...	-154
11. Nonrecurring costs for all other equipment.....	...	-90
12. Nonrecurring costs for construction at Eagle Pass.....	...	-1,021
13. Nonrecurring costs for construction at El Cajon.....	...	-800
Total decreases.....	<u>-168</u>	<u>-6,562</u>
Total, adjustments to base.....	<u>45</u>	<u>37,307</u>

833

Immigration and Naturalization Service

Salaries and expenses

Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Reception/Processing/ Care		Total	
	Pos.	Amount	Pos.	Amount
<b>Grades</b>				
GS/GM-14.....	1	\$40	1	\$40
GS/GM-13.....	7	235	7	235
GS-12.....	1	28	1	28
GS-11.....	5	118	5	118
GS-9.....	16	311	16	311
GS-6.....	21	301	21	301
GS-5.....	3	39	3	39
GS-4.....	3	36	3	36
<b>Total positions and annual rate.....</b>	<b>57</b>	<b>1,108</b>	<b>57</b>	<b>1,108</b>
Lapse (-).....	...	...	...	...
<b>Total workyears and personnel compensation.....</b>	<b>57</b>	<b>1,108</b>	<b>57</b>	<b>1,108</b>
Other personnel compensation.....		130		130
Personnel benefits.....		277		277
Travel and transportation of persons.....		348		348
Transportation of things.....		99		99
Standard level user charges.....		619		619
Communications, utilities, and other rent.....		989		989
Other services.....		53,417		53,417
Supplies and materials.....		1,552		1,552
Equipment.....		196		196
<b>Total workyears and obligations, 1983.....</b>	<b>57</b>	<b>58,735</b>	<b>57</b>	<b>58,735</b>

Immigration and Naturalization Service

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$58,500.....	1		1		...	
ES-5, \$58,500.....	1		1		...	
ES-4, \$58,500.....	13		13		...	
ES-3, \$58,500.....	4		4		...	
ES-2, \$56,936.....	2		2		...	
ES-1, \$54,755.....	12		12		...	
GS/GM 15, \$46,685-57,500.....	176		176		...	
GS/GM 14, \$39,689-51,596.....	381		382		1	
GS/GM 13, \$33,586-43,666.....	438		445		7	
GS-12, \$28,245-36-43,666.....	730		731		1	
GS-11, \$23,566-30,640.....	1,693		1,698		5	
GS-10, \$21,449-27,884.....	34		34		...	
GS-9, \$19,477-25,318.....	2,497		2,513		16	
GS-8, \$17,634-22,926.....	110		110		...	
GS-7, \$15,922-20,701.....	728		728		...	
GS-6, \$14,328-18,630.....	888		909		21	
GS-5, \$12,854-16,706.....	1,084		1,087		3	
GS-4, \$11,490-14,937.....	938		941		3	
GS-3, \$10,235-13,304.....	628		628		...	
GS-2, \$9,381-11,807.....	29		29		...	
GS-1, \$8,342-10,439.....	3		3		...	
Ungraded positions.....	214		214		...	
<b>Total appropriated positions.....</b>	<b>10,604</b>	<b>\$223,112</b>	<b>10,661</b>	<b>\$234,712</b>	<b>57</b>	<b>\$11,600</b>
Pay above stated annual rates.....	...	855	...	902	...	47
Lapses.....	-640	-18,409	-495	-11,563	145	6,846
<b>Net permanent.....</b>	<b>9,964</b>	<b>205,558</b>	<b>10,166</b>	<b>224,051</b>	<b>202</b>	<b>18,493</b>

835

Immigration and Naturalization Service

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....						
11.3 Other than full-time permanent:	9,964	\$205,558	10,166	\$224,051	202	\$18,493
Part-time permanent.....	84	1,227	73	1,237	-11	10
Temporary employment.....	339	3,462	296	3,490	-43	28
Other part-time and intermittent employment...	367	4,136	321	4,171	-46	35
11.5 Other personnel compensation:						
Overtime.....	290	9,075	293	9,466	3	391
Administratively uncontrollable overtime.....	534	13,406	532	13,901	-2	495
Other compensation.....	1,927	8,278	1,898	8,511	-29	233
1931 Act Overtime.....	273	6,480	1273	6,865	...	385
...	...	243	...	255	...	12
11.8 Special personal services payments.....						
Total, workyears and personnel compensation.....	13,778	251,855	13,852	271,947	74	20,082
12 Personnel benefits.....						
13 Benefits for former personnel.....		31,860		33,418		1,558
21 Travel and transportation of persons.....		...		268		268
22 Transportation of things.....		24,399		27,124		2,725
23.1 Standard level user charges (SLUC).....		2,693		2,543		-150
23.2 Communications, utilities and other rent.....		16,788		23,804		7,016
24 Printing and reproduction.....		17,937		21,295		3,358
25 Other services.....		2,876		3,199		323
26 Supplies and materials.....		48,687		106,527		57,840
31 Equipment.....		19,259		22,713		3,454
32 Lands and structures.....		10,976		11,649		673
42 Insurance claims and indemnities.....		2,203		146		-2,057
44 Refunds.....		27		27		...
91 Unvouchered.....		19		19		...
Total obligations.....		50		50		...
Unobligated balance available start-of-year...		429,639		524,729		95,090
Unobligated balance available end-of-year.....		-952		...		952
Collections for quarters and subsistence from employees housed in government quarters.....		...		...		...
Total requirements.....		-130		-130		...
Total requirements.....		428,557		524,599		96,042
Relation of obligations to outlays:						
Obligations incurred (Net).....		429,509		524,599		
Obligated balance, start-of-year.....		31,674		37,252		
Obligated balance, end-of-year.....		-37,252		-41,108		
Outlays.....		423,931		520,742		

836

## BIOGRAPHICAL SKETCH OF COMMISSIONER NELSON

Mr. HIGHTOWER. We are happy to have with us today Mr. Alan C. Nelson, Commissioner. Welcome to the committee, Commissioner Nelson. Since this is your first appearance before the committee, we will insert your biographical sketch at this point in the record. [The biographical sketch follows:]

## ALAN C. NELSON

Title: Commissioner, Immigration and Naturalization Service.

Date and place of birth: October 18, 1933, Oakland, California.

Education: Juris Doctor, University of California, Berkeley (Boalt Hall), 1958; Bachelor of Science, Business Administration, University of California, Berkeley, 1955.

Work experience: Deputy Commissioner, Immigration and Naturalization Service, Washington, D.C., 1981-82; General Attorney, Pacific Telephone and Telegraph Company, San Francisco, 1976-81; Director, Department of Rehabilitation, State of California, 1972-75; Adjunct Professor of Law, McGeorge School of Law, University of Pacific (part-time), 1972-75; Assistant Director, Department of Human Resources Development (now Employment Development Department), State of California, 1969-72; Deputy District Attorney, Alameda County, California, 1964-69; Attorney, Rogers, Clark & Jordon Law Firm, San Francisco, 1958-64.

Memberships: State Bar of California; American Bar Association; Bar Association of San Francisco; Legal Aid Society of San Francisco (Director); Association for California Tort Reform (Director); California Governor's Committee for Employment of the Handicapped (Chairman 1981-82); San Francisco Community Rehabilitation Workshop (Director); and Commonwealth Club of California.

Married, three children.

## GENERAL STATEMENT

Mr. HIGHTOWER. I understand you have a prepared statement which we will be glad to insert into the record at this point, and then we will be glad to have any additional comments that you care to make.

Mr. NELSON. Thank you very much, Mr. Chairman. It is a pleasure to be before your committee. Assistant Attorney General Rooney is with me as well as Acting Comptroller Kennedy.

[The prepared statement of Mr. Nelson follows:]

DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

STATEMENT OF ALAN C. NELSON, COMMISSIONER  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE  
JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1983 budget request for \$524,599,000 and 10,661 positions. Today marks my first visit before members of the Subcommittee as Commissioner of the Immigration and Naturalization Service, and I hope that it also signifies the start of a mutually beneficial relationship between myself, the Service and Congress.

I shall focus my testimony on the broader issues of strategy and priorities, which, once agreed upon, will provide the basis for developing the specific detail to implement and administer individual INS programs.

The 1983 budget request for the Service consists of the current FY 1981 funding level with the addition of one new program-activity entitled Reception, Processing, and Care for Cuban and Haitian entrants, which is being transferred from Health and Human Services by Executive Order. This new activity provides for the processing, care, maintenance, security, transportation, initial reception and placement of Cuban and Haitian entrants. The 1983 budget request includes 57 positions and \$58,735,000 to administer this program. The 1983 budget request also includes \$37,307,000 to fund uncontrollable cost increases. The additional enforcement-related resources that were provided to the Service in the 1982 budget amendment have permitted the Service to better carry out its mission.

My goals as Commissioner of the Immigration and Naturalization Service are: to improve management procedures, promote the policy leadership of INS, and

implement certain legislative changes that I hope to see enacted. The focus of my efforts in the coming years will be to streamline existing operations, continue and expand our automation efforts, and continue implementing management improvements which have already begun.

I believe that it is important for INS to resume policy leadership on immigration matters. The area of immigration has received much attention recently, and all indicators predict that this attention will likely continue in the foreseeable future. The Administration has stressed immigration as one of its priorities---a priority of establishing sound policy leadership within the agency whose mission it is to enforce the laws relating to immigration. This is an integral part of the President's plan to regain control of our borders and establish an orderly immigration process.

The Administration's Omnibus Immigration Control Act has been introduced in both houses of Congress. This legislation addresses the most serious immigration problems confronting our Nation: continuing illegal immigration to the United States, mass arrivals by sea, and procedural problems under the law that preclude prompt decision-making and review of claims to enter or remain in the United States by visitors, undocumented aliens or asylum applicants. The Act would curtail illegal immigration through amendments that will:

- ° provide strict sanctions for employers who knowingly hire illegal aliens;
- ° permit illegal aliens residing in the United States prior to January 1, 1980, to apply for the new status of temporary resident alien; and
- ° establish an experimental, two-year program for the admission of Mexican nationals for temporary employment in jobs for which there is a shortage of domestic workers.

The Act would curtail mass illegal arrivals by sea through amendments that will:

- permit the President to declare an "immigration emergency" and invoke certain new powers during the emergency period to effectively respond to mass migration of visa-less aliens;
- clarify the law by making it a criminal offense for individuals to bring visa-less aliens to the United States;
- streamline the procedures for determining the admissibility of undocumented aliens and for making asylum determinations;
- expedite the appeal and review process in deportation cases; and
- repeal the Cuban Refugee Adjustment Act of 1966, while allowing undocumented "Cuban/Haitian entrants" to apply for temporary resident alien status.

Finally, to improve legal channels under which immigrants are admitted to the United States, the Act will:

- create separate annual ceilings for numerically restricted immigration from Mexico and Canada and raise them from 20,000 to 40,000; and
- streamline the process of labor certification which protects American workers from adverse impacts before foreign workers are granted immigrant visas.

The Subcommittees in both houses have worked diligently and made a comprehensive record on which to base reform. I hope Congress will enact these vital legislative changes this Spring.

At present, we are shifting our priorities and designating resources to ensure maximum deterrence of illegal alien entry. The additional resources which you provided in the FY 1982 budget amendment are enabling us to begin enhanced enforcement efforts at ports of entry and those Border Patrol sectors experiencing the greatest number of attempts at illegal entry. We are targeting INS investigative

resources to sites of significant employment of illegal aliens, with the goal of curbing their access to jobs. In addition, the much needed detention and deportation funds have supported our firm detention policy, which, along with the interdiction program, has dropped the known entries of illegal Haitian migrants from 1,178 per month during the first four months of 1981 to an average of 110 per month this year.

The continuing resolution under which we are presently operating contains a restriction on the number of aliens that may be held in the Krome, Miami, Detention Center. We are, however, opposed to a restriction on the number of aliens which may be held in the Krome Detention Center, such as was contained in the Continuing Resolution. We do not believe that an absolute limit should be written into law. This would prevent a flexible response during emergencies. We will make every effort to hold the population at a reasonable level. In fact, we have reduced the Krome population to 600 from 1,500, and intend to process the remainder as quickly as possible.

However, we cannot be blind to problems on our doorstep. As you know only too well, we have suffered from a lack of preparedness in the past. Given the less than stable situation in the Caribbean, there could be a future influx into Florida. Moreover, INS has current needs for detention capability, since we have detainees scattered throughout the U.S.

The most reasonable place to house them is Krome---a facility which is available, is in current use and is being improved. We do not want to have to be in a position of putting up a "tent city" simply to prevent the population from exceeding a specific number. Ideally Krome is intended to be a turnaround center where aliens are detained for health purposes and screening purposes. Any potential increase in that population should hopefully be temporary in nature.

In summary, I look forward to working closely with this Committee and I give you my commitment to provide strong leadership and aggressive implementation of the philosophy and priorities I set forth earlier in this statement. I thank you for your interest and attention and before I finish, I would like to mention that just this morning, the Attorney General sent a letter to the Chairman of the Subcommittee relating to the urgency of a permanent detention center for the Immigration and Naturalization Service and requested that the restrictive language relating to the use of the Krome-North site be lifted. With the Chairman's permission, I would now like to give Mr. Rooney an opportunity to elaborate on these issues on behalf of the Attorney General.

Mr. NELSON. I am certainly pleased the first time as full commissioner to appear before the committee in support of the budget request for INS. As you indicate, we are seeking \$524,599,000, including 10,661 positions. We believe this is a good budget, and now we would certainly ask the support of the committee and the Congress. This basically continues the Service's current funding level, adding the new program, as you indicate, relating to the Cuban and Haitian entrants, which was transferred from Health and Human Services. Beyond that, it is carrying on activities at the 1982 budget level.

Certainly as a new commissioner, one of the things that is interesting to the Congress, certainly the Administration, is to improve the operations of INS, and one of the goals is to proceed with improvement in management techniques. Likewise, an important part is to reassert the policy direction in immigration that is so important to the Administration, the Department of Justice and INS. In that regard and certainly as reflected in the legislative changes that have been proposed by the President and have recently been the subject of hearings before the Congress, we think it is essential that these changes be implemented to allow the country to better proceed in the immigration field.

I won't go into the issues of the President's act, but it certainly has a number of very significant things, including employer sanctions, a temporary workers program, and techniques that will better allow us to deal with the mass flows of illegal immigrants, and particularly to streamline the procedures for asylum determinations, and a whole judicial-type process.

Another aspect of the bill is the increase of the quotas from Mexico and Canada from 20,000, as they are currently, to 40,000. We think it is proper to recognize a special relationship with our neighbors. We likewise have some legalization programs. We think a balance is essential, so we certainly think that the new legislation is important and we want to work closely with the Congress.

Part of the goal in our existing budget, and with the 1983 budget, of course, is to target enhanced enforcement efforts to areas of greatest need. With their staff increases, we are working rapidly to fill the vacancies that have been in existence. We are making progress on that and we expect basically by the end of the year to have fully filled the various vacancies. Certainly the enforcement effort is an important part of it, only one but a very important part of it.

Likewise, the Administration's policy decision to support and uphold an enhanced detention policy pursuing which we think is very essential to the success of our overall immigration program. One aspect of that is the Krome facility in Florida which we do think is an important element. Also it is very important to recognize that we have reduced the number of detainees from over 1,500 to currently 600 and it is essential that we have some flexibility in that regard.

At this time I would like to turn to Mr. Rooney next to me, who will mention to the committee a letter the Attorney General forwarded this morning relating to the detention center and the need to remove the limitation on numbers. I would like Mr. Rooney to pick up on that.

## DETENTION POLICY LETTER

Mr. HIGHTOWER. Thank you, Mr. Nelson.

We do have the letter you mentioned from the Attorney General to Congressman Neal Smith, chairman of this committee, and we will insert that letter, if you like, into the record at this point and be glad to have your comments, Mr. Rooney.

[A copy of the letter referred to follows:]



Office of the Attorney General  
Washington, D. C. 20530

March 15, 1982

Honorable Neal Smith  
Chairman, Subcommittee on the  
Departments of Commerce, Justice,  
and State, the Judiciary, and  
Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I appreciated the opportunity to appear before your subcommittee Tuesday to present the Department of Justice's Appropriations requirements for FY 1983. I was particularly heartened by your response, as well as that of several of the subcommittee's members, to the Department's urgent need for a permanent immigration detention center to handle aliens detained for extended time periods. As I stated in my letter to you of December 3, 1981, a successful detention policy is vital to the success of the Administration's immigration program. I cannot overemphasize the importance of including the \$35 million which we had requested earlier for this detention facility, in our final FY 1982 operating levels. In addition to the relief the permanent detention center will give the Immigration and Naturalization Service (INS) in the operation of Krome, Ft. Allen, and other smaller facilities, this center will alleviate crowding in Bureau of Prisons (BoP) facilities caused by the increasing need to detain Cubans in BoP institutions.

While I can understand some reluctance on the part of the subcommittee to using the next FY 1982 Continuing Resolution to provide funding for the detention facility, I feel the critical nature of this request, due to its potential impact on controlling illegal immigration, argues for its inclusion in the Continuing Resolution as an extraordinary item. I would also like to remind you that quick resolution of the immigration detention center funding will provide the possibility of early relief to current overcrowding in BoP facilities as detained aliens are removed to the new center. This relief to the demands on BoP resources, which can only be provided by funding for the detention center, will also permit us to proceed in 1983 with construction of the much-needed new Federal Corrections Institute in Phoenix, Arizona.

Finally, I must again request your assistance in the removal of the restriction on the number of detainees allowed in the Krome, Miami, detention center contained in the current Continuing Resolution. We have made our "best efforts" to reduce the population at Krome to its current level of 600. However, I continue to feel that an arbitrary ceiling set below the Krome facilities optimum capacity unnecessarily limits our ability to respond to unforeseen emergencies in the Florida area. I hope you agree that the volatility of Caribbean population migrations requires that the INS be allowed flexibility in its processing of detained aliens in that area.

I appreciate your past efforts on our behalf and will be glad to provide you with further information to support these vitally necessary actions.

Sincerely,



William French Smith  
Attorney General



Office of the Attorney General  
Washington, D. C. 20530

December 3, 1981

Honorable Neal Smith  
Chairman  
Subcommittee on Departments of Commerce,  
Justice, and State, the Judiciary  
and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing you regarding the recent conference action on the Continuing Resolution of the Department's FY 1982 appropriation. Specifically, my concern involves the total funding provided by the Conference for the Immigration and Naturalization Service (INS). I understand that approximately \$45 million was deleted from our request for FY 1982. This amount included \$35 million for the construction of a permanent detention facility and \$10 million in other unspecified reductions. At this time, I wish to reiterate the importance of these funds to the successful implementation of the President's new policy on immigration.

The \$35 million is needed for work to begin on construction of a permanent detention facility. Such a facility is essential if our detention policy is to remain credible and effective.

As you know, a successful detention policy is vital to the success of the Administration's immigration program. Until their eligibility for admission can be properly determined, aliens who arrive without documents should be detained in adequate facilities rather than released into the community never to be heard from again. Such a policy will not only avoid disproportionate effects from illegal immigration on particular communities, but will also deter future arrivals. The success of this policy is already evident in the decreasing numbers of undocumented aliens from Haiti arriving in South Florida.

The maximum combined capacity of the five detention facilities now operated by INS is approximately 1,800 and is woefully inadequate to permit implementation of this program. Because of

the overcrowded conditions at some of these sites, INS has opened a temporary facility for 800 at Fort Allen, Puerto Rico which, pursuant to court order, will close next summer. INS has also been forced to house approximately 2,000 aliens in nine Bureau of Prison facilities, thus increasing the pressures on that agency, and has contracted with voluntary agencies and local authorities for additional space.

Despite these efforts, sufficient space is still lacking and INS has been seeking another temporary facility for use pending construction of a permanent facility. Interim solutions such as this are a costly and inadequate method of dealing with the problem. In view of current overcrowded conditions in our detention facilities and the time required for construction of a new facility, it is important that resources for construction are available in FY 1982.

A permanent detention facility is needed to accommodate immediate detention requirements, permit the closing of temporary and small, cost ineffective facilities and to prevent overcrowding. In addition, emergency detention needs caused by crises in other countries or another "Mariel type" boatlift could well affect future detention requirements. An adequate permanent facility will continue to be essential despite the effects of the Administration's interdiction and other policy and legislative initiatives.

On November 19, 1981, a representative of my office and two INS officials were in McAlester, Oklahoma, a site that we have studied extensively and one that is geographically satisfactory to the long term needs of INS. The Congress has been told about this option, and a public hearing was held by the town council to determine citizen support. We have been told that McAlester will take a formal position on the matter very soon.

There are strong indications that McAlester is predisposed toward the establishment of a detention center. It is already the site of the largest prison in Oklahoma and the town realizes that considerable income could be derived from the establishment of a permanent facility. Preliminary studies conducted by INS with the assistance of the Army Corps of Engineers have determined both the feasibility of using the site and costs associated with construction of the facility. The Corps of Engineers has been requested to assist INS in preparing the necessary environmental impact statement.

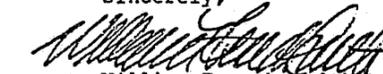
We hope that construction of a permanent facility in McAlester will get well underway in FY 1982. The requested \$35 million must be included in our 1982 appropriation if this goal is to be realized.

The additional \$10 million deleted from our request would reduce the level of our enhanced enforcement efforts by 25 percent. Our request includes a total increase of \$40 million in enforcement-related resources. This request represents a minimum but balanced approach to augment our enforcement responsibilities and is vitally needed in conjunction with our other immigration initiatives to restore a reasonable level of control over our borders and immigration system.

The \$45 million requested is part of the Administration's package of immigration proposals. These proposals are inter-related and, in many ways, interdependent. Funds for development of a permanent detention facility and for increased enforcement efforts are necessary and important parts of the immigration program.

I would appreciate your efforts toward restoring these funds in our FY 1982 appropriation in any subsequent conference action.

Sincerely,



William French Smith  
Attorney General

## IMMIGRATION DETENTION CENTER PROJECT

Mr. ROONEY. Thank you, Mr. Chairman, I appreciate that. The Attorney General asked that I express his appreciation this afternoon for the support that the subcommittee offered during his appearance last week with regard to the need for an immigration detention center to handle aliens detained for an extended period of time.

As the committee is aware, the President transmitted an amended 1982 request for \$35 million to construct this facility. As the last item in the Senate version of the Commerce-Justice-State bill, this item was not included in the now-operating third continuing resolution.

As the committee prepares for the fourth continuing resolution, the Attorney General urgently requests that you include three provisions that are of immediate and serious concern to the Department of Justice.

First, the \$35 million to construct the long-term detention facility. The critical nature of this request, due to its potential impact on controlling illegal immigration, argues for its inclusion in the next continuing resolution as an extraordinary item.

The Attorney General would also like to point out that quick resolution of the immigration detention center funding issue will provide the possibility of early relief to current funding and overcrowding in Bureau of Prisons facilities as detained aliens are removed to the new center.

This relief to the demands on the Bureau of Prison resources, which can only be provided by funding for the detention center, will likely permit us to proceed in 1983 with construction of a new federal correctional institution.

## KROME-NORTH POPULATION LIMITATION

Second, we again request your assistance in the removal of the restriction on the number of detainees allowed in the Krome, Miami Detention Center contained in the current continuing resolution. The Department has indeed made its best efforts, as the language included in the continuing resolution instructs, to reduce the population at Krome to its current level of just over 600. However, the Attorney General continues to feel strongly that an arbitrary ceiling set below the Krome facility's optimum capacity unnecessarily limits our ability to respond to unforeseen emergencies in the Florida area.

We hope that you agree that the volatility of Caribbean population migrations requires that the INS and the Attorney General be allowed flexibility in the processing of detained aliens in that area.

## BENEFITS FOR ALIENS UNDER DEPORTATION ORDER

As a third item, we will soon forward suggested language to the committee to amend the provision in the Refugee Assistance Act of 1980 that allows benefits including detention under Title 5 of that statute for Cubans, if a final order of deportation or expulsion has been entered against them. In order to apply funds appropriated for purposes of implementing Title 5, this legislative adjustment to

Title 5 is required. The Attorney General will ask that you include such language in the next continuing resolution.

As you indicated, the Attorney General has written Chairman Smith this morning to seek again the support for the detention center funding and the lifting of the ceiling at Krome. These matters are of vital importance to the Attorney General in resolving the immigration problem, and he looks for your continued strong support.

Mr. Chairman, I appreciate the opportunity to express these matters on behalf of the Attorney General.

## CUBANS IN DETENTION

Mr. HIGHTOWER. Thank you, Mr. Rooney.

In the letter to Chairman Smith, the Attorney General stated that construction of the \$35 million detention center would alleviate overcrowding in the Bureau of Prisons facilities caused by the need to detain Cubans in Bureau of Prisons institutions. Do you have the figures on how many Cubans are being detained at the present time? Could you furnish that for the record?

Mr. ROONEY. I can produce that for the record.

Mr. HIGHTOWER. And at which institutions and the length of time of the individuals. I am sure that they won't all have the same dates, but if we could have some idea about how long they have been there.

Mr. ROONEY. I will be glad to provide that. In the general overview, there are approximately 2,000 Cubans in Bureau of Prisons facilities, and most of these are at the Atlanta Penitentiary and most of them have been there since their arrival.

[The information follows:]

## POPULATION OF CUBAN DETAINEES IN BOP FACILITIES

As of March 29, 1982 there were 1,474 Cubans being detained in Bureau of Prisons (BOP) facilities. The Cubans are being held in the following BOP facilities:

BOP facilities:	Number of Cubans
Atlanta, GA .....	1,336
Petersburg, VA .....	4
Lexington, KY .....	31
Alderson, W. VA .....	1
Springfield, MO .....	101
Bastrop, TX .....	1
Total .....	1,474

Most of the Cubans have been detained since their arrival from Mariel in April of 1980.

## SITE SELECTION FOR DETENTION CENTER

Mr. HIGHTOWER. Has a site been selected for the new facility?

Mr. ROONEY. For the detention center facility?

Mr. HIGHTOWER. Yes.

Mr. ROONEY. No. We have not selected a site, and that is one thing that we will be working with both the Bureau of Prisons and the Immigration Service on.

Mr. HIGHTOWER. Are you surveying federal excess or surplus properties for suitability of detention centers?

Mr. ROONEY. We have been doing that for the last year.

Mr. HIGHTOWER. Do you think you are going to have the choice of some existing facilities?

Mr. ROONEY. We have not had a great deal of success in finding a community that would accept the location of a detention center.

Mr. HIGHTOWER. Whether or not you remodel existing facilities or start from scratch, site acquisition would make a great difference in the amount of time necessary in order to have a facility to the point of moving somebody in. Do you have an anticipated time for completion of the facility if it is built from scratch or if you remodel?

Mr. ROONEY. We are hoping to do it within the next couple of years, and this is why the Attorney General feels that it is such an urgent need now that we get the authority to proceed to get this one-time appropriation in 1982. That we could more quickly get the site selected and the work completed.

Mr. HIGHTOWER. I believe in the testimony the other day, we discussed the possibility of a detention center. Even though the Cuban detainee situation may have been worked out by the time the new facility is completed. Will there be other people that INS will need to detain? Would they require more than the amount of money that we are going to spend to build this facility?

Mr. ROONEY. That is correct. Of the Cuban population that is still housed in Atlanta we expect that many will not be resettled when the new detention center is constructed. Most of the people who have been found free to re-enter or enter American society have been placed already, so we expect that this population is to stay. With regard to the Haitians, the proposition you state, is absolutely correct.

Mr. HIGHTOWER. But when you say you expect that population to stay, do you mean they would be under a life sentence?

Mr. ROONEY. There are a large number of those for whom we have not been able to find any other place to send them outside of this country. They are hard-core criminals, and not acceptable for release into society.

I don't know if you have anything to add to that.

Mr. NELSON. No, I think that is correct, Mr. Chairman. As Mr. Rooney indicated, I think there were some 125,000 Cubans in the Mariel lift, and all but really two or three thousand have been settled into the community. There are certain provisions in the Reagan proposals that would legalize the status of those that are resettled, but of those that are hard-core criminals or severely mentally ill, many of those will have to be detained.

Of course, it is impossible currently to return them to Cuba, and this is a real problem we are facing.

Mr. HIGHTOWER. Our only hope is that someday we will be able to return them to spend their old age in Cuba?

Mr. NELSON. That would certainly be the United States' desire, if that is possible.

Mr. HIGHTOWER. They may be 20 now, but they may be 70 when we turn them loose to go back. That is an awfully hard thing for me to accept. Are we really just going to make permanent provisions for caring for these people from now on? Are we giving them any kind of alternative now? Are we telling them that they are not

ever going to go free in the United States? Is there nothing else we can do?

Mr. NELSON. Again, Mr. Chairman, of course the combined efforts of the Justice Department, Health and Human Services and other agencies and the courts will constantly make both judicial and social efforts to try to resettle any of those that are subject to being resettled.

Again, we are talking about the hard-core group, some of which would be a mistake to release on society. There is the hope, as you express, that someday maybe a lot of these could be returned to Cuba. It is difficult to send them to third countries, for obvious reasons, a lack of interest in those countries.

One of the important—I am getting a little apart from your question, I realize—one of the important parts of the Administration proposal is to be sure we don't have another Mariel-type boatlift. That is one of the reasons for the firm detention policy, as well as the interdiction and the other activities we are undertaking to avoid this kind of problem in the future.

Mr. HIGHTOWER. Are we doing anything about rehabilitation of these hard-core criminals?

Mr. NELSON. Yes, sir, we are, and, again, a number of those have been rehabilitated and are being placed out. This has happened already with the large bulk of them. We are probably down to the pretty hard core right now, and efforts will continue, certainly, and as much as possible those will be processed. The court also, of course, is interested in this, that we do all we can to keep from just detaining them in prison facilities.

#### MENTALLY ILL CUBAN DETAINEES

Mr. HIGHTOWER. You also said something not only about the hard-core criminals, but people that were mentally ill?

Mr. NELSON. Yes, sir.

Mr. HIGHTOWER. Are we doing anything about hospitalization for them?

Mr. NELSON. Yes, sir. Through the efforts of the Bureau of Prisons within the last few months we closed up the Fort Chaffee, Arkansas Detention Center, and have transferred the Cubans from that location to Atlanta in the case of the criminal element, and to Springfield, Missouri BOP facility in the case of the mentally ill people, and they do have a very substantial hospital facility at that location.

Mr. HIGHTOWER. Are we moving some of those people out into society that were originally classed as mentally ill?

Mr. NELSON. In the past we have moved a number out. Those that were transferred within the last few months, of course, are there. Efforts will certainly continue to move those out that are able to be moved out.

Mr. HIGHTOWER. When we talk about building this new facility, is it going to have provisions for taking care of mentally ill detainees?

Mr. NELSON. That hasn't been determined, Mr. Chairman. There is certainly that need, and I think eventually that capability would have to be built in. There is not a huge number of those currently.

Mr. HIGHTOWER. How many do you suppose you have currently?  
 Mr. NELSON. Two hundred, I believe, 200 to 250.  
 Mr. HIGHTOWER. That are—  
 Mr. NELSON. In the mentally ill group.

#### AVAILABILITY OF RESOURCES FOR FPS

Mr. HIGHTOWER. In the letter to Mr. Smith, you indicate that if the \$35 million is provided for the INS detention facility, this would permit the Bureau of Prisons to proceed in 1983 with the construction of the federal corrections institution in Phoenix. I don't understand the connection between these two projects.

Mr. ROONEY. I will respond to that, Mr. Chairman. The current drain upon the Bureau of Prisons for housing the people that we have moved out of Fort Chaffee, the Cu'ans, and the expected drain from further detention of Caribbean refugees results in the Bureau of Prisons now having to expend resources to detain them. The construction of a detention center to which we would be able to move all of these detainees would allow the Bureau of Prisons we expect, to, free up within the available resources for fiscal year 1983 enough money to begin construction of that facility.

Mr. HIGHTOWER. Wouldn't this require some reprogramming?

Mr. ROONEY. Absolutely, Mr. Chairman, and we are looking now at what we would propose to the committee prior, we hope, to the markup of the 1983 bill, how we would expend the 1983 resources that we have currently have requested. As we indicated earlier, a large part of this is contingent upon whether or not there would be funding for this detention center.

#### KROME-NORTH POPULATION RESTRICTION

Mr. HIGHTOWER. Finally, in the letter to Mr. Smith the Attorney General requested the restriction in the continuing resolution be removed that requires the Department to use its best efforts to reduce the population to 525 at the Krome-North facility in Miami. It is my understanding that the Department of Justice suggested this language originally as the substitute for a strict requirement that the population be reduced. If that is the case, why are you now asking that the restriction be removed?

Mr. ROONEY. At the time, Mr. Chairman, being confronted with the absolute limitation upon the Krome facility, we offered as a compromise effort the language that the Attorney General would make his best efforts, and we feel that we have shown our good faith in that. At that time the population was up close to 1500, and we are now down to just about 600. We feel that further restrictions on that limiting us from going to the optimum capacity in the case of an emergency, and strictly in the case of an emergency, would not be in the best interests of the Department.

Mr. HIGHTOWER. Mr. Miller, we had not proceeded on the major portion of the commissioner's statement, but we have a letter from the Attorney General requesting \$35 million for building a new facility, and I have been questioning Mr. Rooney on that.

I would like to yield to you at this time if you would like to proceed, or if you would rather go back to the major statement.

Mr. MILLER. I would rather go back to the major statement, if you have covered this.

Mr. HIGHTOWER. All right.

Mr. NELSON. Mr. Chairman, I might give another example on this cap that I think is a very current one that focuses on it. As Mr. Rooney indicates, of course we have made great strides in reducing the population from 1500 down to 600. And as we point out, there is always the possibility of additional substantial influx of people, and we would need to add additional people to the Krome facility. Not being able to do so creates tremendous logistics problems, could even impact the ability to effectively detain, but a current example is one that I think would be of interest.

The Bureau of Prisons has some 200-250 Haitians in several of their facilities in New York State. They are required to vacate those spaces in order to make some adjustments pursuant to a court order separating adults and juvenile prison detainees. Therefore, they are going to have to move out the 200 or so Haitians.

We are unable to move those to Miami to Krome, which would be the best location in many ways, because we are now starting the court hearing, the trial started today, and the administrative hearings we expect to start shortly. This would put the Haitian detainees in a location where they have counsel, but because of the cap we are prohibited from doing that, and we think that additional flexibility is essential, still meeting the spirit of the attempt to use the best efforts, but to certainly remove any numerical cap.

#### PROPOSED APPROPRIATION LANGUAGE CHANGES

Mr. HIGHTOWER. On page 5 and 6 of the justifications, you outline several proposed appropriation language changes. The first is language which would permit INS to increase the amount that is paid to aliens who do work for the Service while held in INS detention facilities. The amount would increase from the present rate of \$1 per day to \$4 per day. I believe that this is the third year in a row that INS has requested this authority. Congress did not approve the first two requests. Why, then, do you make the request for this authority again?

Mr. NELSON. I guess, one, I could start off by saying I wasn't here in the prior years so I was not aware of this, so I will have to stand mute on that point. I think the point in the request, as is probably similar to other inflation-type factors, \$1 a day is probably so small that it is difficult to get a lot of the aliens to work, while the \$4 is a more realistic figure. We think the working is good for them. It is good while they are in detention to have something to do. They are able to contribute and learn and get some things done that are important to everybody.

We think the \$1 is just not a realistic figure today. I am not sure of the past justifications or the past reasons of the committee for turning that down.

Mr. HIGHTOWER. Is this also to give them some pocket money, spending money, while they are in detention?

Mr. NELSON. I think as an aspect of it, yes, although I think the main thing, of course, is to have a little more reasonable compensation for the work that they would be doing. This is Mr. Kennedy,

Mr. Chairman, the Acting Comptroller of INS, who has joined me here at the table now.

#### NO-YEAR FUNDING TO CONSTRUCT BORDER STATIONS

Mr. HIGHTOWER. I note that another language change you are requesting would provide for no-year funding for replacement of two border patrol stations, one at El Cajon, California, and the other at Eagle Pass, Texas. I believe that the funds for construction of these replacement facilities were provided for in the fiscal year 1982 appropriation; is that correct?

Mr. KENNEDY. It is correct, yes, sir.

Mr. HIGHTOWER. Why, then, do we need language permitting these funds to be expended on a no-year basis?

Mr. KENNEDY. It allows us the more orderly process of getting the architectural-engineering in place after the appropriation act is passed, and then moving in an orderly manner rather than hurrying because of one-year funds. This is fairly common practice in the construction industry to allow us the time to get it in place and managed well.

Mr. HIGHTOWER. Has your completion time slipped on these stations?

Mr. KENNEDY. Not on these, no, sir.

Mr. HIGHTOWER. When do you think they will be completed?

Mr. KENNEDY. I don't have that, sir. I will have to get that.

Mr. HIGHTOWER. If you will furnish that for the record.

[The information follows:]

#### COMPLETION DATES FOR EAGLE PASS AND EL CAJON

The architect/engineer contract for both Eagle Pass and El Cajon is estimated to be awarded on May 1, 1982, with the award of a construction contract by November 1, 1982. The completion of construction is estimated to take nine months or approximately September 1, 1983.

#### LIMITATION ON OVERTIME PAY

Mr. HIGHTOWER. Another substantive language change requested would delete the authority granted to the commissioner to determine if the \$20,000 limitation on overtime pay should be lifted in certain cases. Why are you seeking the elimination of the discretionary feature of this provision?

Mr. NELSON. I will let Mr. Kennedy relate that also.

Mr. KENNEDY. When we were originally putting the budget together, sir, we thought that perhaps we would have taken care of the 1931 Act and that it would have been written off the books at that time. It has not now happened. We would like to request that we continue with the authority for the Commissioner to allow those minimum breaks over the \$20,000 cap. We still do need that authority. At present a proposal is being made to the Department to restore the commissioner's authority to exceed the pay cap in certain cases.

Mr. HIGHTOWER. So you want the provision as it is?

Mr. KENNEDY. Yes, sir.

Mr. NELSON. I might point out, Mr. Chairman, that certainly it is this Administration's position and one we would hope the Congress

act on that we do have the somewhat anomalous situation where both Immigration and Customs are provided overtime under different acts, 1911 for Customs, 1931 for Immigration, compared to 1945 for all other federal employees, and that we think it is an important policy that those special overtime provisions be eliminated by legislation, and that all Immigration and Customs people be in the same vein as others, with possible adjustments.

#### KROME-NORTH MONTHLY REPORTS

Mr. HIGHTOWER. The legislative history governing this provision in both the House and Senate indicates that the Attorney General in administering this provision was to provide monthly reports to the Appropriations Committees of the House and Senate detailing the efforts and progress in carrying out this provision. We have not received any reports to date. Can you tell us why you have not complied with this intent of Congress?

Mr. NELSON. Is that on the overtime, Mr. Chairman?

Mr. HIGHTOWER. On the Krome-North.

Mr. NELSON. I am sorry, I am not aware that we had not done what we were committed to do, and if so, we will certainly remedy that.

Mr. ROONEY. Mr. Chairman, the first report I believe is due in March, and we expect to comply with that.

#### INS MISSION PLAN

Mr. HIGHTOWER. On page 2 of the budget justifications you indicate that one of the major thrusts contained in the request is the INS mission plan. Would you tell us what this plan is, and what are its major features.

Mr. NELSON. Mr. Chairman, the mission plan has been in development for over a year or so prior to my arrival, but I think it is an important concept for any organization, particularly one such as Immigration that has so many difficult issues, external and internal. It is basically a management-by-objectives type of approach, setting forth the major mission objectives of the Service, followed up with areas of responsibility for people performing the functions and timetables.

Part of that includes a long-range data processing plan, and that is underway now, with the consultation not only with the Department of Justice and OMB but with the appropriate congressional and other committees that have been involved.

We have up-front adjudications, which is a technique to more efficiently process claims for immigration benefits. That is beginning and going forward, and certainly other management improvements to make us do a better and more effective job both in the Service end and in the enforcement end of our business.

#### RECEPTION, PROCESSING AND CARE OF CUBAN/HAITIAN ENTRANTS

Mr. HIGHTOWER. On page 60 of the justifications you are showing an increase of 57 permanent positions, and \$58,735,000 to carry out reception, processing and care activities for Cuban and Haitian aliens that was formerly provided by the Cuban-Haitian Task

Force under the Department of Health and Human Services. When was this responsibility transferred to INS, and under what authority?

Mr. NELSON. I might ask Mr. Kennedy and Mr. Rooney to elaborate beyond what I say. It was within the last few months. It was done, I believe, as a directive through the White House and OMB to make that transfer.

Mr. ROONEY. It was done by executive order, Mr. Chairman, on January 21, 1982.

Mr. HIGHTOWER. Are you actually administering this program now or will you begin administering it in fiscal year 1983?

Mr. NELSON. We are actually administering it now.

#### MEDICAL CARE FOR DETAINEES

Mr. HIGHTOWER. On page 61 of the justifications you indicate that many of the aliens who would be cared for under this program require long-term mental and medical care and rehabilitative training, or are individuals whose sponsorship has failed and their paroles revoked. The justifications also indicate that some of the Cuban immigrants currently detained may never achieve a level of mental health to allow their resettlement. We discussed this a minute ago, but do you have facilities to provide this kind of care and expertise for long-term medical care?

Mr. NELSON. I think so, Mr. Chairman. I believe your comments and the comments of Mr. Rooney and myself probably pretty well covered that, but we think the expertise of the Bureau of Prisons has been very supportive in this area. As I said, the Springfield, Missouri, facility for the mentally ill, the Atlanta prison facilities are certainly adequate to care for the problem. It is a difficult one, and not an easy one, but we do think we have that, and of course we move into the long-term need for detention facilities, which we talked of, that really goes on from that point.

#### INVESTIGATIONS WORKYEARS

Mr. HIGHTOWER. On page 18 of the justifications you indicate a reduction in workyears for the investigations programs in fiscal year 1983 as compared to fiscal year 1982. Why are you proposing to reduce the investigations program?

Mr. NELSON. I think the reductions had taken place previously, and that we actually are building that back up again now. I will again ask Mr. Kennedy to elaborate on that. There had been a significant cutback within the last year or two in investigations, and we certainly do plan to reinstate some of that expertise.

Mr. KENNEDY. Part of the problem was during the final phase of action on the 1982 bill, 188 positions were added at the last minute.

Mr. HIGHTOWER. In your 1982 justifications you had 642, but your 1983 estimate is 596.

Mr. KENNEDY. That is correct, on a workyear basis. That is the number that we can fund with the \$30 million in that program.

#### PART-TIME INSPECTORS

Mr. HIGHTOWER. Could you give us a report on your program of using temporary inspectors at certain ports of entry? What is the rationale for use of temporary inspectors rather than permanent inspectors?

Mr. NELSON. I think, Mr. Chairman, there is a balancing factor in all these facilities, the amount of people available and the hours, and in some cases by use of temporaries you can fill in some of the short hour situations where you wouldn't necessarily need full-time people. We don't have any plan, to do away with, the permanent people, but this is, you might say, a supplementary kind of activity which we think gives us the flexibility that we need in these localities. They have worked out well, according to the information I have received.

Mr. HIGHTOWER. Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

#### ILLEGAL IMMIGRANT POPULATION

Mr. Nelson, can you give us a rundown of the best estimates of the number of illegal aliens now in the country?

Mr. NELSON. Mr. Miller, that is, of course, a very difficult question, and one that many people in the country have wrestled with.

Mr. MILLER. I understand it is not an easy question, but we have had some answers to that question before.

Mr. NELSON. Certainly, and I will provide those. I think according to the Attorney General and the information office in the Department of Justice, we would estimate between three and six million aliens in the United States. Some will range higher than that and some lower, but we think that is a fair range. I might say that the incoming flow each year we see in terms of 1 million people coming in illegally each year, again give or take a number of percentage points.

Mr. MILLER. A million each year?

Mr. NELSON. Yes, sir.

Mr. MILLER. And with the estimate of 3 to 6 million now, it means that they will be in and out; is that possible?

Mr. NELSON. A number, sir, are in and out. We know a number come in temporarily, work and return, particularly to Mexico.

Mr. MILLER. So it doesn't build up 1 million per year?

Mr. NELSON. No, that is correct, it does not build up, but certainly it is our opinion that there is an increment, so that we are adding to the total rather than staying current or dropping.

#### NUMBER OF LEGAL ALIENS

Mr. MILLER. Then, with regard to legal aliens, who do not as yet have citizenship, do you have some number there that you could give us?

Mr. NELSON. Well, sir, I know in 1980 that they say it was the largest legal immigration in the country's history, some 800,000. I think last year it was around 400 and some odd thousand that came in legally, through the proper processes, and I think under the current statute and limitations we are talking about 400,000 a

year, including the numerical limits plus the first preference family reunification provisions.

#### WORKING ALIENS

Mr. MILLER. Do we have any indication as to how many aliens illegal or otherwise, are working, holding positions in this country? We hear from time to time, of course, that many are moving in and creating problems for our own people. Can you enlighten us on that?

Mr. NELSON. Again, I don't know if we have any figures offhand, Mr. Miller, but unquestionably there is an impact of illegal aliens on the American work force. The degree of that, again, like these other figures, is a very difficult one to pin down. We have derived estimates from our apprehension statistics, and I don't have these handy in front of me, and we certainly could provide it to the committee.

But I personally was interested and somewhat surprised, to find that a lot more people, illegal aliens were apprehended in jobs that were earning seven, eight dollars an hour or more than one might expect. So there are a number working and earning good money. It is not all those working in stoop labor, or very low or menial jobs. No question that there is an impact. Again, the exact correlation between Americans or permanent resident aliens out of work and illegal aliens is a very difficult thing to know.

Mr. MILLER. Is it possible to designate the location? We know of the problem in Florida. We know of the problem in the West. But are we saying many of them may be into our industrial urban areas and would be working in industrial plants?

Mr. NELSON. Certainly, Mr. Miller. We know that in the major Midwestern cities, Chicago, Cleveland, Pittsburgh, Detroit, and so on, that a very substantial number of illegal aliens are there and are working. No question, I think, as you indicated, the major numbers we believe are in the Southwest, West and Florida.

#### STATUS OF ALIEN STUDENTS

Mr. MILLER. Would you have some numbers that you could give us concerning how many students are here on student visas? Would that be in your jurisdiction?

Mr. NELSON. Yes, sir. I don't know that we have those figures immediately handy, but that would be in our jurisdiction, certainly. Again, we could provide that, if you desire.

[The following information was submitted:]

#### NUMBER OF ALIENS WITH STUDENT VISAS

There are 600,000 active students currently in this country under student visas.

Mr. MILLER. Is there some public law that would allow them to or allow them not to take part-time jobs while they are in the United States?

Mr. NELSON. Generally, Mr. Miller, I will comment, and again any of my staff could certainly feel free to elaborate, is that they are here on student visas and that does not permit work. Mr. Carmichael?

Mr. CARMICHAEL. There is no statute, Mr. Miller, but they do by regulation, on the basis of demonstrated need, permit certain students to do no more than 20 hours per week of part-time employment provided it does not interfere with the full course of study they are taking in accordance with certification from the school.

Mr. MILLER. That is good to have for the record.

Mr. NELSON. That is Mr. Carmichael, Associate Commissioner of Examinations for INS.

Mr. MILLER. Do we find that these students, after they receive a degree, will then stay in the United States?

We have from time to time heard complaints that although they are supposed to go back to their country and help in their country, after they have completed their studies, sometimes it is a little hard to pry them loose and they want to stay in the United States.

Mr. NELSON. That is a problem in the United States. They will come here, enjoy living here, and will want to stay, and again the law and the regulations have provisions to come into the country legally. It is important to adhere to that.

I might ask Mr. Carmichael to comment on the question whether we have any additional data on the specific question.

Mr. CARMICHAEL. We doubt that students violate their status to any greater extent than does any other category of alien. Many students acquire professional and other skills which bring them into the preferred categories. If they were able to obtain a labor certification based on the lack of that service available in this country, they might well adjust and remain, and they do this through the legal status adjustment process.

#### REFUGEE ALLOWANCES

Mr. MILLER. You speak of one new program activity entitled "Reception, Processing and Care for Cuban and Haitian Entrants." Could you give us just a little more detail on that.

Mr. NELSON. As we mentioned earlier in the discussion with the chairman, this program had largely been under the jurisdiction of Health and Human Services and it was transferred by executive order to the Justice Department and INS, to care for those Cubans that had been at Fort Chaffee, Arkansas, and have now been moved to the prison facilities in Atlanta and the prison and mental facilities in Springfield, Missouri, to handle aspects of their care, including the custodial, including any health, in some cases when possible the resettlement, rehabilitation efforts, and a lot of that money will be contracted back to HHS and others for these items.

Mr. MILLER. We have statutes that would allow X amount of aliens in the country, and then as I recall through a presidential order we can have additional. Could you give us those numbers?

Mr. NELSON. I believe probably what you are referring to, Mr. Miller, would be the refugee program, and there are refugee statutes, of course, and the presidential determination of numbers. Then the consultation with the Congress to fix the numbers, and that went on last year and I think the number was 240,000.

Mr. CARMICHAEL. 217,000.

Mr. NELSON. Excuse me, 217,000 for the refugees. That is in addition to—

Mr. MILLER. One year?

Mr. NELSON. Yes, in one year, in the existing year. That figure is subject to the Administration proposing a figure, and then consulting with Congress on a yearly basis, so it is subject to being raised or lowered, depending on the world situation and the determination of this government.

Mr. MILLER. You started to mention that that figure is in addition to?

Mr. NELSON. In addition to the numbers coming in on the lawful immigration procedures, and the current number on that is what?

Mr. CARMICHAEL. About 170,000.

#### EMPLOYER SANCTIONS

Mr. MILLER. You mentioned too about curtailing illegal immigration through amendments that would provide strict sanctions for employers who knowingly hire illegal aliens. We have had a lot of debates on the House floor concerning that.

Mr. NELSON. Yes, sir.

Mr. MILLER. Now that would require a change in the statute?

Mr. NELSON. Yes, it would.

Mr. MILLER. And the Administration is pushing for that at the present time, is that what I understand?

Mr. NELSON. Yes, sir, that is correct. We believe that is a very essential element of immigration reform. There is no way that we are going to seal our borders, nor should we. The enforcement efforts at the border, with the 5,000 or 6,000 miles of border, can be significant, but there is no way that is going to control it. We must demagnetize the attraction, which is jobs, and the employer sanctions, we are convinced, are a very essential element.

#### NEED FOR BALANCED PROGRAM

Mr. MILLER. I had in mind another question. I guess maybe this would be the time to bring that up.

When you speak of the illegal entry and the border patrol and the extremely long border that we have, what additional could be done to stop this illegal alien entry? Do you have any thoughts on that?

Mr. NELSON. It is a very difficult one. I think again the best answer is we need a balanced program. There is no one approach that is going to answer it all, and that is why we think the employer sanctions are so important. It gives us more ability within the interior of the country and in other locations to go to the source, which is the jobs.

We think that is probably the key additional enforcement element we need in order to do a better job with respect to illegal immigration.

Another aspect, Mr. Miller, tied into the President's proposal is to speed up the whole adjudications process. Over the years we have the situation where the legal process to deport an alien is so bogged down, so slow, that it drags on for many years, which in effect removes the effective legal ability to process a case, either to allow somebody to stay in the country, if they have a valid claim,

or can make an asylum claim or, on the other hand, to exclude that person and return them to their country.

We think the provision for an expedited processing of illegal asylum claims, is essential. I think that, along with employer sanctions, with continued efforts to improve our border enforcement and interior enforcement, that these are the elements we need to do a better job.

Mr. MILLER. With the border patrol we have and the miles they must cover, it definitely is a problem. I guess it is not something where even if your budget were increased fourfold the problem would be completely solved. Undoubtedly you could have additional border patrol, but there is no way you are going to be able to detect through or around every mile of our border.

Mr. NELSON. That is correct.

Mr. MILLER. There would always be loopholes, it seems.

Mr. NELSON. Yes, sir, no question.

I think my best answer is your question. I think you have stated it very well, that there is no way you could seal the border. I think that is why the balanced program is so important.

#### TECHNOLOGICAL IMPROVEMENTS

Mr. MILLER. But with the technology as it is today, is it possible to be able to detect, across miles of border, using detectors, or are you using planes too or even satellites? What new technology are we using today that is different from just the plain border patrol?

Mr. NELSON. We are using a lot of new technology. I do not know about satellites. I do not know if we have thought of that one yet. Maybe that is a good idea to look into, but airplanes, aircraft, helicopters.

I think in this budget, or certainly in the 1982 budget, additional amounts were there for helicopters and aircraft. We even go to the other extreme where we have authority or seek it here for use of horses. We have been donated a number of horses, and we have clear authority to use those, and that has been a very effective means.

We have infrared sensors that have been very effective along the border spots to detect night entry, heat and other types of sensors likewise for such detection purposes, and those are being utilized. But again with the length of the border, at some of the key points you can do a good job, but outside of that of course it is much more difficult.

#### FUTURE INFLUX OF REFUGEES

Mr. MILLER. You also mentioned that, given the less than stable situation in the Caribbean, "there could be a future influx into Florida."

We are aware of the problems in El Salvador and Central American countries, but your plans are not geared up so that you would be able to accept a lot of immigrants from that area, and you are not requesting dollars in this budget, anticipating that we may have that same kind of influx from Central America, are you?

Mr. NELSON. Yes, Mr. Miller, I think the \$35 million that we alluded to earlier for the permanent detention facility is a very key

element. As the Attorney General's letter indicated, it is very essential that we have approval for that. Currently we have the Krome facility in Florida, the Fort Allen facility in Puerto Rico, and El Centro and El Paso in California and Texas respectively that we are able to handle a lot of the short-term flow.

We have been able to handle the Haitian flow in those locations plus a number of the Bureau of Prison sites, but what we need long-term is a centrally located facility that can be expanded or contracted to meet whatever contingencies might develop in terms of a large influx. That is why this money to develop this permanent site we think is very important, so that we do not have to react if we do get a substantial increase in numbers on an ad hoc basis, which has been very difficult, so we can have a permanent facility that we can utilize. We think that is a good plan, and we would certainly encourage the committee's support on that.

In addition, we have developed, through the Attorney General and other departments in government, some contingency plans that deal with the whole aspect of a mass migration, such as we had in the Mariel boat lift in 1980, and which created tremendous problems for this country.

Mr. MILLER. When you speak of Krome you also say "It is intended to be a turnaround center where aliens are detained for health purposes and screening purposes." Are you using the turnaround center rather loosely?

Does that mean that it is a halfway house, that they will be moving from Krome out to other sections within the United States? Or are you using the turnaround facility to make arrangements to move some of these illegal aliens back to their country?

Mr. NELSON. More the latter, sir, although it probably has elements of both. Certainly the approach which we think is the only fair and humane approach, whether it be for the illegal alien, for the various interest groups that might be involved in refugee type matters, or for the people and government of the United States, is that we have a fast, fair and efficient legal processing. That a person, if they arrive, for example, on the beach in Florida and claim asylum or claim a right to be here can have a fair hearing, but have it promptly and have it determined within a short period of time, 30, 60, 90 days say, for example, and either have a right to remain in the United States or then in turn be sent back. In that context we would get to where we think it ought to be a turnaround facility.

In addition, I think another meaning could be if we have mass numbers coming in that we might use Krome for the processing center and then we would send it out to say this facility that would be in the Central United States, if it got to that point, but primarily your latter point is the aim.

#### RECENT CUBAN LANDINGS IN FLORIDA

Mr. MILLER. I have one more question, Mr. Chairman, if I may. Are a sizable number of Cubans still landing illegally on the Florida coast?

Mr. NELSON. No, sir.

Of course the large influx with the Mariel boatlift in 1980, or what some refer to as the Castro pushout, we have not had substantial numbers directly from Cuba since that time; in fact, very few. We are seeing a number of Cubans who fled Cuba a number of years ago that resettled in other Central or South American countries, and have been there for a year or two years now, that are trying to get into the United States, stowaways or others. We are seeing some of that and we are concerned about that.

We hate to see that develop into a big flow, but currently we do not see any large inflow of Cubans, but again tied to our contingency plans, it is important that we be alert to any similar situation such as Mariel in 1980.

#### FREEDOM OF MOVEMENT ACROSS MEXICAN BORDER

Mr. MILLER. That brings up one other question, Mr. Chairman, if I may.

We heard some time ago about the problem of the Mexican illegal aliens coming into Southern California, and we also heard that so many of them would come in, and people in Immigration and Naturalization would move them back, and in no time at all found the same person coming back again, and it was almost like running a bus service back and forth. Is this still going on?

Mr. NELSON. Yes, sir, we are sure it is. Again, the exact correlation is hard to know, but again there is no question, a lot do return.

Mr. MILLER. And could you tell us how many you are able to deport per day, per month? Do you have some figures?

Mr. NELSON. The last fiscal year, fiscal year 1981, the number from Mexico that were apprehended and returned was about 875,000.

Mr. MILLER. Thank you.

Thank you, Mr. Chairman.

Mr. NELSON. Thank you.

#### SOURCES OF ILLEGAL ALIENS

Mr. HIGHTOWER. Mr. Nelson, we understand there has been a large increase in the number of people from places other than Mexico. I believe some of the border patrol described them as OTMs, Other than Mexicans. We have a large number coming from El Salvador, from Nicaragua, and Guatemala. Are you anticipating that this number is going to increase as that situation there seems to deteriorate even further?

Mr. NELSON. There is certainly that risk, Mr. Chairman. Again a very difficult thing to know, with all of the variable political, economic and other considerations there. So to project numbers of percentage increases is difficult.

I think it is fair to say we have seen some increases, and probably will see more. The degree of that is hard to know.

I know Secretary Haig has made a number of statements of concern in that area, and it is something that State Department and Justice Department are very concerned about. We are consulting with each other as to appropriate procedures there.

Last year, for example, fiscal 1981, I mentioned 875,000 Mexicans, that is ones that were apprehended and returned, close to 16,000 El Salvadorans and 14,000 from other parts of North America, so those were the large numbers. The total, including the 875,000 from Mexico, was 953,000 in fiscal year 1981.

#### ILLEGAL ALIEN CONTINGENCY PLAN

Mr. HIGHTOWER. Do you have any contingency plans though in the event there should suddenly be a deluge of people from this area? On my recent visit to the detention center at Port Isabel, they had only six beds, and they anticipated before that day was over they would be full. Then at that point they have no way to detain them, no place to put them. If we were to get several hundred even, it would put a tremendous strain on the present detention facilities. What are your contingency plans for a situation like that?

Mr. NELSON. I think, sir, it would really relate again to what we have discussed here. Certainly this proposal for the funding for the permanent site, this is a very important element.

Mr. HIGHTOWER. I am talking about in the next month.

Mr. NELSON. In the next month what we have done, of course, with the the Krome facility, we have been utilizing various Bureau of Prisons facilities.

As you probably recall, a number of months ago we had the anticipated need for additional space. At that time there were proposals for military bases, such as Fort Drum in New York, another old military base in Glasgow, Montana, neither of which we need to go forward with presently, because of the numbers. We are, however, proceeding on contingency plans to have other facilities such as those, not necessarily those specific ones but other military or ex-military facilities available that on short notice, 60 days, for example, we could move into and make ready for detainees, in addition to continued use of the Bureau of Prisons facilities.

#### REPRESENTATION OF ILLEGAL ALIENS

Mr. HIGHTOWER. I also learned that a detainee is given an option for voluntary deportation.

Mr. NELSON. Correct.

Mr. HIGHTOWER. But often that is not done because they find local counsel that tell them that they can file some kind of paper and keep them from being immediately deported. Is that true?

Mr. NELSON. That is correct.

Mr. HIGHTOWER. Are these available counsels generally from the local bar association in the area, or do we find some from the Legal Services Corporation doing this?

Mr. NELSON. I think both, Mr. Chairman.

Mr. HIGHTOWER. Do I hear some dissent?

Mr. ROONEY. The Legal Services Corporation is barred from representing them.

Mr. NELSON. I believe various legal aid organizations represent them. Maybe they are not funded through Legal Services, but there are various legal aid type groups that are active in the alien arena.

#### LEGAL SERVICES CORPORATION BARRED FROM ALIEN REPRESENTATION

Mr. HIGHTOWER. But some of these legal aid people, and I would ask Mr. Rooney or someone else to respond to this, are actually working for legal aid groups that are financed through Legal Services Corporation, are they not?

Mr. NEILL. If I may, Mr. Chairman, there is a bar to the organizations funded under the Legal Services Corporation Act to defend any alien in the United States in violation of any law relating to immigration, exclusion deportation, or expulsion of aliens. This prohibition was most recently enacted by Public Law 97-51 (passing the provisions of H.R. 7584) and was continued until at least December 15, 1981 by Public Law 97-85.

Mr. NELSON. I think, Mr. Chairman, a number of the legal aid groups, when we use that general term, we know are funded through church organizations and other voluntary organizations.

Mr. NEILL. Pro bono groups, I believe, is the best term.

Mr. HIGHTOWER. I understand a lot of it is pro bono, but if it came to your attention that this was done, and it is barred, would a report be filed with some appropriate officer in the Attorney General's office?

Mr. ROONEY. I am not aware, Mr. Chairman, of any legal requirement but we can certainly check that out.

[The following information was submitted:]

#### REPORTING REQUIREMENT

42 U.S.C. § 2996g(c) requires that the Legal Services Corporation file an annual report of its services with the President and the Congress.

42 U.S.C. § 2996h requires an annual audit to be filed with the General Accounting Office and allows the General Accounting Office to audit any portion of the Legal Services Corporation's operations

Mr. HIGHTOWER. So all you can say is that they are prohibited, but if in fact that is happening, then nothing is being done about it, is that true?

Mr. NELSON. I do not know, Mr. Chairman, and I guess maybe the others do not know on that either. It certainly has not been brought to my attention. I would think like in any situation, we become alert to what would appear to be an impropriety, that we would need to take an appropriate action.

I think, somewhat digressing from your point, in the current Haitian litigation, is that one of the things we did last fall in the Justice Department was create a litigation task force to best draw together the Department of Justice here, the INS, the U.S. Attorney in Miami. We are doing similar things in other parts of the country to more effectively present the government position. We think it has been very effective in dealing with many of the groups that are representing these aliens, and we certainly think it is their right to aggressively pursue their thinking.

We think it is right and important for the government to aggressively pursue our interests and then let the courts decide it, but do it in orderly fashion. We have been pushing very hard, as indicated earlier, to avoid what I think is the biggest problem and the inexcusable one of long and intentional delays in the judicial process that enable these aliens to be here without determination. I think

our efforts—and we would certainly like the public support and that of the Congress to move forward rapidly in the whole legal process.

I think the efforts of the Attorney General in writing the Dade County Bar, for example, in getting pro bono lawyers to represent a number of these Haitians who were not being represented by the legal aid groups involved, was a good example where the government is trying to move the process. We think that is essential, and that is where the focal point ought to be, and the pressure put on some of these legal aid type groups to provide the counsel, and move forward with it.

PRO BONO WORK FOR ILLEGAL ALIENS

Mr. HIGHTOWER. Did I understand you to say that the Attorney General wrote legal aid groups and asked them to do pro bono work?

Mr. NELSON. Yes.

Mr. HIGHTOWER. On behalf of illegal aliens to represent them in cases against the government, where the government was seeking their deportation?

Mr. NELSON. Not legal aid groups, Mr. Chairman. The Attorney General wrote the president of the Dade County Bar in Miami to ask that the bar association on a pro bono basis develop counsel that could represent the Haitians, so that they would have counsel, because things were just completely bogged down. The federal court was not allowing us to pursue with hearings while these people did not have counsel. We were put in the position of saying well, if the existing groups were not representing them, then we would attempt, through the efforts of the Justice Department, to get the bar, the local bar, involved to provide counsel.

Mr. HIGHTOWER. I may be misinformed, but I thought that the federal judge could appoint someone to represent someone that was before him without counsel.

Mr. NELSON. Normally these cases, the immigration type cases, are before the administrative bodies primarily, and not so much before the federal judge. They are getting into federal courts on class actions and broad issues, but not so much on the individual hearing to determine whether the person has a right to remain or not, so in that area the federal judge normally won't be intervening.

Mr. HIGHTOWER. Let me ask, Mr. Rooney, is there any way that if there is any representation that is not authorized by statute, by Legal Services Corporation, on these cases, is that ever brought to the attention of appropriate authorities in the Attorney General's office?

Mr. ROONEY. Generally our counsel, our Department counsel are asked to advise us if they are aware of those instances, and I have been advised that the Associate Attorney General has written correspondence to Legal Service Corporation encouraging them to monitor this very carefully. We will provide whatever documentation we may have to that effect, but it is a matter that is of great concern to the Department that Legal Services Corporation, which

is an independent body of the government, would permit grantees to be litigating against the government in these type cases.

Mr. HIGHTOWER. Do you have any further questions, Mr. Miller?

Mr. MILLER. No further questions, thank you.

Mr. HIGHTOWER. We do have some additional questions in writing, Mr. Commissioner, which we would like to give to you, and we appreciate your testimony here this morning.

Mr. NELSON. Thank you, Mr. Chairman. It is a pleasure being here.

[The questions referred to and the answers submitted thereto, follow:]

## QUESTIONS SUBMITTED BY CONGRESSMAN HIGHTOWER

## Uncontrollable Increases

On page 67 of the justification you are requesting a 38 percent increase for GSA standard level user charges, a 20 percent increase for GSA recurring reimbursable services and a 53 percent for federal telecommunications system charges. In addition, on page 70 you are requesting a 32 percent increase for administrative support charges levied on you by the State Department for your operations overseas and a 20 percent increase for allowances to your employees overseas. These allowances are also determined by the Department of State. These increases appear to be way out of proportion to the increase in the inflation rate, which in 1981 was less than 10 percent. How do you explain the large increases for these items?

The increases requested are based on actual costs incurred as billed by GSA, and the State Department and do not take inflationary adjustments into consideration.

## Implementation of PMIC Recommendations

On page two of the budget justifications you indicate that one of the major thrusts contained in the request is the INS Mission Plan. There is nothing in the justification concerning this plan to indicate that it would be tied to the President's recommendations on management improvement for the Service, which were issued last year. Could you tell us what were the major recommendations of the President's Management Improvement Council and what are the specific actions that you will take to implement those recommendations?

The Service has already implemented many of the PMIC recommendations. As illustrations, the Service has:

- Developed an organization and functions manual which will clarify the responsibilities of various units within the Service;
- Established the Office of the Comptroller;
- Developed and approved a long-range ADP plan, currently under review by the Department;
- Awarded a contract to National Data Corporation to establish an interim ADP capability;
- Decentralized fund control to provide more field flexibility; and
- Established a high-level Procurement Review Board and a Contracting and Procurement Branch.

Other recommendations are currently being implemented in accordance with the Service's FY 1982 priorities. As illustrations, the Service is:

- Developing a revised code of conduct for Service employees;
- Developing a formal financial planning/performance measurement process;
- Developing procedures to implement the provisions of OMB Circular A-76; and
- Developing improved recruitment, training and promotion programs.

Further, the confirmation of Mr. Alan Nelson as Commissioner on February 8, 1982, provides the Service with the first fully confirmed Commissioner in two and a half years. Since his confirmation, steps have taken to improve the Service's management. The Planning and Evaluation Staff conducted an in-depth analysis, Review of the Decision Process, Functions and Organizational Structure, to determine to what extent organizational/structural/decision process changes are now warranted, or should be planned for, to improve the overall operations and management of the Service. This review includes an extensive analysis of organizational issues, key interviews with Central Office and field personnel, and the delineation and analysis of options, including reorganization, available to the Commissioner in each subject area. The results of the review were presented to the Commissioner on March 5, 1982. He is currently reviewing them with an eye to correcting the perceived deficiencies in the Service's organizational structure and decision process, and realigning Service functions, where required.

Moreover, the Service has begun to fill the top-level, key management positions within the Service with permanent appointments, thereby resolving the leadership vacuum which has existed since the departure of Commissioner Castillo over two years ago. When completed, there will be a full management team to bring about further management improvements in the Service.

How much will it cost to implement each of these recommendations and how much have you requested in this budget for those items?

The cost to implement all of these recommendations is not included in this budget request. Implementation of some of the recommendations, like establishment of the Comptroller's Office, has been covered by current funding for the Service.

## Reception, Processing and Care Activities

On page 60 of the justification you are showing an increase of 57 permanent positions and \$58,735,000 to carry out reception, procession and care activities for Cuban and Haitian aliens that were formerly provided by the Cuban/Haitian Task Force under the Department of Health and Human Services. This does not sound like a program that the Immigration Service has much experience in administering. Why was the program put in INS? Why wouldn't it make more sense to put it in the Bureau of Prisons if it has to be in the Department of Justice?

The Administration believes that the Cuban/Haitian effort should be coordinated by the Department of Justice (DOJ) since DOJ is responsible for detaining illegal aliens. It is the intention of the Department to reimburse Health and Human Services (HHS) for services provided in caring for Cuban and Haitian aliens.

The Department is reviewing the distribution of these funds based on changes in the circumstances surrounding the care and location of the Cubans and Haitians. In fact, the Department will shortly submit a FY 1983 budget amendment related to this activity.

#### Full-time and Part-time Authorized Positions

Could you provide for the record the number of full-time authorized positions in each of the program areas of INS as well as the permanent part-time positions in each of these program areas? Please provide this information for the current fiscal year and what you would project for FY 1983.

Following is the number of full and part-time authorized positions in each of INS' program areas as of March 6, 1982.

	FY 1982		FY 1983	
	Authorized Positions	Permanent Part-time Positions	Authorized Positions	Permanent Part-time Positions*
Inspections	1,357	70	1,357	
Adjudications	762	2	762	
Naturalization	396	7	396	
Foreign Offices	113	...	113	
Border Patrol-Immediate	2,690	1	2,690	
Anti-Smuggling	304	1	304	
Border Patrol-Other	200	...	200	
Investigations	796	2	796	
Detention	639	12	639	
Deportation	388	3	388	
Intelligence	25	...	25	
Status Verification	256	...	256	
ADIT	48	...	48	
R&D	2	1	2	
Data Systems	90	1	90	
Communications	18	...	18	
Information Services	324	7	324	
Training	51	...	51	
Construction&Engineering	15	...	15	
Records	873	3	873	
Statistics	45	...	45	
Administrative Services	462	30	462	
Trial Litigation	108	...	108	
Judicial Review	136	1	136	
Executive Direction	506	5	506	
Reception/Processing/Care	...	...	57	
Total	10,604	146	10,661	

\*The Service has made no plans regarding the number of permanent part-time positions at this time.

#### QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

##### Acquisition of Horses by Border Patrol

*You have requested appropriation language to purchase and/or lease privately owned horses for use by the INS. How many horses do you anticipate buying or leasing in FY 1983, and what will be the costs associated with such action?*

Currently the Border Patrol is utilizing a total of 17 horses in enforcement operations, seven of which were donated. We are pleased with the success of this pilot project and wish to expand the program to 20 horses in 1983 to include other Border Patrol locations and activities.

Based on the October, 1981 expenses, the projected FY 1982 cost of the program is \$45,000. The proposed expansion from 17 to 20 horses in 1983 is not expected to significantly increase the program cost.

##### Payments to Aliens in Detention

*Over the past several years you have requested language which would allow INS to pay detained aliens \$4 a day for work they perform while in custody. How many aliens agree to work for \$1 a day? What sort of work do the aliens perform? If they do not perform the work, does the government have to pay someone else to do the job?*

Aliens detained in INS processing centers are recruited to do all types of work: janitorial, carpentry, masonry, dishwashing, etc. In certain locations, it is impossible to recruit detained aliens to do the necessary cleaning and janitorial chores for \$1 a day. In those locations, that type of work has to be contracted at quite an expense to the government. Having the authority to pay \$4 a day for alien labor would assist the Service in having more aliens volunteer for work details.

##### Refugees From El Salvador and Other Caribbean Countries

*Do you have estimates on the number of refugees coming into the country from El Salvador and other Caribbean countries which are experiencing different degrees of civil unrest?*

INS estimates that 15,903 refugees from El Salvador and 4,166 from Guatemala came to the United States in FY 1981. The flow is expected to continue at the same rate.

*Do we have a contingency plan to accommodate those people?*

Yes. A contingency plan has been developed in the event of another large influx such as the flow which resulted from the Mariel Boatlift. Because of the unpredictability of future arrivals from El

Salvador and Caribbean countries, we must be prepared for another large flow. Negotiations are on-going with the military, Bureau of Prisons and the private sector in the identification of additional sites which could be placed in a quick activation status.

#### Research and Development Projects

*How much of INS' research efforts are conducted in-house?*

INS has a total of two workyears of research and development effort conducted in-house. This represents 20 percent of the total research and development effort.

*Approximately how many research projects are conducted each year and how many of them eventually evolve into something the INS can use in its enforcement efforts?*

There are currently five research and development projects being conducted. All are expected to be useful to INS enforcement activities. They are:

1. Infrared Imaging Systems Test and Evaluation.
2. Low Light Level Television System Test and Evaluation.
3. Integrated and Remote Control Techniques (based on combinations of imaging and non-imaging sensors).
4. Long Line Sensor Test and Evaluation.
5. Enclosed Space Detection.

#### QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

##### Alien Registration Cards

*On page 17 of the justifications, you indicate that two million alien registration receipt cards and non-resident border crossing cards have been produced and issued and that cards are being produced at the rate of 3,800 per day. Have you noticed any increase in the fraudulent production of these cards?*

*Since you are proposing a reduction in the number of workyears in the investigations activity, how are you going to be able to assess the availability of such documents, and the potential for their use to obtain various benefits such as employment, welfare, and so on?*

In 1977, the first two altered I-551's were intercepted by INS. During 1978 and 1979, the interception of altered or photocopied I-551's was a rarity. Although it was suspected that counterfeiters would soon expand their efforts to include the production of counterfeit I-551's, it was not until 1981 that the first totally counterfeit I-551's were found by INS. The limited number of counterfeits which have become known to INS to date have not matched the quality of legitimate cards.

INS inspectors at ports of entry and U.S. border patrol agents would be more likely to intercept counterfeit I-551's in the possession of aliens attempting illegal entry. However, available information indicates that the vendors are instructing their alien clients not to present the counterfeit cards to INS, but to use them only to obtain employment and other benefits. Consequently, the number of counterfeit I-551's found or intercepted by INS has remained at a very low level. Since investigators are located primarily in the interior of the country, they would be less likely to intercept cards, except in specific operations or investigations. In the event of passage of employer sanctions legislation, there will be an increase in the use of fraudulent documents since aliens will need documentation for employment.

##### Undocumented Aliens from Central and South America

*On page 22 of the justifications you report a continued influx of undocumented aliens from Central and South America. How many of these aliens especially those from El Salvador are applying for asylum?*

The total number of aliens from El Salvador that applied for asylum in FY 1981 was 5,570. The number of Salvadorians applying for asylum during the first quarter of 1982 are: October, 614; November, 707; and December, 550.

*Are you still detaining these individuals?*

Yes. As of March 19, 1982, there were 436 in both Service and non-Service facilities as follows:

	<u>Service Facilities</u>	<u>Non-Service Facilities</u>	<u>Total</u>
Eastern Region	5	4	9
Southern Region	181	15	196
Northern Region	...	6	6
Western Region	172	53	225
Total	358	78	436

#### Adjudication of Asylum Cases

*How long does it take for INS on the average to adjudicate such asylum cases?*

Adjudication time varies from a few days for immediate action (stow-away - politically sensitive, protective custody, etc.) to over a year.

Asylum applications submitted by detained aliens in general are expeditiously processed by both INS and the Department of State. However, as with the detained Haitians, there have been long delays because of judicial challenges to INS asylum procedures.

#### QUESTIONS SUBMITTED BY CONGRESSMAN CAMPBELL

#### Clarification of Legal Services Corporation Authorities

*I understand that in earlier testimony, reference was made to the involvement of the Legal Services Corporation in aiding illegal aliens. The testimony alleged that the LSC does not represent illegal aliens, and that present language in the appropriation bills prohibited them anyway. I would like that testimony clarified on those two points. At present there are no constraints placed on the Legal Services Corporation regarding aid to illegal aliens, to the best of my knowledge, and I also understand that nothing would prohibit LSC officials from representing them before it was determined in a court of law that they are indeed an illegal immigrant. Could you clarify this situation for me?*

Public Law 97-51 (passing the provision of H.R. 7584, an act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and Related Agencies for FY 1981) includes a provision "that none of the funds appropriated in this title may be used to carry out any activities for or on behalf of any individual who is known to be an alien in the United States in violation of the Immigration and Nationality Act or any other law convention or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens..." This provision was continued until at least December 15, 1981 by Public Law 97-85 and probably continues in effect under further continuing resolutions.

#### Effect of Cutbacks in Customs Inspections

*Will possible cutbacks in Customs agents affect the duties of INS agents at border inspection locations? In last year's testimony, Mr. Crosland noted that at some locations, INS agents perform the same duties as Customs agents in order to prevent two separate inspections. Has this been looked at by the Treasury Department?*

Such management improvements as the Accelerated Inspectional System (ASIST) and U.S. citizen by-pass have increased the efficiency of the INS Inspections program in recent years. However, in the light of a reduction of 1,170 Customs inspectors, the level of INS inspections services cannot be maintained without an increase in its staffing. INS does not wish, and is not able under present staffing levels, to undertake total federal inspection responsibility.

INS has not been notified by Customs of any proposed reduction in inspectional services by that agency.

#### Status of Illegal Iranian Students

*What is the status of the Iranian students that who here illegally some time ago. How many are still here illegally? How long will it take to get the rest of them deported?*

The final report on the Iranian Project was issued on May 18, 1981. At that time, 7,597 students had been found in violation of their status and had been ordered to leave. It is very difficult to verify the departures of those students granted voluntary departures as they may or may not have surrendered their departure notices upon leaving the United States. As of February 26, 1982, 985 student voluntary departures had been verified and 277 students had been deported. The remainder are in some stage of deportation proceedings or have absconded, and it is not possible to predict exact departure dates at this time. Necessary efforts to enforce departure will continue.

*How much do you plan to appropriate for this operation in your FY 1982 budget, and what estimates can you give for FY 1983?*

Funds are available for the enforcement of Iranian student departures just as they are for other nationalities. However, no funds have been earmarked specifically for the purpose of deporting Iranian students in either FY 1982 or 1983.

*Do you foresee in the immediate future another problem with refugees from another country trying to get to this country?*

The potential exists in many areas in the Caribbean and Central America where there is civil unrest or economic depression.

MONDAY, MARCH 15, 1982.

**OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND  
STATISTICS**

WITNESSES

- ROBERT F. DIEGELMAN, ACTING DIRECTOR
- CHARLES A. LAUER, ACTING ASSOCIATE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
- JAMES L. UNDERWOOD, ACTING DIRECTOR, NATIONAL INSTITUTE OF JUSTICE
- BENJAMIN H. RENSHAW, ACTING DIRECTOR, BUREAU OF JUSTICE STATISTICS
- ALLEN J. VANDER-STAAAY, BUDGET OFFICER
- KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION
- CHARLES R. NEILL, CONTROLLER
- JOHN SHAFFER, DIRECTOR, BUDGET STAFF

Mr. HIGHTOWER. This afternoon we will consider the fiscal year 1983 budget request for the Office of Justice Assistance, Research and Statistics.

The justifications for the office are found under separate tab in volume 2 of the justification books. We will insert the justifications at this point in the record.

[The justifications follow:]

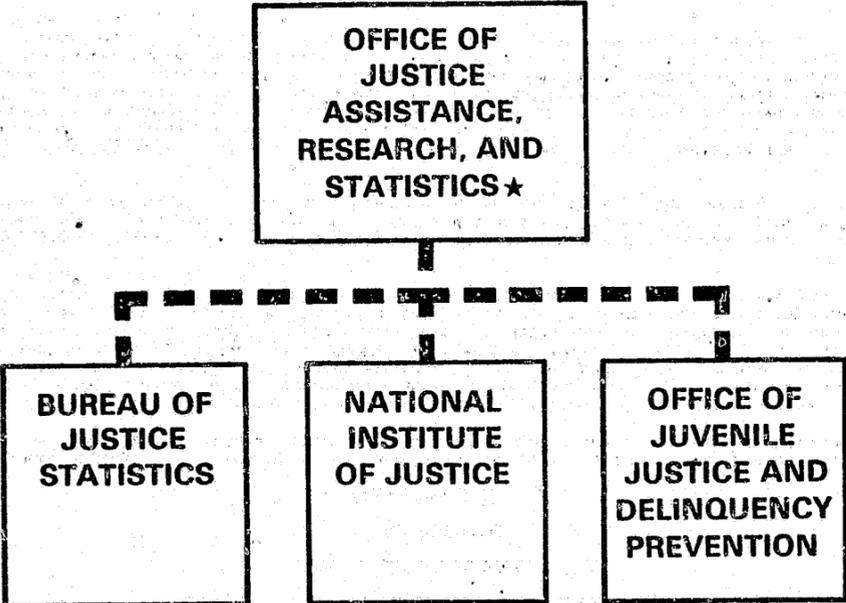
Office of Justice Assistance, Research, and Statistics  
Law Enforcement Assistance  
Estimates for Fiscal Year 1983  
Table of Contents

Item

Page  
Number

Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	3
Justification of Proposed Changes to the Authorization Language.....	4
Proposed Appropriation Language.....	5
Crosswalk of 1982 Changes.....	6
Summary of Requirements.....	7
Summary of Resources by Program.....	8
Justification of Program and Performance.....	9
Status of Congressionally Requested Studies, Reports, and Evaluations.....	20
Priority Rankings.....	21
Summary of Adjustments to Base.....	22
Justification of Adjustments to Base.....	23
Financial Analysis of Increases.....	27
Summary of Requirements by Grade and Object Class.....	28

**OJARS ORGANIZATION CHART★**



★ OJARS PROVIDES SUPPORT SERVICES TO AND COORDINATES THE ACTIVITIES OF BJS, NIJ, AND OJJDP. IN ADDITION OJARS ADMINISTERS THE PSOB PROGRAM AND LEAA GRANTS WHICH ARE STILL ACTIVE, AND IS RESPONSIBLE FOR THE PHASEOUT OF ALL TERMINATED LEAA GRANTS.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary Statement

Fiscal Year 1983

The Law Enforcement Assistance program is requesting for 1983 a total of \$18,514,000, 118 permanent positions and 128 workyears. This request is a decrease of \$75,040,000, 74 permanent positions and 133 workyears from the anticipated 1982 appropriation.

This appropriation is authorized by the Justice System Improvement Act (JSIA) of 1979, and the Juvenile Justice and Delinquency Prevention Act of 1974 as amended. These statutes provide for grant-in-aid programs to assist State and local units of government in improving the quality of their criminal and juvenile justice systems. In 1982, the crime control program contained new budget authority for the Treatment Alternatives to Street Crime (TASC). This program had been previously terminated and, in support of the President's anti-inflation program, no new budget authority is requested for 1983. The Juvenile Justice Formula Grants program, Juvenile Justice Programs and Executive Direction and Control of the juvenile justice programs are also being terminated in 1983 to support the President's anti-inflation program. Budget activities which still remain are the Public Safety Officers' Benefits program and the administrative services activity.

Public Safety Officers' Benefits Program: The Public Safety Officers' Benefits activity is a program authorized under Part L of the Justice System Improvement Act. Its purpose is to provide a death benefit of \$50,000 to survivors of a public safety officer who has died as the direct and proximate result of a personal injury sustained in the line of duty. The number of claims paid averages 250 a year.

Administrative Services, OJARS/LEAA/OJJDP - Although the Juvenile Justice programs will be terminated by 1983, their formula grants have a three-year life, as do many categorical grants. Consequently, grants awarded in 1982 will still be active in 1984. In order to insure fiscal integrity and compliance with the intent of the laws governing the various programs, it will be necessary to monitor grants, make amendments as necessary, and close out grants when terminated. Additionally, there are still a large number of alleged civil rights violations which must be investigated and support services which need to be provided to the remaining organizations - the National Institute of Justice, and the Bureau of Justice Statistics. The administration of the Public Safety Officers' Benefits Program is also provided from this budget activity. This activity is also responsible for the continuation of the phase-out activities on LEAA programs.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Proposed Authorization Language

The OJARS Agencies are under separate authorizations and are not part of the proposed Department of Justice Authorization bill, Fiscal Year 1983.

The Justice System Improvement Act of 1979, P.L. 96-157, establishes the Office of Justice Assistance, Research, and Statistics (OJARS). Contained within OJARS are the Law Enforcement Assistance Administration, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, as amended by P.L. 94-503, P.L. 95-115, and P.L. 96-509).

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Justification of Proposed Changes in Authorization Language

The Office of Justice Assistance, Research, and Statistics is requesting that Section 1301 of the Justice System Improvement Act be amended by adding at the end thereof the following new paragraph:

"(1) Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the appropriate State criminal justice council, or its successor agency, that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State criminal justice council, or its successor agency, which shall seek to have it used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner."

This additional paragraph is needed so that title to equipment purchased with LEAA funds can be given to the State and local agencies which are using it. Without such an amendment, OJARS will have to make arrangements for all the equipment to be turned over to the Federal Government. As long as there was a Federal program of financial support to State and local governments this was unnecessary but with the phaseout of LEAA the property must be returned to the Federal Government unless legislative relief is obtained.

Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 be amended by inserting "and" after "September 30, 1981," inserting a period after "1982," and striking "September 1983 and September 1984."

This change is required to be consistent with the President's proposal to eliminate Juvenile Justice funding for 1983.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include the proposed changes in appropriation language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Law enforcement assistance

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979 [and title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended,] including salaries and other expenses in connection therewith, [~~\$93,554,000~~], to remain available until expended: \$18,514,000  
[Provided, That \$70,000,000 of said amount shall be available only for grants and administrative expenses authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended: Provided further, That \$4,000,000 of said amount provided for the program "Treatment Alternatives to Street Crime" shall be allocated solely to implement Part E of the Justice System Improvement Act of 1979.]

Explanation of changes

The deleted language is no longer necessary since the only program funds requested are for the Public Safety Officers' Benefits Program. The deleted language is included in both the House and Senate versions of H.R. 4169, the 1982 appropriation bill now pending before the Congress.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Action on 1982 Request			Reprogramming			1982 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Juvenile justice formula grants.....	...	...	...	...	...	\$43,095	...	...	...	...	...	\$43,095
2. Juvenile justice programs.....	...	...	...	...	...	24,505	...	...	...	...	...	24,505
3. Public safety officers' benefits program.....	...	...	\$9,869	...	...	262	...	...	...	...	...	10,131
4. Crime control programs.	...	...	...	...	...	3,800	...	...	...	...	...	3,800
5. Administrative services, OJARS/LEAA..	125	234	9,423	5	-40	200	...	...	...	130	194	9,623
6. Executive direction & control, OJJDP.....	...	...	...	62	67	2,400	...	...	...	62	67	2,400
Total.....	125	234	19,292	67	27	74,262	...	...	...	192	261	93,554

988

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The Congress restored funding for the Juvenile Justice programs and their administration. Originally, 40 workyears were reflected in Administrative Services/OJARS to close out the Juvenile Justice programs but with funding restored to Juvenile Justice, these workyears will remain with the program.

Funding was also given for the Treatment Alternatives to Street Crime (TASC) program and for an increase to the Public Safety Officers' Benefits program.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary of Requirements  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
<u>Adjustments to base:</u>			
1982 as enacted (appropriation anticipated).....	192	261	\$93,554
Transfer to Research and Statistics, Executive Direction and Control, NIJ.....	...	...	-200
Uncontrollable increases.....	...	...	746
1983 Base.....	192	261	94,100

<u>Estimates by budget activity</u>	<u>1981 Actual</u>			<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate <sup>1/</sup></u>			<u>Increase/Decrease</u>		
	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Juvenile Justice Formula Grants.....	...	...	\$61,465	...	...	\$43,095	...	...	\$43,095	...	...	...	...	...	-\$43,095
2. Juvenile Justice Programs..	...	...	30,155	...	...	24,505	...	...	24,505	...	...	...	...	...	-24,505
3. Public Safety Officer's Benefits Program.....	...	...	13,387	...	...	10,131	...	...	10,131	...	...	\$10,800	...	...	669
4. Crime Control Programs.....	...	...	4,960	...	...	3,800	...	...	3,800	...	...	...	...	...	-3,800
5. Administrative Services QJARS/LEAA.....	289	329	14,213	130	194	9,623	130	194	10,169	118	128	7,714	-12	-66	-2,455
6. Executive Direction and Control, QJJD.....	101	66	3,570	62	67	2,400	62	67	2,400	...	...	...	-62	-67	-2,400
<b>Total.....</b>	<b>390</b>	<b>395</b>	<b>127,750</b>	<b>192</b>	<b>261</b>	<b>93,554</b>	<b>192</b>	<b>261</b>	<b>94,100</b>	<b>118</b>	<b>128</b>	<b>18,514</b>	<b>-74</b>	<b>-133</b>	<b>-75,586</b>

<sup>1/</sup> Since no new funding is requested for the Juvenile Justice Programs in 1983, administrative costs associated with the phase-out of the program have been merged with the QJARS/LEAA Administrative support budget activity.

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary of Resources by Program  
(Dollars in thousands)

Estimates by Program	1981 as Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount
Juvenile Justice Formula Grants.....	...	...	\$60,819	...	...	\$61,465	...	...	\$43,095	...	...	\$43,095	...	...	...	...	...	-\$43,095
Juvenile Justice Programs:																		
Special emphasis.....	...	...	21,250	...	...	15,746	...	...	14,365	...	...	14,365	...	...	...	...	...	-14,365
National institute of juvenile justice and delinquency prevention.....	...	...	11,000	...	...	10,636	...	...	7,436	...	...	7,436	...	...	...	...	...	-7,436
Technical assistance.....	...	...	3,000	...	...	2,857	...	...	2,028	...	...	2,028	...	...	...	...	...	-2,028
Concentration of federal efforts.....	...	...	1,000	...	...	916	...	...	676	...	...	676	...	...	...	...	...	-676
Public Safety Officers' Benefits Program.....	...	...	12,500	...	...	13,387	...	...	10,131	...	...	10,131	...	...	10,800	...	...	669
Crime Control Programs.....	...	...	...	...	...	4,960	...	...	3,800	...	...	3,800	...	...	...	...	...	-3,800
Administrative Services, OJARS/LEAA.....	289	401	12,140	289	329	14,213	130	194	9,623	130	194	10,169	118	128	7,714	-12	-66	-2,455
Executive Direction and Control, OJDP.....	101	87	2,535	101	66	3,570	62	69	2,400	62	67	2,400	...	...	...	-62	-67	-2,400
<b>Total.....</b>	<b>390</b>	<b>488</b>	<b>124,244</b>	<b>390</b>	<b>395</b>	<b>127,750</b>	<b>192</b>	<b>261</b>	<b>93,554</b>	<b>192</b>	<b>261</b>	<b>94,100</b>	<b>118</b>	<b>128</b>	<b>18,514</b>	<b>-74</b>	<b>-133</b>	<b>-75,586</b>
Other Workyears																		
Holiday.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overtime.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears.....	488			395			261			261			128					-133

888

Law Enforcement Assistance

Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

Activity:	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		
Juvenile Justice Formula Grants.....	...	...	\$43,095	...	...	\$43,095	...	...	...	...	...	-\$43,095

Long-Range Goal: To provide financial and technical support to State and local units of government to implement the provisions of Section 223 of the Juvenile Justice and Delinquency Prevention Act (JJJPA) of 1974, as amended.

Major Objectives:

To provide leadership and financial, technical, administrative and program support to State and local units of government so that they may develop and implement programs which are responsive to the issues of juvenile crime and delinquency.

To facilitate, through provision of technical/financial resources and national leadership:  
 a. A 75% reduction in the number of status offenders and non-offenders held in juvenile detention and correctional facilities within three years from the date that each State/territory began participation in the JJDP Program.  
 b. Removal of all status offenders and non-offenders from juvenile detention and correctional facilities within five years from the date that each State/territory began participation in the JJDP Program.

To develop and implement a nationwide strategy for achieving by 1985 a 75% reduction in the number of juveniles held in adult jails and lock-ups and for achieving by 1987 removal of all juveniles from adult jails and lock-ups, in all state/territories participating in the JJDP Program.

To facilitate through comprehensive planning and technical assistance, the development and implementation of statewide delinquency prevention strategies in each state/territory.

To ensure that 75% of each formula grant award is used to support advanced techniques, as described in Section 223(a)(10) of the JJDP Act.

Base Program Description: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) created a Division of Formula Grants and Technical Assistance (FGTAD) to administer the Formula Grants Program. Each State or territory wishing to participate in the Program must submit annually to OJJDP a comprehensive plan which describes how it will allocate its funds. FGTAD staff review each plan to assure its consistency with all provisions of the JJDP Act, as well as OJJDP regulations regarding program implementation.

A monitoring system has been developed by OJJDP which allows the tracking of State progress towards compliance with Section 223(a) (12) and (13) of the JJDP Act provisions. States/territories which fail to achieve substantial or full compliance within the prescribed time frames are ineligible to receive additional Formula Grant funds until the required level of compliance is achieved.

Technical assistance is provided to the States and their subgrantees upon request. Technical assistance monographs have been developed and distributed to the States and local organizations regarding nearly all areas of juvenile justice and prevention programming, encompassing the advanced techniques described in Section 223(a) (10) of the JJDP Act.

**Accomplishments and Workload:** Since enactment of the Juvenile Justice and Delinquency Prevention Act of 1974, the provision of Federal technical and financial resources has enabled participating States to undertake a number of system-wide improvements. The Formula Grants Program has had significant impact on rates of incarceration throughout the United States.

- Between 1975 and 1979 the number of cases processed by juvenile courts decreased by almost 7%, from 1,406,100 cases to 1,306,800.
- Thirty of the States participating in the program have achieved full compliance with the statutory mandate to deinstitutionalize status offenders and non-offenders and eleven States are in substantial (75%) compliance; in practical terms, this means that nearly 200,000 non-criminal juveniles have been removed from inappropriate institutional confinement, leaving approximately 35,000 in inappropriate confinement in participating States.
- Fifty-one States and territories participated in the program in 1981 and all are expected to participate in 1982; all of them have established systems for monitoring jails, lock-ups and facilities which are used to detain or incarcerate juveniles.

**Program Changes:** A reduction of \$43,095,000 is requested for this program in 1983, providing no new Federal funds to support the Juvenile Justice Formula Grant Program. Great strides have been made toward accomplishing the major statutory thrust of the JJDP Act, particularly deinstitutionalization of status offenders. As a result of previous funding, monitoring capabilities and a policy framework have been created at the State level that can aid in accomplishing the goal. Almost all of the States participating in the program already have passed legislation or established policies which require deinstitutionalization. Further action will be undertaken to encourage State and local governments to provide adequate resources toward addressing problems of the juvenile justice system.

Activity:	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		
Juvenile Justice Programs.....	...	...	\$24,505	...	...	\$24,505	...	...	...	...	...	-\$24,505

**Long-Range Goal:** To develop and establish research, demonstration, training, information, standards and evaluation programs in order to contribute toward the prevention and treatment of juvenile crime and to improve the administration of juvenile justice; develop, demonstrate, and implement effective programs and practices which will prevent and reduce juvenile crime, offer non-system alternatives for youth and improve the quality of the administration of juvenile justice; implement policy, develop objectives and priorities, provide oversight for all Federal juvenile delinquency programs and activities; and improve the capability of states, grantees, and public and private organizations and citizens to develop and implement juvenile justice programs which prevent juvenile crime, offer alternatives to the system, and improve the administration of juvenile justice.

Major Objectives:

- To develop knowledge regarding juvenile delinquency and related deviant behavior including serious and violent juvenile crime among youth, which can be effectively used to prevent, treat and reduce delinquent and deviant youth behavior.
- To use knowledge acquired through applied research to the development of programs which prevent juvenile crime, offer alternatives to the system and improve the administration of juvenile justice.
- To disseminate knowledge acquired through research, data collection, and synthesis to the juvenile justice community.
- To develop and support training programs for juvenile justice and alternative system practitioners and citizens involved in volunteer efforts.
- To develop standards for the operation of juvenile justice and alternative systems.
- To replicate, on a nationwide basis, programs and strategies which have been proven through research, demonstration, and evaluation to be effective in the reduction and control of juvenile delinquency, including serious/violent juvenile crime.
- To provide for the development and support of new approaches, techniques and methods with respect to juvenile delinquency programs, in particular violent juvenile offenders.
- To collect reliable statistics on all facets of the serious/violent juvenile offender.
- To provide technical assistance to State and local governments, and other service providers, on the development and implementation of programs related to violent juvenile crime, while at the same time addressing the issues of deinstitutionalization, separation, and jail removal.
- To maintain an appropriate level of support to the Federal Coordinating Council, and implement policy, develop objectives and priorities, and provide a coordinating mechanism for those Federal programs related to delinquency.
- To develop and implement programs with other Federal agencies which demonstrate how comprehensive service delivery programs for high-risk youth can be developed without total reliance on the Federal government.

Base Program Description: The National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP) under the OJJDP awards grants and contracts implementing a broad range of applied research to add to the knowledge base regarding the causes and correlates of juvenile crime and delinquency. The data gained is used in designing and refining OJJDP's discretionary grant programs, which are also evaluated by NIJJDP. In addition, the Institute serves as the information collection synthesis and dissemination center for the Office and a mechanism has been established to gather information on the nature and extent of delinquency, justice system operations, and program information. The principal method of disseminating information, data, statistics, and program information is through the National Criminal Justice Reference Service.

The Special Emphasis program has been structured and funded in ways which call national attention to distinct juvenile justice issues. Specific performance standards are set for delivery of services. Each initiative has been funded as a group of projects, with emphasis on overall program goals as well as specific project objectives. Sizeable grants are made to permit comprehensive planning, and program planning, design and implementation are coordinated with the NIJJDP and the Formula Grants and Technical Assistance Divisions.

Technical assistance is delivered in accordance with workplans which are developed by the recipient and the provider, and approved by OJJDP. The delivery methods that are used include on-site consultation, documentation, service brokering, workshops, training, and cluster meetings. In carrying out its coordinating functions, OJJDP works closely with the Coordinating Council and with the National Advisory Committee (NAC). The office provides staff assistance for both organizations, including arranging and scheduling meetings, providing background information, and developing agendas. In addition, OJJDP awards grants and contracts to support activities of private nonprofit groups and interagency efforts which lead to increased coordination of Federal juvenile programs and policies.

Accomplishments and Workload: During the seven years since enactment of the JJDP, the provision of Federal technical and financial resources has enabled participating states to undertake a number of system-wide improvements. In addition, several priority programs were specially identified at the national level, e.g., Restitution and Project New Pride, to provide states and localities with specific models for possible replication. These programs, which are summarized separately, have shown extremely promising results regarding juveniles' successful avoidance of future misconduct, etc.

- Since 1977, at least nine States have enacted major juvenile code revisions, e.g., Alaska, Hawaii, Indiana, Iowa, Kentucky, Maine, Mississippi, North Carolina, and Washington. Other States such as South Carolina have undertaken a major reorganization effort to bring all child-related statutes into one comprehensive code.
- Either through code revisions or by other means, more States are requiring their juvenile court personnel to receive additional training. JJDP resources, through the National Institute, have helped provide over 500 judges, prosecutors and defense attorneys with training in sentencing alternatives, special legal issues and administrative procedures.
- A comprehensive set of juvenile justice standards developed in conjunction with several other organizations, including the ABA's Joint Commission on Juvenile Justice Standards, was recently published and can be implemented to meet local needs. These standards provide direction for change and code revision and are being used as a bench mark for measuring progress toward improving the quality of justice for young people in the U.S.
- Since its establishment two years ago, the Juvenile Justice Clearinghouse has distributed 250,000 documents and responded to 4,000 requests for information regarding programs and improved treatment techniques.
- Juvenile Restitution Program - This program was designed to develop and implement effective mechanisms to hold serious and violent juvenile offenders accountable for their offenses; to compensate victims for their losses; and, to provide courts with an alternative to incarceration. The Restitution program serves serious and juvenile offenders, i.e., juveniles adjudicated for robbery, assault and burglary. Results since the program's inception in 1978 show that 17,000 juveniles who have participated have repaid \$1,076,200 to their victims, worked 190,000 hours of unpaid community service, and performed 4,157 hours of direct victim service. Eighty-six percent (86%) of the participants have had no subsequent contact with the juvenile court. The cost per participant is \$1,000 as compared to \$24,000 - \$43,000 per year in a residential facility (41 projects are funded in 26 States, Puerto Rico and Washington, DC).

- Prevention of School Crime and Violence Program - This program has been designed to prevent the occurrence of crime and violence in and around schools by developing the capacity of local schools to use students, teachers, citizens and justice system personnel in developing school based programs addressing the causes of crime and violence. Results since the program's inception in 1976 show that 2,942 persons representing 509 school districts and 609 individual schools received intensive training in security measures and safe school environments. Training guides and school violence documents were developed and are available to the public.
- Replication of Project New Pride - The purpose of this program was to establish non-residential community-based treatment for adjudicated youth with a history of serious property and personal offenses. The project sites serve youth, ages 14 to 17, who are under court supervision for a felony offense and have at least two prior adjudications for serious misdemeanors and felonies, preferably robbery, assault or burglary. Participants in the program would otherwise be institutionalized. Estimated cost of the New Pride program is about \$4,000 per youth per year. More than 70% of the clients have been placed in jobs and their rearrest rate is one-third the rate of the unemployed clients.
- Violent Offender Research and Development Program - This program which has been developed in response to Sec. 224a(12) of the JJDP Act has two distinct parts. Part I is designed to test intervention strategies specifically to reduce violent behavior by effective methods of handling, treating and reintegrating violent juvenile offenders. Part II is designed to prevent violent juvenile crime within communities. The models will have direct application to the practices of juvenile courts, prosecutors and correctional agencies. Five cities have been selected for implementation of Part I. Part II of the Program will award contracts to about eight neighborhood organizations for the testing of neighborhood based prevention strategies. Organizations in 47 cities are eligible to apply for funding under Part II of this program.

Program Changes: In support of the President's Economic Recovery Program, no new funds are requested for this program in 1983, a decrease of \$24,505,000. In place of Federal funds, State and local governments will be encouraged to provide resources to address problems of the juvenile justice system. Despite the substantial success of the program, it is believed that further progress can best be achieved through State and local support. Experience of the Law Enforcement Assistance Administration with the Crime Control Act indicates a significant rate of cost assumption by State and local agencies of projects previously funded. When looking at projects overall, an assumption rate of at least 65% has been achieved, and when one-time projects such as training are excluded, the rate can be as high as 85%.

893

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Activity: Public Safety Officers' Benefits Program	...	...	\$10,131	...	...	\$10,131	...	...	\$10,800	...	...	\$669

Long-range goal: To provide a death benefit of \$50,000 to survivors of a public safety officer who has died as the result of a personal injury sustained in the line of duty.

Major Objectives:

- To pay eligible claims within two weeks of the filing of a fully-documented claim.
- To issue determinations on ineligible claims within six weeks of the filing of the claim.
- To hear appeals of claim denials within 60 days of the claimant's request for a hearing, and to render the Agency's appeal decision within 30 days of the close of the appeal hearing.

Base Program Description: Since the beginning of the program in 1976, LEAA created a national network for its early notification of a public safety officer's death. The help of national and State, police, fire, corrections, probation, parole, judicial and fire fighter associations and unions was enlisted by LEAA in this effort. In addition, State and local criminal justice planning agencies, FBI field offices, U.S. Marshal field offices, and State Fire Marshal offices are notifying the agency, in the event of a public safety officer's death. Employing agencies have also been notified of filing procedures through articles in major law enforcement and fire fighter journals and by mail out of posters and other program materials.

Generally, OJARS receives death reports within one week of the public safety officer's death. Most of these reports are made by the employing agency. Claims are initiated by the PSOB staff when the death report is received. Employing agencies generally take from 30-40 days to file a complete claim. Eligible claims are being processed and paid within 2-3 weeks of their being filed and completely documented. Ineligible claims are being processed within 4-6 weeks of their being filed and completely documented.

When a claim is denied, appeal instructions are provided the claimant. Appeals are heard within 60 days of the claimant's request for appeal and decisions are rendered within 30 days of the close of the appeal hearing. Appeals are heard by OJARS employees who work in other program areas and who have been delegated hearing officer authority by the Administrator. Hearing officer denials may be appealed to the Administrator. The Director of the PSOB Program closely monitors the appeal process to ensure that proceedings and decisions occur in a timely manner. Once an appeal is heard by the agency, and the denial affirmed, the claimant may appeal directly to the Federal Court. Claims entering the Federal Court system may take from 6 months to 2 years or more to resolve, depending on how rapidly the court and the claimant's attorney move.

Accomplishments and Workload: Accomplishments of the Public Safety Officers' Benefits Program are presented in the following table:

	1980	1981	1982	Estimates	1983
Claims initiated.....	291	282	300		300
Claims approved including overturned appeals.....	234	269	250		250
Claims denied or withdrawn.....	70	71	70		70
Appeals requested.....	30	16	24		24
Appeals denied.....	13	11	12		12
Appeals overturned.....	12	16	12		12

The PSOB program, in its initial effort to increase public awareness of the program, conducted numerous presentations to public safety agencies, published various articles in law enforcement and firefighter newsletters and magazines and mailed PSOB literature to all police and volunteer fire departments. As a result of these efforts the public's awareness of the program has been effectively enhanced.

During 1981, 282 new claims were filed and 16 decisions were appealed. Of this number 253 were approved for benefit payments. An additional 16 appeals were approved for payment making a total of 269 claims paid in 1981. The number of new claims has decreased compared to the 326 filed in 1979. This is due to an increased awareness that certain heart attack deaths are not eligible under the Act.

Program Changes: The number of claims paid in a given year average 250. The funds appropriated in FY 1982 and requested in FY 1983 are insufficient to pay the number of claims expected. However, every eligible claim will be paid. OJARS is reserving funds which are being reclaimed by closing out expired LEAA grants and contracts so that up to 250 claims can be paid in 1982 and an additional 250 claims in 1983.

Activity: Crime Control Programs	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Crime Control Programs (TASC).....	...	...	\$3,800	...	...	\$3,800	...	...	...	...	...

Long-Range Goal: To provide an effective approach for lessening the burdens on criminal justice agencies that are caused by alcohol and drug abuse related crime and recidivism among alcohol and drug dependent persons.

Major Objectives:

- To provide the criminal justice system better information on which to base pretrial release, diversion, or sentencing decisions.
- To offer a program for better utilization of jails by expediting supervised pre-trial release of appropriate alcohol/drug related offenders.
- To reduce alcohol/drug medical crises in jails by early identification of arrestees who may need assistance during withdrawal.
- To provide courts a broader range of sentencing alternatives.
- To ensure that community resources are more effectively used in response to alcohol/drug related crime.
- To reduce recidivism among treated offenders, resulting in lower court, prosecutor, and probation caseloads.

**Base Program Description:** Except for a Treatment Alternatives to Street Crime (TASC) program in 1982 this activity provides for expenditures from past Law Enforcement Assistance Administration programs which were not authorized by the Justice System Improvement Act of 1979 and also programs which are authorized but have been terminated. The TASC program is a response to the problems of alcohol and drug abuse related crime. The TASC model, as it has developed through several years of testing, demonstration, and modification, consists of systematic screening to identify substance-abusing offenders, referral to community treatment resources, and monitoring the individual's progress in treatment. Intervention may occur as an alternative to prosecution, pretrial detention, or post-trial incarceration. By providing, with the offender's consent, objective diagnostic and treatment information to criminal justice officials, a wide range of alternate dispositions are made possible. Currently, the major emphasis of the program is on further development and implementation of statewide application in order to provide services to a greater number of people more effectively and to provide more efficient service by a minimal staff supervised by a central state coordinating office. In 1982 grants will be awarded to statewide projects already in existence: Michigan, Illinois, New Jersey, Pennsylvania, Florida, and Oklahoma. This is in accordance with congressional intent expressed when funds were provided for 1982.

**Accomplishments and Workload:** Since 1972, the Law Enforcement Assistance Administration has provided over \$31 million of discretionary funding for 72 TASC grant projects. Of these, nine statewide grants were designed to support multiple operational sites. Substantial local, State, Federal and private resources have provided the alcohol or drug abuse treatment services for more than 50,000 offenders placed by the TASC program.

Fifth of the programs that had been supported by LEAA discretionary grants were continued with funds from other sources, mostly State and local tax revenues. TASC programs have also generated their own revenues by collecting client fees or contracting to provide other agencies such services as urinalysis laboratory testing of non-TASC clients. Some support has also been obtained from private foundations or community agencies such as United Way.

A 1978 national evaluation report concluded from an examination of twelve projects that TASC effectively performed the functions of identification, referral, and monitoring, and that "TASC offers the criminal justice system a beneficial and cost effective alternative for drug abusing offenders."

**Program Charges:** In support of the President's Economic Recovery Program a reduction of \$3,800,000 is requested for 1983, providing no new funds for the TASC program. Funding for this activity was eliminated by the previous administration in 1981 and no new budget authority was requested for 1982, however, Congress did provide resources in 1982 to continue support for the program with the intent that funding for future years must come entirely from State resources. Funding was provided for only those States awaiting a second phase of Federal funds to enable completion of program implementation and allow adequate time to plan for full cost assumption.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Activity: Administrative Services QIARS/LEAA/OJJDP	130	194	\$9,623	130	194	\$10,169	118	128	\$7,714	-12	-66	-\$2,455

Long-Range Goal: Provide support to the Research and Statistics programs, administer the PSOB program, complete phase out of programs formerly funded under the Law Enforcement Assistance appropriation and begin phase-out of the Juvenile Justice programs.

Major Objectives:

Assure that Federal funds currently either unexpended or in some other stage of activity are efficiently and effectively expended in compliance with Federal laws and regulations, and that all monies are properly accounted for.

Investigate civil rights complaints and conduct compliance reviews.

Administer the Public Safety Officers Benefits (PSOB) program.

Encourage the continuation of criminal justice improvement programs of proven effectiveness.

Provide assistance to State and local agencies during the phase out process.

Provide support services to the continuing programs of the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention.

Base Program Description: The Justice System Improvement Act (JSIA) of 1979 restructured the criminal justice assistance programs managed by the Law Enforcement Assistance Administration (LEAA); improved the research and statistics programs administered by the National Institute of Justice and the Bureau of Justice Statistics, respectively; and created a new support and coordinating agency, the Office of Justice Assistance, Research, and Statistics. In 1981 and 1982 OJARS provided all support services for the research, statistics and assistance programs. These services have included financial management, Congressional liaison, public information, accounting, legal assistance, and other administrative activities. LEAA had developed and implemented criminal justice priority and discretionary grant programs and managed the financial assistance program for the States.

Congress and the Department of Justice have determined that the criminal justice assistance programs are to be phased out. During 1983, OJARS will concentrate on the responsible phase-out of these programs, to ensure that monies are expended in compliance with Federal laws and regulations and all funds are properly accounted for. Due to the three-year funding cycle, monies are available for obligation through September 1982 and can be expended until December 31, 1982. Therefore the LEAA grants cannot be completely closed out until the third and fourth quarter of 1983. In addition, responsibility for the administration of the PSOB program is to be transferred from LEAA to OJARS during 1982.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is also funded from this budget activity. OJJDP is responsible for the administration of various programs and activities required by the Juvenile Justice and Delinquency Prevention Act of 1974 as amended. Since no program funds are requested for this program in 1983 the staff will begin the necessary phase-out actions to insure that the funds are efficiently and effectively expended and all monies properly accounted for. Since the program funds have a three year life, the phase-out process will not be complete until 1985.

Accomplishments and Workload: Accomplishments of the OJARS/LEAA/OJJDP organizations are presented in the following table:

	1980	1981	Estimate	
			1982	1983
PSOB claims closed.....	311	337	325	325
PSOB appeals closed.....	27	18	27	29
Juvenile Justice Comprehensive plans reviewed and formula grant awards made..	51	51	50	--
Juvenile Justice Categorical grant applications and concept papers processed..	1,149	61	300	--
Active LEAA/OJJDP grants monitored.....	1,562	942	726	261
Grants, Contracts and Inter-agency Agreements closed out.....	1,021	1,052	1,111	913
Grant applications and Inter-agency Agreements processed.....	1,103	369	350	--
Contracts and supplements awarded.....	67	27	27	20
Purchase orders issued.....	913	800	625	500
Instances of on-site delivery of technical assistance (LEAA/OJJDP projects)..	1,280	795	251	137
Civil Rights Complaints closed.....	122	165	90	60
Civil Rights Pre-Award Compliance Reviews.....	400	75	75	20

Program Changes:

The 1983 request reflects a net decrease of seven (7) positions and 66 workyears. This decrease is due to the decision to phase out the LEAA programs.

It should be remembered that the 1983 figure of 128 workyears includes the employees necessary to begin phase-out of the Juvenile Justice program. In 1982 the Office of Juvenile Justice and Delinquency Prevention was funded from a separate budget activity but a decision was made to eliminate this activity in 1983 in accordance with the decision to phase out the program. Therefore the reduction of 62 positions and 67 workyears for the Juvenile Justice budget activity should be added to this decrease in order to view the overall reduction in JSIA employment.

Activity:	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		
Executive Direction and Control, OJJDP	62	67	\$2,400	62	67	\$2,400	...	...	...	-62	-67	-\$2,400

Long-range goal: Provide management, direction and control for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to efficiently administer Juvenile Justice Programs.

Major Objectives:

- To administer and direct the Juvenile Justice Formula Grant Program.
- To administer and direct the Special Emphasis program.
- To administer and direct the Concentration of Federal Effort program.
- To provide staff support to the National Advisory Committee and the Federal Coordinating Council.
- To support research relating to Juvenile Justice and Delinquency Prevention.
- To provide technical assistance to public and private agencies, institutions, and individuals.
- To prepare an annual report of the results achieved by Federal Juvenile Delinquency programs.
- To establish training programs for persons whose work relates to Juvenile Delinquency programs.
- To provide a clearinghouse and information center for the collection and dissemination of Juvenile Justice material.
- To develop and support implementation of Juvenile Justice standards.

Basic Program Description: This activity provides for administering programs and activities required by the Juvenile Justice and Delinquency Prevention Act (JJJPA) of 1974, as amended. Objectives are accomplished primarily through the award of grants, contracts, and cooperative agreements. Awards are made after specific program announcements are developed and applications are received and processed. Projects are monitored by Office staff to ensure program objectives and statutory requirements are obtained. In addition, technical assistance is provided to State and local governments and others by Office staff and contractors.

Accomplishments and Workload: Fifty-one juvenile justice comprehensive plans were reviewed and then formula grants awarded in 1981. In addition, technical assistance was delivered in 500 instances and on-site monitoring of juvenile justice projects was performed in 544 cases.

Program Changes: A decrease of 62 positions and \$2,400,000 is requested for 1983, providing no funding for this activity. The request for elimination of the Executive Direction and control, OJJDP budget activity corresponds to the proposed elimination of funding for JJJPA programs in 1983. Although this budget activity is being discontinued in 1983 there will continue to be a need for personnel to conduct program monitoring, review and analysis, and other financial and administrative duties in relation to active grants and contracts which were awarded up through 1982, particularly the formula grants which do not expire for expenditure by grantees until December 31, 1984. These activities and any phase-out actions required will be funded under the budget activity Administrative Services, OJARS/LEAA.

Office of Justice Assistance, Research, and Statistics

Status of Congressionally Requested  
Studies, Reports, and Evaluations

1. Section 816(a) of the Justice Systems Improvement Act (JSIA) of 1979 requires the Agency to submit to the President and the Congress by March 31 of each year, an annual report on activities pursuant to parts D, E, F, and G. Since no funds were provided for these sections of the Act in 1981, 1982, or 1983, no further reports will be submitted.
2. Section 816(b) of the JSIA required the Agency to submit to the Congress a comprehensive report on the agencies' programs not later than three years after the date of enactment of the JSIA. This report cannot now be made since funding has not been provided for the programs.
3. Section 816(c) of the JSIA required that the Agency submit to the Congress a plan for the collection, evaluation and analysis of data to be supplied in the report required by section 816(b). This plan was submitted to the Congress but due to the lack of program funds, the plan will not be implemented.
4. Section 815(c)(2)(B) of the JSIA required chief executives of jurisdictions reaching civil rights compliance agreements with OJARS "shall file semiannual reports with the Office of Justice Assistance, Research, and Statistics detailing the steps taken to comply with the agreement." Due dates for receipt of these reports depends upon the terms of the individual resolution agreement. Reports are received at various times according to the compliance agreement. They are monitored by the Office of Civil Rights Compliance on a continuing basis.
5. Section 204(b)(5) and (d)(1), (d)(2), and (e) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 as amended requires that the Administrator of OJJDP shall develop annually with the assistance of the Advisory Committee and Coordinating Council, and submit to the President and Congress prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs. This report is being prepared and will be submitted on or about April 1, 1982.
6. Section 204(c) of the JJDP Act requires that the President shall, no later than 90 days after receiving the Section 204(b)(5) report, submit a report to Congress and the Coordinating Council containing a detailed statement of any action taken or anticipated with respect to recommendations in the report. This report will be prepared and submitted within 90 days after the report required by section 204(b)(5) is completed.
7. Section 207(e) of the JJDP Act required that: "Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary and appropriate." While the National Advisory Committee exists by statute, no appointments were made to it in 1981 and it has not been rechartered. This report will be required by March 31, 1982, and will reflect significant activities prior to committee membership terminations.

Office of Justice Assistance, Research, and Statistics

Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>
Administrative Services, OJARS/LEAA.....		1
Executive Direction & Control, NIJ.....		2
Executive Direction & Control, BJS.....		3
Research, Evaluation & Demon- stration programs.....		4
Criminal Justice Statistical programs.....		5
Public Safety Officers Benefits program.....		6
Juvenile Justice Programs.....		7
Juvenile Justice Formula Grants..		8
Executive Direction & Control, OJJDP.....		9
Crime Control.....		10

<u>Program</u>	<u>Program Increases</u>	<u>Ranking</u>
Public Safety Officers Benefit Program.....		1

901

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary of Adjustments to Base  
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
1982 appropriation anticipated.....	192	261	\$93,554
Adjustments to base and built-in changes:			
Transfers to and from other accounts:			
Executive direction and control, NIJ.....	---	---	-200
Total, transfer.....	---	---	-200
Uncontrollable increases:			
1982 pay increases.....	...	...	110
Executive level pay increases.....	...	...	101
Within-grade increases.....	...	...	56
Health benefits costs.....	...	...	17
Federal Employees' Compensation Act (FECA) - Workers Compensation.....	...	...	2
Standard level user charge (SLUC).....	...	...	148
GSA recurring reimbursable services.....	...	...	3
Postal service increases.....	...	...	36
Travel costs - airfare increases.....	...	...	9
GPO printing costs.....	...	...	7
Printing costs for the Federal Register and code of Federal Regulations.....	...	...	1
Departmental printing and reproduction costs.....	...	...	7
Employee data and payroll services.....	...	...	2
General pricing level adjustment.....	---	---	247
Total, uncontrollable increases.....	---	---	746
1983 Base.....	192	261	94,100

902

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Justification of Adjustments to Base  
(Dollars in thousands)

Transfers to other accounts:

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
1. Transfer to Executive Direction and Control, National Institute of Justice.....	...	...	-\$200

Prior to 1981 all common administrative costs for items such as rent and communications were budgeted under the LEAA administrative services budget activity. In the 1981 budget these costs were broken out between the LEA and R&S appropriations so that administrative costs would be more closely associated with program costs. At that time certain unallocated costs such as the health unit, security investigations, payroll and guard services, etc. were left in the administrative services category. This transfer of \$200,000 will place all remaining unallocated costs in the R&S appropriation.

Uncontrollable increases:

1. 1982 Pay Increases.....	...	...	110
----------------------------	-----	-----	-----

This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$110,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative to the October pay increase		
\$7,120,000 x 4.8 percent for 259 days.....	\$342,000	
2/261 x Amount of pay raise.....	3,000	
Decrease of 71 positions in 1983.....	<u>-235,000</u>	
Total requirements.....	110,000	

2. Executive Level Pay Increases.....	...	...	101
---------------------------------------	-----	-----	-----

This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$101,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:

1982 personnel compensation and benefits relative to lifting pay cap for 195 days.....	\$94,000	
66/261 x Amount of pay raise.....	32,000	
Decrease of 3 positions in 1983.....	<u>-25,000</u>	
Total requirements.....	101,000	

903

	Perm. Pos.	Work- Years	Amount
3. Within-grade increase..... This request provides for an expected increase in the cost of within-grade step increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent employment. (Personnel compensation \$51,000 and benefits \$5,000.)	...	...	\$56
4. Health benefits costs..... The Federal Employees Health Benefits Act (P.L. 93-246) provides that the government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$17,000 provides 19.4 percent more than the \$90,000 budgeted for 1982.	....	...	17
5. Federal Employees' Compensation Act (FECA) - Workers' Compensation..... This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust fund by the various Federal agencies. The estimate of \$2,000 was based on unemployment compensation payments for the quarter ending in March 1981.	...	...	2
6. Standard level user charges (SLUC)..... P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$148,000 is required in 1983 to pay for space occupied at the end of FY 1982 because of an expected increase in rates in late 1982. The amount budgeted for Standard Level User Charges in 1982 is \$706,000.	...	...	148
7. GSA recurring reimbursable services..... The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$3,000 will provide the same level of service in FY 1983 as in FY 1982. This is an increase of 20 percent over the amount budgeted for 1982 of \$15,000.	...	...	3

904

	Perm. Pos.	Work- years	Amount
8. Postal Service Increases.....	...	...	\$36
The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 an ounce. This 5 cent increase results in an additional request of \$36,000 over the currently budgeted amount of \$108,000.			
9. Travel costs - airfare increases.....	...	...	9
Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent over the 1982 budgeted amount of \$65,000.			
10. GPO Printing Costs.....	...	...	7
The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs as a base, the uncontrollable increase for GPO printing is \$7,000 over the base of \$117,000.			
11. Printing Costs for the Federal Register and Code of Federal Regulations.....	...	...	1
The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and the <u>Code of Federal Regulations</u> (CFR). The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$408 per page for the <u>Federal Register</u> and \$80 per page for the CFR. The requested uncontrollable increase provides funding for one page in the Federal Register and one page in the CFR.			
12. Departmental printing and reproduction costs.....	...	...	7
Departmental printing costs are expected to increase by 7-1/2 percent in 1983. This results in an uncontrollable increase of \$7,000 over the FY 1982 base of \$100,000.			

**CONTINUED**

**14 OF 20**

13. Employee data and payroll services.....

The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95.00. In FY 1982, it will increase by \$15.00; the increased cost of servicing 118 employees is \$1,770.

<u>Perm. Pos.</u>	<u>Work-years</u>	<u>Amount</u>
...	...	\$2

14. General pricing level adjustment.....

This request applies the OMB pricing guidance of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built in the 1983 estimates.

...	...	247
-----	-----	-----

Total uncontrollable increases.....

...	...	746
-----	-----	-----

Total, Adjustments to Base.....

...	...	546
-----	-----	-----

906

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Financial Analysis - Program Changes  
(Dollars in thousands)

Item	Juvenile Justice Formula Grants		Juvenile Justice Programs		Public Safety Officers Benefits Prog		Crime Control Programs		Admin. Svcs. OJARS/LEA		Exec. Dir. & Control, OJDP		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades														
ES-4.....	..	..	..	..	..	..	..	..	-2	-\$114	-1	-\$58	-3	-\$172
GS-15.....	..	..	..	..	..	..	..	..	..	..	-5	-263	-5	-263
GS-14.....	..	..	..	..	..	..	..	..	-1	-45	-12	-483	-13	-528
GS-13.....	..	..	..	..	..	..	..	..	..	..	-11	-377	-11	-377
GS-12.....	..	..	..	..	..	..	..	..	-2	-57	-6	-187	-8	-244
GS-11.....	..	..	..	..	..	..	..	..	-1	-25	-9	-229	-10	-254
GS-9.....	..	..	..	..	..	..	..	..	-3	-64	-8	-168	-11	-232
GS-8.....	..	..	..	..	..	..	..	..	-1	-19	..	..	-1	-19
GS-7.....	..	..	..	..	..	..	..	..	-1	-16	-2	-34	-3	-50
GS-6.....	..	..	..	..	..	..	..	..	-1	-17	-3	-50	-4	-67
GS-5.....	..	..	..	..	..	..	..	..	..	..	-3	-40	-3	-40
GS-3.....	..	..	..	..	..	..	..	..	..	..	-2	-22	-2	-22
Total positions and annual rate..	..	..	..	..	..	..	..	..	-12	-357	-62	-1,911	-74	-2,268
Pay above stated annual rate.....	..	..	..	..	..	..	..	..	..	-3	..	-8	..	-11
Lapse.....	..	..	..	..	..	..	..	..	-18	-389	..	..	-18	-389
Other than permanent comp.....	..	..	..	..	..	..	..	..	-36	-536	-5	-55	-41	-591
Total workyears & personnel comp.	..	..	..	..	..	..	..	..	-66	-1,285	-67	-1,974	-133	-3,259
Personnel benefits.....	..	..	..	..	..	..	..	..	..	-53	..	-147	..	-200
Benefits for former personnel....	..	..	..	..	..	..	..	..	..	-101	..	..	..	-101
Travel.....	..	..	..	..	..	..	..	..	..	-115	..	-120	..	-239
Transportation.....	..	..	..	..	..	..	..	..	..	-6	..	-1	..	-7
Standard level user charges.....	..	..	..	..	..	..	..	..	..	-190	..	..	..	-190
Rent, utilities & other comm.....	..	..	..	..	..	..	..	..	..	-471	..	-25	..	-496
Printing.....	..	..	..	..	..	..	..	..	..	-152	..	-82	..	-238
Other services.....	..	..	..	..	..	..	..	..	..	-57	..	-46	..	-3,526
Supplies.....	..	..	..	..	..	..	..	..	..	-25	..	-5	..	-30
Grants.....	..	-\$43,095	..	-\$21,074	..	..	..	..	..	..	..	..	..	..
Insurance claims & indemnities...	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total workyears and obligations, 1983.....	..	-43,095	..	-24,505	..	669	..	..	-3,800	-66	-2,455	-67	-2,400	-133 -75,586

907

Office of Justice Assistance, Research, and Statistics

Law Enforcement Assistance

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level III, \$59,500.....	1		1		...	
ES-4, \$58,500.....	5		2		-3	
ES-2, \$56,936.....	1		1		...	
GS/GM-15, \$46,685-\$57,500.....	16		11		-5	
GS/GM-14, \$39,689-\$57,500.....	30		17		-13	
GS/GM-13, \$33,586-\$43,666.....	46		35		-11	
GS-12, \$28,245-\$36,723.....	22		15		-7	
GS-11, \$23,566-\$30,640.....	21		10		-11	
GS-10, \$21,449-\$27,884.....	1		1		...	
GS-9, \$19,477-\$25,318.....	16		5		-11	
GS-8, \$17,634-\$22,926.....	2		1		-1	
GS-7, \$15,922-\$20,701.....	9		6		-3	
GS-6, \$14,328-\$18,630.....	8		4		-4	
GS-5, \$12,854-\$16,706.....	9		6		-3	
GS-4, \$11,480-\$14,937.....	3		3		...	
GS-3, \$10,235-\$13,304.....	2		...		-2	
Total, appropriated positions.....	192	\$6,642	118	\$4,374	-74	-\$2,268
Pay above stated annual rates.....	...	28	...	17	...	-11
Lapses.....	18	510	...	121	-18	-389
Net permanent.....	210	7,180	118	4,512	-92	2,668

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

Law Enforcement Assistance

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	210	\$7,180	118	\$4,512	-92	-\$2,668
11.3 Other than permanent:						
Part-time permanent.....	22	440	10	193	-12	-247
Temporary employment.....	29	344	...	...	-29	-344
11.5 Other personnel compensation:						
Overtime.....		20		20		
Total workyears and personnel compensation.....	261	7,984	128	4,725	-133	-3,259
12 Personnel Benefits.....		811		611		-200
13 Benefits for former personnel.....		1,132		714		-418
21 Travel and transportation of persons....		289		50		-239
22 Transportation on things.....		7		...		-7
23.1 Standard level user charges.....		706		854		148
23.2 Communications, utilities & other rent..		992		496		-496
24 Printing and reproduction.....		289		30		-259
25 Other services.....		7,631		209		-7,422
26 Supplies and materials.....		55		25		-30
41 Grants, subsidies, and contribution....		82,658		...		-82,658
42 Insurance claims and indemnities.....		10,701		10,800		99
Total obligations.....		113,255		18,514		-94,741
Relation of obligations to outlays:						
Obligated balance, start of year.....		272,731		116,337		
Obligated balance, end of year.....		-116,337		-24,560		
Outlays.....		269,649		110,291		

Office of Justice Assistance, Research, and Statistics  
Research and Statistics  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	3
Proposed Appropriation Language.....	4
Crosswalk of 1982 Changes.....	5
Summary of Requirements.....	6
Justification of Program and Performance.....	7
Summary of Adjustments to Base.....	20
Justification of Adjustments to Base.....	21
Summary of Requirements by Grade and Object Class.....	25

Research and Statistics

Summary Statement

Fiscal Year 1983

The Research and Statistics program is requesting for 1983, a total of \$37,142,000, 77 positions, and 77 workyears. This includes \$21,003,000 and 52 positions for the National Institute of Justice, and \$16,139,000 and 25 positions for the Bureau of Justice Statistics.

The primary mission of the National Institute of Justice is to support research into the causes of crime and improvement of the criminal justice system, and foster the practical application of knowledge developed through NIJ research. The Bureau of Justice Statistics is responsible for all major national statistical series and other sources of data concerning crime and criminal justice.

The activities within the Research and Statistics program are as follows:

Research, Evaluation and Demonstration Programs. This activity supports research on criminal justice issues; develops program models; conducts field tests to examine the operations and effects of new policies and practices in a variety of localities across the nation; conducts research utilization training for criminal justice practitioners and operates the National Criminal Justice Reference Service. Additional funds are requested only for uncontrollable increases.

Criminal Justice Statistical Programs. This activity is responsible for collecting, analyzing, and publishing statistical information on crime and the criminal justice system; providing technical assistance on the collection and use of statistics for policy development at Federal, State and local levels of government; and encouraging the development of state and local government entities capable of collecting and analyzing criminal justice statistics. Additional funds are requested only for uncontrollable increases.

Executive Direction and Control, National Institute of Justice. This activity provides staffing and administrative support for the National Institute of Justice (NIJ) to ensure adequate management and control of the Research, Evaluation, and Demonstration program. A decrease of 10 positions and 13 workyears is requested. The net increase in dollars reflects a decrease for the reduced number of employees offset by increases for annualization of pay increases, uncontrollable increases for items such as rent, postage, and telephones, and the costs of severance pay, terminal leave and unemployment compensation for the individuals who will be separated on September 30, 1982.

Executive Direction and Control, Bureau of Justice Statistics. This activity provides staffing and administrative support for the Bureau of Justice Statistics (BJS) to ensure adequate management and control of the Criminal Justice Statistical Program. A decrease of 2 positions and 5 workyears is requested. The net increase in dollars reflects a decrease for the reduced number of employees offset by increases for annualization of pay increases, uncontrollable increases for items such as rent, postage, and telephones, and the costs of severance pay, terminal leave and unemployment compensation for the individuals who will be separated on September 30, 1982.

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Proposed Authorization Language

The QIARS Agencies are under separate authorizations and are not part of the proposed Department of Justice Authorization bill, Fiscal Year 1983.

The Justice System Improvement Act of 1979, P.L. 96-157, establishes the Office of Justice Assistance, Research, and Statistics (QIARS). Contained within QIARS are the Law Enforcement Assistance Administration, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, as amended by P.L. 94-503, P.L. 95-115, and P.L. 96-509).

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include the proposed changes in appropriations language listed and explained below. The current appropriation language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Research and statistics

For research, development, demonstration, statistical and related efforts directed towards the improvement of civil, criminal and juvenile justice systems authorized by the Justice System Improvement Act of 1979, including salaries and other expenses, in connection therewith, [~~\$35,000,000~~], to remain available until expended.

\$37,142,000

Explanation of changes

No substantive changes are proposed.

Research and Statistics  
Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request			Congressional Appropriation Actions on 1982 Request			Reprogramming Program			1982 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Research, evaluation and demonstration programs.....	...	...	\$16,561	...	...	\$206	...	...	...	...	...	\$16,767
2. Criminal justice statistical programs....	...	...	13,606	...	...	269	...	...	...	...	...	13,875
3. Executive direction & control, NIJ.....	62	65	2,908	...	...	...	...	...	...	62	65	2,908
4. Executive direction & control, BJS.....	27	30	1,450	...	...	...	...	...	...	27	30	1,450
Total.....	89	95	34,525	...	...	475	...	...	...	89	95	35,000

914

Explanation of Analysis of Changes from 1982 Appropriation Request

Congressional Appropriation Actions

The House and Senate approved an appropriation total of \$35,000,000, an increase of \$475,000 over the President's September request.

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Requirements  
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Perm. Pos.</u>	<u>Work-years</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....	89	95	\$35,000
Transfer from Law Enforcement Assistance.....	...	...	200
Transfer from Law Enforcement Assistance reversionary funds.....	...	...	232
Uncontrollable increases.....	...	...	1,710
Decreases.....	-12	-18	...
1983 Base.....	77	77	37,142

<u>Estimates by budget activity</u>	<u>1981 Enacted</u>			<u>1981 Actual</u>			<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Research, Evaluation and Demonstration Programs...	...	...	\$18,045	...	...	\$17,307	...	...	\$16,767	...	...	\$17,603	...	...	\$17,603	...	...	...
2. Justice Statistical Programs.....	...	...	12,742	...	...	11,156	...	...	13,875	...	...	14,568	...	...	14,568	...	...	...
3. Executive Direction and Control, NIJ.....	73	78	2,996	73	67	2,632	62	65	2,908	52	52	3,400	52	52	3,400	...	...	...
4. Executive Direction and Control, BJS.....	37	42	1,370	37	31	1,113	27	30	1,450	25	25	1,571	25	25	1,571	...	...	...
<b>Total.....</b>	<b>110</b>	<b>120</b>	<b>35,153</b>	<b>110</b>	<b>98</b>	<b>32,208</b>	<b>89</b>	<b>95</b>	<b>35,000</b>	<b>77</b>	<b>77</b>	<b>37,142</b>	<b>77</b>	<b>77</b>	<b>37,142</b>	...	...	...

915

Research and Statistics

Justification of Program and Performance

Activity Resource Summary  
(Dollars in thousands)

	<u>1982 Appropriation Anticipated</u>			<u>1983 Base</u>			<u>1983 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>
	<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>			<u>Pos.</u>		
Activity: Research, Evaluation and Demonstration Programs	...	...	\$16,767	...	...	\$17,603	...	...	\$17,603	...	...	...

**Long-Range Goal:** To increase knowledge about the causes and control of crime, and the efficiency, effectiveness, equity and responsiveness of the nation's law enforcement and justice administration systems and to disseminate such knowledge to Federal, State and local governments.

**Major Objectives:**

- To advance the cumulation and synthesis of knowledge through continued support of justice research programs.
- To evaluate the effectiveness of justice programs, and to determine their impact upon the quality of the nation's justice systems.
- To develop model programs for improving justice practices and procedures, and disseminate the results of research, evaluation and technology transfer programs to appropriate audiences.

**Base Program Description:** The National Institute of Justice (NIJ) is the only Federal agency carrying out research in criminal justice programs of benefit to state and local agencies. NIJ seeks to accomplish its objectives primarily through the awarding of grants, contracts or cooperative agreements to public agencies, institutions of higher education, private organizations and individuals. Inter-agency agreements are also utilized when appropriate.

Prior to the beginning of each fiscal year, a program plan is developed outlining the research activities planned for the coming year. Solicitations are then prepared which request proposals for research projects in each of several functional areas of study (i.e., police, adjudication, corrections, community crime prevention, crime correlates and criminal behavior, research and evaluation methods, and program evaluation). These solicitations vary according to the state of knowledge in the particular area. Proposals are reviewed by staff and through a peer review process in order to identify the best projects for funding. The Institute also conducts a small unsolicited research program which encourages innovative approaches to justice problems from members of the justice research and practitioner communities.

Once a research or evaluation project has been funded, an Institute project monitor works closely with the grantee/contractor to assure the successful completion of the project and to feed project findings back into the planning process.

Based upon research or evaluation findings, program models are developed which detail the advantages and limitations of a variety of programmatic options in a given topic area. Selected model programs are field tested and evaluated to determine the likelihood of success if replicated and institutionalized by State and local governments and operating agencies.

Research and development objectives are largely directed toward ten priority areas: violent crime and the violent offender, career criminal, utilization and deployment of police resources, sentencing, pre-trial process (delay reduction and consistency), rehabilitation, deterrence, performance standards and measures, community crime prevention, and correlates of crime and determinates of criminal behavior.

In fulfillment of its Congressional mandate, the Institute operates the National Criminal Justice Reference Service which serves as a national and international clearinghouse for the exchange of information on criminal justice issues.

Accomplishments and Workload: Accomplishments of the Research, Evaluation and Demonstration Programs are presented in the following table and narrative:

Item	1980	1981	Estimates	
			1982	1983
Research and evaluation projects on-going	225	198	185	180
Program models developed	10	8	6	5
Documents distributed through reference service	700,000	575,000	400,000	350,000
Project field tests undertaken	4	2	1	1
Grants and contracts awarded	110	90	80	80

The NIJ recently published a 5-volume report on American prisons and jails, which provides the first comprehensive description of capacity and conditions in the Nation's adult correctional facilities. The 3-year study, mandated by the Congress, presents data from a survey of 559 Federal and State prisons, 3,500 local jails and 400 halfway houses. The study found the number of inmates in prisons and jails rose 50 percent between 1972 and 1978 - a period in which many Federal and State courts were mandating improved living conditions for inmates. The dramatic growth outstripped the capacity of many state institutions. The study also noted widespread differences in confinement conditions throughout the country and recommended that states develop more systematic and explicit policies on the use of the imprisonment sanction.

A Center for the Study of Criminal Violence was funded at the University of Pennsylvania. This 5-year program of research has begun with an analysis of detailed sociological, psychological and health data on 54,000 subjects. This analysis is intended to eventually uncover those variables which predispose, facilitate or inhibit violent behavior.

The Institute is engaged in a program of research which is examining all types of homicide, with the goal of improving law enforcement strategies of prevention and control. The initial study is examining national homicide patterns and trends through an analysis of data collected over an 11-year period for the FBI's "Supplementary Homicide Reports" and the National Center for Health Statistics' "Vital Statistics Reports." Follow-up research focusing on stranger-to-stranger homicide is being planned.

A 5-year research agreement with the Rand Corporation has supported in-depth research on career criminals, now in its final phase. Researchers at Rand have compiled a wealth of data on career criminals from both official records and from reports made by offenders themselves. Surveys of samples of prisons in several States have enabled Rand to profile the habitual offender and to assess the costs and crime reduction benefits of various imprisonment policies. A final report on the Career Criminal Research will be published this year. In the meantime, to aid policymakers in implementing programs to deal with the career criminal, the Institute last year published a Policy Brief, Career Criminal Programs, summarizing the history, program elements, and operation of career criminal programs. The publication also provides sample legislation for state-financed programs.

The violent crime of arson also is the subject of NIJ research. A recent Program Model -- a publication series which presents practical information for State and local officials -- probes the obstacles to the effective detection of arson. Arson Prevention and Control is based on survey responses from 170 cities. The report notes that arson fires kill some 1,000 people each year, and national property losses are estimated at \$1.2 billion annually. The study presents detailed information on promising arson prevention and control strategies that can be adopted by local jurisdictions. Other aspects of the arson problem are the subject of continuing research by NIJ, including the strengths and weaknesses of the arson adjudication process.

A 6-year program of research with the Hoover Institution entitled "Economic Studies of the Justice System" is nearing completion. This research explored the application of econometric techniques to the analysis of crime rates, criminal behavior and the administration of justice. Particular attention was paid to those factors affecting crime which are subject to control through public policy. Some of the reports produced during this effort include: "Economic Models of Criminal Behavior," "Estimating the Costs of Judicial Services," "Heroin Use, Drug Law Enforcement and Property Crime," and "Level of Theft, Size of Public Sector, and Distribution of Income."

Two recently-completed research studies suggest that alternative police practices for responding to citizen calls for service promise greater flexibility and economy while maintaining citizen satisfaction. One study surveyed police response practices in more than 170 large police agencies and found that, while many departments have adopted one or more alternative ways of handling calls -- such as taking reports by phone or by appointment -- use of the practice has grown haphazardly. The report outlines a model system that can enable police administrators to match alternative responses to specific types of citizen calls. Complementing this research, an experiment in Wilmington, Delaware, concluding that the city's alternative response system had no adverse impact on arrest rates, citizen satisfaction or other indicators of police performance. Both studies found that citizens were receptive to the new procedures provided they were informed about what to expect. Further data on this and other aspects of alternative responses by police is expected to emerge from a field test soon to be launched in three sites.

Another evaluation is assessing the long-term impact of a program to deal with crimes against small business establishments. This project grew out of earlier research that involved a comprehensive approach of environmental design, citizen participation, and law enforcement to deal with crime and fear. The commercial program was first tested in Portland, Oregon, which experienced a significant drop in commercial burglary following implementation of the program. Preliminary findings from the re-evaluation suggest that the crime reduction effects in Portland are being sustained. The study also indicates crime prevention programs such as target hardening are more effectively implemented if they are part of a general effort to revitalize a neighborhood.

A recently-completed evaluation of pretrial release programs explored, among other issues, the problem of crime committed by persons on pretrial release. The study found that 16 percent of released defendants were re-arrested -- some as many as four times. Estimates of the potential effects of speedier trials indicated that if all trials had been held within 4 weeks, more than two-thirds of the pretrial arrests for robbery and more than three-fourths of the burglary re-arrests in the sample might have been avoided.

Scheduled for publication this year is the final report on an evaluation of the LEAA court delay reduction program, which analyzed information gathered from 700 to 2,000 case files over a 2-year period in the courts of Providence, Rhode Island; Dayton, Ohio; Las Vegas, and Detroit. Among the policy implications of the study are the following:

- \* delay stems from many institutional sources, not defense attorneys only,
- \* case processing time can be reduced quickly, even dramatically,
- \* delay reduction can be accomplished through different programs, and
- \* successful delay reduction efforts must be responsive to local conditions.

Research on crime victims is exploring such concerns as the effect of crime victims' resistance or nonresistance to such crimes as robbery, rape, muggings and other criminal violence. As a step towards improved services for both victims and witnesses to crimes, NIJ recently completed an evaluation of victim-witness assistance programs. The study found that such programs get favorable reactions from both clients -- the victims and witnesses -- and from criminal justice personnel. Another effort to aid victims are the monetary compensation programs that now exist in a number of states. NIJ has published a Policy Brief summarizing the experience of such programs in 15 states. The publication includes sample legislation and sources for additional information and assistance.

Activity: Criminal Justice Statistical Programs	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
	...	...	\$13,875	...	...	\$14,568	...	...	\$14,568	...	...	...

919

**Long Range Goal:** To assist policy and decision-making of officials at the Federal, State and local levels of government by providing a national center for the collection, analysis, and dissemination of comprehensive and accurate statistical information concerning crime and the operation of justice systems at all levels of government.

**Major Objectives:**

- To collect, analyze, and publish statistical information on crime and the operations of justice systems at all levels of government, and to provide such information to the President, the Congress, the Department, State and local government and the public.
- To develop an analytic program which will address the implications of national criminal justice statistics for Departmental policy and legislative initiatives.

To sponsor programs that provide technical assistance on the collection and use of statistics for policy development, program implementation and evaluation at the Federal, State, and local levels of government.

To recommend national standards for justice statistics and for ensuring the interstate comparability, reliability and validity of justice statistics.

To conduct and support research regarding methods of gathering, analyzing and disseminating justice statistics.

To encourage the development, maintenance, and utilization of State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics.

To ensure compliance with requirements relating to confidentiality and security of data.

To develop national reports and bulletins aimed at improving the understanding of the general public concerning crime, crime prevention, and the functions of law enforcement, judicial and correctional agencies.

To examine the two major national statistical indicators of crime incidence - the National Crime Survey and the Uniform Crime Reports - in order to improve the quality and utility of the data and the cost effectiveness of their collection.

Base Program Description: The principal mechanisms for obtaining national criminal justice statistics are: (1) an interagency agreement with the Bureau of the Census to collect and analyze data, (2) support of major national criminal justice organizations to gather data from their constituent agencies, and (3) cooperative agreements with State and local agencies to meet standard information needs and statistical requirements as identified by the Bureau of Justice Statistics (BJS). The Census Bureau, which is the principal data collection source for BJS, has a primary role in analyzing the data and also preparing reports for publication and dissemination subject to BJS specifications. Depending on the nature of the program, the Census Bureau collects data in one of two ways. One way to obtain information is through a personal visit or a telephone call to an individual or a household, which is the method utilized for the National Crime Survey of victimization. An example of the second method of data collection is the National Prisoner Statistics Program, which relies on administrative records maintained by operating criminal justice agencies.

In fulfilling the mandate of BJS to utilize organizations and facilities of State government, to give primary emphasis to the problems of State and local justice systems, and to support the development of information and statistical systems at the State and local levels, funds and technical assistance are provided to develop criminal justice statistical units in the States. Much of this development has been accomplished, and State Statistical Analysis Centers have been serving the criminal justice communities of their States for several years, and have furnished valuable reports and analyses to BJS. Prior to 1981, funds were provided for these projects by grant awards. In 1981, a program was initiated under which BJS entered into cooperative agreements with established State Statistical Analysis Centers to (1) obtain data for national compilations; (2) sponsor multi-state analyses of specific issues in criminal justice; (3) develop transferable techniques in statistical analysis for the mutual benefit of the States and BJS; and (4) maintain a clearinghouse function at the State level for disseminating criminal justice information. BJS also supports the training of State and local personnel in statistical techniques and coordination among the individual State Statistical Centers. In addition, BJS encourages the improvement of operational criminal justice information systems in State and local agencies, that are capable of providing statistical data for BJS and the States. This is done by establishing national standards for data and by supplying technical assistance to integrate data bases and systems and to replicate successful systems in other jurisdictions.

During the years 1974 through 1976 an evaluation of the National Crime Survey was conducted by the National Academy of Sciences, and the National Crime Survey Redesign Program was initiated as a response. Under contract from BJS, a consortium of private and university-based statisticians, survey methodologists, and criminologists is now investigating a wide range of issues related to the conduct of the survey. The questions being addressed include the types of crimes the survey can measure, the populations to be covered, and best design to identify at-risk populations and crime victimization determinants. Methodological work is driven by concerns for enhancing the accuracy and reliability of the data and for discovering more efficient and less costly means for collecting and processing NCS data. Efforts are also being made to develop improved strategies for data management to facilitate statistical investigation of various problems of crime incidence. Finally, the study is addressing data utilization concerns by identifying additional areas for data application and making existing data more useful for determining crime levels in practical applications. In this connection the study will analyze and make recommendations to improve the coordination and complementary character of the NCS with the Uniform Crime Reports of the FBI.

In February 1980, the Office of Management and Budget directed that the Uniform Crime Reporting (UCR) program be transferred to the Bureau of Justice Statistics from the Federal Bureau of Investigation. As part of the transition effort, both the BJS and FBI agreed to the need for a comprehensive assessment of the UCR. During 1981 discussions took place between officials of the FBI and the BJS for the purpose of defining the elements of this assessment. The conclusion reached was that competitive procurement should be issued seeking a consortium of highly qualified research organizations, academic institutions, and law enforcement agencies to begin work in 1982. The assessment will produce a series of recommendations for changes to the UCR to make it more useful to contributors and users; these changes would be implemented by BJS when it assumed operational responsibility for the series.

The National Criminal Justice Data Archive at the University of Michigan is a major effort directed toward increasing the utilization by sub-national levels of government and other research agencies of criminal justice statistics. The Archive is responsible for acquiring and maintaining machine-readable data files of information collected for BJS, as well as data collected for the National Institute of Justice, the FBI, and others. In addition to providing specific assistance to criminal justice analysts and researchers regarding the use of the data, the Archive offers training aimed at familiarizing data analysts with Archive holdings and providing experience in working with and analyzing these data.

The Justice System Improvement Act of 1979 (JSIA) established a new mandate for BJS in the area of Federal statistics. A major objective in 1982 is the support of developmental activity in this field, both in-house and under a major procurement. During this period BJS expects to concentrate on feasibility and conceptual work for collection of statistics dealing with the operations and transactions of the Federal criminal justice system. Preliminary review will also be given to issues associated with Federal civil justice statistics and to the preparation and dissemination of reports based on these Federal statistical series. These reports will address specific priority issues such as violent crime, career criminal programs and case/litigation management. This objective will be accomplished through analysis of selected data by in-house personnel and under grants and contracts awarded for this purpose. In addition, the JSIA authorizes BJS to collect and analyze statistical data in specific subject areas such as crimes against business and crimes against government programs. Data collection and analysis in these areas require innovative statistical applications and accordingly, efforts are necessary to develop appropriate methodological techniques. In 1981 such developmental activities were supported in the area of Electronic Funds Transfer System crime and will be followed in 1982 by a procurement to conduct actual collection and analysis of data. Developmental statistical efforts will be supported in 1982 in the area of crimes against business. In 1983 a procurement will be supported for the collection and analysis of data relating to crimes against business and for developmental activities relating to crime against government programs.

Finally, for several years, national leadership has been provided in the areas of statistical/research confidentiality and privacy of information, consistent with statutory requirements. This has been accomplished both through in-house staff efforts and under grants and contracts for preparation of materials identifying and analyzing relevant techniques and procedures.

Accomplishments and Workload: Accomplishments of the Bureau of Justice Statistics are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Major statistical series maintained	6	5	6	7
Statistical and related reports prepared for BJS by the Bureau of the Census and other contractors	40	30	56	72
Copies of statistical and related reports disseminated (in thousands)	314	408	410	412
State statistical programs supported	25	35	46	56
Data collection techniques, technical data standards and information policies developed and analyzed	2	3	4	5
Standardized information systems documentation and software disseminated	59	145	56	30
Major statistical program evaluations and redesigns conducted	3	3	2	2
Number of requests for data sets filled by criminal justice data archive	510	515	525	535

Number of information requests filled under BJS supported programs	920	975	870	920 (a)
Technical assistance provided	1382	815	520	250 (b)

(a) - Reflects information requests previously carried under technical assistance.

(b) - Reflects termination of information systems research and development in BJS.

The foregoing table presents quantitative measures of actual and estimated accomplishments for this decision unit during the period 1980 through 1983. From the table and the discussion that follows, it is clear that BJS is making a significant contribution toward improving our understanding of crime and the criminal justice system, even after budget reductions in 1980 and 1981.

Most of the major ongoing statistical series that represent the basis for the reports and technical assistance provided by BJS were maintained. These include the National Crime Survey, the National Prisoner Statistics Program, the Uniform Parole Reports Project, and the State court caseload project. The Criminal Justice Employment and Expenditure Survey that began in 1970 was suspended because of a shortage of funds. During 1982, at least 12 Bulletins and approximately 40 other statistical reports will be published and 400,000 copies of the reports disseminated, reflecting increasing use of BJS information by justice policy makers and by Federal, State, and local legislators.

Highlights of the accomplishments in data collection and dissemination for this decision unit include: (1) information from the National Crime Survey was utilized extensively by the Attorney General's Task Force on Violent Crime, (2) a new periodical, the Bureau of Justice Statistics Bulletin was instituted to comply with the BJS legislative mandate to "provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics" in a timely and understandable presentation and received favorable response from the criminal justice community, the media and the press; (3) the State Court Model Annual Report and the State Court Model Statistical Dictionary were published to guide State court administrators in providing data on State court case processing, workloads and backlogs; (4) the data archive at the University of Michigan increased the number of data sets available for dissemination from 40 to 58, developed a directory of criminal justice relevant data sets available from the archive and other services, and provided training in data analysis techniques for criminal justice professionals and researchers; and (5) in addition to collection and publication of regular annual data in the National Prisoner Statistics series, a Survey of Prison Inmates and the Census of State Correctional Facilities, which is conducted periodically, were edited and processed and public use tapes prepared. Preliminary data from the survey and census were published and survey data were supplied to the White House, the Attorney General's Task Force on Violent Crime, and to key figures in the criminal justice research community. The first publication on the detailed characteristics of persons on parole was completed as was the first publication on the number of probationers and the organization of probation in the United States. BJS also published a four-volume census of the characteristics of each individual jail in the United States.

Although declining, due to the phasedown of the systems development function, limited technical assistance is still being provided. Technical assistance, which represents such activities as advising State and local planners on appropriate data collection and analytic techniques, recommending standardized reporting formats and methods, and the provision of codebooks and documentation for machine-readable data files, is expected to continue as the user universe expands and the demand for sophisticated analysis increases.

Funding of State statistical programs has resulted in the establishment of Statistical Analysis Centers (SAC) in 40 States. More than half of the SACs have been institutionalized and are now funded by the States. Most of the other SACs are in the process of becoming institutionalized, despite the fact that the termination of the LEAA program has caused the demise of some of their parent criminal justice planning agencies. The SACs produce periodic and special statistical reports and analyses on crime, criminal justice processing, and criminal justice resources for the Governor, the legislature, State judiciaries, other State criminal justice agencies, and the public. For example, a budget analysis conducted by one SAC concerning correctional personnel required to staff new facilities resulted in a new staffing plan saving roughly one million dollars in personnel costs; other States have developed critical projections of required correctional facilities. Several SACs have helped in drafting legislation pertaining to criminal justice, utilizing the results of their analyses. A new series of cooperative programs provides for the submittal of data by the SACs to BJS for national compilations, and for statistical research by the SACs on topics of national interest.

BJS funding also has resulted in establishment of State level Uniform Crime Reporting (UCR) centers to improve the quality of data reported to the FBI from 46 States; 40 such UCR centers are now State funded. In addition, at least fifteen of these States have implemented an incident-based UCR system, which provides more detailed information about each crime so that more meaningful analyses are possible. In addition to reporting UCR data to the FBI, the States use statistics derived from their UCR data for planning, budgeting, and evaluation.

BJS has also continued its efforts to ensure confidentiality and security of data consistent with statutory requirements. In addition to in-house efforts, five documents were prepared and issued which trace legislative changes, to ensure confidentiality of BJS data, describe security techniques, identify procedures appropriate to insuring data confidentiality, and analyze privacy and information policy issues such as media access to data. An index to State privacy legislation was also maintained for public access. In addition, BJS supported three basic developmental efforts relating to measurement and analysis of high technology crime (e.g. computer and electronic fund transfer crime) and crime against government programs. These resulted in the preparation and publication of four documents which have been widely utilized in both the private and public sector.

924

Activity:	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		
Executive Direction and Control, National Institute of Justice	62	65	\$2,908	52	52	\$3,400	52	52	\$3,400	...	...	...

Long-Range Goal: To provide staffing and administrative support for the National Institute of Justice (NIJ) to ensure adequate management and control of the Research, Evaluation and Demonstration Programs.

Major Objectives:

Develop annual program plans.

Prepare and disseminate research and evaluation solicitations.

Review concept papers and proposals and process awards.

Monitor all research and evaluation projects funded.

Screen and validate Exemplary Project nominations.

Develop program models.

Design, implement and evaluate field tests.

Design, implement and assess criminal justice workshops.

Maintain an effective and efficient National Criminal Justice Reference Service (NCJRS).

Prepare biennial report to the President and Congress on the state of justice research.

Base Program Description: The National Institute of Justice seeks to accomplish its objectives primarily through the awarding of grants, contracts or cooperative agreements to public agencies, institutions of higher education, private organizations and individuals. Inter-agency agreements are also utilized when appropriate.

A program plan is developed for each fiscal year, with specific activities identified after extensive consultation with State and local governments, related Federal agencies, and the academic community. The plan is then reviewed by the Institute's Advisory Board. Solicitations are then prepared which request proposals for research projects in each of several functional areas of study. These solicitations vary according to the state of knowledge in the particular area. Proposals are reviewed by staff and through a peer review process in order to identify the best project for funding. The Institute also conducts a small unsolicited research program which encourages innovative approaches to justice problems from members of the justice research and practitioner communities.

Once a research or evaluation project has been funded, an Institute project monitor works closely with the grantee/contractor to assure the successful completion of the project and to feed project findings back into the planning process.

Based upon research and evaluation findings, syntheses and program models are developed which detail the advantages and limitations of a variety of programmatic options in a given topic area. The products are aimed specifically at practitioners to assist them in improving and implementing programs or in avoiding policies and practices which are found to be ineffective. Selected model programs are field tested in several sites and evaluated to determine the likelihood of success if replicated and institutionalized by State and local governments and operating agencies. Training workshops also are utilized in selected areas to acquaint senior operating agency officials with new programs or new research findings with significant implications for day-to-day management of their respective agencies. The Institute also produces and disseminates brief policy papers for use by Governors, State legislatures, or local executives in particular topic areas.

In fulfillment of its Congressional mandate, the Institute operates the National Criminal Justice Reference Service as a national and international clearinghouse for the exchange of information on criminal justice issues.

The decrease in positions and workyears in the 1983 base is the result of the Administration's effort to reduce Federal employment. The net increase in dollars over 1982 reflects a decrease for the reduced number of employees offset by uncontrollable increases for pay costs and items such as rent, postage and telephones, and the costs of severance pay, terminal leave and unemployment compensation for the individuals who will be separated on September 30, 1982.

Accomplishments and Workload: Accomplishments of the NIJ Executive Direction and Control activity are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Solicitations prepared	33	24	22	22
Project concept papers and proposals reviewed	750	789	750	750
Grants and contracts awarded	110	90	80	80
Research and evaluation projects monitored	225	198	185	180
Program models developed	10	8	6	5
Project field test designs produced	3	3	2	1
Project field tests undertaken	4	1	1	1

Activity:	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Executive Direction and Control, Bureau of Justice Statistics	27	30	\$1,450	25	25	\$1,571	25	25	\$1,571	...	..	...

**Long-Range Goal:** Provide adequate resources and staff to support the Bureau of Justice Statistics (BJS) which is responsible for implementation and management of Justice Statistical Programs.

**Major Objectives:**

To collect, analyze and publish statistics concerning crime, juvenile delinquency, civil disputes, criminal offenders and their victims, and the operation and costs of the criminal justice system.

To assist state and local governments in the collection, analysis, utilization and reporting of criminal justice data, and to develop techniques to facilitate collection of data from state-level sources.

To collect, analyze and disseminate data describing Federal criminal justice events, characteristics of the Federal offender and the operation of the Federal justice system.

To manage a national criminal justice data archive and information network to provide users with machine-readable data files of BJS and other high quality criminal justice data bases and to conduct training and technical assistance in their use.

To prepare, design and disseminate materials dealing with crime and the administration of justice, develop an annual report to the nation on crime and the response to crime and to prepare and disseminate criminal justice Bulletins for the timely release of statistical data on selected issues of interest in crime and justice.

To ensure privacy, security and confidentiality of identifiable information and to provide leadership in the development and analysis of information policies impacting on the criminal justice system.

To assist states, on a limited basis, in implementing and adapting information systems which facilitate the collection and analysis of statistical data at the state and local level and to maintain a data processing capability to enhance BJS analysis and dissemination.

Base Program Description

Program implementation is managed by an in-house staff of statisticians, and research and information systems specialists with primary support from the Bureau of the Census. Additional support is secured through contracts and cooperative agreements with national criminal justice organizations and state and local statistical entities. An Advisory Board mandated by legislation offers guidance and recommendations to the Bureau. The decrease in positions and workyears from 1982 anticipated appropriation levels is a result of the Administration's efforts to reduce Federal employment. The net increase in dollars reflects a decrease for the reduced number of employees offset by uncontrollable increases for pay costs and items such as rent, postage, and telephones, and the costs of severance pay, terminal leave and unemployment compensation for the individuals who will be separated on September 30, 1982.

Accomplishments and Workload:

Accomplishments of this activity are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Statistical and related reports, Bulletins and National Advisories prepared and reviewed by BJS staff	-	7	19	26
Statistical and related reports prepared for BJS by the Bureau of the Census and other contractors and reviewed by BJS staff	40	30	56	72
Responses made to requests for statistical and related information completed	1690	1700	2510	2980
Statistical series and related programs developed	8	8	4	2
Major statistical program evaluations and redesigns initiated and managed	3	3	2	2
Major statistical and related programs managed	12	13	14	16
On-site monitoring of grants/contracts to organizations and entities producing statistical products for BJS	51	11	8	12
On-site monitoring of grants/contracts associated with criminal justice information systems development	85	10	7	3 (a)
Updates to CDS action plans reviewed	30	15	0	0 (b)

(a) - Reflects termination of information systems research and development in BJS.  
(b) - Reflects termination of the Comprehensive Data Systems (CDS) program.

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Adjustments to Base and Built-in Changes  
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1982 as enacted (appropriation anticipated).....	89	95	\$35,000
Adjustments to base and built-in changes:			
Transfers to and from other accounts:			
From Law Enforcement Assistance to Executive Direction and Control, NIJ.....	...	...	200
From Law Enforcement Assistance reversionary funds to Criminal Justice statistical programs...	...	...	232
Total, transfer.....	...	...	432
Uncontrollable increases:			
1982 pay increases.....	...	...	62
Executive Level pay increases.....	...	...	80
Within-grade increases.....	...	...	30
Health benefits costs.....	...	...	9
Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....	...	...	3
Federal Employees' Compensation Act (FECA) - Workers Compensation.....	...	...	2
Standard level user charge (SLUC).....	...	...	27
GSA recurring reimbursable services.....	...	...	1
Postal service increases.....	...	...	24
Travel costs - airfare increases.....	...	...	3
GPO printing costs.....	...	...	4
Printing costs for the Federal Register and Code of Federal Regulations.....	...	...	2
Departmental printing and reproduction costs.....	...	...	11
Employee data and payroll services.....	...	...	1
General pricing level adjustment.....	...	...	1,451
Total, uncontrollable increases.....	...	...	1,710
Decreases:			
Elimination of unfilled and unfunded workyears.....	-12	-18	...
Total, decreases.....	-12	-18	...
1983 Base.....	77	77	37,142

929

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Justification of Adjustments to Base  
(Dollars in thousands)

	<u>Perm.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>	
<u>Transfers to and from other accounts:</u>				
1. Transfer from Law Enforcement Assistance to Executive Direction and Control, National Institute of Justice.....	...	...	\$200	
Prior to 1981 all common administrative costs for items such as rent and communications were budgeted under the LEAA administrative services budget activity. In the 1981 budget these costs were broken out between the LEA and R&S appropriations so that administrative costs would be more closely associated with program costs. At that time certain unallocated costs such as the health unit, security investigations, payroll and guard services, etc. were left in the administrative services category. This transfer of \$200,000 will place all remaining unallocated costs in the R&S appropriation.				
2. Transfer from Law Enforcement Assistance reversionary funds to Criminal Justice Statistical Programs for the Bureau of the Census.....	...	...	232	
Total transfer.....	...	...	432	930
<u>Uncontrollable increases:</u>				
1. 1982 pay increases.....	...	...	62	
This provides for full funding of the October 4, 1981 pay increase contained in Executive Order 12330. The request of \$62,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:				
1982 personnel compensation and benefits relative to the October pay increase				
\$2,575,000 x 4.8 percent for 259 days..... \$123,000				
2/261 x Amount of pay raise..... 1,000				
Decrease of 12 positions in 1983..... -62,000				
Total requirements..... 62,000				
2. Executive Level pay increases.....	...	...	80	
This provides for full funding of the January 1, 1982 Executive Level pay increases contained in P.L. 97-92. The request of \$80,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:				
1982 personnel compensation and benefits relative to lifting pay cap for 195 days				
\$60,000..... \$60,000				
66/261 x Amount of pay raise..... 20,000				
Total requirements..... 80,000				

	Perm. Pos.	Work- years	Amount
3. Within-grade increases.....  This request provides for an expected increase in the cost of within-grade salary increases. This increase is generally consistent with increases experienced within recent years and is approximately one percent above the base for compensation and related benefits for permanent positions. (Personnel compensation \$27,000 and benefits \$3,000.)	...	...	\$30
4. Health benefits costs.....  The Federal Employees Health Benefits Act (P.L. 93-246) provides that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. Effective January 1, 1981, the health insurance carriers raised their rates approximately 19.4 percent. The requested increase of \$9,000 provides 19.4 percent more than the \$49,000 budgeted for 1982.	...	...	9
5. Federal Employees' Compensation Act (FECA) - Unemployment Benefits.....  This request will provide for increased costs incurred for unemployment compensation payments to former employees. The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that all unemployment benefits paid by State agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$3,000 was based on unemployment compensation payments for the quarter ending in March 1981.	...	...	3
6. Federal Employees' Compensation Act (FECA) - Workers Compensation.....  The increase reflects the billing provided by the Department of Labor for the actual costs in 1981 of employees' accident compensation. The 1983 will be \$145,000 or \$2,000 over the 1982 estimate of \$143,000.	...	...	2
7. Standard level user charge (SLUC).....  P.L. 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$27,000 is required in FY 1983 to pay for space occupied at the end of FY 1982. The amount budgeted for Standard Level User Charges in 1982 is \$284,000.	...	...	27

	Perm. Pos.	Work- years	Amount
8. GSA recurring reimbursable services..... The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$1,000 will provide the same level of service in 1983 as in 1982. This is an increase of 20 percent over the amount budgeted for 1982 of \$5,000.	...	...	\$ 1
9. Postal service increase..... The Postal Service has increased the first class postage rate twice, once from 15 to 18 cents an ounce and then from 18 to 20 cents an ounce. This 5 cent increase results in an additional request of \$24,000 over the currently budgeted amount of \$72,000.	...	...	24
10. Travel costs - airfare increases..... Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the stabilization of gas prices in 1981 and the availability of economy flights, prices will increase 15 percent over the 1982 budgeted amount of \$20,000.	...	...	3
11. GPO Printing Costs..... The Government Printing Office (GPO) is projecting a six percent increase in printing costs for 1983. Using 1982 costs as a base, the uncontrollable increase for GPO printing is \$4,000 over the base of \$68,000.	...	...	4
12. Printing Costs for the Federal Register and Code of Federal Regulations..... The Legislative Branch Appropriation Act of 1978 (P.L. 96-941) amended the Federal Register Act to require Federal agencies to reimburse the Government Printing Office for the costs of printing, binding, and distributing the <u>Federal Register</u> and the <u>Code of Federal Regulations</u> (CFR). The current cost estimates from GPO reflect an increase of 10 percent over the present charge of \$400 per page for the <u>Federal Register</u> and \$80 per page for the CFR. The requested uncontrollable increase provides funding for two (2) pages in the Federal Register and two (2) pages in the CFR.	...	...	2

932

	Perm. Pos.	Work- years	Amount
13. Departmental Printing and Reproduction Costs.....	...	...	11
<p>Departmental printing costs are expected to increase by 7-1/2 percent in 1983. This results in an uncontrollable increase of \$11,000 over the FY 1982 base of \$150,000.</p>			
14. Employee data and payroll services.....	...	...	1
<p>The Department provides centralized employee data and payroll services. These services include developing, maintaining and operating all departmental information systems concerning employment information as well as centralizing payroll accounting functions. Charges for these services are based on the number of employees paid in each organization. The cost per employee in 1981 was \$95. In FY 1982, it will increase by \$15; the increased cost of servicing 77 employees is \$1,155.</p>			
15. General Pricing Level Adjustment.....	...	...	1,451
<p>This request applies to OMB pricing guidance as of August 1981 to selected expense categories. The increased costs identified result from applying a factor of 7.0 percent against those sub-object classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories or expense where inflation has already been built into the 1983 estimates.</p>			
Total uncontrollable increases.....	...	...	1,710
<b>Decreases:</b>			
1. Elimination of unfilled and unfunded workyears.....	-12	-18	...
Total decreases.....	-12	-18	...
Total adjustments to base.....	-12	-18	2,142

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	85	\$3,133	77	\$3,175	-8	\$42
11.3 Other than full-time permanent:						
Part-time permanent.....	7	222	...	...	-7	-222
Temporary employment.....	3	62	...	...	-3	-62
11.5 Other personnel compensation:						
Overtime.....		20		20	...	...
Other compensation.....		7		7	...	...
Total, workyears and personnel compensation.....	95	3,444	77	3,202	-18	-242
12 Personnel benefits.....		308		412		104
13 Benefits for former personnel.....		...		298		298
21 Travel and transportation of persons.....		113		94		-19
22 Transportation of things.....		5		3		-2
23.1 Standard level user charges.....		284		311		27
23.2 Communications, utilities, and other rent.....		267		254		-13
24 Printing and reproduction.....		506		449		-57
25 Other services.....		15,391		14,379		-1,012
26 Supplies and materials.....		45		37		-8
31 Equipment.....		2		...		-2
41 Grants, subsidies, and contributions.....		18,124		17,703		-421
Total obligations.....		38,489		37,142		-1,347
Relation of obligations to outlays:						
Obligated balance, start-of-year.....		37,927		38,879		
Obligated balance, end-of-year.....		-38,879		-36,776		
Outlays.....		37,537		39,245		

934

Office of Justice Assistance, Research, and Statistics

Research and Statistics

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

<u>Grades and salary ranges</u>	<u>1982 Estimate</u>		<u>1983 Estimate</u>		<u>Increase/Decrease</u>	
	<u>Positions &amp; Workyears</u>	<u>Amount</u>	<u>Positions &amp; Workyears</u>	<u>Amount</u>	<u>Positions &amp; Workyears</u>	<u>Amount</u>
Executive Level IV, \$58,500.....	2		2		...	
ES-4, \$58,500.....	4		4		...	
GS/GM-15, \$46,685-\$57,500.....	7		7		...	
GS/GM-14, \$39,689-\$57,500.....	23		23		...	
GS/GM-13, \$33,586-\$43,666.....	26		23		-3	
GS-12, \$28,245-\$36,723.....	5		3		-2	
GS-11, \$23,566-\$30,640.....	4		2		-2	
GS-9, \$19,477-\$25,318.....	2		2		...	
GS-8, \$17,634-\$22,926.....	1		1		...	
GS-7, \$15,922-\$20,701.....	3		2		-1	
GS-6, \$14,328-\$18,630.....	4		2		-2	
GS-5, \$12,854-\$16,706.....	5		4		-1	
GS-4, \$11,490-\$14,937.....	3		2		-1	
<b>Total, appropriated positions.....</b>	<b>89</b>	<b>\$3,233</b>	<b>77</b>	<b>\$3,124</b>	<b>-12</b>	<b>-\$109</b>
Pay above stated annual rates.....	...	13	...	14	...	1
Lapses.....	-4	-113	...	37	4	150
<b>Net permanent.....</b>	<b>85</b>	<b>3,133</b>	<b>77</b>	<b>3,175</b>	<b>-8</b>	<b>42</b>

935

Mr. HIGHTOWER. There are two appropriation items for the Office of Justice Assistance, Research, and Statistics. These requests total \$55.656 million, a decrease of \$72.898 million from the appropriations provided for fiscal year 1982 under the continuing resolution.

#### GENERAL STATEMENT

We are happy to have Mr. Robert F. Diegelman, Acting Director, Office of Justice Assistance, Research, and Statistics. We will be glad to hear your statement at this time.

Mr. DIEGELMAN. Thank you very much, Mr. Chairman.

I would for the sake of time like to summarize a couple of important points out of the written statement.

I am of course pleased to have the opportunity once again this afternoon to appear before you in support of the 1983 budget request for OJARS. As you have already pointed out, it is a very modest budget request, on the order of \$55.6 million and 195 positions, and is an appropriation request that represents a very significant retargeting of criminal justice assistance from the Federal level to state and local governments.

This budget request represents significant cuts under the expected appropriations for fiscal year 1982. It represents the conclusion of direct Federal financial aid for state and local assistance in the area of criminal and local justice, with, once again the Administration's proposal for fiscal year 1983 to terminate the financial assistance in the area of juvenile justice.

#### LAW ENFORCEMENT ASSISTANCE

The request is made up of two separate appropriations, about \$18.5 million and 118 positions for Law Enforcement Assistance. The great majority of those funds are in the area of the Public Safety Officers' Benefits Program, which will be continued once again in fiscal year 1983 with a slight increase over fiscal year 1982.

The biggest cut in this request from fiscal 1982 is the elimination of \$70 million and 62 positions for the Office of Juvenile Justice and Delinquency Prevention. It is the position of the Department and the Administration that the program has basically achieved its statutory objectives, and in a time of fiscal constraint we should no longer continue funding in this area. It is an area that would better be assumed by state and local governments.

For Public Safety Officers' Benefits Program, the request is on the order of \$10.8 million, which represents a decrease in budget authority from what has traditionally been appropriated in this area, but is a slight increase over 1982. We will use reverted funds from the former LEAA program to make up the difference between the \$10.8 million requested and the \$12.5 million which is needed to honor the approximately 250 eligible claims which we receive on an annual basis.

#### RESEARCH AND STATISTICS REQUEST

Finally, the request includes approximately \$37.1 million for research and statistics and 77 positions, which represents the recommendation of the Administration for continuation of a significant research program as well as a continued involvement in national level statistics. Those are basically my opening comments, Mr. Chairman.

I am accompanied today by my colleagues, the directors of the other bureaus within the Justice System Improvement Act. If I might introduce them to you very quickly, in case you do have substantive questions in any area of the budget, I would refer them with your permission to the appropriate director.

To my immediate left is our Director of the Budget Division for OJARS, Mr. Allen J. Vander-Staay; to his left, the Acting Administrator for Juvenile Justice, Mr. Charles Lauer; to his left the Acting Director of the National Institute of Justice, Dr. James Underwood, and to his left the Acting Director of the Bureau of Justice Statistics, Mr. Benjamin Renshaw. So if you have any questions, Mr. Chairman, or any other members of the committee, we shall be happy to respond.

#### STATUS OF OFFICE DIRECTORS

Mr. HIGHTOWER. Thank you very much, Mr. Diegelman. I notice that everybody is acting.

Mr. DIEGELMAN. Is that a comment or is that a question, Mr. Chairman?

Mr. HIGHTOWER. Of course, I know it is in vogue now, but does this indicate that the office will be closed out?

Mr. DIEGELMAN. In certain areas, yes, sir. Obviously, the intention of the Administration is not to propose Presidential nominations for those areas that are slated for termination, notably the Law Enforcement Assistance Administration, and the Office of Juvenile Justice and Delinquency Prevention.

In the other areas, the gentlemen have been acting, I think, on the order of approximately 9 to 12 months. It has been a short period of time and each of the acting directors, including myself, has been delegated the authority by the Attorney General to exercise fully all of the grant-making and administrative responsibilities implicit in the Justice System Improvement Act.

#### JUVENILE JUSTICE FUNDING

Mr. HIGHTOWER. If the Juvenile Justice and Delinquency Program is eliminated, will these functions be transferred to other agencies or to the states through block grants?

Mr. DIEGELMAN. The proposal of the Administration is to terminate the funding which we have spent in this area over the last eight years. It is the belief of the Administration that the great majority of the statutory objectives, particularly in the area of deinstitutionalization of status offenders, have been achieved and the majority of states also have already in place both statutes and policies to accomplish them.

We are not proposing a transfer of those major responsibilities and funding to another Federal agency. We believe that the states are in a position to assume responsibility for those functions in the future.

Mr. HIGHTOWER. On page 10 of the justifications, you indicate that further action will be undertaken to encourage state and local governments to provide adequate resources for addressing the problems of the Juvenile Justice System. Specifically, what action will be undertaken?

Mr. DIEGELMAN. Mr. Chairman, I will defer to my colleague from Juvenile Justice after one opening comment. We have done in the last couple of years extensive research and development of standards, technical assistance bulletins and reports which have been frequently provided to all of the states. There is also the continuing role of technical assistance provided by Juvenile Justice staff that we now have; so, in other words, we have done quite a bit and will continue to do it over the termination period.

Maybe Mr. Lauer would like to add something to that.

Mr. LAUER. That is it. There are the results of research and the documents that have been developed from research and development programs over the past four or five years, which are now being printed and made available through the Reference Service and through technical assistance.

That is about all that could be done.

Mr. HIGHTOWER. On page 10, you also indicate that as a result of previous funding, monitoring capabilities have been created at the state level which will aid in accomplishing the goal of deinstitutionalization of status offenders. If Congress approves the fiscal year 1983 budget proposal to eliminate funding, what assurance do we have that these monitoring capabilities that have been created at the state level will continue?

Mr. LAUER. There would be no federal requirement or no contractual arrangement for the states to continue those monitoring responsibilities. However in many states, you do have State laws that have been passed, State Constitutional decisions that require deinstitutionalization, and they set in place monitoring activities.

Where the state legislature or governor has enough of an interest, they will continue them. If they don't, they will not continue them.

Mr. HIGHTOWER. Would you give us for the record, please, the list of states that would require this?

Mr. LAUER. The list of states that would continue?

Mr. HIGHTOWER. Yes. What impact would termination of Federal funding have on Juvenile Justice and Delinquency Act requirements of removal of all juveniles from adult jails and lock-ups?

Mr. LAUER. With regard to your question about deinstitutionalization, the process and laws have been set in motion so that progress would continue. With regard to separation and removal, which is your question now, progress would probably be slowed down. We would hope or we believe from discussions with the states that they will maintain the level of separation that they have achieved.

Separation of adults from juveniles is a more costly process than deinstitutionalization. Deinstitutionalization of a status offender

and a non-offender saves the state and local governments money, so that there is an automatic incentive to continue it and to complete it.

Separation is a more costly matter. In 1979, there were 58,000 juveniles who were not separated from adults in institutions. In December of last year, the figure was down to 38,000. I am really not sure that we can get an accurate assessment of what the states would do, because of the extra cost.

[The following information was submitted:]

#### LISTING OF VOLUNTARY MONITORING BY STATES

The Office surveyed the States on the prospect or likelihood that the State would continue to monitor compliance with the deinstitutionalization, separation and jail removal requirements of the JJDP Act, as amended, in the event that the Office received no appropriation for fiscal year 1983.

No State was able to predict with any certainty the States' response to the loss of both the incentives and sanctions for monitoring. The Office did obtain the following analysis of the factors which would affect those decisions. In summary, the States' operation under a variety of State legislative and administrative monitoring systems as well as the Federal system. These systems are administered by many different agencies and each agency can have responsibilities for different types of institutions. Consequently, the likely result will be based on experience with existing legislation—both Federal and State and State practice.

The analysis follows. In passing the 1980 amendments, the Congress authorized the Administrator to relieve States from the required annual submission of the monitoring report if certain conditions were met, including:

(a) The State is in compliance with the requirements of paragraph 223(a)(12)(A) and (13);

(b) It has enacted legislation which conforms to such requirements; and,

(c) This legislation contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively (Section 223(a)(15)).

The intent of this amendment was to "reduce paperwork, to provide an additional incentive for full compliance and to encourage States to pass State legislation which conforms to the requirements of the Act." (H.R. 96-946, May 13, 1980).

Regulations providing guidance regarding the adequacy of State enforcement mechanisms were drafted, reviewed and issued which allowed enforcement to be either statutorily or administratively prescribed, requiring that three basic elements be met in order for the exemption:

(a) Authority for enforcement of the statute be specified;

(b) Timeframes for monitoring compliance with the statute are specified; and

(c) Adequate sanctions and penalties that will result in enforcement of the statute and procedures for remedying violations are set forth. (Federal Register Volume 46, No. 251, Thursday, December 31, 1981, Rules and Regulations, Section 31.303(i)(7)).

Before we could answer what the short term and long term responses of the States would be without the Federal Act and resources, it is important to understand the progress to date in meeting the substantive requirements themselves.

Actual compliance with the substantive requirements of the Act as measured by the most recent monitoring reports indicates that 49 of the 51 jurisdictions participating in the Act have achieved substantial compliance with Section 223(a)(12)(A); and 24 have achieved full compliance. Forty-nine (49) out of 51 jurisdictions have demonstrated substantial compliance with Section 223(a)(13), while 19 have demonstrated full compliance with the separation provision of the Act.

While determining whether or not a State's juvenile code conforms to the requirements of Section 223(a)(12)(A) and (13) is difficult, research by the National Center for Juvenile Justice gives an indication of the degree to which State codes reflect the requirements of the Act. As of June 1980, NCCJ's findings were that in 16 of the 51 jurisdictions, legislation "generally complies" with the requirements of Section 223(a)(12)(A), while 33 jurisdictions' legislation "generally comply" with Section 223(a)(13). Thirteen are generally in compliance with both subsections.

Although most States have some statutes which are generally related to monitoring, i.e., inspection, construction, operation, and maintenance of facilities, a cursory review of them shows that they are very general in nature and it is not possible to assume that under these existing mechanisms States would pursue the Federal

statute's monitoring functions in the same manner as occurs under existing administrative structures, which currently receive financial support from the Federal Act. Furthermore, it is important to note that to date, not a single jurisdiction has applied for, or has been granted an exemption from the monitoring requirements.

In summary, for the short term it appears that in those States which currently have demonstrated full compliance and have strong legislative provisions in support of the substantive requirements of the Act, those States will continue their efforts to deinstitutionalize status offenders and non-offenders, to separate juveniles from adults and to remove juveniles from jails. However, it is unlikely that monitoring could continue at the same level of effort without financial support or an unequivocal requirement in a State law.

COST ASSUMPTION OF LEAA PROJECTS BY STATES

Mr. HIGHTOWER. On page 13 of the justifications, you indicate that there has been a cost assumption rate of 65 percent of projects originally funded by LEAA. How did you arrive at this figure?

Mr. DIEGELMAN. There have been at least two major studies of the LEAA program over the last five years. In 1976, the Advisory Committee on Intergovernmental Relations printed a governmental study of the program, and it took a look at the assumption rates which was one of the issues that we wanted to examine. The study found that the great majority of LEAA's previously funded projects were being assumed at the rate of approximately 65 percent. That is the result of a very extensive survey and also interviews with state and local governments, but that is, and I will be frank with you, as much as five years old.

However, under the Justice System Improvement Act reporting requirements of Section 816, LEAA was required in its annual report to provide similar data of assumption rates. We have on an annual basis surveyed the states and determined the particular assumption rates. We find that the 65 percent, if anything, is a conservative estimate on the part of the ACIR. There is a rate probably as high as an 80 to 85 percent on the basis of our annual report findings if one excludes those one-time efforts by state governments: for example, an effort to train all of the judges in a particular state, something that wouldn't be repeated on an annual basis.

We think the assumption rates are probably higher than the 65 percent rate that comes out of the ACIR study.

Mr. HIGHTOWER. Given fiscal constraints that state and local governments are experiencing today, is it realistic to assume some of these assumption rates for the Juvenile Justice programs?

Mr. DIEGELMAN. I would say we have nothing to go on other than assuming that that is the case. We have found that, even in times of fiscal constraint, in the criminal justice area, there have still been very significant assumption rates. I think the extent to which we have had state policy changes and state statutes that implement the major statutory goals of the Juvenile Justice Act make it realistic and reasonable to assume a similar assumption rate.

PUBLIC SAFETY OFFICERS BENEFITS' PROGRAM

Mr. HIGHTOWER. On page 13 of the justifications, you indicate a request of \$10.8 million for this item, which is an increase of \$669,000 above the level provided for fiscal year 1982. On page 15 of the justifications, you state that the number of claims paid in a

given year averages 250. You further state the funds appropriated in fiscal year 1982 and requested in fiscal year 1983 are insufficient to pay the number of claims expected.

How much of a shortfall do you anticipate that you will have?

Mr. DIEGELMAN. We do not anticipate a shortfall, Mr. Chairman. When you say this item, I assume you mean the PSOB program. For the last four or five years, we have had an annual rate of about 325 claims filed with us, of which we pay on the order of approximately 250 claims. At the rate of \$50,000 a year, it comes to an annual amount on the order of \$12.5 million. The \$10.1 million for 1982 and the \$10.8 million for 1983 would on paper look like a shortfall.

What we have done is assume a continuation of the same rate of eligible claims being filed and paid. We have put into reserve sufficient reverted funds to cover the shortfall between what we are requesting in new budget authority and what is needed to run the program. This budget request therefore also constitutes, in essence, a reprogramming notification of prior year appropriated LEAA funds, so that, no claim will go unhonored in either this fiscal year or the next.

Mr. HIGHTOWER. So any time it is appropriated, it is on a no-year basis?

Mr. DIEGELMAN. Yes, sir.

Mr. HIGHTOWER. What will happen if the funds in the expired LEAA account do not materialize? How are you going to make up the difference?

Mr. DIEGELMAN. In this area, the PSOB area, they have already materialized. The funds have already reverted to the Federal Government and we have already placed them in reserve to honor the claims.

TREATMENT ALTERNATIVES TO STREET CRIME

Mr. HIGHTOWER. The budget request reflects a proposal to terminate the TASC program. How would the funds that were provided for fiscal year 1982 be allocated to the states?

Mr. DIEGELMAN. By state? We can provide that to you.

Mr. HIGHTOWER. If you will do that for the record.

Mr. DIEGELMAN. Surely.

[The information follows:]

*Treatment alternatives to street crime program project allocations*

Grantee:	<i>Tentative allocation</i>
Florida—Bureau of Criminal Justice Assistance.....	\$800,000
Illinois—Dangerous Drugs Commission.....	800,000
Michigan—Office of Substance Abuse Services .....	800,000
Pennsylvania—Office of Drug & Alcohol Programs .....	410,000
Oklahoma—Department of Corrections .....	500,000
New Jersey—Law Enforcement Planning Agency.....	300,000
Subtotal.....	3,610,000
Unallocated.....	190,000
Total .....	3,800,000

Included in the \$4 million provided for fiscal year 1982 is \$200,000 for internal administrative functions, with the balance of \$3.8 million for the program. The allocations reflected are based

upon initial project applications and are subject to change based upon final review of modified applications and allocation of the remaining \$190,000.

#### RESEARCH AND STATISTICS PROGRAM

Mr. HIGHTOWER. Is all of the increase of \$2.142 million which you are requesting for fiscal year 1983 associated with uncontrollable increases and transfers under research and statistics?

Mr. DIEGELMAN. I think the answer to that question, Mr. Chairman, is yes. We are checking that to make sure. If it is not, Mr. Chairman, it is very close to it. It is exactly \$2.142 million, Mr. Chairman.

Mr. HIGHTOWER. Under states' statistical analysis centers, on page 11 of the justifications you indicate that the program was begun in 1981 under which the Bureau of Justice Statistics established state statistical analysis centers. How much have these centers received in funding from this appropriation?

Mr. DIEGELMAN. If I may, Mr. Chairman, refer that to Mr. Renshaw.

Mr. RENSHAW. We have budgeted, Mr. Chairman, in the coming year, \$1.35 million for the ongoing support of 41 existing state analysis centers, and for the support of what we were projecting as at least five new states that will come in under the way that we are handling that program now. We use, through a cooperative agreement approach, where we establish in each state a clearinghouse and a means by which the Governor and the Legislature in that state have a group of people capable of using data to analyze policy issues across that state.

The answer is at this point based on our projections of need, \$1.35 million for the coming year.

Mr. HIGHTOWER. Will this continue indefinitely or will the states be encouraged to assume this final responsibility?

Mr. RENSHAW. It will continue indefinitely as I see it, Mr. Chairman. Our current statute says very clearly that we are to give primary emphasis in our program to state and local systems, and that primary emphasis has manifested itself in support of state analysis centers, in the support of state crime reporting programs to assist in the submission of data from local police agencies and to the FBI and several other analytical activities such as helping the states do better prison population projections. We also will be establishing a program in the coming six months, to meet a new problem that is emerging, that of the states losing their capacity to submit national correctional data; this will be a new cooperative agreement program.

So unless there is an alteration in what the statute requires, which is primary emphasis on the state and local systems, I would see this continuing indefinitely.

However, there is also a very clear fact that over 25 of the states that are in the system are providing their own support.

At one time, under the LEAA comprehensive Data Systems Program the awards going to individual states were far larger than the average of \$25,000 to \$30,000 which we are now putting in, so

in many instances the states have assumed both dollar and other responsibilities for those programs.

#### NATIONAL CRIME SURVEY

Mr. HIGHTOWER. On page 12 of the justifications, you indicate the Bureau of Justice Statistics is working on a project to improve the national crime survey, and is coordinating its efforts with the FBI's Uniform Crime Reports. What has the project accomplished thus far?

Mr. RENSHAW. The National Crime Survey redesigned the program, which was originally established based on a set of at least 128 recommendations from the National Academy of Sciences for the improvement of victimization surveys (which in fact is what the National Crime Survey is).

We have finished two and a half years of work in that area to date. I would say generally in three areas it has worked very extensively on improving the set of screening questions, that is the set of questions that is asked of any individual or household that gets into that survey.

It has also looked very definitely at ways of saving money under the survey, including computer-assisted telephone tape interviewing, and thirdly, it has looked at a whole set of important methodological questions bearing on additional knowledge on individual citizens' risks.

We have more than three years of effort to date, and I will provide more information on full answer to that, but as things currently stand, I expect that will be a five-year effort, and that a new National Crime Survey, based on the 1980 Census sample will be going into the field in approximately 1985 or 1986.

We have just embarked on a procurement to select a contractor to undertake the evaluation of the Uniform Crime Reports in cooperation with the FBI. It is my hope that by running those two efforts in parallel over the next several years, that by the mid-eighties we will be able to have those two major national indicators as to the extent of crime set for the next 25 years or more.

[The following information was submitted subsequent to the hearing:]

#### RESULTS OF NCS REDESIGN PROGRAM

In 1977, the Department of Justice assured the House Judiciary Committee's Subcommittee on Crime that a program of research would be undertaken for the purpose of redesigning the National Crime Survey (NCS). This program was undertaken in fiscal year 1980 by a consortium of private research organizations and universities with the three major goals of improving the accuracy of NCS data, increasing the utility of the survey and reducing its cost. The first six months of the research effort was devoted to identifying the major problematic components of the survey and specific objectives that would contribute to the achievement of the program goals. Efforts to improve the accuracy of the NCS emphasize reducing the extent to which respondents underreported their victimization experience and inaccurately reported aspects of victimizations that they do report. The utility of the survey is being enhanced (1) by expanding and refining the information collected on personal, residential and environmental characteristics that may explain why some citizens are victimized by particular kinds of crime and others are not; (2) by obtaining more detailed information on victimization incidents to allow fuller characterization of the range of victimization that is occurring; (3) by exploring extension of the kinds of crimes covered to include vandalism, arson and various forms of forceful intimidation; (4) by making the NCS data more applicable to the purposes of data users,

including police, victim service agencies, researchers and policy makers. Finally, by developing more efficient sampling techniques and computer assisted telephone interviewing as well as by reducing the undercount mentioned above, the Redesign is contributing to reducing the cost of the survey.

In an effort to reduce the inaccurate and incomplete reporting of the victimizations in the survey, the Redesign Consortium has analyzed NCS data, including data from specially constructed longitudinal files, to identify, and where possible compensate for the major sources of response error in the survey. These analyses have been used to develop new interviews and procedures to improve completeness and accuracy of reporting. A test of these instruments and procedures was conducted this September and the initial results suggest that the experimental methods will improve reporting in the redesigned survey. A second major approach to interviewing is being developed at this time and will be tested in latter phases on the Redesign Program.

The Redesign Program has also suggested possibilities for developing information on criminal victimization in other major survey programs of the Federal government, such as the National Health Interview Survey, the Annual Housing Survey and the National Electronic Injury Surveillance System. Attention to criminal victimization within these other systems would afford data of greater detail and accuracy for certain kinds of crime and would place victimization information within the context of detailed environmental, economic and medical information collected in such other surveys.

Steps are also being taken to improve the integration and complementarity of the NCS with the Uniform Crime Reporting System in order to create a more comprehensive national crime statistic program.

#### NIJ FUNDING OF JUVENILE JUSTICE RESEARCH PROJECTS

Mr. HIGHTOWER. If the Congress approves the request to terminate the Juvenile Justice and Delinquency provision program, will the National Institute of Justice fund research involving Juvenile Justice issues?

Mr. DIEGELMAN. We are very closely examining what is presently involved in the National Institute of Juvenile Justice in terms of which research is worth continuing within the mandate under the National Institute of Justice.

Obviously, the budget that we are submitting here today is a maintenance of the current level of funding for the National Institute of Justice so we would have difficulty within the present funding level of the National Institute of Justice to pick up any significant portion of the National Institute of Juvenile Justice research activities.

We will, however, make a close examination and if the Congress does agree to the termination of the Juvenile Justice programs to determine which research functions could be picked up in the National Institute of Justice.

#### JUVENILE JUSTICE RESEARCH PROJECTS

Mr. HIGHTOWER. What projects do you have under way at the present time with respect to Juvenile Justice?

Mr. DIEGELMAN. Across the board in the Juvenile Justice area? Just Juvenile Justice research?

Mr. HIGHTOWER. What research projects do you have?

Mr. LAUER. In the research area, we have about 20 projects that are ongoing. Six of them are evaluations, evaluations of existing large-scale research and demonstration projects.

Mr. HIGHTOWER. Could you furnish for the record a list of your projects together with the funding for each of the projects?

Mr. LAUER. Certainly.  
[The information follows:]

ACTIVE CATEGORICAL AWARDS FOR NATIONAL INSTITUTE FOR JUVENILE  
JUSTICE AND DELINQUENCY PREVENTION  
(NON-BLOCK AWARDS FILE)

RESEARCH PROJECTS

TITLE: UMBRELLA EVALUATION FOR THE SCHOOLS INITIATIVE: PHASE TWO \$2,217,703  
SOCIAL ACTION RESEARCH CENTER, SAN RAFAEL, CALIFORNIA 94903

This project represents the continuation of a large scale evaluation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) schools initiative. The initiative has three components: two demonstration programs, both developed through interagency agreements with the U.S. Office of Education (OE) and the development of a national resource and training center.

TITLE: HIGH RISK EARLY SCHOOL BEHAVIOR FOR LATER DELINQUENCY \$436,550  
HAHNEMANN MED COLLEGE AND HOSPITAL, PHILADELPHIA, PENNSYLVANIA 19102

This project, to be supported by Juvenile Justice (JJ) funds, consists of the third and fourth years of a five-year longitudinal study to identify early behavioral problems that would indicate that a child is especially high risk for subsequent delinquent behaviors in the general school environment.

TITLE: NATIONAL EVALUATION OF JUVENILE RESTITUTION PROJECTS \$1,992,053  
INSTITUTE OF POLICY ANALYSIS, EUGENE OREGON 97401

The major objectives of this evaluation are: to develop information on the types of restitution programs that are most likely to reduce juvenile recidivism; increase victim satisfaction and/or have the greatest impact on members of the community, in terms of their views of operations of the juvenile justice system; to develop information on cost-effectiveness; and to develop descriptive and analytical information on implementation processes and problems.

TITLE: A STUDY OF JUVENILES IN A SUBURBAN COURT \$298,947  
UNIVERSITY OF DENVER, DENVER, COLORADO 80208

This study seeks to develop new knowledge to improve the operation of juvenile courts in suburban and other areas characteristic of diverse clientele.

TITLE: SEXUALLY EXPLOITED CHILDREN: RESEARCH AND DEVELOPMENT PROJECT \$933,655  
NEW ENGLAND MEDICAL CENTER HOSPITAL, BOSTON, MASSACHUSETTS 02111

This project is a three year research and development program for children aged three to sixteen who have been sexually abused or exploited. It is designed to: develop descriptive information on sexually exploited children from an individual, family and community perspective, and to implement a crisis intervention treatment service for this population.

TITLE: SCHOOL DISCIPLINE AND INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM \$455,071  
NATIONAL URBAN LEAGUE, INCORPORATED, NEW YORK, NEW YORK 10021

This project will examine the degree and the nature of an apparent connection between "a youth's experience of disciplinary problems in the school and his/her involvement in the criminal (juvenile) justice system." The specific hypothesis offered is that school sanctions (expulsions, suspensions, etc.) when improperly applied, or so perceived, increase the likelihood of a child's subsequent involvement with the juvenile/criminal justice system.

TITLE: EVALUATION OF OJJDP SPECIAL EMPHASIS YOUTH ADVOCACY PROGRAM \$623,524  
AMERICAN INSTITUTES FOR RESEARCH, WASHINGTON, D.C. 20007

This is a national evaluation of the OJJDP Special Emphasis Youth Advocacy Program including 19 individual projects and will deal with process and with impact/outcome variables.

TITLE: EVALUATION OF PROGRAMS FOR DELINQUENCY PREVENTION THRU ALTERNATIVE EDUCATION  
JOHN HOPKINS UNIVERSITY CENTER FOR SOCIAL ORGANIZATION OF SCHOOLS \$675,525  
BALTIMORE, MARYLAND 21218

This is for the evaluation of the OJJDP, Special Emphasis, Prevention Delinquency Through Alternative Education Program. The evaluation will assess both the process and impact of the program.

TITLE: EVALUATION OF VIOLENT JUVENILE OFFENDER RESEARCH AND DEVELOPMENT PROGRAM  
THE URSA INSTITUTE, SAN FRANCISCO, CALIFORNIA 94111 \$706,028

This project consists of the evaluation component of the OJJDP Violent Juvenile Offender Research and Development (R and D) program. The two-part R and D program is designed to test strategies for identifying, prosecuting and reintegrating violent juvenile offenders and for increasing the capacity of the juvenile justice system to handle violent juvenile offenders fairly, efficiently and effectively (part one), and to prevent violent crimes by juveniles in communities with a high incidence of violent juvenile crime (part two).

TITLE: TRANSITION TO JUNIOR HIGH AND THE DEVIANCE PROCESS \$100,000  
NATIONAL INSTITUTE OF MENTAL HEALTH, ROCKVILLE, MARYLAND 20857

This project will examine a target group (cohort of approximately 500 youths) in the process of transition from elementary to junior high school. The particular focus will be of the theory of differential association as it relates to the youths' association with their families, peers, the school, on their perceptions and reactions to authority, and on their development of personal and social identities.

TITLE: EFFECTS OF RESIDENTIAL TREATMENT IN RESIDENTIAL PLACEMENT \$269,291  
RUTGERS COLLEGE, INSTITUTE FOR CRIMINOLOGICAL RESEARCH,  
NEW BRUNSWICK, NEW JERSEY 08903

The project is a longitudinal study of the effects of internal consistency of residential treatment facilities (consistency of staff/program milieu) on the subsequent in-community adjustment of different types of juveniles (adjudicated delinquents, status offenders, dependent-neglected juveniles).

TITLE: NATIONAL SURVEY-MINORITY RESEARCHERS AND JUVENILE JUSTICE DELINQUENCY  
PREVENTION \$123,435  
INSTITUTE FOR THE STUDY OF CONTEMPORARY SOCIAL PROBLEMS, SEATTLE, WASHINGTON 98105

The project will provide current information regarding the number, qualifications, and location of minority group researchers (blacks, hispanics, native americans, asian americans) throughout the country, describe their juvenile justice and related research involvement, and identify priority research areas on minority related delinquency and juvenile justice issues. A major objective is to encourage and expand minority researcher participation in the NIJJDP/OJJDP research program.

TITLE: RACIAL DIFFERENTIALS IN JUVENILE COURT DECISION-MAKING \$109,798  
INSTITUTE OF BLACK STUDIES, INC., ST. LOUIS, MISSOURI 63130

The major objective of this study is to construct and test models of the juvenile court process with analytic techniques that are capable of revealing the nature of racial differentiation in juvenile court decision-making. This project will conduct an examination of racial differences in juvenile court dispositions and of the processes by which a social variable (race) may get transformed into a legal variable in juvenile court decision-making.

TITLE: DIFFERENTIATE PENETRATION OF MINORITY YOUTH INTO THE JJ SYSTEM \$368,504  
CENTER FOR BEHAVIORAL RESEARCH AND ORGANIZATION DEVELOPMENT, LOS ANGELES, CALIFORNIA

The project is a study of differential penetration of minority youth into the juvenile justice system. The study consists of three separate analytical components: Statistical study of differential penetration of minority youth into the California Justice System; Survey of social support options available in Los Angeles County; and a field study of factors influencing case disposition decisions of station-level intake officers.

TITLE: COMPREHENSIVE RESEARCH AND DEVELOPMENT PROJECT ON PREVENTING DELINQUENCY  
UNIVERSITY OF WASHINGTON, CENTER FOR LAW AND JUSTICE \$821,478  
SEATTLE, WASHINGTON 98195

A two-part research and development (R and D) program designed to test promising strategies for preventing delinquency. A social development model of delinquency prevention, derived from a systematic analysis of the best empirical evidence available regarding the correlates causes and theories of delinquent behavior and delinquency prevention programs, will be tested in a comprehensive R and D Project in the Seattle/Tacoma metropolitan area under Part I of the R and D. Part II of the R and D program consists of a test of the school-based strategies identified through a program of technical assistance to the states in the area of delinquency prevention which are consistent with the social development model. This project will also include the development of training materials.

TITLE: EVALUATION OF LAW-RELATED EDUCATION PROGRAMS \$836,293  
SOCIAL SCIENCE EDUCATION CONSORTIUM, INC., BOULDER, COLORADO 80302

This project involves an evaluation of the OJJDP/NIJJD Law-Related Education (LRE) Program. The overall objective of Phase I of the LRE program is to promote awareness among educators and justice representatives of LRE, and to assist them to institute LRE programs in their communities, the evaluation will assess the overall program as well as the specific objectives, of each of the six organizations funded under Phase I of the LRE program.

## TRAINING PROJECTS

TITLE: THE VILLAGES, INCORPORATED \$311,165  
THE VILLAGES, INCORPORATED, TOPEKA, KANSAS 66601

Management for professional, para-professional and non-professional personnel who work with status offender, defendant, neglected, pre-delinquent and delinquent juveniles. The focus is on alternatives to incarceration.

TITLE: EDUCATION IN LAW AND JUVENILE JUSTICE \$1,067,764  
AMERICAN BAR ASSOCIATION, CHICAGO, ILLINOIS 60637

This is one of six projects which constitute OJJDP's current program on Law-Related Education (LRE). The major objectives of this project are to: prepare a long range blueprint for law and juvenile education; insure coordinated activities among juvenile justice education programs, train interdisciplinary community teams in a series of regional seminars and lend extensive follow-up to such teams; filed test and disseminate materials on worthwhile programs establish and strengthen links between the educational and juvenile justice community; provide extensive clearinghouse coordination and consulting services to individuals and groups throughout the country; develop more training and diffusion mechanisms; and stimulate public support for law and juvenile justice education.

TITLE: DELINQUENCY PREVENTION AND YOUTH ADVOCACY THROUGH STREET LAW \$991,412  
CONSORTIUM OF UNIVERSITIES NATIONAL STREET LAW INSTITUTE, WASHINGTON, D.C. 20001

This is one of six projects in OJJDP's Law-Related Education (LRE) program and consists of three major components: establishment and expansion of LRE programs in law schools; provision of assistance to secondary schools in the establishment and maintenance of LRE programs; and provision of LRE programs for accused juvenile offenders, youth in group homes, and adjudicated offenders in alternative residential programs.

TITLE: NATIONAL JUVENILE DELINQUENCY PREVENTION TRAINING PROJECT \$942,509  
CONSTITUTIONAL RIGHTS FOUNDATION, LOS ANGELES, CALIFORNIA 90025

The objectives of this grant are to: disseminate the CRF Program to five additional states; obtain the committee of the state department of education in all ten states to promote the CRF Program; select eight schools and/or districts in each of the five new states and four schools and/or districts in each of the five old states to establish an inter-agency liaison committee and compile an inter-agency resource manual; provide new participating schools with assistance in implementing LRE Programs; establish new LRE Programs in a minimum of eight schools in each of the ten states; and maximize national delinquency prevention education impact by cooperatively assisting other states and/or urban areas working with LRE organizations and by providing general information of CRF's accomplishments, activities, goals, and impact.

TITLE: CHILDREN'S LEGAL RIGHTS INFORMATION AND TRAINING PROGRAM \$228,730  
CHILDREN'S LEGAL RIGHTS INFORMATION AND TRAINING PROGRAM, WASHINGTON, D.C. 20009

This is one of six projects which constitute OJJDP's current program on Law-Related Education. The major objectives of this grant are: to train professionals about legal rights of youth so they can provide the most comprehensive services for children in their own community and to develop various methods of educating and training professionals and adolescents as to the rights of children.

TITLE: LAW IN A FREE SOCIETY \$894,439  
STATE BAR OF CALIFORNIA, LAW IN A FREE SOCIETY, CALABASA, CALIFORNIA 91302

This is one of six projects which constitute OJJDP's current program on Law-Related Education (LRE). The major objectives of this grant are: the establishment and institutionalization of ten centers of LRE program materials available from Law In a Free Society, other OJJDP LRE projects and other sources of LRE program materials; the development by the centers of new program components based upon local needs, interest, etc.; the provision of assistance to groups outside the ten selected areas interested in establishing similar centers; the dissemination of information on LRE to selected groups and organizations; and the expansion of cooperative and collegial relationships among center staff, staff of other OJJDP LRE projects, and others active in the field of LRE.

TITLE: NATIONAL PROGRAM TO IMPROVE JUVENILE JUSTICE AND REDUCE JUVENILE DELINQUENCY  
PHI ALPHA DELTA LAW FRATERNITY INTERNATIONAL, GRANADA HILLS, CA 91344 \$822,365

This is one of six projects which constitutes OJJDP's current program on Law-Related Education (LRE). The major objectives of this project are to: establish a Phi Alpha Delta (PAD), JJDP office in Washington, D.C.; conduct an LRE program for young people which serve at least 1,620 students in the elementary, intermediate and secondary schools of ten metropolitan areas of the United States; and conduct a LRE program for youth; and publication of a legal handbook for private youth service programs in the United States.

TITLE: JUVENILE COURT JUDGES TRAINING PROJECT \$821,113  
NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, RENO, NEVADA 89507

The general purpose of this project is to provide training to juvenile court judges and other court related personnel in order that they may be able to more effectively carry out their responsibilities.

TITLE: CURRICULUM DESIGN FOR TRAINING ADMINISTRATORS OF SERIOUS AND VIOLENT  
OFFENDER PROGRAMS \$58,522  
NATIONAL YOUTH WORK ALLIANCE, WASHINGTON, D.C. 20036

The purpose of this grant is to design and develop a curriculum to train administrators operating community-based programs which are alternatives to maximum security facilities for the serious and violent offenders.

## INFORMATION PROJECTS

TITLE: CENTER FOR ASSESSMENT OF DELINQUENT BEHAVIOR AND ITS PREVENTION \$2,432,203  
UNIVERSITY OF WASHINGTON, SEATTLE, WASHINGTON 98195

The scope of this center's work is the causes, nature, and extent of juvenile delinquency and strategies designed to prevent such behavior in youths before they become involved with the juvenile justice system. Work consists of: information collection, assessment, synthesis and development of reports; and provision of special assistance to the other assessment center, the JJDP/NIJJDP Clearinghouse, and directly to NIJJDP/OJJDP.

TITLE: JOURNALISM FELLOWSHIPS ON JUVENILE JUSTICE/DELINQUENCY PREVENTION \$34,995  
INSTITUTE FOR EDUCATIONAL LEADERSHIP, WASHINGTON, D.C. 20009

Three journalists will take a six (6) week leave of absence from their respective news organizations to learn and write about how juvenile justice and delinquency prevention programs effectively serve and strengthen society. The information these journalists produce will be disseminated to the public through major news series in participating papers and to policy-makers and professionals through final fellowship reports and IEL published monograph.

TITLE: COMPARATIVE ANALYSIS OF JUVENILE AND FAMILY CODES \$169,435  
NATIONAL CENTER FOR JUVENILE JUSTICE, PITTSBURGH, PENNSYLVANIA 15219

The purpose of this award is to create a comprehensive assessment of the implementation and impact of new juvenile justice legislation in the state of Washington and related OJJDP action programs to assist the state in its implementation effort. The legislation represents a comprehensive revision of the Washington State Juvenile Code.

TITLE: CONTRACT FOR NIJJDP TECHNICAL ASSISTANCE PROJECT \$425,000  
KORA ASSOCIATES, INCORPORATED, WASHINGTON, D.C. 20009

The purpose of this contract is to provide technical assistance to NIJJDP and its grantees in all research and development, evaluation, training, and research utilization activities.

TITLE: CONTRACT: CONTINUE OPERATE, REFINER NATIONAL CRIMINAL JUSTICE REFERENCE  
SERVICE \$2,898,344  
ASPEN SYSTEMS CORPORATION, ROCKVILLE, MARYLAND 20850

The contractor shall acquire, store, index, abstract, and retrieve all information identified for the data collection. Hard copy data base shall be maintained. Specialized indexing shall be accomplished by using the National Criminal Justice Thesaurus.

## STANDARDS PROJECTS

TITLE: POLICY-MAKING RELATING TO POLICE HANDLING OF JUVENILES \$501,848  
BOSTON UNIVERSITY, BOSTON, MASSACHUSETTS 02215

The purpose of this project is to develop, implement and evaluate guidelines for the use of discretion by police officers in matters involving juveniles.

TITLE: JUVENILE PAROLE RESEARCH PROJECT \$442,294  
THE URSA INSTITUTE, SAN FRANCISCO, CALIFORNIA 94111

This project is the first comprehensive study which will examine juvenile parole decision-making throughout the country. It will examine the organization of juvenile parole authorities, the policies and criteria used to arrive at parole decisions and the effects of these decisions on the juvenile correctional populations and the juvenile offender.

TITLE: NATIONAL UNIFORM JUVENILE JUSTICE REPORTING SYSTEM \$1,238,014  
NATIONAL CENTER FOR JUVENILE JUSTICE, PITTSBURGH, PENNSYLVANIA 15219

The major aim of this project is the maintenance and improvement of the nationwide juvenile court statistical reporting system. This reporting system is the only nationwide source of systematic data on juvenile court handling of youth.

TITLE: SURVEY OF CHILDREN'S RESIDENTIAL INSTITUTE AND ALTERNATIVE PROGRAMS  
UNIVERSITY OF CHICAGO, CHICAGO, ILLINOIS 60037 \$1,998,474

The proposed project is a major research effort to replicate the 1966 Census of Children's Residential Institutions (CRI) in the United States, Puerto Rico and the Virgin Islands; and to initiate a comparable study of non-institutional alternative programs for young people.

TITLE: SECURE CARE COMMUNITY BASE CORRECTIONAL SYSTEM: CONFLICT IN DISPOSITION  
PRESIDENT, FELLOWS OF HARVARD COLLEGE, CAMBRIDGE, MASSACHUSETTS 02138 \$543,872

This project addresses a central issue regarding the juvenile deinstitutionalization movement: How to alleviate public fears about protection in the community. Approximately 90% of the presently institutionalized juvenile offender population are likely to be denied a diversity of relevant Community Based (CB) treatment opportunities because of the failure to assure community protection against the remaining 10%.

TITLE: CHOICE OF NON-DELINQUENT, DELINQUENT CAREERS \$504,812  
ASPIRA, INCORPORATED OF PENNSYLVANIA, PHILADELPHIA, PENNSYLVANIA 19123

The major purpose of this study is to identify factors which influence the decision of Puerto Rican youths to remain in school or to drop out, and to investigate the choice of non-delinquent and delinquent careers among this population.

TITLE: EVALUATION OF DENVER PROJECT NEW PRIDE REPLICATION PROGRAM \$1,014,432  
PACIFIC INSTITUTE FOR RESEARCH, LAFAYETTE, CALIFORNIA 94549

This project involves a national evaluation of the OJJDP New Pride Replication Program. The evaluation is designed to develop information regarding client and service issues which can be used to refine the New Pride model, and to determine under what conditions the program can be implemented in different types of jurisdictions.

## PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Mr. HIGHTOWER. Mr. Miller?

Mr. MILLER. Thank you, Mr. Chairman.

Mr. Director, a few minutes ago you discussed the Public Safety Officers Benefits' Fund, and you stated that approximately 325 cases were filed in one year, and about 250 were paid off. Now, I am wondering with regard to the remaining 75, for what reason would you not consider those 75 being valid claims?

Mr. DIEGELMAN. Completely on the basis of the statutory requirements, determinations of eligibility and the circumstances under which we can honor a claim, the regulations that we issue, and also basically in the legislative history backing up the PSOB.

I don't know first-hand, but I think a great majority of the claims that are lost after the initial filing are lost by the officer or fireman suffering a heart attack while in performance of duty, which by court decisions in previous determinations is not a case under which we can actually make an award unless there is a clear indication of some type of traumatic injury involved in the heart attack.

Mr. MILLER. Who makes that final determination?

Mr. DIEGELMAN. There is a whole process that is laid out. We initially have the Program Director of the Public Safety Officers' Benefit Program make the determination. If the claimant is not satisfied with that determination, he can appeal that to an independent hearing examiner who is appointed by the agency.

If the hearing examiner does not rule in favor of the claimant, the claimant can once again appeal it to my level as Director of OJARS, and if they are not satisfied with my findings, they could then take it to court.

Mr. MILLER. Do you have some record to show us where this has taken place? I would assume that in the central cities, perhaps you have had many people file claims because officers were killed in that area, maybe more so than rural.

I am not sure, but do you have a breakdown, for example by State, as to what claims were allowed last year?

Mr. DIEGELMAN. I don't with me today, Mr. Miller, but I will be glad to supply for the record a complete rundown of the 1,000 or so claims that we have.

Mr. MILLER. If we could have that for the record, I would appreciate it.

Mr. DIEGELMAN. I might make the observation that judging from the popularity of the program, and where we see claims coming from, believe me, they are from all over the country, from very small towns to very large cities. The proportion of the cases we will be able to show you for the record.

[The information follows:]

The Public Safety Officers' Benefits Act was enacted on September 29, 1976. It provides a \$50,000 death benefit to the eligible survivors of a public safety officer whose death results from a traumatic injury sustained in the line of duty. Deaths caused by disease or stress and strain of employment are not covered by the Act, unless there was a traumatic injury which was a substantial factor in the death. During the period 1977-80, 234 claims were denied. The reasons for denial are as follows:

## PSOB CLAIMS DENIED

	1977	1978	1979	1980	Total
No eligible survivor .....	4	4	3	4	15
Not a public safety officer .....	1	5	5	2	13
Voluntary intoxication .....		2	6	3	11
Suicide .....				1	1
Gross negligence .....	1				1
Not line of duty death and death not caused by duty related traumatic injury (heart attack) .....	(25) 28	(76) 80	(36) 49	(24) 29	(161) 186
Other .....	1	2	3	1	7
Total .....	35	93	66	40	234

Of the 234 claims denied, 161 were denied because the public safety officer's death was not caused by a traumatic injury. The vast majority of these 161 deaths were caused by heart attacks frequently precipitated by the stress and strain of the public safety officer's job.

The following chart shows by percentage of claims filed what level of government that public safety officers were serving at the time of their death.

Employer:	Claims
State .....	15.7
Regional .....	1.0
County .....	19.3
City .....	64.0

As already indicated, 1095 public safety officer deaths in a claim filed under the Public Safety Officers Benefits Act during the period fiscal year 1977 through fiscal year 1980. Of the 1095 public safety officers killed, 803 or 73.3 percent were from cities with populations of less than 250,000. Of the remaining number of public safety officers killed, 128 or 11.7 percent were from cities with a population of from 250,000 to 499,999, 68 or 6.2 percent were from cities with a population of from 500,000 to 999,999 and 96 or 8.8 percent were from cities with a population larger than 1,000,000.

Mr. HIGHTOWER. Mr. Miller, you may recall several years ago, when the Mayor of San Francisco was murdered in his office a claim was filed.

Mr. DIEGELMAN. Yes, sir.

Mr. HIGHTOWER. On the basis that he was a law enforcement officer, was the chief law enforcement officer of the city, and that was rejected because it was determined he was not a law enforcement officer killed in the line of duty.

That is one example.

Mr. DIEGELMAN. Thank you, Mr. Chairman.

## INITIATIVE FOR PSOB PROGRAM

Mr. MILLER. Did the States and the municipalities have some type of payment to be paid for those officers killed in the line of duty, and did we in passing the legislation over here just pick up a responsibility of a State and a municipality?

Mr. DIEGELMAN. I am not an expert in this area. I will admit that at present, I think a majority of the States do have their own type of workmen's compensation whereby either a fireman or a policeman who died in the line of duty could receive a death benefits payment. Frequently, and this has been a source of controversy in the program, their ruling on a particular case allowing compensation under the workmen's compensation laws is not the same as ours. So in other words, a widow or the orphans of a particular law

enforcement officer might be paid under State law, while not being paid under the Federal program, because the Federal program was intended to be much more restrictive.

The push for the Public Safety Officers' Benefits Program, however, was not simply a national or Federal initiative. We got it through 1976 amendments to the Omnibus Crime Control and Safe Streets Act and there I think it was a very strong push by the law enforcement community due to the increasing numbers of law enforcement officers being killed in the line of duty in the late sixties and early seventies. They found either State or local compensation programs to be inadequate.

So, after an intensive lobbying effort the PSOB added onto our 1976 Act. The Federal Government didn't just move into the area, but were very heavily encouraged into the area.

## CATEGORIES OF PSOB CLAIMANTS

Mr. MILLER. I understand that. I mentioned the public safety officers and you mentioned the firemen, and I understand this same thing applies for firemen. Do you administer that program also?

Mr. DIEGELMAN. Yes, sir, we do.

Mr. MILLER. Could you give us some indication as to how many police or law enforcement officers, widows, children, would ever see benefits compared to firemen?

Mr. DIEGELMAN. I can't this afternoon, but we will gladly supply it for the record.

Mr. MILLER. That would be good to have for the record, if you will supply that also.

Mr. VANDER-STAAAY. There are also court and corrections officers also, so we will put the whole business in.

Mr. MILLER. Court and corrections officers? Federal, State and local?

Mr. VANDER-STAAAY. Every once in a while there is somebody that has a dual role, like a warden, a game warden, could also have police powers, and we do get cases that have been turned down, and I think a very few that have been paid where the individual does have police powers and does qualify as a public safety officer, but this will all be shown to you on a chart we have.

[The information follows:]

PSCB CLAIMS APPROVED  
FY 1977-1980

State	Fire Fighters	Law Enforcement Officers	Corrections Officers	Parole/ Probation Officers	Judicial Officers	Total
Alabama	4	18	2	...	...	24
Alaska	...	2	...	...	...	2
Arizona	5	6	...	...	...	11
Arkansas	2	8	2	...	...	12
California	17	49	1	...	...	67
Colorado	...	3	...	...	...	3
Connecticut	3	4	...	...	...	7
Delaware	...	...	...	...	...	1
Florida	4	19	...	...	1	23
Georgia	9	22	3	...	...	34
Hawaii	...	3	...	...	...	3
Idaho	...	1	...	...	...	1
Illinois	11	16	6	...	...	33
Indiana	6	7	1	...	...	14
Iowa	1	8	2	...	...	11
Kansas	2	6	1	1	...	10
Kentucky	4	11	1	...	...	16
Louisiana	...	18	1	...	...	19
Maine	3	3	...	...	...	6
Maryland	7	11	...	...	...	18
Massachusetts	17	9	...	...	...	26
Michigan	12	13	...	...	...	25
Minnesota	3	7	...	...	...	10
Mississippi	...	15	...	...	...	15
Missouri	5	16	2	...	...	23
Montana	...	3	...	...	...	3
Nebraska	5	1	...	...	...	6
Nevada	...	5	...	...	...	5
New Hampshire	...	2	...	...	...	2
New Jersey	20	16	...	...	...	37
New Mexico	...	5	...	...	1	5
New York	35	44	2	1	...	82
North Carolina	10	18	1	...	...	29
North Dakota	1	...	...	...	...	1

State	Fire Fighters	Law Enforcement Officers	Corrections Officers	Parole/ Probation Officers	Judicial Officers	Total
Ohio	13	22	...	2	1	38
Oklahoma	2	15	1	...	...	18
Oregon	4	1	...	...	...	5
Pennsylvania	12	16	2	...	...	30
Rhode Island	2	...	...	...	...	2
South Carolina	1	8	1	...	...	10
South Dakota	1	2	...	...	...	3
Tennessee	11	21	...	...	...	32
Texas	13	43	2	1	...	59
Utah	...	1	...	...	...	1
Vermont	1	1	1	...	...	3
Virginia	7	7	...	...	...	14
Washington	4	9	1	...	...	14
West Virginia	3	7	...	...	...	10
Wisconsin	5	8	...	...	...	13
Wyoming	...	1	...	...	...	1
Subtotal	265	531	33	5	3	837
Guam	...	4	...	...	...	4
Puerto Rico	1	16	2	...	...	19
Virgin Islands	...	1	...	...	...	1
TOTAL	266	552	35	5	3	861

957

## IMPACT OF LEAA PHASEOUT ON CRIME

Mr. MILLER. Opinion surveys pretty well show that people are concerned about crime, and with phasing out your operation, do we have some assurance that it is not going to have an adverse impact on our battle against crime?

Will the slack be taken up? In the beginning, I believe the Chairman requested some information about when your program would be shifted. Are there indications, in your view, that we might be going in the wrong direction because of the possible impact on the crime problem?

Mr. DIEGELMAN. Congressman, I think it is absolutely impossible to tell you. I think you can point to our own experience in the area and you can draw one of several conclusions.

The Law Enforcement Assistance Administration has spent over \$8 billion during the last 14 years. Has it in any way helped stem the tide of crime? You will find the advocates of the program say that if we had more money and had spent more money, the crime problem wouldn't have risen as dramatically. You will also find the critics of the program saying we have spent \$8 billion over the last 14 years and it hasn't made a hill of beans worth of difference.

I think the one thing that we can truly say after very heavy Federal financial assistance for the last decade and a half is that a blank check written to State and local governments in the area of law enforcement and criminal justice improvements without some stringent Federal controls is going to lead to the type of wasteful expenditure of taxpayers' funds under the rubric of crime control without any real ability to say whether it has worked or whether it hasn't.

Whether the disappearance of LEAA will mean the nation's crime rate will skyrocket, I find it hard to believe that it would. Whether the continued Federal expenditures in this area might make a difference, if we did continue to put this much money in, I think that is a good debate.

I think you can come out with an answer on either side of the question. I do not believe, however, that any heavily-funded program that follows the pattern of LEAA with broad discretion on it, where it is not clearly targeted into some type of successful well-developed, well-demonstrated programs—is bound to do anything more than spend more of the Federal dollars for a problem where we already know it has had no impact.

Mr. MILLER. Thank you. Thank you, Mr. Chairman.

Mr. HIGHTOWER. Mr. Campbell?

Mr. CAMPBELL. No questions.

Mr. HIGHTOWER. Thank you very much. We appreciate your testimony here today, and we will have some additional questions, Mr. Diegelman, in writing, that we will submit to you. The committee will stand adjourned until 10:00 tomorrow morning.

[The questions referred to and the answers submitted thereto follow:]

## QUESTIONS SUBMITTED BY CONGRESSMAN EARLY

## Law Enforcement Assistance

*Last year the Administration did not seem certain about what it should do with the Juvenile Justice program - whether to make it part of a block grant, fund it, or eliminate it. What has happened over the year that has convinced the Administration that the program's elimination is in the best interests of the country?*

The 1982 budget request submitted by the current administration proposed elimination of the Juvenile Justice program. The Attorney General stated in Congressional testimony that the primary objectives of the program "can and should, be met through block grant programs administered by the Department of Health and Human Services and through efforts at the state and local level."

We continue to feel that the Juvenile Justice program should be supported with state and local resources. The program has gone a long way toward achieving its objectives and has amply demonstrated that the goals of the authorizing legislation are attainable. However, we also believe that the burden of funding should be shifted to the state and local levels where the responsibility lies for public safety. Many of the states have institutionalized programs begun with federal funds provided by this program and we believe that many more will follow suit because many of the programs have proven successful.

*Have you consulted with the states to determine whether they can continue to support the program without federal funds?*

OJJDP has had regular contact with the states regarding the future of the program absent federal funding. Although no state-by-state breakdown is available, certain generalizations can be made. Generally we have found that in those states where there is gubernatorial and/or legislative interest coupled with sufficient finances, the program or components of the program will remain, e.g., utilization of a relatively small amount of funds as seed money to explore new approaches or continued efforts related to deinstitutionalization or violent offenders. Conversely in those states where there is either no interest or no funds it doesn't appear that the program will continue. It should be noted that certain changes in the operation of the Juvenile Justice system have already been made in many states and it does not appear that these changes will be adversely affected by the elimination of the program regardless of the state. For example, in the area of deinstitutionalization little, if any, backsliding is contemplated. A majority of the states have achieved substantial compliance with the deinstitutionalization provisions of the Act, and it does not appear that this will change. As it pertains to other provisions of the Act, we do not contemplate that most states will make additional progress with the separation provisions (Sec. 223(a)(13)) of the Act. Jail removal (Sec. 223(a)(14)) will not really begin as most states are still in initial planning stages.

*In your justifications you indicate that in FY 1983, "further action will be taken to encourage state and local governments to provide adequate resources toward addressing problems of the juvenile justice system." What specific actions did you have in mind? What if the states do not have the adequate resources to address these problems?*

OJJDP has developed numerous publications and technical assistance manuals addressing problems in the juvenile justice area and providing recommendations for improvements/action. These publications include standards for juvenile justice, research and evaluation studies and manuals for practitioners and service providers. These resources will be distributed to states and localities to further their continued involvement in improving the juvenile justice system. Further, some technical assistance will still be available in FY 1983 to assist states in administering and managing their programs. Finally, the results of currently on-going research and program activities, many of which are geared toward the improvement of the system (procedures, processes, methods, etc.), will be available to state and local governments in FY 1983.

*It is clear from all available data that the level of violent crime committed by juveniles is a national problem. The Juvenile Justice and Delinquency Prevention Act of 1980, which received substantial bipartisan support in Congress, began to address this issue. In the absence of federal support, who will conduct the research, and further develop and evaluate the juvenile justice programs throughout the country? Who will monitor the success of demonstration projects and disseminate the findings to state and local agencies?*

Since no funding has been requested for the OJJDP program for FY 1983, we anticipate that with the elimination of the Office, some of the current activities of the Office in the areas of research, information collection and dissemination, training, program development or program evaluation will be picked up by individual states and some private not-for-profit organizations that are involved in the juvenile justice area like the National Council on Crime and Delinquency (NCCD). We would assume that funding for these private organizations that deal with juvenile justice activities would come from corporate donors, foundation user fees and interested state and local governments.

*For the past year the Office of Juvenile Justice and Delinquency Prevention has functioned without a permanent administrator and without the mandated Advisory Committee. Does the Department have plans in this area?*

The Department has no plans to nominate a permanent Administrator for the Office of Juvenile Justice and Delinquency Prevention because the Administration is seeking to terminate the program. Currently, the Deputy Administrator is acting as Administrator under the authority of 42 U.S.C. 5617(e) which allows him to perform those functions "in the event of a vacancy in the office of the Administrator." (See Public Law 96-509, December 8, 1980).

On March 31, 1982, subsequent to the hearing, Stanley E. Morris, Associate Deputy Attorney General, testified before the House Subcommittee on Human Resources, Committee on Education and Labor

that the Department was in the process of establishing a Juvenile Justice Advisory Committee. The Attorney General has now selected individuals for appointment to the Committee. Final action is expected shortly.

*Should Congress decide to eliminate the Juvenile Justice program, will the Department have to RIF employees? When would the RIFs be implemented and what would be the costs associated with that action?*

The 1983 budget request for the Law Enforcement Assistance appropriation, in addition to elimination of the Juvenile Justice programs, provides a reduction of 74 positions and 133 workyears. This proposal assumes a RIF would have to take place in early FY 1983 in order to achieve the workyear ceiling and level of funding requested. The proposal does not, however, eliminate all of the positions related to administering the Juvenile Justice program. Some of those personnel will be required in 1983 to begin program phase-out operations.

RIF costs currently are estimated at \$17,000 per individual which includes severance, terminal leave and unemployment compensation.

*Has the Administration considered the possibility of maintaining the Juvenile Justice programs which specifically address the problems of serious offenders? If not, why not?*

The Department has considered several options pertaining to the OJJDP program. It recognizes that serious and violent crime is a problem in this country. However, the Department recognizes that crime prevention and control is primarily the responsibility of state and local governments and the mere infusion of additional federal dollars is not the proper response to the problem.

*Do you have estimates on how much damage is done by juveniles each year?*

In April 1980, OJJDP published a series of reports of the National Juvenile Justice Assessment Centers on a National Assessment of Serious Juvenile Crime and the Juvenile Justice System. Volume IV of that report concerned itself with the economic impact associated with serious juvenile crime in the United States. This report estimates that the total aggregate primary direct cost of serious juvenile crime was approximately \$10 billion in 1975 (in 1977 dollars). Direct primary costs include monetary or property loss, physical or mental injury, lost income and the value of lost consumption opportunities, generated by the crime itself or by subsequent involvement in the juvenile justice system. A chart showing the aggregate primary direct costs for individual property and personal crimes follows.

PRIMARY DIRECT COSTS OF AGGREGATE SERIOUS JUVENILE CRIME  
ON A NATIONAL LEVEL FOR 1975 (1977 DOLLARS)

	AGGREGATE SERIOUS JUVENILE CRIME	AVERAGE PRIMARY DIRECT COSTS	AGGREGATE PRIMARY DIRECT COSTS OF SERIOUS JUVENILE CRIME
<b>Property crime:</b>			
Personal larceny > \$250	416,523	\$ 611	\$ 254,495,550
Household larceny > \$250	203,971	611	124,626,280
<b>Burglary</b>			
Forcible entry	1,161,270	2,341	2,718,533,000
Unforced entry or unsuccessful forcible entry	2,237,370	611	1,367,033,000
Auto theft	402,800	1,302	524,445,600
Total property	4,421,934		\$ 4,989,133,430
<b>Violent crime:</b>			
Robbery (without serious physical injury)	326,947	\$ 2,341	\$ 788,792,920
Robbery resulting in serious injury	67,993	18,590	1,263,989,900
Assault with a dangerous weapon (without serious physical injury)	236,823	5,688	1,347,049,200
Assault involving serious injury	51,867	18,590	964,207,530
Rape (without serious physical injury)	20,213	14,471	292,502,320
Rape involving serious injury	4,437	29,057	128,925,900
Homicide	1,690	178,246	301,235,740
Total violent	719,430		\$ 5,086,703,510
Total overall	5,171,364		\$ 10,075,836,940

Research and Statistics

*You have requested a decrease of 10 positions in Executive Control of the National Institute of Justice. What positions are being eliminated and why?*

The request for a decrease of 10 positions is in line with the President's call for government-wide budget reductions. Institute program funds have been steadily declining since 1977 and the proposed decrease in staff support will reflect a more equitable balance between available program funds and program support. It is anticipated that staffing cuts will be spread equitably across Institute offices so that current programs will experience a minimum of disruption. A slightly larger share of the decrease will occur in the Office of Evaluation. Due to the demise of LEAA, resources required to evaluate those programs are no longer necessary.

*How is the information collected through the National Institute of Justice disseminated throughout the country, and do you have any indications that the information is utilized by local law enforcement agencies?*

The programs responsive to the National Institute of Justice's legislative mandate to disseminate newly emerging research findings are located in NIJ's Office of Development, Testing and Dissemination. Although current fiscal realities preclude funding the wide scale demonstrations of research concepts supported for the last few years under LEAA funds, the Department feels that the Institute has found effective and cost efficient ways to disseminate research concepts of proven effectiveness.

Under this program the Institute develops a wide range of practitioner-oriented products based on a variety of applied research efforts which include identification and review of existing research literature, assessment of related practical experience and test designs of promising new approaches. Some examples of resulting products are provided.

**Monographs:** Reports which critically review available research and selected program experience, and pinpoint areas that require further study. Recently the Institute published a monograph on Fraud in Government Benefit Programs: Suggested State/Local Prevention Strategies.

**Program Models:** State of the art syntheses of research and evaluation findings, operational experience and expert opinion in a topic area. A total of 24 Program Models have been published on such subjects as Arson Prevention and Control, Rape, and Employment Services for Ex-offenders.

**Policy Briefs:** Concise reviews of the implications of significant research findings for legislators and government executives. Two policy briefs on Consumer Fraud and Mandatory Sentencing were recently completed and will be published in late Spring.

**Test Designs:** Detailed experimental designs for testing the effectiveness of particular concepts or programs under actual operational conditions in selected jurisdictions.

The Institute's Field Test Program, a cornerstone in its applied research effort, tests basic research concepts in multiple operational settings under carefully controlled conditions. All field tests are independently evaluated under grants from the Institute's Office of Program Evaluation. Currently eight field tests are underway. In FY 1983, NIJ will mount one field test in a minimum of two and possible three jurisdictions depending on the nature of the test and the cost of implementation in individual sites. Although LEAA demonstration programs will no longer be available as a dissemination vehicle for field test findings, the Institute will still develop program designs for publication and wide dissemination as findings become available.

Under this program the Institute develops training packages for sale to state/local jurisdictions and conducts workshops for local and state officials on request in topic areas of interest. Materials are prepared from newly emerging research findings and reflect state-of-the-art operational techniques. Current topics include: Improving Police Management, Police Cost Analysis, Reducing Non-Stranger Violence, and Cutback Management.

This program includes both the identification of state and local programs of proven effectiveness and the identification and assessment of programs that show promise in terms of responding to national concerns about a specific criminal justice problem. Currently this initiative seeks to identify, assess and publicize effective projects to combat violent crime and the violent offender. The Institute will assess and document existing and emerging techniques and will publish state-of-the-art information for the field.

The Institute will continue its development and dissemination of standards for criminal justice equipment for the benefit of state and local law enforcement agencies. Current publications under this program include materials on Bullet Proof Vests, High Speed Pursuit Tires, and Hand Held Transistors to name a few.

The Institute will continue its support of the National Criminal Justice Reference Service, the national and international clearinghouse for criminal justice information, as mandated in the Justice Systems Improvement Act of 1979. The Reference Service also performs clearinghouse services for other DOJ agencies including NIC and BJS, and disseminates both government documents and documents from independent sources to over 40,000 users. Separate evaluations of the Research Utilization Workshops, the dissemination strategies for Monographs and Program Models and the dissemination of Exemplary Projects Manuals all indicate that the products resulting from these activities are reaching a significant percentage of their intended audiences and are used by them.

*Does the National Institute of Justice conduct any research in the juvenile justice area? If the Congress did not fund the OJJDP in FY 1983, would the NIJ begin to assume some research responsibilities in this area?*

Since 1974 when a memorandum of understanding was drawn up between the National Institute of Law Enforcement and Criminal Justice (NIJ's predecessor) and the National Institute of Juvenile Justice, the Institute has conducted very little research on juvenile justice.

Generally, such research has occurred as part of larger on-going projects which by their very nature require the inclusion of data on juveniles (e.g., longitudinal studies of criminal behavior). This policy remains in effect and no funds for juvenile justice were requested in the FY 1983 budget. Given the proposed reductions in both program and staff support, it is highly unlikely that NIJ would be able to assume much research responsibility for this area, however, if the Congress does agree to the termination of OJJDP, a close examination will be made of current Juvenile Justice research programs for consideration of continuation by NIJ.

## QUESTIONS SUBMITTED BY CONGRESSMAN DWYER

## Law Enforcement Assistance

*On page 12 of the justifications, you indicate that nine states have enacted major juvenile code revisions. How many other states need such code revisions?*

The nine states, Alaska, Hawaii, Indiana, Iowa, Kentucky, Maine, Mississippi, North Carolina and Washington, revised their entire juvenile codes. Other states have already or are currently amending portions of their codes and over thirty states have amended their statutes to be consistent with OJJDP's deinstitutionalization mandate. The majority of states still need to adjust their codes to accommodate the removal mandate.

*Has the Office of Juvenile Justice and Delinquency Prevention developed a program based on the experience of the nine states so that other states in similar situations can be assisted?*

OJJDP provides information to the states on code revision and model forms of legislation through (1) the four technical assistance contractors (i.e., Community Research Center, A.D. Little, National Office of Social Responsibility, and Westinghouse); (2) current publications (i.e., Legislative Resource Manual for Implementation of the Juvenile Justice and Delinquency Prevention Act; A Comparative Analysis of Juvenile Codes; Indexed Legislative History of Juvenile Justice Amendments 1977, etc.); and (3) distribution of standards (i.e., Standards for the Administration of Juvenile Justice) and research activities of the National Institute of Juvenile Justice and Delinquency Prevention (i.e., Assessment of the Implementation and Impact of the California Welfare and Institutions Code (AB 3121) by the Social Science Research Institute, USC; Assessment of the Washington State Juvenile Code by the Institute of Policy Analysis, Dr. Anne Schneider, Eugene, Oregon). Currently under consideration by the Office for FY 1982 is the development of model juvenile codes pursuant to Section 247 D of the JJDP Act which will be helpful to States that are considering amending their juvenile codes. This material will be integrated into a planned comprehensive program of standards training and information dissemination directed at state and local lawmakers, judges and court administrators, and corrections officials and others involved in administering juvenile justice programs. The NIJJDP has also distributed to each of the states a comprehensive volume of Standards developed pursuant to Section 247 D as well as providing training and technical assistance to state legislatures and agencies interested in modifying their juvenile codes.

*If Congress approves your proposal to terminate funding for the Juvenile Justice program, where is the money going to come from for innovation in the juvenile justice area? What evidence do you have that the states will be able to fund innovation projects?*

OJJDP has had regular contact with the states regarding the future of the program absent federal funding. Although no state-by-state breakdown is available, certain generalizations can be made. Gen-

erally we have found that in those states where there is gubernatorial and/or legislative interest coupled with sufficient finances, the program or components of the program will remain, e.g., utilization of a relatively small amount of funds as seed money to explore new and innovative approaches or continued efforts related to deinstitutionalization or violent offenders. Conversely, in those states where there is either no interest or no funds it does not appear that the program will continue. It should be noted that certain changes in the operation of the juvenile justice system have already been made in many states and it does not appear that these changes will be adversely affected by the elimination of the program regardless of the state. For example, in the area of deinstitutionalization little, if any, backsliding is contemplated. A majority of the states have achieved substantial compliance with the deinstitutionalization provisions of the Justice System Improvement Act, and it does not appear that this will change. As it pertains to other provisions of the Act, we do not contemplate that most states will make additional progress with the separation provisions (Sec. 223 (a)(13)) of the Act. Jail removal (Sec. 223(a)(14)) will not really begin as most states are still in initial planning stages. We do anticipate that with the elimination of the Office some of the current activities of the Office in the areas of research information collection and dissemination training, program development or program evaluation will be picked up by individual states and some private not-for-profit organizations that are involved in the juvenile justice area like the National Council on Crime and Delinquency (NCCD). We would assume that funding for these private organizations that deal with juvenile justice activities would come from corporate donors, foundation user fees and interested state and local governments.

## Research and Statistics

*On page 11 of the justifications, in support of the Research and Statistics appropriations, you mention the publication of the State Court Model Annual Report and State Court Model Statistical Dictionary as an accomplishment of the Bureau of Justice Statistics. How much did the Bureau spend on this project and do they plan to continue funding the collection of state and local court statistics?*

Between February 1977 and February 1982 the Bureau of Justice Statistics has spent \$1,600,437 on the program of court statistics. Of this amount, the Model Annual Report was produced at a cost of \$31,115 and Statistical Dictionary at a cost of \$36,620. The current phase of the program for court statistics is funded for a total of \$264,687.

*What is the long term value of this program?*

The court statistics program provides national comparative data on the judicial function in the United States and is designed to assure that more states have access to such basic information regarding their own state and in so doing to create a national data base that supports the general long-term effort to understand and improve the criminal justice process. It facilitates study of the

myriad issues that arise surrounding the courts, such as trends in caseload volume, caseload forecasting, court delay, court structural alternatives, court personnel, court budgets, appeal rates, the relative resources consumed by criminal and civil processes, and the overall role of courts in American society.

The study encourages each state to improve its court statistics recordkeeping so that it can enjoy the benefits of not only its own data base but national comparative data. An annual report of national court statistics is produced and each year more states are able to provide data to assure their representation in the document. The strategy is a gradual one of raising the standards and scope of coverage through statistical interchange and dissemination of data. Before this document was established, there was no single source for court data, but only scattered and widely varying state and annual reports.

*On page 12 of the justifications, you indicate that the Bureau of Justice Statistics will have a new mandate in the federal statistics areas. What specifically is this mandate and how will it benefit other agencies within the Department of Justice?*

The BJS mandate in the area of federal justice statistics was initially set forth in Sections 301 and 302(c) of the Justice System Improvement Act (JSIA). In summary, these sections provide that BJS shall initiate efforts to collect, analyze and disseminate statistics describing: crime at the federal level, operations of the federal justice system (both criminal and civil), attributes of the federal offender, and specific areas of federal interest such as public fraud and white collar (high technology) crime.

As now designed, the BJS Federal Statistics program includes four programmatic components—three addressing federal criminal justice issues and the fourth related to federal civil justice statistics. Programmatic efforts under these four components of the Federal Statistics program are directed toward (1) developing procedures and methodologies for collecting and analyzing federal criminal justice data and developing a federal criminal justice transaction data base; (2) initiating a regularized series of statistical reports to provide current data describing overall federal criminal justice activity and/or specific issues of current concern; (3) developing and implementing data collection activities in newly identified areas of federal concern such as high technology (computer); and (4) collecting and analyzing data describing the federal civil justice system.

These programs were specifically designed to ensure responsiveness to the concerns of the federal justice community, relevant components of the legislative and executive branches, and the public. Toward this objective, negotiations concerning the procedures and output of the BJS program have already been initiated with representatives from the Federal Bureau of Investigation, the Administrative Office of the U.S. Courts, the Executive Office for U.S. Attorneys and the Bureau of Prisons. A recent product, the BJS Bulletin on Federal Justice Statistics (copy attached), reflects input derived from all these sources.

U.S. Department of Justice  
Bureau of Justice Statistics



## Bureau of Justice Statistics Bulletin

# Federal Justice Statistics

March 1982

Fifty years ago the Wickersham Commission, this country's first national crime commission, published a report on criminal justice statistics, noting as a basic principle that accurate statistics are a key to understanding and improving the administration of justice. The 1931 report, bearing the name of a former Attorney General, noted also that such statistics did not exist: "Accurate data are the beginning of wisdom in such a subject, and no such data can be had for the country as a whole, nor have they even been available hitherto with respect to many of the activities of the Federal government in the enforcement of Federal laws."

A comprehensive Federal transaction data base would reflect all transactions occurring in the investigative, prosecutorial, judicial, and correctional segments of the criminal justice system that describe successive actions taken with respect to the same criminal event. Ironically, while the Federal government has over the past decade encouraged and assisted the States in developing comprehensive State-level transaction data, the Federal justice system itself has not experienced comparable progress toward that end. There exists no body of comprehensive statistics about Federal offenders and little information about the flow of cases from Federal investigators to U.S. Attorneys and on through the Federal court and corrections systems.

### Comprehensive criminal justice statistics: Uses, barriers, and methods

Statistics describing the components of State criminal justice systems are now routinely maintained at the State level. Although the systems vary in comprehensiveness and data quality from State to State, they have become increasingly important in every juris-

Felix Frankfurter opened a study which he and Roscoe Pound directed in 1921-22, of the administration of criminal justice in Cleveland, Ohio with the following words: "The inquiry had two aims: first, to render an accounting of the functioning of this system, to the fullest extent that social institutions are as yet adapted to statistical appraisal; and, second, to trace to their controlling sources whatever defects in the system the inquiry disclosed." The then Professor of Administrative Law and then Dean of the Harvard Law School placed at the heart of their "scientific study," the examination of 3,236 case records of "individual offenders" who passed through the Cleveland courts in 1919 and of 1,322 "prisoners in the workhouse" whose sentences were terminated during 6 months of 1920. In the intervening years many lawyers and social scientists have followed the methodological precedent of Pound and Frankfurter, recognizing the enormous diagnostic power of processing or transaction data in understanding the "defects" of our present-day, but often little-changed, criminal justice systems.

One of the most important legacies of the statistical programs conducted by the Law Enforcement Assistance Administration in the last decade was the progress made by States and cities in developing what are called offender-based transaction statistics, frequently in conjunction with computer-based information systems also linked to criminal history information. With the establishment of the Bureau of Justice Statistics in 1979 came the statutory responsibility to expand our "statistical appraisal" to Federal justice systems. We embark on this effort recognizing all the sensitivities that surround such an enterprise—separation of powers, matters of accountability, privacy and confidentiality of data, conflicting goals and objectives. Yet the obligation to view the Federal system as a whole and "to render an accounting of the functioning of this system" is there; with a grateful acknowledgment of the help we have received from the Federal agencies named here, this bulletin initiates our efforts to meet that obligation.

Benjamin H. Renshaw III  
Acting Director

diction as the needs have increased for improved criminal justice planning, fiscal control, policy assessment, and response to legislative requests for information (for example, to analyze the impact of determinate sentencing systems).

The needs to plan, to support the fiscal process, to assess policy, and to

respond to legislative inquiry exist as well at the Federal level. The data to meet these needs, however, have not been maintained at the Federal level as they have at the State level.

Improved justice statistics for the Federal system are needed for more than planning, control, and policy assessment at the Federal level. They are

**CONTINUED**

**15 OF 20**

also essential to enable Federal authorities to respond to Attorney General William French Smith's directive to enhance coordination between the Federal and State and local criminal justice systems by establishing Law Enforcement Coordinating Committees. A prerequisite to effective coordination is a basic understanding of the relative magnitudes of case flow from one stage of Federal criminal case processing to adjacent stages.

Barriers to developing comprehensive justice statistics that have been confronted at the State level exist at the Federal level as well. Independent data systems have been developed and maintained by Federal investigative agencies, the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, the Federal Prison System, and ancillary Federal agencies. As a result, data definitions vary from agency to agency, as do reporting periods and crime classification schemes. These barriers make the prospect of developing a comprehensive Federal transaction data base incorporating the various data sets maintained by Federal agencies fairly difficult, at least for the near term. They also limit the inferences to be drawn from comparing the reports of different justice agencies.

Specific uses of available data to assess Federal criminal justice policy are numerous, even prior to data linkage. Simple numeric descriptions of Federal case flows and events can reveal the frequency with which specific problems, such as crimes committed while on bail and bail jumping, actually occur. The data can also be used to assess a host of other issues:

- case referral policies and rates of case flow between Federal and local agencies;
- the quality of evidence and investigations;
- rates of pretrial misconduct and the criteria used in making pretrial release decisions;
- rates of recidivism and chronic-offender case-targeting decisions;
- delays in case processing at each stage of the system; and
- consistency in case-processing and sentencing practices.

Although the case record can serve as the basis for many of these analyses, the data could be reorganized to allow addressing other issues. For example, studying recidivism and its predictors requires that the data be reorganized to describe offenders rather than current cases. Likewise, a study of arrest quality might require that the data be

restructured to focus on Federal investigative functions rather than individual cases. Similarly, studying case backlogs may require a reorganization of the data by unit of time.

Analyses such as these require a thorough understanding of the structure of the system, of the issues relevant to system operation, and of the data as they relate to those issues.

The accompanying chart and discussion describe the fundamental stages of Federal case processing. The schematic has simplified what in fact is an extremely complicated set of interactions among individuals, cases, and organizations. Accordingly, it does not provide an inclusive description of the many processing options available at the various decision points in the system, nor does it in all cases draw the distinction between the movement of the offender and his case record. The chart is intended to identify, however, those processing stages which should be reflected in a comprehensive Federal statistics data base.

#### The Federal system

The Federal criminal justice system is divided into 94 judicial districts. Each has a Federal District Court and a U.S. Attorney. According to the Administrative Office of the U.S. Courts, approximately 50,000 criminal cases a year enter this system. Basic similarities exist between the way these cases are processed and the way cases are usually handled at the State and local levels, but there are also some fundamental differences. At the Federal level, as at the State and local levels, criminal justice responsibilities are divided into the components of law enforcement, prosecution, adjudication and sentencing, and corrections.

The Federal system is perhaps most readily distinguishable from State and local systems in terms of the kinds of crimes unique to Federal jurisdictions, including major crimes (e.g., major drug offenses and crimes of serious fraud and corruption), crimes that cross State boundaries (e.g., interstate transport of stolen property, cargo theft), crimes involving Federal money (e.g., counterfeiting, forgery of U.S. checks), and crimes committed on U.S. Government property.

Criminal offenses that are investigated and prosecuted at the Federal level typically do not involve crimes of violence. These are commonly handled at State or local levels. Federal crim-

inal cases usually result from long-term investigations of such crimes as embezzlement, fraud, drug dealing, or forgery. These cases may involve offenders who have committed many offenses over several months or years or have stolen large sums of money.

Five investigative agencies conduct a substantial majority of the investigative work done at the Federal level: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Secret Service, the Postal Inspection Service, and the Bureau of Alcohol, Tobacco, and Firearms. Other Federal agencies, including the Customs Service, the Internal Revenue Service, the Food and Drug Administration, the Immigration and Naturalization Service, the Securities and Exchange Commission, and individual executive departments also employ investigators to monitor infractions that are the responsibility of those agencies. Investigative activities include crime detecting, evidence collecting, making arrests, presenting cases to Federal prosecutors, and conducting followup investigations.

Prosecuting Federal cases is the responsibility of the Department of Justice litigating divisions and the Office of the U.S. Attorney in each district. U.S. Attorneys are appointed by the President but generally have long-standing familiarity with the concerns of their districts. They are supported in Washington, D.C., by the Executive Office for the U.S. Attorneys.

Many, if not most, Federal crimes are "dual jurisdiction" offenses that may be prosecuted either federally or locally. The decision by a U.S. Attorney to prosecute a bank robbery, for example, may rest on such factors as the seriousness of the offense, the prior record of the offender, policies of the agencies involved, and the degree of involvement of local law enforcement officials in investigating the offense. Generally, the Federal government will prosecute cases brought by Federal agents when the cases meet the U.S. Attorney's standards of seriousness and have enough evidence to merit prosecution.

In addition to the 94 U.S. Attorneys and the 94 Federal district courts, there are 12 circuit or appeals courts and the Supreme Court of the United States. Statistical information about case processing in the judicial branch of the Federal system is maintained by the Administrative Office of the U.S. Courts.

After receiving sentences, convicted offenders in the Federal system may be turned over to the Division of Probation in the Administrative Office of the U.S. Courts or to the Bureau of Prisons. Offenders sentenced to incarceration are confined in one of the 42 Federal correctional facilities located throughout the country.

Eligibility for parole is determined using guidelines developed by the Federal Parole Commission. These guidelines permit evaluating each Federal inmate on the basis of offense seriousness and relevant aspects of the inmate's criminal history.

#### Federal data sources

The agencies that make up the Federal criminal justice system maintain a variety of data that document the processing of cases and defendants within each agency and describe the criminal record of individual offenders. At the investigation stage there are several automated data bases, including the FBI's Computerized Criminal History File (CCH); the Criminal Automated Reporting System of the Bureau of Alcohol, Tobacco, and Firearms; and the automated files maintained by the Drug Enforcement Administration and the Secret Service. Also, manual files are maintained by other agencies that engage in investigative work.

Information about the cases processed by the U.S. Attorneys is maintained by the Executive Office for the U.S. Attorneys in its Docket and Reporting System. The system provides data about criminal (and civil) case rejections, filings, and dispositions.

Court data maintained by the Administrative Office of the U.S. Courts in the Automated Docket System provide information about criminal case filings and terminations in the Federal Courts. The "termination" file contains offense, disposition, and sentencing information.

Finally, the Federal Bureau of Prisons uses automated prisoner records to monitor the confinement and release of Federal offenders.

In addition to the data bases listed above, special-purpose data sets provide a variety of information about Federal defendants, cases, and practitioners. These include:

- the U.S. Parole Commission longitudinal recidivism files;
- pretrial release data maintained by the Federal Pretrial Services Agency;
- COURTRAN files designed by the Federal Judicial Center that provide automated court records for 11 Federal districts;
- Prosecutor's Management Information System (PROMIS), currently in two U.S. Attorney's offices, with plans to extend it to other offices;

Bureau of Justice Statistics bulletins are prepared principally by the staff of the bureau. Carol B. Kalish, chief of policy analysis, edits the bulletins; Marilyn Marbrook, head of the publications unit, administers their publication, assisted by Julie A. Ferguson. This bulletin was written by Brian Forst of INSLAW, Inc. (formerly the Institute for Law and Social Research), Washington, D.C.

NCJ-80814, March 1982

• other data developed as part of specific studies sponsored by Federal agencies (e.g., coded presentence investigation reports).

#### Conclusion

Maintaining statistical information about the Federal criminal justice system is not an easy task. It is one that at present is done primarily within each district and aggregated nationally by the numerous agencies operating separately within the Federal executive and judicial branches.

Movement toward a comprehensive system of Federal criminal justice statistics would certainly help to improve understanding of Federal case processing and enable the various agencies of the Federal justice network to conduct analyses that are needed to enable them to carry out their mandates. It would also foster better coordination both within the Federal government and between the Federal and local systems.

The Bureau of Justice Statistics has undertaken to build toward these ends. Currently, efforts are being directed toward a comprehensive review of Federal data sources to determine the feasibility of developing an integrated data base. BJS will also release a major Compendium of Federal Criminal Justice Statistics, which will provide a single-source reference to criminal justice statistics describing the Federal criminal justice system. Additionally, reports will be issued that analyze statistical data relevant to particular priority issues associated with the Federal offender and the Federal criminal justice system.

U.S. Department of Justice  
Bureau of Justice Statistics

Official Business  
Penalty for Private Use \$300

Postage and Fees Paid  
U.S. Department of Justice  
Jus 436

THIRD CLASS  
BULK RATE



Washington, D.C. 20531

Bulletin

More specifically, the long-range development of a comprehensive federal statistics data base will bring together for the first time timely statistics describing activity in all components of the federal justice system. This will permit (1) BJS analysis of the progress of cases and individuals through the entire system, (2) the identification and resolution of specific problems (relating, for example, to caseload distribution, federal-state jurisdiction, violent crime control, and case drop-out rates), (3) the indepth longitudinal analysis of specific federal crimes and/or procedural strategies. The regularized issuance of reports under the Federal Statistics program is intended to ensure that such data are made available to both operational and policymaking offices within the Department of Justice on a timely basis. These reports will include an annual Compendium of Federal Statistics (to serve as single source reference to federal statistical data) and individual analytic reports addressing issues jointly identified as important by BJS and the user agencies. Data contained in these reports will provide direct input to decisionmakers concerning issues such as resource allocation, case weighting, caseload management, prison projections, evidentiary standards, and legislative impact.

As noted above, JSIA also mandates that BJS direct attention to issues of special concern such as public fraud and white collar (or high technology) crime. In this area, BJS is now completing an initial effort to develop techniques to measure and analyze electronic fund transfer (EFT) crime. Preliminary data collection is planned in FY 1983. This effort follows earlier projects in the area of computer crime under which three major documents were issued describing the nature of computer crime, the relevant legislative background, and the techniques for expert witness use. Data to be produced under the EFT project will be of direct utility to operational units concerned with planning for the detection, control and prosecution of the potentially increasing number of crimes involving computerized payment system. Similarly, data proposed to be developed under planned efforts in the areas of crimes against business will directly affect similar decisions regarding the handling of caseload in this area.

*The justifications on page 12 also indicate that a major procurement will be undertaken to carry out this mandate. What are you buying and for how much?*

The "major procurement" refers to a cooperative agreement with INSLAW, Inc. in the amount of \$254,918. Under this project, INSLAW, Inc. has responsibility to: 1) identify existing federal statistical data bases, analyze the potential for data linkage and prepare a report discussing findings and issues related thereto; 2) undertake preliminary technical procedures to cross-match and "link" data acquired from the investigative, prosecutorial and correctional components, and initiate development of the comprehensive data base reflecting system-wide federal justice transactions; 3) prepare a Compendium of Federal Justice Statistics, incorporating, analyzing and expanding upon data reflecting operations in all components of the Federal Justice System (n.b., such a single source reference does not now exist at the federal level); 4) conduct an indepth analysis of a single issue identified by BJS and user agencies jointly and prepare and issue the first in the series of BJS Federal Statistics Analytic Reports discussing statistical findings re-

lated thereto; and 5) prepare and/or provide input to BJS Bulletins relating to federal justice operations as a whole and/or individual issues therein.

It should be noted in this connection that other procurements are also necessary to support implementation of the federal statistics efforts. These include the funding of projects relating to EFT data collection, crimes against business, and initial efforts concerning civil justice data.

THURSDAY, APRIL 1, 1982 .

FEDERAL BUREAU OF INVESTIGATION

WITNESSES

WILLIAM H. WEBSTER, DIRECTOR

LEE COLWELL, EXECUTIVE ASSISTANT DIRECTOR-ADMINISTRATION

L. CLYDE GROOVER, JR., INSPECTOR-DEPUTY ASSISTANT DIRECTOR, FINANCIAL MANAGEMENT BRANCH, ADMINISTRATIVE SERVICES DIVISION

CHARLES R. NEILL, CONTROLLER, JUSTICE MANAGEMENT DIVISION, DEPARTMENT OF JUSTICE

Mr. SMITH. This morning we will consider the fiscal year 1983 budget request for the Federal Bureau of Investigation. The 1983 request is for \$799,331,000. That is an increase of \$59,722,000 above the level in the continuing resolution.

We are glad to have with us again this year the Director, William H. Webster. We will insert the justification materials in support of this request in the record and then you can proceed.  
[The justifications follow.]

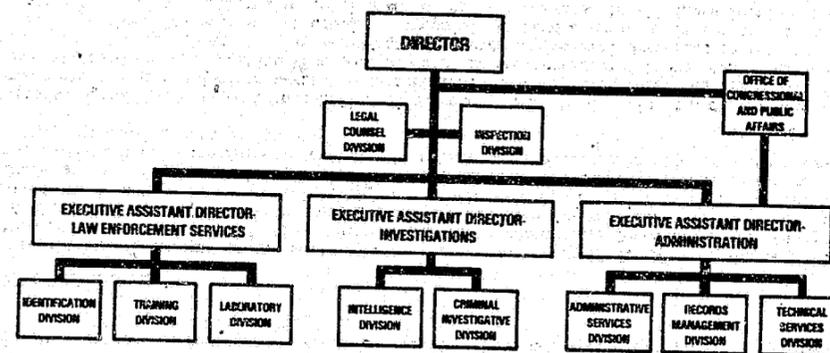
(975)

Department of Justice  
Federal Bureau of Investigation  
Estimates for Fiscal Year 1983  
Table of Contents

<u>Item</u>	<u>Page Number</u>
Organization Chart.....	1
Summary Statement.....	2
Proposed Authorization Language.....	4
Proposed Appropriation Language.....	7
Crosswalk of 1982 Changes.....	8
Summary of Requirements.....	10
Summary of Resources by Program.....	11
Justification of Program and Performance.....	13
Criminal, Security, and Other Investigations.....	13
Coordination of Investigations.....	25
Investigative Support.....	27
State and Local Assistance.....	46
Program Direction.....	57
Priority Rankings.....	63
Summary of Adjustments to Base.....	64
Justification of Adjustments to Base.....	65
Summary of Requirements by Grade and Object Class.....	71



# Organization Of The FBI



FIELD OFFICES



Federal Bureau of Investigation

Summary Statement

Fiscal Year 1983

The Federal Bureau of Investigation is requesting for 1983, a total of \$799,331,000 and 19,048 full-time permanent positions. This request represents a decrease below the anticipated 1982 appropriation of 408 positions, including 121 Special Agent positions. Of these, 395 positions are unfilled and unfunded. Budget Authority will increase \$59,722,000 as a result of the Congressionally approved 4.8 percent pay raise and uncontrollable items.

The primary mission of the Federal Bureau of Investigation is to investigate violations of laws over which it has jurisdiction and to provide information relating to applicants, civil matters, and national security to the Executive Branch of the Federal Government.

This request contains five budget activities incorporating twenty-three programs. The budget activities are: Criminal, Security, and Other Investigations; Coordination of Investigations; Investigative Support; State and Local Assistance; and Program Direction. The major initiatives and resource requests for 1983 for these activities and attendant programs are summarized below.

Criminal, Security, and Other Investigations:

This investigative activity represents 61 percent of the FBI's appropriation request for 1983. Some of the principal investigative programs of this activity are Organized Crime; White-Collar Crime; Terrorism; Personal Crimes; Fugitive; and Other Field Programs. In keeping with the desires of the President and the Attorney General, white-collar crime, including political corruption; organized crime; and foreign counterintelligence, continue to be the areas in which the FBI places the largest amount of its resources and investigative talent, for within these areas is the greatest threat to the moral, economic, and domestic stability of the United States. The FBI will continue to pursue new approaches to high priority investigative areas, in addition to fulfilling its other responsibilities.

In evaluating the overall performance of the FBI, certain benefits which result from the distribution of investigative resources are not readily discernible, but nonetheless warrant consideration. Investigative resources are budgeted programmatically (e.g., agents allocated to the Fugitive Program). However, if the services of these agent positions were confined solely to fugitive matters, the assignment of only a few agents to various judicial districts in the country would result requiring extensive travel by these few agents. It would be impossible to have a national impact on this criminal problem. Consequently, the agent force is geographically distributed so that the workload in all investigative programs can be equitably shared. A strategically stationed agent force provides broad and immediate coverage of any investigative or security matter during critical situations while the more routine assignments can be handled without necessitating extensive travel. This enables the agents to become familiar with problems in their territory and develop and maintain liaison with state and local authorities, an immeasurable aid in the handling of investigative matters in an expeditious matter.

This activity will be reduced by 115 agent positions (95 in White-Collar Crime and 20 in General Property Crimes) in 1983.

Coordination of Investigations:

To support this activity the FBI will utilize two percent of the total requested funding for fiscal year 1983. This activity includes funding for the overall supervision and guidance of the above-mentioned field investigative programs. Coordination of Investigations serves as an activity which provides centralized management for the direction of investigations on a nationwide basis, insures the efficiency of field operations, and oversees the assignment of field manpower.

Investigative Support:

The Investigative Support activity represents approximately 20 percent of the 1983 request. The programs in this activity are: Training; Forensic Services - Federal; ADP and Telecommunications; Legal Attaches; Records Management; and Technical Field Support and Equipment. This activity provides the training and "tools" necessary to meet the demands of the FBI's objectives. It includes the maintenance of all investigative records and the entire communications system of the FBI. The Records Management Program will be decreased by 93 positions.

State and Local Assistance:

The FBI provides state and local law enforcement officials with training, laboratory, fingerprint identification, and information services. These services require approximately 12 percent of the requested funding. The following programs are in this activity: General Law Enforcement Training; Forensic Services - Non-Federal; Fingerprint Identification; and Criminal Justice Data and Statistics Services. These services are important to local and state law enforcement and by being provided Federal law enforcement received valuable reciprocal services from local and state authorities. A fee system will be instituted to provide for the processing of fingerprint cards submitted by state and local applicant and licensing authorities under Public Law 92-544. The Fingerprint Identification Program will be reduced by 200 positions in 1983.

Program Direction:

This activity consists of two programs: Executive Direction and Control and Administrative Services. These programs total approximately five percent of the 1983 request. Included are the management, direction, administration, legal, planning, inspection, and financial functions of the FBI.

Federal Bureau of Investigation

Proposed Authorization Language

The Federal Bureau of Investigation is requesting the following authorization language:

For the Federal Bureau of Investigation for its activities including -

- (A) expenses necessary for the detection and prosecution of crimes against the United States;
- (B) protection of the person of the President of the United States and the person of the Attorney General;
- (C) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;
- (D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;
- (E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;
- (F) acquisition, lease, maintenance, and operation of aircraft;
- (G) purchase of firearms and ammunition;
- (H) payment of rewards;
- (I) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on his certificate;
- (J) Classification of arson as a Part I crime in its Uniform Crime Reports;

\$799,331,000, of which \$3,000,000 for automated data processing and telecommunications and \$600,000 for undercover operations shall remain available until September 30, 1984; none of the sums authorized to be appropriated by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.

Sec. \_\_\_\_\_ Notwithstanding the second paragraph relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than the end of fiscal year ending September 30, 1983.

Sec. \_\_\_\_\_ (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679 (a) of the Revised Statutes (31 U.S.C. 665 (a)), section 3732 (a) of the Revised Statutes (41 U.S.C. 11 (a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 529), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 869);

(3) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 521); and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484);

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, an Executive Assistant Director) and the Attorney General (or, if designated by the Attorney General, the Deputy Attorney General) that any action authorized by paragraph (1), (2), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) (1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1982, and -

- (A) report the results of each audit in writing to the Attorney General, and
- (B) report annually to the Congress concerning these audits.

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation -

- (A) in which the gross receipts exceed \$50,000 and
- (B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)).

Federal Bureau of Investigation

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1983 budget estimates include proposed changes in appropriation language listed and explained below. The current appropriations language is based upon the continuing resolution (P.L. 97-92) which cites the authorities contained in H.R. 7584, the last act passed by the Congress that contained complete appropriation language. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for the detection, investigation, and prosecution of crimes against the United States, including purchase for police-type use (not to exceed one thousand [one] hundred for replacement only and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; ~~[\$766,421,000];~~

three

\$799,331,000

of which \$3,000,000 for automated data processing and telecommunications and \$600,000 for undercover operations shall remain available until September 30, 1984.

Explanation of changes:

1. The number of replacement vehicles purchased in 1983 will be 1,300 instead of the 1,100 authorized in 1981. In 1982, 1,500 replacement vehicles were requested.
2. Two-year funding is requested for automatic data processing and telecommunications in the amount of \$3,000,000 to provide for procurement flexibility. Likewise, \$600,000 is requested to insure continuous and uninterrupted funding for any approved undercover projects which might overlap into a new fiscal year. This is similar to the 1982 request for two-year funding authority and \$600,000, respectively, for these items.

983

Federal Bureau of Investigation

Crosswalk of 1982 Changes  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request (Sept. 1981)			Appropriation Enacted 1982			Proposed Reprogrammings			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
1. Criminal, Security, and Other Investigations:												
a. Other Field Programs.....	---	---	---	4,742	4,602	\$182,333	---	---	---	4,742	4,602	\$182,333
b. Organized Crime.....	---	---	---	2,107	2,049	83,832	---	---	---	2,107	2,049	83,832
c. White-collar crime.....	---	---	---	3,002	2,912	115,390	---	---	---	3,002	2,912	115,390
d. Fugitive.....	---	---	---	311	300	14,860	---	---	---	311	300	14,860
e. Personal Crimes.....	---	---	---	1,089	1,060	42,818	---	---	---	1,089	1,060	42,818
f. Terrorism.....	---	---	---	221	213	10,352	---	---	---	221	213	10,352
Subtotal.....	10,910	10,574	\$433,927	11,472	11,136	\$449,585	---	---	---	11,472	11,136	\$449,585
2. Coordination of Investigations:	461	451	\$16,153	487	477	\$16,657	---	---	---	487	477	\$16,657
3. Investigative Support:												
a. Training.....	---	---	---	293	285	\$13,276	119	116	\$6,746	412	401	\$20,022
b. Forensic Services-Federal	---	---	---	320	309	14,686	---	---	---	320	309	14,686
c. ADP & Telecommunications.	---	---	---	401	389	47,472	---	---	---	401	389	47,472
d. Legal Attaches.....	---	---	---	57	55	2,074	---	---	---	57	55	2,074
e. Records Management.....	---	---	---	1,464	1,421	33,176	---	---	---	1,464	1,421	33,176
f. Technical Field Support & Equipment.....	---	---	---	141	137	30,067	---	---	---	141	137	30,067
Subtotal.....	2,576	2,496	\$119,252	2,676	2,596	\$140,751	119	116	\$6,746	2,795	2,712	\$147,497
4. State and Local Assistance:												
a. Gen. Law Enforcement Training.....	---	---	---	402	391	\$18,134	-119	-116	-\$6,746	283	275	\$11,388
b. Forensic Services - Non-Federal.....	---	---	---	122	119	6,782	---	---	---	122	119	6,782
c. Fingerprint Identification.....	---	---	---	3,031	3,041	63,954	---	---	---	3,031	3,041	63,954
d. Criminal Justice Data & Statistics Services...	---	---	---	196	191	5,290	---	---	---	196	191	5,290
Subtotal.....	3,432	3,423	\$86,884	3,751	3,742	\$94,160	-119	-116	-\$6,746	3,632	3,626	\$87,414

984

Federal Bureau of Investigation  
Crosswalk of 1982 Changes (Continued)  
(Dollars in thousands)

Activity/Program	1982 President's Budget Request (Sept. 1981)			Appropriation Enacted 1982			Proposed Reprogrammings			1982 Appropriation Anticipated		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
5. Program Direction:												
a. Executive Direction & Control.....	—	—	—	488	471	\$20,185	—	—	—	488	471	\$20,185
b. Administrative Services..	—	—	—	582	564	18,271	—	—	—	582	564	18,271
Subtotal.....	1,070	1,035	\$38,456	1,070	1,035	\$38,456	—	—	—	1,070	1,035	\$38,456
Total.....	18,449	17,979	\$694,672	19,456	18,986	\$739,609	—	—	—	19,456	18,986	\$739,609

985

Explanation of Proposed Reprogramming:

Personnel and dollar resources have been transferred from the state and local program to the federal program at the FBI Academy to attempt to align all fixed costs in the federal program. This reallocation of resources will enable the program manager to more adequately identify the fixed costs of operating the FBI Academy from those variable costs which traditionally were split between the two programs. This reprogramming does not reflect a reduction in training resources for state and local programs.

Federal Bureau of Investigation

Salaries and expenses

Summary of Requirements  
(Dollars in thousands)

<u>Summary of adjustments to base and built-in changes:</u>			<u>Permanent Positions</u>	<u>Work-Years</u>	<u>Amount</u>
1982 as enacted (appropriation anticipated).....			19,456	18,986	\$739,609
Uncontrollable increases.....			...	...	64,235
Decreases.....			-408	-408	-4,513
1983 base.....			19,048	18,578	799,331

<u>Estimates by Budget activity</u>	<u>1981 Actual</u>			<u>1982 Appropriation</u>			<u>1983 Base</u>			<u>FY 1983 Estimate</u>		
	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Perm. Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Criminal, security, and other investigations.....	11,418	10,781	\$434,819	11,472	11,136	449,585	11,357	11,021	\$488,418	11,357	11,021	\$488,418
2. Coordination of investigations.....	483	436	15,049	487	477	16,657	487	477	17,915	487	477	17,915
3. Investigative support.....	2,755	2,568	116,292	2,795	2,712	147,497	2,702	2,619	158,806	2,702	2,619	158,806
4. State and local assistance.....	3,635	3,579	82,050	3,632	3,626	87,414	3,432	3,426	93,374	3,432	3,426	93,374
5. Program direction.....	1,015	929	32,089	1,070	1,035	38,456	1,070	1,035	40,818	1,070	1,035	40,818
<u>Total.....</u>	<u>19,306</u>	<u>18,293</u>	<u>\$680,299</u>	<u>19,456</u>	<u>18,986</u>	<u>\$739,609</u>	<u>19,048</u>	<u>18,578</u>	<u>\$799,331</u>	<u>19,048</u>	<u>18,578</u>	<u>\$799,331</u>

Federal Bureau of Investigation

Summary of Resources by Program  
(Dollars in thousands)

	1981 As Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount
	Pos.	Years		Pos.	Years		Pos.	Years		Pos.	Years		Pos.	Years		Pos.	Years	
<b>Criminal, Security, and Other Investigations</b>																		
Other Field Programs	4,684	4,551	\$173,259	4,534	4,281	\$173,748	4,742	4,602	\$182,333	4,722	4,582	\$199,219	4,722	4,582	\$199,219	---	---	---
Organized Crime	2,107	2,043	81,131	2,205	2,082	85,242	2,107	2,049	83,832	2,107	2,049	90,428	2,107	2,049	90,428	---	---	---
White-Collar Crime	3,006	2,916	110,564	2,939	2,775	109,977	3,002	2,912	115,390	2,907	2,817	124,537	2,907	2,817	124,537	---	---	---
Fugitive	336	325	15,317	351	331	13,257	311	300	14,860	311	300	16,147	311	300	16,147	---	---	---
Personal Crimes	1,089	1,060	41,625	1,186	1,120	44,770	1,089	1,060	42,818	1,069	1,060	46,700	1,069	1,060	46,700	---	---	---
Terrorism	242	233	10,381	203	192	7,825	221	213	10,352	221	213	11,387	221	213	11,387	---	---	---
<b>SUBTOTAL</b>	<b>11,464</b>	<b>11,128</b>	<b>\$432,277</b>	<b>11,418</b>	<b>10,781</b>	<b>\$434,819</b>	<b>11,472</b>	<b>11,136</b>	<b>\$449,585</b>	<b>11,357</b>	<b>11,021</b>	<b>\$488,418</b>	<b>11,357</b>	<b>11,021</b>	<b>\$488,418</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Coordination of Investigations:</b>	<b>483</b>	<b>472</b>	<b>\$16,192</b>	<b>483</b>	<b>436</b>	<b>\$15,049</b>	<b>487</b>	<b>477</b>	<b>\$16,657</b>	<b>487</b>	<b>477</b>	<b>\$17,915</b>	<b>487</b>	<b>477</b>	<b>\$17,915</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Investigative Support:</b>																		
Training	365	354	\$14,828	363	358	\$14,741	412	401	\$20,022	412	401	\$21,309	412	401	\$21,309	---	---	---
Forensic Services-Federal	288	280	11,228	288	269	12,035	320	309	14,686	320	309	14,606	320	309	14,606	---	---	---
ADP & Telecommunications	398	387	35,941	398	370	34,599	401	389	47,472	401	389	51,370	401	389	51,370	---	---	---
Legal Attaches	57	55	2,050	57	45	3,113	57	55	2,074	57	55	2,361	57	55	2,361	---	---	---
Records Management	1,517	1,322	31,571	1,517	1,403	31,663	1,464	1,421	33,176	1,371	1,328	36,128	1,371	1,328	36,128	---	---	---
Technical Field Support & Equipment	132	128	20,694	132	123	20,141	141	137	30,067	141	137	33,032	141	137	33,032	---	---	---
<b>SUBTOTAL</b>	<b>2,757</b>	<b>2,526</b>	<b>\$116,312</b>	<b>2,755</b>	<b>2,568</b>	<b>\$116,292</b>	<b>2,795</b>	<b>2,712</b>	<b>\$147,497</b>	<b>2,702</b>	<b>2,619</b>	<b>\$58,806</b>	<b>2,702</b>	<b>2,619</b>	<b>\$58,806</b>	<b>---</b>	<b>---</b>	<b>---</b>

987

**Federal Bureau of Investigation**

**Summary of Resources by Program**  
(Dollars in thousands)

	1982 As Enacted			1981 Actual			1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount	Perm. Work-		Amount
	Pos.	Years		Pos.	Years		Pos.	Years		Pos.	Years		Pos.	Years		Pos.	Years	
<b>State and Local Assistance:</b>																		
Gen. Law Enforcement Trng.	247	240	\$10,643	295	283	\$11,485	283	275	\$11,388	283	275	\$12,479	283	275	\$12,479	—	—	—
Forensic Serv. - Non-Fed	121	118	5,753	121	115	5,094	122	119	6,782	122	119	7,008	122	119	7,008	—	—	—
Fingerprint Ident.	3,023	2,857	61,154	3,023	2,998	61,257	3,031	3,041	63,954	2,831	2,841	67,940	2,831	2,841	67,940	—	—	—
Criminal Justice Data																		
Statistics Services	196	191	4,250	196	183	4,214	196	191	5,290	196	191	5,947	196	191	5,947	—	—	—
<b>SUBTOTAL</b>	<b>3,587</b>	<b>3,406</b>	<b>\$81,800</b>	<b>3,635</b>	<b>3,579</b>	<b>\$82,050</b>	<b>3,632</b>	<b>3,626</b>	<b>\$87,414</b>	<b>3,432</b>	<b>3,426</b>	<b>\$93,374</b>	<b>3,432</b>	<b>3,426</b>	<b>\$93,374</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Program Direction:</b>																		
Executive Direction & Control	470	452	\$18,385	470	434	\$17,883	488	471	\$20,185	488	471	\$21,616	488	471	\$21,616	—	—	—
Administrative Services	545	528	15,757	545	495	14,206	582	564	18,271	582	564	19,202	582	564	19,202	—	—	—
<b>SUBTOTAL</b>	<b>1,015</b>	<b>980</b>	<b>\$34,142</b>	<b>1,015</b>	<b>929</b>	<b>\$32,089</b>	<b>1,070</b>	<b>1,035</b>	<b>\$38,456</b>	<b>1,070</b>	<b>1,035</b>	<b>\$40,818</b>	<b>1,070</b>	<b>1,035</b>	<b>\$40,818</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>TOTAL</b>	<b>19,306</b>	<b>18,512</b>	<b>\$680,723</b>	<b>19,306</b>	<b>18,293</b>	<b>\$680,299</b>	<b>19,456</b>	<b>18,986</b>	<b>\$739,609</b>	<b>19,048</b>	<b>18,578</b>	<b>\$799,331</b>	<b>19,048</b>	<b>18,578</b>	<b>\$799,331</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Other Workyears:</b>																		
Holiday		35			45			35			8			8				
Overtime		2,110			1,917			1,707			1,707			1,707				
<b>Total compensable workyears</b>		<b>20,657</b>			<b>20,255</b>			<b>20,728</b>			<b>20,293</b>			<b>20,293</b>				

886

**Federal Bureau of Investigation**  
**Justification of Program and Performance**

**Activity Resource Summary**  
(Dollar in thousands)

Activity: Criminal, Security, and Other Investigations	1982 Appropriation Anticipated			1983 Base			1983 Estimate		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Other Field Programs.....	4,742	4,602	\$182,333	4,722	4,582	\$199,219	4,722	4,582
Organized Crime.....	2,107	2,049	83,832	2,107	2,049	90,428	2,107	2,049	90,428
White-Collar Crime.....	3,002	2,912	115,390	2,907	2,817	124,537	2,907	2,817	124,537
Fugitive.....	311	300	14,860	311	300	16,147	311	300	16,147
Personal Crimes.....	1,089	1,060	42,818	1,089	1,060	46,700	1,089	1,060	46,700
Terrorism.....	221	213	10,352	221	213	11,387	221	213	11,387
<b>Total.....</b>	<b>11,472</b>	<b>11,136</b>	<b>\$449,585</b>	<b>11,357</b>	<b>11,021</b>	<b>\$438,418</b>	<b>11,357</b>	<b>11,021</b>	<b>\$488,418</b>

This budget activity includes resources for all field investigative operations for the Federal Bureau of Investigation. These operations are conducted out of 59 field offices and more than 400 resident agencies located throughout the United States and Puerto Rico. Field offices are responsible for all investigations including the national priority law enforcement areas of organized crime, white-collar crime, and foreign counterintelligence.

686

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Other Field Programs.....	4,742	4,602	\$182,333	4,722	4,582	\$199,219	4,722	4,582	\$199,219	...	...

**Long-Range Goal:** To reduce the incidence of various general criminal activities, conduct appropriate applicant, antitrust, civil rights, and civil investigations as directed by law and the Attorney General, and to counter within the United States the hostile operations of foreign intelligence officers, agents, and foreign terrorists.

**Major Objectives:**

To identify, penetrate, and neutralize intelligence operations and activities inimical to the United States.

To conduct all antitrust and civil investigations requested by the Department of Justice on a timely basis.

To conduct thorough background investigations on a timely basis for The White House, the Department of Justice, certain Congressional committees, and other Federal agencies.

To investigate cases involving crimes against the person and those property crimes which involve large losses of Federal funds, property, Government-owned weapons, or explosives.

To identify those individuals and organized criminal groups responsible for the major violations of Federal property crime statutes; such as, commercial theft rings, burglary rings, and fences.

To investigate alleged violations of the various civil rights laws, both self-initiated and at the request of the Attorney General.

**Base Program Description:** This is the largest of the investigative programs in this budget activity. The program consists of a myriad of diverse investigative activities including antitrust matters, civil matters, applicants, property crimes, foreign counterintelligence matters, crimes on Indian reservations, and thefts of Government property.

The FBI receives notification of criminal violations from victims, other law enforcement agencies, confidential sources, and concerned citizens. The complaints, either written or oral, are assigned to special agents in the appropriate FBI field office. Some are immediately presented to a United States Attorney for prosecutive opinion. Others are investigated to a point of gathering necessary facts before presentation to a United States Attorney. Still others are investigated and the results of the investigation are reported to the Department of Justice pending further investigative or prosecutive determination. Those matters not prosecuted by the United States Attorney are referred to state and local law enforcement agencies where appropriate. Investigations are conducted primarily by interviews of victims, witnesses and suspects by the FBI special agent force. Additional analysis and technical expertise are provided by staffs of the various investigative support units at FBI Headquarters.

Applicant matters are referred to the FBI by The White House, the Congress, the Department of Justice, and other Federal agencies. These matters are assigned to special agents for investigation usually on an expedited basis. Reports are prepared stating the facts developed and the comments of interviewees, and are forwarded to the requesting agency for decisions.

Civil, Applicant, and Other Investigations	1980	1981	Estimates	
			1982	1983
Investigative Matters Received				
Antitrust/Civil				
Reimbursable Applicant	3,016	2,820	3,300	3,500
Nonreimbursable Applicant	16,956	15,074	16,000	16,000
Miscellaneous	49,221	35,925	56,800	56,800
Total Investigative Matters Received	7,053	9,211	7,200	7,500
	6,246	63,030	83,300	83,000

	1980	1981	Estimates	
			1982	1983
Convictions-Antitrust/Civil Individuals Investigated for Other Agencies	94	77	100	110
General Government Crimes	4,269	4,326	4,300	4,300
Investigative matters received	13,561	12,719	14,239	14,239
Investigative matters carried over from previous year	3,064	3,372	3,217	3,217
Total investigative matters	16,625	16,091	17,456	17,456
Total investigative matters closed	12,879	12,464	13,523	13,523
Convictions	1,005	1,057	1,055	1,055
Judicial actions				
Arrests, Locates, and Summonses	782	599	821	821
Informations and Indictments	1,045	1,103	1,097	1,097
Pretrial diversions	80	74	84	84
Total judicial actions	1,907	1,776	2,002	2,002
Recoveries (\$000)	\$ 4,166	\$ 5,436	\$ 4,374	\$ 4,374
General Property Crimes				
Investigative matters received	33,318	33,161	36,000	39,000
Investigative matters carried over from previous year	9,316	10,611	8,128	10,500
Total investigative matters	42,634	43,772	45,000	49,500
Investigative matters completed	31,917	31,927	32,000	31,000
Convictions	1,235	1,311	1,350	1,310
Recoveries (\$000)	\$100,513	\$139,249	\$140,000	\$140,000
Civil Rights				
Cases received, investigated, and referred to the Department of Justice	10,084	10,470	11,000	11,000
Training programs for state and local law enforcement officers at FBI Academy (Total hours of instruction)	472	472	472	472
Seminars for Special Agent Supervisors at FBI Academy (Total hours of instruction)	24	24	24	24

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Organized Crime .....	2,107	2,049	\$83,832	2,107	2,049	\$90,428	2,107	2,049	\$90,428	---	---	---

Long-Range Goal: To reduce the incidence of organized criminal activity in American society through investigation on a systematic, coordinated, and sustained basis.

Major objectives:

- To conduct imaginative, responsive, and effective investigations against organized criminal activity on a nationwide basis.
- To obtain prosecution of members and associates of organized crime groups targeted for investigation utilizing established legal procedures.
- To maintain a corps of high-quality informants and develop additional informants to penetrate the leadership, structure, operations, associates, and revenue sources of the organized crime groups operating in this country.
- To continue implementation and maintenance of the Organized Crime Information System (OCIS) in 27 selected field divisions and nine major resident agencies by the end of 1983.

Basic Program Description: The FBI's organized crime program is established and ranked in order of priorities, based on identification of existing problem areas. The following investigative priorities have been established: labor racketeering, slayings of officials, loansharking, illegal gambling, and pornography engaged in by the organized criminal element. Based on FBI experience, these priorities are the areas of illicit activity which are the principal sources of revenue for organized criminal elements and which have the greatest adverse impact on our society; therefore, these priorities form the nucleus of the FBI's organized crime program investigative efforts.

Investigations targeted against the organized criminal element are conducted utilizing investigative techniques and resources available, as applicable to the particular criminal activity and to the scope and type of investigation. Before committing extensive resources to an investigation, the scope, magnitude, and direction of the investigation are usually discussed with appropriate Government attorneys to insure the investigative target will, if successfully investigated, have sufficient prosecutorial merit and impact. Once adequate resources and applicable techniques have been employed to achieve desired results in a targeted investigation, the investigation continues until evidence to substantiate prosecution is obtained within the parameters and scope of the investigation.

Examples of the variety of investigative techniques utilized by the FBI in conducting organized crime investigations are electronic surveillance, undercover operations, aerial surveillance, extensive record reviews and analyses, and interviews of cooperative witnesses and victims. Another technique, one of the most effective, is the use of informants to penetrate organized criminal groups, to provide information assisting the thrust of investigative activity and to identify otherwise undetected violations.

To assist the FBI in its efforts to investigate organized criminal activity, the development of the OCIS was begun during fiscal year 1979. The primary objective of the system is to improve the FBI's ability to effectively collect, analyze, and use large quantities of relevant investigative data in obtaining successful prosecution of organized crime subjects.

Accomplishments and Workload: Accomplishments of the Organized Crime Program are presented in the following table:

Output/Workload measures:	1980.	1981	Estimates	
			1982	1983
Investigative matters received	14,883	14,121	15,010	15,010
Investigative matters carried over	6,005	6,071	5,900	7,100
Total investigative matters	20,888	20,192	20,910	22,110
Investigative matters closed	14,815	14,297	13,810	13,810
Organized Crime Informants operated	1,107	1,413	1,450	1,500
Convictions	597	515	558	558
Traditional OC member/associates convicted or pending trial	132	185	165	165
Field Division OCIS implementation	3	17	23	28

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated											
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
White-Collar Crime.....	3,002	2,912	\$115,390	2,907	2,817	\$124,537	2,907	2,817	\$124,537	...	...	...

Long-Range Goal: To reduce the incidence of white-collar crimes involving fraud, embezzlement, bribery, conflict of interest, and corruption by individuals in government, labor, and business.

Major objectives:

To investigate and develop prosecutable cases against corrupt public officials and major white-collar crime perpetrators.

To enhance the expertise of investigative personnel in combating white-collar crime through an increase in fraud training programs, such as computer, offshore banking, energy, and commodity markets.

To provide the investigative response necessary to support the Administration's and the Attorney General's white-collar crime priorities.

**Base Program Description:** The White-Collar Crimes program is directed to successfully investigate, in support of prosecution, violators of those laws enacted for the overall protection of citizens from economic loss. Among the crimes encompassed by this program are bank fraud and embezzlement, bankruptcy, false statements, bribery, fraud by wire, corruption of public officials, fraud against the Government, copyright matters, and embezzlement of union funds. This program benefits the general public, financial institutions, Government agencies, and private companies who have suffered economic loss. It also supports an atmosphere of trust essential to a sound national economy and Government. It is believed that the psychological effect of criminal prosecution for fraud, bribery, and embezzlement acts as a deterrent to others. Greater emphasis has been placed on the investigation of sophisticated "con men" who use wire fraud and mail fraud to perpetrate national and worldwide swindles. Major investigative efforts are currently directed toward violations of the Wire Fraud and Mail Fraud Statutes involving "bogus" offshore banks, commodity frauds, fraud in the coal and petroleum fields, and fraud in "shell" insurance companies.

Accomplishments and Workload:

Output/Workload measures:	1980	1981	Estimates	
			1982	1983
Investigative matters received	58,483	60,980	65,930	67,907
Investigative matters closed	57,910	60,034	65,280	67,238
Convictions	3,202	3,590	2,747	2,803

The accomplishments of the FBI's White-Collar Crime Program cannot be restricted to quantitative data. Some additional accomplishments are:

- The ability of the FBI to address very sophisticated white-collar crimes within each of the components; government fraud, public corruption, labor matters, financial crimes, energy fraud, etc., continues to advance with an ever-increasing level of expertise, as demonstrated by numerous complex cases resulting in the conviction of those charged.

While no measure of the reduction in the number of incidents of public corruption can be made, numerous incidents of altered conduct to avoid detection by those engaged in corruption have been noted in matters under investigation. During 1981, 173 individuals were convicted in public corruption investigations. Approximately 1,328 public corruption investigations were underway at year end.

Tight money and high interest rates provided desirable conditions for "confidence" men who set out in increasing numbers to defraud businessmen seeking creative methods of funding, when normal channels were unavailable. To address the increase in financing schemes, the FBI directed approximately 300 agents to conduct investigations of fraud in the business community.

The White-Collar Crime Program will utilize 95 fewer agent work-years in fiscal year 1983 than were authorized in fiscal year 1982. This decrease will have an effect upon the effectiveness of the program in the financial crimes area. The reduction will result in the FBI's declining to investigate reports of crimes such as: the embezzlement in which the known loss is \$1,500 or less; the circulation of fraudulent checks with aggregate value of less than \$1,500; and some allegations of violations of the copyright statute.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Fugitive .....	311	300	\$14,860	311	300	\$16,147	311	300	\$16,147	—	—	—

Long-Range Goal: To seek out and apprehend fugitives wanted by local and state authorities and in certain situations, the military.

Major Objectives:

To provide assistance to the local and state law enforcement community in the apprehension of violent, escaped prisoners or fugitives who cross state lines to avoid arrest, with emphasis focused on priority matters involving crimes of violence, high property loss or destruction, and illicit narcotics trafficking.

To actively assist the various branches of the military by initiating fugitive investigations and effecting arrests of those who desert under aggravated circumstances.

Base Program Description: To accomplish the major objectives of this program, upon receipt of a request for FBI fugitive assistance from a local or state law enforcement agency, an immediate investigation is instituted following the issuance of a Federal arrest warrant. Investigative time limits are imposed to insure prompt and full inquiries are conducted. Investigative efforts generally include, but are not limited to, interviews with known relatives, associates, contacts, employers, informants, law enforcement representatives, and the placing of logical alerts and lookouts. With the arrest of a fugitive, in-depth interviews are conducted regarding the offense allegedly committed by the subject and his activities while in a fugitive status. All requests for assistance to locate military deserters are carefully reviewed at FBI Headquarters upon receipt to insure they are in conformance with the provisions of the existing agreement with Department of Defense (DOD). Should a fugitive investigation be warranted, all necessary investigative techniques to apprehend the deserter will be employed. FBI Headquarters is notified of all cases investigated within the program and is kept current on pertinent developments in all fugitive matters of interest.

Accomplishments and Workload: Accomplishments of the Fugitive Program are presented in the following table:

Item	1980		1981		Estimates		1982		1983	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Fugitive investigations initiated	2,731		2,746		2,600		2,600		2,600	
Fugitives apprehended (by FBI)	666		722		639		639		639	
Fugitives located (by others as a result of FBI effort)	517		476		413		413		413	
Convictions	447		440		440		440		440	
Recoveries (\$000)	\$465		\$426		\$426		\$426		\$426	

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Personal Crimes .....	1,039	1,060	\$42,818	1,089	1,060	\$46,700	1,089	1,060	\$45,700			

Long-Range Goal: To reduce the impact of personal crime victimization resulting from kidnaping, extortion, bank robbery, crime aboard aircraft, and other program offenses.

Major objectives:

Provide immediate measured investigative response to bank robbery and related forcible crimes against financial institutions with subsequent investigation conducted to identify, apprehend, and successfully prosecute individuals responsible for these offenses.

Implement pre-planned response procedures to aircraft hijackings; coordinate interagency activities, establish negotiations, and, where circumstances dictate, initiate other appropriate tactical actions to successfully resolve aircraft hijacking incidents, obtain the safe release of passengers and crew members held hostage, and identify, apprehend, and prosecute individuals responsible for these offenses.

Institute necessary investigation to enable the safe and speedy recovery of kidnap victims and to identify, apprehend, and prosecute individuals responsible for these offenses.

Perform appropriate investigation to identify, apprehend, and prosecute individuals responsible for extortionate demands against individuals and businesses.

Provide investigative response to other pertinent violations of Federal Statute encompassed by the Personal Crimes Program and perform necessary follow-up investigation bringing cases to a logical and successful conclusion.

**Base Program Description:** The Personal Crimes Program addresses a group of criminal investigative matters which involve the common characteristic of threatened or actual injury or loss of life. Among the crimes encompassed by this program are bank robbery, kidnaping, extortion, aircraft hijacking, assassination of a member of Congress, assaults against Federal officers, and assaults against the President. Personal crimes often have considerable impact on the communities and individuals affected due to their propensity for violence, the high public profile of their intended victims, and the possibility of substantial monetary losses.

Personal Crimes Program investigations are basically reactive in nature; that is, an investigation is instituted once the crime is an accomplished fact. Investigation normally commences upon receipt of a complaint from the victim that a crime has occurred. The initial facts of the offense are evaluated and an appropriate investigative response is made. This response is dictated, in part, by such critical factors as location; circumstances; threat of danger such as injury, death, or hostage taking; use of firearms or other dangerous weapons or explosives; and the number of incidents encountered, among others. Field offices maintain specific response plans which are instituted in bank robbery, kidnaping, extortion, hostage, and aircraft hijacking situations. In cases where a hostage is held or an abduction has occurred, the primary concern is the safe recovery of the victim.

Investigative activity at the scene of the offense includes identifying and collecting items of evidence for forensic examination and interviewing witnesses. In instances where the crime is still in progress, the apprehension of the perpetrator is effected (where possible) and hostage situations (if existing) are negotiated and resolved. Crime-scene and related investigations are labor-intensive process with widespread investigative activity following beyond the site of offense. They are also critical process that yields evidence needed to identify the perpetrator and contribute to his prosecution. Follow-up investigative activity involves the completion of logical investigation, such as the following of leads developed at the scene or developed through investigation and contact with informants who may be able to provide useful information. As positive information is developed, the case progresses.

Cases are presented to the U.S. Attorney, where they are either accepted for prosecution or declined, depending upon the policies and guidelines of the U.S. Attorney and the quality and strength of the investigation. Declined cases can be closed by the FBI field office if all logical investigation is completed. Accepted cases are prepared for prosecution and further investigation is conducted as necessary. Arrest warrants are executed when approved. Prosecutive support is provided in terms of case preparations and court testimony. Upon conclusion of judicial proceedings against all subjects, cases are closed.

**Accomplishments and Workload:** Investigative accomplishments attributable to the Personal Crimes Program contribute substantially to the overall performance of the FBI. During 1981, the Personal Crimes Program accounted for 26 percent of the FBI's total arrests, 31 percent of the total complaints, 26 percent of the true bills of indictment, and 23 percent of the total convictions. Ninety-six percent of the program's accomplishments were in Priority Case Indicator (PCI) cases, an improvement over 1980 and 1979 when PCI accomplishments were 77 and 74 percent, respectively, of the program total. Part of this increase is due to a redefinition of PCI to include incidents where the use of weapons was threatened. Significantly, 96 percent of the Personal Crimes Program/convictions in 1981 were for felony offenses and 91 percent of the individuals convicted were sentenced to confinement. These figures demonstrate both the dangerous nature of criminals involved in personal crimes and commitment of the Federal Government to combat the increasing incidence of violent street crime across the Nation.

Accomplishments of the Personal Crimes Program are presented in the following table:

Accomplishment Measures	1980	1981	Estimates	
			1982	1983
Arrests	1,011	1,284	1,350	1,435
Locates	242	239	251	267
Criminal Summonses	34	35	37	39
Complaints	1,140	1,469	1,554	1,642
Informations	178	173	181	190
True Bills of Indictments	1,843	2,126	2,236	2,377
Pre-Trial Diversions	40	59	—	—
Convictions:				
Misdemeanor	74	74	78	83
Felony	1,714	1,964	2,066	2,197
Total	1,788	2,038	2,144	2,280
Fines (\$000)	\$ 269,619	\$ 271,798	—	—
Recoveries (\$000)	\$18,916,499	\$13,378,257	—	—
Origin Office Investigative Matters Closed	15,993	15,986	17,477	18,580
<u>Workload Measures</u>				
Origin office investigative matters pending from previous year	6,173	6,416	6,693	7,313
Origin office investigative matters received	16,252	17,142	18,097	19,043
Total origin office investigative matters	22,425	23,558	24,790	26,356

	1981 Appropriation Anticipated			1982 Base			1982 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Terrorism .....	221	213	\$10,352	221	213	\$11,387	221	213	\$11,387			

**Long-Range Goal:** The goal of this program is to detect, prevent, and/or react to unlawful, violent activities of individuals or groups whose intent is to either overthrow the Government; interfere with the activities of a foreign government in the United States; substantially impair the functioning of the Federal Government, a state government, or interstate commerce; or deprive Americans of their civil rights as guaranteed by the Constitution, laws, and treaties of the United States. In addition, the long-range goal includes successfully investigating violations of certain Federal statutes assigned to this program.

**Major Objectives:**

Identify and investigate the activities of violent domestic terrorist groups.

Combat domestic terrorism by facilitating prompt and thorough investigations of Federal criminal statutes such as bombing matters, neutrality matters, Atomic Energy Act matters, Act for the Protection of Foreign Officials and Official Guests of the United States, sabotage, treason, and sedition.

Advise the Department of Justice of reported incidents of mishandling, unauthorized disclosure, or compromise of classified information where no foreign direction is involved and, when so directed, conduct investigations as prescribed in the Attorney General's Foreign Counterintelligence Guidelines.

Inform the Department of Justice of reported incidents of civil unrest and when so directed, conduct investigations in line with the Attorney General's guidelines.

Develop high quality, productive informants who can assist the FBI in conducting domestic, terrorist-related investigations.

Disseminate pertinent, timely information which would be of investigative and statutory interest to other Government agencies.

**Base Program Description:** Terrorism investigations consist of a complex process dependent upon the type of the investigation. The majority of domestic security investigations are instituted, according to the established criteria of the Attorney General's Guidelines, by FBI field offices based on information of activities of individuals or groups which involve or will involve use of force or violence and/or violation of Federal law. Each investigation instituted is reviewed by officials of FBI Headquarters and full investigations are furnished to the Department of Justice. Preliminary and limited investigations have a 90-day time limitation while full-field investigations are reviewed after 90 days by the Department of Justice and extended beyond one year by the Department of Justice.

The role of the informant in FBI investigations is a critical element in obtaining advance information on terrorist activity. The utilization of informants is an extremely sensitive matter which is strictly controlled by FBI Headquarters. Informants are operated in strict compliance with the Attorney General's Guidelines and, in the domestic intelligence or preventive phase may be utilized only in organizations which have been approved for full-field investigations. These informants are closely monitored to insure that they do not infringe upon First Amendment rights of American citizens.

The reactive segment of this program, including bombings, murder, kidnaping, or injuring foreign officials or official guests of the United States and nuclear extortion matters, consists of immediate labor-intensive investigations after the violent criminal activity has occurred. Contingency plans exist in each FBI field office which are implemented to assure an effective and timely response to violent criminal acts.

Concerning incidents of mishandling, unauthorized disclosure, or compromise of classified information, requests for investigation are referred to FBI Headquarters by the Department of Justice for investigation to be performed by field divisions. Because of the nature and scope of the investigation, the sensitive classified information which may be highly compartmented code worded information, mature, experienced special agents are required to conduct investigations pursuant to the instructions of FBI Headquarters and the Department of Justice.

The evaluation by the FBI of the utilization of resources, accomplishments obtained and the effectiveness of its terrorism program is based upon analysis of both the domestic and FCI portions of the program.

Accomplishments and Workload: During 1981, the Domestic Terrorism Program of the FBI had the following significant accomplishments. Ten of the 11 FALN members arrested in April of 1980, were indicted and convicted in Chicago for violations of Federal law. They were sentenced to terms ranging from 50 to 90 years. The eleventh FALN member, Haydee Torres, was extradited to New York and was tried and convicted for her involvement in the 1977 Mobil Oil Building bombing. She received a life sentence.

As a result of a RICO-Terrorism investigation of the Croatia National Resistance, 17 members of the hierarchy and membership were arrested and indicted for a variety of Federal charges ranging from weapon charges to conspiracy to violate the civil rights of Josip Badurina by murder. Five have been convicted, ten are awaiting prosecution, process was dismissed against one and one was acquitted.

Seven members of the anti-Castro Cuban group Alpha 66 were arrested in possession of numerous weapons and explosive devices. They planned to travel to Cuba to conduct sabotage and assassinations. Six of them pled guilty to Federal violations and the charges were dropped against the seventh.

Michael Perdue and nine others were arrested and charged with violation of neutrality, gun control and munitions control statutes because of their involvement in a plot to attack the Caribbean Island of Dominica. Perdue and six others entered guilty pleas and three others were tried. Two of those tried were convicted and one was acquitted. All who pled guilty and were convicted received the maximum sentence under the Neutrality Act.

These accomplishments are not a complete list and do not reflect those that resulted from the FCI-Terrorism portion of the total FBI Terrorism Program.

Item	1980	1981	Estimates	
			1982	1983
Investigative matters received (including informants)	*5,190	4,186	4,500	4,500
Bombings; actual or attempted	1,249	1,106	1,150	1,150
Terrorist-related bombings	20	24	25	25
Injuries; bomb-related	160	136	140	140
Deaths; bomb-related (all bombings)	34	22	25	25
Property damage; bomb-related (\$000)	\$12,562	\$70,000	\$15,000	\$15,000
Investigative matters closed	5,539	4,217	4,800	4,800

\* Although the number of Investigative matters received decreased in the Domestic Terrorism area the numbers increased in the FCI-Terrorism portion.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.			Pos.		
Coordination of Investigations .....	487	477	\$16,657	487	477	\$17,915	487	477	\$17,915	...	..	...

Long-Range Goal: To coordinate and manage the FBI's criminal, civil, applicant, terrorism, and foreign counterintelligence investigative programs.

Major Objectives:

To provide adequate management and coordination to all investigative matters, assuring compliance with existing laws, Executive Orders, and the Attorney General's Guidelines.

To insure that the Director of the FBI and other authorized officials have sufficient information regarding investigative programs so that informed decisions can be made.

To continue improving and increasing the research and analytical capability to support the mission and the production and dissemination of studies and analytical reports.

To continue implementation of the Organized Crime Information System and the Intelligence Information System, to initiate research regarding possible application of similar systems to other programs such as White-Collar Crime and General Property Crimes.

To continue implementing software programs supporting field operations, FBI Headquarters operational management, and the production of studies and reports.

To sustain and improve information exchanges among other Intelligence Community members so that relevant countermeasure techniques can be synthesized.

To maintain relations with Washington liaison representatives of foreign law enforcement and intelligence agencies.

To develop high-level contacts in U.S. agencies.

To administer and coordinate legal attache operations.

Base Program Description: The Intelligence Division consists of three sections, two operation (CI-1 and CI-2) and one support (CI-3). CI-1 and CI-2 manage and coordinate FCI investigations targeted against criteria countries and any other country which poses a security threat to the United States. CI-3 provides support for investigative operations by providing analytical research, ADP applications to the FCI Program, FCI training, responses to the Executive Branch and the Congress, liaison with other U.S. Government agencies and friendly foreign intelligence services posted in Washington, D.C., and management for Legal Attache Offices located outside the U.S.

The Criminal Investigative Division, has been organized along program lines. The Assistant Director and his two Deputies direct and coordinate the activities of five Section Chiefs who are responsible for the following field programs: Organized Crime; Organized Crime Informants; White-Collar Crime; General Government Crimes; Fugitive; Personal Crimes; General Property Crimes; General Crimes Informants; Terrorism Investigations; Terrorism Informants; Civil Rights; and Civil, Applicant, and Other Investigations. Through written communications, telephonic conversations, and, on occasion, in person, supervisory personnel in these sections maintain close contact with the representatives of the 59 field offices which are responsible for the various investigative programs in order to assess current projects, discuss new initiatives, and correct problems. In addition, data reflecting workload, accomplishments, and field use of personnel are constantly being monitored by section personnel to insure proper utilization of resources.

In order to respond to initiatives and inquiries from the Executive and Legislative Branches of the Government, as well as to implement its objectives, members of this unit maintain close, continuous contact with representatives of other agencies and certain nongovernmental agencies.

Accomplishments and Workload: The accomplishments which can be associated with this unit are found in the accomplishments sections of the various investigative and Legal Attache Program overviews. Since this unit provides coordination and management services to all of the above-mentioned programs, positive results from these programs are assumed to be, at least in part, attributable to the Coordination of Investigations effort.

Item	1980	1981	Estimates	
			1982	1983
Departmental, Congressional, and other inquiries processed	635	650	650	650
Undercover Proposals Received	113	130	150	175
Special Surveillance Requests	33	35	38	40
Requests for Visual Investigative Analysis	26	39	35	40
Field Requests for Funds	1,725	1,750	1,755	1,800
Title III Applications Received	125	135	135	135
Aircraft Hijacking Incidents	24	15	15	15
Major Cases Requiring Headquarters Coordination	29	30	30	30
Average Monthly Cases Received (FCI)	12,042	12,318	14,000	15,000
Special Field Requests for Manpower	82	85	85	85
Field Offices Schedule for OCIS	3	17	23	28

At this level of funding, the high-priority responsibilities of this unit will be handled. It can be seen that the overall activities of this unit are very "reactive" oriented, i.e., resources must be dedicated to those matters which require immediate handling. Consequently, those activities not considered urgent, although no less important, may suffer at times when resources are diverted to other areas. Such activities as research and analysis fall into this category.

It is anticipated that the legal attaches will receive appropriate administration and assistance to insure the prompt exchange of information and contacts with respective domestic agencies and Washington liaison representatives will be maintained to insure that pertinent matters of mutual interest are appropriately handled.

Activity: Investigative Support	1982 Appropriation Anticipated			1983 Base			1983 Estimate		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Training	412	401	\$20,022	412	401	\$21,309	412	401
Forensic Services - Federal	320	309	14,686	320	309	14,606	320	309	14,606
ADP and Telecommunications	401	389	47,472	401	389	51,370	401	389	51,370
Legal Attache	57	55	2,074	57	55	2,361	57	55	2,361
Records Management	1,464	1,421	33,176	1,371	1,328	36,128	1,371	1,328	36,128
Technical Field Support & Equip.	141	137	20,067	141	137	33,032	141	137	33,032
Total.....	2,795	2,712	\$147,497	2,702	2,619	\$158,806	2,702	2,619	\$158,806

1003

Investigative support is provided through training, forensic laboratory examination and research, attaches in foreign countries, efficient management of investigative and administrative records, automatic data processing and telecommunications management and maintenance, and technical field support and equipment supply.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Training.....	412	401	\$20,022	412	401	\$21,309	412	401	\$21,309	...	...

Long-Range Goals:

To provide, and improve upon the recruitment, selection, training, and performance monitoring process of new FBI agents.  
 To provide an effective in-service training program at the FBI Academy and in the field to keep all FBI employees professionally and academically equipped to meet the requirements and challenges of their complex and changing responsibilities.

To conduct research and evaluation of personnel, programs, techniques, and equipment which support and enhance the ability of the FBI to perform its law enforcement mission.  
To maintain and improve the land, buildings, equipment, furnishings, and fixtures which make up the FBI Academy complex in a manner consistent with and conducive to an effective and efficient learning and living environment.

Major Objectives:

Provide the highest level of training for approximately 400 new agents annually to insure that their knowledge and skills are developed to enable them to discharge their complex responsibilities in a professional manner at the outset of their careers and provide follow-up training and assessment during the probationary period.

Afford in-service training at the FBI Academy and in the field for FBI special agents and selected support personnel, enabling them to investigate complex nationally prioritized white-collar crime, organized crime, foreign counterintelligence, and other FBI cases in the most professional and cost-effective manner.

Provide crisis management training for FBI personnel who will be expected to respond to terrorist incidents, aircraft hijacking cases, hostage incidents, and other crisis situations.

Improve, through sophisticated management programs, the ability of mid- and upper-level FBI executives to more effectively carry out their increasingly complicated responsibilities, and provide for job enrichment and career development opportunities for selected support personnel.

Conduct extensive research and evaluation, and provide direct field support and program assessment to enhance the major training objectives cited above.

Maintain the land, buildings, equipment, furnishings, and fixtures which constitute the FBI Academy complex.

Base Program Description:

1. New Agents Training Program: After being accepted as a special agent trainee, the period of instruction at the FBI Academy encompasses, but is not limited to, the following major topics over a 15-week period: substantive statutory violations, national security matters, basic law enforcement and forensic skills, behavioral science, legal instruction, communications, administration, firearms, arrest techniques, professional conduct, and ethics.

2. In-Service Training and Direct Field Support Programs; Faculty Development and Maintenance Programs: Special agents are periodically brought back to the FBI Academy for instruction in many specialized areas based upon the investigative needs and priorities of the FBI. Specialized training is also afforded by FBI Academy instructors and FBI Headquarters personnel in field offices if this method is more cost-effective or responds to the particular needs of a specific field office. In addition, direct field support is afforded by FBI Academy instructors in such highly sophisticated and technical areas as hypnotic interview, psycholinguistics, and psychological criminal analysis.

3. Research, Evaluation and Liaison: The Training Division maintains liaison with selected foreign law enforcement agencies and several foreign and United States military counter-terrorist units for exchange of training information and equipment. Research is conducted by FBI Academy instructors to develop and remain current with a myriad of concepts and skills. Research is conducted on a time-available basis to evaluate tactics, techniques, weapons and equipment, and in academic disciplines, to support and expand knowledge for classroom presentations and publishing. A limited number of faculty members and field instructors are pursuing graduate study and other relevant educational programs when duties permit.

4. Academy Complex: Employees assigned to eight maintenance and craft shops repair and maintain the 18 major buildings and the FBI firearms ranges which constitute the 324 acre FBI Academy complex.

Accomplishments and Workload: During 1981, 319 new agents received instruction at the Academy. The in-service program provided instruction for 6,281 special agents and support employees. Principal among the topics presented were white-collar and organized crime subjects, foreign counterintelligence, hostage negotiation, crisis management, forensic sciences, legal matters, and management assessment and training. Research and evaluation have resulted in improved crisis management equipment and techniques. Instructors attended symposia to improve their expertise. The new Forensic Science Research and Training Center was completed and firearms range improvements were made to include a judgmental shooting range. Thirty-five complex cases were solved through psychological profiling efforts by Academy instructors.

During 1981, 7,062 special agents of the FBI assigned to the field were afforded 68 hours of training mandated by current policies and regulations. This mandated training is designed to maintain and improve basic investigative, technical, and administrative skills. Subjects cover a wide variety of matters such as firearms, defensive tactics, Federal legal procedures, and others which impact on all the Bureau's investigative personnel.

In addition, 584 special agents assigned to tactical response teams (Special Weapons and Tactics) were afforded approximately 280,320 total hours of training. This training is designed to heighten the Bureau's degree of competency and preparedness to respond properly to crisis situations such as terrorism, bombings, hostage taking, and other similar incidents over which the Bureau has jurisdiction. The Bureau has substantial commitment of resources to several national and international events which will be hosted in the United States such as Energy Expo '82 in Knoxville, Tennessee, and the 1984 Summer Olympics in Los Angeles, California.

In 1981, 4,359 support employees received training to enhance their professional competency and ability to carry out their respective duties.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	Forensic Services - Federal.....	320	309	\$14,686	320	309	\$14,606	320	309	\$14,606	...	...

**Long-Range Goals:** To provide the best possible forensic science assistance together with the most modern scientific and technical equipment in support of FBI and other Federal investigative demands.

**Major Objectives:**

- To provide expeditious handling of requests for examinations of physical evidence.
- To provide sound, objective, expert testimony in support of Laboratory findings in a wide variety of forensic disciplines.
- To provide expert scientific and technical support including on-site assistance for FBI investigative operations.
- To conduct research into the forensic sciences in an effort to maximize the use of physical evidence within the criminal justice system.
- To provide specially designed devices and apparatus for use in criminal and counterintelligence investigative matters.
- To provide Federal law enforcement personnel with the most up-to-date forensic science training possible.

**Base Program Description:** Requests for examinations of evidence come to the FBI Laboratory as a result of FBI field investigations and from other Federal agencies which do not have the technical capability to perform a particular type of examination.

The cases received include specific requests made by the contributor to conduct a wide range of forensic examinations on the physical evidence (specimens) obtained during the investigation of the crime. Requests are received in the Evidence Control Center where pertinent information concerning the request is computerized. The request is then assigned a priority for examination and assigned to a principal examiner. The examiner is totally responsible for the case -- determining what examinations must be done to obtain the greatest technical information from the specimen(s), maintaining the chain of custody of the evidence, obtaining auxiliary examiners, supervising, and conducting examinations, reading and assembling the results of other examinations and writing the final laboratory report. The examiner may be called upon to render expert testimony concerning the results of the examination in subsequent court proceedings.

The Forensic Science Research and Training Center (FSRTC) uniquely combines forensic science research with forensic science training in a physical plant which has been painstakingly designed and equipped to meet the rigorous requirements of these activities. Federal, state, and local crime laboratory and law enforcement personnel received training in courses which have been carefully selected and developed after consultations throughout the law enforcement and crime laboratory communities. Plans are underway to augment the research staff with visiting scientists from the academic community and other government agencies and the training staff is augmented, as necessary, with experts from the Laboratory. Training is normally conducted at the FSRTC; however, due to a lack of travel funds and/or living accommodations at the FBI Academy, when proper training facilities exist, Laboratory instructors conduct specialized forensic schools in the field.

Accomplishments and Workload: Accomplishments of the Forensic Services - Federal program are presented in the following table:

	1980	1981	Estimates	
			1982	1983
Requests for examination.....	12,347	12,844	12,990	13,321
Specimens submitted.....	154,454	122,174	135,281	139,222
Examinations conducted.....	458,830	612,651	647,181	667,597
Workdays Spent on Research.....	1,480	2,072	3,691	3,691
Trial and Investigative Aids Prepared.....	5,721	5,333	5,320	5,320
Charts, Miscellaneous Graphics, and Exhibits Prepared.....	11,637	11,980	12,335	12,335
Photo Prints Processed.....	856,548	807,919	825,000	825,000
Testimony workdays.....	885	864	835	910

Other accomplishments include:

Continuation of an automation effort which incorporates a management information system with automated scientific and technical data processing. Through computer terminals located in most laboratory units, managers have the ability to quickly retrieve important case information, study examiner case loads, select auxiliary examiners, and answer inquiries from contributors concerning the status of cases from data entered into the system in the Evidence Control Center. These same terminals are utilized by the examiners and technicians to more rapidly process results of instrumental analysis, process large blocks of data from multi-specimen cases, query files, etc.

Directed the crime scene search following the attempted assassination of President Reagan. Handled all physical evidence with dispatch and provided pertinent and timely information to the medical staffs which protected the lives of the victims.

Initial staffing and equipping of the Forensic Science Research and Training Center were completed. Formal dedication took place on June 16, 1981.

Formulated and implemented a "blind" testing program to be used as a yardstick for FBI Laboratory examiners and administrators to measure the quality and effectiveness of procedures and examinations.

Published three new training monographs entitled, (1) "Photography for the Investigator," (2) "Questioned Documents for the Investigator," and (3) "Crime Scene Search as a Process."

Developed a process for restoration of badly soiled and/or stained documents. This process was successfully employed on one document which was retrieved from a refuse dump and another which was completely covered with vehicle undercoating material. In both instances the image was revealed providing the printed or written matter sought.

Developed a process for determining the sex of an individual from a dried bloodstain. This technique was employed as part of the overall analysis stemming from the October 1981, armed robbery of a Brinks armored car in Nyack, New York, during which two police officers and one Brinks guard were slain.

Continued publication of the "Crime Laboratory Digest" and hosted a successful Ninth Annual Symposium on Crime Laboratory Development which brought together nearly 150 crime laboratory directors including representatives from five foreign laboratory systems.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
ADP and Telecommunications.....	401	389	\$47,472	401	389	\$51,370	401	389	\$51,370	...	...	...

Long-Range Goal: To support the FBI's information collection, storage, retrieval, and dissemination requirements through the use of ADP, telecommunications, and word processing resources.

Major Objectives:

To develop and implement the Intelligence Information System (IIS), a dedicated secure ADPT system which supports the FBI's Foreign Counterintelligence (FCI) activities.

To develop and implement the Organized Crime Information System (OCIS).

To provide ADP support to the highest priority investigations through the operation and maintenance of the Investigative Support Information System (ISIS).

To develop and implement a comprehensive Resource Management System (RMS).

To develop and implement the Field Office Information Management System (FOIMS), providing access to all field offices and integrating technical resources to support the FBI's investigative and management information processing needs.

To continue implementation of a secure, efficient, and cost-effective Intra-FBI Records Communications System (IRCS) to support all FBI data communications requirements.

To provide ADP support to the Identification Division with the operation and continued development of the Automated Identification Division System (AIDS).

To provide ADP support of to the Criminal Justice Data and Statistics Services Program, which includes the National Crime Information Center (NCIC) and Uniform Crime Reporting (UCR) Programs.

To acquire and install secure voice telephone equipment and provide maintenance to existing field office telephone facilities.

To manage word processing resources in accordance with the results of formal studies addressing needs.

Base Program Description: This program provides all ADPT services to the FBI on a nationwide basis. The Technical Services Division (TSD) insures that the FBI's ADPT resources are responsive to the agency's information processing needs and are acquired, managed, and utilized in accordance with Governmental laws and regulations. Cost-efficient ADP systems that are "user" oriented provide greater efficiency in the collection, maintenance, and dissemination of investigative information. This modern technology allows the FBI to apply greater emphasis in the investigations of organized crime, white-collar crime, and foreign counterintelligence matters.

The objectives of this program are achieved through the operations of the following major information systems:

Investigative Support Systems (ISS) - These information processing systems provide direct information processing support to the 59 field divisions and their investigative activities. The Investigative Support Information System (ISIS) provides analysis capabilities as well as an automated index to investigations of national importance. Other organized crime and white-collar crime cases, with large volumes of evidence and other investigative information, are evaluated and supported on a case-by-case basis. Although the number of cases supported by ADP continues to grow each year, the complexity of each individual case directly affects the workload more than does the volume of cases. This makes it incumbent upon the FBI's ADP staff to allow flexibility in providing on-site analysis for immediate data entry and/or on-line usage. The Organized Crime Information System (OCIS) and the Intelligence Information System (IIS) are two top-priority initiatives which will improve tremendously the investigative information gathering and analysis capabilities of the field offices. These systems will provide a central data base containing sufficient information to facilitate program management at both the national and field office levels.

Resource Management System (RMS) - FBI Management requires an accurate account of pertinent information, in a logical fashion, and on a timely basis to support and promote sound managerial decisions and to meet the external reporting requirements. Information processed concerns personnel, payroll, expenditures and accounting, budgets, training, investigative statistics and accomplishments, administrative statistics, employee workload data, and mailing lists. These information processing requirements are presently supported by numerous unfunctional computer applications. A major objective of the long-range ADP Plan is to develop and implement a comprehensive RMS which will streamline data entry activities and improve responsiveness to FBI needs.

Field Office Information Management System (FOIMS) - This system, when fully operational, will provide each field office with an integrated information processing system incorporating word processing, data processing and telecommunications technologies.

Intra-FBI Records Communications System (IRCS) - This telecommunications system provides all data and message transmission between FBIHQ, field offices, and foreign posts.

Telephone Systems - The FBI must have efficient and secure telephone facilities available to support its investigative mission. This program includes capital investment funding for Secure Telephone Units (STU-IIIs).

National Crime Information Center (NCIC) - The FBI's NCIC, which is included in the Criminal Justice Data and Statistics Program, is the only national law enforcement teleprocessing system in existence today which provides documented information on wanted and missing persons, stolen properties, and criminal histories. It is supported by a large component of FBI Computer Center ADPT resources which are set forth in this program.

Automated Identification Division System (AIDS) - The TSD, in conjunction with the Identification Division, is involved in a comprehensive project to automate the fingerprint card processing and related activities of the Identification Division. Resource requirements for AIDS, which are set forth in this program's base, include rental and purchase of general-purpose ADP Equipment (ADPE).

Accomplishments and Workload: During 1981, significant progress was made in applying greater effectiveness in the collection, maintenance, and dissemination of investigative information. OCIS was implemented in 14 additional field offices and is now

operational in 21 field locations. The on-line ISIS was installed in four additional field offices. ISIS supported 24 investigations in 17 field locations. Five additional field offices were given access to IIS expanding support to ten field offices and additional automation support of investigations was provided to 68 investigations.

The FOIMS pilot project was further expanded within the New York Field Office. Construction of the first FOIMS Regional Computer Center was begun, setting the stage for implementation of the Northeast Regional Computer Center, the cornerstone of the FBI's Long-Range ADP Plan.

The primary accomplishment of 1981 was the formulation of the FBI's Long-Range ADP Plan. During previous years, the FBI, like other Government agencies, applied automation with a short-range view, developing and implementing a unifunctional computer application to satisfy each specific need. The FBI's ADP Plan, which now reflects a multi-year outlook through 1991, has been referred to as "the best in the Government" by the Office of Management and Budget (OMB). At OMB's direction, numerous other agencies have reviewed FBI methodology to develop their own plans. Full implementation of the ADP Plan which is directed toward supporting the FBI's investigative mission, will await approval of necessary technical resources.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Legal Attache	57	55	\$2,074	57	55	\$2,361	57	55	\$2,361	...	...	...

**Long-Range Goal:** To assure continuous and prompt exchange of information with foreign law enforcement and intelligence agencies to enable the FBI to meet its mandated responsibilities.

**Major Objectives:**

To develop and maintain liaison with foreign law enforcement and intelligence agencies.  
 To provide a constant and prompt exchange of information and assistance with the above agencies.

**Base Program Description:** All liaison with the principal foreign law enforcement and intelligence agencies throughout the countries covered by legal attaches are handled through continuous direct personal liaison. Investigative matters that have international ramifications are handled expeditiously by legal attaches and coordinated through appropriate components at FBI Headquarters. Continuous contact is maintained with Embassy personnel, including representatives of other U. S. law enforcement and security agencies, to insure that maximum coordination is effected in accomplishing overall objectives of the FBI.

Budgetary and other consideration in 1980 resulted in the closing of the Buenos Aires post. This affected the ability of the FBI to maintain vital and timely personal liaison with foreign law enforcement agencies in that area. The current funding level enables the FBI to open a new legal attache post in Montevideo. This new post is essential for the FBI to fulfill its overall mandated responsibilities in South America.

Given the current level of appropriation, the 13 legal attache posts will be staffed as follows:

<u>POSTS</u>	<u>SPECIAL AGENTS</u>	<u>SUPPORT PERSONNEL</u>
<u>Europe</u>		
Bern	2	2
Bonn	4	4
London	4	4
Paris	2	2
Rome	2	2
<u>Latin America</u>		
Bogota	2	2
Montevideo	1	1
Mexico City	4	4
Panama City	1	1
<u>Far East</u>		
Tokyo	1	1
<u>SE Asia</u>		
Hong Kong	2	1
Canberra	1	1
<u>North America</u>		
Ottawa	2	2
FBIHQ Foreign Liaison Unit	2	
	<u>30</u>	<u>21</u>

2012

With the current level of appropriation at 57 positions, 30 will be staffed with special agents. The 2 special agents positions for training at FBI headquarters are essential for filling vacancies during normal shifting and transfer of personnel at various legal attache posts. These two training positions are designed for smooth and continuous operations of all 13 legal attache posts.

Accomplishments & Workload: The following table reflects accomplishments of the Legal Attache program wherein legal attache offices are actually involved and do not include name check requests:

Item	1980	1981	Estimates	
			1982	1983
Investigative matters received	8,643	10,749	11,000	12,000
Number of foreign law enforcement and intelligence agencies with which liaison maintained	200	200	210	285
FBI fugitives located	225	250	250	250
FBI fugitives returned to U. S.	75	80	80	80
Fugitives of interest to other agencies located	75	75	75	100
Heavy equipment, automobiles, and airplanes located	15	11	20	25
Assistance in Foreign Police Cooperation cases	2,300*	2,300*	2,600	3,000
Value of items located abroad(000)	\$6,300*	\$6,500*	\$6,500	\$8,000

\*Estimated

It is noted that the legal attache offices' primary function is of a service nature, to assist and facilitate the fulfillment of the overall responsibilities of the FBI. Their performance, particularly in regard to the areas of domestic security and foreign counterintelligence, can only be measured in terms of the quality and timeliness of information exchanged with foreign contacts and its effects upon domestic investigations conducted by the FBI and other U. S. agencies to which this information is disseminated.

The following are just a few examples of qualitative performance measures of this program, indicating the significant role played by the legal attaches in the FBI's overall program:

1. Legat, Bonn, has been involved in assisting the West German Government in the investigation of the murder of a state economic minister. The weapon used in this crime was determined to be one of several stolen from a U. S. Army Base Arms Room in West Germany. Several U. S. citizens believed involved in the original theft of the weapons have been interviewed by the FBI.

2. Legat, London, during the past year, has pursued an active investigation concerning the theft of approximately two million dollars in investment diamonds and other precious stones from Los Angeles, California. In June 1981, these items were located in London through the efforts of the Legat.

3. During 1981, Legat, Panama, has been heavily involved in providing investigative counsel to the Government of El Salvador in its attempt to bring to a logical conclusion the murder of the four U. S. religious workers and the two U. S. American Institute for Free Labor Development workers, all of whom were murdered in El Salvador. This has received a tremendous amount of press coverage in the U. S., and has been a very controversial issue in the U. S. Congress. Legat has conducted himself extremely well in this investigation. In addition, Legat, Panama, has been responsible for the recovery of approximately one-half-million dollars in items of value.

4. In 1981, numerous, extremely sensitive matters of highly significant national import were handled successfully by Legats. Many of these cases have not reached a logical conclusion, either through prosecution or administrative action, and therefore, to comment further on them would be inappropriate.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Pos.	WY	Amount
Records Management	1,464	1,421	\$33,176	1,371	1,328	\$36,128	1,371	1,328	\$36,128	...	...	...

Long-Range goal: To support FBI investigative and administrative operations through timely and accurate records processing, filing, maintenance, and retrieval services; respond to requests under the Name Check Program and to inquiries and court orders for documents and information in connection with discovery proceedings in criminal and civil litigation. To facilitate lawful public access to FBI records in response to Freedom of Information and Privacy Acts requests.

Major Objectives:

To route, classify, search, serialize and record approximately 1.5 million pieces of mail and dispatch over three million pieces of mail.

To continue the conversion of the active index to an on-line mode in order to facilitate searching capabilities, enabling overall mail processing and name searching to be cost-effective.

To dispose of duplicative and nonessential material per criteria set forth in records retention plans submitted to the courts in November 1981, microfilm historical records that require permanent retention and implement alternative methods of records storage and retrieval for active investigative and administrative files.

To expeditiously handle approximately two million name checks annually received from other Executive agencies.

To protect sensitive information and informants, including intelligence sources and methods, by establishing and maintaining training programs and operational standards relating to classification and clearance matters.

To review and produce documents in civil suits on a timely basis so as to meet all court-imposed deadlines.

Provide correct, prompt, and complete responses to FOIPA requests and train and direct FBI personnel at FBIBQ and in the field offices to fulfill responsibilities mandated by the FOIPA.

**Base Program Description:** In the Records Management Program, all incoming mail is received in the mail room, x-rayed, and routed, along with all internal memoranda, to respective Headquarters divisions. Mail is classified, searched, serialized, indexed, recorded, and examined for processing accuracy. Efforts are underway to implement automation in several of these mail processing functions. The Automated Records Management System (ARMS) has been applied to the recording and serialization of mail. The next phase of ARMS involves the Main Card Searching program and completion of index conversion. Mail is then forwarded to file. All investigative, administrative, applicant, and personnel files are maintained and name search and file review services are extended to supervisors in support of their investigative and administrative operations, which include FOIPA requests, as well as requests from other Executive Branch agencies under the National Agency Check Program.

The complexities of the FBI's record keeping system and the sensitive nature of information contained in the files require the Document Classification and Review Section to review investigative records to insure that documents made available to FOI/PA requesters and plaintiffs through discovery in civil suits are properly classified to protect source, methods, and other matters consistent with appropriate executive orders. Policy pertaining to security and classification of documents is formulated in accordance with executive orders and intelligence community directives. Training and security clearance programs are implemented.

This decision unit provides centralized records management for FBIHQ and the field, along with centralized mail management, records automation, archival matters, duplicating, and maintenance of the FBIHQ's telelift and pneumatic tube systems.

The FOI/PA Program acknowledges requests and identifies, collates, reviews, excises, duplicates, and discloses records as authorized by the FOI/PA. This program coordinates request matters with the FBI's document classification authorities, the FBI's Legal Counsel Division, components of the Department of Justice, and other Executive Branch agencies prior to release. Training programs, instructions, guidelines, court decisions, and policy are provided to both field and FBIHQ personnel with emphasis on handling requests and the collection, use, and dissemination of personal information as regulated by the Privacy Act.

**Accomplishments and Workload:**

	1980	1981	Estimates	
			1982	1983
Mail classified	1,416,863	1,417,091	1,743,022	1,847,603
Mail searched	318,903	356,138	416,681	454,182
Mail serialized	936,075	1,114,569	1,315,191	1,433,558
Mail recorded	1,246,450	1,030,499	959,639	902,061
Mail filed	1,175,607	1,176,840	1,165,072	1,153,421
Index cards filed	1,012,451	980,867	941,440	912,020
File & serials pulled	585,447	558,707	581,592	596,640
Name checks handled	2,286,407	2,111,163	2,144,092	2,181,026
Pages filmed	791,699	850,126	1,300,000	1,500,000

	1980	1981	Estimates	
			1982	1983
Mail dispatched				
Alphabet converted (main cards only) in index	3,109,874	3,202,290	3,778,702	3,854,276
Employees receiving briefings, clearances, training	—	—	4%	8%
Pages reviewed for classification	2,788	2,983	3,000	3,000
Pages reviewed for civil litigation	781,954	921,152	930,000	990,000
Pages reviewed for FOIA national security affidavits	2,162,393	2,267,000	2,200,000	2,200,000
Pages closed for FOIA national security appeals	78,590	100,453	220,000	250,000
Pages processed and forwarded to DRC (initial processing)	10,017	26,353	25,060	25,000
	—	73,771	73,775	73,775
<b>FOI/PA Program:</b>				
No record and/or other administrative closings				
Requests processed with identifiable records released	12,186	9,160	8,037	8,037
Total requests handled	5,520	5,338	4,800	4,969
Backlog of requests*	17,706	14,498	12,837	13,006
Appeals completed	2,774	2,716	3,054	3,223
Backlog of appeals	1,365	1,428	1,200	1,200
Correction/amendment requests resolved	464	323	277	231
FOI/PA requests in litigation at end of year	110	97	95	95
	366	370	374	378

\*Includes only those matters assigned or awaiting assignment for processing, but not those matters on hand which are predictably no record or which will be closed administratively should the requester fail to provide sufficient identifying data, notary, or guarantee of payment.

**Records Management Program:**

In 1981, Records Management, in conjunction with the National Archives and Records Service (NARS) acting under the January 10, 1980, U.S. District Court Order of Judge Harold H. Greene, reviewed over 17,580 files at FBIHQ and eight field offices. The FBI's records retention plan was prepared and filed within the court deadline of November 9, 1981.

Records Management has upgraded its security to meet those requirements set forth in Executive Order 12065. Turnstiles have been installed in records holdings areas on the fourth, fifth, and sixth floors with restricted card key access and entry doors.

to the space have been alarmed. Specific areas on the sixth floor have been secured with card key access requirements. The Special File Room (SFR) has been established as a self-sufficient unit that processes, files, consolidates, and retains certain sensitive investigative and informant file material.

Records Management initiated significant changes in the FBI mailing system in 1981 through the efforts of the newly designated FBI Mail Manager. Identification Orders (IOs) formerly mailed to the field offices for addressing and mailing are now presorted by zip code at FBIHQ and mailed third class bulk rate, at an annual savings of \$280,000. Additional savings (approximately \$4,000 in 1981) have occurred with the shipment of parcels by United Parcel Service instead of fourth class rates.

Records Management is continuing to centralize and provide a more efficient and economical mail service for FBIHQ. Two additional mailmobiles have been purchased to afford other divisions a more prompt, secure mail service and equalize the work flow of mail.

The ELSUR Index has expanded its duties and responsibilities to the field and within FBIHQ. All nonoperational ELSUR matters are now coordinated through ELSUR Index, Records Management Division; field office ELSUR cards are corrected and returned to the field; a review of inspection reports is conducted and followed regarding field office ELSUR audits and there is a more detailed review of field office material in both national security and criminal areas to insure closer compliance with guidelines on an individual basis. ELSUR is preparing a statistical report on Title IIIs incurred in the preceding year for the Administrative Office of U.S. Courts entitled "Report On Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications."

The Data Recording Subunit, Records Systems Section, Records Management Division is continuing with the conversion of the manual index to an on-line mode. Data Recording has converted 349,837 main cards (approximately four percent of conversion) and completed 34,769 duplicate deletes, of which there are over one million. This unit handled two data entry specials, entering 295 DEA fugitives and their aliases, and performed over 2,000 entries for the Secret Service of individuals who posed a threat to the President of the United States. By performing all data entry of Secret Service information at FBIHQ and forwarding computer-generated index cards to the field, a savings of approximately \$23,000 was realized.

By eliminating obsolete duplicating equipment at FBIHQ and the field, Records Management as the administrator of the FBI's duplication program, was able to realize an annual savings in duplication equipment costs of \$60,411 for the FBI.

The Document Classification and Review Section (DCRS) prepared formalized guides and manuals to standardize operating procedures and exemption applications which have improved the quality and quantity of work produced. DCRS has instituted and streamlined procedures for processing classified information requiring adjudication by the Department of Justice Review Committee. These procedures concern FOI/PA appeal matters that progress to litigation in the courts. These steps have eliminated duplication of work effort among the different groups and produced a more consistent work product in the preparation of affidavits. Internal procedural changes have been developed in conjunction with Legal Counsel Division to streamline the reporting and notification procedures for affidavit preparation that have eliminated costly delays and resulted in a more

timely filing of affidavits. In 1981, 2,983 employees received briefings, training and security clearances, which is an eight percent increase when compared to fiscal year 1979 and a six percent increase over fiscal year 1980.

In DCRS, Document Classification reviewed and/or processed 921,152 pages, a 15 percent increase from 1980 levels; reviewed 2,267,000 pages for affidavits, declarations and interrogatories (a 5 percent increase) and adjudicated 26,353 pages of appeals compared to 10,017 pages (a 163 percent increase) in 1980. The backlog of 726 appeals (consisting of 123,000 pages) that had not received initial processing was reduced to 107 appeals. The backlog of material requiring classification review at NARS was reduced by over 100,000 pages. In addition, approximately 2 million name checks were processed for other U.S. Government agencies.

The National Security Affidavits Unit (NSAU), DCRS, performs classification reviews of FBI documents and material being sought through litigation pursuant to the FOIA. From this review, Vaughn v. Rosen affidavits are filed in U.S. District Courts to defend classification action taken on material that has been withheld from the plaintiffs for reasons of national defense or foreign policy. Document Classification specialists reviewed 100,453 pages in 1981, a 20 percent increase over 1980. The pages to be reviewed at the beginning of 1981 were 103,773; this total has increased to 370,407 pages. No classification claims were rejected by a District Court in the NSAU affidavits filed.

#### FOI/PA Program:

Within the FOI/PA program, productivity has been increased and resources dedicated to the program have been voluntarily reduced during the past year. The Special Agent complement has been reduced from 32 to 21, a 34 percent reduction, and the support complement has been reduced from 231 to 215 (a 7 percent reduction).

FOI/PA implemented a computer program which not only automates acknowledgements, but will provide greatly improved workload data on a timely basis to permit work flow adjustments to cope with the growing percentage of record requests relative to total requests and the increasing number of pages to be reviewed per record request.

Significant progress was made in preparing, evaluating, and submitting amendments to the FOI/PA in relation to the impact of elements within the Act regarding the protection of FBI sources and national security information.

Within the past year, FOI/PA acknowledged 14,151 new requests of which 5,338 involved identifiable records, handled 1,428 appeals, 97 correction/amendment requests and 113 litigated matters were concluded.

The reduction of 93 workyears in the Records Management Program impacts the Name Check Program where special services are extended to The White House, Congressional committees, Secret Service and other Executive Agencies. The present level is adequate to enable records management to continue a three- to five-day turnaround rate for searching and review of names submitted. Further reductions of this Program would preclude special services being extended for The White House, Secret Service and Congressional Committee name checks.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Technical Field Support and Equipment .....	141	137	\$30,067	141	137	\$33,032	141	137	\$33,032	...	...	...

Long-Range Goal: To provide essential technical support and equipment to the FBI field offices and conduct necessary research and development to maintain a level of technology commensurate with foreign and domestic adversaries.

Major Objectives:

- To provide centralized management of the FBI's FM radio communications systems and continue a 10-year life replacement cycle.
- To develop and implement security features such as voice privacy in the FM radio communications systems.
- To maintain the field's passenger-carrying automobile fleet by replacing vehicles which have reached the end of their useful life.
- To manage the FBI's use of aircraft for investigative support.
- To provide technical expertise in the examination of electronic-related evidence such as recordings and communications interception devices and to provide expert court testimony relating to these examinations.
- To replace the field's inventory of audio collection and recording equipment, audio analysis equipment, physical surveillance equipment, physical security and countermeasures equipment, firearms and tactical equipment, photographic equipment, crime-scene examination equipment, furniture, general office equipment, emergency operating facility equipment, and automotive maintenance equipment as it reaches the end of its useful life.
- To provide the field with sophisticated technical equipment and on-site technical support required to support the FBI's complicated investigative activities.
- To insure the physical security of FBI facilities and to satisfy the requests of the Department of Justice and other agencies for electronic "sweeps."
- To continue research and developmental efforts regarding new technical capabilities applicable to the criminal and FCI investigative missions.

Base Program Description: This program provides technical investigative support to the field and maintains centralized management of all field equipment to maximize work force utilization and expedite the completion of complicated investigative matters. Frequently, investigative objectives cannot be met without sophisticated technical support. Virtually all field investigative programs are dependent upon the technical support and services provided by this program.

The primary thrust of this program is the development, design, engineering, procurement, distribution, and installation of technical support equipment required to assist in the successful accomplishment of the Bureau's criminal investigative and FCI missions as well as the provision of adequate manpower to install, maintain, and assist in the operation of that equipment. The objectives of this program are supported by the following major categories of field equipment:

**Radio Communications Equipment:** Most FBI investigative efforts require the utilization of FM radio communications facilities to effectively conduct activities. This program is responsible for overall management of the FM system, which includes handling all frequency management functions for the FBI and related functions for other Department of Justice components as well as the evaluation and implementation of appropriate security features such as voice privacy.

**Passenger Automobiles:** The FBI's passenger-carrying automobile fleet, which consists of 4,898 vehicles, is driven more than 89 million miles per year. The General Services Administration (GSA) sets replacement standards of six years or 60,000 miles, whichever comes first; however, the FBI evaluates the actual operating condition and repair history of each vehicle prior to arriving at a decision to replace the automobile. Approximately 1,200 automobiles actually become eligible for replacement each year.

**Surveillance Vehicles:** Vans and other surveillance vehicles are required to support the surveillance of subjects of the FBI's major programs.

**Aircraft:** This program provides centralized management of the FBI's use of aircraft; however, all aircraft rental resources are prorated among the FBI's investigative programs.

**Audio Collection and Recording Equipment:** This category of equipment is primarily utilized to support the FBI's FCI and Organized Crime Programs. This program coordinates both the installation of equipment and the operation of the FBI's central monitoring plants.

**Physical Surveillance Equipment:** This category of equipment supports the physical observation of subjects of FCI cases, organized and white-collar crime investigations, kidnappings, extortions, and other criminal activity to facilitate the identification and apprehension of subjects, the protection of victims, and the collation of documentary evidence to successfully prosecute offenders.

**Physical Security and Countermeasures Equipment:** This category of equipment includes Closed Circuit Television (CCTV) equipment and electronic test equipment. The test equipment is used to "sweep" the facilities of the FBI and other Government agencies to insure freedom from clandestine listening devices.

**Firearms and Tactical Equipment:** This category of equipment includes handguns, shotguns, rifles, and scopes, in addition to special equipment for the field's Special Weapons and Tactics (SWAT) teams.

**Photographic, Photographic Laboratory, and Crime-Scene Examination Equipment:** This category includes cameras, lenses, and technical equipment to collect physical evidence at the scene of crimes. Also included is field equipment necessary to support the development and printing of photographs.

**CONTINUED**

**16 OF 20**

Furniture, Office Equipment, and Emergency Operating Facility (EOF) Equipment: The FBI must replace field office furniture and office equipment reaching the end of its useful life. Special equipment is required for the FBI's Emergency Operating Facilities (EOFs) which will provide for continuity of operations during periods of National Emergency.

Audio Analysis Equipment: This program examines evidence pertaining to the interception of communications and audio signals. Requests for audio forensic examinations are received from the FBI field offices and other Federal, state, and local law enforcement agencies.

Passenger Automobiles: The FBI's passenger-carrying automobile fleet, which consists of 4,898 vehicles, is driven more than 89 million miles per year. The General Services Administration (GSA) sets replacement standards of six years or 60,000 miles, whichever comes first; however, the FBI evaluates the actual operating condition and repair history of each vehicle prior to arriving at a decision to replace the automobile. Approximately 1,200 automobiles actually become eligible for replacement each year.

Surveillance Vehicles: Vans and other surveillance vehicles are required to support the surveillance of subjects of the FBI's major programs.

Aircraft: This program provides centralized management of the FBI's use of aircraft; however, all aircraft rental resources are prorated among the FBI's investigative programs.

Audio Collection and Recording Equipment: This category of equipment is primarily utilized to support the FBI's FCI and Organized Crime Programs. This program coordinates both the installation of equipment and the operation of the FBI's central monitoring plants.

Physical Surveillance Equipment: This category of equipment supports the physical observation of subjects of FCI cases, organized and white-collar crime investigations, kidnappings, extortions, and other criminal activity to facilitate the identification and apprehension of subjects, the protection of victims, and the collation of documentary evidence to successfully prosecute offenders.

Physical Security and Countermeasures Equipment: This category of equipment includes Closed Circuit Television (CCTV) equipment and electronic test equipment. The test equipment is used to "sweep" the facilities of the FBI and other Government agencies to insure freedom from clandestine listening devices.

Firearms and Tactical Equipment: This category of equipment includes handguns, shotguns, rifles, and scopes, in addition to special equipment for the field's Special Weapons and Tactics (SWAT) teams.

Photographic, Photographic Laboratory, and Crime-Scene Examination Equipment: This category includes cameras, lenses, and technical equipment to collect physical evidence at the scene of crimes. Also included is field equipment necessary to support the development and printing of photographs.

Furniture, Office Equipment, and Emergency Operating Facility (EOF) Equipment: The FBI must replace field office furniture and office equipment reaching the end of its useful life. Special equipment is required for the FBI's Emergency Operating Facilities (EOFs) which will provide for continuity of operations during periods of National Emergency.

Audio Analysis Equipment: This program examines evidence pertaining to the interception of communications and audio signals. Requests for audio forensic examinations are received from the FBI field offices and other Federal, state, and local law enforcement agencies.

Activity: State and Local Assistance	1982 Appropriation Anticipated			1983 Base			1983 Estimate		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	General Law Enforcement Training	283	275	\$11,388	283	275	\$12,479	283	275
Forensic Services - Non-Federal	122	119	6,782	122	119	7,008	122	119	7,008
Fingerprint Identification	3,031	3,041	63,954	2,831	2,841	67,940	2,831	2,841	67,940
Criminal Justice Data and Statistics Services	196	191	5,290	196	191	5,947	196	191	5,947
Total	3,632	3,626	\$87,414	3,432	3,426	\$93,374	3,432	3,426	\$93,374

This activity supports state and local law enforcement by providing training and furnishing laboratory, identification, and informational services. The FBI National Academy, the National Crime Information Center (NCIC), and the Uniform Crime Reporting (UCR) programs are but a few of the services funded under this activity.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
	General Law Enforcement Training.....	283	275	\$11,388	283	275	\$12,479	283	275	\$12,479	...	...

**Long-Range Goal:** To improve the investigative, managerial, and technical capabilities of local, county, and state law enforcement personnel through the process of training and education.

**Major Objectives:**

- To provide timely training programs on issues of critical concern to the law enforcement community, both in the field and at the FBI Academy.
- To provide executive development training to 1,200 law enforcement officials.
- To increase the Field Police Training Program to a level of 62,500 hours of instruction for 142,750 officers.

1022

Furniture, Office Equipment, and Emergency Operating Facility (EOF) Equipment: The FBI must replace field office furniture and office equipment reaching the end of its useful life. Special equipment is required for the FBI's Emergency Operating Facilities (EOFs) which will provide for continuity of operations during periods of National Emergency.

Audio Analysis Equipment: This program examines evidence pertaining to the interception of communications and audio signals. Requests for audio forensic examinations are received from the FBI field offices and other Federal, state, and local law enforcement agencies.

Activity: State and Local Assistance	1982 Appropriation Anticipated			1983 Base			1983 Estimate		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
General Law Enforcement Training	283	275	\$11,388	283	275	\$12,479	283	275	\$12,479
Forensic Services - Non-Federal	122	119	6,782	122	119	7,008	122	119	7,008
Fingerprint Identification	3,031	3,041	63,954	2,831	2,841	67,940	2,831	2,841	67,940
Criminal Justice Data and Statistics Services	196	191	5,290	196	191	5,947	196	191	5,947
<b>Total</b>	<b>3,632</b>	<b>3,626</b>	<b>\$87,414</b>	<b>3,432</b>	<b>3,426</b>	<b>\$93,374</b>	<b>3,432</b>	<b>3,426</b>	<b>\$93,374</b>

This activity supports state and local law enforcement by providing training and furnishing laboratory, identification, and informational services. The FBI National Academy, the National Crime Information Center (NCIC), and the Uniform Crime Reporting (UCR) programs are but a few of the services funded under this activity.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
General Law Enforcement Training.....	283	275	\$11,388	283	275	\$12,479	283	275	\$12,479	...	...	...

**Long-Range Goal:** To improve the investigative, managerial, and technical capabilities of local, county, and state law enforcement personnel through the process of training and education.

**Major Objectives:**

- To provide timely training programs on issues of critical concern to the law enforcement community, both in the field and at the FBI Academy.
- To provide executive development training to 1,200 law enforcement officials.
- To increase the Field Police Training Program to a level of 62,500 hours of instruction for 142,750 officers.

To continue a national program to assess the training needs of local law enforcement.  
To provide at Redstone Arsenal, Huntsville, Alabama, training courses for local law enforcement in the areas of bombs and hazardous devices.  
To continue the necessary research, refinement, and dissemination for criminal personality profiles in order to assist local law enforcement in the resolution of major crimes of violence.

Base Program Description: The FBI's mandate to provide training to local law enforcement is implemented in two ways. First, the FBI Academy offers a wide variety of training programs which are made available at no cost to selected criminal justice personnel. The courses range from highly technical one-week programs to the eleven-week National Academy program. Through the process of identifying training needs, the Academy staff conducts research, establishes program objectives, and develops courses of instruction to meet the identified training needs. For example, the need for executive training led to the development of the National Executive Institute (NEI) in 1976, and in 1981, the pilot program of the Law Enforcement Executive Development Seminar (LEEDS). Both programs, in conjunction with the National Academy, help alleviate the critical lack of management training in law enforcement agencies. Another way in which the FBI Academy meets the needs of local law enforcement is through constant research in identified law enforcement problem areas. This has resulted in staff members becoming authorities in their respective fields. In this role, advice is disseminated daily on such diverse matters as homicide, crisis management, and the investigation of complicated economic crimes.

The second role performed by this decision unit is the management of the Field Police Training Program. Over 2,000 trained FBI instructors assigned to 59 FBI field offices participate in local police training programs throughout the Nation. This training assistance at the basic level is extensive, and is the backbone of FBI training assistance to local law enforcement. It is at this level of training that the rapport between local police and FBI agents is developed, which then fosters cooperative efforts between agencies in the investigation of criminal cases.

Accomplishments and Workload: During 1981, 56,074 student days were dedicated to the National Academy and executive development training programs. The National Academy program, which provides eleven weeks of advanced instruction to career law enforcement professionals, consisted of four sessions in 1981 and graduated 998 officers. An additional 25 police chief executives were graduated from the National Executive Institute (NEI). Demands for additional executive training led to the 1981 implementation of the Law Enforcement Executive Development Seminar (LEEDS). This particular executive training program, which is designed for executives from mid-sized agencies, graduated 57 chief executives. With the formulation and implementation of LEEDS, the FBI for the first time is in a position to offer a comprehensive executive development program for the law enforcement community.

In 1981, 18,163 student days were dedicated to specialized and technical programs, which included 142 specialized schools, conferences or symposia, attended by 3,532 criminal justice personnel. Among the diverse specialized courses offered during 1981 were: Advanced Explosives Recertification Seminar for 34 attendees; American Society of Crime Laboratory Directors

Symposium, held in the new Forensic Science Research and Training Center and attended by 143 crime laboratory directors; Arson Police Investigators School for 21 attendees; Fourth International Symposium on Terrorism presented to 170 top Federal, state, and local law enforcement officials; and Uniform Crime Reporting Symposium for 132 attendees.

In addition to the specialized and technical training programs offered by the FBI Academy, 21,270 student days in 1981 were attributable to training programs conducted at state and regional training facilities by Academy instructors. This included sophisticated and advanced training for 3,750 law enforcement officials in such areas as forensic science, criminal psychology, labor relations, instructor development, executive development, as well as the training of 560 officials in bombing and hazardous device matters.

Training Division programs continue to make contributions in support of state and local investigative matters in crimes of violence. Academy staff provided technical assistance in the analysis of criminal cases and in criminal personality profile construction in 140 cases in 1981. The profiles directly assisted state and local law enforcement agencies in identifying persons responsible for 21 homicides and 57 rapes. In view of the fact that profiling assistance is generally not requested by state and local law enforcement agencies until all logical leads have been exhausted, the above statistics reflect a significant contribution in rendering assistance in the solutions of crimes of violence. During the past three years, criminal personality profiling assistance has been rendered in 300 cases directly aiding in the identification of persons responsible for 77 homicides, 149 rapes, four arsons, and two extortions.

During 1981, FBI field instructors provided a total of 57,500 hours of instruction to 136,000 criminal justice personnel.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Forensic Services - Non-Federal.....	122	119	\$6,782	122	119	\$7,008	122	119	\$7,008	...	...	...

**Long-Range Goals:** To insure continued professionalism and leadership within the Nation's criminal justice system by providing forensic science services and training to duly constituted state, county and municipal law enforcement agencies.

To enable personnel of city, county, and state crime laboratories to further develop and broaden their expertise through training at the Forensic Science Research and Training Center. An FBI Laboratory survey conducted in 1979 determined that approximately 3,000 forensic examiners were in need of training in one or more specialized forensic schools.

To encourage state and municipal crime laboratories, through training, to assume more of the burden of examinations of physical evidence.

Major Objectives: To fully utilize the new Forensic Science Research and Training Center to train additional state and local crime laboratory personnel to enhance the ability of jurisdictional laboratories to stay abreast of the rising forensic examination case load and gradually assume more of the burden of examinations of physical evidence.

To provide professional, expeditious handling of requests for examination of physical evidence and sound objective expert testimony in cases submitted by state and local law enforcement agencies which do not have access to jurisdictional laboratories and to provide these services in cases which are beyond the capability of the jurisdictional laboratories.

Base Program Description: Requests for examinations of evidence come into the FBI Laboratory as a result of state and local criminal investigations. Some additional requests are received from state and local crime laboratories that do not have the capability to perform the requested examinations.

All requests for examination are carefully screened. Those submitted by crime laboratories that have the capability to perform the requested examination are returned unexamined. All other requests are assigned a priority lower than FBI cases in major investigative areas unless state and local cases are of national prominence or cases in which a trial is imminent. State and local cases involving crimes of violence such as murder, rape, etc., are given equal priority with other FBI matters and Federal matters which are not in areas of major investigative interest. All other state and local cases are placed in the lowest examination priority unless there are extenuating circumstances.

The Forensic Science Research and Training Center (FSRTC) uniquely combines forensic science research with forensic science training in a physical plant which has been painstakingly designed and equipped to meet the rigorous requirements of these activities. Federal, state and local crime laboratory and law enforcement personnel receive training in courses which have been carefully selected and developed after consultations throughout the law enforcement and crime laboratory communities.

Accomplishments and Workload: Accomplishments of the Forensic Services - Non-Federal Program are presented in the following table:

	1980	1981	Estimates	
			1982	1983
Requests for examination.....	7,054	6,608	6,489	6,123
Specimens submitted.....	51,728	51,950	63,744	56,303
Examinations conducted.....	260,230	298,159	330,057	327,594
Testimony workdays.....	1,256	1,148	1,020	960

Other accomplishments include:

The results of FBI forensic research and other timely articles containing valuable information have been shared through publication of the "Crime Laboratory Digest." Issues of this publication are printed as necessary, approximately bimonthly, and distributed to approximately 800 Federal, state, and local crime laboratories and law enforcement agencies.

The Laboratory hosted the Ninth Annual Symposium on Crime Laboratory Development which brought together approximately 150 crime laboratory directors including representatives of five foreign countries.

Initial staffing and equipping of the Forensic Science Research and Training Center were completed. Formal dedication took place on June 16, 1981. This facility will be instrumental in the FBI Laboratory's plans to further professionalize state and municipal crime laboratory personnel. A survey was disseminated to over 200 individual Federal, state, and local crime laboratory directors in the Fall of 1979. The survey was structured to provide information in five main areas of laboratory activity. Responses to this survey have been tabulated and evaluated and have provided the basis for formulation of the initial research and training programs at the new center.

Lent on-site technical assistance to Atlanta, Georgia, authorities in the case involving the slaying of young black men in that city. This assistance led to the identification and matching of certain fibers found on the victims and in the home and automobile of the suspect.

	1982 Appropriation			1983 Base			1983 Estimate			Increase/Decrease		
	Anticipated									Perm.		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Fingerprint Identification	3,031	3,041	\$63,954	2,831	2,841	\$67,940	2,831	2,841	\$67,940	...	...	...

Long Range Goal: Provide accurate and timely fingerprint identification and related services to Federal, state, and local criminal justice agencies, as well as other governmental agencies and entities, as mandated by Federal statutes and regulations, and executive orders. Also, to improve work-processing efficiency through continued research, development, and implementation of automated procedures.

Major Objectives: Provide fingerprint identification and arrest-record services on a timely basis to over 17,800 authorized users.

Provide for the posting of wanted and parole/probation notices in Identification Division files at the request of criminal justice agencies.

Provide latent fingerprint examination and testimony services to Federal, state, and local law enforcement agencies.

Provide fingerprint training to Federal, state, and local law enforcement personnel.

Provide, as a humanitarian service, assistance to Federal, state, and local governmental authorities in the identification of unknown deceased persons, including on-site assistance at major disasters.

Comply with applicable statutes, regulations, court decisions, and internal operating policies so as to insure the completeness and accuracy of Identification Division records. This includes the processing of court-ordered expungements and purge requests from contributors, as well as urging contributors to submit disposition data.

Automate the work functions of the Identification Division in order to achieve greater efficiency, and personnel and operating cost savings.

**Base Program Description:** The FBI's Identification Division serves as the national repository and clearinghouse for fingerprint records; and, as such, furnishes identification and arrest-record services to over 17,800 agencies which are authorized to utilize the Division's services. Agencies submitting fingerprint record requests to the Division avoid the necessity of making costly inquiries of all of the other states, as the national repository acts as a "locator" or "index" of arrest activity throughout the country. The mobility of today's criminals necessitates prompt, efficient, and complete record checks, which can be accomplished only by the Division.

When created by an Act of Congress in 1924, the Division possessed approximately 810,000 fingerprint records. As of December 1, 1981, the Division possessed over 175 million fingerprint cards, of which over 79 million reflect arrest data for approximately 21 million persons. The remaining 96 million fingerprint cards represent over 45 million persons who have been fingerprinted in connection with employment in Federal Government agencies, military service, alien registration, and personal identification.

The work of the Division has traditionally been highly labor intensive, with primary reliance placed on the mail for communication with its users. However, in recent years, the growth in the size of the Division's files, reductions in authorized personnel, and substantial new processing burdens resulting from privacy legislation, regulations and court decisions, have contributed to a steady growth in the average time required to process user requests from an average of three workdays in the 1960's to over 27 workdays as of September 1981. As a measure to improve efficiency, the FBI in 1967 embarked on a program of research and development of computerized equipment and techniques to automatically read and search fingerprint cards. After an eight-month study conducted in 1971 determined the feasibility of incorporating such equipment and techniques into the Division, the FBI began a phased implementation of automation. Notable accomplishments have been made toward that goal. The next step will be to combine the equipment, techniques, and computerized files already developed to date into a fully integrated system. The Jet Propulsion Laboratory is currently concluding a study to determine the technical, economic, and operational feasibility of such a system. Available reports of the study support the continuation of the automation project. They point out that the system can achieve cost savings to offset its implementation costs and would also result in a discounted savings of nearly \$20 million over a 25-year evaluation period. The reports also indicate an expected decrease in the average time to process a fingerprint card through the Division from the current several weeks to less than eight hours, a decrease in the cost per transaction, and an increase in fingerprint search accuracy.

Accomplishments and Workload: Accomplishments of the Fingerprint Identification Program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Fingerprint Card Requests	6,330,274	6,848,043	5,790,000*	7,350,800
Fingerprint Cards Processed	5,850,545	6,461,592	5,790,000*	7,350,800
Correspondence (name checks, etc.)				
Received	4,679,742	4,565,993	4,754,300	4,944,400
Correspondence Processed	4,515,951	4,448,185	4,683,300	4,944,400
Expedite and Special Requests				
Received and Processed	91,552	87,832	91,300	95,460
Arrest Records Automated	745,528	831,004	750,000	750,000
Dispositions Processed	627,855	2,516,807	1,886,400	1,961,800
Expungements and Purge Requests				
Processed	400,665	865,688	378,000	470,000
Nonserious Fingerprint Cards Purged	530,964	393,512	390,400	375,300
Latent Fingerprint Cases				
Processed	23,040	22,635	22,950	22,850
Suspects Identified by Latent				
Fingerprint Examinations	3,994	4,082	4,050	4,000
Latent Fingerprint Schools Conducted	63	43	65	65
Communications Mailed	9,617,419	10,619,418	9,219,400*	11,572,800

\* Figure reflects reduction of 1.4 million fingerprint card requests due to suspension of services applicable to Public Law (PL) 92-544 during fiscal year 1982.

During 1981, the Identification Division continued to experience heavy work receipts. For example, the number of fingerprint cards received in 1981 exceeded those received in 1980 by about eight percent, and expungements and purge requests processed increased by about 100 percent. The number of communications mailed to users increased over nine percent.

In addition, the Division's Disaster Squad assisted in the identification of the victims of the crash of an Air Force airplane near Walkersville, Maryland, on May 6, 1981.

While workload demands increased substantially during fiscal years 1980 and 1981, the Division's staffing was substantially reduced. As a result of its understaffed condition, the Division's average internal work-processing time increased to approximately 27 workdays by September 1981. During 1981, more than two-thirds of all criminal justice fingerprint card submissions were identified with prior arrest records on file. The timeliness of such identifications is vital to the

effective operation of the Nation's criminal justice system. Delay in the processing of criminal justice fingerprint cards results in the release of fugitives before their true identities are determined, impedes criminal investigations, and hampers prosecutorial, judicial, penal, and parole/probation actions. The adverse impact on the criminal justice system was underscored by the Attorney General's Task Force on Violent Crime which recommended that the Attorney General take all steps necessary to substantially reduce the delay experienced in the processing of criminal justice fingerprint requests. Furthermore, the Division's slowness in processing applicant fingerprint cards results in monetary losses and hardships in the employment and licensing sectors. The multimillion dollar losses incurred by the Department of Defense (DOD) due to delays in processing DOD fingerprint checks were the subject of a recent General Accounting Office report. Given the seriousness of the Nation's crime problem and the limited personnel resources of the Division, it became clear that prompt and effective remedial action was necessary.

After reviewing the situation, it was decided that the only available means of improving service to criminal justice users was for the Division to curtail the services it provides. Accordingly, on October 1, 1981, the FBI initiated a one-year suspension of the services it provides under PL 92-544, i.e., those to banking institutions, and state and local employment and licensing authorities. (The suspension does not affect the processing of applicant fingerprint cards involving employment in criminal justice and Federal Government agencies.) This action will reduce the number of fingerprint cards accepted and processed during fiscal year 1982 by approximately 1.4 million. This is the equivalent of 431 work-years of employee effort. The strategy is to utilize the work-years recovered by the suspension to reduce the work backlog during 1982 and bring down the work-processing time to an average of about 15 workdays, thereby giving an improved response time to criminal justice users. However, with the reduction of 200 permanent positions in 1983, the goal of an average ten-workday processing time may not be achieved and a 15 to 16 workday average processing time is more realistic for 1983.

The Division plans to restore PL 92-544 services on October 1, 1982; and, at the same time, institute a user-fee system. A fee, representing the cost of furnishing the service (approximately \$11 to \$12 per fingerprint card), will be assessed for the processing of fingerprint cards submitted by banking institutions, the securities industry, the commodity futures trading industry, and state and local employment and licensing authorities. The funds to be collected under the user-fee system are needed to provide funds to hire the additional personnel required to reinstitute PL 92-544 services and further improve work-processing time to about ten workdays for all users. A total of 571 reimbursable work-years (588 positions and no funding) are requested for this purpose. Therefore, funds collected under the user-fee system must be made promptly available to the FBI in some manner so that they can be used to hire the employees needed to reinstate full services during fiscal year 1983.

The long-term solution to the Division's staffing and work-processing problems lies in automating the Division's work functions to achieve greater efficiency, and personnel and operating cost savings. Plans for the development of the Automated Identification Division System (AIDS) - Phase III (AIDS-III) call for the development of functional specifications in 1982 and 1983. This will enable the initiation of a competitive procurement for hardware and software needed to complete AIDS-III by 1988. Funding for the completion of AIDS-III has been withheld pending the receipt of favorable results from the feasibility study by the Jet Propulsion Laboratory. Now that such a report is finalized, it is imperative that the project go forward with all due haste so that the benefits of automation can be realized at the earliest possible time.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.		Amount	Perm.		Amount	Perm.		Amount	Perm.		Amount
	Pos.	WY		Pos.	WY		Pos.	WY		Pos.	WY	
Criminal Justice Data and Statistics Services. . . . .	196	191	\$5,290	196	191	\$5,947	196	191	\$5,947	...	...	...

Long-Range Goal: To collect and exchange criminal justice information through the National Crime Information Center (NCIC) and the Uniform Crime Reporting (UCR) Program.

Major Objectives:

To provide the law enforcement community with access to nationwide information on criminal history, wanted persons, and stolen property.

To provide a comprehensive, nationwide compilation of crime-related statistics for use by all levels of government in decision making and formulation of productive crime prevention and reduction programs.

To provide quality control, training, and technical assistance to contributors so as to insure that submitted information is accurate and complete.

To manage the NCIC with the advice of the NCIC Advisory Policy Board and Regional Working Groups.

Base Program Description: The NCIC is the only existing nationwide information teleprocessing network which provides documented criminal justice information to the entire criminal justice community. The NCIC Advisory Policy Board, made up of Federal, state, and local criminal justice officials, furnishes advice to the FBI Director on policy matters concerning NCIC operations, thereby allowing the users of the system a voice in the overall management of the system. The resources set forth in this program are those required to maintain user-liaison and manage the system. The NCIC contains records on stolen property (vehicles, license plates, guns, securities, boats, and serialized articles), wanted persons for whom an arrest warrant is outstanding, criminal histories on individuals arrested and fingerprinted for serious or significant offenses, and missing persons meeting specific entry criteria.

A pilot project of the Interstate Identification Index (III) concept has been implemented to test the feasibility of interstate access to computerized criminal history records maintained at the state level but located by reference to a national index. It is anticipated that implementation of the III concept will develop as the means for the interstate exchange of criminal history records.

The NCIC also supports the Criminalistics Laboratory Information System (CLIS), which is a laboratory teleprocessing operation designed to improve the efficiency and effectiveness of crime laboratory functions by providing on-line access to scientific reference information in a centralized data base. The FBI Laboratory hosts the data base and NCIC telecommunications lines are used to exchange the information.

The UCR Program is responsible for collecting, compiling, and publishing crime data statistics for use by all levels of government. On a monthly basis, crime statistical data are collected from approximately 15,000 law enforcement agencies nationwide. Data collection is based on a Crime Index composed of the offenses of murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Each contributing agency reports the number of offenses and clearances by Crime Index category. Supplemental reports are also provided by contributors which include detailed information of the nature of the offense, the value of property stolen in each Crime Index classification, the value of loss in arson offenses, and the value of stolen and recovered property by type. Additional data are furnished concerning the age, sex, race, and ethnicity of persons arrested by each agency; specific details concerning law enforcement officers assaulted; and extensive information regarding each murder case. On an annual basis, each agency reports its employee strength and the population in its jurisdiction.

Accomplishments and Workload: Accomplishments of the Criminal Justice Data and Statistics Services Program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Estimated NCIC transactions . . . . .				
CCH Records Established . . . . .	109,564,479	119,755,169	131,000,000	143,000,000
CCH Records Updated . . . . .	33,947	36,875	39,000	41,000
UCR Reports Processed . . . . .	0	154,247	211,000	230,000
UCR Newsletters/Bulletins . . . . .	1,378,200	1,396,576	1,406,000	1,406,000
UCR Publications . . . . .	196,000	197,000	199,000	199,000
UCR training seminars, speeches, meetings, police records, school . . . . .	16	8	11	11
	109	150	165	165

1032

The total number of NCIC transactions continues to increase each year, indicating that the NCIC is relied upon more and more each day to provide information required in the criminal justice decisionmaking process. In 1981, direct access to NCIC was extended to private campus and railroad police and to motor vehicle registries of the states. This access will result in a substantially increased usage of NCIC. The number of Computerized Criminal History (CCH) records established continues to grow, thereby making additional records available to the criminal justice community. The requirement to update records is increasing each year. The institution of the Interstate Identification Index (III) with the addition of several more states to the Pilot Project will also substantially increase the usage of NCIC.

In 1981, a Computer Communications, Inc., front-end communications processor with similar backup was installed to off load communication functions from the host thereby freeing the host to handle applications processing and also to enhance system recovery. Acceptance testing in an operation environment was started late in 1981 with final acceptance anticipated early in 1982. In 1981, a Multiple Virtual Systems operating system became operational to support the latest direct access storage technology and vendor-offered software. In 1982, a network control system, Dataphone II will be installed to provide greater circuit reliability and diagnostic capability. In January 1981, NCIC streamlined the telecommunications network which resulted

in reduced expenditures totaling \$34,948. This project, scheduled to be completed in March 1982, should result in annual savings of approximately \$140,000. In 1983, NCIC computers are scheduled to be upgraded from the two current NAS 5000's due to the above-described projected increase in transactions. The NCIC staff has provided quality assurance, legal, publication, and consultation services to NCIC users. As of November 1, 1981, the total number of records in file is 9,451,667 with a daily average transaction rate of 349,136. As of November 1, 1981, the following number of records were stored at the national level in NCIC: wanted persons, 789,624; missing persons, 23,714; stolen and felony vehicles and stolen vehicle parts, 1,187,038; stolen and recovered guns, 1,692,290; other stolen property consisting of 1,487,427 articles; 23,279 boats; 563,583 license plates; and 2,374,410 securities; and 1,919,252 criminal histories.

The UCR Program's preliminary annual compilation of crime statistics for 1980 was published within three months after the close of the year. This facilitated fiscal uses of crime information by Congress and State Legislators who utilized it for planning public budgetary and critical financial allocations. During the year, nearly 1,000 requests for special tabulations of unpublished data were produced and provided to criminal justice researchers, legislators, academicians, and others interested in the crime problem. Further, the development of a crime analytical capability with the UCR Program was completed and, in part was graphically represented in the publication, "Crime in the United States - 1979."

This study examined basic quarterly crime rate trends reported during the ten-year period 1970 through 1979.

The UCR Research and Analysis Unit conducted a series of in-depth crime analyses regarding historical trends of crime, projections of arrests in the 1980's, nationwide analysis of murder victimizations, and murder offender analysis. The Homicide Analysis Project will cover a combination of murder offender profile, offender/victim relationship analysis, and analysis of weapons used in the commission of murder; circumstances and reasons surrounding murder, and socio-economic factors influencing murder rates. The foregoing were in addition to the basic mission of monitoring quality control procedures in data handling within UCR. It also rendered consultation and statistical assistance to other FBIHQ Divisions.

Special Programs, UCR, met or exceeded publication deadlines for its three publications: Bomb Data Summary, Assaults on Federal Officers, and Law Enforcement Officers Killed. The publication formats were changed to make them more informative and esthetically acceptable. These changes resulted in reduced costs. In addition, as mandated by Congress, the program initiated the collection of parental kidnaping data and submitted the first report to the Attorney General, satisfying the Congressional deadline.

Training, Liaison, and Program Development, UCR, conducted training in virtually every state, meeting with over 7,480 local law enforcement personnel. To a large degree, these initiatives were instrumental in saving several state UCR programs from extinction due to budgetary reductions.

**Base Program Description:** The Director with the advice and counsel of the FBI's Executive Assistant Directors and members of the Executive Conference sets policy and provides leadership and direction to the organization. The Executive Assistant Directors with the assistance of their respective staffs transmit policy statements, guidelines, and other managerial information down to the Assistant Directors who direct the daily operations of the Headquarters Divisions. The budget and financial management personnel analyze and maintain financial information in order to formulate, present, and execute the FBI's budget in accordance with all applicable Government guidelines and regulations. Legal Counsel objectives are carried out by professional and experienced special agent attorneys with able support from paralegal specialists. Legal counsel informs Bureau personnel of their obligations and responsibilities through legal instruction, research, advice and the publication of articles. Close daily liaison is maintained with the Department of Justice with regard to defense of civil actions, EEO and MSPB matters, as well as representation of FBI concerns and legislative needs. The Congressional Affairs program coordinates responses to legislative inquiries both from the Congress and the Department of Justice and insures that issues and questions raised by the Congress, the Attorney General and other Department of Justice personnel are completely resolved. The personnel in the Inspection, and Program Analysis and Evaluation Programs conduct continuous audits, inspections, and evaluations on the FBI's investigative and administrative activities and programs to determine if existing policies, procedures and operations meet present and anticipated requirements and whether they are efficiently, economically, and effectively performed. Public awareness of FBI responsibilities and accomplishments is enhanced by the Public Affairs, and Correspondence and Tours programs. The personnel in these programs handle liaison with the media and the Department of Justice Public Information Office, prepare press and periodical summaries, articles and statements as well as briefing data for the Director, manage the Crime Resistance Program and coordinate the Bureau-wide Information Program. In addition, the personnel in these programs are responsible for the publication of the Law Enforcement Bulletin, answering mail and conducting public tours at FBI Headquarters.

**Accomplishments and Workload:** Accomplishments and workload of the Executive Direction and Control program are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Radio scripts, press releases, statements and summaries				
Law Enforcement Bulletin (LEB) (Readership)	15,930	15,930	15,930	15,930
Speeches by Director	320,000	320,000	320,000	320,000
Assistance to media in major feature articles	33	33	33	33
Testimony, constituent requests, and investigative liaison completed	120	120	120	120
Bureau publications disseminated	3,737	3,465	3,575	3,575
Tourists	886,917	900,000	900,000	900,000
Items researched	469,705	520,000	520,000	520,000
Title III, FISA, and undercover applications reviewed	52,483	53,000	53,000	53,000
Unassigned Consultations	596	773	830	864
Priority Research Projects Completed	NA	1,700	1,836	1,982
Instructional Hours Requested	189	204	225	278
	3,200	3,200	3,200	3,300

1084

Over 75,000 items of correspondence were processed with over 900,000 individual publications disseminated to the public and law enforcement agencies. Over 70,000 pages were reviewed before they were sent to the American public, foreign writers, and high level Government officials. Over 520,000 visitors toured FBIHQ, an increase of 50,000 from the previous year. A survey has been implemented to review the mailing list to insure that it is up-to-date and accurate. A new introductory tour film by Director Webster has been produced and will be used on the tour route in the immediate future. A career ladder was established for the Tour Leader position. A new exhibit was placed on the tour route giving updated crime statistics throughout the United States.

During 1981, as part of the Inspection Program, thirty-four inspections of Field and Headquarters Divisions were conducted. In addition, 12 other surveys and inquiries were conducted. Forty-four financial audits were conducted, 34 of these were conducted during inspections. In addition, four audits were conducted of undercover operations. On each of the above, a report of findings was prepared for the Director of the FBI to insure that the Director and upper-level management are furnished accurate, current, and pertinent data in order that they may discharge their responsibilities. In furtherance of the FBI's Career Development Program, approximately 40 future executives were trained through assignments on the Inspection staff.

In 1981, the Office of Program Evaluation (OPE) initiated three program evaluations, one study, and continued various assignments carried over from prior fiscal years.

Two major program evaluations were completed and a third smaller program finished during the fiscal year. In addition, studies on the feasibility of moving the Identification Division, impact of the Career Development Program, and the Metropolitan Field Office Concept in the Washington, D.C. area were completed.

In addition to conducting evaluations and studies, OPE has follow-up responsibilities for recommendations on completed studies. There are currently seven evaluations which still require follow-up.

The studies and evaluations resulted in numerous recommendations, approved by the Director or appropriate Executive Assistant Director, which improved operational and management efficiency and effectiveness.

The Budget Program prepared all regularly required budget submissions and justifications and briefed top management on their content, prepared all financial and execution reports required internally and externally, and conducted surveys and allocated support personnel complements for the 59 field offices of the FBI.

In FY 1981, Legal Research Unit personnel responded to a total of 1,937 requests for assistance (Unassigned Consultations) relating to ongoing investigative techniques. Of this total, 1,666 (86%) emanated from FBIHQ and FBI field offices which indicates the determination of the FBI to be in compliance with applicable legal standards in pursuing its investigative mission. The remaining 271 requests (14%) emanated from the Justice Department and other Government agencies regarding proposed legislation, policy, and related program activities. During calendar year 1981, approximately 2,730 students enrolled in 91 special schools at the National Academy in Quantico were offered 273 hours of legal instruction. Four Legal In-Service classes were conducted and 119 FBI attorneys were given approximately 300 hours of classroom instruction. The rate of training being afforded enrolled students in calendar year 1982 remains substantially the same as in calendar year 1981. In further effort to meet its responsibilities, the Litigation Program initiated a system under which certain damage claims stemming from non-negligent actions could be paid pursuant to Title 31, U. S. Code, Section 224(b). The greatest strain on manpower in this program continues to be a core group of 20 civil actions in litigation from 3 to 10 years, some now approaching trial.

	1982 Appropriation Anticipated			1983 Base			1983 Estimate			Increase/Decrease		
	Perm.			Perm.			Perm.			Perm.		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Administrative Services.....	582	564	\$18,281	582	564	\$19,202	582	564	\$19,202	...	...	...

Long-Range Goal: To maintain the FBI as a functional entity by providing a complete range of administrative services.

Major Objectives:

To meet all mandated requirements for the Salary Administration System, Performance Appraisal and Merit Pay Systems, and Position Management functions of the FBI.

To provide a full range of personnel administration services.

To provide all disbursement and procurement services.

To provide graphic and printing services.

To manage all space management operations of the FBI, to include acquisition, management, and release of space.

To provide all health and safety programs as well as operate all employee assistance programs.

To meet personnel needs effectively and to hire on an expanded basis qualified minority and female special agents and support personnel.

To provide an effective equal employment opportunity program.

Base Program Description: The Administrative Services program provides to the FBI on a nationwide basis all administrative services which are ongoing organizational functions vital to the continued operation of the FBI as an entity. These functions are performed under the Personnel Services program, the General Services Support program, and the Systems Support program.

The objectives of the Personnel Services program are accomplished through a central Personnel Section located at FBI Headquarters. Functions within the Personnel Section are categorized and handled within separate units with the front office providing overall direction and control of the various program functions. A computerized Personnel Information System (PINS) is used along with a semi-automated special agent selection system for applicants. A team concept is used for pay and position management matters. The Office of Equal Employment Opportunity Affairs reports directly to the Assistant Director to emphasize the importance and priority of accomplishing the objectives of the program.

The objectives of the General Services Support program are accomplished through: effecting on a timely basis the daily supply, warehousing, and labor services requests; updating, reviewing, coordinating space alterations, occupancy modifications and moves at FBI Headquarters; the use of modern offset equipment in the printing of forms, wanted flyers, and other materials; the expansion of the Security Access Control System at FBI Headquarters; the quarterly review of all SIUC levied by GSA; the administration of all procurement, contract, and property management for the FBI, as well as the movement of household goods concomitant to transfers; the inventory, issuance and tracking of all special property; and the repair of equipment.

The objectives of the Systems Support program are accomplished through: the processing of vouchers, advancing of funds, preparing and distributing the payroll, processing salary checks, maintaining and distributing cost accounting data, and performing audit functions for leave and pay records; the use of technical personnel to study all functions within the Administrative Services Division in order to devise new systems and procedures for more efficient handling of work; the training and assignment of personnel to improve methods of handling the work; changes in the day-to-day operational procedures to effect greater efficiency.

Accomplishments and Workload: Accomplishment of the Administrative Services decision unit are presented in the following table:

Item	1980	1981	Estimates	
			1982	1983
Vouchers processed.....				
Payroll actions processed.....	234,000	210,000	229,000	240,000
Performance ratings, recognition, and awards matters processed.....	163,000	169,100	169,100	169,100
EEO complaints investigated.....	23,027	26,739	27,792	29,725
Special inquiries and surveys processed.....	14	18	25	27
Special Agent transfers completed.....	2,850	2,736	2,736	2,736
Printing and Reproductions Accomplished.....	1,064	1,362	1,500	1,500
Household goods shipments processed.....	62,288,311	65,291,104	63,582,530	63,582,550
Labor Services performed.....	741	937	1,300	1,300
Federal Procurement Data System Forms Created.....	3,900	3,900	4,000	4,000
Issued Property Actions completed.....	15,604	16,869	20,900	22,780
Salary and Expense checks distributed.....	2,832	3,218	4,600	4,000
	362,000	362,000	362,000	362,000

Additionally, a new Performance Appraisal System and a new Merit Pay System were designated in compliance with the Civil Service Reform Act of 1978.

During Fiscal Year 1981 the Property Procurement and Management Section processed 13,586 requisitions and 8,139 field purchase orders which resulted in 16,869 procurement actions. Improved property management techniques resulted in a no cost enhancement to the FBI's equipment base of approximately \$8.8 million. The commodities located and transferred and/or rehabilitated cut across all property requirements. Additionally, the Voucher and Payroll Section implemented a system of electronic funds transfer for the automatic transfer of approximately 8,000 employees' net salaries to financial institutions on a biweekly basis. The Personnel Services decision unit processed approximately 19,000 Federal Employee Group Life Insurance forms required of each employee. Over 1,800 position classification actions were completed.

The Performance Appraisal and Merit Pay systems were implemented during FY 1981 as required by the Civil Service Reform Act of 1978. Also, a new electronic reservation ticketing service was implemented providing ticket reservation service for all FBI employees. The Printing and Space Management Section provided management direction and program supervision of the FBI's space acquisitions, holdings, and renovations which exceeded \$39,800,000 in FY 1981. The section also provided increased security to sensitive work areas through the installation of the additional security equipment.

1098

Federal Bureau of Investigation  
1983 Base Funding Request  
Priority Ranking of Programs

RANKING

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

PROGRAM

- Other Field Programs
- White-Collar Crime
- Organized Crime
- Terrorism
- Personal Crimes
- Fugitive
- Executive Direction and Control
- Administrative Services
- Coordination of Investigations
- Records Management
- Forensic Services - Federal
- Fingerprint Identification
- Technical Field Support and Equipment
- Training
- ADP and Telecommunications
- Legal Attaches
- General Law Enforcement Training
- Federal Services - Non-Federal
- Criminal Justice Data and
- Statistics Services

1039

Federal Bureau of Investigation

Salaries and expenses

Summary of Adjustments to Base  
(Dollars in thousands)

	Permanent Positions	Work-years	Amount
1982 as enacted.....	19,456	18,986	\$739,609
Adjustments to base and built-in changes:			
Uncontrollable increases:			
1982 Pay increases.....	...	...	24,146
Executive level pay increases.....	...	...	2,227
Annualization of additional positions allowed in 1982.....	...	...	550
Within-grade increases.....	...	...	5,330
Health benefits costs.....	...	...	1,792
Federal Employees' Compensation Account (FECA)-Unemployment Benefits	...	...	1,000
Standard Level User Charges (SLUC).....	...	...	3,645
GSA recurring reimbursable services.....	...	...	864
Postal Service increases.....	...	...	1,280
Federal Telecommunications System (FTS).....	...	...	1,499
Travel Costs - Airfare increases.....	...	...	1,358
GPO printing costs.....	...	...	108
Telecommunications costs.....	...	...	2,095
General pricing level adjustment.....	...	...	7,657
Gasoline cost increases.....	...	...	1,075
Equipment cost increases.....	...	...	1,389
Transfer cost increases.....	...	...	5,970
Upgrading of new hires.....	...	...	2,000
Claims.....	...	...	250
Total uncontrollable increases.....	...	...	64,235
Decreases:			
Federal Employees' Compensation Account (FECA)			
- Workers' Compensation.....	...	...	-106
Nonrecurring equipment costs.....	...	...	-3,075
Nonrecurring research funds.....	...	...	-500
Nonrecurring consultant studies.....	...	...	-200
Nonrecurring AIDS studies.....	...	...	-550
Proposed reduction in Records Management.....	-13	-13	-82
Proposed reduction of unfilled positions and work-years.....	-395	-395	...
Total decreases.....	-408	-408	-4,513
1983 Base.....	19,048	18,578	799,331

1040

Federal Bureau of Investigation  
Salaries and expenses  
Justification of Adjustments to Base  
(Dollars in thousands)

<u>Uncontrollable increases:</u>	<u>Fern.</u> <u>Pos.</u>	<u>Work-</u> <u>years</u>	<u>Amount</u>
1. 1982 Pay increases.....	...	...	\$24,146
<p>This provides for full funding of the October 4, 1981, pay increases contained in Executive Order 12330. The request of \$24,146,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:</p>			
<p>1982 personnel compensation and benefits relative to the October pay increase</p>			
\$503,042,000 X 4.8 percent for 259 days.....			\$23,960,000
2/261 X amount of pay raise.....			<u>186,000</u>
Total requirements			<u>\$24,146,000</u>
2. Executive level pay increases.....	...	...	2,227
<p>This provides for full funding of the January 1, 1982, Executive level pay increases contained in P.L. 97-92. The request of \$2,227,000 reflects 1982 as well as 1983 requirements for pay. The calculation of the amount required is:</p>			
<p>1982 personnel compensation and benefits relative to lifting pay cap for 195 days</p>			
\$1,664,000.....			\$1,664,000
66/261 X amount of pay raise.....			<u>563,000</u>
Total requirements			<u>\$3,227,000</u>

1041

	Perm. Pos.	Work- years	Amount
3. Annualization of additional positions allowed in 1982..... The 1982 enacted appropriation provides for 35 additional positions and \$596,000. An additional \$550,000 is required to provide for annualization of these positions which were added by Congressional action.	...	...	\$550
4. Within-grade increases..... Based on within-grade increases granted in 1980 to General Schedule (GS)/(GM) employees \$5,330,142 will be required for such increases in 1983. Included in this amount is \$4,899,027 for personnel compensation. The remaining \$431,115 will provide for related benefits at 8.8 percent of the personnel compensation. The amount requested for personnel compensation represents approximately one percent of the total personnel compensation of GS/GM employees in the 1982 request and was computed as follows: Total for 1980 within-grade increases = \$4,284,733 X 1.091 (to cover 1981 pay raise) = \$4,674,644 X 1.048 (October 1981 pay raise) = \$4,899,027.	...	...	5,330
5. Health benefits costs..... Effective the first full pay period in calendar year 1981, the Government's contribution to the Federal Employees' Health Benefits Program increased by approximately 19.4 percent. The required \$1,792,000 was computed by using the increase per pay period (\$68,655) multiplied by 26.1 pay periods.	...	...	1,792
6. Federal Employees' Compensation Account (FECA) - Unemployment Benefits..... The request will provide for increased costs incurred for unemployment compensation to former employees. The Omnibus Reconciliation Act of 1980 (PL 96-499) requires that all unemployment benefits paid by state agencies to former Federal employees, based on Federal service performed after December 31, 1980, be reimbursed to the Federal Employees' Compensation Account of the Unemployment Trust Fund by the various Federal agencies. The estimate of \$1,000,000 was based on unemployment compensation payments for the quarter ending in March, 1981.	...	...	1,000
7. Standard Level User Charges (SLUC)..... Public Law 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration to charge for the use of space furnished. An increase of \$3,645,000 is requested in 1983. The amount budgeted for SLUC in 1982 is \$46,033,000.	...	...	3,645

1042

	Perm. Pos.	Work- years	Amount
8. GSA recurring reimbursable services.....	...	...	\$864
The General Services Administration provides additional heating, ventilation, air conditioning and guard service over normal requirements on a reimbursable basis. The requested increase of \$864,000 over the \$5,760,000 in the 1982 budget will provide the same level of service in 1983 as 1982.			
9. Postal Service increase.....	...	...	1,280
The Postal Service has increased the first class postage rate from 18 to 20 cents an ounce or an increase of approximately ten per cent for 1983. This estimate results in a \$1,280,000 increase over the currently budgeted amount of \$4,000,000.			
10. Federal Telecommunications System (FTS) rate increase.....	...	...	1,499
The FTS increase reflects the advance billing provided by the General Services Administration (GSA). GSA has indicated that \$3,287,500 will be required for 1983. This is an increase of \$1,499,000 over the amount available for 1982.			
11. Travel costs - airfare increases.....	...	...	1,358
Although airline fares are subject to less regulation as a result of the Deregulation Act, and regulation of fares will disappear entirely after 1983, the Civil Aeronautics Board states that despite the decreased gas prices in 1981 and the availability of economy flights, airline fares will increase 15 percent in 1982. An additional \$1,358,000 over the \$4,526,667 available for 1982 is required for 1983 to cover airfare increases.			
12. GPO printing costs.....	...	...	108
An additional \$107,657 (rounded to \$108,000) is required in 1983 for increased costs for contract printing or other printing under the control of the Government Printing Office. This represents an approximate ten percent increase over the \$1,076,675 required for 1982.			
13. Telecommunications Costs.....	...	...	2,095
In 1981, AT&T discontinued TELPAK services and increased rates under a new tariff. An additional \$2,095,000 is required for 1983 to cover the approximately 12 percent increase.			

1043

	Perm.	Work-	Amount
	Pos.	years	
	...	...	...

14. General pricing level adjustment..... \$7,657

Where feasible, specific price increases have been requested in preceding items and are not included in the general pricing level adjustment. Items for which the general pricing level adjustment is requested and the amounts requested are as follows:

Object Class	1982		1983
	Budget	Increase	Base Request
Transportation of things.....	\$3,300,000	\$264,000	\$3,564,000
Communications, utilities and other rent.....	21,733,000	1,739,000	23,472,000
Other services.....	23,355,000	1,868,000	25,223,000
Supplies and materials (exclusive of gasoline)....	16,060,000	1,285,000	17,345,000
Equipment (exclusive of that addressed in Item 16)	31,257,000	2,501,000	33,758,000

15. Gasoline cost increases..... 1,075

The \$9,682,000 available for gasoline in 1982 provides for a per gallon rate of \$1.35. Gasoline is approaching \$1.50 per gallon; therefore, \$1,075,000 is requested to provide for the \$1.50 per gallon rate. This will provide for a total of \$10,757,000 for gasoline for 1983.

16. Equipment cost increases..... 1,389

Price increases in the area of highly specialized technical equipment are such that general pricing level adjustments do not provide sufficient funds. An uncontrollable increase of \$1,389,000 is required for the purchase of this equipment which is vital to the mission of the Federal Bureau of Investigation. The amount budgeted for this equipment for 1982 is \$4,748,000.

17. Transfer cost increases..... 5,970

Costs associated with transfers (changes of duty station) continue to escalate. In 1978, an uncontrollable increase was allowed to provide for 1,600 transfers at an average cost of \$5,399. No further transfer related increases were approved until 1981. In 1981, an uncontrollable increase to provide for an additional \$500 per transfer was granted. The average transfer cost is now \$9,630 or \$3,731 over the funded amount. In order to adequately staff the 59 field offices of the Federal Bureau of Investigation and continue the Career Development Program, 1,600 transfers must be accomplished. An additional \$5,970,000 is requested as an uncontrollable increase and will be applied primarily to real estate settlement costs. This increase is exclusive of any general pricing level adjustment. The 1982 request includes \$9,438,400 for transfer costs.

	Perm. Pos.	Work- years	Amount \$2,000
18. Upgrading of new hires.....	...	...	\$2,000
<p>In the 1979 fiscal year, the FBI adopted a policy of offering appointments to new clerical employees at no lower than a General Schedule (GS) 3 level and to clerk-typists at a General Schedule (GS) 4 level. These positions had previously been at the GS-2 and GS-3 levels. It was necessary to increase the entrance levels in order to compete with other governmental agencies and the private sector. Further, the majority of the new hires are for the larger metropolitan areas, primarily Washington, D.C., and the increased entrance rates were necessary to offset the cost of living in such areas. No funds have been requested in prior years for this item due to savings realized as a result of hiring freezes. It is, however, anticipated that hiring freezes such as have been experienced in recent years will not occur in 1983 and that all losses will be replaced. Based on past years in which normal hiring and replacement of losses occurred, it is projected that \$2,000,000 is required to provide for the higher entrance levels.</p>			
19. Claims.....	...	...	250
<p>In 1981, the provisions of the Military Personnel and Civilian Employee Claim Act as they pertain to the settlement of household goods loss/damage claims were adopted by the FBI. There are, however, no funds available for payment of such claims nor are there funds for the settlement of administrative claims pursuant to Title 31, United States Code, Section 224(b). Settlement of both types of claims will be charged to the Insurance Claims and Indemnities Object Class which, exclusive of these claims, is underfunded by \$42,000. An additional \$250,000 is required by 1983.</p>			
Total uncontrollable items.....	---	---	\$64,235
<u>Decreases</u>			
1. Federal Employees' Compensation Act (FECA) Workers' Compensation.....	...	...	-106
<p>Information received from the Department of Labor indicates that the 1983 billing for FECA will be \$2,280,000 or \$106,000 less than the \$2,386,000 to be billed in 1982.</p>			

1045

	Perm. Pos. ...	Work- years ...	Amount
2. Nonrecurring equipment costs.....	...	...	-\$3,075
A total of \$3,075,000 for equipment purchases is being nonrecurred in 1983. Included in this is \$1,630,000 for Field Office Information Management Systems (FOIMS); \$500,000 for equipment converted from lease to purchase; \$800,000 for equipment at the Forensic Science Research and Training Center (FSRTC); and \$145,000 for a microfilm camera for the Records Management Division.			
3. Nonrecurring research funds.....	...	...	-500
A total of \$500,000 is being nonrecurred for research funds allowed in 1982 for the Forensic Services - Federal program.			
4. Nonrecurring consultant services.....	...	...	-200
In 1982, \$200,000 was allowed for Consultant Services for the Records Management Division. This amount is being nonrecurred in 1983.			
5. Non-recurring AIDS studies.....	...	...	-550
A total of \$550,000 is being non-recurred for AIDS studies.			
6. Proposed reduction in Records Management.....	-13	-13	-82
A total reduction of 13 work-years, 13 positions and \$82,000 below the current level in the Records Management Program is proposed for 1983.			
7. Proposed reduction of unfilled positions and work-years.....	-395	-395	...
Reductions in unfilled positions and work-years below the current level are proposed for the following programs:			
	Perm. Pos.	Work- years	
White-collar crime	-95	-95	
General property crimes	-20	-20	
Records Management	-70	-70	
Fingerprint Identification	-200	-200	
Total	-395	-395	
Total Decreases.....	<u>-408</u>	<u>-408</u>	<u>-4,513</u>
Total adjustments to base.....	<u>-408</u>	<u>-408</u>	<u>-59,722</u>

1046

Federal Bureau of Investigation

Salaries and expenses

Summary of Requirements by Grade and Object Class  
(Dollars in thousands)

Grades and salary ranges	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level II, \$60,662.....	1		1		...	
Executive Level IV, \$58,500.....	1		1		...	
Executive Level V, \$57,500.....	2		2		...	
GS-18, \$57,500.....	20		20		...	
GS-17, \$57,500.....	43		43		...	
GS-16, \$54,755 - \$57,500.....	77		77		...	
GS/GM-15, \$46,685 - \$57,500.....	306		306		...	
GS/GM-14, \$39,689 - \$51,596.....	910		910		...	
GS/GM-13, \$33,586 - \$43,666.....	4,350		4,350		...	
GS-12, \$28,245 - \$36,723.....	1,013		1,013		...	
GS-11, \$23,566 - \$30,640.....	1,350		1,350		...	
GS-10, \$21,449 - \$27,884.....	976		855		-121	
GS-9, \$19,477 - \$25,318.....	650		650		...	
GS-8, \$17,634 - \$22,926.....	375		375		...	
GS-7, \$15,922 - \$20,701.....	1,500		1,300		-200	
GS-6, \$14,328 - \$18,630.....	1,800		1,800		...	
GS-5, \$12,854 - \$16,706.....	3,132		2,882		-250	
GS-4, \$11,490 - \$14,937.....	1,500		1,500		...	
GS-3, \$10,235 - \$13,304.....	1,156		1,319		163	
Ungraded positions.....	294		294		...	
Total, appropriated positions.....	19,456	\$434,432	19,048	\$463,573	-408	\$29,141
Pay above stated annual rates.....	...	1,663	...	1,746	...	83
Lapse.....	-676	-8,881	-676	-8,861	...	20
Net savings due to lower pay scales for part of the year.....	.....	.....	.....	.....	.....	.....
Net permanent.....	18,780	427,214	18,372	456,458	-408	29,244

1047

Summary of Requirements by Grade and Object Class (continued)  
(Dollars in thousands)

Object Class	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11.1 Full-time permanent:.....	18,780	\$427,214	18,372	\$456,458	-408	\$29,244
11.3 Other than full-time permanent:						
Part-time permanent.....	206	2,264	206	2,378	...	114
Temporary employment.....	...	...	...	...	...	...
Other part-time and intermittent employment.....	...	...	...	...	...	...
11.5 Other personnel compensation:						
Overtime.....	...	3,556	...	2,806	...	-750
Administratively uncontrollable overtime.....	1,707	40,351	1,707	42,381	...	2,030
Other compensation.....	35	2,919	8	3,058	-27	139
11.8 Special personal services payments.....	...	...	...	...	...	...
Total workyears and personnel compensation.....	20,728	476,304	20,293	507,081	-435	30,777
12 Personnel benefits.....	...	57,235	...	66,559	...	9,324
13 Benefits to former personnel.....	...	...	...	1,000	...	1,000
21 Travel and transportation.....	...	18,052	...	19,793	...	1,741
22 Transportation of things.....	...	3,300	...	4,860	...	1,560
23.1 Standard level user charges.....	...	46,033	...	49,676	...	3,643
23.2 Communications, utilities and other rent.....	...	36,281	...	43,235	...	6,954

Summary of Requirements by Grade and Object Class (continued)  
(Dollars in thousands)

	1982 Estimate		1983 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
24 Printing and reproduction.....	...	\$1,946	...	\$2,080	...	\$134
25 Other services.....	...	31,978	...	32,639	...	661
26 Supplies and materials.....	...	25,742	...	28,147	...	2,405
31 Equipment.....	...	42,558	...	43,831	...	1,273
32 Land and structures.....	...	...	...	...	...	...
42 Insurance claims and indemnities.....	...	110	...	360	...	250
91 Unvouchered.....	...	70	...	70	...	...
Total obligations.....	20,728	739,609	20,293	799,331	-435	59,722
Relation of obligations to outlays:						
Obligated balance, start of year.....		56,653		57,246		
Obligated balance, end of year.....		-57,246		-58,901		
Outlays.....		739,016		797,676		

## GENERAL STATEMENT

Mr. WEBSTER. Thank you Mr. Chairman.

The FBI's Appropriation Request for fiscal year 1983 is for 19,048 full-time permanent positions and budget authority of \$799,331,000. The positions requested represent 8,021 Special Agents and 11,027 support personnel. Our total budget authority request represents the funding level under which we currently operate plus increased funding for the recently enacted Federal pay raises and other uncontrollable cost increases, less \$82,000 for reduced positions.

Our fiscal year 1983 budget includes no request for program enhancement funding and, in fact, represents 408 fewer positions than appropriated for fiscal year 1982. The minimal amount of reduced funding applicable to the 408 fewer positions results from cost absorptions and underfunding in prior years. Since 395 of these are unfunded and unfilled positions, we will in essence be operating at the same level in fiscal 1983 as we are in fiscal year 1982. Of the 408 fewer positions, 287 are support positions which will not be filled in our Fingerprint Identification Program and our Records Management Program, and 121 Special Agent positions which will not be filled in our White-Collar Crime, General Property Crime, and Records Management Programs.

With the resources requested for fiscal year 1983, the FBI will continue to emphasize its investigative programs directed against Foreign Counterintelligence, Organized Crime and White-Collar Crime. In addition, we will be placing investigative emphasis on violent crimes within our jurisdiction and we will be working more closely with the Drug Enforcement Administration on drug matters.

Mr. Chairman, during this past calendar year the FBI has achieved major accomplishments across the board in its investigative programs. Accomplishments in our Foreign Counterintelligence Program have been noteworthy and since we are in closed session, we can discuss some of those if you like. I would like to highlight a few accomplishments in our criminal investigative programs.

The undercover technique has been extremely effective in addressing serious crime problems previously unsolvable through conventional investigation. Undercover operations have been responsible for successes against drug cartels and traditional organized crime families; for public corruption prosecutions involving illegal procurements and kickbacks; and for arrests of fences and recoveries of heavy equipment, metals and vehicles. During calendar 1981, 553 FBI arrests, 332 convictions, and in excess of \$37 million in recoveries were directly attributable to undercover operations. Currently, we have 62 long-term undercover operations and an additional number of short-term undercover projects targeted against a broad spectrum of enterprises, including violence-prone illicit drug activity.

Turning to our Organized Crime Program, I am pleased to report to you, Mr. Chairman, that during calendar year 1981, 14 recognized leaders of the 25 traditional Organized Crime "Families" were indicted or convicted. Included in this unprecedented statistic

are the "Bosses" of the New Orleans Organized Crime "Family"; the Colombo and Genovese "Families" of New York; and the Buffalino "Family" of Pennsylvania, who have all been convicted. Indicted were the "Bosses" of the Organized Crime "Families" in Boston, Cleveland, Tampa, and Chicago. With regard to the Bonanno "Family" in New York and the Organized Crime "Families" in Kansas City and Milwaukee, not only have the "Bosses" been indicted, but also the ruling hierarchies of these "families."

As you know, Mr. Chairman, the FBI is becoming increasingly involved in the investigation of narcotics violations. On January 28th, the Attorney General granted concurrent jurisdiction with the Drug Enforcement Administration over drug offenses. The Attorney General had earlier announced a much close affiliation between the FBI and DEA. An example of this type of cooperative effort is a recent investigation, code named "BANCOSHARES." This case was conducted by our Miami FBI Office. This investigation represented a coordinated probe of seven narcotics networks and the laundering of large volumes of money believed resulting from illegal drug transactions. This investigation alone has led to 66 indictments, the seizure of seven airplanes, three residences, a 4,600-acre ranch, and over \$1 million in cash, plus the freezing of bank accounts representing \$11 million. Trials resulting from this investigation are currently in progress. Additionally, we have initiated approximately 300 fugitive investigations in an effort to locate the most dangerous of DEA's drug traffickers and violators.

Fraud Against the Government is the number one priority within the FBI's White-Collar Crime Program. A considerable amount of our resources are committed to these investigations and significant results have been achieved. For example, during fiscal year 1981, the FBI obtained 122 convictions in investigations of allegations involving the programs and operations of just one agency, the U.S. Department of Health and Human Services, and as of December 31, 1981, there were 773 cases of this type pending throughout our 59 offices. Through our closer coordination with the Inspectors General community, the FBI anticipates a sharp increase in the number of bribery and fraud against the government investigations in fiscal year 1983.

The FBI continues its efforts against public corruption. In the State of Oklahoma, 13 convictions and 157 plea agreements have been obtained against present and former county officials and vendors involved in kickbacks and illegal procurement arrangements. This case, code named "CORCOM," has in excess of 300 identified subjects at this time.

Operation "Greenthumb," one of our General Property Crimes Program undercover projects, conducted in conjunction with the Metropolitan Police here in Washington was targeted against fences of stolen precious metals and their associates who cloaked their illegal activities with legitimate secondhand businesses. This operation resulted in the recovery of property valued at over \$2 million and the solution of over 200 Washington, D.C., area burglaries. In this same program, our San Diego Office was successful in Operation "Kargo," targeted at an auto theft ring which was receiving stolen luxury vehicles in southern California and other border states and transporting these vehicles into Mexico. This ring

is alleged to have stolen 4,000 luxury cars over a five-year period. Twenty-eight individuals were indicted in this case and attempts are being made to recover the vehicles.

After a year of intensive investigation involving over 55,000 man-hours, six individuals allegedly involved in a bombing and \$3 million extortion attempt of Harvey's Wagon Wheel Hotel and Casino, Stateline, Nevada, in August 1980, were indicted. Two of these people have pleaded guilty and trials are scheduled shortly on the other four.

FBI Counterterrorism investigations have resulted in significant achievements. During calendar year 1981, a total of 10 members of the Croation National Resistance Movement were arrested and indicted. The 10 are awaiting further judicial actions. Seven members of the anti-Castro Cuban group, Alpha 66, were arrested; six pleaded guilty to Federal violations and charges are still pending against the seventh. Ten individuals were arrested because of their involvement in a plot to attack the Caribbean island of Dominica in 1981. All of the persons arrested, except one who was acquitted, either pleaded guilty or were convicted and are serving three-year sentences. Three men were arrested in New York City and an arsenal of weapons was recovered in an investigation of alleged activities of the Irish Republican Army in the United States. The weapons recovered were allegedly destined for Northern Ireland. The three men arrested are awaiting trial.

While these are just a few of our investigative accomplishments for 1981, other investigations now in progress will yield results of equal importance.

An area of great concern to me and the Members of the Congress is the Fingerprint Identification Program. As you know, on October 1, 1981, we were forced to suspend the processing of certain applicant and licensing fingerprint checks because of budgetary and personnel constraints. Our plan is to reinstate that process beginning on October 1, 1982, under a reimbursable funding arrangement. I can assure you that we are doing all in our power to reinstate this service as soon as possible.

Mr. Chairman, that concludes my opening remarks. I have more detailed information with supporting exhibits which I would like to submit for the record. I will be happy to answer any questions you or Members of the committee may have.

[The detailed information and exhibits follow:]

NARRATIVE DETAIL AND SUPPORTING EXHIBITS

Fiscal Year 1983 Appropriations Request  
Federal Bureau of Investigation

The following exhibits and narrative detail depict the funding requested for Fiscal Year 1983 and comparisons of this request with those of previous years:

**COMPARISON: FUNDS AND PERSONNEL REQUIRED  
FISCAL YEAR 1982 VS. 1983**

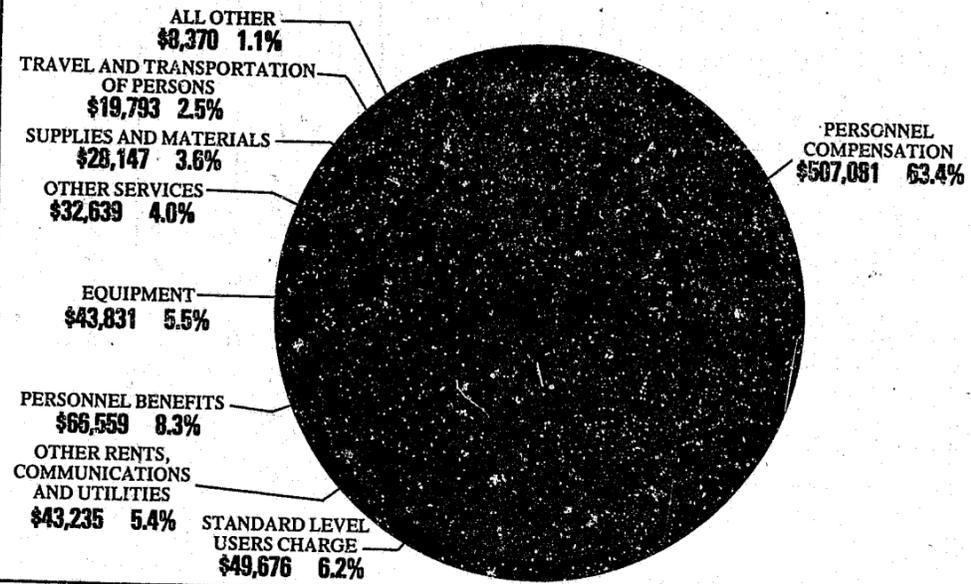
	FISCAL YEAR 1982	FISCAL YEAR 1983	INCREASE (+) DECREASE (-)
<b>PERSONNEL (FULL-YEAR EMPLOYEES):</b>			
<b>FBI Headquarters:</b>			
Special Agents ..	799	793	(-) 6
Support Personnel	6,682	6,395	(-) 287
Total (FBIHQ) ..	<u>7,481</u>	<u>7,188</u>	(-) 293
<b>Field:</b>			
Special Agents ..	7,107	6,992	(-) 115
Support Personnel	4,398	4,398	---
Total (Field) ..	<u>11,505</u>	<u>11,390</u>	(-) 115
<b>Total:</b>			
Special Agents ..	7,906	7,785	(-) 121
Support Personnel	11,080	10,793	(-) 287
Total (FBIHQ) and Field) .....	<u>18,986</u>	<u>18,578</u>	(-) 408
<b>FUNDS:</b>			
PERSONNEL COMPENSA-TION .....	\$476,304,000	\$507,081,000	(+) \$30,777,000
<b>OTHER EXPENSES:</b>			
Personnel Benefits	\$57,235,000	\$66,559,000	(+) 9,324,000
Benefits to Former Personnel.....	---	1,000,000	(+) 1,000,000
Travel and Transportation of Persons .....	18,052,000	19,793,000	(+) 1,741,000
Transportation of Things .....	3,300,000	4,860,000	(+) 1,560,000
Standard Level User Charges (SLUC)....	46,033,000	49,676,000	(+) 3,643,000
Communications, Utilities, and other Rent.....	36,281,000	43,235,000	(+) 6,954,000
Printing and Reproduction .....	1,946,000	2,080,000	(+) 134,000
Other Services .....	31,978,000	32,639,000	(+) 661,000
Supplies and Materials .....	25,742,000	28,147,000	(+) 2,405,000
Equipment .....	42,558,000	43,831,000	(+) 1,273,000
Insurance Claims and Indemnities ..	110,000	360,000	(+) 250,000
Unvouchered	70,000	70,000	---
<b>SUBTOTAL, OTHER EXPENSES.....</b>	<b>\$263,305,000</b>	<b>\$292,250,000</b>	<b>(+) 28,945,000</b>
<b>TOTAL, ALL EXPENSES.</b>	<b>\$739,609,000</b>	<b>\$799,331,000</b>	<b>(+) \$59,722,000</b>

Exhibit No. 1

**SUMMARY OF CHANGES, FISCAL YEAR 1983**

<b>Uncontrollable increases:</b>	
1. 1982 Pay increases-----	24,146,000
2. Executive level pay increases-----	2,227,000
3. Annualization of additional positions allowed in 1982-----	550,000
4. Within-grade increases-----	5,330,000
5. Health benefits costs-----	1,792,000
6. Federal Employees' Compensation Act (FECA) Unemployment Benefits-----	1,000,000
7. Standard Level User Charges (SLUC)-----	3,645,000
8. GSA recurring reimbursable services-----	864,000
9. Postal Service increases-----	1,280,000
10. Federal Telecommunications System (FTS)-----	1,499,000
11. Travel Costs - Airfare increases-----	1,358,000
12. GPO printing cost-----	108,000
13. Telecommunications cost-----	2,095,000
14. General pricing level adjustments-----	7,657,000
15. Gasoline cost increases-----	1,075,000
16. Equipment cost increases-----	1,389,000
17. Transfer cost increases-----	5,970,000
18. Upgrading of new hires-----	2,000,000
19. Claims-----	250,000
<b>Total uncontrollable increases-----</b>	<b>64,235,000</b>
<b>Decreases:</b>	
1. Federal Employees' Compensation Account (FECA) - Workers' Compensation-----	-106,000
2. Non-recurring equipment cost-----	-3,075,000
3. Non-recurring research funds-----	-500,000
4. Non-recurring consultant studies-----	-200,000
5. Non-recurring AIDS studies-----	-550,000
6. Proposed reduction in Records Management-----	-82,000
<b>Total decreases-----</b>	<b>-4,513,000</b>
<b>Overview:</b>	
<b>Total uncontrollable increases-----</b>	<b>\$64,235,000</b>
<b>Total decreases-----</b>	<b>-4,513,000</b>
<b>Overall increase for 1983-----</b>	<b>\$59,722,000</b>

Exhibit No. 2

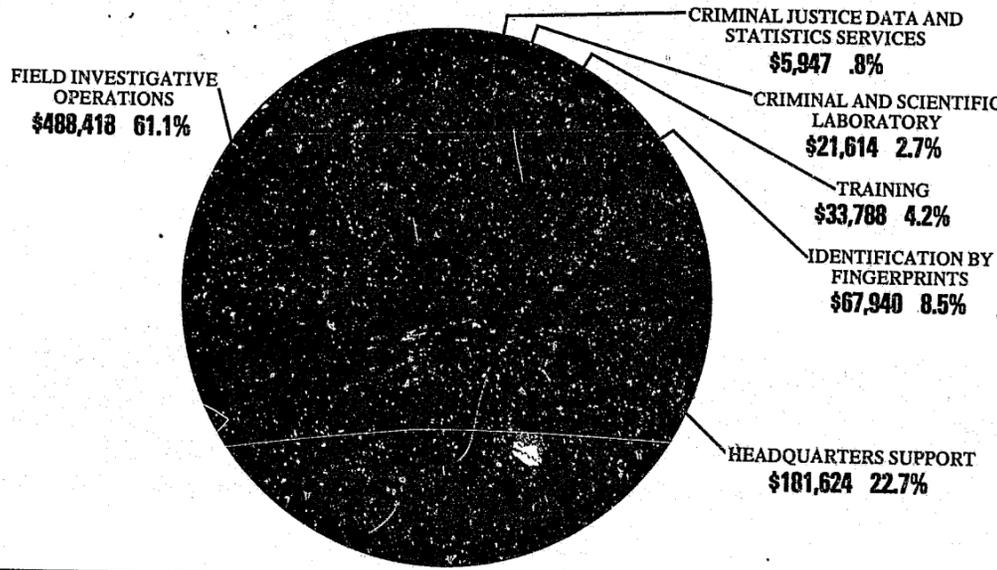


1056

Exhibit No. 3



**Funding Request By Function**  
Fiscal Year 1972  
in thousands of dollars



1057

Exhibit No. 4

U. S. Department of Justice  
Federal Bureau of Investigation

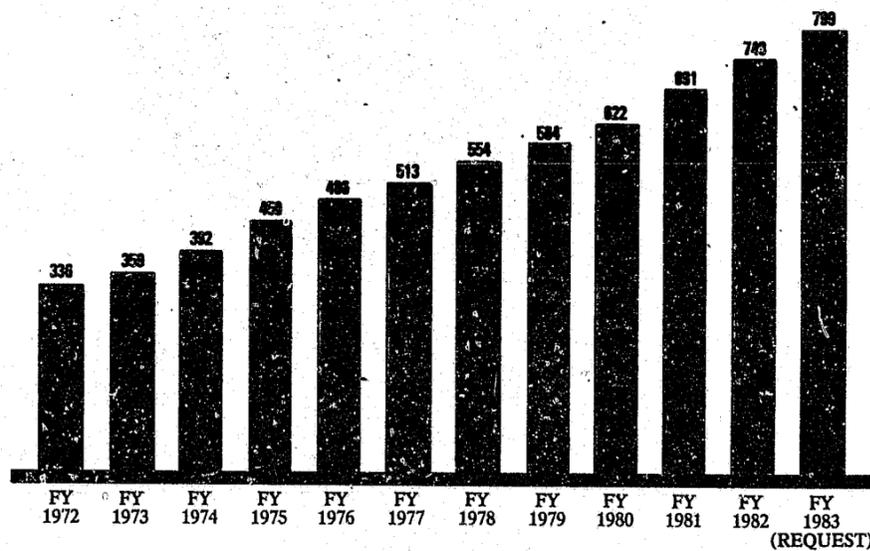
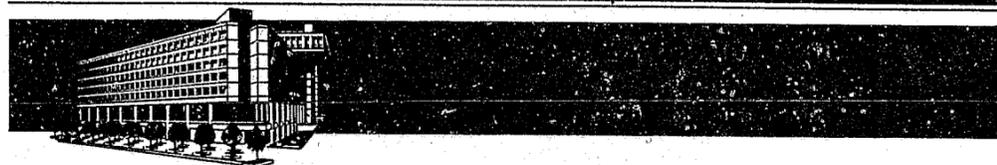


Exhibit No. 5

1058



1972-1975 1978-1981  
1973-1976 1979-1982  
1974-1977 1980-1983

FBI Direct Funded Work-Years  
FY 1972 - FY 1983

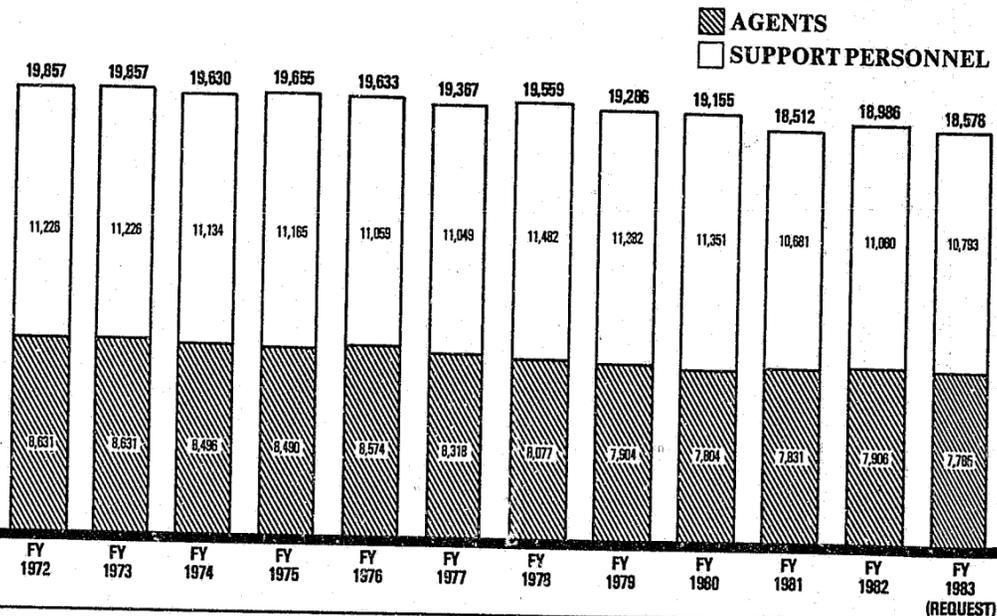


Exhibit No. 6

1059

INVESTIGATIVE PROGRAMS

THE FBI'S PRINCIPAL BUDGET ACTIVITY, CRIMINAL, SECURITY, AND OTHER INVESTIGATIONS, IS DIVIDED INTO EIGHT GENERAL FIELD PROGRAM AREAS. THESE AREAS AND THE FISCAL YEAR 1981 UTILIZATION OF AGENT WORK-YEARS THEREIN ARE SHOWN IN THE FOLLOWING EXHIBIT:



**FY 1981 Usage Of Agent  
Workyears In Field Programs**  
(Includes Field Supervisors)

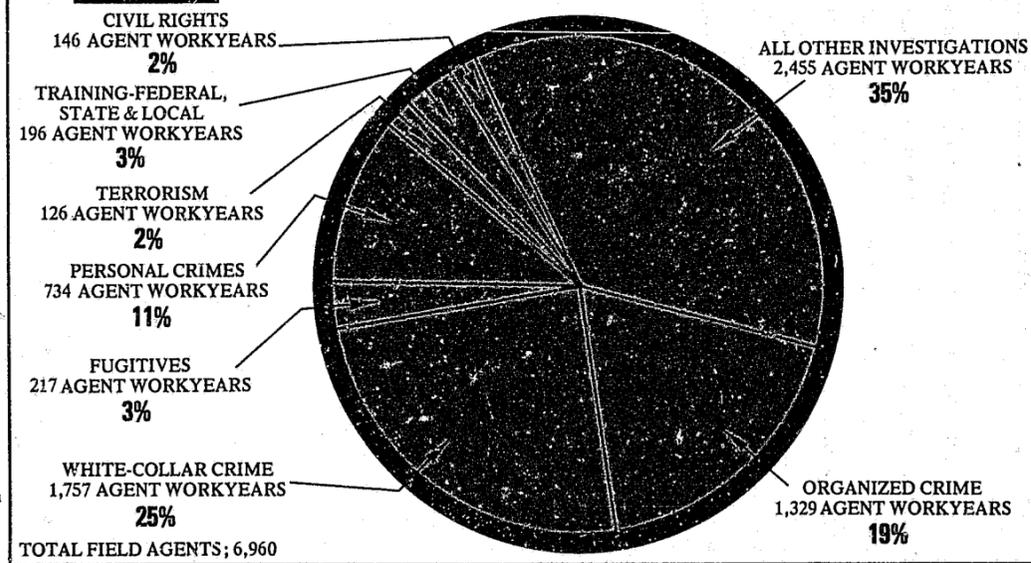


Exhibit No. 7

1061

EQUAL EMPLOYMENT OPPORTUNITY WITHIN THE FBI

THE FBI IS COMMITTED TO CONTINUE THE EFFORTS TO INCREASE ITS REPRESENTATION OF MINORITIES AND WOMEN, WITH PARTICULAR REGARD TO THE SPECIAL AGENT POSITION. A SIGNIFICANT NUMBER OF MINORITY AND FEMALE SPECIAL AGENTS HAVE BEEN SELECTED FOR NEW AGENT'S TRAINING IN THE PAST SEVERAL YEARS, ALL OF WHOM MEET OUR QUALIFICATION STANDARDS. THIS IS BEING ACCOMPLISHED BY TARGETING RECRUITMENT EFFORTS AT ALL LOGICAL SOURCES. FOLLOWING IS AN EXHIBIT WHICH CONTAINS INFORMATION ON OUR EQUAL EMPLOYMENT OPPORTUNITY ACCOMPLISHMENTS."

RECRUITMENT OF MINORITIES AND WOMENMinority and Women Special Agents as of 1/31/82

	Field	FBIHQ	Total	Since 2/28/78	
				Gain or Loss	Percentage Increase
Black	213	24	237	+93	64.6
Hispanic	236	14	250	+95	61.3
Am. Indian	26	4	30	+15	100.0
Asian Am.	50	6	56	+22	64.7
Women	354	7	361	+267	284.0

Percentage of Minority and Women Special Agents as of 1/31/82

Group	Number of Men	Percent of Total	Number of Women	Percent of Total	Total by Group	Percent of Total
White	6847	92.7	328	90.8	7175	92.6
Black	219	3.0	18	5.0	237	3.1
Hispanic	238	3.2	12	3.3	250	3.2
Am. Indian	28	.4	2	.6	30	.4
Asian Am.	55	.7	1	.3	56	.7
TOTALS	7387	100.0%	361	100.0%	7748	100.0%
All Minorities	540	7.3%	33	9.2%	573	7.4%

Percentage of Minority and Women Support Personnel

	TOTAL	PERCENT
Support Personnel	10419	100.0%
Men	3095	29.7%
Women	7324	70.3%
Black	3224	30.9%
Hispanic	245	2.4%
American Indian	25	.2%
Asian American	116	1.1%
All Minority	3610	34.6%

Exhibit No. 8

ORGANIZATION OF THE FBI

THE FBI IS A FIELD-ORIENTED ORGANIZATION IN WHICH TEN DIVISIONS AT FBI HEADQUARTERS PROVIDE PROGRAM DIRECTION, SUPPORT SERVICES, AND COORDINATION TO 59 FIELD OFFICES, 426 RESIDENT AGENCIES, AND 12 FOREIGN LIAISON POSTS. EACH FIELD OFFICE HAS AN AGENT IN CHARGE, WHO IS RESPONSIBLE FOR DEPLOYMENT OF PERSONNEL SO AS TO HANDLE EFFECTIVELY ALL FBI MATTERS WITHIN ITS GEOGRAPHICAL TERRITORY. AGENTS AT OUR LIAISON POSTS ABROAD ACT AS A LIAISON IN CONNECTION WITH CRIMINAL AND SECURITY MATTERS WITHIN THE FBI'S JURISDICTION. OF THE TOTAL AMOUNT REQUESTED BY THE FBI FOR 1982, 61.3 PERCENT, OR \$453,184,000, IS FOR FIELD INVESTIGATIVE OPERATIONS. THIS DOES NOT INCLUDE HEADQUARTERS SUPPORT WHICH CONTAINS ADP OPERATIONS, INVESTIGATIVE DIRECTION AND TECHNICAL FIELD SUPPORT AND EQUIPMENT FUNDING, ALL OF WHICH SUPPORT BOTH FIELD AND HEADQUARTERS ACTIVITIES. THERE ARE INCREASES IN THE FIELD FOR OUR TOP THREE PRIORITY PROGRAMS, WHITE-COLLAR CRIME, ORGANIZED CRIME AND FOREIGN COUNTERINTELLIGENCE. EXHIBITS FOLLOW THAT SHOW THE ORGANIZATION OF FBI HEADQUARTERS, THE LOCATION OF FIELD OFFICES AND FOREIGN LIAISON POSTS, AND ADDITIONAL INFORMATION CONCERNING PERSONNEL ASSIGNED TO THE FOREIGN POSTS:



# Organization Of The FBI

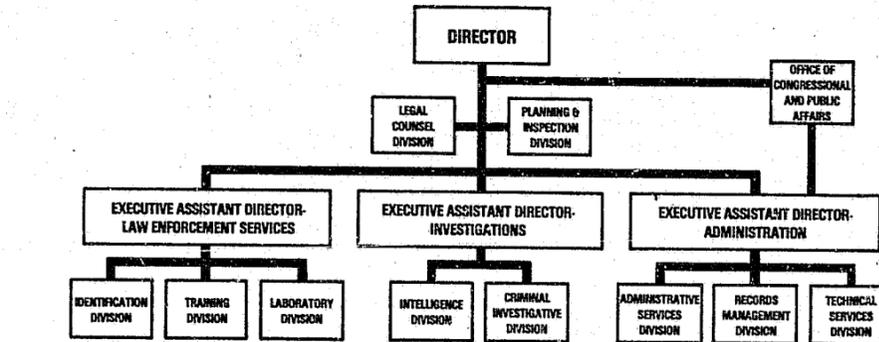


Exhibit No. 9

FOREIGN LIAISONLEGAL ATTACHES

This program is designed to provide a continuing and prompt exchange of information and assistance with foreign law enforcement and security agencies in order to insure that the responsibilities of the FBI in the applicant, criminal, domestic security, foreign counterintelligence, and international terrorist fields are met. By way of reciprocation, the FBI will assist cooperative foreign agencies with their legitimate and lawful investigative interests in the United States.

For over 35 years the FBI has maintained posts abroad known as legal attache offices. There are currently 14 such posts covering more than 80 countries, enabling the 59 field offices and FBI Headquarters to receive a constant and prompt exchange of criminal and security type information. They develop and maintain close liaison with relevant and duly authorized law enforcement and security/intelligence agencies of the countries covered to insure that the domestic responsibilities of the FBI are met in a timely and professional manner.

The program provides the liaison necessary in order to locate and/or effect the return of United States fugitives; locate and return stolen property, including vehicles, heavy equipment, airplanes, and art objects; and to enable the FBI to fulfill its statutorily mandated responsibilities in the applicant, criminal, foreign counterintelligence, and domestic and international terrorism fields.

Prior to posting FBI personnel in foreign countries, the concurrence of the United States Ambassador and the Foreign Ministry of the host government must be obtained. The State Department provides office space and other administrative support for the program on a reimbursable basis.

In the spring of 1982, a new post in Canberra, Australia will open bringing the total number of posts to 14.

Exhibit No. 10

Through information furnished by an FBI double agent, a legal attache furnished the identity of a Western European resident who was in contact with intelligence officers in another country. With this information, the intelligence service of the Western Europe country was able to initiate an operation against the resident.

It is apparent that with criminals and intelligence officers alike their targets are international in scope and that worldwide communication facilities are used regularly in the furtherance of criminal and intelligence activities. Through effective liaison, it has been possible to interdict some of these activities and prosecute many cases thought by violators to be protected by international boundaries.

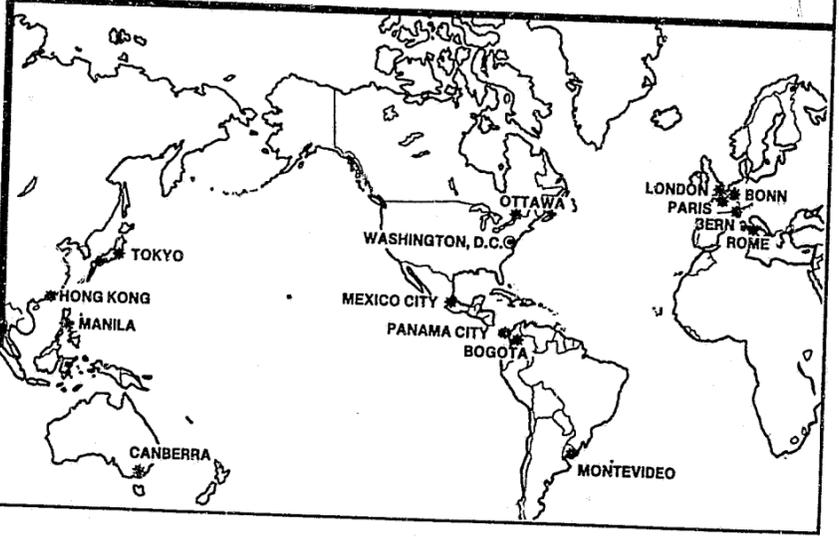


NUMBER OF FBI PERSONNEL STATIONED ABROAD

	Special Agents	Support Personnel
BERN	1	1
Switzerland		
BOGOTA	2	2
Colombia		
BONN	4	4
Germany		
CANBERRA	1	1
Australia		
HONG KONG	1	1
British Crown Colony		
LONDON	3	3
England		
MANILA	1	1
Philippines		
MEXICO CITY	4	4
Mexico		
MONTEVIDEO	1	1
Uruguay		
OTTAWA	2	2
Canada		
PANAMA CITY	1	1
Panama		
PARIS	2	2
France		
ROME	2	2
Italy		
TOKYO	1	1
Japan		
TOTALS	26	26
	Special Agents	Support Personnel

## FBI Foreign Liaison Operations

The FBI maintains liaison posts abroad in 14 countries. These offices function in a liaison capacity in connection with criminal and security matters involving the Bureau's domestic responsibilities. In addition, the Bureau belongs to one international security committee and corresponds with police agencies all over the world except in countries controlled by the communists. In addition to the activities of its representatives abroad, the Bureau exchanges certain types of information with, and where warranted, arranges to have investigations conducted in the U. S. for, law enforcement and intelligence agencies in many foreign countries on a reciprocal basis.



TOTAL PERSONNEL-52

KEY  
\* FBI REPRESENTATIVES STATIONED IN AMERICAN DIPLOMATIC ESTABLISHMENTS OUTSIDE THE UNITED STATES

JANUARY 1, 1982

Exhibit No. 11

1068

ORGANIZED CRIME

ONE OF THE FBI'S TOP PRIORITIES IS THE INVESTIGATION OF ORGANIZED CRIME. IN 1983, EFFORTS IN THIS AREA WILL REQUIRE \$90,428,000 AND 2,107 POSITIONS.

DURING THE PAST FISCAL YEAR, 19 PERCENT OF THE FIELD AGENT TIME WAS SPENT ON ORGANIZED CRIME INVESTIGATIONS.

WHITE-COLLAR CRIME

WHITE-COLLAR CRIME INVESTIGATIONS CONSTITUTE ANOTHER TOP PRIORITY OF THE FBI. AS IN ORGANIZED CRIME, WHITE-COLLAR CRIME SOMETIMES INVOLVES PUBLIC CORRUPTION. A TOTAL OF \$124,537,000 AND 2,907 POSITIONS WILL BE NEEDED FOR WHITE-COLLAR CRIME IN FISCAL YEAR 1983. DURING FISCAL YEAR 1981, THE FBI EXPENDED 25 PERCENT OF ITS FIELD AGENT WORK-YEARS ON WHITE-COLLAR CRIME INVESTIGATIONS. ORGANIZED CRIME AND WHITE-COLLAR CRIME MATTERS ARE DISCUSSED IN THE FOLLOWING EXHIBITS:

ORGANIZED CRIME INVESTIGATIONS

An organized crime investigation is targeted against a member or members of an organized crime group involving violation of Federal statute(s) specifically aimed at racketeering activities. For the purpose of managing these investigations, an organized crime group is defined as any group having some manner of formalized structure whose primary objective is to obtain money through illegal activities and maintains its position through the use of violence or threat of violence, corrupt public officials, graft and extortion, and has a significant adverse impact on the people in its locale or region, or the country as a whole. The thrust of the organized crime program is targeted against individuals comprising the major organized crime groups across the country.

Funding for this program for fiscal year 1983 will provide for an imaginative, responsive, and effective investigative approach directed against the organized criminal element at a sustained level. This funding will provide for continued coverage of already existing programs and permit continued penetration into areas deserving additional investigative attention based on program review. Among those targeted are hoodlum infiltration of legitimate business; labor racketeering; corruption; arson-for-profit; loansharking; and pornographic operations which are national in scope, involve major organized crime figures, or which deal in the use of children. The funding will also permit the FBI to continue to utilize resources in support of joint FBI/Drug Enforcement Administration investigations targeting organized crime related narcotics cartels. Additionally, funding will enable the FBI to continue its assistance to local, state, and other Federal agencies engaged in the fight against illegal narcotics and drugs. This will be accomplished through the development and dissemination of narcotics information stemming from organized crime activities being investigated by the FBI.

Implementation of a system to enhance organized crime intelligence-gathering capabilities has continued through the use of a computerized data processing network known as the Organized Crime Information System (OCIS). The primary objective of the system is to improve the FBI's ability to collect, analyze, and use investigative data in furtherance of the successful prosecution of organized crime subjects. Funding dedicated to the organized crime program will enable implementation of this system at additional field divisions during fiscal year 1983 and provide for resources in support of personnel to operate this system.

In addition to maintaining active investigative programs targeted at traditional racketeering activities of gambling, corruption, and loansharking, the FBI has continued with a number of programs from the past year, aimed specifically at combating labor-racketeering, hoodlum infiltration of business, arson-for-profit, narcotics trafficking, and major pornography operations. The cumulative goal of these programs is to interdict systematically and progressively the sphere of organized crime influence and to reduce its impact on American society.

Exhibit No. 12

The impact of organized crime

While not inclusive, the following are some of the major areas wherein organized crime impacts on society as a whole:

Corruption undermines the country's civic, judiciary, legislative, and law enforcement bodies, disfranchising citizens of the protection and the governmental functions to which they are entitled.

Businessmen find themselves in competition with racketeers who pour money from their illicit enterprises into legitimate industry and use these untaxed funds to undercut the operations of competitors not enjoying this unfair advantage.

The tax base itself is eroded by significant amounts of dollars being siphoned from the economy without any commensurate return to local, state, or Federal governments.

Gambling and narcotics addicts commit a large portion of street crimes currently plaguing the country as they try to supply the needs of their illegal habits.

Labor-racketeering and cartage thefts result in increased insurance rates and transportation costs. They also add substantially to the prices consumers pay for their merchandise.

The drug problem

Pursuant to several proposals initiated by President Reagan and designed to curb narcotics trafficking, the FBI and DEA are developing a closer working relationship and are directing their combined resources against major national and international narcotics targets. Although DEA has primary investigative jurisdiction over narcotics violations, the FBI assists DEA, U. S. Customs, and state and local narcotics control agencies throughout the country, by the development and timely dissemination of intelligence data concerning drug trafficking. Additionally, the FBI readily joins with DEA, U. S. Customs, and state and local agencies in investigations of major narcotics cartels when that cartel's criminal activities include violations under the primary jurisdiction of the FBI. The FBI's role in narcotics investigations has been enhanced through the conduct of financial flow investigations. Through this technique, the large amounts of monies derived from narcotics can be detected and through the civil forfeiture procedures of the Racketeer Influenced and Corrupt Organizations (RICO) Statute, can be seized. Additionally, the FBI and DEA have developed an agreement whereby the FBI will assist in DEA locating and apprehending major DEA fugitives.

The infiltration problem

Hoodlum infiltration of labor unions is one of the top priority areas targeted for investigation by the FBI. The primary objective of this program is to identify the organized criminal and corrupt elements involved in the labor field and to successfully prosecute those individuals connected with racketeering activities. Investigations under this program are targeted at uncovering such activities as payoffs and kickbacks resulting from the awarding of contracts or the conduct of day-to-day union activities; the embezzlement of union funds; instances of extortion; and the mishandling of union loans.

Likewise, hoodlum infiltration of legitimate business is a priority investigative area targeted by the FBI. To date, investigations have revealed allegations that such investments not only provide the hoodlums with "show money" for tax purposes, but also make it possible for those involved to "launder" illegal funds, set up front corporations to cover their criminal operations, and to profitably bankrupt companies when they no longer have any use for them.

In most instances, organized crime's movement into business is done quietly. Seldom do mobsters' names appear on corporate records, and fear of reprisal makes complaining victims scarce. Such conditions require current and accurate intelligence data, which can only be obtained through a network of well-placed informants. The FBI has a program for developing informants, and their information has allowed agents to remain cognizant of organized criminal activity in the business community and thus take appropriate action.

Investigative techniques

The FBI is refining and intensifying its use of a number of highly sophisticated and innovative investigative techniques in the fight against organized crime. Included among these are:

1. Undercover agents and storefront operations designed to ferret out large-scale pornographic operations, narcotics trafficking, infiltration of legitimate business, and extensive labor-racketeering activities.
2. Judicially approved electronic surveillance installations and consensual recording devices (both of which are most effective against loansharking and corruption).
3. The assignment of experienced Special Agent Accountants to the review and analysis of labor union records, records of financial institutions, and records of businesses in which there is probable cause to believe a crime has been committed. (This also embraces expanded use of computers to assist in the correlation and review of document examinations of a voluminous nature).
4. Informants specifically selected and targeted to penetrate the upper echelons of the organized underworld.
5. Miscellaneous techniques, such as aerial surveillance and hypnotism of willing witnesses (particularly helpful in gangland murder cases).

The results

Since the enactment of the first three major organized crime statutes in 1961, numerous organized crime members and associates have been convicted in FBI cases. Included among these individuals were top-ranking traditional organized crime functionaries in New York City and Buffalo, New York; Philadelphia and Pittston, Pennsylvania; Detroit; Chicago; St. Louis; Kansas City; Denver; Los Angeles, and New Orleans. During fiscal year 1981, 515 individuals were convicted as a result of investigative activity targeted against the organized criminal element by the FBI. In addition, \$33,364,144 in fines, savings, and recoveries were attributed to this priority program area. Further, \$576,655,256 in Potential Economic Loss Prevented (PELP) was realized.

AGENT TIME SPENT BY MAJOR CATEGORY OF ORGANIZED CRIME INVESTIGATIONS: FY 1981

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Anti-Racketeering	65	4.9%	.9%
Extortionate Credit Transactions	59	4.4%	.9%
RICO - Traditional Groups	676	50.9%	9.7%
RICO - Non-Traditional Groups	242	18.2%	3.1%
Hobbs Act-Corruption of Public Officials	58	4.4%	.8%
Informants	72	5.4%	1.0%
Illegal Gambling Business	36	2.7%	.5%
Illegal Transportation in Aid of Racketeering	47	3.5%	.7%
All others	<u>74</u>	<u>5.6%</u>	<u>1.1%</u>
Total Organized Crime Program	1,329	100.0%	19.1%

1074

Exhibit No. 13



**Agent Time Spent By Major Category  
Of Organized Crime Investigations**  
Fiscal Year 1981  
(in minutes by 15,366 Supervisors)

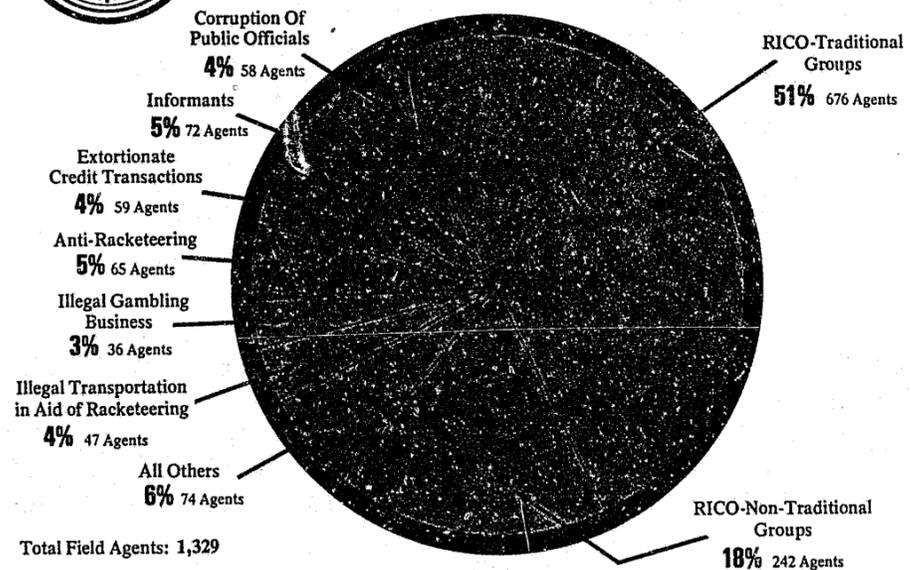
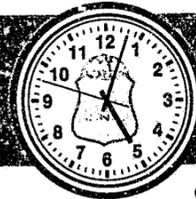
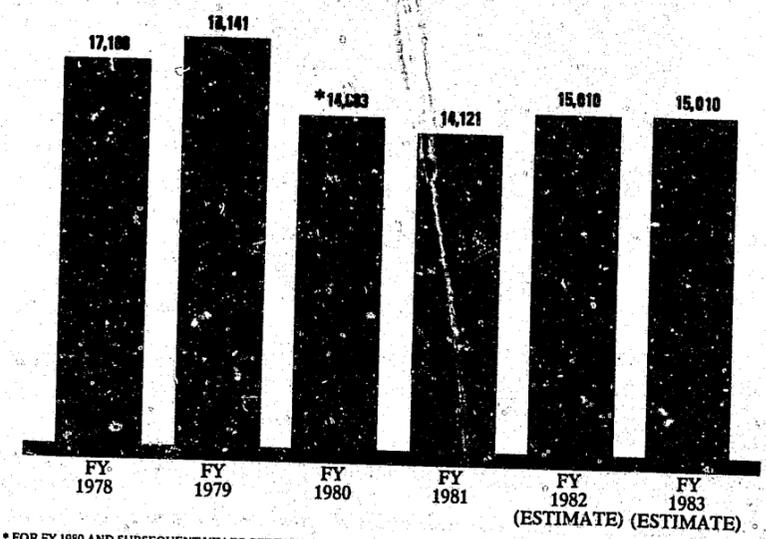


Exhibit No. 14

1075

**CONTINUED**

**17 OF 20**



\* FOR FY 1980 AND SUBSEQUENT YEARS CERTAIN RICO CLASSIFICATIONS, PREVIOUSLY REPRESENTING OVER 18% OF THE ORGANIZED CRIME PROGRAM, WERE TRANSFERRED, PRIMARILY TO THE WHITE-COLLAR CRIME PROGRAM.

Exhibit No. 15

1076

THE WHITE-COLLAR CRIME PROGRAMIntroduction:

The Federal Bureau of Investigation utilizes a working definition of white-collar crime as "...those illegal acts that use deceit and concealment rather than the application or threat of physical force or violence to obtain money, property or services; to avoid the payment or loss of money; or to secure business or personal advantages."

The long-range goal of this program is to curtail the incidence of white-collar crimes by investigating those high impact and complex cases most likely to lead to successful prosecutions. This goal is attainable as a result of vigilance displayed by our large cadre of Special Agents with an ever increasing level of expertise in resolving very sophisticated white-collar crimes. This expertise is maintained and increased, not only through experience, but also through fortification with structured training programs and specialized seminars.

The short-term goal is to provide the investigative concentration and response necessary to support the Administration, through the Attorney General, in achieving its law enforcement goals for addressing criminal conduct on a national basis. The establishment of investigative priorities, consistent with the Attorney General's white-collar crime priorities, for all 59 FBI field offices and the continued monitoring of the investigative actions by all field offices, insures the satisfactory completion of this short-term goal.

It is one of the FBI's principal objectives to detect, investigate and provide prosecutive support in resolving the white-collar criminal activities within its investigative jurisdiction. The primary investigative jurisdictional areas of the white-collar crime program are: governmental fraud, public corruption, labor matters, financial crimes and energy fraud.

White-collar crime investigations involve the use of all the traditional law enforcement techniques, such as: interviews, observation, audit, consensual monitoring, both audio and visual, court authorized monitoring, undercover operations, gathering of physical evidence, forensic science and others. Inasmuch as the criminal conduct encountered differs depending on the nature of the crimes alleged, the frequency of application of these techniques varies.

Often, perpetrators of white-collar crimes are regarded as responsible pillars of their communities who occupy positions in government, industry, the professions and civic organizations. Through use of their position of trust, cunning and guile, white-collar criminals undermine professional and governmental integrity to the dismay of all, and ultimately are responsible for the loss of billions of dollars annually from the Nation's economy.

During the fiscal year ending September 30, 1981, 22% of the investigative manpower of the FBI was utilized in the conducting of white-collar crime investigations. This effort accounted for 43% of the convictions obtained in all FBI investigations during fiscal year 1981. This 43% represents 3,590 individuals convicted with an additional 490 individuals placed in pretrial diversion programs. Also, more than 29 million dollars were levied, and potential economic losses of 1.5 billion dollars were prevented.

Governmental Fraud:

Addressing criminal allegations of fraud and bribery within the programs and functions of the Federal Government is the nature of governmental fraud cases. The majority of these investigations involve 13 Departments and 57 Agencies of the Executive Branch which disburse billions of dollars annually. These funds are intended to attain national goals and/or eliminate specific problems attacking the quality of American life.

Often, the diversion of these funds is the target of unscrupulous individuals from within as well as from outside the government. Two groups can be readily identified committing these crimes, 1) those individuals or entities responsible for operating the program or function and 2) those individuals and entities who either receive funds when not qualified to do so or misuse the funds received.

The very highest priority of all white-collar crime investigations conducted by the FBI is now afforded to governmental fraud cases. Public interest in revelations by the media of instances of fraud, waste and abuse within the Federal Government must be met by an immediate and effective law enforcement response to insure that the public confidence in government and its institutions is not undermined.

Since these governmental fraud matters involve the programs and functions of other governmental entities, a continuing liaison program is required with the Inspectors General or their equivalent, administering the abused program or function. Also, when our investigations highlight deficiencies within a program or function of another agency this information is made known with the expectation that appropriate preventive measures will be instituted; such as personnel action, program changes and/or debarment proceedings, to insure that similar abuses do not occur in the future. Dissemination of investigative results is also made to the Civil Division of the Department of Justice for the imposition of civil sanctions.

The FBI is attempting to enter into Memoranda of Understanding with each Inspector General in order to delineate areas of responsibility which will insure no duplications of effort occur. The memoranda will provide an equitable distribution of investigative responsibilities to efficiently utilize the limited resources which are available. The efforts of the FBI will be directed toward the investigation of criminal activity which involve government programs. The efforts of the Inspector General will be directed at the detection of fraud, waste and inefficiency and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of the respective Federal agencies.

The following examples are provided to illustrate the variety and magnitude of the investigations in the governmental fraud area:

"Applecore", a joint FBI-Inspector General, U. S. Department of Agriculture (USDA) undercover investigation into the Federally funded Summer Feeding Program for disadvantaged children in the state of New York, was surfaced on February 18, 1981. Twenty convictions were obtained on charges of submitting false statements and conspiracy to defraud the Federal Government. This investigation revealed widespread bid-rigging, kickbacks and fraud within the USDA Summer Feeding Program. Investigative results are presently being used by USDA to make dramatic changes in this and related programs.

"Medfraud", a Los Angeles FBI undercover investigation, resulted in 42 convictions including doctors and laboratory owners and revealed widespread kickbacks and over-billings in the Medicare and Medicaid programs of California. Our undercover Agents have provided testimony before a Congressional Committee seeking ways to legislate safeguards into the various Federally funded health care programs.

Public Corruption:

Abuse of office by elected and/or appointed public officials in violation of Federal criminal statutes and attempts by individuals to cause public officials to abuse their offices in violation of Federal criminal statutes, is the basis of the initiation of public corruption investigations by the FBI.

While FBI investigations involve officials at all levels of government, investigative priority and emphasis is provided to those matters involving Federal officials. Due to sheer numbers of local office holders, the volume of matters under investigation has traditionally involved more local and county governments. Public corruption investigations are, for the most part, not undertaken by state and local authorities for a large number of reasons and have become a major component of the FBI's white-collar crime program.

The FBI's investigative response to public corruption allegations continues to be immediate, aggressive and thorough. Due regard is given to the integrity and reputation of the individual alleged to have engaged in criminal conduct.

Public corruption investigations utilize all of the traditional investigative techniques, but focus initially upon gathering evidence that will corroborate or refute challenges to the credibility of the individual transmitting the allegations. As the investigation continues, the substance of the allegation is then addressed.

Extensive media attention to public corruption investigations on both the regional and national level illustrate and chronicle FBI successes in ferreting out those responsible for damaging the institutions that comprise our American democracy.

Insidious corruption penetrating and inflicting its financial toll upon the citizens of the State of Oklahoma has been found to exist in almost all of the state's 77 counties during the conduct of the investigation entitled Corcom. More than 300 individuals, primarily present and former county commissioners with the balance being vendors doing business with them, are expected to be indicted. In excess of 150 persons have thusfar entered into agreements to plead guilty to charges growing from this investigation. Similar practices have been detected in other states and are under investigation by ten FBI field offices.

Labor Matters:

The protection of the rights of union members in addition to unlawful conduct of both union officials and employers constitutes the basis of FBI "Labor Related" investigations.

Criminal statutes in the investigative jurisdiction of the FBI cover a full range of illegal activity that can, and on occasion do, occur involving either or both labor and management. Labor violence is the basis of much investigative activity, but frequently does not result in Federal prosecution due to the fact that the violence is often an outgrowth of legitimate attempts by unions to organize a particular employing unit.

Accusations of the solicitation of a kickback by a union official are reported more often than are accusations of the offering of a bribe by an employer to a union official, however, both are violations actively investigated by the FBI.

The allegation of the misappropriations of union member's pension funds is investigated with a resultant higher number of convictions than in some of the other labor related investigations.

In recognition of the serious nature of allegations of labor related crime and the impact of the involvement of the FBI in the underlying union/management activity from which the alleged criminal conduct has grown, definite investigative jurisdiction is established before initiation of investigations. In light of differing interpretations by courts in various Federal judicial districts the likelihood of prosecutive consideration is also a prerequisite established before initiation of investigation. Both these needs are satisfied by Special Agents assigned to investigate labor related matters securing counsel from appropriate U. S. Attorneys at various stages, and on a continuing basis.

Financial Crimes:

White-collar crimes generally categorized as financial crimes are "those schemes to cheat, defraud, steal, embezzle, abstract, purloin or misapply money, funds securities or credits of an individuals and/or institution by manipulating events, documents or large sums of cash through misrepresentation, falsification and deceit." Although variations are endless, the most common names applied to these crimes are: embezzlements, bankruptcies and check kites.

The fact that information about financial crimes does not come to the attention of the FBI for some time after the crime has occurred, the reluctance of witnesses to become involved, the voluminous records and the mobility of perpetrators, all contribute to the degree of complexity and time consumption in these investigations. Nevertheless, it is only the most complex and significant in terms of impact upon criminal conduct that are pursued by the FBI. Local authorities are asked, whenever possible, to handle cases that would not tax their resources.

An increase in the use of consensual monitoring with cooperative witnesses and undercover operations to augment the use of the interviewing techniques and financial audits has had a positive effect on the conservation of resources.

Among the more noteworthy of the investigations resulting in convictions during fiscal year 1981, were two cases involving banking institutions. In one case, a Houston, Texas banker was convicted of embezzling 14 million dollars while in another case a boxing promoter and others conspired to defraud a Los Angeles, California bank of 21.3 million dollars.

Energy Fraud:

The FBI has endeavored to monitor the volume of white-collar criminal activity, that can be construed to be "Energy Related." Through close cooperation with the Departments of Interior and Energy, and, to the extent allowable by law, the Internal Revenue Service, the volume of energy related criminal activity reported has been less than anticipated.

The most serious of the detected energy related crimes have been those purported to have taken place on the Wind River Indian Reservation in the State of Wyoming. There, it has been alleged that the awarding of oil leases, and the removal of oil from authorized wells have both been the basis for crime. In the awarding of oil leases, bribes and kickbacks have been uncovered in a joint investigation with the Interior Inspector General and the FBI resulting in the conviction of six individuals including a government employee. Investigation of oil thefts from Wind River lands without full payment under terms of leases to the Federal Government and Indian tribes continues.

Working with the staff of the Energy Inspector General, FBI Agents have pursued allegations of improper certification of the age of crude oil thereby affecting its sale price. Investigations have established the existence of a large number of middlemen through which old oil has been sold during which the price of the oil has been inflated and documents filed altering the actual dates of production. A total of 14 individuals have been convicted and recoveries made in excess of 40 million dollars, however, honest mistakes and misinterpretation of regulations, characterized as complicated, have been found to have existed in the majority of the cases investigated.

Coal investment frauds wherein unsuspecting investors have been duped to invest large sums of money in questionable coal exploration companies, have been the focus of joint Internal Revenue Service/FBI investigative activity. In many of these schemes, the perpetrators of this fraud advised investors they could gain a tax advantage by virtue of a tax loophole which in reality does not exist.

AGENT TIME SPENT BY MAJOR CATEGORY OF WHITE-COLLAR CRIME INVESTIGATIONS: FY 1981

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Fraud Against the Government	335	19.1%	4.8%
Labor Matters	39	2.2%	.6%
Public Corruption	253	14.4%	3.6%
Financial Crimes	956	54.5%	13.7%
All others	<u>174</u>	<u>9.9%</u>	<u>2.5%</u>
Total	1,757	100.0%	25.2%

1084

Exhibit No. 17



**Time Spent By Major Category  
Of White-Collar Crime Investigations  
Fiscal Year 1981**  
(Includes Field Supervisors)

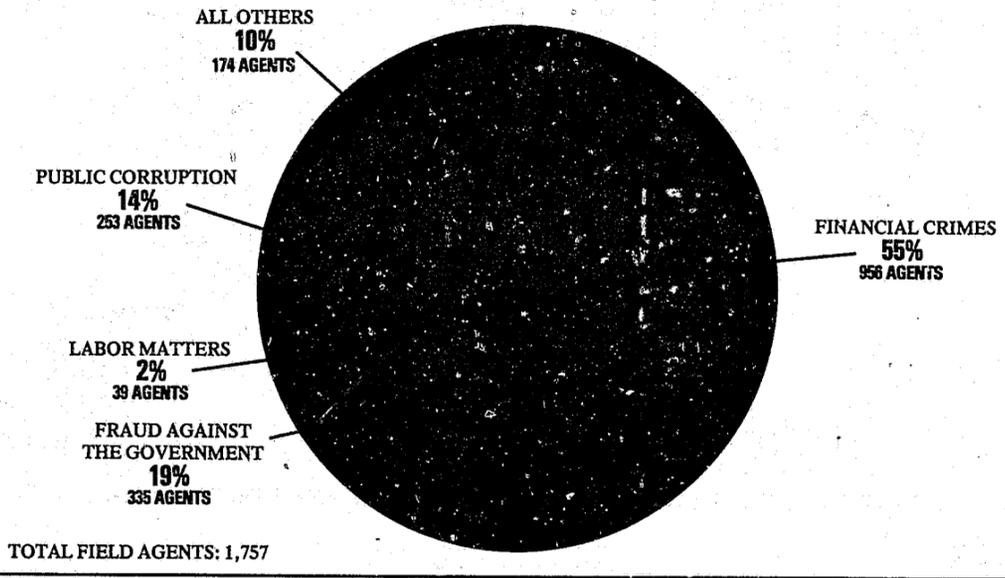


Exhibit No. 18

1085



**White-Collar Crime**  
Case Counts

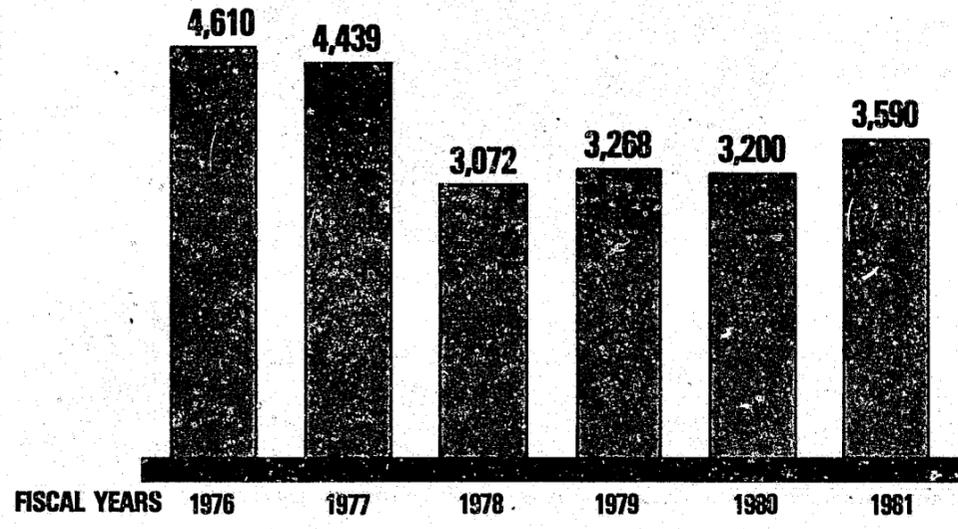


Exhibit No. 19

1086

FOREIGN COUNTERINTELLIGENCE

ALONG WITH ORGANIZED AND WHITE-COLLAR CRIME INVESTIGATIONS, FOREIGN COUNTERINTELLIGENCE REMAINS A MAJOR PRIORITY OF THE FBI. THE BUREAU WILL CONTINUE ITS EFFORTS TO DETECT, PENETRATE, AND EXPOSE HOSTILE INTELLIGENCE OPERATIONS OF FOREIGN COUNTRIES WITHIN THE UNITED STATES. FURTHER INFORMATION RELATIVE TO THE COUNTERINTELLIGENCE RESPONSIBILITIES OF THE FBI IS CONTAINED IN THE FOLLOWING EXHIBITS:

FOREIGN COUNTERINTELLIGENCE PROGRAM

The FBI is charged with the responsibility of Foreign Counterintelligence (FCI) investigations and foreign terrorist investigations within the United States. This FCI function is derived from various criminal statutes, such as the Espionage Statutes and Registration Acts. In addition, FCI investigations are conducted in accordance with Presidential Directives issued pursuant to the inherent power of the President to protect and defend the Constitution of the United States. Executive Order 12036, issued January 26, 1978, is the current Presidential authority for the FBI's FCI investigations. In compliance with existing Executive Orders, the Attorney General has established guidelines for the conduct of FCI activities in the United States. The first such guidelines became effective May 28, 1976. Within the parameters of these guidelines and statutes, the FBI is given discretion to develop and implement FCI program..

The FCI mission is counterintelligence activity undertaken to protect the security of the United States by countering the hostile activities of foreign intelligence services and foreign-directed terrorists. It includes the development and dissemination of information concerning foreign intelligence or terrorist activity, as well as the penetration and neutralization of groups and individuals engaged in such activity.

The FCI Program of the FBI serves national policy makers by providing an overview of foreign intelligence activities within the United States. As a result, they are assisted in making informed decisions concerning national security requirements. The FBI also furnishes analyses to other agencies of the Executive Branch with specific intelligence responsibilities, enhancing the effectiveness of these agencies in accomplishing their missions. FBI investigative responsibilities have expanded due to a much wider geographic access, increase in numbers of individuals requiring investigation, and the use of sophisticated technical collection equipment on the part of foreign intelligence personnel.

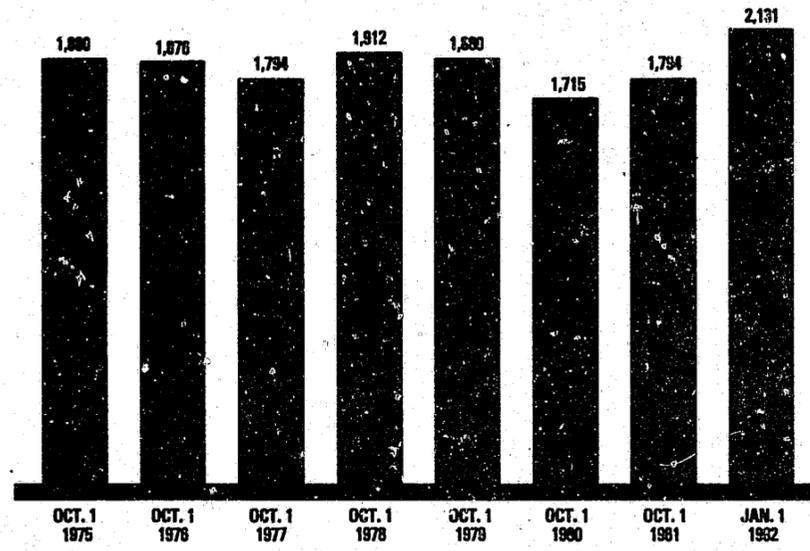
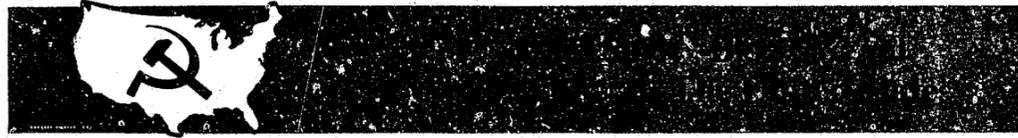
The FBI has experienced an increase in the number of Soviet immigrants; a large influx of repatriated American citizens, former political prisoners and their dependents from Cuba; substantial increase of investigative responsibilities as a result of the recent diplomatic recognition of the People's Republic of China (PRC); and an augmented effort to monitor and/or thwart the scientific and technological drain to foreign intelligence services.

Exhibit No. 20

The PRC presence has grown significantly within the last 2 years. There are now four PRC diplomatic establishments in the U.S. and 5,000 students. The PRC student population is expected to increase to 12,000 by 1984. It is the FBI's responsibility to detect intelligence officers implanted among these persons.

An area of increasing concern and responsibility of the FBI's FCI program is international terrorism. The number of foreign terrorist investigations has also increased over the last year. The FBI is charged with primary jurisdiction and overall responsibility for direction of investigations with regard to international terrorist incidents.

The FBI has a defined role within the Intelligence Community. Inasmuch as foreign-directed intelligence activities and terrorism are transnational in nature, the FBI must coordinate investigative operations with other United States agencies and cooperating foreign police and security services in order to insure the accomplishment of established FCI objectives. This liaison is a most integral component in the FBI's FCI program.



1090

Exhibit No. 21

TERRORISM

APPROXIMATELY 99 PERCENT OF ALL TERRORIST ACTIVITY IN THE UNITED STATES FALLS WITHIN THE JURISDICTION OF THE FBI. THUS, IT IS THE FBI'S RESPONSIBILITY TO INSURE THAT THE PREVENTIVE (INTELLIGENCE-GATHERING) AND REACTIVE (CRIMINAL INVESTIGATIVE) CAPABILITIES OF THE FBI ARE SUFFICIENT TO MEET THE THREAT OF TERRORISM IN THIS COUNTRY. SEVERAL EXHIBITS DESCRIBING THIS PROGRAM FOLLOW:

TERRORISM INVESTIGATIONS

Terrorism investigations are undertaken in order to detect, prevent, and/or react to unlawful, violent activities of individuals or groups whose intent is to either overthrow the Government, interfere with the activities of a foreign government in the United States; substantially impair the functioning of the Federal Government, a state government, or interstate commerce, or deprive Americans of their civil rights as guaranteed by the Constitution, laws, and treaties of the United States. The authority for these investigations is derived from Federal statutes and Executive Orders from the President and the Attorney General. In addition, violations of certain Federal statutes, which would logically relate to terrorism--such as bombing matters, nuclear extortion, sabotage, and the protection of foreign officials--are handled within the Terrorism Program.

Terrorist activity, which is defined as violent acts or acts dangerous to human life which are criminal under the laws of the United States and which are intended to intimidate or coerce the civilian population or influence the policy of the Government through intimidation or coercion, is investigated as part of this program. In order to combat terrorism, quality intelligence must be gathered and acted upon to prevent planned violence from occurring. Intelligence in this regard refers to FBI investigations, together with their resultant product, which ascertain information on the activities of individuals or groups involved in violence and violations of Federal law for the purposes enumerated in the Attorney General's Guidelines.

Domestic security investigations, which comprise only a small segment of the Terrorism Program, are based primarily on the Attorney General's Domestic Security Guidelines, which became effective in the FBI on April 6, 1976. As of December 29, 1981, there were 10 organizations and 16 individuals under investigation based on these Guidelines. If an individual or group is foreign-directed or foreign-based, investigation must conform to the Attorney General's Foreign Counterintelligence Guidelines, which were issued on June 1, 1973, and last revised in April of 1980.

Domestic security investigations in the FBI underwent a radical change, both in number and in scope, as a result of the adoption of the Attorney General's Guidelines for Domestic Security. The FBI's policies of quality over quantity management and restricting investigation of individuals to leaders and policy makers also had a major impact on the limitation of domestic security cases.

While the terrorism program as a whole is not listed as a top priority program of the FBI, when an act of terrorism occurs which requires an immediate reaction, the Bureau's response becomes a top priority. Terrorist acts continue to be performed as evidenced by the murders of former Iranian Press Attache Ali Tabatabai and Cuban U.N. Attache Felix Garcia in 1980, and the continued bombing attacks by the Cuban terrorist group Omega Seven, The Armenian terrorist groups, the Puerto Rico pro-independence terrorist groups, and the Jewish Defence League in 1981. These actions by terrorists are violent criminal acts deliberately calculated to create maximum physical and emotional disruption. Incidents such as these mirror the mobility and complexity of modern society, and demonstrate that terrorist activity transcends both national and international borders.

Since approximately 99% of all domestic security activities fall within the investigative responsibilities of the FBI, it is necessary for the Terrorism Program to be characterized by determination and innovation. In an attempt to increase the intensity and variety of its response, the Terrorism Program has begun employing several new resources. The application of the Racketeer Influenced and Corrupt Organization (RICO) Statutes to terrorist activity has provided further thrust to the investigation of terrorist groups who are involved in murder, extortion, bombing or arson activity. In the recent past, the RICO Statutes were successfully used against Croatian terrorists to prevent a bombing and assassination plot from taking place and to effect the arrest and conviction of several key members of this group. New legislative areas are being researched for improvement of laws. Computerization of major case information has begun to assist in the analysis and retrieval of vital information. Special investigative techniques such as aircraft and technical surveillance have provided timely and valuable information on the activities of terrorists. The ominous nature of terrorist acts does not allow for complacency in planning for a response to these incidents or in obtaining advanced information of planned violent activity. Therefore, the future strategy of the Terrorism Program is as dynamic as the course of terrorist activity.

AGENT TIME SPENT BY MAJOR CATEGORY OF TERRORISM INVESTIGATIONS: FY 1981

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Neutrality Matters	5	4.0%	.1%
RICO - Terrorism	23	18.2%	.3%
Passport and Visa Matters	5	4.2%	.1%
Domestic Security	9	7.4%	.1%
Atomic Energy Act	2	1.9%	---
Protection of Foreign Officials	12	9.6%	.2%
Domestic and Foreign-Based Bombing Matters	50	39.4%	.7%
Bombing Matters - Other attempts and actuals	3	2.3%	---
Espionage - X	4	3.3%	.1%
Bomb Threats	4	2.7%	.1%
Informants	7	5.5%	.1%
All others	<u>2</u>	<u>1.5%</u>	<u>---</u>
Total Terrorism Program	126	100.0%	1.8%

1094

Exhibit No. 23

OTHER INVESTIGATIVE RESPONSIBILITIES

ALTHOUGH THE QUALITY CASE CONCEPT DICTATES THAT THE FBI WILL REFER LOWER FEDERAL PRIORITY INVESTIGATIONS TO LOCAL AUTHORITIES WHEN FEASIBLE AND WHERE DUAL JURISDICTION EXISTS, THE FBI STILL HAS A PROMINENT ROLE IN MANY REACTIVE-TYPE INVESTIGATIONS. THESE INVESTIGATIONS ARE MOSTLY IN THE PROPERTY AND PERSONAL CRIMES PROGRAMS. THE FBI'S POLICY WITH RESPECT TO BANK ROBBERY INVESTIGATIONS IN THE PERSONAL CRIMES PROGRAM WILL BE TO CONTINUE TO RESPOND TO EACH VIOLATION AS IT OCCURS AFTER WHICH A DETERMINATION CAN BE MADE AS TO WHETHER FEDERAL OR LOCAL AUTHORITIES WILL BE RESPONSIBLE FOR THE CASE. THE FBI WILL ASSUME RESPONSIBILITY FOR INVESTIGATING THOSE CASES WHERE THERE IS VIOLENCE, INJURY, DEATH, HOSTAGES, OR INDICATIONS OF ORGANIZED CRIME OR INTERSTATE ACTIVITY.

SOME OTHER INVESTIGATIVE RESPONSIBILITIES OF THE FBI INCLUDE PERSONAL CRIMES, FUGITIVES, CIVIL RIGHTS, GENERAL GOVERNMENT CRIMES, AND GENERAL PROPERTY CRIMES. THE FOLLOWING EXHIBITS RELATE TO THESE TYPES OF MATTERS AS WELL AS TO INFORMANTS:

PERSONAL CRIMES PROGRAM

The Personal Crimes Program of the FBI addresses a group of reactive criminal investigative matters which involve the common characteristics of threatened or actual personal injury or loss of life. These crimes, which include bank robberies, extortions, kidnappings, aircraft hijackings, assaults against the President of the United States and other elected and appointed officials, among others, often have considerable impact on the communities and individuals involved due to their potential for violence, the high public profile of their victims, and their potential for substantial monetary losses. Through its investigations of these offenses, the FBI seeks to reduce the impact of personal crime victimization by providing an investigative response to reported violations; identifying, collecting, and preserving evidence to direct and support investigative efforts; conducting logical investigation to identify, locate, and apprehend criminals responsible for personal crimes; and providing prosecutive support to United States Attorneys' Offices, and, when requested, local prosecutive officials. The "street-crime" nature of many Personal Crimes Program offenses directly involves the FBI in an effort to stem the growing incidence of violent crime experienced by communities across the Nation.

Investigative accomplishments attributable to the Personal Crimes Program contributed substantially to the overall performance and success of the FBI during Fiscal Year 1981. During this period, 1,284 arrests were made, 1,469 complaints were filed, 2,126 true bills of indictment were returned, and 2,038 convictions were obtained. Ninety-six percent of the convictions were for felony offenses and 91 percent of the individuals convicted were sentenced to a period of incarceration.

For Fiscal Year 1983, a total of 1,060 workyears are being requested for the Personal Crimes Program, including 683 Agent workyears and 378 support workyears.

Forcible crimes against financial institutions--bank robberies, bank burglaries, bank larcenies, and extortionate demands against banking institutions--constitute the primary investigative area of the Personal Crimes Program. During Fiscal Year 1981, Federal Bank Robbery Statute violations reached a record high of 7,642, a five percent increase over Fiscal Year 1980 and the fifth consecutive year violations have surpassed the previous years' total. Losses attributable to these 7,642 crimes totaled \$60,639,836. Firearms were used in 51 percent of the 6,883 bank robbery offenses. As of the close of Fiscal Year 1981, solutions were recorded in 3,870 of the 7,642 violations. Approximately 44 percent of the perpetrators identified in these solved cases were found to be users of narcotics. FBI investigation, either alone or in concert with state and local law enforcement contributed to 69 percent of the solved Fiscal

Exhibit No. 24

Year 1981 cases. Federal convictions for Bank Robbery Statute violations increased 14 percent during Fiscal Year 1981, totaling 1,715. Investigative efforts in this program area also yielded 1,020 arrests, 1,220 complaints, and 1,831 true bills of indictment. A major ongoing investigation in this area is the October, 1981, armed robbery of a Brinks armored truck, in which one guard was killed, and the subsequent shooting deaths of two Nyack, New York, policemen by members of the former Weather Underground Organization. Hobbs Act offenses directed against financial institutions totaled 228 during Fiscal Year 1981. Losses in these extortion/kidnap style offenses amounted to \$652,502. Resources requested for the Personal Crimes Program for Fiscal Year 1983 include a planned allocation of 693 workyears (448 Agent and 245 support) for investigations of forcible crimes against financial institutions.

Major investigative efforts are also continuing in several other areas of the Personal Crimes Program. Prosecution is pending in Atlanta, Georgia, of an individual indicted by the state in connection with the murders of two adults who were among 29 children and young adults disappearing over an approximate two-year period in the Atlanta area. This individual was arrested by local authorities based upon information developed by the FBI and Atlanta Police Department during their investigation of these crimes. A year-long investigation of an attempted extortion of a Nevada casino was brought to a successful conclusion with the arrest of six individuals in California by FBI Agents. This case received nation-wide notoriety after the perpetrators placed an improvised explosive device in the casino's executive offices. After payoff attempts failed, an attempt to neutralize the bomb triggered its detonation and resulted in extensive property damage. Trial preparation is also underway in connection with the March, 1981, assassination attempt against President Ronald Reagan. In this incident, a lone gunman fired six shots at the President, who was entering his limousine outside a Washington, D.C., hotel. Wounded were the President, Presidential Press Secretary James Brady, a U. S. Secret Service Agent and an officer of the Metropolitan Police Department, Washington, D.C. Investigation is also continuing into the May, 1979, assassination of U. S. District Court Judge John H. Wood in San Antonio, Texas.

AGENT TIME SPENT BY MAJOR CATEGORY OF PERSONAL CRIMES INVESTIGATIONS: FY 1981

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Kidnaping	82	11.1%	1.2%
Extortion	52	7.1%	.7%
Assaulting or Killing a Federal Officer	57	7.8%	.8%
Forcible Crimes Against Financial Institutions	455	62.0%	6.5%
Hobbs Act - Commercial Institutions	45	6.1%	.7%
Crime Aboard an Aircraft	15	2.1%	.2%
Assaulting the President	15	2.0%	.2%
All others	<u>13</u>	<u>1.8%</u>	<u>.2%</u>
Total	734	100.0%	10.5%

1098

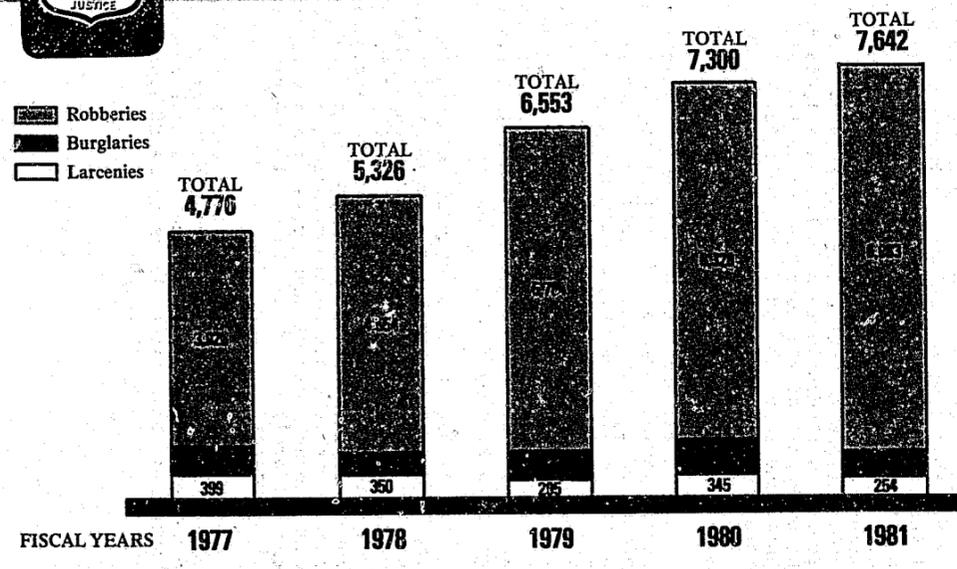
Exhibit No. 25



# Federal Bank Robbery Statute

## Violations Reported

- Robberies
- Burglaries
- Larcenies



1099

Exhibit No. 26

FUGITIVE INVESTIGATIONS

In Fiscal Year 1981, a total of 6,286 fugitives wanted by the FBI were successfully taken into custody. This total includes 4,997 "arrests" and 1,289 "locates". Of those taken into custody, 1,198 were being sought at the request of state, local and other Federal agencies, including the Department of Defense, for violations of the Unlawful Flight Statute, escaped Federal prisoners, bond default and military deserters. Included in this number were 1,085 fugitives being sought on behalf of the local and state law enforcement community under provisions of the Unlawful Flight Statute. The remaining 5,088 fugitives arrested or located during fiscal year 1981 had been charged with substantive Federal violations within the FBI's investigative jurisdiction.

The FBI and Drug Enforcement Administration (DEA) are perfecting various avenues of cooperation to attack major drug offenders and traffickers. It has been determined that the FBI can be of immediate and significant assistance to DEA by assuming a portion of DEA's fugitive workload. During September and October, 1981, DEA referred 312 fugitive cases to the FBI for investigation. The subjects of these cases are Class I and Class II violators for whom Federal warrants are outstanding. These cases are now under investigation by FBI Agents in various parts of the country.

The Department of Justice referred 132 Selective Service Act cases to the FBI for investigation shortly before the end of the fiscal year. The subjects of these cases are individuals who are suspected of willfully failing to register. Each case is coordinated closely with the appropriate U.S. Attorney's office in an effort to secure the subject's compliance with the Act before prosecution is undertaken. Although the subjects of these cases are not fugitives at present, enforcement of the statute is administered within the fugitive program.

The FBI's responsibilities for seeking individuals wanted for substantive violations within its jurisdiction, and those wanted by the local and state law enforcement community who have fled across state lines to avoid apprehension or confinement, remain unchanged.

AGENT TIME SPENT BY MAJOR CATEGORY OF FUGITIVE INVESTIGATIONS: FY 1981

<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Bond Default and Desertion	---	0.2%	---
Escaped Federal Prisoner	3	1.4%	.1%
Selective Service Act	---	0.2%	---
Unlawful Flight to Avoid Prosecution - Subject wanted for violent crime	170	78.2%	2.4%
Unlawful Flight to Avoid Prosecution - Subject wanted for property crime or narcotics	20	9.0%	.3%
Unlawful Flight to Avoid Prosecution - All others	<u>24</u>	<u>11.0%</u>	<u>.3%</u>
<b>Total</b>	<b>217</b>	<b>100.0%</b>	<b>3.1%</b>

1011

Exhibit No. 28

CIVIL RIGHTS INVESTIGATIONS

The Civil Rights Program of the FBI investigates matters that involve the actual or attempted abridgement of rights provided to citizens and inhabitants of the United States under the constitution and laws of the country. The primary objective of this program is to enhance and protect those rights through expeditious investigation of matters within FBI jurisdiction. Both civil and criminal matters are investigated in close coordination with the Civil Rights Division of the United States Department of Justice.

The FBI investigated 10,084 civil rights cases in fiscal year 1980 and 9,150 cases in fiscal year 1981. It is estimated that between 9,000 and 10,000 civil rights cases will be investigated during the current fiscal year. Civil rights investigations, many of which are extensive, are conducted pursuant to policy established by the United States Department of Justice.

Resources will also be used in 1983 to provide specialized instructional programs to FBI Field Supervisors and Managers at the FBI Training Academy, Quantico, Virginia, to enhance managerial and investigative skills of Special Agents in civil rights investigations, including keeping abreast of the complex Civil Rights Statutes, in order to afford timely, accurate, and effective responses in civil rights matters.

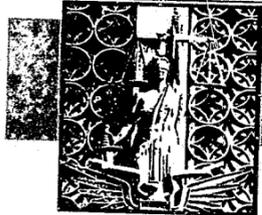
Similar programs will be conducted for local and state law enforcement officers attending the FBI National Academy at Quantico, Virginia, to increase their knowledge concerning Constitutional rights and the special duties and obligations which the law imposes on them to uphold and protect such rights.

In fiscal years 1980 and 1981, twenty-four hours of instruction were provided to 48 FBI Supervisors at the FBI Academy to improve their managerial techniques in civil rights investigations. FBI Headquarters management personnel also provided 472 hours of instruction each year in civil rights matters to state and local police officers attending the FBI National Academy. It is estimated that similar amounts of time will be devoted to instruction in civil rights matters during the current fiscal year.

AGENT TIME SPENT BY MAJOR CATEGORY OF CIVIL RIGHTS INVESTIGATIONS: FY 1981

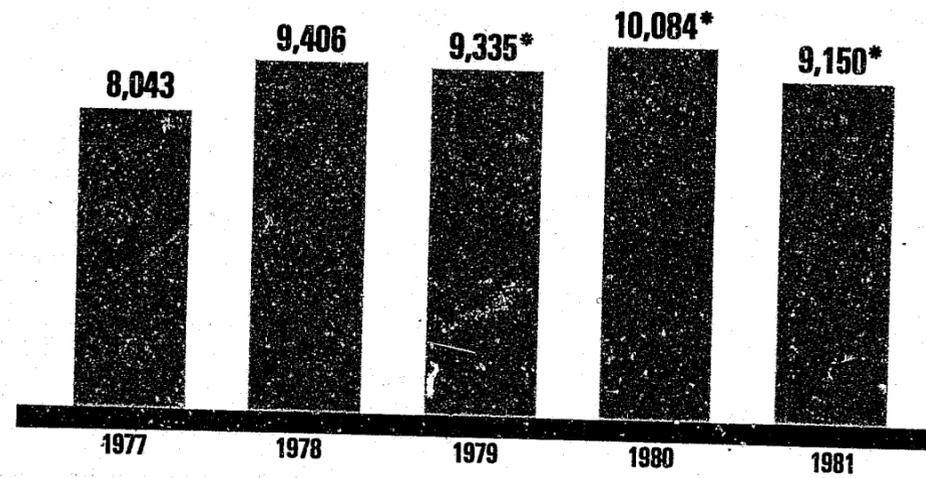
<u>Major Category</u>	<u>Agent Work-years (Includes Field Supervisors)</u>	<u>Percent (%) of Program</u>	<u>Percent (%) of Total Field Agent Time</u>
Civil Rights - Preliminary investigations involving violence	114	78.4%	1.6%
Civil Rights - All other preliminary investigations	7	4.5%	.1%
Civil Rights - Miscellaneous	12	8.0%	.2%
Civil Rights Act of 1964	3	2.1%	---
Discrimination in Housing	7	4.6%	.1%
All Others	<u>3</u>	<u>2.4%</u>	<u>.1%</u>
<b>Total</b>	146	100.0%	2.1%

1103



# Civil Rights Cases Received By The FBI

Fiscal Years (1977-1981)



\* These figures include violations of both criminal & civil statutes

Exhibit No. 31

1104

GENERAL GOVERNMENT CRIMES PROGRAM

The FBI investigates major violations involving criminals and criminal groups whose activities are directed against property owned by the United States Government and/or individuals who are located on property where the United States has investigative jurisdiction. These crimes involve theft of Government weapons or explosives, high-value property, and acts of violence, (i.e., homicides, assault, and robbery) occurring on Government reservations, in Indian Country, and in Federal penitentiaries. This includes approximately 430 major Department of Defense installations and 125 Indian reservations. During fiscal year 1981, 1,563 criminal informations and indictments were obtained, 1,052 persons were convicted, 611 were arrested and/or located, and recoveries amounting to \$5,436,089 were accomplished under this program.

Crime on Government reservations frequently involves violence, such as a recent case where four members of a family were found shot to death in a remote canyon area of a western state. Local authorities were conducting the initial investigation until a survey of the crime scene determined that the four bodies were located on a military reservation. Subsequent investigation by the FBI resulted in the arrest and conviction of an eighteen year old male. A sixteen year old male, tried in court as an adult, was also convicted in this case. Both individuals are currently serving terms of life imprisonment for the murders of the family members.

The Nation's Indian reservations are extremely vulnerable to violent civil disturbances which can result in widespread lootings, arson and crimes of violence. The FBI and the Departments of Justice and Interior have executed a Memorandum of Understanding which delineates the respective roles of Federal law enforcement agencies in future Indian reservation civil disturbances. This will achieve an improved reactive response in future civil disturbances, thus enabling law enforcement to lessen the magnitude of disruption in future occurrences.

GENERAL PROPERTY CRIMES PROGRAM

Property crime continues to account for 90 percent of all reported crime in the United States with an increase of 54 percent between the years 1971 and 1980. The FBI Property Crimes Program includes investigations of armed robbery and burglary of jewelry, precious metals, artworks, and other valuable property, and thefts of automobiles, trucks, aircraft, and heavy construction equipment. These crimes often include acts of violence in either the commission of the crime or the subsequent trafficking in stolen property. One indication of the magnitude of the property crimes problem and the cost to the American public is that during 1981, motor vehicle thefts reported to the National Crime Information Center ran in excess of 80,000 vehicles per month with a monthly loss value exceeding \$310,000,000.

The objective of this program is the identification and solution of property crimes within the jurisdiction of the FBI, particularly those of a patterned, commercialized, or major nature; and arrest and prosecution of top thieves, fences, and organized crime activity continues to be essential due to the mobility of both property and individuals across state boundaries which presents jurisdictional, investigative, and prosecutive problems which may be impossible for local authorities to overcome.

In addition to the traditional investigative approach, the use of the undercover technique has proven to be extremely effective in combating property crime. By utilizing Special Agents posing as thieves and fences, numerous theft rings have been penetrated and direct evidence obtained which has resulted in successful prosecutions of those directly involved in criminal activity as well as high level individuals who have heretofore sufficiently isolated themselves from prosecution. These operations have frequently established a direct connection between property crimes and organized crime and have developed substantial information regarding the flow of narcotics and the corruption of public officials.

Property crime undercover operations have successfully penetrated organized crime related automobile theft and "chop shop" operations in New York and Chicago, and have identified individuals, including Mexican officials, responsible for the theft and export of vehicles and heavy equipment to Mexico and South America. Operations in Cleveland, Las Vegas, and Washington, D.C., have resulted in the identification of individuals responsible for burglaries and thefts of precious metals and other valuable property. Current operations are targeted at thefts of the above items as well as thefts of oil field equipment, interstate shipments and computer equipment and technology.

Exhibit No. 33

During Fiscal Year 1981, the General Property Crimes effort resulted in the conviction of 1,311 persons, 895 arrests, and 135 subjects located. In this period, stolen property in the amount of \$139,249,758 was recovered, \$887,972 in fines was assessed, and \$593,856,583 in potential economic loss was prevented.

FBI INFORMANTS

Many sources of information are available to the FBI, but informants undoubtedly provide the single most important means of obtaining information in its most complex investigations. The nature of investigation has become more complicated, and criminal enterprises have reached the degree of sophistication where any anticipation of success would be impossible without the use of informants. Most of the long-term undercover operations and the utilization of electronic surveillance would not be possible without the participation of informants. Informants provide information of intelligence value, the solution of crimes, the recovery of stolen property and contraband, the location of wanted persons, and the detection of crimes in the planning stages.

Informants furnish information regarding criminal acts which are in violation of state laws and of Federal law over which the FBI does not have jurisdiction, such as narcotic trafficking. This information is disseminated to the appropriate law enforcement agency and has greatly assisted overall detection and enforcement of the law at all levels.

The FBI attempts to develop informants who have a willingness and ability to provide information on a regular basis and are of known reliability in matters within its investigative jurisdiction. The ability to control these individuals is also utilized as a factor in determining their suitability to act as FBI informants.

Informants are paid on a cash-on-delivery basis for services rendered and expenses incurred. The amount paid to an informant is determined by the FBI based on the value of the information received.

Informants are not used by the FBI to circumvent legal or ethical restrictions. They are given specific instructions not to participate in acts of violence, use unlawful techniques to obtain information, or initiate a plan to commit criminal acts. Informants are sometimes allowed to participate in criminal activities with persons under investigation if it is determined necessary to obtain information needed for purposes of Federal prosecution. If this participation in criminal acts involves serious criminal activity, authorization is obtained from the U.S. Department of Justice prior to an informant's being used.

Exhibit No. 34

COORDINATION OF INVESTIGATIONS

THE FBI COORDINATES INVESTIGATIONS AND IMPLEMENTS NATIONAL POLICY DECISIONS CENTRALLY AT ITS HEADQUARTERS IN WASHINGTON, D. C. REQUIREMENTS FOR THIS FUNCTION ARE \$17,915,000 AND 487 POSITIONS, AN INCREASE OF \$1,258,000. DETAILS ON THIS PROGRAM ARE PROVIDED IN THE FOLLOWING EXHIBIT:

HEADQUARTERS COORDINATION OF INVESTIGATIONS

The primary purpose of this activity is the overall management of field efforts in ten investigative programs identified as: Civil, Applicant and Other Investigations; Organized Crime; White-Collar Crime; General Government Crimes; Fugitive; Personal Crimes; General Property Crimes and General Crimes Informants; Civil Rights; Terrorism; and Foreign Counterintelligence (FCI). This management function includes such responsibilities as the development of new initiatives, the evaluation of field efforts in connection with each funded program, the administration of certain funds, the coordination of major investigations, the establishment of policy, the identification of training needs, the allocation of investigative resources throughout the field, and the maintenance of liaison with other agencies of the Executive Branch and the Legislative Branch of the Government.

Exhibit No. 35

TRAINING

ALL NEW AGENT APPOINTEES MUST ATTEND A TRAINING COURSE AT THE FBI ACADEMY IN QUANTICO, VIRGINIA. THIS TRAINING, IN-SERVICE TRAINING FOR FBI PERSONNEL AND FIELD FEDERAL TRAINING WILL REQUIRE \$21,309,000 AND 412 POSITIONS.

COST-FREE TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT OFFICIALS IS PROVIDED AT THE FBI ACADEMY AND THROUGHOUT THE FIELD. THIS PROGRAM ACCOUNTS FOR \$12,479,000 AND 283 POSITIONS. THE FOLLOWING EXHIBITS DESCRIBE THESE TRAINING PROGRAMS:

FBI TRAINING

Training provided by the FBI can be generally categorized into two areas: Basic - new agents' training at the FBI Academy, and Specialized - in-service training for Special Agents and support personnel at the Academy and at the field office level.

The New Agents' Training Program provides a high level of instruction to insure that basic knowledge and skills are developed to enable new Special Agents to discharge their complex responsibilities when they are initially assigned to investigative operations in the field. The First Office Agent also receives professional guidance, assessment and training during their probationary period in the field.

Specialized training is accomplished through formal in-service programs conducted at the FBI Academy for Special Agents and support personnel. Direct field support programs utilizing FBI Academy instructors and/or police instructors assigned to the various field offices affords additional in-service training at the field level.

In-service training is designed to develop the full potential of all Bureau personnel and to specifically enable them to:

- conduct complex investigations in our highest national priorities; organized crime, white-collar crime, and foreign counterintelligence, as well as carry out all other general criminal investigations, and
- apply basic law enforcement skills and knowledge such as legal, behavioral science, firearms, defensive tactics, and raid and arrest techniques.

Employees participate in sophisticated management, assessment, and education program to improve the abilities of support managers as well as our mid and upper-level FBI executives to more effectively carry out their complicated responsibilities including personnel and program management, affirmative action, media relations, and budgeting.

In-service training provides job enrichment and career development opportunities for personnel through educational programs at the FBI Academy and elsewhere.

Training efforts at the Academy and in the field support crisis management training for FBI personnel who will be expected to respond in the event of terrorism, aircraft hijacking, hostage incidents, and other life-threatening situations.

Exhibit No. 36

FBI training efforts include faculty improvement and research and development programs, which are essential to provide proper direct field support and training program improvement and assessment.

During fiscal year 1981, 5,051 FBI employees attended various training sessions conducted at the FBI Academy. Three-hundred and twenty new agents received training during this period, with 313 actually being graduated during the fiscal year. Specialized in-service training included courses in white-collar crime, organized crime, foreign counterintelligence, legal matters, crisis management, forensic science matters, behavioral science topics, pilot training and certification, management and executive development, technical and electronic training, and instructor and special seminars.

POLICE TRAINING OPERATIONS

The FBI provides courses of instruction for state and local criminal justice practitioners on a cost-free basis, both at the FBI Academy and throughout the United States at state, regional, and local training facilities in order to improve their administrative, investigative, management, and technical capabilities. This instruction is offered consistent with instructional expertise, availability of personnel, and budgetary limitations.

The principal course offered at the FBI Academy is the "FBI National Academy Program." This is an eleven-week, multi-disciplined course for seasoned law enforcement managers nominated by their agency heads because of their potential for continuing advancement. Sessions are conducted four times a year for a total of 1,000 officers annually. The academic courses in this program are accredited by the University of Virginia.

In response to a void in executive training, the FBI in 1976 initiated the National Executive Institute. This 18-day program, specifically designed for the police chief executives of our Nation's largest law enforcement agencies, is conducted at the FBI Academy on an annual basis. Over 150 chief executives have been graduated from this program. In fiscal year 1981 the Law Enforcement Executive Seminar, which is designed for police chiefs from mid-sized agencies, was implemented and graduated 57 executives.

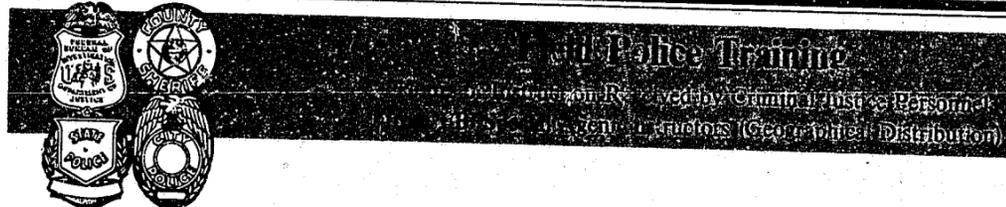
Specialized schools and courses dealing with a broad range of criminal justice related topics such as Police Personnel Communications, Hostage Negotiation, Terrorism and Counterterrorism, Death Investigations, Interpersonal Violence, Criminal Psychology, and similar subjects are offered at the Academy. They range in length from three days to four weeks and during fiscal year 1981, 145 specialized schools and symposia were offered for 3,774 state and local law enforcement officers. Included in this figure were the following national conferences: Fourth International Symposium on Terrorism presented to 129 top Federal, state and local law enforcement officials; Crime Laboratory Development Symposium with 145 attendees; and Uniform Crime Reporting Symposium with 125 attendees. In addition, an International Symposium was attended by 17 officials.

In addition to course offerings, FBI Academy faculty provided research and consultation to local law enforcement on a myriad of topics and investigative techniques, including psycholinguistics, forensic hypnosis, psychological profiling of unknown subjects of multiple homicide and sex crime cases, hostage negotiations, and crisis management.

Exhibit No. 37

During fiscal year 1981, FBI instructors provided 57,900 hours of instruction in 4,552 law enforcement schools attended by 139,719 criminal justice practitioners.

Instructors from FBI Headquarters supported this field training effort in a variety of subjects such as forensic science, applied criminology, identification matters, management, uniform crime reporting, arson, death investigation, and instructor development. The Training, Laboratory, Identification, Criminal Investigative, and Technical Services Divisions offered a total of 366 specialized schools to local, county, and state criminal justice personnel.



FISCAL YEAR 1981

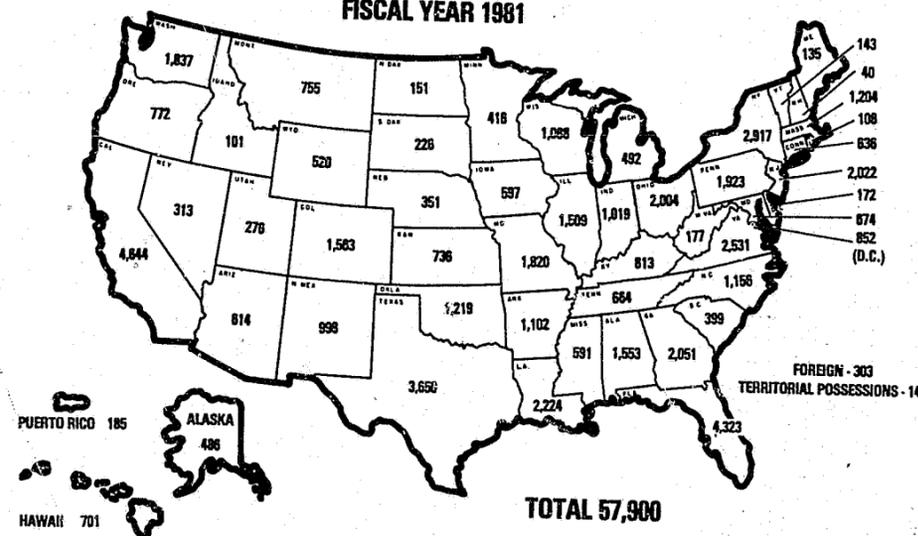


Exhibit No. 38

1116

LABORATORY SERVICES

A TOTAL OF \$14,516,000 AND 312 POSITIONS WILL BE NEEDED FOR LABORATORY EXAMINATIONS AND EXPERT TESTIMONY INVOLVING FBI CASES, AN INCREASE OF \$2,644,000 AND 24 POSITIONS. THESE POSITIONS ARE NECESSARY TO PROVIDE SCIENTIFIC AND TECHNICAL SUPPORT AND TRAINING IN THE LATEST FORENSIC SCIENCE TECHNIQUES. IDENTICAL SERVICES ARE PROVIDED BY THE SAME EMPLOYEES TO ANY REQUESTING STATE AND LOCAL LAW ENFORCEMENT AGENCY. THIS WILL REQUIRE \$6,782,000 AND 122 POSITIONS IN FISCAL YEAR 1982, WHICH IS \$391,000 AND 1 POSITION MORE THAN THE BASE FOR 1981. THESE TWO PROGRAMS ARE EXPANDED UPON IN THE FOLLOWING EXHIBITS:

Laboratory Services

The FBI Laboratory is one of the largest and most comprehensive crime laboratories in the world. Since its inception in 1932, it has provided leadership and service in the scientific solution and prosecution of crimes in the United States.

FBI Laboratory services are funded and administered under two programs called Forensic Services - Federal and Forensic Services - Non-Federal. Although a distinction is made in administering funds and capturing statistics, all Laboratory examiners and technicians work in both programs using the same laboratory facilities and instrumentation.

Under the Forensic Services - Federal program FBI laboratory examiners participate in ongoing field investigations by conducting crime scene searches; performing special surveillance photography; executing search warrants; and providing other on-scene scientific and/or technical services as necessary. Forensic examinations of evidence are performed in the Laboratory in support of FBI and other Federal investigations. Expert court testimony and demonstrative evidence are provided as necessary to enhance prosecutive efforts. Funding in this program also supports an active and successful forensic science research program and forensic science training for Federal investigative and crime laboratory personnel at the newly completed Forensic Science Research and Training Center. This 7.5 million dollar facility was painstakingly designed and equipped to meet the rigorous demands of these activities.

Under the Forensic Services - Non-Federal Program the extensive resources of the FBI Laboratory are made available to state and local law enforcement agencies throughout the United States. The present policy is to concentrate on providing sufficient training to state and local crime laboratory examiners of physical evidence and decrease their dependence on the FBI Laboratory. Direct services will continue to be provided in cases when law enforcement agencies do not have access to jurisdictional laboratories and instances where the jurisdictional laboratory does not have the necessary instrumentation and/or expertise to perform the indicated examination.

The success of efforts to decrease reliance of state and local law enforcement agencies on the FBI Laboratory, through providing highly specialized training in forensic disciplines to their crime laboratory examiners, is dependent upon adequate funding for this program. Much of this training is not available anywhere else in the United States and without it jurisdictional laboratories will find it difficult to improve and expand their capabilities.

Exhibit No. 39FBI LABORATORY ACCOMPLISHMENTS

During fiscal year (FY) 1981, 910,810 forensic examinations were conducted by the FBI Laboratory. Compared to the FY 1980 total of 719,060, there was an increase of nearly 27%. FBI Laboratory management credits this increase to advanced technology which has broadened evidence examination potential, and to complex cases resulting from the emphasis placed on priority FBI investigative programs.

Of those examinations performed, approximately 612,651 or 67% were conducted at the request of FBI and other Federal agencies. The remaining 33%, or approximately 298,159 examinations, were performed pursuant to requests received from the non-Federal sector (state, county, and municipal law enforcement agencies). Throughout FY 1981, Laboratory examiners responded to 955 commitments for testimony in courts of various jurisdiction throughout the United States. These commitments required the expenditure of 2,012 workdays. In slightly over 18% of these commitments our examiners were not required to take the stand because of guilty pleas, case dismissals, stipulations, etc. These court appearances without testimony required a total of 359 workdays.

Other notable accomplishments include the translation of 13,742 pages of foreign language text and the preparation of 5,333 investigative and prosecutive aids.

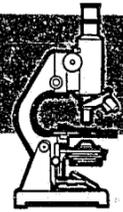
Exhibit No. 40

CURRENT FBI LABORATORY RESEARCH AND TRAINING EFFORTS

The Forensic Science Research and Training Center located at the FBI Training Academy was formally opened and dedicated on June 16, 1981. This unique facility houses both research and training laboratories and classrooms, and serves to meet the needs of the forensic science community by providing an outstanding environment for practical "hands-on" training and applied research.

The FBI Laboratory engages in a full program of forensic science training for Federal, state, and municipal law enforcement/crime laboratory personnel. During FY 81, over 1,200 individuals representing various Federal investigative agencies received training in one or more forensic science topics. This training program is designed to maximize the use of physical evidence in the solution and prosecution of crime and enhance the capabilities of personnel from state and local crime laboratories throughout the United States, thereby serving to reduce their respective organization's dependence on FBI Laboratory facilities.

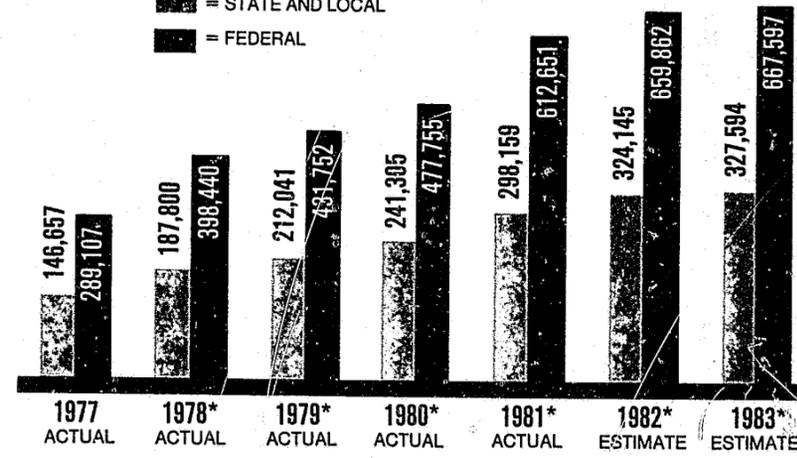
In order to stay abreast of advancing technology, the FBI Laboratory engages in a research program which encompasses the entire range of forensic disciplines and focuses on targets identified through close liaison not only with FBI investigators, but with the entire law enforcement community. Results of this research are shared through publication of the "Crime Laboratory Digest" which is circulated throughout the law enforcement community. Laboratory scientists also prepare articles for various scientific journals. The most recent noteworthy advances in research include the sex determination from a dried bloodstain and the introduction of a tagging technique for identifying stolen gasoline in bulk quantities.



# FBI Laboratory Examinations for Federal, State and Local Agencies

*Fiscal Years*

■ = STATE AND LOCAL  
■ = FEDERAL



\* Figures include change in collecting examination statistics to demonstrate examinations conducted in document matters in a more accurate manner.

Exhibit No. 42

1121

FINGERPRINT IDENTIFICATION

THE FBI STILL MAINTAINS THE LARGEST FINGERPRINT STORAGE AND RETRIEVAL SYSTEM IN THE COUNTRY. LATENT FINGERPRINT EXAMINATIONS AND EXPERT TESTIMONY ARE ALSO AVAILABLE. UNDER THIS REQUEST THE FINGERPRINT IDENTIFICATION PROGRAM WILL REQUIRE 2,831 POSITIONS AND \$67,940,000, A DECREASE OF 200 POSITION FROM THE PREVIOUS YEAR. THE FOLLOWING EXHIBITS RELATE TO FBI FINGERPRINT OPERATIONS:

FINGERPRINT OPERATIONS

The FBI's Identification Division serves as the national repository and clearinghouse for fingerprint records. In that capacity, the Division furnishes identification and arrest record services to over 17,800 agencies which are authorized by Federal statutes, regulations, and executive orders to utilize the Division's services. The Division's files act as a "locator" or "index" of criminal arrest activity throughout the United States, thus avoiding time-consuming and costly checks of all 50 states to ascertain a person's complete criminal history. The increased mobility of today's criminals necessitates prompt, accurate, and complete criminal record checks, which can only be accomplished by use of the single point of inquiry provided by the Division.

When created by an Act of Congress in 1924, the Division possessed only about 810,000 fingerprint records. As of December 1, 1981, the Division possessed over 175 million fingerprint cards, of which over 79 million contain arrest data for approximately 21 million persons. The remaining 96 million fingerprint cards represent approximately 45 million persons who have been fingerprinted in connection with employment in Federal Government agencies, military service, alien registration, and personal identification.

The great amount of reliance placed upon the Division's services is evidenced by its enormous workload. During each workday of fiscal year 1981, the Division received an average of 45,656 pieces of mail of which 27,392 were fingerprint cards and 18,264 were requests for name checks, identification records, and other types of correspondence, including requests to expunge or purge arrest data previously submitted. These requests were submitted by: Federal, state, and local criminal justice agencies for law enforcement purposes; Federal, state, and local government agencies and officials for employment and licensing purposes; certain friendly foreign governments for international police cooperation purposes; and banking and securities institutions for employee security purposes.

The following types of services are provided by the Division: fingerprint card identification; arrest recordkeeping; posting of wanted and probation/parole notices; examination of physical evidence and crime scenes for latent fingerprints, and provision of court testimony as to the results; fingerprint training; and identification of amnesia victims and unknown deceased persons.

Major accomplishments during fiscal year 1981 included: the processing of about 6.5 million fingerprint cards and over 4.5 million other pieces of correspondence; the identification of 27,052 fugitives by their fingerprints; the handling of 22,635 latent fingerprint cases, some of which involved the use of advanced laser equipment technology; and the furnishing of assistance in the identification of deceased victims of the crash of an Air Force aircraft near Walkersville, Maryland, on May 6, 1981.

During the fall of 1980, a program to hire and train hearing-impaired persons as Fingerprint Examiners was implemented. Ten deaf employees are currently working in the Division, and three of them have successfully completed

the 12-week course for the position of Fingerprint Examiner. Since the feasibility of training hearing-impaired persons as Fingerprint Examiners has been demonstrated, a new field of employment for the handicapped has been established.

The Division continues to make significant progress toward automating its work functions. During fiscal year 1981, another one million arrest fingerprint cards were added to the Division's computerized file of fingerprints, bringing the file's total to over 14 million fingerprint cards. During fiscal year 1981, the Division inaugurated automated fingerprint searching in four of the 23 units of its Criminal Fingerprint File. Also, 831,004 first-time offender records were added to the Division's automated arrest record file. That file now numbers over 5.9 million arrest records, and is growing at the rate of over 3,000 new records each workday.

IDENTIFICATION DIVISION ACCOMPLISHMENTS

The Identification Division's workload continues to be very heavy. The following table lists some of the Division's work production accomplishments during fiscal year 1981:

<u>Type of Accomplishment</u>	<u>Number of Accomplishments</u>
Fingerprint cards processed	6,461,592
Correspondence, forms, and name checks processed	4,448,185
Expedite and special requests processed	87,832
Disposition reports processed	2,516,807
Wanted and probation/parole notices maintained on file	191,482
Fugitives identified by fingerprints	27,052
Expungement and purge requests processed	865,688
Nonserious offense entries deleted from arrest records	393,512
Latent fingerprint cases handled	22,635
Suspects identified from latent fingerprint examinations	4,082
Federal, state and local court appearances made by Latent Fingerprint Experts	250
Sentences resulting from court proceedings:	
Prison terms (Years)	2,930
Life sentences	18

Exhibit No. 44

AUTOMATED IDENTIFICATION DIVISION SYSTEM (AIDS)

The Automated Identification Division System (AIDS) is the name given to the FBI's project to automate the fingerprint work operations carried on in its Identification Division. Because of the enormity of the undertaking, AIDS is being implemented in three phases (called AIDS-I, AIDS-II, and AIDS-III) over a period of several years. Significant progress has been made to date as indicated below:

AIDS-I

This phase provided for the building of a computerized file of identification and arrest data on first offenders, the generation of name index cards for the Division's manual criminal name indices, and the generation of "No Record" or arrest record responses to fingerprint cards, name checks, and other types of inquiries. AIDS-I became operational on August 30, 1973, and since that time over 5.9 million first offender records have been entered into the system and kept updated with subsequent arrest and related data. On October 18, 1979, AIDS-I was phased over to AIDS-II.

AIDS-II

As indicated above, AIDS-II superseded AIDS-I on October 18, 1979. This phase provides for enhanced AIDS-I capabilities (e.g., allows for "on-line" processing versus previous "batch" processing) and the addition of computerized name-searching capability in place of the generation of name index cards for the manual criminal name indices. Computerized name searching of the automated arrest record file was initiated on October 29, 1979.

AIDS-III

This phase has yet to be implemented. When completed it will provide automated fingerprint searching capability. It will also incorporate all previously-developed capabilities (e.g., automated name searching) and data bases (e.g., the automated first-offender file), as well as new capabilities (e.g., conveyor beltways to automatically transport fingerprint cards from one work station to another) to make up a fully integrated, highly efficient, fingerprint card processing system. Consequently, this is the most difficult, time-consuming, and costly phase of the automation program.

As automated fingerprint identification capability had not been developed elsewhere, the FBI in 1967 embarked on a program of research and development for the purpose of inventing special-purpose computer equipment and logic to perform the task. Subsequently, the following milestones have been achieved in the program: the feasibility of automated fingerprint reading and matching (identification) was proven in a laboratory environment during 1968-69; a prototype fingerprint reader was acquired in 1972; a prototype fingerprint matcher was acquired in 1976; five production-model fingerprint readers were acquired during 1976-77; these five readers were used to convert over 13.5 million criminal fingerprint cards to computerized form during 1977-80; and a pilot automated fingerprint searching unit was implemented in 1979.

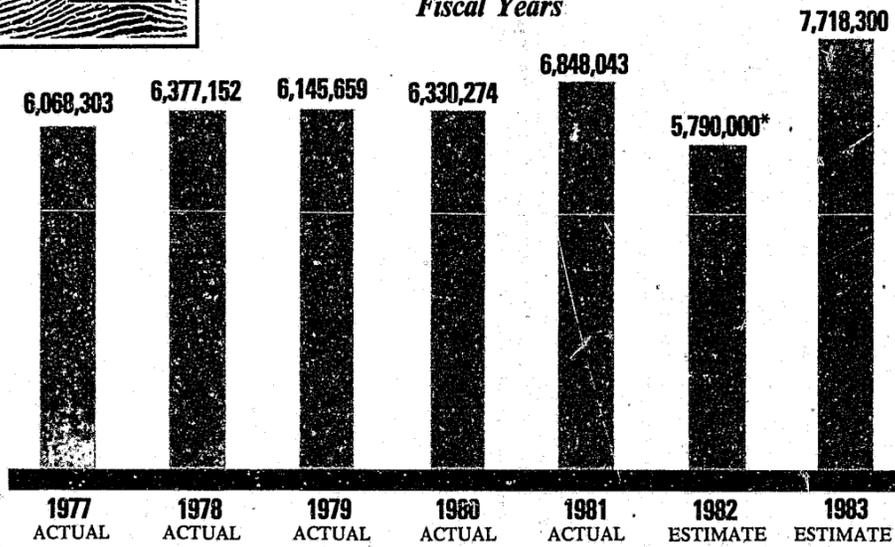
The next step is to proceed with the procurement and implementation of AIDS-III. This phase was originally scheduled to be completed in 1983; however, funding was withheld from the budgets for fiscal years 1980, 1981, and 1982. The reason for withholding funds from the 1981 and 1982 budgets was to await the results of a study by the Jet Propulsion Laboratory (JPL) on the technical, economic and operational feasibility of AIDS-III. In a preliminary report dated November 15, 1980, JPL advised that it is not feasible for the Identification Division to continue to operate in its current mode; and therefore, the FBI should proceed with automation as soon as possible. The report made a number of recommendations for improving the AIDS-III concept and they are being incorporated into the final implementation plan. The report estimates that the cost savings from automation would not only offset the cost of completing AIDS-III, but would also result in a discounted savings of nearly \$20 million over the 25-year evaluation period. Additionally, personnel staffing could be reduced by 900 to 1,000 employees (from a complement of 3,400), fingerprint search accuracy would increase by 19 percent, and the average work-processing time would be reduced to under eight hours. A final report is to be submitted by JPL.

Our current plans for AIDS-III call for the preparation of the functional specifications for the system during fiscal years 1982 and 1983, leading to the award of a contract for the building of the system by the end of fiscal year 1984. Providing that necessary funding is approved for the project, AIDS-III would be operational by fiscal year 1988.



# Fingerprint Receipts

*Fiscal Years*



\*REFLECTS REDUCTION OF 1.4 MILLION FINGERPRINT RECEIPTS DUE TO  
SUSPENSION OF PUBLIC LAW 92-544 FOR FISCAL YEAR 1982

Exhibit No. 46

1128



# Number Of Fingerprint Cards On File

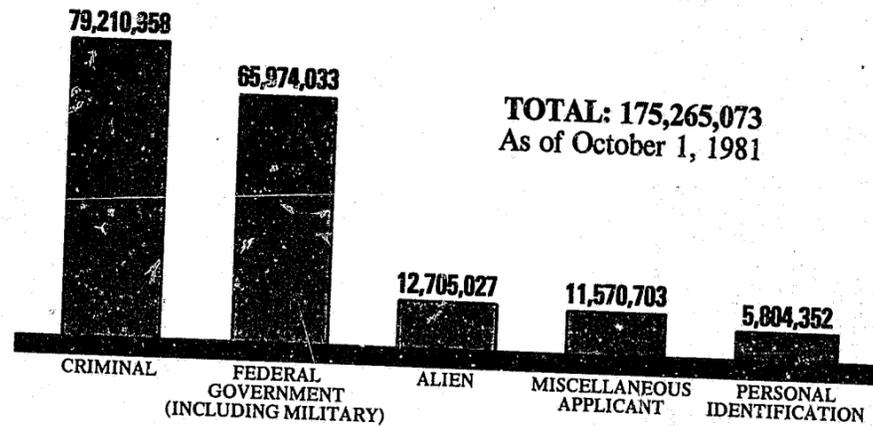


Exhibit No. 47

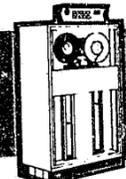
ESTIMATED NUMBER OF PERSONS REPRESENTED:

For the 79,210,958 prints in the criminal file .....	21,064,948
For the remaining prints totaling 96,054,115 all of which are in the civil file.....	44,905,851
<b>TOTAL ESTIMATED PERSONS REPRESENTED</b>	<b>65,970,799*</b>

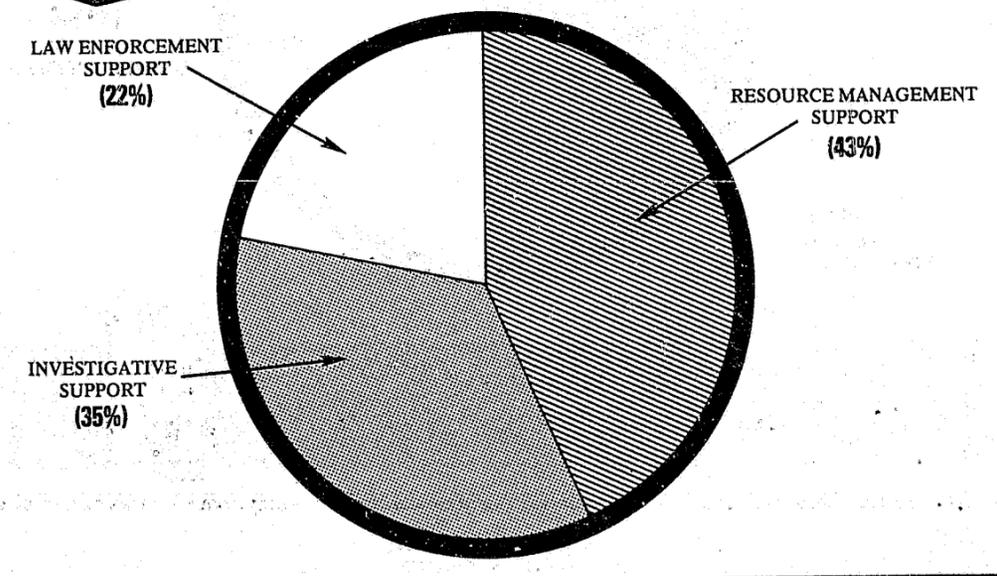
\* WITHOUT ACCOUNTING FOR PERSONS DUPLICATED IN BOTH FILES.

AUTOMATIC DATA PROCESSING AND TELECOMMUNICATIONS PROGRAM (ADPT)

The ADPT program provides the FBI with information collection, storage, retrieval, and dissemination capabilities through the use of automatic data processing, telecommunications, and word-processing resources. The FBI has followed a policy of using ADPT resources to directly support investigative as well as administrative requirements wherever it would achieve greater efficiency. In addition to meeting its own vital mission-oriented information processing requirements, the FBI also dedicates a significant amount of its data processing resources to support certain related needs in the entire criminal justice community. The investigative, administrative, and law enforcement support systems are managed centrally to make the most efficient use of the FBI's computer resources.



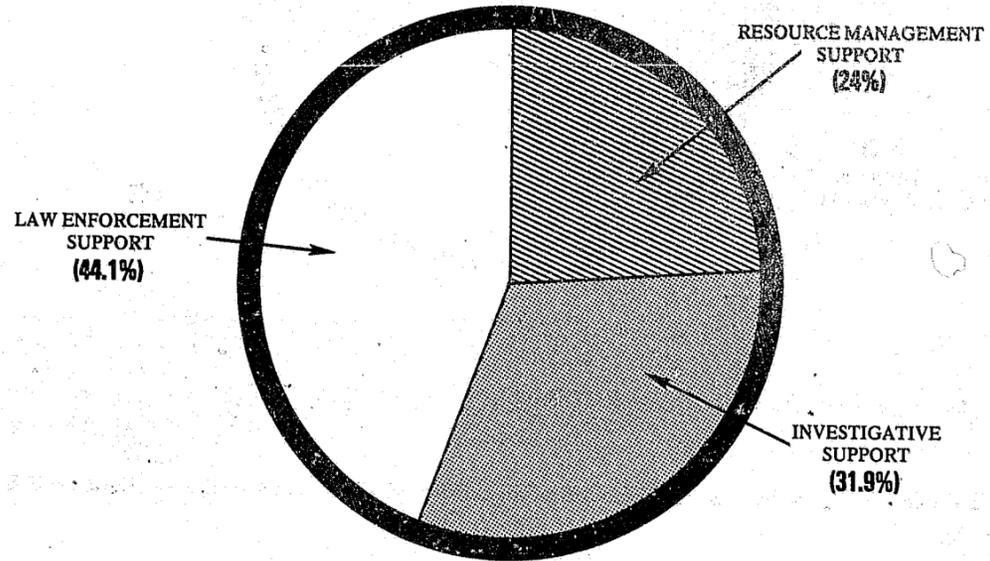
### Utilization Of Professional Computer Personnel In Fiscal Year 1981



1131



Department of Computer Resources  
Fiscal Year 1981



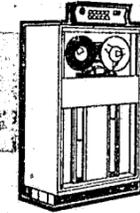
1132

CRIMINAL JUSTICE DATA AND STATISTICS SERVICES

THE FBI COMPILES AND PUBLISHES THE UNIFORM CRIME REPORT, WHICH PROVIDES THE INCIDENCE OF REPORTED CRIMES THROUGHOUT THE UNITED STATES AS SUBMITTED BY APPROXIMATELY 15,000 INDIVIDUAL AGENCIES. THE FBI ALSO MAINTAINS THE NATIONAL CRIME INFORMATION CENTER WHICH PROVIDES INFORMATION ON STOLEN PROPERTY, WANTED PERSONS, MISSING PERSONS, AND CRIMINAL HISTORIES TO CRIMINAL JUSTICE AGENCIES. TO CONTINUE THESE FUNCTIONS, \$5,947,000 AND 196 POSITIONS WILL BE REQUIRED. THE FOLLOWING EXHIBITS WILL FURTHER DESCRIBE THIS PROGRAM AS WELL AS DEPICT THE PERCENTAGE CHANGE OF CRIME IN THE UNITED STATES BETWEEN CALENDAR YEARS 1976 AND 1980:

NATIONAL CRIME INFORMATION CENTER (NCIC)

The NCIC is a nationwide criminal justice information teleprocessing network which provides documented criminal information to the entire criminal justice community. NCIC contains records on stolen property, i.e., vehicles, license plates, guns, securities, boats, and serialized articles; wanted persons for whom arrest warrants are outstanding; criminal histories on persons arrested for serious offenses; and missing persons meeting specific entry criteria. An NCIC Advisory Policy Board, made up of Federal, state, and local criminal justice officials, furnishes advice to the FBI Director on policy matters concerning NCIC operations and thereby allows the users a voice in the overall management of the system. The users of NCIC, which include the criminal justice agencies in the 50 states, all Federal law enforcement agencies, the Royal Canadian Mounted Police, the Police of the Commonwealth of Puerto Rico, and the U.S. Virgin Islands, obtain these services on a non-reimbursable basis.



### Breakdown Of Records In NCIC Computer

As Of October 1, 1981  
Total 9,294,510

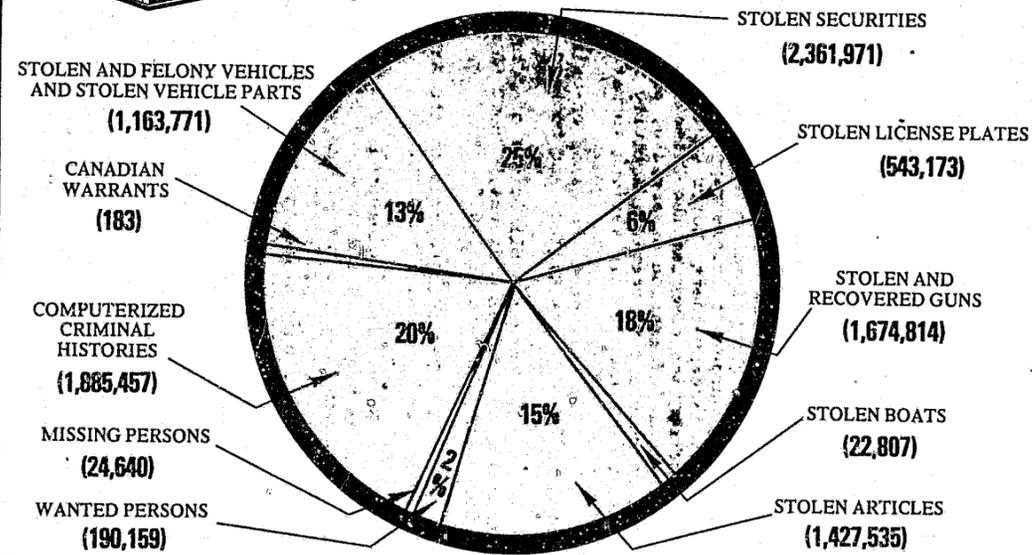


Exhibit No. 52

1135

UNIFORM CRIME REPORTING

The Uniform Crime Reporting Program was conceived and implemented by our Nation's law enforcement agencies in 1930. At its inception, two basic needs were recognized. First, it was believed the American people deserved an accounting of the extent and nature of criminal activity. Second, law enforcement leaders needed an administrative tool to better manage their departments.

On a monthly basis, this Program collects statistical data concerning the incidence of criminal acts from over 15,000 individual law enforcement agencies nationwide. The data collection is grouped according to certain basic types of offenses-- murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. These categories comprise the Crime Index. Additionally, statistical information on arrests, property loss, and other factors relevant to criminal activity is aggregated. Analyzed data are disseminated in various formats such as:

1. Semiannual releases on crime trends, law enforcement officers killed, and bombing incidents.
2. Annual publications of "Crime in the United States," "Assaults on Federal Officers," "Bomb Summary," and "Law Enforcement Officers Killed."
3. Periodic reports to the Attorney General on the incidence of parental kidnaping.

When first implemented, the Uniform Crime Reporting Program was used on a relatively limited basis. Now, however, this Program is relied upon by many people and organizations from widely varying professions. Scholars depend upon this data to better understand the seriousness of crime and its effect on our society. Legislators rely upon it for direction in developing necessary legislation to more effectively combat crime. Administrators of the criminal justice community use the information to plan their activities so as to have the maximum impact on the criminal element.

Substantial cooperative efforts at all levels of the law enforcement community are necessary in gathering the data upon which the Uniform Crime Reporting Program depends. The benefits derived from the Program are indeed significant and have resulted in an increased understanding of the crime problem which confronts the citizenry of this country.



**Crime In The United States**  
Percent Change  
Calendar Years 1976 Versus 1980

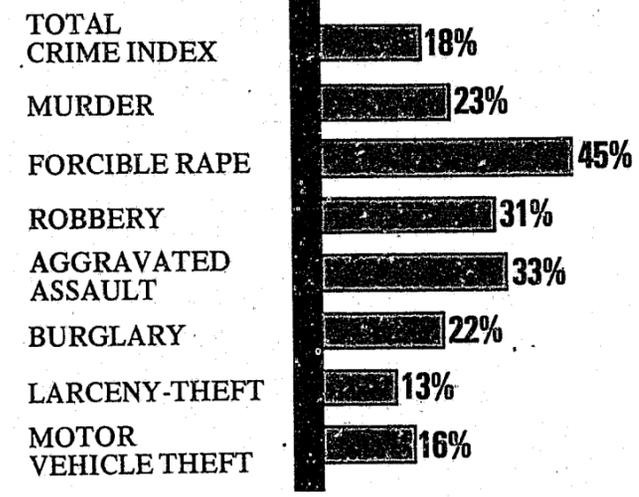


Exhibit No. 54

1137

## FINGERPRINT IDENTIFICATION PROGRAM

Mr. SMITH. I think the committee has for many years also agreed that one of the very important activities of the FBI that really extends the crime-fighting resources in the United States a great deal is the Fingerprint Identification Program. It is just a tremendous help to local law enforcement agencies as well as some of the other computerized programs. That is suspended completely or partially completed or what is going on there?

Mr. WEBSTER. The part of the service that was suspended, Mr. Chairman, was the noncriminal justice functions. We have for many years been supplying fingerprint information to a number of governmental and quasi-governmental operations, such as to banks on new employees, on beauty parlor licensees and others where states have required some kind of investigative check before they are granted permission to do certain things.

It also extends to guards, many of whom turn out to have criminal records discovered during a fingerprint check.

We had about 500,000 fingerprint cards backlogged, and the turnaround time for responding to requests for criminal history information had gone to 27 work days. It was an intolerable turnaround time for law enforcement, because other crimes could be committed during that period of time. People could leave the area, and we have been trying mightily to redress that situation with the resources that were available to us. Last year, about this time, we served notice that we intended to suspend the noncriminal justice aspect of this service on October 1, 1981, for one year.

We tried with OMB and in other ways to see if we could deal with it sooner than that, but we were just not able to come up with anything that was acceptable. During this period we have suspended the requests from banks, and that is, frankly, disappointing because we are telling banks that bank embezzlements are running way ahead of bank robberies and they need the advantage of employing honest employees. I know there has been a lot of correspondence with Congress; we and the Justice Department have received a lot, from people who would like to see that program reinstated for the noncriminal justice side. We thought our first responsibility was to the law enforcement community, the state and local police departments which are being slowed down.

We have reduced the turnaround time since October 1st from 27 work days, so we are making progress. As we pull the backlog down, our plan is to make more employees available to deal with current matters to employ additional people by October 1st. At that time we should be on a reimbursable basis. We will charge the noncriminal justice people for those services. That is the policy of OMB, and we have adopted that policy.

I am told that there are some problems with making sure that we have necessary authorization to use the funds collected in order to have the people on board.

Mr. SMITH. What will happen to that money? Does that go into a revolving fund or does it go the General Treasury?

Mr. GROOVER. No, Mr. Chairman. Under the reimbursable program—and we do need legislation in order to use the money—the

people to be hired to reinstitute that program would be paid from reimbursable funds. It would not go to the Treasury.

Mr. SMITH. So you would have a revolving fund for that purpose?

Mr. GROOVER. Yes, sir.

Mr. WEBSTER. If we have the legislation. That is the problem I referred to in getting the reimbursable program going.

Mr. SMITH. Congress has often not approved that kind of legislation. If we had those kinds of revolving funds all through the Government we wouldn't have any control on anything, so I don't know that Congress will or will not approve. If they don't, why, then, the fact that you are getting or not getting reimbursed doesn't make any difference on your operation, does it? That is just an OMB problem.

Mr. WEBSTER. We would be about 571 work-years short if we didn't have the reimbursable program.

Mr. SMITH. Whether you do or don't get reimbursed, it is 571 positions?

Mr. WEBSTER. That is right, 571 work-years.

Mr. SMITH. And what kind of positions are these?

Mr. WEBSTER. They are all service and support positions, such as Fingerprint Technicians.

Mr. SMITH. What is the number? Have you got a total number of dollars involved in this?

Mr. GROOVER. The total dollars required to pay these individuals would be approximately \$9 million.

Mr. SMITH. And what other costs are associated with this?

Mr. GROOVER. We will have some related costs, such as some automated systems that will be required to support that type operation, including an administrative accounting system to handle the funding arrangements with the states.

Mr. SMITH. Without getting into the reimbursing part and the problems with that, what would be the cost of the 571 individuals and their support?

Mr. GROOVER. Including the related support it would be approximately \$12 million a year.

## THE FBI ROLE IN DRUG ENFORCEMENT

Mr. SMITH. Tell us a little more about this idea of closer coordination with the Drug Enforcement Administration and changes that are being made in that, and how far you are along with it so far. How is it working?

Mr. WEBSTER. I think we are coming right along, and I am very pleased with the progress we have made. We have run into no unanticipated hurdles, and I will come to the bottom line first. I think there has been no identifiable down time or inertia or significant morale problems in either the FBI or DEA.

We started about this time last year trying to come to grips with the need for greater support in the narcotics and drug abuse area.

As you know, the Attorney General's Task Force on Violent Crime made that a suggestion. In June of last year the Attorney General designated Bud Mullen, the Executive Assistant Director for Investigations in the FBI, to be acting head of DEA. Bud went over, and I let him have a half dozen of our resource people with

**CONTINUED**

**18 OF 20**

expertise in various areas to look at the programs and the management systems while he was there. A number of management changes have taken place during that six-month period, to centralize the effort, to streamline it and bring it more in line with the kind of management that we have enjoyed in the FBI.

During that same period of time the committee chaired by Associate Attorney General Rudy Giuliani considered various options that were available. Should we merge entirely? What were the various alternatives, given that we would probably not be seeing any substantial increase in resources? The conclusion, which was the unanimous recommendation of the committee, was that DEA should be retained as a viable organization, all of its vital organs intact, and should report to the Director of the FBI. The FBI should be given concurrent jurisdiction over the Title 21 series so that we have authority to investigate any form of drug violation. The regulatory aspects of DEA, that is, regulation of the legitimate drug industry in this country, should stay in DEA, and we should develop and encourage joint investigations and other types of similar activity.

In January of this year the Attorney General approved that procedure. In anticipation of that, we have been working together, and have gone from a half dozen joint investigations to over 150 joint investigations throughout the country. I gave you an example of one in my prepared statement.

At the annual conference of FBI field commanders, our SAC's conference a few weeks ago, we arranged to have all of our FBI field commanders and all of the DEA field commanders overlap in their annual meetings, and we discussed with them an implementation directive which has been worked out jointly between representatives of DEA and representatives of the FBI on roughly who does what, when, how investigations start, what DEA's focus will be, what the FBI's focus will be, which I can tell you very simply is to continue the FBI emphasis on organized crime, on accounting activities in narcotics and on public corruption involving narcotics.

The field is now assimilating those directives. They have been meeting together and they have been meeting with the law enforcement coordinating councils or committees that the Attorney General established to bring local and Federal agencies more closely together in terms of local community needs.

I think we are doing very well. We worked out an integrated system for our laboratories. Very simply, our drug work goes to DEA laboratories. Their forensic work comes to us. We have planned for training. We are going to train between 200 and 300 FBI Agents at the Glynco Training Center, and we are going to bring an equivalent number of DEA Agents into the FBI Academy at Quantico for cross training.

Mr. SMITH. In what way are the FBI Agents going to be trained?

Mr. WEBSTER. They are going to be trained to better understand the nature of drugs, the manner in which they are distributed, the distribution methods, investigative techniques that are already known to DEA, and to understand how DEA has been dealing with the problem.

Correspondingly, we are going to try to give DEA Agents more expertise in the accounting side, the money side of drugs.

Mr. SMITH. What about the change in the law that made available certain information to the Coast Guard and the Navy.

Mr. WEBSTER. The posse comitatus provisions?

Mr. SMITH. Yes.

Mr. WEBSTER. We hope to take a very real advantage of that. We have had a little boost from the Vice President's Southern Florida Task Force because it has put the emphasis on seeking some response from the military in this area.

In terms of the overall problem, Mr. Chairman, it is clear that the FBI and DEA can't do this alone or with the help of Customs and INS with existing resources. What is badly needed are two other important components; One on foreign policy with respect to countries which are openly producing and permitting drugs to be shipped to this country. That is a State Department problem, an Administration problem. Another is the interdiction of these drugs before they get into this country.

They are coming in large ships. They are coming in many, many airplanes, and we have the capability in our existing military defense system to see them coming and to do something about it.

The Coast Guard has been heavily into this area for a long time. But they are working with an inadequate base or fleet. I don't think there is a cutter under 25 years old now, and they are spread rather thin. The appearance on the scene of the Navy and the Air Force—especially the use of the Cobra helicopter for fast pursuit of these planes when they have been identified to meet them on the landing field when they come in and the use of satellites that are up there gathering intelligence information on planes coming through—all can be very helpful. Now we are starting to get some of that information that the military held back on because they didn't know whether they could or should be giving it to us. The Attorney General, two weeks ago along with the other principals at State, Treasury and Defense, met with the President, and I think that they cleared up the issue of who is going to pay for all of this.

We are all going to pay for our own contributions to it. That is a very important component.

A committee has been formed, so that the Defense Department won't be inundated with requests from every agency that has an interest in drugs, to furnish all requests for military assistance so that Defense has one place to go to deal with it in a logical way.

Mr. SMITH. When this is completed, then you expect that there won't be one agency of Government that has information and another agency that needs it, won't have it?

Mr. WEBSTER. We certainly hope that is so. Mr. Mullen and I have plans, if we can get a mutual date in the very near future, to go down to El Paso and look at the EPIC Center again to see how long it will take to reinforce our capability.

Mr. SMITH. How long will it take to implement this?

Mr. WEBSTER. We are looking at static resources. I think you should begin to see some activity taking place right now, but how long it will take to see the supply of drugs go down is something I don't want to try to predict to the Committee. I do understand that the price of cocaine has jumped by \$15, from \$50 to \$65, somewhere in that range, since this effort has been made in Southern Florida, but there are going to be other problems that we know we are

going to have to recognize. As we choke it off there, there will have to be more pressure on Texas, North and South Carolina. We already see it up in Maine, and are beginning to see it start to move up the coast in California. That is to be expected, and we simply must have an appropriate response for it, but it is coming.

Mr. SMITH. I will have more questions later. Mr. Early.

Mr. EARLY. Thank you, Mr. Chairman.

#### RECENT INVESTIGATIONS

We are pleased to have you back. Last year we discussed how important precedents are in establishing credibility. You know, it used to be that when anyone assaulted a law enforcement officer or a judge, it was such a major thing. We cited one particular case, the Judge Wood case, in which you said, "We have been very close to this thing for a long time and we are now at a point where we expect very shortly to have a solid case." What happened to that?

Mr. WEBSTER. That isn't the first time I said that. I said it a year before that too. We are in a closed session. I can tell you, I think, where we are at this point.

We are at a point where I think even as we are sitting here, there are people, Justice Department officials in San Antonio, trying to make a final strategy. The case from an investigative point of view has been solved.

Mr. EARLY. So you are satisfied that it is still moving ahead? We share, I think, the same view. There should have been nothing more important.

Mr. WEBSTER. Absolutely.

Mr. EARLY. The Judiciary just has to be sacrosanct.

Mr. WEBSTER. Absolutely.

Mr. EARLY. Until you solve that, I don't know that we should be doing anything to—

Mr. WEBSTER. I hate to make a projection because I thought a year ago we were right where we are now. There is plea bargaining going on and the judgment is now to present the indictment, in what shape, but we are at that point.

Mr. EARLY. Fine. The other case—and I don't like to get into cases—was the Medford, Massachusetts, bank robbery. Mr. Director, what should be very disturbing to you was very disturbing to me. One of the fairly prestigious magazines, The Bostonian, wrote an article on that robbery and they identified all the players. They identified the whole robbery, and they concluded that the prime suspect was the FBI themselves. I think that is a result of all your Abscam type stuff. As far as the public out there believing that article, I have had six people tell me that the FBI pulled that robbery. Have you read the article?

Mr. WEBSTER. No, I haven't, so I am at a little disadvantage. But I would be glad to respond to it on the record, if I can see the article.

Mr. EARLY. I will sent you a copy of it.

Mr. WEBSTER. Fine.

Mr. EARLY. It goes back to Abscam, Mr. Director. I just don't believe you can have that type of an operation where there is a suggestion of entrapment, and not have the image of the FBI tar-

nished. The number of people who apparently believe that article was just alarming to me.

Mr. WEBSTER. I find it startling too, if that is the case, and I would certainly like to read about it.

Mr. EARLY. I will send it to you. Please respond for the record after you have reviewed it.

[The following information was submitted:]

The February, 1982, issue of "Boston Magazine" contains a story concerning the burglary of the Depositors Trust Bank, Medford, Massachusetts, on Memorial Day weekend, 1980. The cover of the magazine has the headline "Medford Vault Heist: Did the Feds Do It?"

This lengthy article attempts to develop the theory that the FBI conducted or directed the break-in, in order to collect cash and evidence hidden by Organized Crime figures. I can assure you there is no factual basis to support the author's supposition. This investigation is continuing.

#### ASSET SEIZURES IN DRUG INVESTIGATIONS

Mr. EARLY. The other thing, Mr. Director, the Chairman spoke of this, but can you briefly discuss it because I want to stay within my time. You have new responsibilities with regard to drug offenses now that the Bureau has been given concurrent jurisdiction over these matters with the DEA. How much is available to the FBI from recovered funds?

Mr. WEBSTER. I think we have none. Do you mean the ability to use assets that we seize?

Mr. EARLY. Yes. Our local office in Massachusetts just captured a drug dealer that had \$1 million. They get the million dollars because of that law. Is that available to the FBI?

Mr. WEBSTER. Not at the present time. The only thing that we can work out, depending on who seizes it, is that seized property like an automobile or an airplane can be appropriated to us or to another Government agency that has a need for it.

Mr. EARLY. Mr. Director, why couldn't we amend that legislation now that you are in that work, where recovered money should be available to you? You, in my opinion, referring to you as the FBI, should be able to seize many millions of dollars in assets which would offset your budget requirements.

Mr. WEBSTER. We would enjoy that kind of legislation. I am not sure what the reasons for resisting it have been in the past. Of course, I am not talking about drugs themselves; that is burned after we have seized it. But we are also seizing very substantial assets. That 4,600-acre ranch, for instance, is of tremendous value. Our objective is to make the cost of dealing in drugs more expensive.

Mr. EARLY. I think that is very important. You were just telling the Chairman that it has gone up as a result of supply and demand. You seize boats. From everything I read, they bring illegal drugs over in planes and they leave the plane.

Mr. WEBSTER. That is right.

Mr. EARLY. Some agencies, several of our district attorneys have recovered over \$1 million. If that is available to a little area like that, I can't imagine what the FBI could recover, from what I see on programs such as "60 Minutes" on the Florida case. This is your expertise.

Mr. WEBSTER. We would love to have the fruits of a seizure, because we are going to be doing a lot of seizing. Right now it goes back into the Treasury.

Mr. EARLY. The seized drug money goes to DEA or—

Mr. NEILL. It does not go back to DEA, although they have requested authority to use some seized money for payment of rewards.

Mr. EARLY. If I may, Mr. Chairman, our local State DEAs, have authority to use the money. They can seize the money in Massachusetts. Just one agent caught one dealer, with \$375,000 in his car, and they can use it for law enforcement purposes.

The Attorney General appeared before the committee. He indicates the number one priority was the deterrence of violent crime. He also said the biggest reason for violent crime is drugs. You are now in that. In this budget you say that you are not going to fund 121 agents. I can see 121 agents at \$30,000 each, that is \$3,600,000. You should be able to recover many times that amount with the amount of monies available in drugs. Are you going to ask for legislation to permit you to use seized funds?

Mr. WEBSTER. If we thought we had a shot at it, I would support it.

We have some other areas where we do utilize some similar authority. For instance, Congress has annually given us the authorization to offset expenses in undercover operations against income that we receive if we are in a business, an undercover business, or a foreign intelligence type of case where the money is coming in, say, from a foreign power or from a criminal agency, and we are in business. We can offset the expenses with the income we receive, but it is an offsetting process. It isn't a retention thing at all.

Mr. EARLY. We had one drug dealer in Worcester, Massachusetts. The Government just seized \$6.5 million from him. With this industry being so lucrative, "60 Minutes" saying they are in the banking business, you might seize the assets of an entire bank.

Mr. WEBSTER. I suppose one argument is that if you do this, you might turn law enforcement agencies into kind of bounty-hunters who are trying to enhance their budgets over and above what Congress has given them by focusing hard on particular areas. When I say that I would support it, I would support trying to make sure that we can utilize some of that money for the functions that we are serving.

We pay out a lot of money for information. If there is some way of recapturing that, it would be very nice. We do utilize the airplanes, the usable airplanes and the automobiles that are seized.

Mr. EARLY. There is that risk to it, but as far as the flexibility of the FBI goes, we have got to have that flexibility. We can't have the Congress and the public suspect your people, of doing a robbery or suspect that if you seize the money it would be misused. I certainly would support that.

## FBI SPECIAL AGENT STAFFING

Last year the subcommittee appropriated an additional \$1.146 million and 35 positions for State and local enforcement training positions. Have the positions been filled?

Mr. WEBSTER. The FBI's funding for 1982 when finally approved contained \$596,000 for these positions, but I think that the answer is no, they have not been filled. We had a hiring freeze that came along about that time, and it has now been lifted, and we are in the process of trying to get those positions filled.

Mr. EARLY. Mr. Director, your justifications also state you will not be filling 121 special agent positions because of inadequate funding. Is that being penny wise and pound foolish? Couldn't you use the agents? The Attorney General tells us violent crime is the number one problem. You have got 121 agent positions you can't fill.

Mr. WEBSTER. I have never contended that we didn't have use for any resources that might come our way. We are just part of the overall economic picture, and we have to recognize that.

For a long time we were given positions but not given the funding for them, and then OMB would require us to absorb some of the uncontrollable costs, such as pay raises, out of the existing budget, which just simply meant we had an authorized position but we didn't have the money to make the hires, and that is where we are today.

Mr. EARLY. You certainly don't have any trouble recruiting.

Mr. WEBSTER. No, no trouble recruiting and no trouble utilizing. If OMB's practice of requiring us to absorb uncontrollable costs out of existing funds continues, then I think we will see some more shrinkage. If we can have supplemental allowances for uncontrollable costs, then we will be able to manage it.

## DOMESTIC TERRORISM RESOURCES

Mr. EARLY. Mr. Director, you are requesting the current level of funding for the domestic terrorism program in FY 1983. In your statement you suggest a few things you have done, but isn't the potential for an increase in such activities tremendous?

Mr. WEBSTER. Absolutely. I think there is a general misunderstanding, and it is our fault, because of the way we do it. We don't explain this very well, but the domestic cases, the "home-grown" terrorists are funded out of what you see in the budget for terrorism. The international types, those who are controlled by foreign powers or interests or who operate abroad as well as here, are funded out of our foreign counterintelligence budget, and that is where the increase in activity has been, and there is some increase in funding there.

I think we had two incidents last year by other than Puerto Rican or Jewish groups that fell within the domestic terrorism guidelines. We have to do a lot of investigating and a lot of effort

to keep track of and prevent things from happening, but the number of domestic terrorist incidents has gone way down.

Our problem today is with the foreign groups, with the Armenians, with the Croatians, the Jewish Defense League, the anti-Castro Cubans, the Omega 7 group. Those are the active ones.

Our biggest domestic terrorist group, which is still the largest of all, is the Puerto Rican multiple organizations that espouse Puerto Rican independence, and most of that takes place in Puerto Rico itself.

Mr. EARLY. You can't judge how much money you save the Government by this?

Mr. WEBSTER. That is right.

Mr. EARLY. The cutback on that to me is not wise.

My final question. Will you supply for the record the amount of money that you think you could recover in drug investigations, if the authority was available to you?

Mr. WEBSTER. Because we have just gone into drug investigations ourselves, it would be a guess at best. Perhaps we could give you some answer on that after we have had some experience with these matters.

Mr. EARLY. I think you could probably seize enough to offset most of your budget requirements. Thank you.

Mr. SMITH. Mr. Hightower.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

Judge Webster, it is always good to see you.

Mr. WEBSTER. Thank you.

Mr. HIGHTOWER. We appreciate the fine work you do. I would like to comment on the matter raised by my friend Joe Early. We do agree on many things, but on this particular matter I think that it is a philosophical question, and that is if we are going to have bounty hunters, as you refer to them, or anybody in law enforcement that feels that they can either personally gain or look better with their superiors by improving the financial situation of their office or agency, justice will take second place.

I know that in some parts of the country yet we have speed traps where the justice of the peace operates on a fee basis, and the officer operates on a fee basis, and woe be to the person who comes through such an area not prepared to pay.

I think that whole idea is that this is what we are trying to avoid, and where you do confiscate property or money, it does go into the Treasury. It doesn't mean a thing to you or any of the agents. It means just as much and more I think to the United States, because that money becomes available to the Congress for appropriation, and then your office and your agency can come to this committee and to the Congress for its budgetary needs. I think records ought to be kept and ought to be available as to how much money is brought in and property confiscated and so forth, but it is only for the purpose of patting you on the back and saying we appreciate it. I think if we get to the point where any officer feels like he can guarantee a raise next time or improve the overall outlook for salaries within his department because they are going to have more money available because they have confiscated some property, we have got a dangerous thing.

## LEGAL ATTACHE PROGRAM

Judge Webster, what about your foreign offices' operations; how many FBI agents do we have now stationed in various capitals around the world?

Mr. WEBSTER. We have about 57 employees, of whom I think 27 are special agents in 13 legal attache posts, which are posts attached to the embassies. It is a very important contribution.

Mr. HIGHTOWER. And they make a contribution to this whole international terrorist control?

Mr. WEBSTER. They do indeed.

Mr. HIGHTOWER. Are we doing an adequate job from the FBI's standpoint of having personnel at the places in order that we can know and the information can be passed back and forth within your agency?

Mr. WEBSTER. I would have to tell you I think we are spread pretty thin, and if it hadn't been for Congressman Early's efforts we might have been even thinner a year ago in maintaining the level of legal attaches in place. We currently have, for example, one legal attache for all of Central America. Now with the El Salvadoran problem, he is pretty busy. One legal attache office currently covers all of South America. You can get an idea of the distances and space.

Mr. HIGHTOWER. Have you asked OMB for authorization for more people in these positions?

Mr. WEBSTER. We have sort of been told ahead of time in the last two budgets that we are not going to increase in those areas. With our role in drugs now, while DEA will be the principal agent abroad for purposes of operation, we are going to be getting a lot of accounting information in Switzerland. We are going to get a lot of information in Rome, because of the Rome connection on heroin, and we are going to see a lot more activity in the Caribbean, which suggests perhaps strengthening our legal attaches down there if we can find the means to do so.

They don't investigate, as you know, but they do provide a coordinating link with law enforcement.

Mr. HIGHTOWER. It is kind of a foreign correspondent?

Mr. WEBSTER. That is right.

Mr. HIGHTOWER. They keep you apprised of what is going on?

Mr. WEBSTER. Of what is going on, and then they bring us information back. We get very important advice from our legal attaches in connection with important cases. We are in the process of getting in gear with a couple of networks on counterterrorism, which is a communications system which will augment what they are able to do for us. They have a full range. It isn't just terrorism. When I was in London two years ago I saw some folios going back to Harvard that were captured and retrieved in London, and some very important art treasures stolen from London were on their way back from California where we had located them.

The relationships that we establish with the Canadian Government, the French Government, the German Government, and so on, not to mention the countries in the Orient, are really vital, when you consider the mobility of criminals today, not just terror-

ist groups but also con men. Con men are operating worldwide now.

Mr. HIGHTOWER. It would seem to me that you can use somebody in every major capital of the world just on the international crime problem.

Mr. WEBSTER. We could. The practical difficulty we have is that it comes out of the State Department's complement. We pay for it, but it is the State Department's complement, and whenever the Administration, as in the previous Administration, asks to cut back on representation abroad, the chances are the ambassador is going to look around and decide that maybe he can get along without our legal attache better than some other person that works more directly for him. And we have to kind of resist that and make our point, and it is not always easy to do.

Mr. HIGHTOWER. Of course, this subcommittee has jurisdiction over the State Department as well. I think that is something that we really need to be advised on, because the responsibility that you have is certainly more than just domestic. If we are not getting the kind of information we need on international criminal activities, it sort of goes back to you.

Mr. WEBSTER. I agree with you, Congressman Hightower, and I appreciate your interest. Every day I see something important that is going on through our legal attaches. We have one very important, very sensitive case now involving a person that we are very much interested in, that the country is very much interested in, and two legal attaches are performing very distinguished service as the focal point for these negotiations.

Mr. HIGHTOWER. I heard on the news this morning that Mr. Vesco is back in Costa Rica.

Mr. WEBSTER. I heard the same thing. It is not in the morning papers. I have no intelligence on that one. We are still trying very hard to find him. I had reference to another person of equal notoriety.

Mr. HIGHTOWER. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Dwyer.

Mr. DWYER. Thank you, Mr. Chairman.

#### UNDERCOVER OPERATIONS

From time to time the FBI will purchase a business for undercover operations. What governs the price that they will pay for that business?

Mr. WEBSTER. Congressman, I am not aware of any business that we have ever purchased. We will form a business. Usually they are of the type that can deal with the people who are in a position of demanding kickbacks or suggesting ways and means of defrauding the Government. We have been in the brokerage business. We formed small companies to front our undercover operations. For example, in Oklahoma we formed a business to contract, to bid on an area of a contract. We didn't actually engage in the contract but we were just another business bidding for jobs for local county commissions to see how they function. Our assessment is usually a matter of startup costs, what it takes to have an office, a front, a

place of business, and to buy and sell merchandise, if merchandise is involved.

Mr. DWYER. Do they make a profit from time to time?

Mr. WEBSTER. I would like to think we did. Often we must necessarily operate at a loss in order to bid low enough to get the jobs where we can deal with the people who are extracting the kickbacks from us.

Mr. DWYER. How do you finally dispose of the business?

Mr. WEBSTER. We have done this in different ways. Sometimes some of the people who are working with us will want to take the business over. Sometimes we simply shut it down. We haven't that many of them that I can say we have got a consistent pattern.

#### FRAUD AGAINST THE GOVERNMENT INVESTIGATIONS

Mr. DWYER. In your statement you mentioned 122 convictions in the area of Human Services. Might you describe some of those cases.

Mr. WEBSTER. I could shift gears and shift away from Human Services to the Department of Agriculture as an example of an investigation, in "APPLECORE" in New York City. At the request of the Department of Agriculture, we started an operation to determine whether or not there was fraud in a summer lunch program for school children in the inner cities. These programs were being funded by subsidized local groups. Through this investigation, although I suppose we probably only identified about \$300,000 in fraud in that particular spot, we identified a technique that was pervasive throughout the United States.

The Inspector General for Agriculture then set up controls to identify and stop and prevent future recurrences of that practice. So, when you are dealing with major government programs, you are talking about a lot of money across the board.

When I was down at Cape Canaveral to watch the shuttle go off, I met with the Inspector General's representative, Randy West, and our resident agent who had successfully identified major fraud efforts against the NASA program in that area. It was a good team effort.

We have had, in addition to that, ongoing relations with the Inspectors General, meeting with them, bringing them to Quantico, developing programs.

"MEDFRAUD" was an effort to identify fraudulent charges being made in the medical care industry, nursing care industry on the West Coast, most of which was subsidized or funded by Federal funds. We found that you couldn't do business with a number of these agencies unless you were willing to kick money back to some of the professionals and the managers of those organizations. And I think with the help of a cooperating witness who was tired of paying that kind of money, we made a significant inroad in that practice on the West Coast, and Health and Human Services has been following up on it nationwide. We don't think we can do all that ourselves, but we think we can identify the pattern, make an example in a particular area, and give the Inspector General the tools to develop controls, accounting and auditing controls, to prevent it from happening in the future.

## LEGISLATION PERTAINING TO MISSING CHILDREN

Mr. DWYER. There is some legislation proposed to start up a national computer information network to assist the law enforcement community in locating missing children. Might we have your comments on that?

Mr. WEBSTER. We have generally been supportive of efforts to locate missing children, and in fact we have a missing persons file in our NCIC system, which can be utilized for missing children. The main difficulty that we have had in the legislation that is presently pending is the invitation to bring all that information directly into the FBI for processing through the system. We are just another member of the NCIC system, and it seems to me that that information most logically should go to the local law enforcement community, police officers, police departments in that area, and through them, since they are all members of NCIC, be put into the system.

There is also a proposal for an unidentified dead file, which we think has a lot of merit. We have, for the last nine to twelve months, been working with the State of Colorado on a pilot project in Denver to see how an unidentified dead file would function, and we will complete that project sometime in 1983. We think it might be more cost effective if we could learn from that project before we jump into an expensive program. But fundamentally we support the concept of helping find missing children, and we have the vehicle in place.

Mr. DWYER. Thank you, Mr. Chairman.

Mr. SMITH. Mr. O'Brien.

Mr. O'BRIEN. Judge, as you can see from the questions, we hold you in high esteem in this committee.

Mr. WEBSTER. Thank you Congressman O'Brien.

Mr. O'BRIEN. I think you probably will have an easier time with your budget when you get it here than you do getting it here.

Mr. WEBSTER. I can't dispute that.

## NARCOTICS SEIZURES

Mr. O'BRIEN. I think you mentioned that, with respect to seizing narcotics, is it the law—and perhaps I should know this—that those seizures must be destroyed? The other part of that question: Is there a value to them that could be put to legitimate use?

Mr. WEBSTER. I have asked that second question because I don't know the answer to it. We have a sizable licit drug industry in the United States which is highly regulated, mostly by DEA, but it is largely, as I understand it, the conversion of opium to medicinal purposes before it takes that extra step to becoming heroin. I don't know of any utility for seized marijuana unless to fill ditches and prevent erosion if we could count on being able to keep it in the ditches once we let it loose.

The seizing aspect has become a major problem for DEA. I am told approximately 25 percent of the DEA Agents in southern Florida are occupied with the destruction of large quantities of marijuana. They have to take it out to certain burning grounds and they have to ship it out. There are a lot of local ordinances they have to observe.

Another problem that is building up with the seizures of large amounts is that the prosecutors, of course, love to have enormous amounts of this stuff to bring into the courtroom and show the juries just what these folks were up to, and we have to store it until they can come to trial. They come to trial months later, and we have got warehouses full of contraband for use in evidence. As fast as we can destroy it, we are destroying it, but I have asked the question on some of the more sophisticated drugs if they have any conversion potential. If they do, we will certainly evaluate that.

Mr. EARLY. George, will you yield?

Mr. O'BRIEN. Yes, I shall.

Mr. EARLY. We had a raid in Massachusetts by the state police, our finest law enforcement agency, in which they seized three tons of marijuana and one of the state troopers stole it. He is now on the lam.

Mr. WEBSTER. This has happened. When I mentioned the problem of the warehouses to store it, I should have gone on and talked about some of the things that Congressman Early has alluded to. Drugs do disappear while being stored for evidence purposes. New York City had a very significant, unaccountable inventory loss of those materials. The price is so high, the profit is so great that it is just difficult to prevent.

Mr. SMITH. Will the gentleman yield? Something like marijuana that is so bulky and so expensive to keep—the others aren't that expensive—couldn't they take pictures?

Mr. WEBSTER. Yes.

Mr. SMITH. That could be introduced into evidence?

Mr. WEBSTER. Yes, Mr. Chairman, and we are working on that. I have advocated that. It is the prosecutor. Of course, we are trying to get them to recognize our problem too and to come up with an accommodation that will assure him of a conviction or at least not run a risk of an acquittal.

## OFFICIAL CORRUPTION

If I could interject a comment to illustrate the kind of problems we are having with official corruption, not only with police officers but also up the line where narcotics are concerned, we just had a circuit judge out in my own part of the world in fact resign pending criminal charges, looking at charges for dealing in drugs.

In Henry County, Georgia, we ran an undercover operation which resulted in the indictment of the sheriff, the chief of police, the probate judge and the manager of the airport on charges of providing a safe conduit for drugs coming into Atlanta. They would provide a place where they could land safely and escort them into the city of Atlanta to deliver the drugs. They weren't in the drug-dealing business; they had found a new and very profitable thing.

I talked to the President of the National Sheriff's Association at a luncheon recently about the problem in Georgia. He happens to come from Georgia. He said, "To give you an idea of the temptation that is out there, if a sheriff can be given \$100,000 to look the other way or," as in this case, "to facilitate the distribution of drugs, in one week or a month, how long does it take a sheriff at a sheriff's salary in Georgia to make \$100,000?"

That is the kind of problem that we are facing.

#### COAST GUARD ASSISTANCE TO LAW ENFORCEMENT

Mr. O'BRIEN. Judge, one other question. You commented about the lack of currency or inadequacy of the support that you get, albeit you get full cooperation from the Coast Guard. I am inclined to agree with you. I think we really miserably fail in funding the Guard.

Mr. WEBSTER. It is a great organization and they are trying very hard to give us all the help they can, but if they have got one Coast Guard cutter out there and they seize one mother ship, they are out of business. The rest of the fleet can go on in at that point.

Mr. O'BRIEN. How do you identify aircraft? I think you also mentioned spotting aircraft that you know are illicit or are suspect?

Mr. WEBSTER. I don't have all of the techniques in my mind, but they do know the planes that have flight plans. They know the planes that are flying without flight plans, and they are in a position to challenge planes.

Mr. O'BRIEN. The presumption is that there is something going on if it is without a flight plan?

Mr. WEBSTER. That is a reasonable presumption. I think President Nixon would never file a flight plan when he was flying and there are a few instances of that kind where you have got a few exceptions, but the presumption is if there is no flight plan filed that there is something worthy of inquiry there.

Mr. O'BRIEN. Thank you, Judge. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Miller.

#### PROTECTION OF THE PRESIDENT

Mr. MILLER. Mr. Director, I notice you say that you have a responsibility of protection of the person of the President of the United States and the person of the Attorney General. Several questions I have involve both you and Secret Service, because we have Secret Service coming before another subcommittee that I am on. I have not heard of this protection of the person of the President. At least Secret Service takes credit for that.

Mr. WEBSTER. That is their primary responsibility. I don't recall the exact wording of that. Our responsibility is to provide support for the Secret Service in terms of protecting the President when and as requested. They have the ability to task us and other law enforcement agencies to fill out their requirements.

Our responsibility comes when there has been a threat against the President or an actual attempt on the President's life, as for example the shooting that occurred a year ago on March 30th.

As soon as we arrived at the scene, that became our responsibility, and we have been given the authority under the Presidential Assassination Statute to ask other law enforcement and military agencies to support us. The FBI provides specific security for the Attorney General and the Director of the FBI, and we report any kind of intelligence information that comes our way that suggests a threat against the President. We don't stop with the President himself. When we have kooks or others who are making threats against Members of Congress or high-ranking public officials and

could just as easily be deflected toward the President, those threats are also reported to Secret Service, because they are trying to keep an inventory of people who make threats against public officials as potential risks to the safety of the President.

Mr. MILLER. I was just attempting to differentiate between your responsibilities and the Secret Service, and when you say you are called on from time to time, is that frequently? Would it be every week or so that you would have to assign 100 or 500 of your agents to help protect the President?

Mr. WEBSTER. It is mostly in the field when the President has left Washington and he is going to be out somewhere, where the Secret Service complement is inadequate or their communications system needs bolstering. Following the shooting of the President, we entered into additional negotiations with Secret Service to find out just exactly what they wanted from us, what kind of information we did not want to inundate them with all kinds of things that they would then have to sort through. We wanted to know what they thought was important, and we reached a memorandum of understanding as to how we would be informed both at headquarters and in the field of an approaching visit by the President, and what we would be able to supply to them if and when they requested it, so if the President is traveling, then it is very likely that the FBI will be involved. We don't consider it a major diversion of our resources. It is temporary, and I don't even think there is anything in our budget that expressly covers that.

That is correct, there is nothing in the budget on that.

Mr. MILLER. But your responsibility does go to the crime scene; in other words, you did mention, as I noticed here, where you directed the crime scene search following the attempted assassination. In other words, the Secret Service did not move in for that purpose, but your people moved in?

Mr. WEBSTER. That is correct.

Mr. MILLER. To attempt to find any particular items that might be useful?

Mr. WEBSTER. That is correct. Their responsibility is to freeze the crime scene until we can arrive and take responsibility for it.

#### DISPOSITION OF NARCOTICS EVIDENCE

Mr. MILLER. Mr. O'Brien mentioned a little while ago about the use of some of the drugs that you pick up on the street, and that ties in a little again with another subcommittee that I am on, because GSA comes before that subcommittee. They do buy and they do stockpile some of the items that you would pick up. You had mentioned that your people burn those. I don't know how that fits under the Clean Air Act, but you would probably have to get a permit for that too?

Mr. WEBSTER. That is right.

Mr. MILLER. The point is whether it is possible for you to negotiate with GSA to find out if they are going out for bids to buy some of the very things that you would be burning that they would hold for medical purposes and they purchase for that purpose. Do you somehow deal with them? Do you talk to the GSA stockpiling representatives?

Mr. WEBSTER. We have only really had this jurisdiction since mid-January, and I don't know that we have come up against this. I will discuss this with Mr. Mullen, the Acting Administrator of DEA, and find out to what extent we have made an earnest effort to convert any convertible drugs and preserve the value, if it is there. Most of the time the kind of things that are seized have no, or I doubt have any, real conversion potential. But certainly some of it may, and as I said earlier, I had asked that question just a few days ago myself to see whether we were taking advantage of any opportunity to save money there.

Mr. MILLER. Very good. I would hate to see us destroying in one area and the taxpayers buying in another.

Mr. WEBSTER. I understand.

Mr. MILLER. On page 63 of the justifications, there is a list of programs ranked by priority. I see that you have ranked first out of 19, Other Field Programs. I am not real sure what we are talking about there, because you refer to White-Collar Crime; second, Organized Crime; third and fourth, but Other Field Programs seems to be ranked as number one.

Mr. WEBSTER. If I may go off the record.

[Discussion off the record.]

Mr. WEBSTER. With respect to drugs, we are managing the drugs through our Organized Crime Section, because this is where our entry and primary mission will be in the drug effort. We estimate that about 25 percent of our organized crime investigations have some, though not necessarily exclusive, aspect of drugs.

#### NARCOTICS ENFORCEMENT EFFORTS

Mr. MILLER. What amount of the total budget would that be?

Mr. WEBSTER. Let me calculate for a moment. As far as where we are at the present time, we are somewhere between 10 and 15 percent of our total field investigative effort now involved in matters which are drug related, although again not exclusively so. Our total Organized Crime program is \$90,428,000. We probably could go up as high, depending on the progress we are making, we could go up as high as 500 positions before the end of fiscal 1983 in the drug effort and in violent crime activity, but those are estimates on my part. But I am told that between 10 and 15 percent of our criminal investigative field resources at the present time are now directed into drug investigations.

Mr. MILLER. I guess what we are after really, the purpose of the question is we have a Drug Enforcement Administration.

Mr. WEBSTER. Yes.

Mr. MILLER. We have Immigration, we have Customs, we have so many people that are involved in this.

Mr. WEBSTER. That is right.

Mr. MILLER. I am not sure and I don't know whether we have in the record to show us what we are spending attempting to solve the drug problem. Maybe we should double it. But first of all we do not even know what we are spending, and we are attempting to get some line on that.

Mr. WEBSTER. I think the Drug Enforcement Administration's budget is around \$240 million.

Mr. MILLER. They come to our committee too. We have Customs, we have Immigration also coming to this committee, Customs to another committee on which I serve on Appropriations. I am trying to tie it all together as to just where we stand, whether we are doing enough.

Mr. WEBSTER. I can appreciate your dilemma and also your interest in making sure that we are. We are so recently into this that our figures are changing radically as we move. We are increasing our commitment, but we have to do it under static resources, and that means that we have to find ways to free up money that is being newly invested into this effort by the FBI.

Mr. MILLER. We were told also by Customs and Secret Service, and you had mentioned it here, the fact that the AWACS were being used. Those planes were furnished by the Department of Defense, and that would be for the southern Florida operation. Apparently the Department of Defense would be paying for that service, and you would not need to take dollars from your budget for that particular program.

Mr. WEBSTER. At one time I understand the Defense Department billed Customs for the use of one airplane about \$800,000, I am told. I don't know this firsthand, and was under the impression that under existing regulations they were compelled to seek reimbursement for any expenditures by the military in aid of a law enforcement project. I am also now told the Attorney General is prepared to give the Defense Department a legal opinion that they are not required to seek reimbursement, and that the policy will be that each component will bear its own cost in this effort.

#### STANDARD LEVEL USER CHARGES

Mr. MILLER. I have two questions and perhaps you could answer them for the record. We also have GSA, as we spoke of, coming in and they are in charge of federal buildings. Is your building leased from GSA?

Mr. WEBSTER. Yes, it is, and we are, frankly, trying to get approval to review that process because the rent keeps going up and the management is not as we would like it to be. We think we could do it more economically if we could have control over it ourselves.

Mr. MILLER. We are attempting to build a record in order to find out what is going on there too, as far as the standard level user charges are concerned, and they are up now. If you could tell us for the record, if you do not have it, the amount that you are paying per square foot, and any other buildings. I do not expect you to go into the record and do a lot of work and take a lot of time for that purpose, but if you could show us for the record the amount per square foot of several buildings, the local building and those that you would have out in the field, I think it could help us evaluate what direction we are going as far as SLUC funds are concerned.

Mr. WEBSTER. We will be happy to do that.

Mr. SMITH. Why don't you expand on that to include the amount they asked for last year and how much they got. The committee didn't give them enough money to pay the increase they asked. That will complete the record.

Mr. WEBSTER. We will be happy to do that.  
[The following information was submitted:]

STANDARD LEVEL USER CHARGES J. EDGAR HOOVER BUILDING, WASHINGTON, D.C.

	Fiscal year—			
	1980	1981	1982	1983
Total square footage.....	1,457,843	1,518,740	1,518,740	1,518,740
Total cost (in thousands of dollars).....	\$13,108	\$12,905	\$19,924	\$19,862
Average cost per square foot.....	\$8.99	\$8.50	\$13.12	\$13.08
Cost per square foot—general office space.....	\$9.29	\$9.29	\$14.28	\$14.24

SLUC CHARGES AND FUNDING

The following tabulation sets forth FBI's SLUC budget, as well as actual and expected charges from fiscal year 1979 to fiscal year 1983.

Fiscal year	Funding requested and allowed	Supplemental request	Actual or expected
1979.....	\$32,331		\$32,904
1980.....	32,331		34,187
1981.....	35,219	\$877	35,195
1982.....	46,033		45,832
1983.....	49,676		

Because no allowance was made in the 1980 budget request for the rate increase that actually occurred in 1980, the Standard Level User Charge (SLUC) budget ran a \$1,856,000 deficit in that year. Then, because a fixed uncontrollable percentage increase was allowed in the fiscal year 1981 budget for a rate increase and other adjustments were minor, the shortfall that developed in 1980 was projected to carry forward into 1981.

To correct this shortfall, this Administration supported a 1981 supplemental request for \$13,687,000 transmitted with the President's January 1982 budget that contained a SLUC increase of \$877,000. This would have brought total SLUC resources to \$36,096,000. The House, however, in reporting on the supplemental included language prohibiting the FBI from using any of its funds to pay more than \$35,218,000 for payment to the General Services Administration for SLUC. The House position was sustained in conference and the limitation was reflected in Public Law 97-12, Supplemental Appropriations and Rescission Act, 1981. Upon passage of the Act, GSA adjusted its billing to the FBI.

FREEDOM OF INFORMATION AND PRIVACY ACTS

Mr. MILLER. The other question you can answer for the record refers to the Privacy Act. What have we done to you under the Privacy Act? What does it cost for you to answer those people who are requesting information under the Privacy Act, and are they wanting you to write a book for them?

Mr. WEBSTER. I can tell you it is costing approximately \$12 million a year to respond to Freedom of Information and Privacy requests.

Mr. MILLER. Are you able to charge for copies that those people want?

Mr. WEBSTER. We charge a nominal amount for some copies. We do not charge for the equipment to produce the copy, nor do we charge for the personnel to locate the information, to screen it, to apply the exemptions and so forth, which is where most of our expenses arise.

Mr. MILLER. Has that created a problem for you when a case may go to court or has already been to a court, because someone picks up information and then attempts to use it in court?

Mr. WEBSTER. It has presented an enormous problem to us from the point of view of the impact upon our informant program and traditional sources of information. There is legislation pending which would redress that aspect of it. It wouldn't change the cost of servicing, but it would at least give us a better ability to protect our informants from disclosure, as they now think they are subject to disclosure. I have outlined that in testimony before other committees, and I consider it to be one of our major problems in protecting the confidentiality of those who supply information, and that has extended all the way up to federal judges who don't want to talk about candidates for the bench that they might have to spend the rest of their lives with and know that that person can look at his privacy file and see lines drawn through judge so-and-so's statement and know that judge so-and-so has had some bad things to say about him.

Mr. MILLER. Apparently we in the Congress did you no favors with the Privacy Act if it is going to create that kind of a problem, plus costing \$12 million.

Mr. WEBSTER. There is a lot to be said for freedom of information and openness in government, but there are legitimate concerns where there are interests of having a healthy, effective law enforcement system, in which individuals who cooperate with the government can be fully protected. That is a value that needs to be attended to as well.

Mr. MILLER. Very good. Thank you. Thank you, Mr. Chairman.  
Mr. SMITH. Mr. Campbell.

Mr. CAMPBELL. I am going to pursue that because I have been building this in my other subcommittee, that same line of questioning. Mr. Miller and I serve on the same committee, in trying to build this carefully. I would be interested in the exact amount of your cost of compliance which you say is about \$12 million. I would like to know exactly how much you recover in dollar volume from fees on that. I would like to know from whom the requests come.

I will give you a quick background for my line of questioning. DEA has testified before us that, quite frankly, about 75 percent of their requests for information came from the criminal element. Over 50 percent of those were behind bars at the time they made the request. I want to know where the requests come from. I want to know by categories, not individuals.

Mr. WEBSTER. Yes, we can supply that.

Mr. CAMPBELL. And in that category I would like to know, because we have discovered in questioning other agencies such as Customs, Secret Service and everyone else, that there are actually information services in America requesting information under FOI and other laws, providing those services and putting the informa-

tion to use that are not in the best interests of our country. I want to know those services by name if they do request it.

I would further like to know for the record, if it can be provided—if not, I will take it in a classified form—any inquiries that have been made by groups that would have any linkage to foreign governments and the utilization that they might have of FOI which would be disadvantageous to us.

I am extremely concerned through the various subcommittees that I serve on in discussing this with all of our law enforcement agencies the tremendous cost in time, man-hours, and so forth, to comply. I am further concerned with the fact that it appears that in many of these a large number of these requests are coming from criminal elements.

It also appears that there is another category in the services that are sold, which seems to be in the academic community which has you writing books for them. Quite frankly, that is not what the FOI is all about. I am trying to build, and have been building in all of our testimony from law enforcement agencies, background information on this, because we feel that it is so important to correct some of the things that are wrong.

If you would provide those for the record, I would deeply appreciate it.

Mr. WEBSTER. I will be happy to do that.

[The following information was submitted:]

In the calendar year 1981, the FBI expended \$12,301,939 to administer the Freedom of Information and Privacy Acts (FOIPA). During this same time period the FBI collected \$31,380 in fees from FOIPA requesters.

A total of 14,498, FOIPA requests were received by the FBI in fiscal year 1981. The requesters were from the following categories:

	<i>Percent</i>
News media .....	2.7
Scholars.....	2.1
Prisoners.....	12.0
General public .....	77.2
Organizations.....	2.9
Current employees (FBI).....	3.1
 Total .....	 100.0

The FBI does not keep statistics on the use of the FOIA by foreign individuals, organizations, corporations or governments. There has been considerable use of the FOIA, however, by requesters ascertained to have foreign ties. Sometimes the request will be made through a U.S. law firm, but the FBI has no knowledge whether a request was made by a foreign interest unless the request was postmarked in the foreign country with a foreign return of address, or the requester should choose to reveal his identity in the body of his letter.

In July 1981, a U.S. law firm representing the Islamic Republic of Iran, requested "a complete and thorough search of all filing systems and location of all information regarding Mohammad Reza Pahlavi, including records maintained by your agency pertaining to any list of assets, all records of accounts, all records of holdings and transfers of property . . ." The request also asked for "all inclusive information from the FBI files in this area which included 'see reference' cards, abstracts, search slips, file covers, tapes of any electronic surveillances, as well as a search of the 'Do not file' files, SAC safes, special file rooms, and offices who participated in investigations." This request demonstrates the extent to which a government will go in attempting to obtain valuable information from FBI files pertaining to its national interest.

The intelligence obtained from numerous sources in the foreign counterintelligence area has indicated unequivocally that foreign interests are acutely aware of the loopholes, pitfalls and failings of the Act and have and are using it to their benefit.

On December 10, 1981, Director Webster testified in executive session before the Subcommittee on the Constitution, Senate Judiciary Committee. He described in detail cases in which hostile foreign intelligence services, organized crime figures, members of terrorist groups and others have used the FOIA to identify FBI informants and frustrate FBI investigations. Chairman Hatch asked the Director to provide for the public record information concerning some of the matters about which he testified. A copy of these materials is enclosed.

Impact of the Freedom of Information Act  
Upon the Federal Bureau of Investigation

On December 10, 1981, Director Webster testified in executive session before the Subcommittee on the Constitution, Senate Judiciary Committee. He described in detail cases in which hostile foreign intelligence services, organized crime figures, members of terrorist groups and others have used the Freedom of Information Act to identify FBI informants and frustrate FBI investigations.

Members of the Subcommittee have seen a demonstration of the manner in which the Act can be used for these very purposes.

Chairman Hatch asked the Director to provide for the public record information concerning costs incurred in complying with the Act as well as a document which reveals, to extent possible, the specific examples about which he testified. As those who heard the testimony can understand, complying with the request necessitates eliminating some examples altogether and publishing others in a highly diluted form. It simply is not possible to chronicle here, for example, the manner in which the KGB and the Communist Party have used the Act, nor do circumstances allow reconstruction of the FOIA blueprint criminals have followed to the detriment the FBI.

Those who read these materials not only should realize these accommodations had to be reached but also appreciate the severity they evidence.

During November, 1981, I received a communication from one of our Special Agents in Charge of a field office concerning a Conference on Organized Crime jointly conducted with a foreign ally.

That communication relayed the following information:

During a discussion of membership of the foreign crime families, a U.S. official asked the foreign conferees if they would furnish the U.S. conferees with a complete list of the 100,000 crime family members, including criminal records and investigative status. A foreign official advised that it would not be possible to do so. He did not elaborate on his response at that time.

During a discussion of the U.S. Treasury Enforcement Communications System (TECS), the same official asked whether the TECS was secure, and a Customs official advised that it was. He then asked whether it was not a fact that any foreign crime family could make a Freedom of Information Act request in order to learn whether he was a subject of the TECS, or for that matter, any system used by U.S. Law Enforcement. He also asked whether the foreign crime family member could then learn that information had been furnished to the U.S. authorities by foreign authorities.

He and the other attendees were advised that information from foreign governments was able to be excluded from release under at least two exemptions of the Freedom of Information Act and as a matter of practice this was always done. In a later private

exchange he asked what sort of response was given to a foreign subject if there was a pending investigation at the time of the request, since he understood that the law had no provisions to deny the existence of records in such a case. He asked then if the requester might not make an inference from a response different from a response that denied the existence of records. A discussion of the difficulties in responding to such a request ensued, and the concern of U.S. Law Enforcement regarding the absence of a denial provision was expressed. He advised that one difficulty the foreign authorities faced stemmed from the proposition that any foreign crime family member who received anything but a blanket denial from a U.S. Agency could conclude that whatever sort of investigation did exist, must exist with the knowledge and cooperation of the foreign authorities also. From his perspective, submission of the names of the members (and other information) raised serious problems.

In continuing conversation, other ramifications of dissemination of information to U.S. authorities were discussed. One foreign official, who has an excellent grasp of the U.S. Freedom of Information Act, strongly noted that his country has resisted such a law.

At the conclusion of the conference, the foreign law enforcement personnel stated that they would study the issue of whether the names of known organized crime figures (and other

information) could be furnished to U.S. authorities.

The above information is furnished specifically because it described the concern of a foreign country with a difficult international organized crime problem. The foreign law enforcement personnel clearly indicated how invaluable our information is to them, and recognize that they will need similarly to furnish information to us, since their organized crime members are increasing their activities throughout the world, and particularly in the United States. The foreign authorities had a very good grasp of the difficulties the Freedom of Information Act had caused and the chilling effect the Freedom of Information Act has had was obvious to the U. S. Delegation.

It is interesting to note that our foreign associates are aware of the damage which can result when a law enforcement agency does no more than admit the existence of a record.

The FBI lost a top level organized crime informant who was our most reliable source of information regarding a branch of an organized crime family.

The association between the FBI and this source began over a decade ago. More than ten years of careful development followed. As his contacts within the organized criminal society increased, he was able to provide the identity of subjects in several FBI bank robbery cases and help resolve a major theft. Most important, he became the confidant of a ranking member of the family through whom we gained valuable organized crime intelligence.

Several years ago, our Special Agent handling this source noticed that the information being disclosed was not so detailed or current as it once had been. The informant would relate that a meeting had taken place, but would not reveal those aspects of the meeting that could be traced to him. He would reveal nothing of a singular nature.

This curtailment of information not only impaired our once solid coverage of the organized crime target in this area; it also diminished our Agent's ability to control and direct the informant and his services were discontinued.

How did we lose this source? The organized crime figure targeted by this informant received a quantity of FBI documents requested under the FOIA. The target displayed the documents, spread them before the source and said: "Let's see if we can find out how they got all this." The source was never the same.

Fortunately, our Agent had alerted the informant to this possibility. Had the informant not been prepared, his ignorance and apprehension concerning what the records contained could have made him so ill at ease that the target's suspicion could have been aroused with serious consequences.

When questioned about the incident by the Agent, the informant said he had complete trust and faith in the Agent, but doubted the FBI's ability to protect information provided by its informants. He also pointed to the increasing popularity of the FOIA as an amusement whereby organized crime leaders obtained FBI records to taunt and intimidate members of their organizations from making any contact with law enforcement authorities.

I have an example of that being done. An organized crime figure demanded and received FBI documents under the Act. He confronted the proprietor of a business establishment whose only association with the FBI had been a short, unsolicited interview several years earlier. In the midst of a casual conversation, he asked the proprietor if he had been contacted by the FBI several years ago. Nervously, the proprietor denied such a contact. The organized crime figure laughed and walked off. A distraught proprietor telephoned the FBI shortly thereafter for an explanation.

We received informant information that Organized Crime members in the Detroit area have been instructed to submit FOIA requests to the FBI in an effort to identify our sources.

This scheme is being implemented. To date, thirty-eight members and associates of the Detroit Organized Crime Family have made requests. The list of requesters reads like a Who's Who in Organized Crime in Detroit. The head of the Family, the former head and other prominent members all have made requests.

Through this concerted effort, the members and associates of this Family have obtained over twelve thousand pages of FBI documents. The Family now is free to pool these materials and analyze the FBI's documents to whatever level of sophistication and scrutiny their abundant resources permit.

At the least, these documents will reveal the scope and limitations of our investigations of organized crime in the Detroit area; that is, those criminal activities we investigated and those about which we evidently knew nothing. Thus we probably have alerted our adversary to potential dangers in some areas while exposing our lack of knowledge about others.

Other possibilities exist as well. The released information can be combined with the Family's collective knowledge of all that transpired, who was involved, and when. It may be that information released because it appeared to us to be "reasonably segregable" will provide the missing piece of information in the Family's effort to identify informants.

A few years ago, a field office notified FBI Headquarters that an informant who had furnished considerable information concerning the Weather Underground was very upset about the FOIA. He told Agents he had learned that former and current radicals were filing FOIA requests in an attempt to identify informants.

This information was correct. From 1975 through 1981, over seventy members or former members of the Weathermen have made FOIA requests of the FBI. In addition, the FBI has released over sixty thousand (60,000) pages of documents concerning the Weather Underground to a west coast attorney who represents individuals connected with this organization.

On October 20, 1981, a Brinks' guard and two police officers were killed during the commission of an armored car robbery in Rockland County, New York.

Among those who have been charged or are being sought in connection with this incident, are persons who were associated with the Weather Underground. The individuals who allegedly participated in this violent act and the organization with which they were associated have made thorough use of the Freedom of Information Act. Of those persons who have been charged or are being sought in connection with these killings, five made requests to the FBI for documents concerning themselves, and four of those persons received documents from the FBI pursuant to the FOIA.

While the fact that the informant information in this example seems like "old news", this tragic armored car robbery provides a stunning demonstration that persons who were associated with seemingly dormant organizations may surface with violent results. It drives home the point that we never know what use groups and individuals may be making of information released under the FOIA.

In the early 1970's an informant belonged to an organization allegedly engaged in criminal conduct. In the late 1970's leadership of this small group submitted FOIA requests to the FBI. Upon receipt of excised material, these individuals began to suspect that there were one or more government informants in their midst. As they began to compare our releases, they were able to pinpoint the identity of one of the two government informants who had successfully penetrated the group. The other informant was told that he was suspected of being an FBI informant.

The leadership then instructed all members of the group to make FOIA requests to the FBI for the purpose of further comparison of information in order to ferret out additional government informants.

The Special Agent in Charge of the field office advised that this informant feared for his physical safety and livelihood, and our confidential relationship with him was terminated.

The Freedom of Information Act presents the potential for damage to sensitive FBI investigations, even in cases where no release of substantive information is made. A requester with an awareness of the law's provisions, a familiarity with an agency's records systems, and whatever personal knowledge he brings to the situation, can gain insight into FBI operations regardless of his ability to procure a release of Bureau documents.

An example of this potential problem is the case of top organized crime chief who, acting through his attorneys, made a number of requests under the FOIA for FBI documents pertaining to his activities.

He became the focus of an extensive FBI undercover operation. He filed another FOIA request with the FBI, asking whether it or any other agency was conducting an electronic surveillance of him. You should note the sophistication of the request. He asked only for documents pertaining to an electronic surveillance. Any FBI response other than a "no record" could be interpreted as an admission that we did have such coverage.

While the request was being processed, the existence of the FBI investigation was publicly revealed, and the requester was indicted.

While it cannot be said with certainty what the requester's motives were, it is not unreasonable to assume that he was interested in obtaining information concerning the FBI's knowledge of his activities. Had he been notified we were withholding

documents under the pending investigation exemption before he was indicted, the organized crime boss would have been put on notice that the FBI had active investigative interest in him, possibly jeopardizing the undercover investigation.

Recently we received an FOIA request from an individual closely associated with a group which has claimed credit for bombings and murders.

The requester is demanding records relating to particular activity in 1980, records relating to certain activity in 1981, and records not only in FBI Headquarters but also in several specific localities.

If we withhold any information, the requester demands to be told, as the Act requires, the specific exemption we rely upon to withhold the information.

In some cases informants may be identified by noting the dates and geographical location of investigative activity and reasons we cite to justify withholding information. The requester can add his own knowledge of dates, places and events to these facts and pinpoint the source.

A Federal inmate convicted of unlawful interstate flight to avoid confinement for robbery and assault to commit first degree murder of sheriff's officers confronted and threatened an FBI source in the prison exercise yard. This source had provided valuable information to the FBI in relation to a bank burglary conspiracy matter which involved the inmate. The inmate showed the source an FBI document which was released to him under the Freedom of Information Act and accused the source of being an FBI informant. This accusation was based on the inmate's reasoning that because only 3 people knew the details of the crime discussed in the document, and two of those names appeared in the document caption, the name of the missing person also must be the name of the informant. In order to protect his life, prison authorities had to transfer the source to another facility. His usefulness as a source is ended, and word has reached the street that this man is an informant. This example demonstrates an instance where the requester's personal knowledge, coupled with the absence of certain information, led to the exposure of a confidential source of the FBI.

A group whose members advocated the violent overthrow of the United States made FOIA requests to the FBI.

We withheld almost all the information in the files. As the Act requires, we cited the exemptions upon which we relied which in these cases were the exemptions for classified information and for informant information.

Even with maximum utilization of exemptions of the FOIA, our responses told them that we knew about them and that an informant was in their group.

The effectiveness of our source was brought to an end as was our access to reliable information concerning the group's future activities.

FBI Agents are investigating allegations of political corruption and gambling in a major metropolitan area. Several of the principles in this matter are ranking city employees. By controlling key positions in their department, they can transfer or intimidate those employees who could jeopardize their illegal activity by cooperating with the authorities.

The central figure in this matter, soon after our Agents started looking into the gambling allegations, made a request under the Freedom of Information and Privacy Acts for any FBI records concerning himself. He claimed to a fellow employee that through this request and the FBI's response, he could determine whether the FBI was investigating the matter, and, if so, the extent of our investigative penetration of the gambling ring in general, and himself in particular. He boasted that he could also pick our informers and persons in contact with the FBI through these requests. Seldom are we able to verify our suspicion that these statutes are used for this purpose.

In this case, we furnished the requester some collateral records while advising that all other materials responsive to the request were being withheld on the basis of the exemption designed to protect pending investigations. By asserting the appropriate exemption, however, we confirmed that an investigation

was under way. Soon thereafter, subtle changes were made in the operation, including the shift of personnel from the corrupt department to other duties. The purge successfully removed cooperative employees from the unit and completely disrupted the FBI's investigation.

Our confirmation of the employee's suspicion that an investigation was under way evidently prompted these counter measures to thwart our investigation.

This next example, which did not involve the FBI, is another illustration of the problem.

In October, 1980, a United States Attorney complained that a newspaper printed a front page story which was based on information obtained through the FOIA. He concluded that those involved in a murder and possible explosives violation were able to identify his informant.

Here is what he said. "All of the names in the report were deleted with the exception of my own. My informant absolutely demanded anonymity because he was and is terrified. Now, (the subjects) know exactly who the informant was.

"Another informant in this case was a Federal District Judge. The subject filed an FOIA request and determined the identity of the judge. He then called the judge and harassed him. Needless to say, the judge was shocked. I doubt that either of these two informants will ever again cooperate with us."

We have been investigating a large-scale kickback scheme. Vital information was provided by a highly placed source familiar with the subjects in the case. These people have long operated on the fringes of legality and are on close terms with those in the highest positions of organized crime. They are surveillance conscious and suspicious of persons with whom they deal. Rarely can informants penetrate their ranks.

Some time after the FBI started investigating the kickback scheme, one of the subjects made an FOIA request for records regarding himself. Responsive to his request were the records of the current investigation conducted under the Racketeer Influenced and Corrupt Organizations (RICO) statute. As you know, when an FOIA request is for material in an active investigative file, we can deny the request but must explain why. That alerts the requester that he is under investigation.

The field office investigating the case warned that the current investigation was unknown to the requester and that any suggestion of its existence would jeopardize the safety of the FBI source.

A period of careful and deliberate correspondence with the requester ensued. Collateral, less sensitive records were furnished while the informant's data was withheld based on the informant exemption. What suspicion, if any, has been cast on the source is unknown.

The case is scheduled for presentation to a grand jury. We probably will never know if our FOIA release alerted the subjects and enabled them to attempt to frustrate prosecution.

The source has not been contacted by the subject in the past six months. We do not know what significance, if any, to attach to that.

Another witness in the case fled and has not been located. We do not know whether or not our FOIA release had anything to do with his disappearance.

On October 6, 1981, a midwestern office informed FBI Headquarters that a high ranking law enforcement officer was making an FOIA request in an attempt to identify members of his department who had cooperated with the FBI in the investigation of public corruption matters in that county. Although associates of the officer were indicted, and he himself was under investigation, sufficient evidence to indict him was not developed. He did, however, suspend a subordinate who was a Government witness in the case because the subordinate had not notified the officer of his cooperation with the FBI in this matter. The case Agent believes that the FOIA request is an attempt to identify other subordinates for the purpose of further reprisals.

The FOIA request was detailed, asking for information about several subordinates who had in fact cooperated with the investigation and providing personal information about them, such as their dates of birth. Processing of the Headquarters files was completed in late 1981, and approximately 100 pages were released from FBI Headquarters files. It is anticipated that an additional 150 pages of field office files will be released pursuant to this request.

A person involved with an extremely violent terrorist network who suspected informants in the group stated that in an attempt to identify these informants, multiple FOIA requests would be submitted to the FBI and the responses then would be analyzed. The group has in fact begun submitting requests.

A United States citizen declined to cooperate with the FBI in a unique opportunity to penetrate a hostile foreign intelligence establishment located in this country. Although otherwise willing to be cooperative, this citizen advised that he feared a future release of documents under the FOIA could reveal the extent of his cooperation and damage his financial livelihood.

An FBI Agent, conducting a foreign counter-intelligence investigation concerning possible loss of technology to a hostile foreign country, contacted an American businessman about a research program being conducted by his company. The individual was cooperative, but refused to release a copy of a company business report to the agent, fearing that business competitors could obtain the report through the FOIA and learn of the company's research activities.

In addition to the examples cited, the FBI has conducted analyses of FOIA releases and possible uses of the FOIA. In the former instance, the FBI has concluded that requesters can use released records to identify confidential sources despite diligent efforts by our analysts to protect those sources. Dates, geographic locations reporting investigations, the volume of material recorded in a given time frame, even the absence of information in certain time frames or from certain locations can substantially assist such analyses.

Mandatory response requirements of the FOIA necessitate that specific exemptions be cited even if all records are withheld. FBI analysis confirms that sensitive investigations can be thwarted and suspected informants targeted and positively identified because of these provisions. Inherent defects of the FOIA pose not only grave risks to individual investigations and informants, but jeopardize as well the FBI's ability to effectively perform its federal law enforcement and internal security functions.

COSTS

In 1974, Congress amended the Freedom of Information Act to broaden public access to government information. The cost of this legislation was expected to be relatively small. For example, the House Committee on Government Operations determined that "additional costs that may be required by this legislation should not exceed \$50,000 in fiscal year 1974 and \$100,000 for each of the succeeding five fiscal years." It is important to note this was the projected cost of FOIA for the entire Federal Government. The FBI alone spend \$160,000 dollars on FOIA in 1974, and costs have skyrocketed since then. It is estimated that the FBI's total FOIA costs since that year have exceeded \$55 million. This estimate includes personnel, administrative, litigation and other costs to FBI Headquarters and Field Offices.

Little money is recovered from those who use the Act. While government agencies such as the FBI may collect search and duplication fees, the fees do not approach the Act's true costs. For example, the FBI spent more than 12 million for its FOIPA program in fiscal year 1981, but recovered only \$44,616 in fees during the last calendar year.

On November 12, 1981, Director Webster testified in open session before the Subcommittee on the Constitution, Senate Judiciary Committee. The following includes part of his opening statement and colloquies with some of the Members.

...

You may be interested to know what we have released in response to Freedom of Information Act requests over 60,000 pages of FBI documents concerning the Weather Underground to a West Coast attorney who represents individuals connected with that organization. Of those arrested in connection with the murder of two police officers and a Brinks guard, two have Freedom of Information Act lawsuits pending against the FBI right now.

The FBI does not know and has no way of knowing with certainty to what extent those 60,000 pages of FBI documents assisted those involved in the recent Brinks robbery. We do know two of those apprehended had received documents and were suing us under FOIA for more information.

On November 2, 1979, Joanne Chesimard escaped from prison where she was serving her sentence for killing a New Jersey State Trooper. She left behind in her cell about 1,700 pages we had released to her under the Freedom of Information Act.

New Jersey authorities who studied those documents are convinced the information she received made the task of apprehending her again more difficult.

I cannot say whether or not the Freedom of Information Act has assisted Joanne Chesimard in her successful attempt to frustrate the efforts of law enforcement to apprehend her. I do know she was reading the documents when she escaped and I do know she remains at large.

Mr. Webster. As I know the Senator is aware from past experience, getting at organized crime has been a tremendous challenge for us. No other similar apparatus is better insulated and better protected at the higher levels.

We have enjoyed some significant successes in the last 18 months, most of which we can attribute, at least initially or throughout the investigations, to source information and undercover work. It sometimes takes years to develop that kind of information and put it in place at a level where we can actually find evidence, not just rumors but evidence, that we can use against top figures in organized crime.

You did not come here to hear me tick off our successes, but the importance has really come home to me in this area. It is a dangerous area. Reprisals are severe and sometimes terminal in terms of the objectives and threats

where informants are concerned. They need to know that they are going to be protected and that their names will not find their way into organized crime hands. They need to be very satisfied about that. Otherwise, we are not going to get the information.

Senator DeConcini. Is that a hindrance today?

Mr. Webster. It is an enormous hindrance today, because they are aware that organized crime officials have, either on their own behalf or by using other intermediaries, sought this type of information and tried to identify those who were giving that kind of information.

They need to be reassured that every reasonable step that can be taken by Government -- and that includes the Congress -- has been taken for their protection. There are going to be risks in any event, but they should not be needless risks.

Senator DeConcini. Director Webster, if an organized crime organization was anticipating going into some new venture -- narcotics, extortion, or whatever -- and they had a small group of decisionmakers to implement this plan, would it be possible for one or more of those organizers to find out, through the Freedom of Information Act, whether or not any of them were suspects or any investigation was ongoing either as to them personally or as to the type of activity they might be anticipated?

Mr. Webster. One of the favorite ploys is to try to ask for a file and then see if we withhold it and what the exemption basis is. We have to state what the exemption is. Presently, if we say the basis is an ongoing investigation, they already have the information they want.

Senator DeConcini. And that happens; is that correct?

Mr. Webster. Yes, it does.

Senator DeConcini. If an organized crime person wanted to use an alias name to find out whether or not there was any investigation as to some of the contact that he might have, has that been attempted, to your knowledge?

Mr. Webster. The way the law is written, we have no basis for running a name back.

Senator DeConcini. You do not know whether or not aliases are used?

Mr. Webster. That is right.

Senator Hatch. Could I interrupt for just a minute?

Senator DeConcini. Certainly. I yield.

Senator Hatch. I understand one of your dilemmas. You said in your opening statement that you had reached the limit of what you could say publicly about the FBI's problems in trying to protect informants. On the one hand, if you illustrate the problem too vividly, you may be furnishing

ammunition to those who would like to make sure no one in their group becomes an informant. On the other hand, it seems to me that, unless you give some examples to Congress, you run the risk of not making a convincing argument for amending the act.

The journalists who testified prior to your coming here raised the issue quite strongly that the FBI cries wolf but rarely shows any concrete illustrations.

I wonder, without naming names, if you could provide for the subcommittee some examples of informants who have been identified as a result of the Freedom of Information Act. Maybe you could use hypotheticals; I do not care how you do it. If you could give us some examples, I think that would help.

Mr. Webster. Mr. Chairman, I think I could reasonably anticipate that kind of a need on your part, and I have some information that I am in a position to give you. It is sanitized a little bit, so we will not try to point fingers at conditions that are still around us. And I would be glad to give more details in executive session to you.

Senator Hatch. Let us get what we can in non-executive session.

Mr. Webster. Yes. We will go through a few of these. It is broader than just a specific identification of a

particular informant. It is: Can they reasonably be concerned about our ability to protect them?

Walter Cronkite testified in connection with the "Stanford Daily" litigation. It is the chilling effect of the perception that, "If anybody could be identified, why not me?" They need firmer, clearly set parameters so that they know we can protect them and so that our Agents, who will not go out and lie to their informants, can say with confidence and can build an informant base with confidence, that we can protect them.

We have identified informants who have told law enforcement and intelligence agencies that they will not provide information because they fear their identities will be disclosed through the Freedom of Information Act.

I have not gone back in detail, but in the report that I sent to you, Mr. Chairman, and others two years ago, I filled an appendix with paragraphs of particular cases that had been collected and reported back to us, not on a quota basis but by the individual offices, because I knew two years ago I was going to have to make this kind of case.

We have examples of situations in which individuals have claimed that they have identified sources through the act. They come and say, "We have figured this out," either talking to us or talking to the person who is the presumptive

source. I have examples in which investigations have been harmed as a result of the act.

I think Senator DeConcini made reference to the visual demonstration that we have prepared. We prepared an initial demonstration to test our own assumptions on how vulnerable we were to this type of logical analysis of multiple records. We have used it at our own training at Quantico. We have made a demonstration available to you. I think that it graphically portrays some of our problems with respect to the act.

In one example -- and I am shortening these, and it takes a little of the color and the tensions that exist out of it, but I have to do it that way -- an informant told us that he was confronted by a convicted felon who showed him a document released to him under the FOIA. The felon accused him of being an informant, and he threatened him, so the informant moved out of the State.

Drug Enforcement Administration agents were attempting to obtain information from a potential informant, and thus far he has refused to be of assistance. He has told the agents that after his own arrest he made an FOIA request and that he identified the informant who was responsible for his arrest. He is afraid that if he cooperates with DEA, anyone arrested will be able to identify him as the informant because he was able to identify his own informant.

A newspaper made a request and received some documents, and it printed a story which contained this sentence: "Though many of the names have been blacked out by FBI officials, other documents indicate that a Salt Lake City resident" -- and I will not list the name here -- "was the FBI informant." And they listed the name.

After studying one of our releases, a researcher with detailed knowledge of the subject matter claimed he was able to identify the individuals whose names were deleted. He wrote an article criticizing those who had cooperated with the FBI.

A source spoke to an FBI Agent. The source was extremely upset. He said he had received a telephone call from an individual who told him he had just received his FBI file and it identified him -- that is, the source -- as an FBI informant.

Although we had invoked the confidential source exemption during processing, the individual had somehow identified our source. That is always the problem that we have in the hard line that the statute now takes. We do not know what the requester knows....

Mr. Webster. There is a great potential for human error. For example, in the Rosenberg or Meeropol case, where the judge ordered us to release documents at the rate of

40,000 documents a month, in that one case -- there is bound to be some pressure on time to comply with the statute.

Senator Hatch. Is there any way you can be absolutely sure releasing 40,000 documents a month?

Mr. Webster. No, you really cannot.

There is a certain amount of testing that goes on because of this. There is a lot of conversation in the street about who were the sources of information.

The defendants and suspects in a DEA case included an experienced ex-police officer, a defense attorney specializing in criminal law, and an experienced drug dealer. All were constantly armed and violence prone. The ex-police officer had submitted FOIA requests regularly for a considerable period of time.

As the investigation continued, the attorney and the drug dealer began to submit FOIA requests. The attorney was well aware of FOIA and the manner in which it can be exploited to determine whether or not there was an ongoing investigation of the suspects and the methods by which an informant could be identified.

Several informants in the case learned that the subjects were submitting frequent FOIA requests. Two became frightened and ceased providing information and fled out of the State. It was a good ploy on their part. All the

defendants escaped conviction. They were convicted in a separate case.

You know, you see something like "green sedan," which is something I use in talking to the agents. "Green sedan" -- we cannot say that will identify an informant. Our 300 employees who process FOIA requests do not know the person who is requesting the information. They do not know what is significant about a green sedan. So they are supposed to leave it in under the statute.

That is the kind of situation we are confronted with when we have no latitude in a sensitive investigation, such as organized crime, foreign counterintelligence or terrorism.

Senator DeConcini. If the Senator would yield, just to follow that up, Director Webster, you are saying that to some people a green sedan would identify a certain person or a certain informant?

Mr. Webster. Absolutely. He would know.

Senator DiConcini. It would thereby jeopardize the safety of that person and any continued investigation you were conducting if he were your sole source of information?

Mr. Webster. Exactly.

Senator Hatch. Was that an actual situation, or is that just a hypothetical?

Mr. Webster. I think that is a hypothetical one, but you could substitute an address or a geographic location.

Senator Hatch. Was there not one where they just mentioned the sex of a person and that identified the informant?

Mr. Webster. That is right. It is a simple process of elimination.

We have had situations where there were three people at a meeting and two show up as suspects. It does not take much imagination to figure out that the third one, since he was not a suspect in our investigation file, was probably the informant and can be confronted then by the other two or by their agents.

Senator Hatch. Especially if they have a document from the FBI saying that one of the three --

Mr. Webster. That is right. The document just listed two people, and they know that there were three people at that meeting.

Senator Hatch. Yes.

Mr. Webster. In the 95th Congress, Mr. Gary Bowdach, an admitted organized crime figure, testified before Senator Nunn's Government Operations Committee. He testified that he made an FOIA request -- and I am quoting -- "to try to identify the informants that revealed information to the

agencies." Senator Nunn asked him if he wanted their names so that he could murder them. Mr. Bowdach said, "Yes, sir." When asked if this kind of motivation is prevalent with organized crime figures in the penitentiary, Mr. Bowdach responded, "Absolutely."

Bowdach went on to describe how he and other inmates went through about five pounds of documents released under FOIA and through analysis learned that the deletions were not toally complete. He stated than an individual had been identified in this exercise.

That is the same one where I keep hearing about people saying, "Well, they did not identify him enough because they killed the wrong man," because the identification was figuring out how many letters were in the deleted section and it turned out to be a symbol number rather than a name. That does not give me very much comfort, and it certainly does not give our informants very much comfort if the wrong man got murdered.

Colonel Clinton Pagano, the Superintendent of New Jersey's State Police, wrote to me shortly after Joanne Chesimard escaped from the Clinton County Correctional Institution in November 1979. He did not really wait to write; he picked up the phone to call me, and then he wrote to me.

Chesimard, as I mentioned in my opening statement, was serving a life sentence for the execution style murder of a New York State trooper. Following her escape, prison authorities found in her cell numerous FBI records acquired by Chesimard under the FOIA. After reviewing these records, Colonel Pagano concluded -- and I am quoting him now -- "Our efforts to apprehend this fugitive have been impaired, and the working relationship between the New Jersey State Police and the FBI has suffered accordingly. Without question, Joanne Chesimard has an in-depth knowledge of the procedures of your Agency which she will use to elude apprehension."

Many other people feel the same way about it. I am aware of another case in another part of the country where police officers had important information relative to a foreign counterintelligence investigation and would not give it to us because they did not believe we could protect the source.

Senator Hatch. I take it you had additional information that might have been able to resolve some of the problems.

Mr. Webster. That is right.

Senator Hatch. But you were stymied because of the failure to cooperate on behalf of the local law enforcement people.

Mr. Webster. I have another case in which a man with a long history of felony arrests and convictions has used the act repeatedly in what is obviously a systematic manner to zero in on an informant. I cannot discuss this case in public, because it is too sensitive and the people are still in a position to engage in reprisals.

The systematic elimination would make you realize that this is a ripe target for anyone who likes crossword puzzles or ordinary challenges of analysis to try to take these documents and find the missing link. They have something that we do not have, and that is the extra knowledge. We do not know what the extra knowledge is.

In the package of proposals that I submitted in 1979 are just pages and pages in which people in all segments of society refused to provide us with information that they feared could be revealed under the act.

I think one of the saddest experiences that I had in the first year that I came here was with personal calls and telephone calls by Federal judges, all friends of mine, who claimed that they were very sorry but they did not want to be interviewed by FBI agents about candidates for judges to sit on their courts. They said they had read the act, they understood the act, and they knew that there were going to be these nice line-by-line, word-by-word deletions, that the new candidate had every right to ask for his file under the

Privacy Act, and if he was confirmed and got on the bench he would be spending the rest of his life with him, knowing that that particular judge had derogatory comments to make about him. So the judge, rather than put up with that, defaulted in his public responsibility to make us aware of the deficiencies in a judicial candidate.

Senator Hatch. This, of course, makes it very difficult for us here on the Judiciary Committee when we have so many judgeships coming before us constantly.

Mr. Webster. We have to come to you with the best that we have. Sometimes it is not the best, for just this reason. We tell everybody that they have a promise of confidentiality.

Senator DeConcini. Mr. Chairman, let me just interrupt for a moment with a personal experience along that line under the previous Administration. I suggested a nominee for a U.S. Federal court which was not sent up here, but in fact the FBI did a background check on the individual. The individual asked for and gave me information to ask for the file, and I got it.

I noted in reading it that there were Federal judges, prosecutors, and police on both sides of this particular person's information that gave positive information and gave negative information. Their names were crossed out, but if you were familiar with the community, like I was and

the proposed nominee, there was no question that it was Judge So-and-So sitting on this court that said this, whether it was for or against the individual. It was a very difficult situation.

Had the man been put on the court, it would have been even worse because one of the people who had derogatory comments happened to be on that court.

Senator Hatch. I have looked at those FBI files, and I have to admit that it is all right there for anybody to see.

Senator DeConcini. And there is no criticism of the FBI; they were just doing their job. But it certainly was not difficult to figure out who it was.

Mr. Webster. We are just following the statutes and the limitations of the statute in its present form.

We have polled our Agents in the field to see what their sense of it is. We took a representative sample of about half of our total population, and 70.3 percent indicated that FOIA had diminished their ability to develop quality informants. You can discount, and others may discount, that type of information, but these are the people who have to develop the informants, and these are the people who are encountering difficulties.

Senator Hatch. What percentage?

Mr. Webster. A year ago, in a random population sample of 4,100 street Agents, which is not our total population, 70.3 percent indicated that FOIA was giving them major problems.

Senator Hatch. Is that because of perception that they might be disclosed?

Mr. Webster. I do not think we have any way of quantifying that. It is a combination of both. It is what the prospective informants, existing informants, or former informants tell them about their reasons for not cooperating.

It also represents some knowledge on the part of our Agents about limitations of the assurances they can give. As I said before, they do not intend to lie to the informants. Informants want to know straight out, "Can you keep this?" By the time the Agent has finished giving the qualifiers, it is not quite as reassuring as it ought to be.

Senator DeConcini. Do you have other cases?

Mr. Webster. I think one of the other concerns I should mention, since I have the opportunity, is in terms of trying to quantify. There are many cases where we are just not going to hear from somebody saying, "You sent us too much information." There are only a few who are going to stand up and say, "Ha ha, we found out with what you sent us."

In hostile intelligence activity in this country, which it is our duty to combat under our foreign

counterintelligence responsibilities, it is a cardinal principle of positive intelligence gathering -- which is what they are engaged in -- that once you identify your informant you leave him in place. Once you know who the assets are, you just leave them there, because you know they are on the other side. So for many of them, there have been no particular reprisals and no particular injury, but they have lost their utility and perhaps are feeding back disinformation to us because they may have been identified and left in place. That is still another way in which this kind of information affects our ongoing responsibilities....

Senator Hatch. I understand the FBI spends more than \$10 million every year processing their FOIA requests. This results, of course, in a great volume of disclosures. For instance, you mentioned that over 60,000 pages were produced just for people in the Weather Underground organization. With this volume of material being processed -- and you have to meet process needs on a daily basis -- you have expressed to me personally that you have a great concern with human error.

While I am confident that you do everything possible to avoid errors that disclose sensitive matters, even bureaucracies are human. Would this chance for human error justify the Administration's request that all terrorism, foreign counterintelligence, and organized crime records be exempt?

Mr. Webster. It is certainly one of the important reasons for doing so. It goes beyond mere protection of informant information; it involves the protection of our sources and our methods, the means by which these long-term, ongoing investigations can be protected.

I mentioned earlier that we collect a great deal of data. It is a slow process putting things together, finding our way, and making sense out of bits and pieces of information. If any of that gets out, not just source information, but if any of that gets out, criminal enterprises can take great advantage by sending us down blind alleys, escaping us as we get closer to them, knowing how we operate.

All of those reasons, I think, in addition to protecting the lives of sources of information go to giving us special protection in these highly sensitive, crucial areas.

## NEUTRALITY ACT INVESTIGATIONS

Mr. CAMPBELL. Let me ask you a couple of quick final questions. I notice you referenced the seizure of IRA arms. What is the FBI doing, or have they done, to investigate the flow of funds from this country into depositories or organizations that in fact are purchasing arms in other areas for the IRA, or have you left that strictly to Treasury or the Secret Service?

Mr. WEBSTER. ATF has had the major responsibility for arms purchases in the United States. We have a Neutrality Act statute for those who conspire to conduct assaults on friendly countries, where we have jurisdiction. We utilized that in connection with attempts to invade Cuba, Haiti, and the Island of Dominica, which are three recent examples of that.

We utilize the RKO statute in connection with the IRA, because a lot of people who had homeland feelings, patriotic feelings if you want to call it that, toward the injured and the widows, and so forth, of people killed in Ireland, thought they were contributing to those causes, and instead the money was going into the purchase of automatic weapons and other types of activities.

Mr. CAMPBELL. You have made efforts to identify the groups that are doing that?

Mr. WEBSTER. Yes.

Mr. CAMPBELL. What success have you had now overall? I notice you stopped one domestic arms transaction that evidently was going on. What success have you had in drying up the groups, or funds going to those groups that are in fact funding terrorism?

Mr. WEBSTER. That is a difficult question to answer because I am not aware of any instances where we had provable cases of witting participation in an illegal conspiracy, just having funds made available for broad-based causes, and that is a little different. Money was supposed to go abroad for the purposes I have outlined.

Mr. CAMPBELL. Do you publicly identify end use of monies where in fact you have no other tools to head it off?

Mr. WEBSTER. We have not done so. In this area it is so sensitive that we try to focus upon the criminal standard rather than somebody's exercise of their First Amendment rights to protest or disagree with or espouse some cause.

## FBI AGENT TRANSFER POLICY

Mr. CAMPBELL. My time is up. I have one quick final question now. I noticed the other day, I don't read it very often but Jack Anderson was talking about a morale problem because you are going to transfer agents. You didn't have skilled agents in your major offices, and you had your GS-13s and so forth out in your smaller offices and you were going to uproot them all over the country and put them into the major cities, and they were circulating petitions and objections to this and that was a serious problem.

I wonder if you would tell us whether it is or isn't or whether we are just reading the same inaccuracies that we generally read.

Mr. WEBSTER. Not unpredictably, the Anderson article was full of misstatements and inaccuracies. Incidentally, he quoted largely from a letter that had been circulated by an agents' association, and I have recently heard from the head of that association after

he had read the detailed bureau explanation of what our problems were.

We have an office of preference system by which we intend to let an agent end up in an office where he wants to be, and it is based on seniority, but it is subject to the needs of the FBI. The OP system was in danger of driving all the experience out of the big cities and into the small areas. We need the grade 13s, or what I call our sergeants. We need the sergeants everywhere, not just in the small cities but also in the large cities, and we were finding that the average tenure of an agent in New York City was about six years and in some other offices as low as two years. We were getting all the young agents there trying to solve tough, difficult crimes, and 92 percent of all the agents in Atlanta were GS-13s. We decided that we simply had to redress that imbalance, not in one year as Anderson says but over a 3-year period, and we selected people who were employed from October 1, 1969, forward.

We employed about 1,000 agents in the 1970-1971 fiscal years. We did it rather hastily and a lot of them never went through a large city. They were in their second offices. Those who had served in more than two offices were not subject to transfer. Those who had been moved around two or more times within their division, say to a resident agency, were not transferred and those who had the seniority to stay were not subject to transfer, so we are really not talking about everyone.

Mr. CAMPBELL. You were moving people who had not gone to a large city to begin with?

Mr. WEBSTER. That is right.

Mr. CAMPBELL. And who had not made the two moves?

Mr. WEBSTER. That is right. And we were not increasing the number of moves as the article implied. These were simply going to be within our budgeted moves. We were going to move some of the experienced people who hadn't served in large cities through that normal transfer process.

In addition to that, we took, I thought, extraordinary efforts to accommodate personal concerns. We used the hardship transfer approach, exceptions and extensions, and then I added to that something that we don't have for our other agents, and that is that they were allowed to rank the 12 largest cities in the order of their personal preference: If I have to go to one, I would rather go to New York, I would rather go to Chicago, and so on.

We have transferred 30 thus far, and I think all but three of those who have expressed their personal preference have gone to the city that they said they would most rather go to, and they don't have to give up their Office of Preference. We have a rule that if you receive your Office of Preference you can't use it for another five years. So they keep their Office of Preference. They can continue to do that as they develop the seniority. We are talking about a minimum 2-year term after which the agent could be eligible for an Office of Preference transfer depending on seniority. It is a very reasonable transfer.

Mr. CAMPBELL. So they can make the cycle back to their office of preference?

Mr. WEBSTER. Right. Of course, it's highly welcomed in the 12 largest cities. Sixty percent of our agents are in those 12 largest

cities, so it gives them a chance to not be stuck there forever and to see their chance to get an Office of Preference. It is an orderly, logical thing. It is hard on some who had somehow thought they had escaped the system, but other than that I think it is fair.

Mr. CAMPBELL. I think it is beneficial to us to know the reason for some of the things you are doing.

Mr. WEBSTER. Absolutely.

Mr. CAMPBELL. Thank goodness we have a certain amount of skepticism when we see those things from time to time, but I do think it is important that we have at least before us the reason for this.

Thank you very much, Mr. Chairman.

#### ATLANTA KIDNAPING MATTER

Mr. SMITH. How much money did we spend on the Atlanta murder investigations?

Mr. WEBSTER. A little in excess of \$1.7 million, Mr. Chairman.

Mr. SMITH. What was the legal basis for the investigations?

Mr. WEBSTER. The original basis for the technical assistance, that is, laboratory, fingerprint identification, behavioral science support, that we gave them in the first six months in which we were in any way involved was our authority to provide support to law enforcement agencies throughout the country.

In November 1980, when we got in full gear, we did so on the instructions of the Attorney General to investigate on our jurisdiction under the kidnaping statutes, to determine whether or not we had Federal jurisdiction. At that time there were at least four and I think maybe more—I can't remember exactly—bodies which had not been recovered, and it was the opinion of the Attorney General that we should look at all of the cases as they might relate to those who were still missing to determine whether or not the Lindberg kidnaping statute applied, and it was on his express instructions that we entered full speed on that investigation.

Mr. SMITH. So it was on the theory that perhaps a person had been kidnapped across state lines,

Mr. WEBSTER. Exactly. We had not found any at that time who had been nor had we received any extortion demands, but it was on that theory. Our jurisdiction has been utilized similarly in major cases in the past. The investigation into the shooting of Martin Luther King was predicated in part upon the use of the highways and the Meridian, Mississippi, cases were similar things of that kind. That was the jurisdiction and it was based on the Attorney General's express instructions.

Mr. SMITH. Are you cooperating with the USDA to investigate bribery cases of packing companies bribing chain store meat buyers?

#### MEAT PACKING INDUSTRY INVESTIGATIONS

Mr. WEBSTER. I can't answer the question offhand. If we have been asked to do it, I am sure we are cooperating. I will answer that for the record, if I may.

Mr. SMITH. I think you are, and I just wondered how extensive it was. I think it is pretty obvious that there is something going on in

the meat industry. There has been for several years. They have got electronic equipment available so they could buy and sell using electronic equipment, but some of the big meat companies don't want to do it. They like the system they have got, and I think it is terribly important that these kinds of bribery cases not be considered to be just something that involves a meat company and a particular chain store, because they involve the whole of society.

[The following information was submitted subsequent to the hearing:]

We have four cases at the present time concerning the bribery of Institutional Foods Company meat buyers by meat packing companies, and we have had cases in the past concerning the bribery of chain store meat buyers. In cases of this type that fall within FBI jurisdiction we do cooperate with the United States Department of Agriculture (USDA). USDA may have identified the bribery of chain store meat buyers in connection with their enforcement procedures and they investigate allegations which fall under statutes within the jurisdiction of the USDA.

Mr. MILLER. We heard about the Kama River plant, the truck plant in Russia. If we had not helped to build that, then someone else would. We furnished the machine tools, all of the equipment. It was almost a turnkey operation. And we were told, of course, that it creates positions in this country. Jobs are created because of the manufacturing that we have to do on this technical equipment and high-technology, machine equipment that we send over. So that is the area that we are talking about, where Commerce apparently feels we must do it. We must send it over because if we don't someone else will. Is that the kind of a problem that involves some agent looking for either the prints or the engineering for that equipment so that they would be able to move back and manufacture it in their country?

Mr. WEBSTER. My focus is really on espionage activity, which is where our jurisdiction comes in, and so I focus upon technology that is classified, that is considered in the national security interests not for export. Commerce is talking about a broader range of things including some things that can be adapted to military purposes, such as a computer for some civilian purpose.

Mr. MILLER. Weather computers?

Mr. WEBSTER. Right, and then turned into something for military purposes, and there we come together. It has been my experience that those who are responsible in Commerce for the embargo provisions are getting more active, more interested. They have been over to see me. They have been working with our people to try to be more effective in this area. You may also be talking to those on the policy level who are thinking in terms of trade, jobs, and so on, not really focusing on national security issues.

Mr. MILLER. Thank you very much.

#### EL SALVADOR MURDER INVESTIGATION

Mr. SMITH. In the El Salvador nun situation, as far as your people are concerned, is that case closed or is that still active?

Mr. WEBSTER. I think the case as far as the investigative phase of it is concerned is closed. The prosecutive steps are still pending.

Mr. SMITH. You have cooperated with them in the investigation. Were they cooperative? A year ago you told us they were going ahead.

Mr. WEBSTER. Apparently they have been as cooperative as they could. Duarte prior to this election was in a tenuous situation.

Mr. SMITH. A tenuous situation?

Mr. WEBSTER. Yes, a tenuous situation in terms of how hard he could press the supporters on the right, and from time to time the investigation would slow down, and a little stimulus would get it going again, and so the FBI probably served a useful function from the point of view of the Department of State, but I think in a law enforcement sense we gave them the help they were asking for and they used it. But for a while as far as the pure investigation, they would not always investigate as promptly and as thoroughly in the areas where we suggested that they do it. But in terms of what they gave to us to do, they have utilized that in the prosecutions.

Mr. SMITH. But it has been completed, then the investigation has been completed?

Mr. WEBSTER. The investigation has been completed.

Mr. SMITH. Thank you very much. Members of the Committee may have additional questions for the record.

Mr. WEBSTER. Thank you, Mr. Chairman.

[The questions referred to and the answers submitted thereto follow:]

FEDERAL BUREAU OF INVESTIGATION

Program Budget Decrease

1. *Given the increasing crime rate in recent years, the Attorney General's emphasis on violent crime, and your new role in drug enforcement, why do you project a real decrease in budget needs for fiscal year 1983? (Please note that the \$59,722,000 requested increase is for the cost-of-living pay raise and other uncontrollable items only.)*

The FBI request for FY 1983 is essentially the same as that for FY 1982. While there is a reduction of 408 positions and workyears, 395 of these are unfilled positions which would remain unfilled for lack of sufficient funding. In actuality, with no hiring freezes as experienced in recent years, our on-board strength should increase during FY 1982 and FY 1983.

Lack of sufficient funding, as applicable to the 395 positions, results from cost absorption in prior years. In fiscal year 1982 the FBI is being required to absorb \$5,976,000 in uncontrollable items, \$3,455,000 of the October 1981 pay raise and the January 1, 1982, lifting of the pay cap, and \$2,000,000 in overtime payments to support employees. When funding for items such as these is not made available, absorption must be achieved through a reduction in the number of new hires.

2. *Does this mean that resources will be diverted from your top priorities; white collar crime, organized crime, and foreign counterintelligence -- to meet your new responsibilities?*

No real decrease in investigative manpower available for these three top priority investigative programs is represented in the fiscal 1983 request. There is a stated decrease of 95 agent positions in the white-collar crime program, but these positions are unfunded and unfilled in fiscal 1982 and would remain unfunded and unfilled in FY 1983 if the positions remain in the budget.

As the FBI assumes these other increased responsibilities, increased emphasis is afforded to the higher priority work, while concomitantly raising the threshold for other responsibilities before they are considered to be of priority ranking. With regard to narcotics investigations, certain economies of scale are expected to be realized because the FBI's new responsibilities should dovetail to a certain degree with the existing organized crime program.

As a result of expected new initiatives in drug investigations, the FBI is also reviewing and evaluating its need for resources, other than for investigative personnel, in order to enhance the productivity and effectiveness of existing agent personnel. Areas such as voice privacy equipment for our FM radios, automation of our field office operations, expansion of automated investigative information systems, increased equipment

to support Title III electronic surveillances, and increased utilization of informant coverage and undercover operations are being pursued at the present time to insure that it will not be necessary to divert resources from the three highest priority investigative programs of the FBI.

Position Decreases

3. On page 2 of the justifications you indicate that the fiscal year 1983 request represents a decrease below the 1982 level of 408 positions, including 121 Special Agent positions. Could you tell us how these reductions will be allocated?

Those programs affected by the reduction of 121 Special Agent positions include White Collar Crime, with a loss of 95 positions, General Property Crimes, with a reduction of 20 positions, and Records Management, with a reduction of 6 positions.

The loss of 6 positions in the Records Management Program will have no effect on priority investigative programs. The positions in the White Collar Crime and General Property Crimes programs were unfilled positions because of the lack of funding for them.

The effect of this cut will be in what can't be addressed in the future. The reduction of 20 agent positions may impede increased utilization of the undercover technique, which has proven useful and effective in combatting property crime. The reduction of 95 agent positions in the White Collar Crime program could have an undesirable effect in the area of financial crimes. For example, fewer Bank Fraud and Embezzlement Matters will be investigated by the FBI. The FBI will have to decline to investigate additional reports of crimes such as embezzlement, circulation of fraudulent checks, and many allegations of violations of the copyright statute.

4. You also indicate that 395 of these positions are unfilled and unfunded. It has always been the policy of this Committee to fully fund all positions that are authorized. How did you get into the situation where such a large number of positions is unfunded?

In fiscal year 1982 the FBI is being required to absorb \$5,976,000 in uncontrollable items, \$3,455,000 of the October 1981 pay raise and the January 1, 1982, lifting of the pay cap, and \$2,000,000 in overtime payments to support employees. When funding for items such as these is not made available, absorption must be achieved through a reduction in the number of new hires.

Terrorism

5. Mr. Webster, you have cited recent significant increases in the number of terrorist events in this country. If the number of incidents is up, why are you not requesting an increase in

resources for the terrorism program for fiscal year 1983?

The FBI Terrorism Program consists of domestic and foreign counterintelligence (FCI) responsibilities. The domestic portion of our Terrorism Program is directed against groups or individuals in the United States. The FCI portion of our Terrorism Program is directed against groups or individuals in the United States involved in international terrorism.

During the past two fiscal years, there has been a significant increase in the number of FBI agents assigned to international terrorism investigations. The number of agents budgeted for domestic terrorism investigations has decreased during the past two fiscal years.

Although there was a declining trend in terrorist incidents in the United States between 1977 and 1980, there was an increase in 1981. There were 111 incidents in 1977, 69 in 1978, 52 in 1979, and 29 in 1980. The FBI believes that although the number of terrorist incidents increased to 42 in 1981, the domestic portion of the FBI Terrorism Program continues to be addressed adequately without an increase in budgeted resources. The international portion of our Terrorism Program has requested an increase in budgeted resources. We are continually reviewing the need for resources in both portions of our Terrorism Program.

6. How would you compare the type and severity of recent terrorist incidents with those that occurred in prior years?

Terrorist violence in the United States and Puerto Rico has taken several forms during the five year period from 1977 to 1981. It has included bombings and shootings which have caused deaths in certain instances, and other crimes such as extortions and bank robberies to finance the terrorist's activities.

The number of claimed terrorist incidents in the United States declined from 111 incidents in 1977, to 69 in 1978, 52 in 1979, and 29 in 1980. The number of terrorist incidents, however, increased to 42 in 1981.

Of these 42 incidents in 1981, 16 were caused by Puerto Rican groups. It is believed that pro-independence violence-prone Puerto Rican groups will continue to be the most frequent perpetrators of terrorist incidents in the United States, as they have been for the past five years. During this five year period, they were responsible for 128 of 303 total terrorist incidents in the United States. These 128 incidents were directed primarily against United States Government installations, public buildings and utilities.

Anti-Castro Cuban groups were responsible for four terrorist incidents in 1981, and a total of 46 for the past five years. They have been the second most frequent perpetrators of terrorist incidents in the United States during the past five

years, and it is believed their terrorist activities will continue to be directed primarily at Cuban and Soviet targets.

Jewish groups, such as the Jewish Defense League, have been identified as causing eight terrorist incidents in 1981. These acts were directed primarily against Soviet and other foreign officials in the United States. Over the past five years the frequency of claimed incidents by Jewish groups has fluctuated from one to 16 per year, and they are a continuing threat to commit terrorist acts.

Armenian groups were responsible for six terrorist incidents in 1981 compared to three total incidents for the four years prior to 1981. The increase in terrorist incidents in 1981, and the assassination of the Turkish Consul General in Los Angeles in late January of 1982, for which an Armenian-American has been charged, are an ominous trend.

Members of the Croatian National Resistance were responsible for one terrorist incident in 1981. Based on the arrests in 1980 and 1981 of 17 of their members for various violent acts directed against Yugoslav officials and Croatian-Americans, their capability to perform terrorist acts has been diminished.

Other terrorist groups, such as Palestinian, Libyan and Iranian organizations, as well as domestic violence-prone groups, are capable of committing terrorist acts, although the number of incidents on their part has generally been fewer compared to other terrorist groups.

In summary, all terrorist groups active in the United States continue to have the same political/emotional causes which have led them during the past to engage in terrorist acts in the United States. There is no reason to believe that 1982 will be substantially different from recent years.

The type and severity of terrorist incidents in the United States and Puerto Rico have been generally consistent during the five-year period from 1977 through 1981. However, a trend towards guerrilla-type activity has been noted in Puerto Rico since late 1979, with the ambush attack on a United States military bus where two were killed and several wounded by automatic weapons.

7. *Does the FBI have a program to assess the risk or vulnerability of potential United States terrorist targets?*

The FBI does not have a program specifically tasked to assess the risk or vulnerability of potential terrorist targets in the United States. We have prepared contingency plans in each FBI field office to react to any terrorist incident. In the preparation of such contingency plans potential targets are identified and appropriate data developed.

8. *How do you coordinate your intelligence and investigative activities with the CIA's new responsibilities for investigating international groups within the U.S.?*

There is no change in the basic relationship between the CIA and the FBI with respect to any activities that the CIA may undertake in the United States as a result of Executive Order 12333.

We do not anticipate any marked increase of CIA activities within the U.S. and, as before, the procedures which implement the Executive Order require advance coordination of all counter-intelligence activities and of those positive intelligence collection activities which could in any way impact on FBI counterintelligence activities.

It would, therefore, be accurate to say that the coordination responsibility of the FBI does not change under the provision of Executive Order 12333, but that the prospect of some increased activities by CIA may cause this responsibility to be exercised more frequently.

#### Foreign Counterintelligence

9. *What is the level of resources in this budget for the foreign counterintelligence program and how does it compare with the level for fiscal year 1982 and fiscal year 1981?*

The FY 1982 FCI budget for the FBI contained real increases in terms of personnel and funding in a general amount of about 5% over FY 1981. The FY 1983 FCI budget contains dollar increases only for inflationary factors and represents no real increase at all.

10. *Do you feel that the level of resources requested for this activity for fiscal year 1983 is adequate?*

Our original budget submission for FY 1983, which was approved by the Department of Justice, contained increases for personnel, training and specialized purchases and for support functions for the intelligence community. Because of overall budgetary limitations, our formal budget submission to Congress did not contain any requests for real increases.

11. *How would you compare the type and level of activity in this program at this present time with the type and level of activity that occurred in prior years?*

The FBI's FCI program is being enlarged to meet the ever-increasing presence of hostile intelligence services in the U.S. In addition, the threat from international terrorism continues to grow and is placing heavy demands on our personnel and resources.

Organized Crime Information System

12. On page 17 you indicate that the development of the Organized Crime Information System (OCIS) was begun during fiscal year 1979. How long will it be before this system is fully operational? What will be its total cost and what are the anticipated operation and maintenance costs?

The total developmental cost for OCIS from Fiscal Year (FY) 1978 through FY 1985 is estimated at \$7.1 million, while the operational and maintenance cost for this same period is \$17.9 million. It is anticipated that the operational and maintenance cost, thereafter, will be approximately \$3.6 million per year. These costs are further detailed in the following chart:

OCIS PROJECTED COSTS SUMMARY (\$000 - in FY 81 dollars)							
	FY78-80 (\$000)	FY81 (\$000)	FY82 (\$000)	FY83 (\$000)	FY84 (\$000)	FY85 (\$000)	TOT (\$000)
<u>DEVELOPMENT COSTS</u>							
Personnel	405	258	242	124	124	---	---
Contract	435	100	200	100	---	---	---
Hardware	347	173	1,571	1,342	1,380	300	---
(Total)	1,187	531	2,013	1,566	1,504	300	7,101
<u>OPERATIONAL COSTS</u>							
Personnel	42	98	114	113	113	146	---
Hardware	36	926	1,125	685	655	748	---
(Total)	78	1,024	1,239	798	768	894	4,801
<u>USER COSTS</u>							
HQ Personnel	280	354	449	449	449	449	---
FO Personnel	861	1,865	2,059	1,880	1,880	1,880	---
Supplies/Utilities	10	36	49	49	49	49	---
(Total)	1,151	2,255	2,557	2,378	2,378	2,378	13,097
<u>YEARLY TOTALS</u>	2,416	3,810	5,809	4,742	4,650	3,572	24,999

TOTAL PROJECTED COSTS (FY 78-85): \$24,999,000

OCIS is currently operational in FBIHQ and 23 field locations, including four Resident Agencies (RAs). By the end of FY 1982, it will be operational in 23 Field Offices and seven RAs. Current plans are for OCIS mainframe database software to be completed by programmers by 12/82 and intelligent terminal software to be completed by 12/83. Any additional software modifications would be minor in nature.

13. What other (than OCIS) criminal intelligence activities does the Bureau use or plan to develop?

There are no other criminal intelligence activities, other than in the OCIS, in use by the FBI at the present time nor are there plans to develop any other criminal intelligence activities.

14. To what extent does the FBI use criminal intelligence analysts?

Organized Crime Information Analysts (OCIAs) are assigned to the Organized Crime Section (OSC), Criminal Investigative Division (CID), at FBI Headquarters. These analysts are assigned duties in the implementation and development of the Organized Crime Information System (OCIS). Most of their duties are in connection with the development of OCIS: implementing new computer files, teaching field OCIS personnel, and developing new computer capabilities. Only recently have they developed the expertise and the capability of reviewing raw intelligence information in the OCIS data base, drawing conclusions, and making recommendations based upon this information. These abilities are being further expanded by training in analytics and by increasing their sophistication in retrieval techniques from the OCIS data base.

There are also field OCIAs. These analysts are responsible for reviewing information developed in organized crime investigations, extracting pertinent data from field investigative files and entering it into the OCIS data base, and providing analytic capabilities for field investigators. Developing the experience level and expertise needed to properly perform these functions is a very lengthy process involving numerous training sessions at the FBI Academy, at FBIHQ and in each field office. These field OCIAs are currently providing tremendous benefits to the Organized Crime Program in the offices where OCIS has been implemented.

15. Do you believe that all criminal intelligence functions should be centralized within the FBI?

We do not believe that all criminal intelligence functions should be centralized within the FBI. We think there is a legitimate need for operational intelligence collection in other agencies which have criminal investigative responsibilities. We strive to coordinate intelligence collection activities with these agencies to avoid duplication and for operational effectiveness.

Decrease for White-Collar Crime Programs

16. On page 19 of the justifications you indicated that the white-collar crime program will utilize 95 fewer Agent workyears in fiscal year 1983 than were authorized in fiscal year 1982.

*Can some of this decrease be offset by increased fraud against the government criminal investigations by the Offices of Inspector General? If so, by how much?*

None of the reduction in Agent workyears will be reflected in the FBI's commitment to addressing governmental fraud. Governmental fraud is the first priority within the FBI's White-Collar Crime Program. This prioritization has been made by the FBI, in concert with the Attorney General, based upon numerous considerations including the magnitude of the crime problems, the volume of incidents to be addressed, the availability of our law enforcement segments to address the problems, and the capabilities of the FBI itself.

The 95 fewer Agent workyears in fiscal year 1983 cannot be offset by increased fraud against the government criminal investigations by the Offices of Inspector General. The FBI has the primary role in investigating bribery, attempted bribery, and specific, significant allegations of corruption which culpably involve U.S. Government employees. It is expected, rather, that case referrals from the Offices of Inspector General will result in sustained investigative activity in this area.

Emphasis on Violent Crime

*17. What has the FBI done to respond to the Attorney General's emphasis on violent crime? I note on page 21 of the justifications that you have changed the priority case indicators to include incidents where the use of weapons was threatened. What else can be done and what will it cost?*

The Fugitive Program of the FBI has taken the following action pursuant to the Attorney General's call to step up the Federal Government's attack on violent crime:

Through vigorous enforcement of the Fugitive Felon Act, to locate and apprehend dangerous criminals who flee from state and local authorities to avoid prosecution, emphasis is placed on individuals charged locally with a violent or serious crime such as murder, rape, robbery, aggravated assault, and major narcotic violations.

The FBI is aggressively soliciting unlawful flight cases involving violent or major offenders from state and local authorities. The effectiveness of this effort is shown by recent data indicating that, at the current rate of new unlawful flight cases being opened, the volume of new matters will increase from approximately 2,700 in FY 1981 to approximately 4,000 during FY 1982.

The FBI is assuming investigative responsibility to locate and apprehend approximately 10% of the Drug Enforcement Administration (DEA) fugitive workload. All of the fugitive cases referred to the FBI from DEA are Class I and Class II violators believed to be in the United States.

The FBI now has approximately 300 pending DEA fugitive cases; DEA refers between 10 and 20 new cases to the FBI each month.

Under current budgetary constraints the FBI is assisting state and local authorities in combating violent crime through enforcement of the Fugitive Felon Act as far as it is able. However, we know there is data concerning over 40,000 fugitives wanted for violent crime entered in the National Crime Information Center (NCIC) by state and local authorities. While not all of these individuals meet criteria for FBI involvement to seek their apprehension, it is estimated that state and local authorities would request assistance in a greater number of instances if additional FBI resources were available in this area. The cost of additional resources would of course depend on the level of resources to be made available and the point in time when additional resources would be made available.

ADP Operational

*18. On page 35 of the justification you indicate that one of your primary accomplishments in 1981 was the formulation of the FBI's long-range ADP plan. What are the projected total costs of this plan? Since you are not requesting any increase in the 1983 budget, when do you plan to request the resources to carry out the plan?*

The FBI's ADP plan is a broadly based long-range program to apply state-of-the-art information technology in a cost effective manner across virtually all functional areas including investigation, law enforcement services, resource management, and executive decision making. Accordingly, the FBI's 1983 ADP budget request reflects a multi-year outlook for information systems development.

While the program is aimed at improved operational effectiveness and productivity across the board, principal focus has been on application of advanced computer-based information systems and analytic techniques in organized crime, white collar crime, international terrorism, and foreign counterintelligence.

In addition to these key investigative support information systems, a fundamental component of the FBI's automation strategy involves the emerging office-of-the-future concept. A pilot information system project in two selected field offices is being employed to test and evaluate the effectiveness of word processing, data processing, and telecommunications systems integrated to provide automation capabilities in the FBI field office business environment.

To complement the systems for investigative support and field office automation, efforts have been initiated to consolidate and modernize all information systems related to management of FBI human, fiscal, and property resources. This work is particularly significant in that it involves a

concentrated effort to combine the functions performed by a number of individual, outdated information systems into an efficient, integrated system using new scientific design and development methodologies and state-of-the-art data base management techniques. The resulting information system will support organization-wide resource management for all personnel, funding and equipment. This system will be linked through a secure telecommunications network with the field office automation system to improve efficiency of information flow and storage and to reduce operating costs for the management functions performed. Top and middle-level managers will interact directly with this system to take maximum advantage of automated analytic and decision support capabilities to manage and allocate critical FBI resources.

The FBI will have spent 317 million dollars by 1991 to implement this plan. However, the cumulative cost benefits and cost avoidances of just two of the sub-systems will be 340 million dollars in 1991. In addition, one of these two sub-systems will continue to accrue cost benefits at a rate of 50 to 55 million dollars per year after 1991.

The funding for this plan is being requested as enhancements to the ADPT budget in each of the years 1982 through 1991.

#### State and Local Assistance

19. Last year the Committee provided sufficient funds to restore 35 positions to provide training to state and local law enforcement officials. How many of these positions have been filled and do you plan to fill all of them in fiscal year 1982?

In the FY 1982 Appropriation Bill, as passed by the House, an additional 35 positions and \$1,146,000 were included for state and local training. The continuing resolution under which the FBI is presently operating contains additional funds of only \$596,000. Due to the budgetary situation in the early part of 1982, hiring was not reinstated until February and the 35 positions have not been filled specifically. While some of the positions will be filled, it is unlikely that all will be filled. This is attributable to the difference in funding allowed and the fact that the FBI is being required to absorb approximately \$11.5 million in 1982 for uncontrollable items, including pay raise costs.

20. For many years the Bureau has paid for forensic science training as well as other types of training, such as the National Academy for State and Local Law Enforcement. In other words, the Federal government has footed the entire bill for instruction, lodging and transportation of persons to Quantico. Given the severe financial situation that exists at the present time, would it not be reasonable to ask state and local governments to share

*some of these direct training costs -- travel expenses for example?*

The FBI has historically provided cost-free training as a cooperative law enforcement effort since the 1930's. Based on the following factors, a change in this policy would result in a dramatic reduction or elimination of training assistance: (It is noteworthy that institutions which charge state and local law enforcement agencies for training such as Northwestern Traffic Institute are experiencing a significant drop in enrollment because of declining local government budget bases.)

a. Many state and local jurisdictions, as well as individual police officers, would be unable to afford any portion of the costs of training provided by the FBI. This would immediately impact on the larger metropolitan department in large eastern and mid-western cities which are suffering a declining tax base and a shrinking budget, as well as the small rural law enforcement agencies which have no funds available for training. It should be noted that due to the present economic conditions, New York City police officers are prohibited from receiving any external training in which a fee is levied against the city.

b. A program in which the Bureau would charge for its training would result in an unequal distribution of training and place; for example, West Coast jurisdictions would be at a distinct disadvantage in utilizing Quantico-based training resources.

c. A program in which the Bureau requires reimbursement for portions of its training could also place the Bureau in the position of being in direct commercial competition with private sector organizations, which raises both ethical and legal questions. Such a reimbursement plan could also result in the development of training programs which are financially attractive rather than programs specifically designed to address the demonstrated training needs of the general law enforcement community.

d. The Bureau's primary function continues to be investigative in nature. In support of this function, field police training has been provided on a part-time basis by our investigators according to their availability. As such, the FBI does not desire to be in a position in which a contractual training obligation could not be fulfilled due to an emergency or high-priority investigation requiring the reprogramming of personnel and resources from training to investigative operations.

e. An important aspect of the FBI's training program is its specialized expertise. Consultation is provided in major impact cases which fall solely within the jurisdiction of state and local agencies. On occasion, it would be impossible to distinguish between training, consultation, and direct investigative support in such cases.

f. The FBI enjoys a high degree of cooperation from state and local agencies. Just a few of the cost-free benefits which accrue to the FBI as a result are state and local support and assistance in: investigations and arrests; use of vehicles, radios, aircraft, watercraft and bomb disposal units; and on-the-scene examination of evidence. To charge these agencies for FBI services could well result in the state and local agencies charging the FBI in return, notwithstanding the elaborate accounting systems that would have to be developed. It would be speculative at this juncture to estimate the additional costs which would accrue to the FBI, but FBI field commanders have indicated that the FBI's current policy of cost-free training brings returns far greater than the investment.

#### Fingerprint Identification

21. *On October 1, 1981, the FBI initiated a one-year suspension of fingerprint identification services provided to banking institutions and state and local employment licensing authorities. This suspension was instituted in order to reduce the backlog on such applications, which had grown to unacceptable proportions. What was the backlog on such applications when the suspension was begun and how much do you anticipate the backlog will be reduced by October 1, 1982, when the suspension will be lifted?*

The fingerprint card backlog in the FBI's Identification Division was 385,974 cards on October 1, 1981, the day the suspension action was initiated. As of April 1, 1982, it was 203,695 cards, a reduction of 182,279 cards. It is anticipated that by October 1, 1982, the backlog will be reduced to about 100,000 cards.

22. *I understand that you are not requesting any funds to implement your user fee system and that you plan to hire additional personnel needed to operate the fingerprint identification system with the funds from user fees. When the suspension on applications is lifted and services are reinstated, will these requests be processed by existing fingerprint identification personnel? If so, won't the backlog quickly increase?*

Starting on October 1, 1982, the Identification Division's existing personnel staff will have the task of processing the increased number of applicant fingerprint cards received when the suspended services are restored. This will, of course, cause the work backlog to again rise; however, this will be only a temporary condition until additional personnel are acquired, trained, and become productive under the reimbursable program during Fiscal Year 1983.

23. *Won't you need legislation to institute such a user fee system? What is the status of that legislative proposal? What will be the amount of the individual fee that you plan to charge for furnishing the fingerprint identification services?*

General authority for charging fees to non-Federal organizations for the cost of services rendered by a Federal Government agency already exists under the so-called "User-Charges" statute (Title 31, United States Code, Section 483a). However, that statute requires that the fees collected be paid to the U.S. Treasury as miscellaneous receipts, thereby making them unavailable for use by the FBI in acquiring the additional personnel needed to perform the restored fingerprint services. Therefore, new statutory authority is required for the FBI to retain and use the fees.

There are presently two proposed bills pending in the House of Representatives relating to this matter, i.e., H.R. 4997 and H.R. 5087. Both require that the fees collected be paid to the U.S. Treasury as miscellaneous receipts, but H.R. 5087 also provides that there be "appropriated for each fiscal year, to remain available until expended, a sum equal to the fees collected...in the immediately preceding fiscal year and such additional sums as may be necessary for carrying out the purpose of this Act." As neither bill fully meets the FBI's funding needs, we are including appropriate statutory language in the proposed Department of Justice Authorization Bill for Fiscal Year (FY) 1983. In view of the problems experienced in obtaining Congressional approval of authorization bills in recent years, we are also attempting to have the needed language included in a future supplemental appropriation.

The amount of the individual fee will be based on the cost of furnishing the service. It is presently anticipated that, with an October 1, 1982, pay raise, the fee will be set at \$12 for each fingerprint card processed.

#### FBI Jurisdiction to Investigate Drug Offenses

24. *In assigning jurisdiction to investigate drug offenses, it was announced that cross-training and Agent rotation programs between the FBI and DEA are to be initiated. Could you describe these programs including to what extent mandatory transfers might be involved? How much might these transfers cost?*

As a result of the recent decision giving the FBI concurrent narcotics jurisdiction, the FBI will conduct nine in-services for the training of 288 Agents in narcotics investigations for the remainder of this fiscal year.

This training has been coordinated with the DEA and will include three weeks at the Federal Training Center, Glynco, Georgia, and one week at the FBI Academy, Quantico. Attendees will be investigative and supervisory personnel from the FBI. Topics of instruction at Glynco will be conducted by the DEA and will include: Title 21, pharmacology, field testing, trafficking patterns, evidence, and conspiracy investigations. Topics of instruction at Quantico will be conducted by the FBI and will include: FBI Policy, Title III, informant matters, undercover matters, financial flow investigations, money laundering,

evidence handling, and organized crime's involvement in narcotics trafficking.

A training unit has been established at Quantico in preparation for the FBI's investigation of Title 21 matters. To this end, Quantico personnel are currently on-site at Glynco for the purpose of establishing mutually beneficial training programs.

The FBI Economic and Financial Unit is currently assisting the DEA training staff in the development of an advanced financial investigation curriculum.

Selected DEA senior management personnel have been and are currently being designated to participate in FBI development courses, including the Executive Development Institute.

There are no mandatory transfers being contemplated as a result of our concurrent narcotics jurisdiction.

25. *Do you anticipate any increased workload for the FBI Laboratory as a result of your new drug enforcement responsibilities?*

As it now stands the FBI Laboratory should expect to increase its workload as a result of our being assigned concurrent jurisdiction with DEA since as a matter of policy, the DEA Laboratory system will be responsible only for the analysis of all drug exhibits, collected, purchased or seized by either agency. Conversely, the FBI Laboratory will be responsible for the analysis of all non-drug evidence for both agencies as will the FBI Identification Division who would conduct latent fingerprint analysis for both the FBI and DEA. Whether this can be handled with no increase in staffing levels remains to be seen.

As DEA SAs receive the intensive training which will be offered by FBI personnel in areas such as the identification, collection, and preservation of evidentiary materials and in the investigative and probative value of laboratory findings other than drug analysis and fingerprint identification, the requests for laboratory expertise particularly concerning court testimony will be truly extensive.

26. *How do you plan to coordinate with DEA's Laboratory?*

The DEA Laboratory will be responsible for the analysis of all drug exhibits, collected, purchased or seized by either agency under any circumstances. Conversely, the FBI Laboratory system will be responsible for the analysis of all non-drug evidence requiring analysis for investigations of either agency. Latent Fingerprint analysis will also be accomplished in the FBI Identification Division for both agencies. This policy recognizes the efficient use of developed expertise, especially as it relates to expert testimony at time of trial.

27. *Do you anticipate that there would eventually be a merger of DEA with the FBI? When do you think this would occur?*

On January 28, 1982, the Attorney General formally delegated to the FBI concurrent jurisdiction with DEA relative to the investigation of violations of the Controlled Substances Act, Title 21, U. S. Code. The Attorney General announced that DEA will be placed under the general supervision of the Director of the FBI with the Administrator of DEA reporting to the Department of Justice (DOJ) through the Director of the FBI.

There are no plans for a merger of DEA with the FBI. When the Attorney General delegated to the FBI concurrent jurisdiction with DEA, he mandated that DEA would continue to function as a single mission drug enforcement agency which is responsible for the enforcement of the Controlled Substances Act, in cooperation with the FBI; the Diversion Control Program for the legitimate drug industry; drug intelligence analysis; and publication of appropriate strategic assessments.

28. *What are the advantages and disadvantages of such a merger? Are there any savings to be derived from such a merger? If so, in what areas and how much?*

An immediate, complete, merger of the DEA into the FBI is not recommended. The organizational structure, enforcement philosophy and administrative and personnel practices of the two agencies are considered too disparate at this time. An immediate merger would result in an unacceptable loss of effectiveness in both organizations. In addition, a merger could not be accomplished on the basis of unilateral exercise of executive branch authority. Legislation would be required to resolve specific issues, particularly the issue of competitive service (DEA) and excepted service (FBI).

Question From Mr. Dwyer

FBI ROLE IN DRUG ENFORCEMENT OPERATIONS

1. *Will the Legal Attaches assume a greater role with respect to overseas drug enforcement now that the FBI has been given jurisdiction to investigate drug offenses? If so, will this new role for the Legal Attaches eventually require increased resources?*

At the present time, it is anticipated that there may be an increased work load because of narcotics matters in Bern, Switzerland; Rome, Italy; and the Caribbean. This is because of narcotics "money flow" investigations traceable to Switzerland, the traditional organized crime ties to Italy and Sicily, and the tracing of drug traffic through the Caribbean to the United States. These areas are being dealt with specifically in coordination with the Drug Enforcement Administration. Apart from the aforementioned, it is not anticipated that the work load of the existing Legal Attache system will be greatly increased because of the Bureau's involvement in narcotics investigations in the near future. No doubt this new FBI commitment will eventually result in expanded work and manpower demands.

## WITNESSES

	Page
Archer, G. L., Jr.....	101
Arnold, M. E.....	618
Baer, B. F.....	583
Baxter, W. F.....	279
Bell, J. R.....	737
Breed, A. F.....	411
Carlson, N. A.....	411
Colwell, Lee.....	975
Diegelman, R. F.....	879
Dinkins, C. E.....	101
Draley, H. C.....	583
Farkas, G. M.....	411
Groover, L. C., Jr.....	975
Haislip, G. R.....	618
Hall, W. E.....	161, 261
Hoffman, P. B.....	583
Houk, W. B.....	411
Jensen, D. L.....	101
Lauer, C. A.....	879
Lee, R. E.....	101
Levine, Bertram.....	375
Mallgrave, F. X.....	161
McGrath, J. P.....	101
McWhorter, L. S.....	161
Mead, Gary.....	161, 261
Meeks, H. D.....	375
Monastero, F. V.....	618
Moyer, E. A.....	161
Mullens, F. M., Jr.....	618
Neill, C. R.....	1, 61, 411, 583, 613, 737, 879, 975
Olson, T. B.....	101
Pompa, G. G.....	375
Powell, J. G.....	411
Quinn, D. P.....	618
Rensch, L. N., Jr.....	411
Renshaw, B. H.....	879
Reynolds, W. B.....	101
Rogers, D. R.....	737
Rooney, K. D.....	1, 61, 101, 161, 245, 261, 279, 353, 375, 411, 583, 613, 737, 879
Safir, Howard.....	161, 261

	Page
Schmults, E. C.....	101
Shaffer, J. R.....	1, 61, 101, 161 245, 261, 279, 353, 375, 411, 583, 613, 737, 879
Shea, Q. J., Jr.....	161, 245
Shealy, J. A.....	161, 261
Smith, W. F.....	1
Sweda, D. J.....	411
Taylor, E. L.....	583
Tyson, W. P.....	161
Underwood, J. L.....	879
Vander-Staay, A. J.....	879
Warfield, Wallace.....	375
Webster, W. H.....	975
Williams, J. K.....	618

## INDEX

	Page
Antitrust.....	279
Anticompetitive activity, changing levels of.....	335
AT&T:	
Cost of.....	334
Paralegals, use of.....	350
Settlement of.....	329, 352
Bankruptcies, and resultant economic concentration.....	346
Baxter, William, biographical sketch.....	319
Bid-rigging prosecutions.....	335, 347
Budget request.....	280
Caseload:	
Activity.....	323, 324
Cases commenced in FY 1982.....	324
Concentration in industries, problems of.....	338, 346
Consolidation with other legal divisions.....	341
Employment.....	329
Enforcement policies.....	333, 340, 343, 345, 347, 348
Field offices, closing of.....	331, 347
FTC liaison.....	334, 343
General statement.....	319
Hart-Scott-Rodino Act.....	331, 341
IBM case:	
Cost of.....	334
Paralegals, use of.....	350
Settlement of.....	329
Investigative techniques.....	350
Merger guidelines, revision of.....	348
Paralegals, use of.....	350, 351
Premerger notification requirements.....	341, 348
Private sector cases:	
Antitrust involvement.....	339
Intervention in.....	332, 343, 345
Program reductions.....	329, 340
Questions submitted for the record.....	340
Robinson-Patman Act.....	345
Small Business:	
Collective relief for.....	344, 345
Farm machinery industry.....	337
Innovations and Competition from.....	336
Merger fears.....	336
Vertical integration policy.....	332, 344
Word processing equipment and computers.....	351

	Page
Attorney General Overview.....	1
Addendum to general statement.....	12
Antitrust Division:	
Activities of.....	52
Budget request.....	9, 15
Mergers.....	52, 53
Private suits, intervention in.....	53
Prosecutions.....	56
Budget ceilings and continuation of government operations.....	32
Budget request, Departmental.....	2, 31
Closed sessions, motion for.....	26
Collections, debt.....	45
Community relations service.....	19
Corrections resources.....	10
Departments, abolishment of.....	27
Detention:	
Cuban and Haitians.....	40, 44, 45
Facility construction.....	40, 43
Illegal aliens.....	40
Refugees.....	40, 44
Drug Enforcement Administration:	
Budget request.....	21
Efforts of.....	6
Federal Bureau of Investigation:	
Budget request.....	5, 20
Position reduction.....	37
Unfilled positions.....	39
Federal Prison System:	
Buildings and facilities request.....	10, 23
Imprisoned doctors, use of.....	46
Jailhouse lawyers.....	46
National Institute of Corrections request.....	10, 23
Salaries and Expenses request.....	10, 21
Fees and Expenses of witnesses.....	9, 18
Fingerprint processing services.....	6, 45
Foreign Claims Settlement Commission.....	16
General Administration.....	12
General Legal Activities.....	13
General statement.....	4
Government, closing down of.....	32
Grants, state and local intelligence.....	55
Immigration and Naturalization Service:	
Budgetary concerns.....	36
Budget request.....	20
Detention facility.....	40, 43
Legislative program.....	7
Immigration problems.....	36
Task force on immigration and refugee policy.....	7
Justice Management Division.....	48
Juvenile Justice Program, elimination.....	57, 58
Law enforcement coordinating committees.....	5, 29
Legislation proposed.....	26, 27, 28

Attorney General Overview—Continued	
	Page
Litigation:	
Centralized function.....	8
Civil.....	30
Mergers.....	52, 53
Narcotics:	
Seizures of assets.....	6, 38, 52
Trafficker prosecution.....	8, 50
Office of Justice Assistance, Research, and Statistics:	
Budget request.....	10, 24
Juvenile Justice Program, elimination of.....	57
Paraquat and Percy amendment.....	50
Pretrial diversion.....	30
Priorities, Department.....	4
Professional Responsibility, Office of.....	48
Questions submitted for the record.....	48
Refugees:	
Detention of.....	40, 44
Immunization of.....	40
Small business, antitrust concerns.....	54
State and local intelligence grants.....	55, 56
Support of U.S. Prisoners.....	18
Transfers:	
Intergovernmental.....	24
Proposed.....	11
U.S. Attorneys.....	16
U.S. Marshals:	
Budget request.....	6, 17
Private process, service of.....	29
U.S. Parole Commission.....	13
U.S. Trustees:	
Bankruptcy program.....	41
Budget request.....	17
Termination.....	9, 17, 41, 58
User fees.....	29, 45
Violent crime:	
Initiatives.....	4
Task force recommendations.....	5, 36
Community relations service.....	375
Budget request.....	376
Caseload:	
Level.....	407
Reduced.....	410
Selection criteria.....	408
Decrease, resources.....	407, 410
General statement.....	406
Individual rights cases.....	409
questions submitted for the record.....	410
Drug Enforcement Administration.....	613
Bank security Act.....	701
Budget reduction impact.....	701, 703, 704
Budget request.....	614

## Drug Enforcement Administration—Continued

	Page
Cooperation:	
DEA/Customs.....	693
Federal, state and local.....	679
Foreign operations.....	678, 693, 730
GAO.....	698
Interagency.....	692
Military.....	679
Diversion Investigation Units.....	730
Drug abuse.....	675, 694, 731
Drug effort, consolidation of.....	696
Drug Intelligence Program.....	732
Drug strategy/priority.....	675, 690
Drug trafficking situation, assessment of.....	677
El Paso Intelligence Center (EPIC) and military assistance.....	679
FBI-DEA coordination.....	689, 696, 697, 704, 707, 728
Federal drug enforcement, management of.....	674
Freedom of Information Act:	
Fees charged.....	696
Requests.....	695
Foreign operations.....	678, 693
Forfeitures.....	698, 700, 734
GAO request.....	698
General statement.....	672, 688
GSA:	
Recurring reimbursables/telecommunications increase.....	700
Space.....	699
Investigative support.....	680
Joint investigations.....	689, 696, 697, 704
Language changes.....	700, 703, 734
Mullen, Francis M., Jr., biographical sketch.....	682
Paraquat:	
Alternatives.....	691
Amendment, repeal of.....	694
Program decrease.....	703
Questions submitted for the record.....	703
Reprogramming requirements.....	690
Seizures and forfeitures.....	700
Task forces.....	697
Federal Bureau of Investigation.....	975
ADP, status of operations.....	1211
Agents:	
Staffing.....	1145, 1204
Transfer policy.....	1198
Asset seizures in drug investigations.....	1143, 1146
Atlanta murder investigations.....	1200
Budget Request:	
Justifications.....	976
Narrative detail and supporting exhibits.....	1053
Coast Guard, assistance to law enforcement.....	1152
Drug Enforcement:	
FBI role in.....	1051, 1139, 1154, 1215, 1217

## Federal Bureau of Investigation—Continued

	Page
Drug Enforcement—Continued	
<i>Posse Comitatus</i> provisions.....	1141
Seizures.....	1143, 1146, 1150, 1153
Fingerprint Identification Program.....	1052, 1138, 1214
Foreign Counterintelligence Program.....	1050, 1203, 1205, 1207
Fraud against the government.....	1051, 1149
Freedom of Information and Privacy Acts:	
Adverse use affects FBI operations.....	1157, 1160
Associated costs.....	1156
Fugitive program.....	1210
General statement.....	1050
Investigations:	
Atlanta murders.....	1200
Drug offenses.....	1051, 1215, 1217
El Salvador murders.....	1201
Fraud.....	1051, 1149
Meat packing industry.....	1200
Neutrality Act.....	1198
Recent.....	1142
Legal Attache program.....	1147, 1217
Missing children, legislation regarding.....	1150
Narcotics:	
Enforcement.....	1154, 1215
Evidence, disposition of.....	1153
Seizures.....	1150
Neutrality Act investigations.....	1198
Official corruption.....	1151
Organized crime.....	1050, 1203, 1208
President, protection of.....	1152
Program reductions.....	1050, 1203, 1204, 1209
Questions submitted for the record.....	1203
Standard Level User Charges (SLUC).....	1155
State and local assistance.....	1211, 1212
Terrorism resources:	
Domestic.....	1052, 1145
Questions regarding.....	1204
Training.....	1212, 1215
Undercover operations.....	1142, 1148
User fees.....	1052, 1138, 1214
Violent crime.....	1139, 1144, 1210
White collar crime.....	1203, 1209
Federal Prison System.....	411
Administrative services.....	565
Arizona facility.....	525, 580
Atlanta penitentiary.....	513, 517, 523, 525, 579
Budget request:	
Buildings and Facilities.....	486, 515, 523
Federal Prison Industries.....	498, 515, 525
National Institute of Corrections.....	470, 515, 517, 522
Salaries and Expenses.....	415, 513, 517

## Federal Prison System—Continued

	Page
<b>Buildings and Facilities:</b>	
Atlanta renovation.....	523, 579
Arizona facility.....	525, 580
Decreases.....	523, 577
Deferral of funds, 1982.....	578
Language changes.....	577
Modernization and repair.....	523, 579
New construction.....	524, 577
Phoenix facility.....	524
Community Treatment Centers.....	522, 563
Cuban and Haitians.....	516, 517
<b>Federal prison Industries:</b>	
Educational training.....	525
Vocational training expenses.....	581
General statement.....	510
<b>Halfway houses:</b>	
Educational training.....	558
Parolees released to.....	526
Supervision within.....	527
Inmate programs.....	522
Institution security program.....	521
Medical profession, prisoners in.....	519, 520
Medical services.....	562
<b>National Institute of Corrections:</b>	
National Corrections Academy.....	523, 567
Uncontrollable increases, absorption of.....	522, 566
<b>Parolees:</b>	
Crime committed by.....	526, 527
Information on, available to local officials.....	526, 558
Release of.....	526
Phoenix facility.....	524
Prison population.....	511, 516, 561, 564, 580
Questions submitted for the record.....	561
Statement of Work.....	527
Trustees, housing of.....	521
U.S. Public Health Service Commission phaseout.....	519
Youth Correction Act offenders.....	564
<b>Fees and Expenses of Witnesses.....</b>	<b>353</b>
Budget request.....	354
General statement.....	368
<b>Increases:</b>	
Cost of.....	368
Program.....	370
Uncontrollable.....	370
Questions submitted for the record.....	370
<b>Witnesses:</b>	
Increase, cost of.....	368
Protection of.....	370, 372
Security program.....	371, 372
<b>Foreign Claims Settlement Commission.....</b>	<b>738</b>
Budget request.....	737

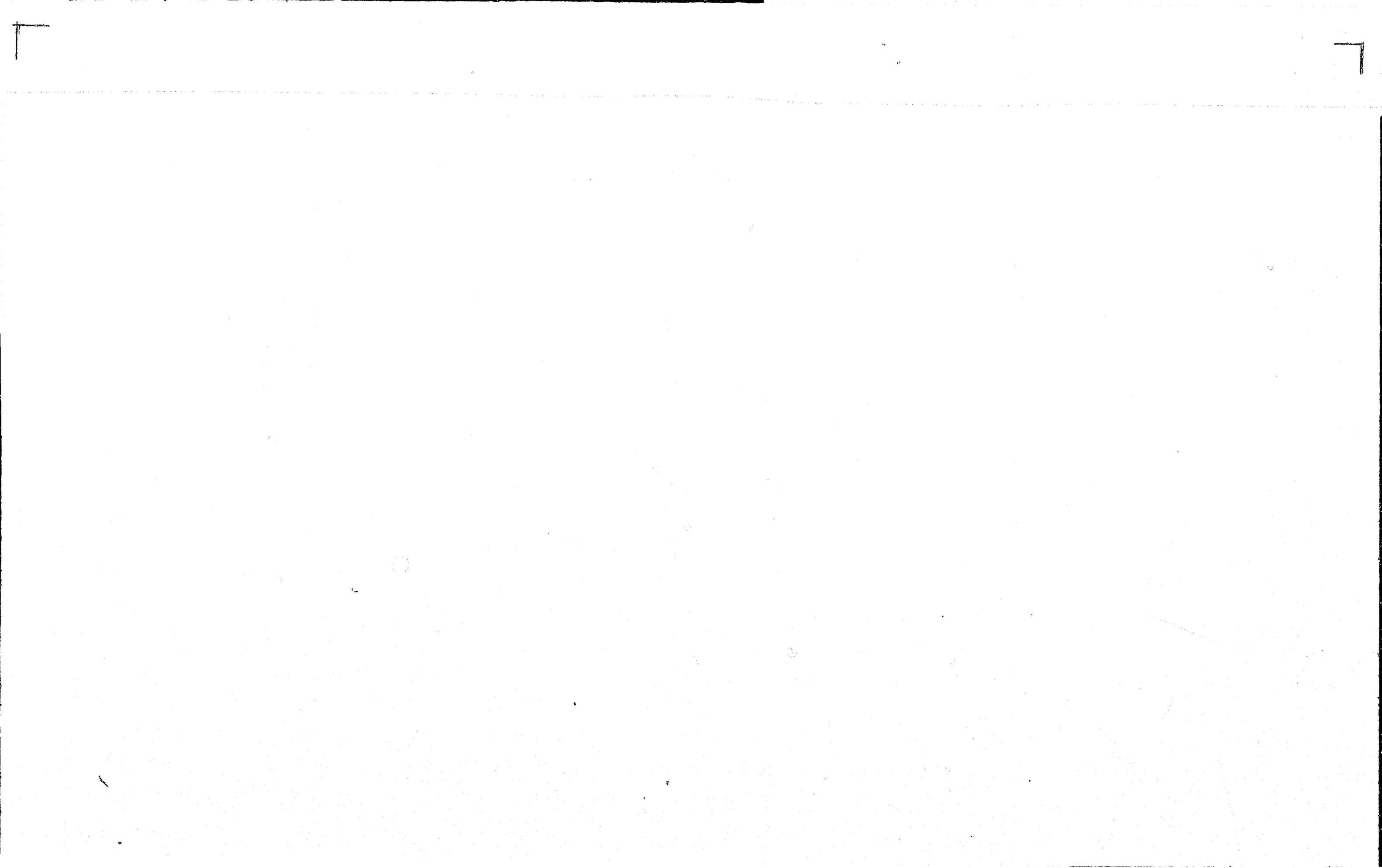
## Foreign Claims Settlement Commission—Continued

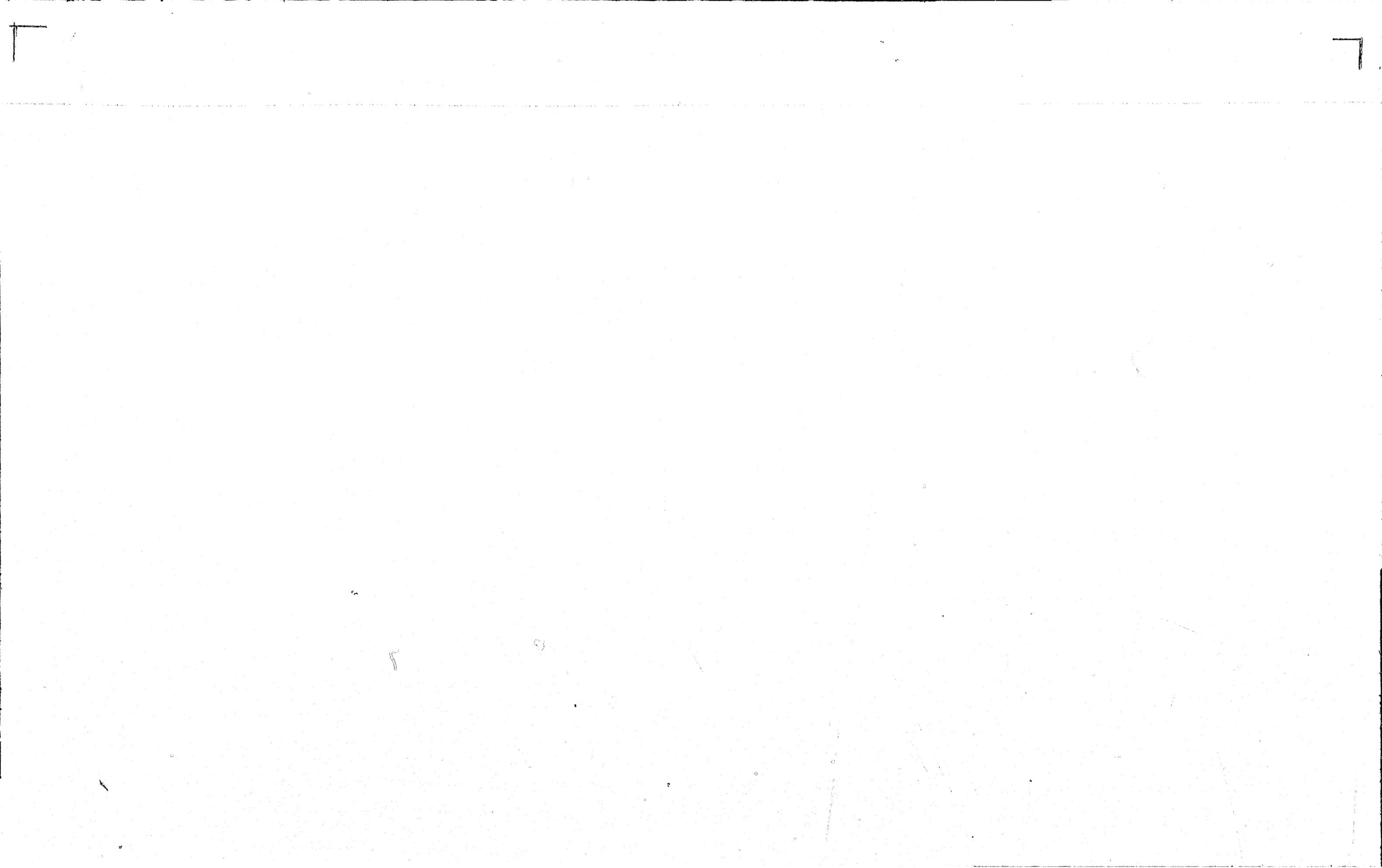
	Page
<b>Claims:</b>	
Czechoslovakia.....	753
New program.....	759
Socialist Republic of Vietnam.....	755
Vietnam POWs.....	758
General statement.....	752
New claims program.....	759
Other activities.....	756
Questions submitted for the record.....	758
Uncontrollables.....	752
Vietnam POW claims, payment of.....	758
Workload increase.....	758
<b>General Administration.....</b>	<b>61</b>
Antitrust Division.....	84
Budget request.....	62
DEA/FBI reorganization.....	82
<b>Federal Justice Research Program:</b>	
Request.....	87
Studies, planned.....	88
Completed.....	89, 93
General statement.....	81
Multi-State Regional Intelligence Program.....	82, 93
<b>Overview, general:</b>	
Administratively Uncontrollable Overtime.....	100
Authorization.....	95
Budget request levels.....	97
General Pricing Level.....	99
Pay raise.....	95
SES bonuses.....	99
Questions submitted for the record.....	82
Private process, service of.....	86
State and Local Drug Grant Program.....	82, 93
U.S. Trustees pilot program.....	84
<b>General Legal Activities.....</b>	<b>101</b>
Budget request.....	102
Caseload.....	157
<b>Civil Division.....</b>	<b>138</b>
Civil fraud cases.....	159
General statement.....	138
McGrath, J. Paul, biographical sketch.....	138
Private counsel funding.....	143
<b>Civil Rights Division.....</b>	<b>151</b>
General statement.....	152
Questions regarding.....	160
Reynolds, Wm. Bradford, biographical sketch.....	151
Section 5 submissions, increase in.....	155
Voting Rights Act.....	155
<b>Criminal Division.....</b>	<b>134</b>
Economic Crime Unit.....	136
Fraud case referrals.....	159
General statement.....	135

<b>General Legal Activities—Continued</b>	
<b>Criminal Division—Continued</b>	<b>Page</b>
Jensen, D. Lowell, biographical sketch .....	134
Office of Enforcement Operations .....	136, 158
Questions regarding .....	158
General statement .....	117
<b>Increases:</b>	
Uncontrollable .....	121
SLUC .....	122
<b>Land and Natural Resources Division</b> .....	144
Dinkins, Carol E., biographical sketch .....	144
General statement .....	145
Land condemnation cases .....	146
Legal Counsel, Office of .....	147
General statement .....	148
Olson, Theodore B., biographical sketch .....	147
Legislative veto .....	125, 151
Questions submitted for the record .....	157
Resources, adequacy of .....	121
Solicitor General, Office of .....	122
Cases handled by .....	125
General statement .....	123
Lee, Rex E., biographical sketch .....	122
Tax Court, frivolous cases in .....	134
Tax Division .....	128
Archer, Glenn L., biographical sketch .....	128
General statement .....	129
Questions regarding .....	157
Tax Enforcement Narcotics Unit .....	133
Voluntary compliance decrease .....	132
Workyear decrease .....	132
Tax Enforcement Narcotics Unit .....	133
<b>Tax exemption:</b>	
Constitutional question regarding .....	126
Impact of legislation .....	127
Legal authority to withhold reversed .....	126
Status of educational institutions .....	125
Tax protestors .....	133
<b>Witness protection:</b>	
Program .....	136
Questions regarding .....	158
<b>Immigration and Naturalization Service</b> .....	761
Adjudications, asylum cases .....	876
<b>Aliens:</b>	
Benefits under deportation order .....	850
Contingency plan for .....	866, 873
Number of legal .....	859
Payments to .....	855, 873
Population of illegal .....	859
Registration cards .....	875
Representation of .....	866, 867, 868
Sources of illegal .....	865
Students, status of .....	860, 877

<b>Immigration and Naturalization Service—Continued</b>	
<b>Aliens—Continued</b>	<b>Page</b>
Working .....	860
<b>Border Patrol:</b>	
Horses, acquisition of .....	873
Program balance .....	862
Technology advances .....	863
Budget request .....	762
Cards, alien registration .....	875
Contingency plan for illegal aliens .....	866
Construction .....	855
Cubans .....	851, 852, 853, 857, 864
Customs Service cutbacks .....	877
<b>Detention:</b>	
Cubans .....	851, 852
Krome detention facility .....	850, 864
Immigration detention center project .....	845, 850, 851, 854
Payments to aliens .....	855, 873
Policy letter .....	844
Site acquisition .....	851
Eagle Pass .....	856
El Cajon .....	856
Employer sanctions .....	862
Federal Prison System reprogramming .....	854
General statement .....	837
Haitians .....	857
Health and Human Services transfer .....	857
Inspectors, part-time .....	859
Investigations program .....	858
Legal Services Corporation .....	867, 877
Krome detention facility .....	850, 854, 857, 864
Language changes, appropriation .....	855
Limitation, overtime .....	856
Medical care of detainees .....	858
Mexican border, movement across .....	865
Mission plan .....	857
Nelson, Alan C., biographical sketch .....	837
Overtime pay limitation .....	856
Payments to aliens .....	855, 873
Policy letter, detainees .....	844
Positions, authorized .....	872
President's Management Improvement Council, recommendations .....	870
Program balance .....	862
Questions submitted for the record .....	870
Reception, processing and care .....	857, 871
Refugee .....	861, 863, 873
Registration cards for aliens .....	875
Reprogramming to Federal Prison System .....	854
Restrictions, Krome North .....	854
Research and development projects .....	874
Technological improvements .....	863
Uncontrollable increases .....	870
<b>Office of Justice Assistance, Research, and Statistics</b> .....	879

Office of Justice Assistance, Research, and Statistics—Continued		Page
ACIR study .....		940
Budget request:		
Law Enforcement Assistance .....	880	
Research and Statistics .....	910	
Deinstitutionalization .....	938	
Directors, status of .....	937, 960	
General statement:		
Law Enforcement Assistance .....	936	
Research and Statistics .....	937	
Juvenile Justice Program:		
Advisory Committee .....	940	
Deinstitutionalization, juvenile offenders .....	938	
Funding by NIJ .....	944	
Funding by states .....	937, 959, 966	
Impact of reduced funding .....	959, 961	
Request .....	940	
Research projects .....	944	
Termination .....	959	
State assumption .....	937, 939, 959, 966	
LEAA:		
Funding, state assumption of .....	940	
Phaseout, impact on crime .....	958	
Request .....	940	
PSOB:		
Categories of claimants .....	955, 956	
Claims approved .....	953, 956	
Claims denied .....	954	
Eligibility determination .....	953	
Initiative for .....	954	
Questions submitted for the record .....	959	
Research and Statistics:		
BJS performance .....	968	
Information, distribution of .....	963, 967, 968, 972	
National crime survey .....	943	
NCS redesign program, result of .....	943	
States' assumption .....	942	
Uncontrollable increases .....	942	
Street crime, treatment alternatives .....	941	
TASC programs .....	941	
U.S. Attorneys .....	161	
Budget request .....	162	
Caseload management system .....	236, 238	
Civil litigation:		
Agency attorneys, use of .....	242, 243	
Declinations .....	240, 241	
Program .....	238	
Criminal Division transfer .....	235, 239	
Criminal litigation .....	242	
Debt collection .....	236, 238, 239	
Economic Crime Units .....	235, 239	
General statement .....	233	
Law Enforcement Coordinating Committees .....	235, 238, 244	





**CONTINUED**

**19 OF 20**

	Page
<b>U.S. Attorneys—Continued</b>	
Legal Education Institute .....	239
Office reviews, on-site .....	244
Pre-trial detention .....	242
Prosecutorial declinations .....	239
Questions submitted for the record .....	242
<b>U.S. Marshals Service</b> .....	261
Aircraft, acquisition of .....	263
Budget request .....	206
Contract jails, conditions in .....	269, 271, 277
Cooperative Agreement Program .....	269, 271, 276
General statement .....	261
Judicial security .....	262, 268
Questions submitted for the record .....	268
Service of private process .....	261, 265, 266
Support of U.S. Prisoners:	
Contract detention facilities .....	269, 271, 274, 277
General statement .....	270
Jail days .....	270, 275
Language change .....	276
Military facilities, use of .....	272
Program increase .....	275
Questions submitted for the record .....	274
Request .....	262
Uncontrollable increases .....	274
Unobligated balances .....	271, 275
Witness Security Program .....	264, 268, 269
<b>U.S. Parole Commission</b> .....	583
Budget request .....	584
Disclosure rule:	
Availability of additional information .....	605
Change in .....	604
FBI computer system, adding parolee names to .....	605
Fourth amendment rights, waiver of .....	607
Information on special conditions, inclusion of .....	607
General statement .....	608
Program reductions .....	609
Questions submitted for the record .....	610
Regional offices .....	611
Workload projections .....	610
<b>U.S. Trustees</b> .....	245
Budget request .....	200
Chicago office, closing of .....	246, 251
Evaluation of program .....	247, 256, 259
General statement .....	245
Positions, currently filled .....	252, 259
Questions submitted for the record .....	249
Resource levels .....	246, 248, 249, 250, 251
Shea, Quinlan J., Jr., biographical sketch .....	245
Termination of program .....	245, 249, 250, 260
Transfer to courts .....	245, 250, 259, 260
Workload .....	256

**END**