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DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1977

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KANSAS STATE UNIVERSITY

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

SECOND SESSION

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

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DEMPSEY B. MIZELLE and JOHN G. OSTHAUS, *Staff Assistants*

PART 1

THE JUDICIARY
COMMISSION ON CIVIL RIGHTS
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTERNATIONAL TRADE COMMISSION

Printed for the use of the Committee on Appropriations

AUTHENTICATED
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DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1977

THURSDAY, JANUARY 22, 1976.

BUDGET REQUESTS FOR FISCAL YEAR 1977

Mr. SLACK. The committee will please come to order.

This afternoon we shall begin consideration of the budget request for fiscal year 1977 for the departments and agencies under the jurisdiction of this subcommittee.

The request for fiscal year 1977 includes $1,049,134,000 for the Department of State; $2,150,378,000 for the Department of Justice; $1,335,742,000 for the Department of Commerce; $391,711,000 for the Judiciary; and $1,307,350,000 for the various related agencies. These requests total $6,234,315,000, a decrease of $164,442,000 from the amount appropriated to date for the same departments and agencies for the fiscal year 1976.

THE JUDICIARY

The total amount requested for the Federal Judiciary for fiscal year 1977 is $391,711,000, an increase of $56,233,000 over the appropriation to date for fiscal year 1976.

We shall insert pages 1, 2, and 3 of the justification material in the record at this point.

[The justification pages referred to follow:]

THE JUDICIARY

COMPARATIVE SUMMARY OF APPROPRIATION AND APPROPRIATION ESTIMATES

	1976 Enacted to Date	Proposed Supplementals for Pay Costs	1976 Adjusted Appropriation	1977 Estimate	Increase 1977 over 1976
Supreme Court	$ 8,010,000	$ 118,000	$ 8,128,000	$ 8,371,000	$ 243,000
Court of Customs and Patent Appeals	853,000	30,000	883,000	898,000	15,000
Customs Court	2,587,000	92,500	2,679,500	2,705,000	25,500
Court of Claims	2,429,000	78,000	2,507,000	2,536,000	29,000
Courts of Appeals, District Courts, and Other Judicial Services	239,231,000	6,747,000	245,978,000	278,880,000	32,902,000
Administrative Office of the United States Courts	7,233,000	246,000	7,479,000	8,957,000	1,478,000
Federal Judicial Center	6,565,000	55,000	6,620,000	7,720,000	1,100,000
Space and Facilities	64,000,000	.....	64,000,000	75,969,000	11,969,000
Expenses, United States Court Facilities	4,570,000	.....	4,570,000	5,675,000	1,105,000
Total	$335,478,000	$7,366,500	$342,844,500	$391,711,000	$48,866,500

THE JUDICIARY

Summary of Positions

	1975 Actual	1976 Estimate	1977 Estimate
Total number of permanent positions.....	10,086	11,035	12,305
Full-time equivalent of other positions...	627	716	718
Average paid employment.....	9,726	10,943	12,297

THE JUDICIARY

COMPARATIVE SUMMARY OF OBLIGATIONS BY OBJECT
(in thousands of dollars)

	1975 Actual	1976 Estimate	1977 Estimate
Personal services and benefits			
11 Personnel compensation:			
Permanent positions	$148,085	$177,523	$200,243
Positions other than permanent	4,709	5,130	5,216
Other personnel compensation	187	206	210
Special personal service payments	20,036	22,200	23,221
Total personnel compensation	173,017	205,059	228,890
12 Personnel benefits	13,249	15,838	17,898
13 Benefits for former personnel	76	76	76
Total personnel services and benefits	186,342	220,973	246,864
Contractual services and supplies			
21 Travel and transportation of persons	8,309	11,307	12,622
22 Transportation of things	157	80	112
23 Rent, communications, and utilities	53,649	58,491	72,799
24 Printing and reproduction	2,478	3,062	3,342
25 Other services	26,551	34,034	36,397
26 Supplies and materials	2,261	2,188	3,124
Total contractual services and supplies	93,405	109,162	128,396
Acquisition of capital assets			
31 Equipment	8,497	10,679	14,245
Grants and fixed charges			
41 Grants, subsidies, and contributions	1,700	2,031	2,206
Total (direct) obligations	289,944	342,845	391,711
Unobligated balance	8,632	.....	.....
Budget authority	$298,576	$342,845	$391,711

SUPREME COURT OF THE UNITED STATES

Salaries and Expenses

WITNESSES

BYRON R. WHITE, ASSOCIATE JUSTICE
HARRY A. BLACKMUN, ASSOCIATE JUSTICE
MARK W. CANNON, ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE
MICHAEL RODAK, JR., CLERK OF THE COURT
FRANK M. HEPLER, MARSHAL
ROBERT R. WILKINS, DEPUTY MARSHAL
DINA ZUCCONI, ASSISTANT MARSHAL

Mr. Slack. The first item to which we shall direct our attention is entitled "Supreme Court of the United States."

The total request for the Supreme Court for fiscal year 1977 is $8,371,000, an increase of $243,000 over the appropriation for fiscal year 1976, adjusted to include a proposed supplemental for pay costs.

Salaries and Expenses

The total request is made up of two appropriation items. The first is entitled "Salaries and expenses" and includes items formerly carried in five separate appropriations; namely, "Salaries, printing and binding," "Supreme Court reports," "Miscellaneous expenses," "Automobile for the Chief Justice," and "Books for the Supreme Court." The request for salaries and expenses for fiscal year 1977 is $7,571,000, an increase of $897,000 over the adjusted 1976 appropriation.

We shall insert pages 1.1 through 1.15 of the justification book in the record at this point.

[The justification pages follow:]

UNITED STATES SUPREME COURT

General Statement

Submitted herewith is the budget request for the United States Supreme Court for funding for fiscal year 1977. This request totals $8,371,000, a net increase of $243,000 (3%) over the adjusted total for fiscal year 1976 of $8,128,000. This year the Supreme Court budget request consists of only two appropriations as follows:

	1976 Adjusted	1977 Estimate	Increase or Decrease
Salaries and expenses, Supreme Court.....	$6,674,000	$7,571,000	$+897,000
Care of the building and grounds, Supreme Court...	1,454,000	800,000	-654,000
Total.....	8,128,000	8,371,000	+243,000

This year's budget includes a request to consolidate five appropriations into one. The Court feels this action is one more step towards a more effective administration and management. With only one appropriation to administer and account for, the duplicative processes involved in handling five separate accounts will be eliminated. We hope also to achieve a more efficient and effective use of the funds made available to the Court. Consolidation of the accounts should allow a more flexible use of the funds in meeting the high priority requirements of the Court.

In relating this budget request to fiscal year 1976, the following summary statement reflects increases to the 1976 appropriations, the Supreme Court has been funded annually under these account titles:

	1976 Adjusted	1977 Estimate	Increase
Salaries, Supreme Court.....	$5,148,500	$5,787,000	$638,500
Printing and binding Supreme Court reports.....	706,000	882,000	176,000
Miscellaneous expenses, Supreme Court.....	737,000	814,000	77,000
Automobile for the Chief Justice, Supreme Court...	19,500	20,000	500
Books for the Supreme Court.....	63,000	68,000	5,000

The Care of the Building and grounds account remains individually identified. This appropriation is primarily the responsibility of the Architect of the Capitol.

For the basic statutory authority for these accounts, reference is made to sections "A - F" of the Digest on Appropriations, The Judiciary, on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

STATEMENT SHOWING

THE NUMBER OF CASES FILED, DISPOSED OF AND REMAINING ON DOCKETS AT CONCLUSION OF OCTOBER TERMS 1972, 1973 and 1974

	ORIGINAL			APPELLATE			MISCELLANEOUS			TOTALS		
	1972	1973	1974*	1972	1973	1974*	1972	1973	1974*	1972	1973	1974*
Number of cases on dockets	21	14	12	2183	2480	2308	2436	2585	2348	4640	5079	4668
Number disposed of during terms	8	4	4	1771	1868	1877	1969	2004	1966	3748	3876	3847
Number remaining on dockets	13	10	8	412	612	431	467	581	382	892	1203	821

	TERMS		
	1972	1973	1974*
Cases argued during term	177	170	175
Number disposed of by full opinions	159	161	144
Number disposed of by per curiam opinions	18	8	20
Number set for reargument	0	1	11
Cases granted review this term	154	183	172
Cases reviewed and decided without oral argument	265	188	157
Total cases to be available for argument at outset of following term	76	89	100

June 30, 1975

*Statistics adjusted as of July 1, 1974

UNITED STATES SUPREME COURT

SALARIES AND EXPENSES

Summary of Requirements

Appropriations 1976 under the following titles:	
Salaries	$5,056,000
Printing and binding Supreme Court reports	706,000
Miscellaneous expenses	737,000
Automobile for the Chief Justice	19,000
Books for the Supreme Court	63,000
Total appropriations 1976 (as enacted)	$6,581,000
Proposed supplemental for pay costs	93,000
Budget Authority, 1976	$6,674,000
1977 Budget estimate	$7,571,000
Proposed Increase	$ 897,000

Appropriation Language

[SALARIES]

[For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, $5,056,000.]

[For "Salaries" for the period July 1, 1976, through September 30, 1976, $1,314,000.]

[PRINTING AND BINDING SUPREME COURT REPORTS]

[For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, $706,000.]

[MISCELLANEOUS EXPENSES]

[For miscellaneous expenses, to be expended as the Chief Justice must approve, $737,000.]

[For "Miscellaneous expenses" for the period July 1, 1976, through September 30, 1976, $178,000.]

UNITED STATES SUPREME COURT

SALARIES AND EXPENSES

Appropriation Language (con't.)

[AUTOMOBILE FOR THE CHIEF JUSTICE]

[For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, $19,000.]
[For "Automobile for the Chief Justice" for the period July 1, 1976, through September 30, 1976, $4,700.]

[BOOKS FOR THE SUPREME COURT]

[For books and periodicals for the Supreme Court to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, $63,000.]
[For "Books for the Supreme Court" for the period July 1, 1976, through September 30, 1976, $15,800.]

Proposed Appropriation Language

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice; funds not to exceed $5,000 for official reception and representation expenses, and for miscellaneous expenses, to be expended as the Chief Justice may approve, $7,571,000.

UNITED STATES SUPREME COURT
SALARIES AND EXPENSES

FISCAL YEAR 1977

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriations 1976 (enacted to date)	274	$6,581,000
Proposed supplemental for pay costs	...	93,000
Budget authority, 1976	274	$6,674,000
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay increases	...	+158,000
2. Annualization of 20 positions authorized for fiscal year 1976	...	+ 62,000
3. Within-grade step increases	...	+ 55,000
4. Increase in cost of employee benefits (Life and Health Insurance)	...	+ 49,000
5. Travel and subsistence allowance (P.L. 94-22)	...	+ 10,000
6. Increase for rent, communications and utilities	...	+ 25,000
7. Increase for printing, supplies and equipment	...	+ 88,000
8. Increase for printing and binding Supreme Court Reports	...	+176,000
9. Nonrecurring costs authorized in 1976:		
a. Bicentennial Project	...	- 50,000
b. Oil portrait and marble bust of former Chief Justice Warren	...	- 25,000
c. Extra compensable day in 1976	...	- 16,000
Subtotal, adjustments to base and built-in changes	...	+532,000
Program Increases:		
10. Four Law Clerks and five Secretaries for Justices' Offices	+ 9	+161,000
11. Ten Police Officers	+10	+135,800
12. Secretary (Office of the Administrative Assistant to the Chief Justice)	+ 1	+ 13,900
13. Secretary to Personnel Officer	+ 1	+ 13,900
14. Two full-time Laborers and 2 part-time Housekeepers	+ 2	+ 33,400
15. Employee professional development project	...	+ 2,000
16. Official reception and representation expenses	...	+ 5,000
Subtotal, program increases	+23	+365,000
Total increases requested	+23	+897,000
Total appropriation requested, 1977	297	$7,571,000

UNITED STATES SUPREME COURT

OBLIGATIONS BY ACTIVITY
FISCAL YEAR 1977
(Dollar amounts in thousands)

Authorization: Permanent

Comparison by activity:	1976 Appropriation		1976 Adjusted (Base for 1977), as Requested		1977 Request		Proposed Increase 1977 over 1976 Appropriation	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Salaries and Expenses.....	274	$6,581	274	$6,674	297	$7,571	23	$897

UNITED STATES SUPREME COURT
SALARIES AND EXPENSES

Summary of Requirements by Object

	1976 Estimate	1977 Estimate	Increase or Decrease
Total number of permanent positions.....	274	297	23
Full-time equivalent of other positions...	18	20	2
Average paid employment.....	287	312	25
Personnel compensation:			
Permanent positions.....	$4,519,000	$5,044,000	+525,000
Positions other than permanent.....	227,000	239,000	+ 12,000
Subtotal, personnel compensation.....	4,746,000	5,283,000	+537,000
Personnel benefits.....	417,000	519,000	+102,000
Travel and transportation of persons.....	15,500	25,500	+ 10,000
Transportation of things.....	2,000	2,000	---
Rent, communications, and utilities.....	93,000	118,000	+ 25,000
Printing and reproduction.....	828,500	1,034,500	+206,000
Other services.....	319,000	271,000	- 48,000
Supplies and materials.....	77,000	127,000	+ 50,000
Equipment.....	176,000	191,000	+ 15,000
Total obligations by object.....	6,674,000	7,571,000	+897,000

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SALARIES AND EXPENSES, SUPREME COURT

General Statement

The estimate under this title is to provide for the salaries of the Chief Justice, the Associate Justices, the Administrative Assistant to the Chief Justice, and the Officers and employees of the United States Supreme Court, as well as miscellaneous expenses, printing and binding of the Supreme Court reports and books for the Supreme Court.

Justification of Changes

An appropriation of $7,571,000 is requested for 1977 for "Salaries and expenses" an increase of $897,000 over the consolidated appropriations for 1976 of $6,674,000, which has been adjusted to reflect a supplemental for pay costs. The supplemental takes into account pay increases effective October 1975 pursuant to the Federal Salary Act of 1970, Public Law 92-210.

Adjustments to Base and Built-in Changes

Item 1. Annualization of October 1975 Pay Increases ($158,000)

The salary increases granted in October 1975, pursuant to Executive Order 11883, on an annual basis cost $251,000. The sum of $93,000 has been included in the above referred to supplemental appropriation request for fiscal year 1976 to finance the pay costs for the nine month period from October 1, 1975 through June 30, 1976. The total for pay costs for 1976 was $183,500, of which $90,500 will be absorbed, resulting in a net requirement of $93,000 for 1976. The sum of $158,000 is requested for these salary increases and related employees benefits for fiscal year 1977, $67,500 represents the difference between the full-year and part-vear cost and $90,500, the amount absorbed in fisal year 1976 . $149,000 for personnel compensation and $9,000 for personnel benefits.

Item 2. Annualization of 20 Positions Authorized for Fiscal Year 1976 ($62,000)

Congress, for fiscal year 1976, authorized 20 new positions. The full cost of these positions was not appropriated, the fiscal year 1976 appropriation was reduced by $62,000. In order to fund for these positions for the full fiscal year, $62,000 is requested for fiscal year 1977. $58,000 for personnel compensation and $4,000 for personnel benefits.

Item 3. Within-grade Step Increases ($55,000)

It is estimated that $55,000 will be required during fiscal year 1977 in order to grant within-grade step increases to eligible Supreme Court employees. $51,000 for personnel compensation and $4,000 for personnel benefits.

Item 4. Increase in Cost of Employees Benefits (Life and Health Insurance) ($49,000)

The sum of $5,000 will be required for the increased agency contributions for regular life insurance for Supreme Court employees. This is an increase from $17,000 to $22,000. The increased employee withholdings and agency contribution were effective February 28, 1975.

It is estimated that $44,000 will be needed for the increased government contribution for Federal Employees Health Benefits program. This is an increase from $92,000 to $136,000. The insurance rates were increased January 1, 1976.

Item 5. Travel and Subsistence Allowance (P.L. 94-22) ($10,000)

This increase is requested because of the recently enacted Travel Expenses Amendments Act of 1975 which increased the per diem and subsistence allowances for official travel and the likelihood of additional travel during this year. Also present during recent years have been increasing transportation costs. The sum of $10,000 is estimated for these increases, this is an increase from $15,500 to $25,500 for this purpose.

Item 6. Increase for Rent, Communications and Utilities ($25,000)

The sum of $18,000 is presently available for reimbursing the Postal Service for the official mail of the Supreme Court. The Postal Service has announced an increase of 30 percent in first-class mail that was effective December 31, 1975. An additional $5,400 will be required as a direct result of the higher postal rates.

An increase of $10,000 is requested for telecommunications services, the sum of $44,000 is presently available for local and long distance telephone service. It is estimated that the cost of such services, exclusive of requirements for new personnel, will be approximately $54,000 in fisal year 1977. The increase is due to general increases in operating expenses of the phone company.

Based on recent increases and expenditures for copy machines, it is estimated that in fiscal year 1977, the sum of $26,600 will be required for the rental of copy machines for the Justices' chambers, the Clerk's Office and other offices of the Supreme Court. This is an increase of $9,600 over the amount available for copier rental for fiscal year 1976. The following expenditures reflect the rising costs in this area: FY 1973 - $15,100; FY 1974 - $17,900; FY 1975 - $21,200. Only $17,000 is available for this purpose in fiscal year 1976.

Item 7. Increase for Printing, Supplies and Equipment ($88,000)

Based on the recent increases in expenditures for these items, including higher printing costs and higher purchase prices for all items of supplies and equipment, it is estimated that an increase of $88,000 will be required for these items.

An increase of $30,000 is requested for printing. This increase applies to printing briefs "in forma pauperis" cases, printing of the Supreme Court journal (this work is done by the Government Printing Office), Library binding, printing of stationery and forms. This includes all items of printing and binding for the Supreme Court except for printing and binding of the Supreme Court Reports, which increase is justified under item 8. The following expenditures reflect the rising costs for printing: FY 1973 - $103,500, FY 1974 - $108,900, FY 1975 - $154,300. Only $122,500 is available for this purpose in fiscal year 1976.

An increase of $35,000 is requested for the increased costs of all items of supplies and materials. The following expenditures reflect the rising costs of supplies: FY 1973 - $69,800, FY 1974 - $79,400, FY 1975 - $102,900. Only $77,000 is available for this purpose in fiscal year 1976.

An increase of $23,000 is requested for the increased costs of all items of equipment. The following expenditures reflect the rising costs of equipment: FY 1973 - $159,900, FY 1974 - $245,300, FY 1975 - $190,000. The amount of $176,000 is available for this purpose in fiscal year 1976. The sum of $68,000 is included in this allotment for "Books for the Supreme Court" an increase of $5,000 over the appropriation for fiscal year 1976.

Item 8. Increase for Printing and Binding Supreme Court Reports ($176,000)

A total of $882,000 is requested for fiscal year 1977 for the purpose of funding the printing and binding of (1) bench copies and slip opinions of the Supreme Court of the United States, and (2) the United States Reports, which consist of the preliminary prints (advance sheets) and bound volumes containing the Court's opinions and orders, indices, tables, etc. This represents an increase of $176,000 over the current level of funding in this account.

The following table shows the actual obligations for fiscal year 1973 and estimated obligations for fiscal years 1974, 1975, 1976, and 1977:

	1973 ACTUAL	1974 ESTIMATE	1975 ESTIMATE	1976 ESTIMATE	1977 ESTIMATE
For slip opinions	$145,106	$164,783	$244,000	$305,000	$381,000
For preliminary prints and bound volumes	202,992	350,217	321,000	401,000	501,000
Total	$348,098	$515,000	$565,000	$706,000	$882,000

The rates charged for these publications are fixed by the Government Printing Office and reflect steadily increasing charges, over which the Court has little or no control. Nor is it possible to anticipate from year to year what the Court's total output will be. About 30 or 40 years ago, the Court's opinions and orders for a given Term could still be published in three volumes. In the 1971 Term, for the first time in the Court's history, the Court's output required five volumes, as was true for the next two Terms. The 1974 Term required four volumes, but that was possible only because the last volume was expanded beyond the standard length.

Title 28 United States Code §411 requires that the Court's decisions shall be printed, bound, and distributed in the form of preliminary prints and bound volumes as soon as practicable after those decisions are rendered. The requested funds are needed to comply with the statutory obligation. See also 28 United States Code §412.

Item 9. Nonrecurring Costs Authorized in 1976 ($91,000)

The nonrecurring items appropriated for fiscal year 1976 have been deducted in establishing the budgetary requirements for 1977. The nonrecurring items are as follows:

a. Bicentennial Project	$50,000
b. Oil portrait and marble bust of former Chief Justice Warren	25,000
c. Extra compensable day in 1976	16,000

Program Increases

Item 10. Four Law Clerks and Five Secretaries for Justices' Chambers ($161,000)

The workloads in each of the Justices' Chambers has continued to increase more rapidly than the personnel resources available to carry them. Attempts in the last few years to meet the needs requiring secretarial assistance (preparation of summary memoranda, bench memoranda, correspondence, etc.) and needs requiring the research work of law clerks have been helpful but they continue to fall short in meeting the steadily expanding caseload of the Court over the years. In recent years personnel of the Secretarial Support Unit have been required to spend full time in some Justices' Chambers. Each Justice interprets his own Chamber's personnel needs in different ways based on his view of how his current staff works in meeting current and projected demands. Some Justices wish to increase their secretarial staff; others require the services of additional law clerks. The additional personnel requested for Justices' Chambers would be assigned based on the individual Justice's determination of what best fills his work requirements.

Four law clerk positions at $19,400 each and five secretaries at SC-6, $10,941 per annum, are requested for fiscal year 1977, a total cost of $161,000 ($132,305 for compensation, $15,195 for personnel benefits, and $13,500 for related expenses).

Item 11. Ten Police Officers ($135,800)

The Supreme Court Police Force provides security to the Court around the clock every day in the year and assistance to more than 1/2 million visitors each year. Its responsibilities not only cover the building itself, but its jurisdiction also covers the grounds which extend to the curbline of the four streets within the square block on which the Court Building is located.

In addition to Courtroom attendance, a substantial number of visitors tour the building to view paintings and exhibits. Attendance at both the Courtroom and the Exhibit Area has increased substantially since 1969 when 468,315 persons visited the building and 63,223 came to the Courtroom. Each year these numbers have increased to the extent that in calendar year 1975, 670,903 toured the building and 66,748 attended Court sessions. These large numbers of people naturally create a great impact upon security considerations and thereby cause an increase of police posts for crowd control. During 1976 up to one million visitors are expected and it is predicted that the volume of visitors will continue in 1977.

The sum of $135,800 is requested for ten police positions - $111,300 for personnel compensation, $14,500 for personnel benefits, and $10,000 for initial start-up support equipment.

These additional positions should permit the Police to carry out their basic functions and meet their day-to-day commitments.

This prudent request is in keeping with the current times, events, and duties, and are vital to the fulfillment of the police mission.

Item 12. Secretary (Office of the Administrative Assistant to the Chief Justice ($13,900)

The work level in the Office of the Administrative Assistant to the Chief Justice has increased substantially in providing supporting assistance to the Chief Justice in activities dealing with the Judicial Conference, the numerous committees of that Conference, Administrative Office of the U.S. Courts, Federal Judicial Center and in the internal operation of the Court building itself. The Chambers of the Chief Justice is charged with responsibilities for all efforts related to the improved effectiveness of the U.S. Judicial system; virtually all matters, other than purely judicial matters, are processed through the Office of the Administrative Assistant.

For the past twelve months, part-time assistance to the one secretary has been available on loan from the Secretarial Support Unit. The amount of work requires more than this stopgap measure, and the addition of one permanent secretary is requested to handle this load.

It is proposed to establish this position at a grade SC-6, at a total cost of $13,900 ($10,941 for compensation, $1,459 for personnel benefits and $1,500 for related expenses).

Item 13. Secretary (Personnel Office) ($13,900)

The secretarial requirements for the now active Personnel Office of the Court have increased significantly since the Office was created in 1974. These secretarial requirements have been covered to date through the services of an individual borrowed from the Secretarial Support Unit on a part-time basis. However, continuing consolidation and formalization of the Court's dispersed personnel practices and procedures has created a need for secretarial support on a full-time basis. The full-time secretary, if approved, would be utilized to:

> assist the personnel officer in dealing with employee problems and concerns; conduct interviews for screening potential employees; conduct data-gathering practices and prepare memoranda on personnel procedures of other government agencies as requested by personnel officer; prepare all correspondence of the personnel office including information to job applicants on available Court positions; maintain liaison with area employment agencies; maintain files and provide requested information on relevant training programs and applicant background resumes; provide answers to telephone and drop-in inquiries related to personnel positions available at the Court; prepare required documentation for training fund expenditures; type the numerous reports on internal Court personnel practices and procedures; developing and administering a car pool system in liaison with the Congressional car pool system; and other duties as required.

It is proposed to establish this position at a grade SC-6, at a total cost of $13,900 ($10,941 for compensation, $1,459 for personnel benefits and $1,500 for related expenses).

Item 14. Labor and Cleaning Force (Two full-time and two part-time) ($33,400)

The last increase in the Court's Labor and Cleaning Force was in FY-73 when six additional employees were approved. At that time, there were a total of approximately 240 Court employees. If this budget is approved, the total will increase to 297. In addition, during the last three years, mandatory modifications in the internal office arrangements of the Court building have resulted in the creation of several new work spaces to accommodate the new employees. These factors, together, have caused a considerable increase in the workload imposed on our Labor and Cleaning Force. Added to that is the fact that the number of visitors to the building has increased from 436,000 in 1972 to 671,000 in 1975 - a 54% increase. The presence of the adults and children who tour the building has of course caused additional cleaning chores for the Force. Another related factor, is the vastly increased utilization of the two Conference Rooms which must be used for Judicial Conferences, seminars, official receptions and other functions of a similar nature. These two rooms must be arranged to fill the needs of the event, and the transfer of heavy furniture into and out of those rooms requires the efforts of the Labor Force several times weekly.

If this beautiful structure is to be maintained in the manner befitting its design and purpose, it is mandatory that our Labor and Cleaning Force be increased by a minimum of two full-time and two part-time employees.

The sum of $33,400 is requested for these positions ($28,595 for personnel compensation, $4,605 for personnel benefits and $200 for related expenses).

Item 15. Employee Professional Development Project ($2,000)

During the past five years, substantial progress has been made in developing both systems and concepts of modern Court management in the Federal Court system and in the Supreme Court. A major impetus for this progress has been the Court system's search for more effective approaches to handling its mounting work responsibilities. The level of management sophistication and background required of Court personnel working in the Clerk's Office, the Library, the Reporter of Decisions' Office and the Marshal's Office has increased in parallel. Court personnel require formal professional development to keep abreast of the management and administrative innovations and to integrate these innovations into the operations of the Court.

The Court has attempted to meet its internal personnel development needs through the resources of the Federal Judicial Center. However, these funds are severely limited and are intended to serve the needs of the U.S. Court system generally. The Court wishes to provide for the continuing development of employees at the Supreme Court itself, most of whom make their careers within the Court. To accomplish this development, specific funds are requested to permit the attendance of staff employees at carefully selected, job related training seminars and workshops.

Item 16. Official Reception and Representation Expenses ($5,000)

During the course of every year, there are always a variety of receptions and other representations of the Court which are not covered by appropriated funds. For example, if it is desirable to have a luncheon or reception honoring a visiting dignitary, another government official or individuals prominent in the Judicial community, the expense of such a function must be borne personally by the sponsoring Justice. If a member of the Court wishes to present a token of his appreciation to a visiting, or visited, dignitary, he must pay for it personally. An annual Christmas reception of all Court employees is held each December; the Justices finance these functions. This becomes especially important as to foreign visitors studying American courts and includes Chief Justices and Justices, Ministers of Justice, Attornies General and related officials. The bulk of this burden falls on the Chief Justice as comparable burdens fall on the Speaker of the House, and the majority and minority leaders of Congress for whom, we are advised, modest funds are provided.

It is clear that the above items of expense are in the official or quasi-official interest of the Judicial Branch of government and it is requested that the amount of $5,000 be included in this budget for payment of such expenses and others of a similar nature.

We are pleased and honored to have with us this afternoon two of the distinguished Associate Justices of the Supreme Court, Mr. Justice Byron White and Mr. Justice Harry A. Blackmun. Would either of you gentlemen care to make a general statement at this point, or would you prefer just to respond to questions?

Justice WHITE. We have no formal statement, Mr. Chairman, and we would be happy to answer any questions if we can.

INCREASE IN POSITIONS

Mr. SLACK. How many full-time permanent positions are now authorized for the Court?

Justice WHITE. 274 plus the equivalent of 18 part-time.

Mr. SLACK. Are all of those positions filled?

Justice WHITE. No; they are not. Our average paid employment we calculate to be 287.

Mr. SLACK. How many new positions are you requesting in this budget?

Justice WHITE. We are requesting an increase of 23 full-time employees, and part-time employees equivalent to 2.

Mr. SLACK. How many part-time and temporary positions do you presently have?

Justice WHITE. We have the equivalent of 18 positions filled with part-time employees. Temporary, I do not know the answer to that.

Miss ZUCCONI. We have three temporary employees at present.

LOCATION OF EMPLOYEES

Mr. SLACK. Do all of these people work in the Supreme Court Building?

Justice WHITE. As far as I know, yes.

Miss ZUCCONI. Yes.

Mr. SLACK. Including the permanent ones, of course?

Miss ZUCCONI. Yes.

Mr. SLACK. Is anybody else housed in that building?

Justice WHITE. We have one or two employees who are assigned there from the Administrative Office because of the joint responsibilities that the Chief Justice and that office have.

I understand we have one telephone operator who comes from the Administrative Office. We also have one secretary from the Judicial Center because the Chief Justice has considerable responsibilities in connection with that institution.

Mr. SLACK. Are the press people there?

Justice WHITE. We have a press officer in the lower northwest corner of the building. There is a room there that the press people may use.

Mr. SLACK. On page 1.8——

Justice WHITE. Excuse me. I should add that we have a cafeteria too, which is run on a contract basis.

Miss ZUCCONI. May I also add the Government Printing Office has a print shop at the Court. I am not certain—there are about four people there.

Justice WHITE. They print our preliminary opinions. The Architect also has 33 employees permanently stationed there.

PAY INCREASE

Mr. SLACK. On page 1.8 you explain a requested increase of $158,000 for annualization of October 1975 pay increases. You indicate that the total pay cost for 1976 was $183,500, and that you are absorbing $90,500. Can you explain to the committee how you are able to absorb this $90,500?

Justice WHITE. That has to be money that wasn't otherwise spent, and I suppose a good share of it arises because of vacancies.

Miss ZUCCONI. We have 23 vacancies at the present time, 17 of which are police officer positions that are not filled. This is a cost savings. The appropriations bill wasn't passed until late October.

TRAVEL AND SUBSISTENCE ALLOWANCE

Mr. SLACK. Under item 5, "Adjustments to Base," there is a request for $10,000 for "Travel and Subsistence Allowance." This item is explained at page 1.9. This is a considerable increase, as I see it, from $15,500 to $25,500. How much of this increase is related to the increase in per diem and subsistence allowance authorized by Public Law 9422?

Miss ZUCCONI. Approximately $5,000.

Mr. SLACK. The balance would be increased travel, I assume; is that correct?

Miss ZUCCONI. Yes, sir.

RENTAL OF COPY MACHINES

Mr. SLACK. Also on page 1.9, you indicate that $26,600 will be required for the rental of copy machines in 1977 and that $17,000 is available for this purpose in the current fiscal year. Does the increase of $9,600 relate solely to the increased cost of operating these machines?

Miss ZUCCONI. Yes, sir.

PRINTING, SUPPLIES, AND EQUIPMENT

Mr. SLACK. On page 1.5 under "Adjustments to Base," item 7 shows an increase of $88,000 for printing, supplies, and equipment. How much of this increase is due to price increases?

Miss ZUCCONI. The total amount.

PRINTING AND BINDING REPORTS

Mr. SLACK. Now, with respect to the increase of $176,000 for printing and binding Supreme Court reports, how much of that amount relates to the increased cost of printing and how much relates to a volume increase in the number of reports?

Justice WHITE. I am not sure we have an accurate figure on that, Mr. Chairman, but I think the increase is traceable to both sources.

Mr. SLACK. Will you provide for the record a breakdown of that?

Justice WHITE. We shall try; of course, the figure for the forthcoming term would be just a prediction about how many pages we would be producing.

[The following information was submitted:]

Further analysis suggests that the figure is largely ascribable to anticipated cost increases, using a projection of the GPO's percentage cost increase for the previous year. But on the basis of experience over the past several years, it may well be that there will also be an increase in the volume of opinions. Whether this will prove to be the case, and if so, the extent of the increase, implicates factors that are necessarily speculative. How many opinions and orders there will be, how complex the issues, or how divergent the Justices' views, can never be predicted with accuracy. Therefore, aware as we must be that any breakdown must be conjectural, we would estimate that roughly 80 percent, or $141,000, of the printing and binding increase might be ascribable to cost increases and 20 percent or $35,000, to increased volume.

NONRECURRING COSTS

Mr. SLACK. Referring to item 9 on the same page, namely, 1.5, I notice a list of nonrecurring costs authorized in 1976. The first of these is a reduction of $50,000 for the Bicentennial project. Could you give the committee a brief report as to what has been done with these funds and how you plan to use them in connection with the Bicentennial.

Justice WHITE. I have inquired about that from Mr. Cannon, who is very much tuned in on that circuit, and I think I might ask him to give you a brief statement about that.

Mr. CANNON. There are three major projects underway. The first is the completion of the collection of portraits of previous Justices. We have been gathering these—sometimes we have been able to get them donated, sometimes on permanent loan and on various arrangements. There is still a small group we haven't been able to obtain in any other way. We have hired a copyist who will copy other portraits to make the collection complete.

The second project is supplying the Supreme Court with the busts of the first five Chief Justices. We have the subsequent eight Chief Justices' busts and we are now making arrangements for Chief Justice Warren's bust, but the first five will complete the collection.

Mr. SLACK. Mr. Cannon, what is the status of the bust of former Chief Justice Warren?

Mr. CANNON. Arrangements are just being completed for the bust with an excellent person, and a portrait has been done by a painter in the hope it would be accepted by the Warren family and the Court. Negotiations are underway in that regard.

The third project of the Bicentennial is an audiovisual presentation for tourists who come to the Court so they can obtain a good overview of the nature of the Court and an insight into its activities.

Mr. CEDERBERG. Was there not a plan for the Court to hold hearings or do something in New York?

Mr. CANNON. Other projects are also under consideration, including a ceremonial sitting of the Supreme Court in Philadelphia.

Justice WHITE. I don't think that would implicate these particular funds.

INCREASE OF CLERKS AND SECRETARIES

Mr. SLACK. The first program increase is item No. 10 on page 1.5; namely, a request for four law clerks and five secretaries for Justices' offices, totaling $161,000. Is this request presented on the basis of the individual request of the Justices? In other words, some Justices want law clerks and others desire secretaries?

Justice WHITE. I think that is true in part, Mr. Chairman. Primarily, this is to supply the needs of those Justices who want another law clerk. The request for secretaries follows along with that.

Up until now, as I think has been explained to the committee in the past, the law clerks do their own typing, their own memos; but they do need secretarial help from time to time.

Three law clerks in an office create pressures for more secretarial help, and if there are going to be four, I think, at least from my experience, it is inefficient not to have more secretarial help.

STAFFING PATTERN OF JUSTICES' OFFICES

Mr. SLACK. Mr. Justice White, what is the general staffing pattern in the office of an Associate Justice? How many law clerks are there, how many secretaries, et cetera?

Justice WHITE. Currently, the typical Justice has three law clerks and two secretaries. He also has a messenger. The messenger is a jack-of-all-trades who helps with filing, carrying papers around, delivering messages, and trying to save as much time for the Justice as possible.

Mr. Chairman, 3 or 4 years ago, you may remember, we asked the committee to authorize additional funds to experiment with some additional help in the offices. I said I would like to hire an older attorney and keep him 3 or 4 years to see if that made a substantial difference as compared with a young man just out of law school. I am now in the second year with that man. I am going to keep him another year. The Chief Justice wanted to do that too, and he is in his third year with his young man.We feel this is useful and manageable, and other Justices are interested.

POLICEMEN FOR THE COURT

Mr. EARLY [presiding]. How many policemen are presently authorized on the Supreme Court force?

Justice WHITE. Seventy.

Mr. EARLY. This request would bring it up to 80?

Justice WHITE. Yes.

Mr. EARLY. We had it recorded as 73.

Miss ZUCCONI. I have a total of 73.

Mr. EARLY. How many vacancies do we have on the police force?

Miss ZUCCONI. Seventeen.

Mr. EARLY. Why are we looking for more when we haven't filled the 17, Mr. Justice?

Justice WHITE. Eighteen were authorized last year and the appropriation was not finally approved until late in the fall. We have been hard at it, and candidates are currently being tested.

Mr. SLACK. When do you expect to fill these vacancies?

Justice WHITE. That is hard to estimate with accuracy, but we are certainly making every effort to do so. You may recall that we took this matter up with the committee last year and indicated that our needs very likely exceeded the 18 that were authorized last year and that we would perhaps be back to complete the program we had in mind. We are now back, and we do believe we need the people.

ADMINISTRATIVE ASSISTANT FOR CHIEF JUSTICE

Mr. SLACK. I note that you are requesting an additional position for the Administrative Assistant to the Chief Justice. Would you care to have Mr. Cannon comment on that?

Justice WHITE. I think Mr. Cannon ought to comment, but I should say, myself, that I have been and was very much in favor of creating the position of the Administrative Assistant because of the many hats the Chief Justice wears and the many duties that he must perform. I was never able to understand how one man could carry out those many tasks without some very first-class help. A new position was created. Mr. Cannon is now there doing a job. The amount of work that flows through his office is very substantial because the Chief Justice heads up the Judicial System of the United States, the Judicial Conference of the United States. He has a hand in the Judicial Center and in the Administrative Office. He has a great deal to do and he needs help. Mr. Cannon, I think, in turn needs help.

Mr. SLACK. How many positions are authorized for the office at the present time?

Mr. CANNON. One assistant and one secretary.

POSITIONS IN PERSONNEL OFFICE

Mr. SLACK. How many positions are presently authorized for the personnel office?

Justice WHITE. One.

Mr. EARLY. You want an additional secretary for that office?

Justice WHITE. We want a secretary for the personnel office. I might add here that until 2 or 3 years ago we had never had a personnel officer in the Court. It seems to me that as the Court has grown it has become very useful to have one. The job has been well filled and it has been well worthwhile.

INCREASE IN LABOR AND CLEANING FORCE

Mr. SLACK. How many permanent employees are now on the labor and cleaning force?

Miss ZUCCONI. We have 25 laborers and 20 part-time housekeepers.

Mr. EARLY. How many additional positions are you requesting?

Miss ZUCCONI. Two full-time laborers and two part-time helpers.

EMPLOYEES REPLACEMENT DEVELOPMENT PROJECT

Mr. EARLY. What is the basis of your request for $2,000 for the employees replacement development project?

Justice WHITE. This is to pay the tuition for training courses in those areas that we think the personnel of the Court would profit from—police officers, for example, and some people in the clerk's office with respect to specialized task.

AUTOMOBILE FOR CHIEF JUSTICE

Mr. EARLY. With respect to the automobile for the Chief Justice, as I recall there was an increase in the rental rate from $1,000 to $2,500. Is $2,500 the current rate and the rate that will be in effect for fiscal year 1977?

Justice WHITE. I think it is, yes.

Mr. EARLY. What type of automobile is that?

Justice WHITE. It is a Cadillac.

Mr. SLACK [presiding]. Are there questions with regard to the Supreme Court appropriation, Mr. Flynt?

Mr. FLYNT. Mr. Chairman, I have no questions. I would like to say that I wish that all of the justifications and the information we receive could be in as clear a form as this. The work of the committee would be simplified. I want to join in welcoming Mr. Justice White and Mr. Justice Blackmun before the committee.

Mr. MILLER. Would you please provide for the record a statement of increases in the workload which justify the increases you are requesting in personnel and funds.

[The statement follows:]

On Congressman Miller's inquiry as to increases in workload which will justify the increases you are requesting in personnel and fund, we understand the question to ask primarily about increases in the law clerks and five additional legal secretaries to be of direct service to the individual Justices in performing their duties.

The response, briefly, is that there were 1,234 cases filed during the 1951 term, a figure which had grown to 4,186 cases filed during the 1973 term. Last term, 1974, showed a slight decrease in filings, but this decrease was almost entirely artificial and due primarily to the fact that the 1973 term was almost 13 months long, and thus the 1974 term was only about 11 months long. The trend is well up again so far this year, and we have no good reason to believe that filings will not continue to increase steadily. The problem, therefore, of examining and choosing the argument and decision docket from a continually growing number of cases still presses upon us.

A far more significant yardstick is that for the 24 years prior to 1970, the average number of signed opinions per term was approximately 100. In the ensuing four terms, the total number of cases for oral argument and plenary consideration had grown so substantially that the number of signed opinions in each of those 4 years averaged 133—an increase of one-third. Furthermore, new forms of legislation in areas not previously developed are presenting new and difficult issues to the Court. Realistically, the Court has not yet fully organized itself to manage and perform this large expansion in the decisionmaking and opinion-writing functions which are the primary and most time-consuming functions. At the same time, the central thesis of current proposals to create a new national court of appeals is that the Supreme Court is not taking enough cases for plenary review to perform adequately the final appellate task that ought to be discharged in the federal system.

The current requests are in response to these unavoidable and relentless pressures. The experience of the past few years has convinced us that the individual Justices need additional staff assistance and that they can efficiently use it.

Insofar as additional positions for 10 policemen and 2 laborers are concerned, the justification is primarily the fact of increased use of the buildings by the public and the changing need for security in the circumstances that exist today. With respect to the secretaries for the administrative assistant to the Chief Justice and the personnel officer, we respectfully refer your attention to the written justification and our oral presentation.

Many of the positions sought and some granted in recent years were in fact long overdue, and the Court is undertaking to meet needs long unfilled.

Mr. SLACK. We thank you very much, gentlemen.

THURSDAY, JANUARY 22, 1976.

CARE OF THE BUILDING AND GROUNDS

WITNESSES

GEORGE M. WHITE, ARCHITECT OF THE CAPITOL
J. RAYMOND CARROLL, COORDINATING ENGINEER
CHARLES A. HENLOCK, ADMINISTRATIVE ASSISTANT

Mr. SLACK. The next item is under "Supreme Court." You are welcome to stay, but we have Mr. White here who can testify.

The next item is entitled "Care of the Building and Grounds." We shall insert pages 1.16 through 1.23 of the justifications at this point in the record.

[The justification pages referred to follow:]

THE JUDICIARY

UNITED STATES SUPREME COURT

CARE OF THE BUILDING AND GROUNDS

Summary of Requirements

Total appropriation 1976 (as enacted)	$ 1,429,000
Proposed supplemental for pay costs	25,000
Budget Authority, 1976	$ 1,454,000
1977 Budget estimate	$ 800,000
Proposed decrease	$ 654,000

Appropriation Language

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); [$1,429,000, of which $800,000 shall remain available until expended] $800,000.

[For "Care of the building and grounds" for the period July 1, 1976, through September 30, 1976 $195,500.]

66-404 O - 76 - 3

UNITED STATES SUPREME COURT
CARE OF THE BUILDING AND GROUNDS

FISCAL YEAR 1977

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriations 1976 (enacted to date)	33	$ 1,429,000
Proposed supplemental for pay costs	..	25,000
Budget authority, 1976	33	$ 1,454,000
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay increases	...	+ 25,600
2. Within-grade step increases	...	+ 1,700
3. Increase in cost of employee benefits (Contribution to Retirement Fund)	...	+ 1,200
4. Increased cost, Maintenance Air Conditioning System	...	+ 1,100
5. Nonrecurring costs authorized in 1976:		
a. Painting ceilings, East and West Conference Rooms	...	- 27,000
b. Installation of additional mezzanine decks and bookstacks, Law Library	...	-426,000
c. Installation of fire protection system in storage and other areas requiring such protection	...	-200,000
d. Birdproofing main entrance area, west side and center section, east side of building, including pointing and caulking	...	- 45,000
e. Installation of bronze railings on cheek blocks, West Portico	...	- 87,000
f. Purchase of ladders and scaffolding	...	- 4,100
Subtotal, adjustments to base and built-in changes	...	-759,500
Program Increases:		
6. Overhaul sewerage and drainage ejector pumps	...	+ 12,000
7. Replacement of concrete sidewalks, north side of building	...	+ 23,000
8. Purchase of fork-lift truck	...	+ 18,000
9. Purchase of hot water heater booster	...	+ 2,500
10. Miscellaneous improvements	...	+ 50,000
Subtotal, program increases	...	+105,500
Total Net Decrease requested	...	-654,000
Total appropriation requested, 1977	33	$ 800,000

UNITED STATES SUPREME COURT

OBLIGATIONS BY ACTIVITY
FISCAL YEAR 1977
(Dollar amounts in thousands)

Authorization: Permanent	1976 Appropriation		1976 Adjusted (Base for 1977), as Requested		1977 Request		Proposed Decrease 1977 under 1976 Appropriation	
Comparison by activity	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Structural and mechanical care of building and grounds, including supplying of mechanical furnishings and equipment.....	33	$ 1,429	33	$ 1,454	33	$ 800	...	$ 654

UNITED STATES SUPREME COURT
CARE OF THE BUILDING AND GROUNDS

Summary of Requirements by Object

	1976 Estimate	1977 Estimate	Increase or Decrease
Total number of permanent positions.....	33	33	...
Average paid employment.....	33	33	...
Personnel compensation:			
Permanent positions.....	$ 573,700	$ 600,000	+ 26,300
Subtotal, personnel compensation.....	573,700	600,000	+ 26,300
Personnel benefits.....	50,500	52,700	+ 2,200
Other services.....	847,772	485,528	-362,244
Supplies and Materials.....	12,000	12,000	...
Equipment.....	4,850	21,250	+ 16,400
Total obligations by object.....	1,488,822	1,171,478	-317,344

CARE OF THE BUILDING AND GROUNDS, SUPREME COURT

General Statement

This appropriation, for expenditure by the Architect of the Capitol, provides for the structural and mechanical care of the United States Supreme Court Building and Grounds, including maintenance and operation of mechanical equipment. The Architect performs his duties under authority of the Act of May 7, 1934 (48 Stat. 668).

The mechanical equipment includes such items as air conditioning, refrigeration and ventilating systems with more than 1,000 pieces of equipment; electrical transformer stations; 300 plumbing fixtures and related piping; 8 elevators and 5 dumbwaiters; electric fixtures and wiring.

A force of 33 employees is required for the fiscal year 1977 to cover 3 shifts daily and is made up of 1 Supervising Engineer; 1 Foreman, 3 Mechanics, 4 Attendants and 5 Assistant Attendants in the heating, ventilating, air conditioning and refrigeration department; 1 Electrician Foreman and 3 Electricians; 1 Pipefitter Foreman, 1 Assistant Pipefitter Foreman, 3 Pipefitters, 1 Elevator Mechanic Foreman and 1 Mechanic; 1 Marble Mason; 1 Painter; 1 Gardener Foreman and 2 Gardeners; 1 Storekeeper and 2 General Laborers.

Justification of Changes

Adjustments to Base and Built-in Changes

Item 1. Annualization of October 1975 pay increases ($25,600)

This increase, authorized by 5 U.S.C. 5343, 5344, 5349, covers wage rate increases, determined as a result of surveys commenced on August 19, 1975, resulting in new wage rates effective October 26, 1975, under the Federal Wage System, affecting 31 Wage-Board employees carried under this appropriation, paid at new October 1975 rates for 8 months in fiscal year 1976 and required to be paid at such rates for 12 months in fiscal year 1977. Full year base pay cost of October 1975 increases, $40,600, plus $9,000 resulting increase in overtime and holiday pay costs and $3,000 resulting increase in government contribution to retirement costs - a total of $52,600 - less $25,000 requested as a 1976 Pay Supplemental to cover costs in fiscal year 1976 and $2,000 turnover savings - additional amount required for fiscal year 1977 - $25,600.

Item 2. Within-grade step increases ($1,700)

This increase, authorized by 5 U.S.C. 5331-5336, covers within-grade step increases required to be paid to "GS" employees compensated under "General Schedule" pay rates (Classification Act).

Item 3. Increase in cost of employee benefits ($1,200)

In addition to $1,000 required for and included in item 1 for annualization of October 1975 pay increases, an additional amount of $1,200 is required for 1977 to cover government contribution to the Retirement Fund, authorized by 5 U.S.C. 8334. This increase is based on budgeted base pay costs required for 1977.

Item 4. Increase in cost of Maintenance of Air Conditioning Systems ($1,100)

An increase of $1,100, from $5,800 to $6,900, is requested under this allotment for fiscal year 1977 to meet current rise in costs of materials and equipment. The allotment provides for the regular annual maintenance, repair, and replacement parts necessary for satisfactory operation of the air conditioning system.

Breakdown of Estimate

Maintenance	
Air Filters	$2,440
Oil and grease	130
Cleaning equipment	130
Paint	130
Refrigerants	130
Heating Coil replacements	1,680
Contingency for special repairs	700
Miscellaneous items	130
Repairs	
Refrigeration	400
Exhaust system cleaning and fireproofing	900
Miscellaneous	130
Total annual recurring items	$6,900

Program Increases

Item 6. Overhaul sewerage and drainage ejector pumps ($12,000)

A nonrecurring item of $12,000 is requested for 1977 to overhaul nine sewerage and drainage ejector pumps located in the basement of the Supreme Court Building, which have been in service since 1934. They have been maintained and repaired, as required from time to time, but have now reached the point where they require major overhauling. Under the estimate of $12,000 it is proposed to replace the existing shafts, bearings, and impellers, which are now scored and worn and have become noisy in their operation.

Item 7. Replacement of concrete sidewalks, north side of building ($23,000)

A nonrecurring item of $23,000 is requested for 1977 to replace the concrete sidewalk on the Maryland Avenue side of the building, extending from First to Second Streets N.E. This sidewalk was installed in 1934 when the building was constructed. It has been maintained and repaired in the interim years but has now reached the point where replacement is necessary. During the past 22 years, this sidewalk has gradually become cracked and raised in a number of places. It should be replaced at this time to avoid Tort claims, resulting from existing hazard. The estimate is based on replacing 770 square yards of sidewalk with new exposed aggregate concrete at approximately $30 per square yard.

Item 8. Purchase of fork-lift truck ($18,000)

A nonrecurring item of $18,000 is requested for 1977 for purchase of an industrial fork-lift truck for use in handling and moving heavy equipment and materials. This work has been done in past years, manually, by the maintenance force. It is proposed to use this lift also in the loading and unloading of trucks making deliveries to the building. There is no loading platform at the building, which frequently necessitates 3, 4, or more men to manually lift heavy objects. In the interest of more efficient operation and to eliminate physical risks to employees, it is recommended that funds be allowed for this requested item.

Item 9. Purchase of hot water heater booster ($2,500)

A nonrecurring item of $2,500 is requested for 1977 for purchase of a hot water heater booster to supplement the existing hot water tank and heat. The existing equipment has been in service for 30 years or more, but is now inadequate to maintain desired water temperature due to increased hot water demands. The heater services 35 public lavatories, 2 showers, 5 kitchen sinks, 1 dishwasher, and the laundry sinks.

Item 10. Miscellaneous improvements ($50,000)

For 1977, it is recommended that the Committee allow an allotment of $50,000 for miscellaneous improvements in order that urgent or unforeseen needs of the Court may be met on an expeditious basis, without the delays incident to awaiting supplemental appropriations for items that cannot be anticipated at this time.

This request is actually a request for a reserve contingency fund. No such fund has heretofore been provided for the structural and mechanical care of the Supreme Court building, as has been provided for the other buildings, in the Legislative group under the Architect of the Capitol, for the past 20 years. Such a fund, with respect to the Capitol Buildings, has proven to be a beneficial practice.

In the case of the contingency funds provided annually for the Capitol Buildings, expenditure of such funds by the Architect of the Capitol has been controlled by the Speaker of the House with respect to the House Office Buildings and House side of the Capitol and by the Chairman of the Senate Committee on Appropriations with respect to the Senate Office Buildings and Senate side of the Capitol, in accordance with agreed procedure.

If such a fund is allowed for the Supreme Court Building, it is proposed that expenditures from such allotment be subject to the approval of the Chief Justice.

EXPLANATION OF ITEM

Mr. SLACK. The request for fiscal year 1977 is for $800,000, a decrease of $654,000 from the adjusted appropriations for the fiscal year 1976. Mr. White, do you have a general statement with regard to this item?

HIGHLIGHTS OF JUSTIFICATION

Mr. WHITE. I haven't a prepared statement, Mr. Chairman, but I have a few general remarks I would like to make and then will be ready to answer whatever questions you may have.

Mr. SLACK. Proceed in your own fashion.

Mr. WHITE. It is interesting to note, I think, that the $654,000 reduction in our request of this year as compared with last year is similar to the reductions that can be noted between our request this year and that of the previous 3 years. This request is $575,600 less than our 1975 budget authority; $768,300 less than our 1974 budget authority; and $309,000 less than our 1973 budget authority. I mention this because the picture one sees if one looks at the care and maintenance of the buildings and grounds is that with a building that is 40 years old, we have had a number of recent needs over the past 3 or 4 years to replace major items which we think are not likely to occur again in the near future. That is the basic reason for the substantial reduction this year. We think we have the building in very good basic condition now. On the other hand, little items keep cropping up and those are reflected in this year's request. I might turn immediately to those if you like.

ITEMS OF INCREASE

We are asking for only five, nonrecurring increases. One of them results from the need to overhaul sewage and drainage ejector pumps which have been in use since the building was built in 1934. That is a $12,000 item.

CONCRETE SIDEWALKS REPLACED

We are asking for the replacement of the concrete sidewalks on the north side of the building, which are in a very bad state of repair. Those, incidentally, are also the original sidewalks put in place in 1934 or 1935. That is a $23,000 item.

Mr. SLACK. Is this work to be done under contract or in-house?

Mr. WHITE. We would do that under contract by competitive bidding.

FORKLIFT TRUCK

We ask for $18,000 for the purchase of a forklift truck. There is no loading dock in this building, and for all of these years we have been unloading by hand with three or four men. It is a continuing problem which we feel should be alleviated both from the standpoint of safety, as well as expediency. To have a forklift will enable us to lift heavy items directly from the tailgates of trucks.

HOT WATER BOOSTER HEATER

The fourth item is $2,500 for the purchase of a hot water heater booster to supplement the existing hot water heater in the building.

There have been a number of increases in the use of hot water in the building and we feel we can handle the increased needs by this booster heater rather than by increasing the capacity of the basic source.

MISCELLANEOUS IMPROVEMENTS

The fifth item is $50,000, a contingency fund, Mr. Chairman. This has not been previously presented. You may recall that it was necessary for me to request a reprograming of some funds last year, for the alterations that were taking place within the building. That is an example of the need for work to be done in the building at times when the budgeting and appropriations processes do not cycle in such a way as to give us the funds at the proper time. Unforeseen items that come up during the year have increased in frequency in recent years, as you know, both in the Congress and in the Court, largely as a result of changes taking place in computerization and things of that nature. The needs for physical changes thus happen more rapidly, and we don't seem to be able to foresee well enough in advance to ask for funds in the regular process of budgeting.

We thought, therefore, that it would be appropriate to do for the Supreme Court what we already have done for the legislative branch, which is to make available what is in the nature of a contingency fund. That is this last item of $50,000.

In the case of the legislative branch, no funds can be expended from that appropriation without the approval of the Speaker of the House side, and of the chairman of the Senate Appropriations Committee on the Senate side. We thought the same kind of arrangement could be made in the case of the Court, whereby the money would be available but would require the authority of someone beyond the Architect to expend it. We have made that proposal here so that we could take care of unforeseen items that come up during the course of the year.

By and large that is the substance of our request.

IMPROVEMENTS, LAW LIRBARY

Mr. SLACK. The 1976 appropriation, Mr. White, included $426,000 for work in the Law Library. What is the status of that project at the present time?

Mr. WHITE. The status of that is similar to the status of most of last year's items, which is that they are in the process of being accomplished.

As you may recall, the funds were not appropriated until quite late in the year, October 21, 1975, so we couldn't begin, of course, until that time. That item is in the design process. Design details are being worked on at the moment. It has not yet gone out for bids, nor has any construction begun.

BIRDPROOFING OF BUILDING

Mr. SLACK. What is the status of the $45,000 appropriated for birdproofing of the building?

Mr. WHITE. That will be out for bids next week. We can't really do anything until the weather warms up, in any event, and I would

guess that within a month we will have entered into a contract based upon the bids that come in and be ready to proceed as soon as the weather permits.

Mr. FLYNT. Will the method used on the Supreme Court Building be similar to that used on the east front of the Capitol Building?

Mr. WHITE. Yes, sir.

ANALYSIS OF ESTIMATE

Mr. SLACK. On page 1.17 of the justifications, under "Non-recurring Costs," which total $789,000, do I understand this justification to mean that the base program would then be $694,500?

Mr. WHITE. The base program would be——

Mr. SLACK. What I am saying is that the amount, plus your requested increase of $105,500, brings the total pending request to $800,000.

Mr. WHITE. That is correct.

Mr. SLACK. I would like to ask what the base amount of the $694,500 covers.

Mr. WHITE. That base amount covers payroll and recurring maintenance items.

Mr. SLACK. Thirty-three positions?

Mr. WHITE. That is correct, 33 positions. It includes, in addition to last year's payroll cost, the annualization of the October 1975 pay increases, within-grade step increases anticipated in the coming year, and an increase in employee benefits due to the increase in the contribution to the retirement fund. Those are all what might be termed mandatory items by law, and it includes a very small increase of $1,100 in increased costs for maintenance of the air-conditioning system.

Mr. SLACK. Are there questions with regard to the item entitled "Care of Building and Grounds"?

IMPROVED LIGHTING, HOUSE CHAMBER

Mr. SMITH. I have one general question. It is prompted by the new lights in the House Chamber. About 6 or 8 years ago I got on this particular idea that we should have more and better lights in the House Chamber. I got a doctor to make a study and he found the lights were inadequate. Of course, it takes a long time around here to get something done, but I came back and looked up and could hardly believe it. After all this time, trouble and expense, I see a whole series of spotlights which are very energy-consuming compared to mercury lights or fluorescent lights, and very inferior from the standpoint that you have much more light in one spot than you will 3 feet from there.

Is this not being considered in other buildings too, or why would we end up with a whole series of spotlights?

DISCUSSION OF LIGHTING ITEM

Mr. WHITE. There are a number of reasons, as is usually the case, why particular physical construction takes place in the way that it does. We have the problem in that Chamber of trying to preserve the existing ceiling configuration. If we were, for example, to want to

convert the appearance of the entire room, we could drop the ceiling and provide some entirely different method of lighting, such as, for example, a luminous ceiling. But with the given goal of preserving the architectural characteristics of the ceiling, there is a limit to what one can do in order to increase the lighting.

We first made an effort to try to increase it by increasing the wattage of the lights within the cove, which is indirect lighting and a very inefficient way of providing lighting, as you know. In addition to that, we are unable by that method to provide 50 foot-candles at the reading level. There were only six to eight foot-candles there, as you will recall, when the early measurements were made. The increase in the quantity of light almost tenfold was something that had to be done in a way that provided a great deal more light than could be obtained indirectly. We don't have the capacity to place lighting in the portion of the ceiling outside of the oval. That area is all covered with structure and duct work, and there is no way to provide the space needed for the location of fixtures in that portion. Physically, the only place available was within that oval.

Mr. SMITH. You could put mercury bulbs in, could you not?

Mr. WHITE. The light sources themselves could be changed. Incandescent lights were utilized, partially, I believe, because of the size of the fixture which accommodates them.

Mr. SMITH. But you just put those in, did you not?

Mr. WHITE. That is correct.

Mr. SMITH. You could have changed the size?

Mr. WHITE. I might defer, if I can, to Mr. Carroll, our engineer, to see whether or not there was an investigation made of that.

EXPLANATION OF LIGHTING INSTALLED

Mr. CARROLL. You have to understand, and I am sure you do from your comments, the difference between mercury and incandescent light. We were quite concerned that, with the House being as dull and dim as it has been traditionally, that if we put anything too bright in there to begin with in any case there would be considerable objection. What we have in there has a dimmer and, in fact, you are only getting about half the intensity we are capable of providing. We are still in the experimental stage. The incandescent spots we have put there will be decreased in wattage to see if they still serve the purpose. They are arranged, of course, so that the spots overlap and we get a reasonable uniformity, but, of course, you do get peaks and valleys, and back in the corners we still have shadows. We haven't even tried to solve the corner problem yet.

It would be very simple for us to take the incandescent bulb out and to screw in the mercury vapor bulb with a self-contained transformer.

Mr. SMITH. The only complaints I have heard are about insufficient light. Now the complaint is that it is not uniform and it glances off of glasses. Mercury doesn't do that. Those spotlights come down on your glasses and bounce off on somebody else. It seems to me to be a very inferior lighting system. I was interested not only from the standpoint that it doesn't seem to come up to standards expected, but also from the energy standpoint. Those bulbs consume a lot of energy.

ENERGY USE

Mr. CARROLL. They are not that large. They are 500 watt spots.

Mr. SMITH. They consume more than mercuries.

Mr. CARROLL. We could use a lower wattage mercury, but you would have a brighter spot. You are bringing that light down some 40 feet, which is not easily done.

Mr. SMITH. The overall question is—whether it is in the Supreme Court, the House, or wherever—are you considering the advantages that you can get by a different type of bulb and have less energy consumption?

LIMITED PERIOD AVAILABLE TO MAKE LIGHTING CHANGES

Mr. CARROLL. Oh, yes, very much so. And you will see other improvements in the House as we slowly get into it. We can't make all the changes at once, obviously, and not in the short period we had over the Christmas recess.

CHOICE OF LIGHTING

Mr. WHITE. I might also add that the color-corrected mercury lamp is somewhat of a misnomer. While it is color-corrected, it is a different light than some people like. That isn't to say you can't become adapted to it, but it is a factory-type lighting. You don't ordinarily use color-corrected mercury lamps indoors unless you are applying them in very, very high ceiling areas and have very large lighting fixtures. Otherwise, the point source gets so bright that you create some glare. Their long life also makes them useful in areas where changing lamps is a difficulty.

We made some experiments in the Chamber before, deciding upon this particular fixture. Our goal was to select a fixture that, except when you are looking right straight up, would prevent the detection of the light source. As a matter of fact, most of them give the appearance that the lights are out if you look at them from an angle.

Mr. SMITH. You don't see the lights, but as soon as you walk in the Chamber it is obvious there are a bunch of spotlights on you. They come from different sides. I just think it is a very poor lighting setup, myself. I am very disappointed because I was one who pushed for it all these years, and to end up with that.

That is all I have.

Mr. CARROLL. Mr. Smith, I would be very glad to discuss it more in depth with you if you like. I don't believe it is as bad as you perhaps think it may be—and again we are not finished with it yet. I realize there is some uneven light.

LOW BUILDING MAINTENANCE COST

Mr. FLYNT. The Supreme Court building is about 41 years old. At the time of completion, it was described as having been built to almost the maximum construction standards and specifications, which, of course, would indicate the maintenance cost would be both uniform and minimum for a long period of time. Is that still true? First of all, is that statement correct?

Mr. WHITE. That is a correct statement and it is true. There has been very little maintenance required on the building and, as I mentioned earlier, the last 4 or 5 years have been the period during which maintenance, which was really unnecessary for 35 years, had to finally be done. We think the building now is in the kind of condition that will enable it to be used without a great deal of maintenance unless something unforeseen arises, of course, for a good many years in the future.

Mr. FLYNT. Without any substantial increases in maintenance cost?

Mr. WHITE. That is correct.

Mr. SLACK. Are there further questions?

SECURITY OF BUILDING

Mr. CEDERBERG. We have had some concern about the security of the building recently. Is there any possibility, some time in the future, of tying in the Supreme Court Building with the unit we have here in the Capitol, or would that be practical?

Mr. WHITE. It could be done, technically. The real question is one of the jurisdiction of the security forces. The Court's security forces are separate from the Capitol Police. Our control center for the video surveillance system is, of course, in the legislative branch. There would probably have to be some legislation to provide for joint use.

Mr. CEDERBERG. I speak from the technical point of view. The building is close to the Capitol, and so forth, and I would think you could tie that circuit right into the control room we have here.

Mr. WHITE. Technically, it could be done, yes.

USE OF MAINTENANCE EMPLOYEES

Mr. MILLER. Mr. White, I understood when the Supreme Court Justices were here they said there are some 33 employees of yours within their building. Are they being housed there for other work, or are they housed there for work at that building?

Mr. WHITE. They are housed there for work at that building solely.

NEED FOR PRESENT MAINTENANCE FORCE

Mr. MILLER. Why would 33 be needed? Are they maintenance people?

Mr. WHITE. Yes; they are all maintenance people. We must maintain three shifts daily, made up of one supervising engineer; one foreman; three mechanics; four attendants and five assistant attendants in the heating, ventilating, air-conditioning, and refrigeration department; one electrician foreman and three electricians; one pipefitter foreman, one assistant pipefitter foreman; and three pipefitters; one elevator mechanic foreman and one mechanic; one marble mason; one painter; one gardener foreman and two gardeners; one storekeeper; and two general laborers.

That force has numbered 33 for the last 40 years. It is the same number of people who have been there since the inception of the building.

Mr. MILLER. That would be the maintenance people alone and not necessarily the guards that we see?

Mr. WHITE. That is correct, the guards don't come under the jurisdiction of the Architect. These are maintenance people only, required for the structural and mechanical care of the building and its equipment.

Mr. MILLER. Do you have backup people in your main office for those 33 maintenance people? Someone, perhaps in the case of a major maintenance problem, would need to draw specific plans for what might be done.

Mr. WHITE. Yes. The supervision from the standpoint of engineering is all done from our central office and comes under Mr. Carroll, our director of engineering. Any of the drawings and similar items are prepared in our central office.

If there is an emergency that requires additional people, we have maintenance people from other buildings that we can use for that purpose on an emergency basis even though it would be inappropriate on an ongoing basis because of the funding.

Mr. MILLER. You speak of having the maintenance people for the utilities. The Supreme Court Building is connected to the main heating system for Capitol Hill?

Mr. WHITE. That is correct. They are connected to our steam lines and chilled waterlines that terminate at the powerplant.

Mr. MILLER. And that powerplant was enlarged a few years ago?

Mr. WHITE. It is in the process of being enlarged at the moment.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. SLACK. Mr. Henlock, you have passed the half century now, have you not, in your services on Capitol Hill?

Mr. HENLOCK. Forty-seven on the Hill; four elsewhere in the Government.

Mr. CEDERBERG. Where did you work before you came to the Hill?

Mr. HENLOCK. I had some summer and other service in other departments. I wanted an education, for one thing, and worked to get it.

With respect to your discussion about air-conditioning, it may be of interest to note that the Supreme Court and the Library Annex were the first buildings on the Hill to have air-conditioning. In 1958 and 1959, the old systems were integrated with the Capitol powerplant's central refrigeration system.

Mr. MILLER. Mr. Smith referred to the lighting in the Chamber of the House. I counted 66 holes punched in the ceiling and I understand they are 750-watt lamps.

Mr. CARROLL. They are 500-watt now, and we will experiment with 300-watt lamps.

Mr. MILLER. That would be some 33,000 watts, maybe 25 horsepower. You would need that much air-conditioning to offset the heat generated by these units?

Mr. WHITE. The capacity was there but the energy will be used, yes. We haven't had to increase any supply capacity. Of course, when one heats and cools at the same time it is energy-consuming, there is no doubt about that.

ENERGY CONSERVATION

Mr. MILLER. I am wondering about your shop and the total picture. As an example, if you had 50 horsepower of heat being generated

there, do you pull that off in duct work in order to help heat the building, circulate it into the rooms?

Mr. WHITE. No; not to the building generally.

Mr. MILLER. We are not disposing of that heat and turning around and burning our fossil fuel, generating steam and heating back up again, are we?

Mr. CARROLL. The lighting is in the air supply. All of the heat of those lights in the winter is serving to heat the room. In the summer, conversely, it has to be absorbed by the cooling system; but, on the other hand, if we didn't have the electrical energy and the lights, we would have to use steam, so it is a self-serving purpose. It isn't as if we were using energy and throwing it away.

Mr. MILLER. I can see you are not in the wintertime. In the summertime, can you then throw that heat out so you would not circulate it in the Chamber and have to counter it with air-conditioning?

Mr. CARROLL. That is what I am saying. We have to do that in an air-conditioning system where we have large numbers of people congregated. We have to do something to control humidity. Otherwise, we have no means of controlling the humidity which people put into the air.

First, we cool it down to a proper point for humidity control and then heat it back up for temperature purposes. Our lighting is now serving that purpose, whereas otherwise we would use steam. It is at least counteracting.

Mr. MILLER. This is not directly involved with what you came here to testify about today, but I would very much like to talk to you about that heating matter.

Thank you, Mr. Chairman.

Mr. SLACK. If there are no further questions, we thank you, gentlemen.

THURSDAY, JANUARY 22, 1976.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

WITNESSES

CARL A. WEINMAN, SENIOR JUDGE, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF OHIO

WILLIAM E. FOLEY, DEPUTY DIRECTOR, ADMINISTRATIVE OFFICE, U.S. COURTS

GILBERT L. BATES, ASSISTANT TO THE DIRECTOR, BUSINESS AND PERSONNEL, ADMINISTRATIVE OFFICE, U.S. COURTS

EDWARD V. GARABEDIAN, CHIEF, FINANCIAL MANAGEMENT DIVISION, ADMINISTRATIVE OFFICE, U.S. COURTS

WAYNE P. JACKSON, CHIEF, DIVISION OF PROBATION, ADMINISTRATIVE OFFICE, U.S. COURTS

PETER G. McCABE, CHIEF, MAGISTRATES DIVISION, ADMINISTRATIVE OFFICE, U.S. COURTS

BERKLEY WRIGHT, CHIEF, BANKRUPTCY DIVISION, ADMINISTRATIVE OFFICE, U.S. COURTS

Mr. SLACK. The next item is entitled "Courts of Appeals, District Courts, and Other Judicial Services."

There are seven appropriation items under this heading. The total requested for the seven items for fiscal year 1977 is $278,880,000, an increase of $32,902,000 over the appropriation for fiscal year 1976.

We will insert pages 5.1 through 5.20 of the justification book in the record at this point.

[The justification pages referred to follow:]

66-404 O - 76 - 4

SUMMARY STATEMENT RELATING APPROPRIATION ESTIMATES TO CURRENT APPROPRIATION

Courts of Appeals, District Courts, and Other Judicial Services

Appropriated, 1976	$239,231,000
Proposed supplementals for pay costs	6,747,000
Budget Authority, 1976	$245,978,000

Requirements

	1976 Budget Authority	1977 Estimate	Increase
Salaries of judges	$ 29,824,000	$ 30,182,000	$ 358,000
Salaries of supporting personnel	121,460,000	138,145,000	16,685,000
Representation by Court-Appointed Counsel and Operation of Defender Organizations	19,046,000	20,686,000	1,640,000
Fees of jurors	18,000,000	19,350,000	1,350,000
Travel and miscellaneous expenses	20,040,000	26,550,000	6,510,000
Salaries and expenses of United States magistrates	11,250,000	11,862,000	612,000
Salaries and expenses of referees	26,358,000	32,105,000	5,747,000
Totals	$245,978,000	$278,880,000	$32,902,000

Increase, 1977 over 1976	32,902,000
Estimate, 1977	$278,880,000

General Statement

The estimate for fiscal year 1977 is in the amount of $278,880,000, an increase of $32,902,000 over fiscal year 1976. Much of the increase is directly attributable to the rising costs of services, including printing, supplies, copying equipment, lawbook subscriptions, and postal rates. Another area of increase is in new and improved services, which includes improved telephone services, computer capability for legal research and transcripts, and installation of protective devices.

The two charts which follow reflect the division of the judicial dollar and the distribution of personnel in the Federal Judiciary.

Despite the rising workload, federal judgeships have remained constant. Since vacancies have been low, and senior judges have contributed substantially to the work of the courts, the Judiciary has continued to increase output. The incoming caseload continues to be staggering, so that dispositions fall short with the discouraging increase in the pending caseload.

The workload of the courts of appeals, which has been rising for more than ten years, continued to increase in fiscal year 1975 by 1.4 percent in new cases docketed. Total filings reached a high of 16,658 cases, while terminations rose 3.7 percent. The backlog of pending cases rose by almost 6 percent during the past year.

Total filings in fiscal year 1975 in the district courts reached 160,602, a rise of 17,318 filings over fiscal year 1974, representing an increase of 12.1 percent. Civil filings were up 13.3 percent, and criminal filings were up 8.9 percent. The number of cases terminated increased by 6.6 percent when compared to fiscal year 1974. This increase included both civil and criminal terminations, 7.3 percent and 4.8 percent, respectively. Pending cases at year end were up by 9.5 percent in comparison to 1974, the increase due entirely to the large rise in civil case filings. Criminal case filings at year end were down slightly from 1974 by 1.0 percent.

During the fiscal year which ended on June 30, 1975, United States magistrates disposed of 255,061 separate items of judicial business--about 5 percent more than during the preceding fiscal year. The overall statistical increase in the number of matters handled, however, does not fully reflect the growth in the judicial services which magistrates have been rendering to the district courts. The more time-consuming "additional duties" performed by magistrates under authority of 28 U.S.C., 636(b), for example, increased by nearly 12 percent--from 60,072 to 67,230. The volume of such proceedings, moreover, was 30 percent above the 51,517 conducted during the fiscal year 1973, and 50 percent above the 44,717 of the fiscal year 1972, the first year of nationwide operation of the magistrate system.

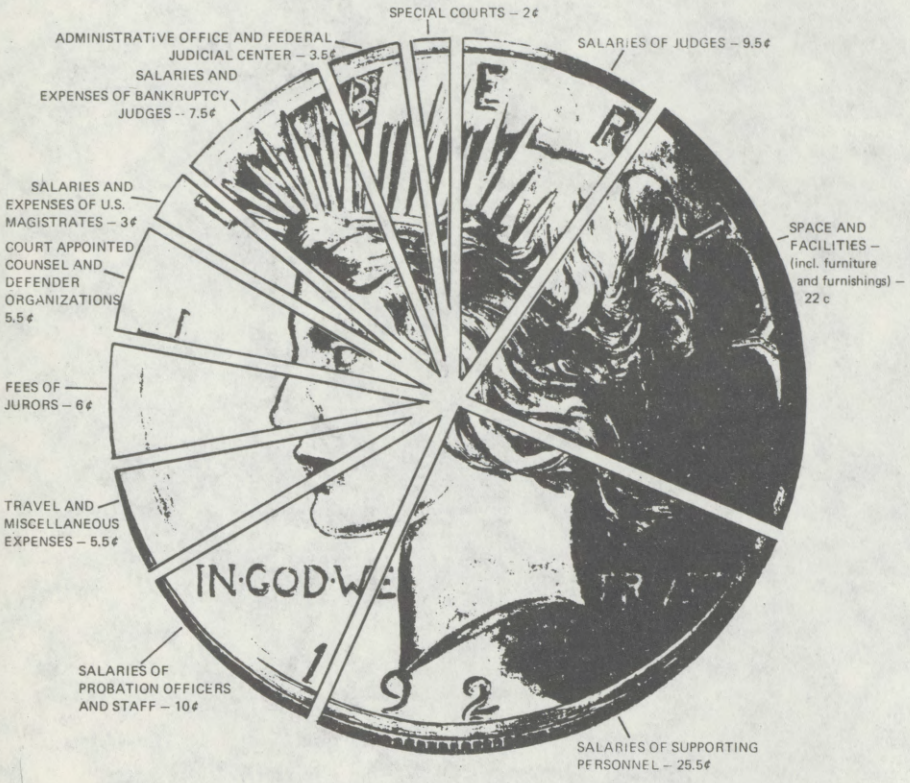
Perhaps one of the strongest indicators of the economic posture of the country are the bankruptcy cases filed in district courts. The 34.3 percent increase in 1975 over 1974 was a record; however, there is some evidence that the increase is tapering off. The incoming workload was so substantial that court personnel have been unable to stay ahead of the workload, but even so managed to dispose of 8.2 percent more cases than a year ago. The 262,283 bankruptcy cases pending on June 30, 1975, was 30.8 percent greater than a year ago.

The district courts continued to maintain a good record for juror utilization with an average 19.32 juror index in 1975 compared to 19.11 in 1974. This means that about 19 1/3 jurors were required for conducting a trial including the voir dire and the sitting of the jurors on either a criminal or civil trial. Contributing to continued efficiency in juror utilization were the use of multiple voir dires, staggered trial starts, and the implementation of civil jury rules which permit less than 12 jurors in trial. This provision has been adopted by 82 of the 94 district courts. The total number of petit jurors used during fiscal year 1975 increased 4.1 percent over fiscal year 1974.

UNITED STATES COURTS

THE JUDICIAL DOLLAR

OBLIGATIONS INCURRED* – FISCAL YEAR 1975

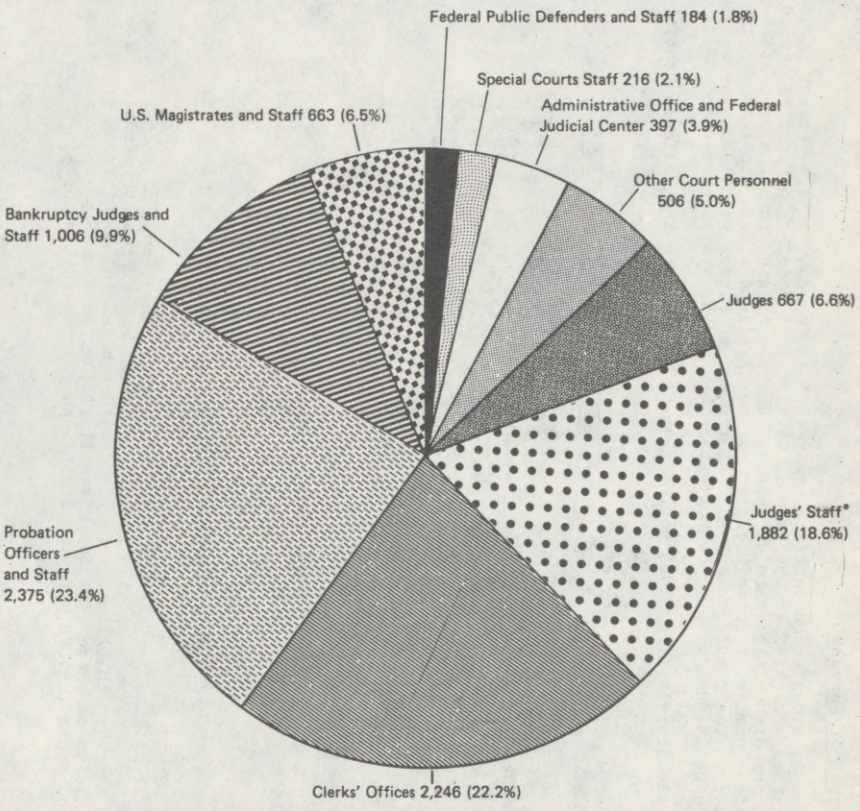


*Exclusive of the Supreme Court

PERSONNEL IN THE U.S. JUDICIARY

FISCAL YEAR 1975

TOTAL PERSONNEL: 10,142



Secretaries, Law Clerks, and Criers

United States Courts of Appeals

The courts of appeals experienced in fiscal year 1975 an increase of 1.4 percent in new cases docketed as total filings reached a high of 16,658 cases. Terminations rose 3.7 percent as 16,000 cases were disposed of. Even though the disposition rate of appeals has been greater than the percentage increase in incoming workload, the actual number of appeals closed by the appellate courts continues to trail filings with a resultant increase in the pending caseload. At the end of fiscal year 1975, the backlog of pending cases stood at 12,128 appeals, nearly 6 percent greater than at the previous year-end.

The flow of appeals activity from 1968 to the present is shown in the following table.

Fiscal Year	No. of Judgeships	Appeals			Increase in Pending
		Filed	Terminated	Pending	
1968	97	9,116	8,264	6,615	852
1969	97	10,248	9,014	7,849	1,234
1970	97	11,662	10,699	8,812	963
1971	97	12,788	12,368	9,232	420
1972	97	14,535	13,828	9,939	707
1973	97	15,629	15,112	10,456	517
1974	97	16,436	15,422	11,470	1,014
1975	97	16,658	16,000	12,128	658
1976 (Est.)	..	17,500	16,800	12,828	700
1977 (Est.)	..	18,000	17,300	13,528	700
Percent change 1975 over					
1968	..	82.7	93.6	83.3	...
1974	..	1.4	3.7	5.7	...

Analysis of this table reflects the following:

1. The number of authorized judgeships--97 has remained unchanged since 1968. On June 30, 1975, 96 of the 97 judgeships were filled.

2. Although total filings for the nation as a whole increased only slightly, advancing 1.4 percent from 16,436 to 16,658, there were significant variances from circuit to circuit. Two major depressants to the rate of increase in filings were the declines noted in the District of Columbia and the Fourth circuits. Excluding these circuits, overall filings rose nearly 4 percent, as all but the largest circuits--the Second, Fifth, and the Ninth--saw major gains in appeals filed.

Primary factors in the drop in filings for the D.C. and Fourth circuits are the Court Reorganization Act of 1970 for the District of Columbia, which transferred violations of the District of Columbia Criminal Code to the Superior Court thereby reducing the source of work for the Appellate Court, and a change in the docketing practices of the Fourth Circuit, ending their procedure of placing all state habeas corpus petitions on the general docket regardless of the lack of a certificate of probable cause.

3. The number of appeals terminated was 4 percent greater than last year and nearly 94 percent higher than in 1968.

4. The pending caseload rose nearly 6 percent during the year and is more than 83 percent above the level reached June 30, 1968.

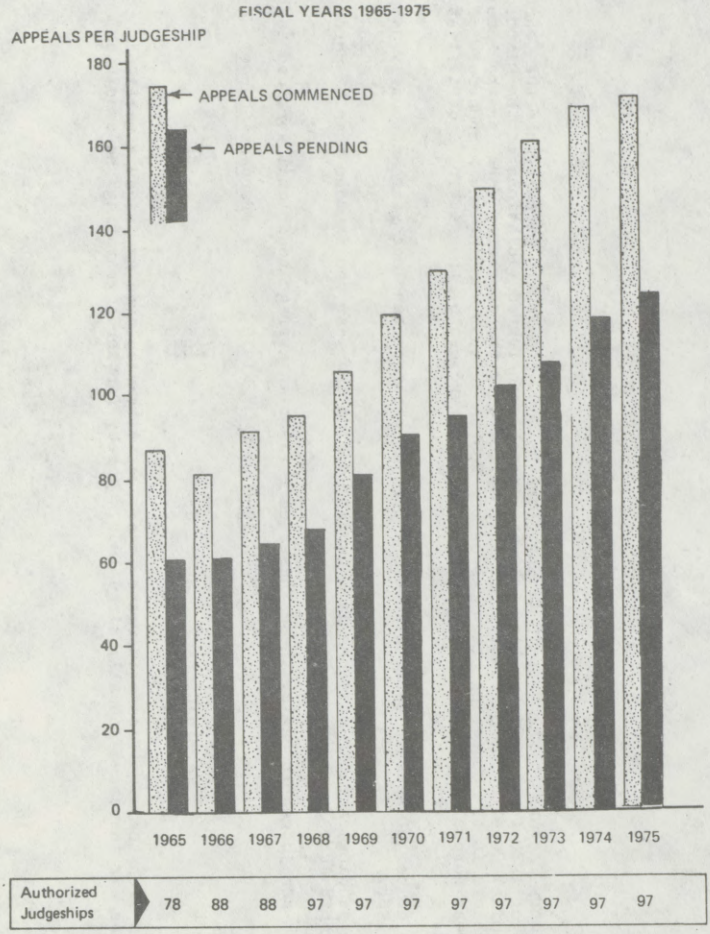
5. On a per judgeship basis, these increases reflect an average additional workload as follows:

	1968	1975	Percent Change
Filings.....	94	172	+83.0
Terminations	85	165	+94.1
Pending.....	68	126	+85.3

Even with the significant increase in productivity displayed by judges since 1968, the number of pending cases has increased annually since 1968, thereby further aggravating the case backlog.

UNITED STATES COURTS OF APPEALS

AVERAGE NUMBER OF APPEALS COMMENCED AND PENDING FOR EACH AUTHORIZED JUDGESHIP



United States District Courts

In 1975 the overall civil and criminal dockets in the district courts moved upward by 9.5 percent at the year-end with the civil pending caseload up 11.7 percent. The criminal caseload year-end figure was down by 1.0 percent. Total filings were up by 12.1 percent, or 2.6 percent over closings. The increase in civil cases filed was 13.3 percent and the increase for criminal filings was 8.9 percent.

Total filings have increased sharply again in fiscal year 1976 as shown by results for the first four months of the fiscal year as compared to the same period of the prior year.

	Cases Filed		
	July 1 to October 31 1974	July 1 to October 31 1975	Percent Change
Civil.....	37,794	44,183	16.9
Criminal.....	13,716	13,654	-0.5
Total.....	51,510	57,837	12.3

This table shows a significant (16.9%) increase in civil filings in addition to a small (0.5%) decline in criminal filings for the first four months of fiscal year 1976 over 1975. It is expected that this trend will continue upward.

The accompanying table shows that while the number of judgeships have remained relatively constant since 1970... cases filed and terminated per authorized judgeship have increased by 26.8 percent and 27.1 percent, respectively. After four years of relatively constant pending caseloads per judgeship, at the close of 1975 the figure jumped by 24.6 percent compared to 1970.

Fiscal Year	Authorized Judgeships	Civil and Criminal Cases per authorized Judgeship		
		Filed	Terminated	Pending on June 30
1940	183	372	389	213
1950	218	424	416	293
1960	245	364	374	281
1969	341	330	310	305
1970	401	317	292	285
1971	401	341	315	311
1972	400	363	358	316
1973	400	352	354	314
1974	400	358	348	325
1975	400	402	371	355

Taking these figures for the years 1960 through 1975 and distributing the civil and criminal case counts, it is not surprising to find that comparisons of the 1975 figures with 1960 show the workload far exceeding the increase in judgeships overall since 1960, the judgepower increased by 63.0 percent, whereas filings jumped 80.2 percent and the overall pending caseload increased by 106.2 percent.

This past year several general developments in the district courts can be described. They are:

1. The civil pending caseload was up 11.7 percent. There was also an increase in the group of older cases--referred to as three years old and older. This group increased 2.9 percent; however, because of the substantial increase in cases filed in 1975 and the resultant increase in the overall pending caseload, the three year old cases represented only 6.4 percent of the total. This is the smallest year end percentage recorded in the last 15 years for which comparable data have been maintained.

2. During fiscal year 1975, criminal cases filed and terminated in the United States district courts increased for the first time in three years. The 43,282 total criminal cases filed, which includes 2,174 cases received by transfer (F.R. Crim. P.20), represented an overall increase of 9 percent over 1974 and 2 percent over 1973. The 43,515 criminal case dispositions ran approximately 5 percent ahead of last year. It should be noted that current criminal case filings are considerably more complex than they were two or three years ago. There have been substantial reductions in Selective Service Act cases, liquor law, Motor Carrier Act and food and drug violations. There has also been a reduction in auto theft cases. The drop in these filings were more than offset by increases in prosecutions for burglary violations (52 percent), larceny and theft (30 percent) and bank robberies (37 percent).

3. For the third year, implementation of the district Rule 50(b) plans has resulted in reducing cases on the criminal docket. Three years ago there were 25,438 criminal cases on the district court dockets which represented 64 cases per judgeship. On June 30, 1975, the average number of criminal cases pending was reduced to 56 cases per judgeship, as shown in the table below.

Of great significance was the downturn in the time (median months) required to dispose of defendants. The decline to 3.6 months median from filing to disposition was below the 3.8 months median registered last year.

Number of Cases Pending per Authorized Judgeship

	All District Courts	
	Civil	Criminal
Authorized judgeships...	400	400
1972.....	253	64
1973.....	253	61
1974.....	268	57
1975.....	299	56

Civil and Criminal Cases

The following table shows the upswing in the total civil and criminal caseload through 1975. Although case terminations increased for 1975, there were 12,304 fewer dispositions than the 160,602 filings which increased the civil and criminal pending caseload to 142,178 cases--a new record high for the district courts.

Civil and Criminal Cases

(1940, 1950, 1960, 1969 - 1975)

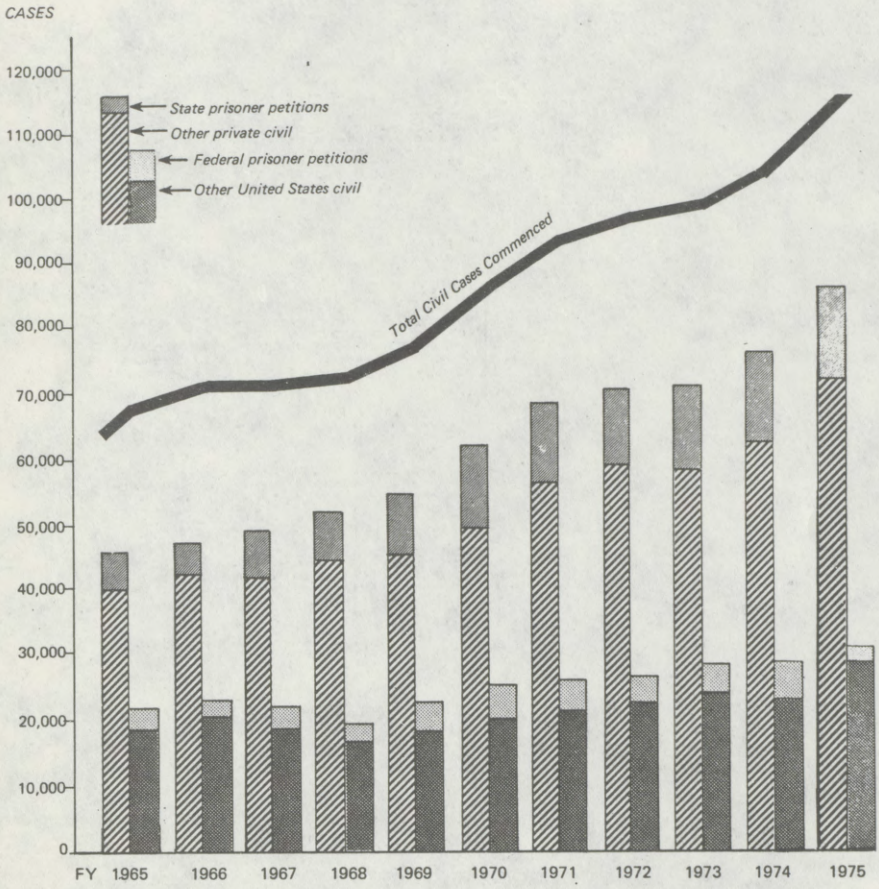
Fiscal Year	Authorized Judgeships on June 30	Filed	Terminated	Pending June 30
1940.....	183	68,135	71,228	39,031
1950.....	218	92,342	90,673	63,784
1960.....	245	89,112	91,693	68,942
1969.....	341	112,606	105,760	104,091
1970.....	401	127,280	117,254	114,117
1971.....	401	136,553	126,145	124,525
1972.....	400	145,227	143,282	126,470
1973.....	400	140,994	141,715	125,749
1974.....	400	143,284	139,159	129,874
1975.....	400	160,602	148,298	142,178
1976 (Est.)..	399	179,000	166,000	155,178
1977 (Est.)..	399	190,000	178,000	167,178
Percent change 1975 over				
1940	118.6	135.7	108.2	264.3
1960	63.3	80.2	61.7	106.2
1974	0.0	12.1	6.6	9.5

Fiscal Year	Authorized Judgeships on June 30	Civil Cases		
		Filed	Terminated	Pending June 30
1940.....	183	34,734	37,367	29,478
1950.....	218	54,622	53,259	55,603
1960.....	245	59,284	61,829	61,251
1969.....	341	77,193	73,354	86,321
1970.....	401	87,321	80,435	93,207
1971.....	401	93,396	86,563	100,040
1972.....	400	96,173	95,181	101,032
1973.....	400	98,560	98,259	101,333
1974.....	400	103,530	97,633	107,230
1975.....	400	117,320	104,783	119,767
1976 (Est.)....	399	133,000	121,000	131,767
1977 (Est.)....	399	142,000	131,000	142,767
Percent change 1975 over: 1940....	118.6	237.8	180.4	306.3
1960....	63.3	97.9	69.5	95.5
1974....	0.0	13.3	7.3	11.7

UNITED STATES DISTRICT COURTS

CIVIL CASES COMMENCED

FISCAL YEARS 1965-1975



Criminal Cases[1/]

Fiscal Year	Authorized Judgeships on June 30	Filed	Terminated	Pending June 30
1940	183	33,401	33,861	9,553
1950	218	37,720	37,414	8,181
1960	245	29,828	29,864	7,691
1969	341	35,413	32,406	17,770
1970	401	39,959	36,819	20,910
1971	401	43,157	39,582	24,485
1972	400	49,054	48,101	25,438
1973	400	42,434	43,456	24,416
1974	400	39,754	41,526	22,644
1975	400	43,282	43,515	22,411
1976 (Est.)	399	46,000	45,000	23,411
1977 (Est.)	399	48,000	47,000	24,411
Percent change 1975 over: 1940	118.6	26.6	28.5	134.5
1960	63.3	45.1	45.7	191.4
1974	0.0	8.9	4.8	-1.0

1/ Includes transfers under Rule 20 F.R.Cr.P.

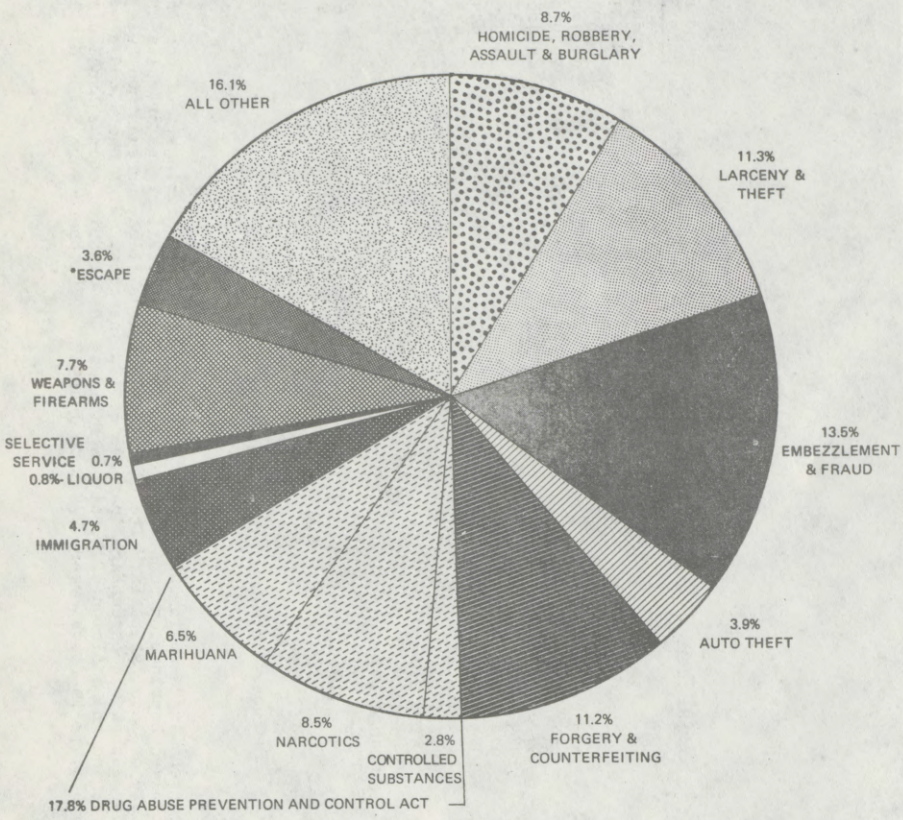
There was a 7 percent increase in the number of three-judge court hearings. Of the 267 hearings held in 1975, 71.9 percent involved hearings on complaints of violations of civil rights or suits challenging the constitutionality of state or local statutes. The class action cases filed, pursuant to Rule 23 of the Federal Rules of Civil Procedure, showed a percentage increase of 12.7 percent. With the 4,680 class action cases pending on June 30, 1974, and the addition of 3,061 new filings, the district courts handled a workload of 7,741 such cases compared to 6,473 in fiscal year 1974. On June 30, 1975, there were 5,184 civil class action cases pending.

UNITED STATES DISTRICT COURTS

CRIMINAL CASES COMMENCED BY OFFENSE

FISCAL YEAR 1975

TOTAL CRIMINAL CASES 41,108



*Escape from custody, aiding or abetting an escape, failure to appear in court and bail jumping.

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Magistrates

During fiscal year 1975, United States magistrates disposed of 255,061 separate items of judicial business, about 5 percent more than during the preceding fiscal year. Magistrates disposed of 84,505 minor offense cases and handled initial proceedings in criminal felony cases in 103,326 proceedings. Of the minor offense cases, there was an increase in every category of offense other than traffic cases.

The volume of "additional duties" performed by magistrates under the provisions of section 636(b) of Title 28, United States Code, continued to rise sharply--by 12 percent over last fiscal year and 30 percent over the year before. Magistrates are now used to assist judges in expediting civil and criminal litigation in most of the 91 districts. They conducted pretrial conferences in civil cases in 50 districts and they reviewed discovery and other motions in civil cases in 46 districts. In 55 districts, magistrates conducted post-indictment arraignment under Rule 10 of the Federal Rules of Criminal Procedure and in 46 districts they conducted pretrial conferences or omnibus hearings.

Bankruptcy

In fiscal year 1975 over a quarter of a million persons or business availed themselves of the relief offered by the Bankruptcy Act. The total number of cases filed was 254,484, the largest number ever filed under the Act. This is an increase of 64,971 cases or 34.3 percent over the number filed in 1974. In 1975 filings reached their peak in the fourth quarter of the year. The peak month was April 1975, in which a record 25,897 cases was filed. Increases were registered in all circuits and in all except two judicial districts, while business bankruptcies were concentrated in the northeastern section of the United States.

The number of business bankruptcies in 1975 reached an all-time high. The 30,130 business cases represent an increase of 45.2 percent, or 9,384 cases over 1974. It is significant that in the past six years the percent of business cases to total cases filed has continued to increase. The 11.8 percentage is the greatest proportion of business cases to total filings since 1958. The business cases shown for fiscal year 1975 include 1,161 involuntary petitions.

There was an increase in the number of non-business cases filed in 1975 over 1974 of 55,587 cases, or 32.9 percent. The 224,354 non-business cases filed in 1975 is 32,625 cases greater than the previous all-time high of 191,729 non-business cases filed in fiscal year 1967.

Probation

In fiscal year 1975, the Federal Probation System completed 91,863 investigations of all types, an increase of 19 percent over fiscal year 1974. In 1975, the number of persons received for supervision was 36,061, an increase of 10.4 percent over the prior year. While court probationers decreased 4.0 percent, persons received on probation from United States magistrates increased 45.7 percent. The number of parole supervision cases increased by 25.2 percent, whereas mandatory release cases increased 0.4 percent. Persons received under deferred prosecution increased 17.0 percent and military parolees increased 9.3 percent.

Juror Utilization

Petit Jury

Juror utilization continues to have a high priority in the district courts. In 1975 it required approximately 19 jurors per jury trial day, 4 less than four years ago (1971) when the collection of statistics on petit jurors was first begun. By calling smaller jury panels for voir dires, using multiple voir dires, pooling jurors and improving communication between prospective jurors and the court, substantial savings have been made, in money and in time of court and jurors.

The effect of reducing civil trial juries to less than 12 jurors either by local rule or upon agreement of the parties, now in practice in 82 districts, results in smaller voir dires and fewer prospective jurors called in for duty. This can have a beneficial effect on jury utilization; however, without careful use of those other juror-saving procedures described above, the use of juries of less than 12 will not by themselves improve juror utilization.

As a note on the further success of juror utilization, in 1975 over 6 out of 10 persons called to the court for jury duty actually served on a trial. It is to be noted that 17 districts actually recorded over 70 percent of the jurors called serving on a jury. The goal of the district courts is to reach at least a 65 percent figure of persons called actually serving on juries. The 35 percent remaining would be those called, but who were challenged, excused, or never reached on voir dire.

Grand Jury

Statistical record keeping on grand jury activity is a fairly recent occurrence in the Federal court system. With the close of fiscal year 1975, a complete year of data on grand juries is now available.

On a national level, 279 grand juries were in existence on July 1, 1974. During the fiscal year 291 grand juries were impaneled, while 265 grand juries were discharged. This resulted in 305 grand juries in existence at the close of the fiscal year. Overall, 570 grand juries were in existence at some time in the 12 month period. Although the number of grand juries in a district varies depending on factors such as amount and type of criminal activity and the number of places of holding court, these figures reveal that the grand jury system is both an extensive and integral part of the operation of the Federal courts. Nationally, 7,846 grand jury sessions were convened with 156,167 grand jurors attending these sessions for a total of 41,421 hours.

Trials Increase

The overall volume of trial activity increased in 1975 to 19,236 recorded trials, up 3.6 percent over last year, but down over the record high of 19,467 trials in fiscal year 1973. Most of this increase is accounted for in civil trials which reached another new record of 11,603 or 5.8 percent more trials than last year. Jury and non-jury civil trials increased 6.8 percent and 3.7 percent, respectively, over 1974. Criminal trials were only 33 more than in 1974.

Fiscal Year	Total Trials	Civil			Criminal		
		Total	Non-Jury	Jury	Total	Non-jury	Jury
1970	16,032	9,449	6,078	3,371	6,583	2,357	4,226
1971	17,549	10,093	6,600	3,493	7,456	2,923	4,533
1972	18,780	10,962	7,285	3,677	7,818	2,968	4,850
1973	19,467	10,896	7,289	3,607	8,571	2,927	5,644
1974	18,572	10,972	7,403	3,569	7,600	2,753	4,847
1975	19,236	11,603	7,903	3,700	7,633	2,726	4,907
Percent change over: 1974	3.6	5.8	6.8	3.7	.4	-1.0	1.2

Trials Getting Longer

In 1975, 16.6 percent of the overall trials were four days or more. An examination of the following table shows that jury trials are increasing in length. Whereas in 1970, one out of five jury trials could be expected to last four days or more, in 1975 the proportion was 1 out of 3.5 trials.

Length of Trial	1968	1970	1972	1973	1974	1975	Percent change 1975 over 1974
Total	14,221	16,032	18,780	19,467	18,572	19,236	3.6
Less than 1 day	3,719	4,934	5,177	5,352	5,279	5,446	3.6
1 day	3,723	3,957	4,837	4,730	4,150	4,272	2.9
2 days	3,161	3,385	4,204	4,380	4,084	4,140	1.4
3 days	1,682	1,767	1,968	2,202	2,128	2,183	2.6
4 to 9 days	1,668	1,759	2,262	2,414	2,515	2,758	9.7
10 to 19 days	211	186	273	304	315	355	12.7
20 days and over	57	44	59	85	101	82	-18.8
Percent 4 days and over	13.6	12.4	13.8	14.4	15.8	16.6	...
Jury trials only	6,943	7,597	8,527	9,251	8,416	8,607	10.2
Percent of total	48.8	74.4	45.4	47.5	45.3	44.7	...
Less than 1 day	889	1,049	928	974	788	821	4.2
1 day	1,190	1,300	1,457	1,586	1,262	1,265	.2
2 days	2,139	2,369	2,724	2,901	2,558	2,543	-.6
3 days	1,277	1,352	1,475	1,665	1,584	1,558	-1.6
4 to 9 days	1,277	1,382	1,698	1,851	1,924	2,094	8.8
10 to 19 days	141	118	205	222	228	270	18.4
20 days and over	30	27	40	52	72	56	-22.2
Percent 4 days and over	20.9	20.1	22.8	23.0	26.4	28.1	...

Mr. SLACK. We are pleased to have with us this afternoon the Senior Judge, Carl A. Weinman, Chairman of the Budget Committee of the Judicial Conference of the United States. He is usually accompanied by the Vice Chairman, Judge Robert Maxwell, but I understand Judge Maxwell has been snowed in in Elkins, W. Va. We are pleased to have you, and you may proceed in your own way, Judge Weinman, with your statement.

Judge WEINMAN. Bob Maxwell gave me a call last night. He was ready to come but he is snowed in down in West Virginia. We miss him. I must, of course, tell you that Mr. Kirks has had a serious operation and is unable to be here. We are glad to have the deputy director with us, sitting next to me. He has a backfield of five back here who can answer all the questions that you might have.

Mr. SLACK. Is Mr. Kirks progressing satisfactorily?

Judge WEINMAN. He is progressing very well. He has some ups and downs, but he is doing remarkably well.

GENERAL STATEMENT

Mr. SLACK. Would you like to insert your statement?

Judge WEINMAN. Yes; this statement comes not only from me, but from the members of my committee.

Mr. SLACK. We shall insert at this point in the record the statement as though read, and ask Judge Weinman then to summarize the contents.

[The statement referred to follows:]

Statement of Carl A. Weinman, Senior Judge
United States District Court for the Southern District of Ohio

Mr. Chairman and Members of the Subcommittee:

It is a pleasure for me to appear before you to present the budget request of the Judiciary for the fiscal year ending September 30, 1977. Judge Maxwell, who is Vice Chairman of the Budget Committee of the Judicial Conference, will assist me in the presentation. Regrettably, Mr. Kirks could not attend this hearing. As I am sure you know, he recently underwent some very serious surgery, but I am pleased to report that he is well on his way to recovery. Mr. Foley, Deputy Director of the Administrative Office, and members of his staff are also present and together we hope to be responsive to all your questions and to provide you with any information you may desire.

The budget estimates of the Judiciary, with the exception of the Supreme Court, the Customs Court, and the Federal Judicial Center, have been approved by the Judicial Conference of the United States in accordance with Section 605 of Title 28 of the United States Code. Prior to such approval, the estimates were very carefully and thoroughly reviewed by my Committee, and I can assure you that we included only what was considered the bare essentials.

Impact of Speedy Trial Legislation

I would like to say at this point in time that the budget does not reflect the full impact of the Speedy Trial legislation. The United States district courts are currently in the process of developing their plans and sometime in July we will be receiving from each of the courts a statement of the resources required to comply with the Congressional mandate. I thought you should be made aware of this, since we may have no alternative but to submit budget amendments or requests for supplemental appropriations for fiscal year 1977.

Courts of Appeals, District Courts, and Other Judicial Services

Under the heading "Courts of Appeals, District Courts, and Other Judicial Services" we have requested the sum of $278,880,000, an increase of $32,902,000 over the amount available for fiscal year 1976. Excluding pay costs and other statutory or uncontrollable items of expense, the proposed increase in programs is $18,602,000, or 8 percent. We have requested a total of 908 new permanent positions under the heading "Salaries of Supporting Personnel" and 270 in other appropriation accounts which will increase the total authorized for the courts of appeals and district courts from 10,015 to 11,193. A statement reflecting the statutory and uncontrollable items of expense (adjustments to the base appropriations) and program changes for the courts of appeals and district courts is attached for your convenient reference.

Concession of Personnel Requested
for the Bankruptcy System

Mr. Chairman, included in the program increases referred to above is a request for 258 bankruptcy clerks at a cost of $3,245,000. This request was based on a projected 345,000 bankruptcy case filings in fiscal year 1977. At the time the budget estimates were being formulated, we had every reason to believe that the bankruptcy case filings would continue to increase at a rate of between 15 and 18 percent.

I am pleased to report that during the first five months of the current fiscal year, bankruptcy case filings were up only 11 percent. Apparently, the recent tax rebates and other measures taken to stimulate the economy have been effective and the outlook today looks considerably brighter than it did several months ago. We have revised our estimate of filings for fiscal year 1977 from 345,000 cases to 310,000 cases. Accordingly, in fiscal year 1977 we will require only 72 additional bankruptcy clerks instead of the 258 positions requested in the budget. This reduction in personnel will reduce our budgetary requirements for salaries and expenses of referees by $2,336,000, from $32,105,000 to $29,769,000. Reductions in the appropriations for space and furniture to the extent of $461,000 and $149,000, respectively, are also in order.

Probation Service

The largest item in our budget is a request for 633 new positions for the Probation Service; 379 probation officers, 234 probation clerk-stenographers, and 20 probation assistants. The sum of $9,186,000 is included for their salaries, travel, and miscellaneous expenses, exclusive of the cost of space and furniture. It is contemplated that these new probation officers and their clerks will serve, on the average, only nine months during fiscal year 1977. As we have indicated in the past, it is our goal and objective to reduce the average supervision caseload per officer to a ratio of 50 to 1. A recent study conducted by the Federal Judicial Center substantiates the need for a lower workload ratio so as to provide more face to face contact with persons under supervision.

Deputy Clerks

Mr. Chairman, provision has been made for 228 additional deputy clerks; 18 for the courts of appeals and 210 for the district courts. The sum of $3,151,000 is included for that purpose; $2,695,000 for salaries and related personnel benefits and $456,000 for miscellaneous expenses, excluding space and furniture. The number of deputy clerks requested is based on the staffing ratios recently adopted by the Judicial Conference of the United States.

With regard to the deputy clerks for the courts of appeals, the number of positions requested was based on a projected 18,000 appeals in fiscal year 1977. We now find that we were too conservative in our estimate. Based on the statistical data available for the first five months of fiscal year 1976, conceivably, there will be more than 19,000 appeals this year and, if the trend continues, 22,000 appeals in fiscal year 1977. We may have no alternative but to submit a request for an amendment to the Budget so as to provide the additional deputy clerks required to accommodate the unanticipated increase in caseload.

The deputy clerks requested for the district courts are based on an anticipated 190,000 civil and criminal filings. We believe that the projected caseload for the district courts is also conservative. I would like to impress upon the members of the Committee the fact that the clerks office is the gateway to the court and that the functions being performed in that office are essential to the timely disposition of cases. With the increasing caseload and the Congressional mandate for Speedy Trial we cannot, at this point in time, tolerate any backlog or delays in calendaring, docketing, filing, indexing, and other essential records managment functions.

Other New Positions

Mr. Chairman, we have resubmitted our requests for 9 deputy circuit executives for the courts of appeals. There is an ever increasing demand for the improvement in methods and procedures and for management of non-judicial activities of the courts. The circuit executives simply cannot perform all of their statutory duties and responsibilities without the assistance of a deputy who can assume some of the burdens of the office.

We have also resubmitted our request for 20 additional deputy clerks for the specific purpose of establishing Central Violations Bureaus in districts which, at the present time, are not participating in the program. This function generates substantial revenues for the Treasury and is very definitely cost beneficial.

Provisions have been made for 3 library assistants, 13 staff law clerks, and 2 court (pool) secretaries for the courts of appeals. We have also included a request for 3 additional full-time bankruptcy judges, the conversion of 2 positions from a part-time to a full-time status, and 72 bankruptcy clerks, which takes into account the 186 positions that were conceded.

Workload

The workload in the courts of appeals and district courts continues to increase. In fiscal year 1975 filings in the courts of appeals reached a high of 16,658 cases. As I previously indicated, appeals during the first five months of this year were up 14.5 percent and, if this trend continues, we can expect the volume of appeals to exceed 22,000 in fiscal year 1977. In the district courts, civil and criminal filings in fiscal year 1975 compared with 1974 went up 12.1 percent and 8.9 percent, respectively. Although criminal filings have tapered off during the first five months of this year, the volume of civil cases being filed is up 15.8 percent. We do not see any relief in sight.

The President in his State of the Union Message indicated that he intended to provide additional agents for hand gun control, additional deputy marshals and additional assistant United States attorneys. As we see it, the proposed expansion of law enforcement activities in the Executive Branch of the government will have a direct and substantial impact on the workload of the courts of appeals and district courts. The Congress has also been instrumental in increasing our workload by the enactment of legislation which expands the jurisdiction of the courts or which generates more civil and criminal litigation. As an example, the Energy Policy Conservation Act requires judicial

review of administrative rules and regulations with respect to automotive fuel economy, the energy conservation program for other consumer products, state energy conservation programs, and other federal energy conservation measures. The courts have experienced a substantial increase in United States cases attributable to filings for "black lung" benefits under the provisions of the Social Security laws.

The United States magistrates in fiscal year 1975 disposed of 84,505 petty and minor offense cases compared with 70,082 in 1972, an increase of 17 percent. In addition, the magistrates handled over 100,000 criminal matters, e.g., bail proceedings, search warrants, arrest warrants, preliminary examinations, and removal hearings. The magistrates also handled 67,000 other criminal and civil matters, the details of which are contained on page 11.5 of the Justifications.

In the last five years, criminal jury and non-jury trials increased 16 percent. Civil jury trials went up 9.8 percent and civil non-jury trials 30 percent. Petitions for naturalization and the number of aliens naturalized increased approximately 30 percent in five years. I have attached a statement containing workload statistics and the percentage increases, fiscal year 1975 compared with fiscal year 1970.

Mr. Chairman, we can appreciate the fact that the President and the Congress are trying to hold down federal expenditures and we certainly want to cooperate in this effort. We believe the requests that have been submitted are not only reasonable, but comparatively speaking, somewhat modest. The entire budget of the Federal Judiciary is just over $390 million, which is less than one-tenth of one percent of the Federal budget. Additional judgeships are required and long overdue, but until such time as the Congress sees its way clear in authorizing these additional judgeships, we must continue to provide the services the public demands and is entitled to. It is essential that both the courts of appeals and district courts be provided the additional supporting personnel and the resources required to expedite the disposition of civil and criminal cases to the extent possible with the judges that are available. Your favorable consideration of our requests will be greatly appreciated.

We shall be glad to discuss any of the items in the budget on which you may have questions or wish further information.

Respectfully submitted,

Budget Committee of the
Judicial Conference of the
United States

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES
SUMMARY OF INCREASES FOR FISCAL YEAR 1977
(In thousands of dollars)

	Total	Salaries of Judges	Salaries of Supporting Personnel	Criminal Justice Act	Fees of Jurors	Travel and Misc. Exps.	Sals. & Exps. of Magistrates	Sals. & Exps. of Referees
Appropriation 1976 (enacted to date)	$239,231	$28,750	$117,075	$18,890	$18,000	$20,040	$10,914	$25,562
Proposed Supplemental for Pay Costs	6,747	1,074	4,385	156	...	...	336	796
Budget Authority, 1976	245,978	29,824	121,460	19,046	18,000	20,040	11,250	26,358
Adjustments to Base:								
Annualization of October 1975 Pay Costs	+2,144	+358	+1,347	+52	...	...	+112	+275
Annualization of Positions Authorized in 1976	+4,012	...	+2,238	...	...	+191	+200	+1,383
Within-Grade Step Increases	+1,839	...	+1,189[1]	+423	...	...	+78	+149
Fees of Interpreters (Rule 28, F.R.Cr.P.)	+175	...	...	...	...	+175	...	...
Promotions & Reclass.-Judicial Salary Plan	+1,918	...	+1,817	...	...	...	+101	...
Postage and Fees (Penalty Mail)	+877	...	...	...	...	+450	+27	+400
Telecommunications Services	+603	...	...	...	...	+533	+25	+45
Fees of Grand Jurors	+450	...	...	...	+450	...	...	...
Fees of Petit Jurors	+900	...	...	...	+900	...	...	...
Grants to Community Defender Organizations	+175	...	...	+175	...	...	...	...
Fees of Court-Appointed Counsel	+720	...	...	+720	...	...	...	...
Records Disposal	+98	...	...	...	...	+98	...	...
Escalation in Cost of Supplies and Services	+1,768	...	...	+270	...	+1,108	+150	+240
Transfer of Funds to Federal Judicial Center	-60	...	...	...	...	-60	...	...
Less One Extra Compensable Day	-530	...	-473	...	...	...	-12	-45
Less Nonrecurring Expenses	-789	...	...	...	...	-443	-129	-217
Subtotal, Adjustments to Base	+14,300	+358	+6,118	+1,640	+1,350	+2,052	+552	+2,230
Program changes:								
9 Deputy Circuit Executives	+354	...	+309	...	...	+45	...	...
18 Deputy Clerks for Courts of Appeals	+253	...	+217	...	...	+36	...	...
210 Deputy Clerks for District Courts	+2,898	...	+2,478	...	...	+420	...	...
20 Deputy Clerks for Central Violations Bureaus	+281	...	+241	...	...	+40	...	...
379 Probation Officers	+6,654	...	+4,715	...	...	+1,939	...	...
234 Probation Clerk-Stenographers	+2,352	...	+1,954	...	...	+398	...	...
20 Probation Assistants	+180	...	+146	...	...	+34	...	...
3 Library Assistants, Courts of Appeals	+42	...	+36	...	...	+6	...	...
15 Staff Law Clerks and Secretaries, Courts of Appeals	+280	...	+250	...	...	+30	...	...
5 Bankruptcy Judges	+182	...	...	...	...	...	...	+182
258 Bankruptcy Clerks	+3,245	...	...	...	...	...	...	+3,245
Expansion & Improvement of Tele. Services	+125	...	...	...	...	+125	...	...
Installation of Protective Devices	+105	...	...	...	...	+105	...	...
Computer Assisted Legal Research	+920	...	...	...	...	+920	...	...
Rental of Word Processing Equipment	+450	...	...	...	...	+360	+60	+30
Transfer of Funds to Administrative Office	+60	...	...	...	...	...	...	+60
Salary Adjustments for Court Reporters	+221	...	+221	...	...	...	...	...
Subtotal, Program Changes	+18,602	...	+10,567	...	...	+4,458	+60	+3,517
Total Increases Requested	+32,902	+358	+16,685	+1,640	+1,350	+6,510	+612	+5,747
Estimate, 1977	278,880	30,182	138,145	20,686	19,350	26,550	11,862	32,105

[1]Includes reduction of lapses for 5 new positions authorized in 1976 for the Special Legal Staff of the Ninth Circuit Court of Appeals.

COMPARATIVE WORKLOAD DATA FOR
COURTS OF APPEAL AND DISTRICT COURTS
FISCAL YEARS 1970 & 1975 (Unless Otherwise Indicated)

	F.Y. 1970	F.Y. 1975	% Increase
Courts of Appeals:			
Filings	11,662	16,658	+42.8%
Terminations	10,699	16,000	+49.5%
Pending, End of Year	8,812	12,128	+37.6%
District Courts:			
Civil Filings	87,321	117,320	+34.4%
Civil Terminations	80,435	104,783	+30.3%
Pending, End of Year	93,207	119,767	+28.5%
Criminal Filings[1/]	39,959	43,282	+ 8.3%
Criminal Terminations	36,819	43,515	+18.2%
Pending, End of Year	20,910	22,411	+ 7.2%
Civil Trials:			
Jury	3,371	3,700	+ 9.8%
Non-Jury	6,078	7,903	+30.0%
Criminal Trials:			
Jury	4,226	4,907	+16.1%
Non-Jury	2,357	2,726	+15.7%
Petitions for Naturalization	94,660	124,308	+31.3%
Aliens Naturalized	89,025	115,494	+29.7%
Probation:			
Persons Received for Supervision	28,658	36,061	+25.8%
Persons Under Supervision, End of Year	38,409	64,261	+67.3%
Presentence Investigations	21,509	31,740	+47.6%
Other Investigations	37,524	60,123	+60.2%
Bankruptcy:			
Bankruptcy Filings	194,399	254,484	+30.9%
Bankruptcy Terminations	182,430	192,792	+ 5.7%
Pending, End of Year	190,627	262,283	+37.6%
	F.Y. 1972	F.Y. 1974	
Magistrates:			
Trial Jurisdiction (Minor and Petty Offenses)	72,082	84,505	+17.2%
Preliminary Proceeding (Criminal Cases)	120,723	103,326	-14.4%
Other Criminal and Civil Matters*	44,717	67,230	+50.3%

1/Includes cases received by transfer under Federal Rules Criminal Procedure 20

*Includes post-indictment arraignments, pretrial conferences in civil and criminal cases, prisoner petitions, motions, and various other duties

Judge WEINMAN. I have been coming up here for many years, and it has always been a pleasure.

I first want to thank you for the way you have considered all of our problems for the past 15 years. I am much more concerned this time than I ever have been because of the fact we are looking forward 21 months and not 12 months.

INCREASED WORKLOAD

I am concerned about the third branch of our Government, especially because of the fact that apart from the members of this committee, I don't think Congress as a whole realizes the amount of money that is required to run the Federal courts. Very few people can even guess that it is only one-half of 1 percent of the total budget. What worries me more than anything else is the fact that in the meantime, since 1970, there have been passed by Congress about 33 different acts, all of which may come before the Federal courts and so increase our caseload. I don't think I should make it a part of the record but I thought that your committee should have a list of the acts, so I would like to give you a copy. Now, you just referred to the budget matters that would be coming up here. I want to tell you we have been doing a little work on that. We think that on the first item, salaries of judges, you could reduce it by about $400,000. We are also reducing our request for bankruptcy clerks from 258 down to 72. So we are trying to help you.

ADDITIONAL FEDERAL STATUTES

I am going to call attention to one matter that worries me. I remember when the LEAA started. It was for a 5-year program. Well, it is up again for a 5-year program. I just happened to read a bill which is to extend that legal reserve. We don't get any of that money. That doesn't come to the Federal courts. But what they are asking for is an increased annual funding of $1.3 billion. Now, it seems to me that there can be something done there to help us in our situation. From what I have been reading the FTC Act which now has no appeal will have to be amended to require litigation. That would come to the Federal courts. You know, anybody can bring any case involving the election laws. The FEA division has right of appeal. The rent regulations offer the right of appeal. The Speedy Trial Act is something that is very difficult to talk about at this time because of the immense costs. I might say to you that I have a letter here that I just received. It is an emergency request that I go to Orlando, Fla. Well, I can't go to Orlando, Fla. I handle all the criminal work and HEW work in Dayton, so that my regular judge can stay there, too. But here they are going to try Senator Gurney again. There is only 1 judge there and it will take 2 to 3 months and there are 48 pending criminal cases. Unless they are disposed of by some other judge they will be dismissed. We have a lot of problems like that. The caseload for 1970 was around 270. Up to July 1, it is 402.

Mr. Chairman, you might be interested that even in the southern district of West Virginia, our brother Bob Maxwell, at the end of 1975, had a caseload of 615 because of the black lung cases. I also have a letter from the circuit executive of the sixth circuit in which he

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outlines everything that is going to be required. They expect 1,000 cases to come into the sixth circuit under the Black Lung Act. I am taking over some of those cases from Chattanooga because there are 1,000 pending over there right now. I merely call attention to the fact that we are getting into sort of a desperate situation. You men have been wonderful with us. For some reason or another we get up to a certain level of need and we don't have any lobbying like a lot of agencies.

BLACK LUNG

Mr. SMITH. What is appealed to you on the black lung cases?

Judge WEINMAN. We have to review everything done by the HEW.

Mr. SMITH. Do you also make determinations of fact?

Judge WEINMAN. No. They make the determinations. We either affirm or reverse. Now, there is a possibility that that might be taken out of the jurisdiction of the district judges and go to the court of appeals directly. I have a letter here which I will give to you which outlines everything about black lung. There are about 455,000 cases that can be filed under the Black Lung Act.

Mr. SMITH. How much time does it take for a black lung case?

Judge WEINMAN. Well, when you read all the briefs and then have to read the records, the doctors' statements and then write an opinion, it takes a little while to do it. It is just not done overnight.

CASE BACKLOG

Mr. SMITH. How does a judge with a 1,000-case backlog ever get it done?

Judge WEINMAN. I don't know. That is one of the big problems. The third, fourth and sixth circuit I think, are the worst as far as that is concerned. Everybody who has ever worked in a mine can bring a lawsuit. In the first one I had the man who had worked in the mines 20 years. But after that at age 51 he worked 20 years in industry. I didn't think that the evidence was sufficient to show that he had black lung at age 71. He was still getting social security because he worked over that period of time. But they are filing them anyhow. There is nothing to prevent them from filing them. That is the problem that is confronting us and it will get worse over the next 21 months. I just want to call it to your attention. That is the only reason I say it now.

LIST OF ADDITIONAL FEDERAL STATUTES

Mr. SLACK. I wonder if it would not be well for the reader of this record for us to show the 33 new laws and proposed laws which increase the workload of the court. I think the people ought to know this.

Judge WEINMAN. I did too, but I didn't want to take the presumption of making it part of the record.

Mr. SLACK. If you have no objection, we shall insert at this point in the record this document of new and proposed laws.

NEW LAWS AND PROPOSED LAWS WHICH INCREASED CASELOAD

1. Freedom of Information Act
2. Rash of firearms cases
3. Continual increase Criminal Justice Act cases

4. Truth and Lending Act
5. Legal Services Corporation
6. FEAA—Five billion
7. Security Act Amendments, etc.
8. Occupational Safety and Health Act
9. Legal Aid
10. OEO legal services
11. Speedy Trial Act
12. Time—reviewing sentences
13. Bankruptcy appeals
14. National Workers Compensation Act
15. Food stamp cases
16. Federal Trade Commision—Prosecutor and judge
17. Federal Allegation Campaign Act
18. FEA decisions
19. Clean Air Act
20. Disbarment of attorneys
21. Violation of FAA safety regulations
22. Land Sales Full Disclosure Act
23. Consumer Goods Pricing Act
24. Government personnel
25. Food and Drug Administration
26. Energy and Policymaking Act
27. FTC corporate pattern reports
28. Omnibus Crime Control
29. Safe Streets Act
30. Drugstore robberies
31. Alien immigration cases
32. Black lung cases
33. Energy Conservation Act

Judge WEINMAN. Well, I am not going to take up any more time. You have a lot of things to do and we have the men of the administrative office here to answer these questions for you.

SPEEDY TRIAL ACT

Mr. SLACK. The second supplemental appropriation for FY 1975 provided funds pursuant to the Speedy Trial Act of 1974. The sum of $2.5 million was appropriated for speedy trial planning and the sum of $10 million was appropriated for pretrial services agencies. Can you give the committee a status report of what has been done with these funds and what the general outlook is?

Mr. FOLEY. Mr. Garabedian will answer that.

Mr. GARABEDIAN. With respect to the speedy trial appropriation, we have received from the courts requests for the funds they feel they will need for the compensation of a reporter, travel and other expenses. We have allocated approximately $1 million to date to all of the 94 district courts. We have roughly $1.5 million in reserve. We expect this money will not only carry us through this year but possibly into next year while this planning process continues. With reference to the pretrial services agencies, I do not know the exact amount obligated to date but several pretrial agencies have been established. They have employed some personnel. We have bought furniture and equipment. Mr. Chairman, when we initially requested the $10 million it was based on the assumption that it would last us for 15 months. We now believe that the $10 million will carry us through the entire fiscal year 1977 and possibly beyond that point. We have spent a very small fraction of the total made available. It is a no-year appropriation.

Mr. SLACK. Does it appear that we can meet the mandate of that legislation in speeding up criminal trials?

Mr. GARABEDIAN. We certainly hope so. Many of the courts are presently complying with the mandate under rule 50b. There are, however, a number of courts that have some serious problems and they are working them out now. We expect to get their plans on or around the 1st of July. Until we get those plans it is hard to say what will be involved.

Mr. FOLEY. I might also say that our big concern is not about meeting the requirements of the Speedy Trial Act but rather the impact on the civil litigation which is getting further and further behind.

Mr. SLACK. Are there questions on the general statement at this point?

Mr. MILLER. Carl, you made the statement twice that you are here for 21 months, not 12. I am not sure what you meant.

Judge WEINMAN. You were talking about a budget that starts in October 1976 to October 1977. That makes 21 months; it is 12 and 9. That is from now. You are talking about what is going to take place for 21 months. The caseload is going to go up continuously during that period of time.

Mr. MILLER. And this is on the basis of your caseload for 21 months?

Judge WEINMAN. The caseload has increased every month for years and years. The trouble is that the lawyers are going to try their cases in order to try to get rid of some other cases.

Mr. MILLER. Thank you.

SALARIES OF JUDGES

Mr. SLACK. The first of the seven appropriation items is entitled "Salaries of Judges." We shall insert pages 6.1 to 6.5 of the justification book at this point in the record.

[The justification pages referred to follow:]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

Summary of Requirements

Appropriation 1976 (as enacted)	$28,750,000
Proposed supplemental for pay costs	1,074,000
Budget Authority, 1976	29,824,000
1977 budget estimate	30,182,000
Proposed Increase	358,000

Appropriation Language

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; $28,750,000, $30,182,000

[For "Salaries of judges" for the period July 1, 1976, through September 30, 1976, $7,230,000.]

SALARIES OF JUDGES
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	496	$28,750
Proposed supplemental for pay costs	..	1,074
Budget Authority, 1976	496	29,824
Adjustments to base and built-in changes:		
Annualization of October 1975 pay costs	..	+358
Program changes:		
None	..	...
Total increases requested	..	+358
Total appropriation requested, 1977	496	30,182

SALARIES OF JUDGES

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
Comparison by activities:	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Salaries and benefits	496	$29,824	496	$30,182	496	$30,182	..	...

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$28,584	$28,929	$+345
12	Personnel benefits	1,180	1,193	+13
13	Benefits for former personnel	60	60	...
	Total obligations	29,824	30,182	+358

[1] Includes proposed Pay Act supplemental of $1,074,000 ($1,034,000 for personnel compensation and $40,000 for related benefits).

Purpose Statement

Funds appropriated under this heading are for the salaries and related personnel benefits of all United States circuit and district judges, and all justices and judges who have retired or resigned in pursuance of law. Annuities to surviving widows of Supreme Court justices also are payable from this appropriation. For basic statutory authorities, reference is made to section "J" of the Digest of Appropriations, The Judiciary, on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

Justification of Changes

The sum of $30,182,000 requested for fiscal year 1977 will provide for the salaries and related benefits of 680 judges and for the payment of annuities to 6 widows of Supreme Court justices. The estimate takes into account the salary increase of 5 percent effective October 1, 1975. It is contemplated that, on the average, there will be 12 judgeship vacancies in fiscal year 1977. Provision also has been made for 196 senior and resigned judges.

At the present time there are 496 authorized judgeships; 97 for the United States courts of appeals and 399 for the United States district courts, including the Canal Zone, Guam, and the Virgin Islands. On June 30, 1975, there were 14 vacancies; 1 in the courts of appeals and 13 in the United States district courts.

The following table shows the average number of active, senior, and resigned judges on the roll since 1971 and the estimates for 1976 and 1977:

Fiscal Year	Judgeships	Avg. No. Vacancies	Avg. No. Active Judges	Avg. No. Senior Judges	Avg. No. Resigned Judges	Total Judges
1971	499	54	445	111	5	561
1972	498	24	474	116	5	595
1973	497	17	480	139	5	624
1974	497	20	477	152	5	634
1975	497	19	478	159	5	642
Estimates						
1976	496	12	484	191	5	680
1977	496	12	484	191	5	680

Annualization of October 1975 Pay Costs ($358,000)

The pay increase effective October 1, 1975, will cost $1,432,000 on an annual basis. The sum of $1,074,000 is included as a proposed supplemental for 1976 for the period October 1, 1975 through June 30, 1976. The sum of $358,000 included in the 1977 budget estimates represents the difference between the part-year and full-year cost of the salary increase and related benefits.

Mr. SLACK. The request is for $30,182,000, an increase of $358,000 over the adjusted appropriation for fiscal year 1976. How many judges were on the payrolls as of December 31, 1975?

Mr. FOLEY. Ninety-six circuit judges and 381 district judges. That is, on active status.

JUDGESHIP VACANCIES

Mr. SLACK. How many judgeship vacancies are there at the present time in the courts of appeals and district courts?

Mr. FOLEY. One in the courts of appeals and 18 in the district courts as of December 31.

Mr. SLACK. How many vacancies do you expect to have in fiscal year 1977?

Mr. FOLEY. We are talking in terms of 12 vacancies, which is a modest sum, I think.

Mr. SLACK. There is legislation pending, is there not, that will increase the number of Federal judgeships?

Mr. FOLEY. Yes; there is a bill pending before the Senate Judiciary Committee which would increase the number of district judgeships by 45. There is a bill which has passed the Senate which would increase the number of circuit judges by seven.

Mr. SLACK. What provisions have been made in this proposed budget for senior and resigned judges?

Mr. FOLEY. We have provided for the salaries, of course, of senior judges and the staff of those who have been certified by their circuit council's of doing substantial judicial work.

Mr. GARABEDIAN. Provision is made in the 1977 budget for 196 senior and resigned judges. That is 191 senior judges and 5 resigned judges.

Mr. SLACK. Would you prepare for the record a statement showing the supporting personnel that have been authorized for retired judges who have continued to perform judicial duties after taking senior status?

Mr. FOLEY. Yes, sir.

[The information follows:]

EMPLOYEES OF RETIRED JUSTICES, AND RETIRED JUDGES AS OF DEC. 31, 1975

Circuit or district and name of judge	Secretary		Law clerk		Crier or messenger		Total annual salary
	Grade	Salary	Grade	Salary	Grade	Salary	
SENIOR CIRCUIT JUDGES							
1st circuit: Aldrich	JSP-10	$18,776	JSP-11	$16,255			$35,031
2d circuit:							
Anderson	JSP-10	18,282	JSP-11	16,255			
Do			JSP-11	16,255			50,792
Friendly	JSP-10	15,812	JSP-11	16,255			
Do			JSP-11	16,255			48,322
Hays	JSP-10	18,282	JSP-11	16,255			34,537
Medina	JSP-10	19,270	JSP-11	16,255			35,525
Moore	JSP-9	[1] 4,643	JSP-11	16,255			
Do			JSP-11	16,255			37,153
Lumbard	JSP-9	[2] 16,625	JSP-11	16,255			
Do	JSP-10	17,294	JSP-11	16,255			66,429
Smith	JSP-10	16,800	JSP-11	16,255			
Do			JSP-11	16,255			49,310
Waterman	JSP-8	12,222					12,222

EMPLOYEES OF RETIRED JUSTICES, AND RETIRED JUDGES AS OF DEC. 31, 1975—Continued

Circuit or district and name of judge	Secretary		Law clerk		Crier or messenger		Total annual salary
	Grade	Salary	Grade	Salary	Grade	Salary	
3d circuit:							
Biggs, Jr	JSP–10	15,318	JSP–11	16,255	JSP–2	$7,976	39,549
Forman	JSP–9	15,278	JSP–11	16,255			
Do	JSP–8	[2] 9,784					41,317
Hastie	JSP–10	18,776	JSP–12	19,386	JSP–5	8,925	47,087
Kalodner	JSP–10	16,800	JSP–11	16,255			33,055
Masis	JSP–10	[2 3] 18,776	JSP–12	19,386			
Do	JSP–10	[3] 19,270					57,432
McLaughlin	JSP–10	[2] 19,270					
Do	JSP–10	[4] 14,824					34,094
Staley	JSP–7	11,046	JSP–12	19,386	JSP–2	6,296	36,728
4th circuit:							
Boreman	JSP–10	17,294	JSP–10	14,824			
Do			JSP–10	14,824			46,942
Bryan	JSP–9	[1] 6,965	JSP–11	16,255			
Do	JSP–10	15,812					39,032
5th circuit:							
Ingraham	JSP–10	16,306	JSP–10	14,824			31,130
Jones	JSP–9	13,482	JSP–12	19,386			32,868
Rives	JSP–10	18,282	JSP–11	16,255			34,537
Simpson	JSP–10	18,282	JSP–11	16,255			
Do			JSP–11	16,255			50,792
Tuttle	JSP–10	15,318	JSP–11	16,255			
Do			JSP–11	16,255			47,828
6th circuit:							
Cecil	JSP–6	11,274					
Do	JSP–10	[2 3] 11,428					22,702
McAllister	JSP–10	[1] 6,720					
Do	JSP–10	18,282					25,002
7th circuit:							
Castle	JSP–10	[3] 17,788	JSP–11	16,255			34,043
Hastings	JSP–10	16,306	JSP–11	16,255			32,561
8th circuit:							
Matthes	JSP–10	17,294	JSP–11	16,255			33,549
Van Oosterhaut	JSP–10	18,282	JSP–12	19,386			37,668
Voge	JSP–10	19,270	JSP–10	14,824			34,094
9th circuit:							
Barnes	JSP–10	16,306	JSP–11	16,255			32,561
Carter	JSP–10	16,306	JSP–11	16,255			32,561
Kilkenny			JSP–11	16,255			16,255
Merrill	JSP–10	18,282	JSP–11	16,255			34,537
10th circuit:							
Breitenstein	JSP–10	18,776	JSP–10	14,824			33,650
Pickett	JSP–9	15,278					15,278
District Court Circuit: Fahy	JSP–10	[1 3] 7,313	JSP–12	19,386	JSP–2	[1] 8,186	34,885
SENIOR DISTRICT JUDGES							
Alabama (N):							
Allgood	JSP–10	18,282	JSP–11	16,255	JSP–6	11,606	46,143
Grooms	JSP–10	[1] 3,557					3,557
Lynn	JSP–10	16,800			JSP–6	10,942	27,742
Alabama (S): Holcomb	JSP–10	16,306	JSP–10	14,824	JSP–6	11,606	42,736
Alaska: Plummer	JSP–9	13,482	JSP–11	16,797	JSP–6	10,610	40,889
Arkansas (W): Miller	JSP–10	18,282					18,282
Claifornia (N):							
Harris	JSP–10	18,776			JSP–6	11,606	30,382
Sweigert	JSP–10	19,270	JSP–12	19,386	JSP–9	[5] 13,482	
Do	JSP–9	[2] 13,482					65,620
Wollenberg	JSP–10	15,318	JSP–12	19,386	JSP–5	[2 3] 11,011	
Do					JSP–5	[3] 11,011	56,726
Zirpoli	JSP–10	18,282	JSP–11	16,255			34,537
California (E): Halbert	JSP–10	15,812					15,812
California (C):							
Carr	JSP–10	17,294	JSP–11	16,255			33,549
Crary	JSP–10	18,282	JSP–11	16,255	JSP–6	11,606	46,143
Hall	JSP–7	[2] 11,046	JSP–11	[2] 16,255	JSP–6	10,942	
Do	JSP–9	13,931	JSP–12	22,616			74,790
Westover			JSP–12	24,554	JSP–5	[3] 11,607	
Do			JSP–12	21,324			57,485
Colorado: Chilson	JSP–10	16,800	JSP–11	16,255	JSP–9	13,482	46,537
Delaware:							
Layton, III	JSP–10	18,776	JSP–11	16,225	JSP–6	11,606	46,637
Steel, Jr	JSP–10	17,294	JSP–11	16,255	JSP–6	10,278	43,827
Wright	JSP–10	15,318	JSP–12	19,386	JSP–9	[5] 13,482	48,186
District of Columbia:							
Curran	JSP–10	16,306	JSP–12	12,616	JSP–6	10,942	49,864
Matthews	JSP–10	17,788	JSP–11	16,255			34,043
McGuire	JSP–10	19,270	JSP–11	16,255	JSP–2	6,716	42,241
Youngdahl	JSP–10	16,306	JSP–11	16,255	JSP–2	7,556	40,117

EMPLOYEES OF RETIRED JUSTICES, AND RETIRED JUDGES AS OF DEC. 31, 1975—Continued

Circuit or district and name of judge	Secretary		Law clerk		Crier or messenger		Total annual salary
	Grade	Salary	Grade	Salary	Grade	Salary	
F							
Florida (S): Mehrtens	JSP–10	17,788	JSP–11	16,255	JSP–9	[5] 13,482	47,525
Georgia (N): Hooper	JSP–10	19,270	JSP–11	16,255			35,525
eorgia (M):							
Bootle	JSP–7	[2] 12,150	JSP–12	19,386			
Do	JSP–10	19,270					50,806
Hawaii: Pence	JSP–10	18,282	JSP–9	13,482	JSP–9	[5] 13,482	45,246
Idaho: Taylor	JSP–8	13,850	JSP–11	16,255			30,105
Illinois (N):							
Austin	JSP–10	18,282	JSP–11	16,255	JSP–9	[5] 13,482	48,019
Campbell	JSP–10	18,282	JSP–12	20,678	JSP–6	[2] 11,938	
Do	JSP–7	13,254			JSP–6	[3] 11,938	76,090
Hoffman	JSP–10	17,294	JSP–11	16,255	JSP–9	[5] 13,482	47,031
Marovitz	JSP–10	16,306	JSP–11	16,255	JSP–6	11,606	44,167
Perry	JSP–10	18,282	JSP–12	20,678	JSP–5	9,521	48,481
Robson	JSP–10	16,306	JSP–12	19,386	JSP–9	[5] 13,482	49,174
Illinois (E): Juergens	JSP–10	17,788	JSP–12	23,908	JSP–6	12,270	53,966
Illinois (S): Poos	JSP–9	14,380	JSP–11	16,255	JSP–5	9,521	40,156
Indiana (N): Grant	JSP–10	17,294	JSP–11	16,797			34,091
Kansas:							
Stanley, Jr	JSP–7	11,046	JSP–11	[1] 8,398			19,444
Templer	JSP–10	18,282					18,282
Louisiana (W):							
Dawkins, Jr	JSP–10	19,270	JSP–11	16,255	JSP–6	11,938	47,463
Putnam	JSP–10	18,282	JSP–10	14,824	JSP–9	[5] 13,482	46,588
Maryland:							
Rhomsen	JSP–10	18,776	JSP–11	16,255	JSP–9	[5] 13,482	48,513
Watkins	JSP–10	15,812	JSP–12	19,386	JSP–9	[5] 13,482	48,680
Massachusetts:							
Julian	JSP–10	18,776	JSP–11	16,255			35,031
Wyzanski	JSP–9	13,482					13,482
Michigan (E):							
Freeman	JSP–10	16,306	JSP–12	19,386	JSP–9	[5] 13,482	49,174
Smith	JSP–10	15,812	JSP–11	16,255			32,067
Thornton	JSP–10	17,788	JSP–12	25,200	JSP–5	10,415	53,403
Minnesota:							
Nordbye	JSP–10	[2] 19,270					
Do	JSP–10	[3] 19,270					38,540
Missouri (E and W): Harper	JSP–10	19,270	JSP–9	13,482			32,752
Montana:							
Jameson	JSP–8	14,664	JSP–11	16,255			30,919
Murray	JSP–10	19,270			JSP–9	[5] 13,482	32,752
Nebraska:							
Robinson	JSP–10	18,776	JSP–11	16,797			35,573
Van Pelt	JSP–10	18,776	JSP–11	16,255			35,031
New Jersey:							
Cohen	JSP–10	[2] [3] 18,776			JSP–9	[5] 13,482	
Do	JSP–10	[3] 18,776					51,034
Coolahan	JSP–10	15,812	JSP–11	16,255	JSP–9	[5] 13,482	45,549
New York (E):							
Bartels	JSP–10	18,282	JSP–12	19,386	JSP–9	[5] 13,482	51,150
Bruchhausen	JSP–10	[2] 19,270	JSP–12	24,554			
Do	JSP–10	[3] 19,270					63,094
Rayfiel	JSP–10	17,294	JSP–12	21,324			38,618
New York (S):							
Bryan	JSP–10	16,800	JSP–10	14,824	JSP–9	[4] [5] 13,482	45,106
Cooper	JSP–10	18,282	JSP–12	20,032	JSP–9	[5] 13,482	51,796
Levet	JSP–10	19,270	JSP–12	19,386	JSP–9	[5] 13,931	52,587
Murphy	JSP–10	16,306	JSP–11	16,255	JSP–6	11,274	43,835
Palmieri	JSP–10	18,282	JSP–11	16,255	JSP–9	[4] 13,482	48,019
Ryan	JSP–10	18,776	JSP–12	[2] 24,054	JSP–5	10,117	52,947
North Carolina (E): Butler	JSP–10	17,294	JSP–11	16,255	JSP–9	[5] 14,380	47,929
North Carolina (W): Warlick	JSP–10	18,776			JSP–2	[1] 5,139	23,915
North Dakota: Davies	JSP–10	17,294	JSP–12	25,200			42,494
Ohio (S): Weinman	JSP–10	18,282	JSP–11	16,255	JSP–6	10,942	45,479
Oklahoma (E, N, and W): Bohanon	JSP–10	17,294			JSP–5	9,819	27,113
Oklahoma (W): Chandler	JSP–10	[1] 19,270			JSP–9	[5] 13,482	32,752
Oregon:							
East	JSP–9	3,931	JSP–11	16,797			30,728
Solomon	JSP–10	18,776	JSP–12	19,386	JSP–9	[5] 13,482	51,644
Pennsylvania (E):							
Clary	JSP–10	16,306	JSP–11	16,255	JSP–6	10,278	42,839
Davis	JSP–10	17,788	JSP–12	19,386	JSP–9	[5] 13,482	50,656
Kraft, Jr	JSP–10	18,776	JSP–12	20,032			38,808
Pennsylvania (W):							
Gourley	JSP–10	19,270	JSP–11	16,255	JSP–5	8,925	44,450
Miller	JSP–10	18,776	JSP–12	20,032	JSP–5	10,713	49,521
Willson	JSP–10	18,282					18,282
South Dakota: Beck	JSP–10	16,306					16,306

EMPLOYEES OF RETIRED JUSTICES, AND RETIRED JUDGES AS OF DEC. 31, 1975—Continued

Circuit or district and name of judge	Secretary		Law clerk		Crier or messenger		Total annual salary
	Grade	Salary	Grade	Salary	Grade	Salary	
Texas (N):							
Brewster	JSP–10	18,282	JSP–12	[3] 23,998	JSP–5	10,117	
Do			JSP–12	[4] 19,386			71,783
Estes	JSP–10	17,788	JSP–11	16,255			34,043
Hughes	JSP–10	18,282	JSP–10	14,824	JSP–9	[4] [5] 13,482	46,588
Texas (S):							
Connally	JSP–10	18,282	JSP–12	19,386	JSP–9	[4] [5] 13,482	51,150
Hannay	JSP–10	16,800	JSP–12	23,262	JSP–9	[4] [5] 13,482	53,544
Utah: Christensen	JSP–10	18,282	JSP–12	19,386			37,668
Virginia (E):							
Hoffman			JSP–9	13,482	JSP–9	[5] 13,482	29,964
Lewis	JSP–12	22,616	JSP–10	14,824	JSP–5	9,521	46,961
Washington (W):							
Beeks	JSP–10	15,318	JSP–11	16,255	JSP–9	[5] 13,482	45,055
Boldt	JSP–10	15,812			JSP–6	10,278	26,090
Bowen	JSP–10	18,776	JSP–11	16,255			35,031
Lindberg	JSP–9	[3] 17,523	JSP–12	20,032	JSP–6	[3] 11,606	49,161
Wisconsin (E): Grubb	JSP–10	19,270					19,270
Wyoming: Kerr	JSP–9	13,482	JSP–11	16,255	JSP–5	[2] 8,925	38,662
OTHER COURTS							
Supreme Court:							
Clark	JSP–12	23,908	JSP–12	19,386			43,294
Reed			JSP–12	19,386			19,386
Court of Claims:							
Durfee	JSP–10	[3] 19,270	JSP–12	19,386			38,656
Jones			JSP–11	16,797			16,797
Laramore	JSP–10	19,270	JSP–11	16,255			
Do	JSP–5	[4] 8,925					44,450
Court of Customs and Patent Appeals:							
Almond, Jr	JSP–10	17,294					17,294
Worley	JSP–10	[3] 16,800					16,800
Total		2,472,457		2,187,616		800,154	5,460,227

[1] Part-time.
[2] Temporary.
[3] Annuitant.
[4] Vacant.
[5] Crier/law clerk.
[6] Interpreter.

Mr. SLACK. Are there questions with regard to salaries of judges? Mr. Smith?

Mr. SMITH. No.

SALARIES OF SUPPORTING PERSONNEL

Mr. SLACK. The second of the appropriation items is entitled "Salaries of Supporting Personnel." We will insert pages 7.1 to 7.25 of the justification book.

[The justification pages referred to follow:]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF SUPPORTING PERSONNEL

Summary of Requirements

Appropriation 1976 (as enacted)	$117,075,000
Proposed supplemental for pay costs	4,385,000
Budget Authority, 1976	121,460,000
1977 budget estimate	138,145,000
Proposed Increase	16,685,000

Appropriation Language

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, ~~[$117,075,000]~~ $138,145,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, ~~and of compensation paid for temporary assistance needed because of an emergency~~) the aggregate post differential and allowances for employees stationed outside the continental United States and in Alaska

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF SUPPORTING PERSONNEL

Appropriation Language (con't.)

salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed [$30,902 and $36,921] $63,947 and $38,767 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed [$75,019 and $47,441] $78,711 and $49,813 per annum, respectively: *Provided further*, That the chief judge of each circut may appoint a senior law clerk to the court at not more than [$30,000] $31,500 per annum, without regard to the limitations referred to above. [*said salary to be paid from this appropriation and be set by the Judicial Council of the Circuit, which Council shall also prescribe the duties and qualification of the position.*]

[For "Salaries of supporting personnel" for the period July 1, 1976, through September 30, 1976, $29,700,000.]

SALARIES OF SUPPORTING PERSONNEL
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	7,386	$117,075
Proposed supplemental for pay costs	...	4,385
Budget Authority, 1976	7,386	121,460
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay costs	...	+1,347
2. Annualization of 518 positions authorized in fiscal year 1976	...	+2,238
3. Within-grade step increases	...	+1,093
4. Promotions for newly appointed probation officers pursuant to Judiciary Salary Plan	...	+1,301
5. Reclassification of clerical positions in the Federal Probation System	...	+516
6. Reduction of lapses for five positions authorized in fiscal year 1976 for Special Legal Staff, Ninth Circuit, Court of Appeals	...	+96
7. Extra compensable day in fiscal year 1976	...	-473
Subtotal, adjustment to base and built-in changes	...	+6,118
Program changes:		
8. Deputy circuit executives for the courts of appeals	+9	+309
9. Deputy clerks for the courts of appeals	+18	+217
10. Deputy clerks for the district courts	+210	+2,478
11. Central Violations Bureaus	+20	+241
12. Probation Service (9 month provision):		
Officers	+379	+4,715
Stenographers	+234	+1,954
Assistants	+20	+146
13. Library assistants, courts of appeals	+3	+36

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14. Staff law clerks and secretaries for courts of appeals	+15	+250
15. Salary adjustments for court reporters based on new classification and qualification standards	...	+221
Subtotal, program changes	+908	+10,567
Total increases requested	+908	+16,685
Total appropriation requested, 1977	8,294	138,145

SALARIES OF SUPPORTING PERSONNEL

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
Comparison by activities:	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Administrative and legal assistance	7,386	$121,460	7,386	$127,578	8,294	$138,145	908	$10,567

[1]Adjusted to reflect proposed pay act supplemental.

Analysis by Object and Class of Personnel
(Dollar amounts in thousands)

	Estimate 1976[1]		Annualization of Pay Costs	Annualization of Pos. Auth. 1976[2]	New Personnel		Salary Adjustments	Within-Grade Step Increases	Extra Compensable Day	Estimate 1977	
	Perm. Pos.	Amount			Perm. Pos.	Amount				Perm. Pos.	Amount
Personnel Compensation:											
Clerks' office	2,576	$ 33,500	$ 297	$2,163	248	$ 2,693	$ ...	$ 343	$-126	2,824	$ 38,870
Probation office	2,555	37,400	470	359	633	6,238	1,690	376	-146	3,188	46,387
Law clerks	803	14,200	177	77	13	207	...	141	-55	816	14,747
Secretaries	730	12,160	145	11	2	22	...	116	-45	732	12,409
Criers and messengers	471	5,940	73	...	...	...	...	58	-23	471	6,048
Court reporters	407	8,900	106	...	...	...	205	...	-33	407	9,178
Other personnel	120	2,060	19	...	12	317	...	11	-6	132	2,401
Total Personnel Compensation	7,662	114,160	1,287	2,610	908	9,477	1,895	1,045	-434	8,570	130,040
Personnel Benefits	...	10,300	97	257	...	869	143	78	-39	...	11,705
Total Obligations	7,662	124,460	1,384	2,867	908	10,346	2,038	1,123	-473	8,570	141,745
Less: Reimbursements from "Salaries and Expenses of Referees" (compensation and benefits)	-276	-3,000	-37	-533	...	...	...	-30	...	-276	-3,600
Budget Authority	7,386	$121,460	$1,347	$2,334	908	$10,346	$2,038	$1,093	$-473	8,294	$138,145

[1] Includes proposed supplemental for pay costs.
[2] Including a reduction of lapses for 5 new positions authorized in fiscal year 1976 for Special Legal Staff in the Ninth Circuit Court of Appeals.

Purpose Statement

This appropriation is for the payment of the compensation and related benefits of all supporting personnel of the United States courts of appeals and the United States district courts, with the exception of United States magistrates, referees in bankruptcy, public defenders, and their respective clerical and secretarial assistants. It provides for the administrative and legal aides required to assist the judges in the conduct of hearings, trials, and other judicial functions, and to man the component offices of the courts, including the Federal Probation Service. For data as to the classes of personnel covered and the basic statutory authorities,reference is made to section"K" of the Digest of Appropriations, The Judiciary, on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

Justification of Proposed Language Changes

The 1977 budget estimate includes proposed changes in the appropriation language:

(1) To include an exclusionary clause so that the limitations on the aggregate salaries of secretaries and law clerks serving circuit and district judges will not be applicable to post differentials, and

(2) That the dollar limitations contained in the text of the appropriation on the aggregate salaries to be paid secretaries and law clerks of circuit and district judges be increased to take into account the general salary increases effective October 1, 1975.

The supporting personnel serving in Alaska, Hawaii, and in the territories and possessions of the United States receive a post differential in recognition of the high cost of living consistent with similar allowances authorized for officers and employees in the Executive Branch of the Government under Subchapter III of Chapter 59 Title 5 of the United States Code. Secretaties and law clerks stationed outside of the contiguous United States have too long been denied these cost of living allowances, as a consequence of the limitations contained in the text of the appropriation on the aggregate salaries that may be paid to such personnel. Other court personnel who are serving outside the conteguous United States receive a post differential. In order to eliminate this inequity and to bring the judges staff on a par with other court personnel, it is recommended that this exclusionary clause be inserted. The amounts currently authorized for court employees other than secretaties and law clerks who are stationed outside the continental United States and in Alaska are as follows:

Anchorage, Alaska	- 22.5 %	Virgin Islands	- 10 %
All other Alaska	- 25 %	Canal Zone	- 15 %
Hawaii	- 12.5%	Guam	- 7.5%
Puerto Rico	- 7.5%		

The positions and salaries used in constructing the proposed dollar limitation on the aggregate salaries to be paid secretaties and law clerks of circuit and district judges follow:

	Limitation in 1976 Appropriation Act	Proposed Limitation[1]
Circuit Judge:		
Law clerk, JSP-12	$18,463	$19,386
Law clerk, JSP-11	15,481	16,255
Secretary, JSP-10	14,117	14,824
Secretary, JSP- 9	12,841[2]	13,482[2]
Total	$60,902	$63,947
District Judge:		
Law clerk, JSP-12	$18,463	$19,386
Secretary, JSP-10	14,117	14,824
Crier-law clerk	4,341[3]	4,557[3]
Total	$36,921	$38,767
Chief Judge of Each Circuit:		
Law clerk, JSP-12	$18,463	$19,386
Law clerk, JSP-11	15,481	16,255
Secretary, JSP-10	14,117	14,824
Secretary, JSP-10	14,117	14,824
Secretary, JSP- 9	12,841[4]	13,482[4]
Total	$75,019	$78,771
Chief Judge of Each District Court Having Five or More District Judges:		
Law clerk, JSP-12	$18,463	$19,386
Secretary, JSP-10	14,117	14,824
Secretary, JSP- 7	10,520	11,046
Crier-law clerk	4,341[3]	4,557[3]
Total	$47,441	$49,813

[1]Adjusted to reflect general pay increases in October 1975.
[2]Applicable only to the judges in the Fifth Circuit Court of Appeals.
[3]Represents the difference between the entrance salary of a crier, grade JSP-5 and the entrance salary of a crier-law clerk, grade JSP-9.
[4]Applicable only to the Chief Judges in the Fifth Circuit and the District of Columbia Courts of Appeals.

Justification of Changes

An appropriation of $138,145,000 is requested for fiscal year 1977, representing an increase of $16,685,000 over the amount available for fiscal year 1976. Excluding pay costs and other adjustments to base, the net increase in budgetary requirements (program changes) is $10,567,000 or 8.3 percent. Provision has been made for 908 new positions primarily to cope with a projected increase in civil, criminal, and bankruptcy cases. A substantial increase in the workload of probation officers also is expected based on the trend over the past several years. The need for the additional personnel and other increases is explained in greater detail below.

Item 1. Annualization of October 1975 Pay Costs ($1,347,000)

The pay increase granted in October 1975 will cost $5,732,000 on an annual basis. The sum of $4,385,000 is included in the proposed supplemental for 1976 for the period October 1, 1975 through June 30, 1976. The sum of $1,347,000 included for fiscal year 1977 represents the difference between the part-year and full-year cost of the salary increase and related personnel benefits ($1,287,000 for personnel compensation and $97,000 for related benefits, less reimbursements of $37,000).

Item 2. Annualization of 518 Positions Authorized in Fiscal Year 1976 ($2,238,000)

Congress, for fiscal year 1976, authorized 518 new positions. The salaries and related benefits for these new positions on an annual basis is $6,732,000. The sum appropriated for fiscal year 1976 was only $4,494,000 taking into account savings (lapses) to be realized as a result of normal delays in the recruitment and appointment of the new employees. The difference between the full and part-year cost ($2,238,000) will be required for fiscal year 1977 ($2,053,000 for personnel compensation and $185,000 for related benefits).

Item 3. Within-Grade Step Increases ($1,093,000)

All of the personnel provided for by this appropriation, with the exception of clerks of court, court reporters, and other officers serving in ungraded positions, will be granted step increases corresponding with those provided for Government employees generally under Title 5 of the United States Code. It is estimated that these within-grade step increases during fiscal year 1977 will cost $1,093,000. The estimate takes into account savings due to turnover of personnel and the filling of vacancies at lower rates of pay. It is expected that approximately 40 percent of the graded employees will be eligible for within-grade step increases in fiscal year 1977 ($1,045,000 for personnel compensation and $78,000 for related benefits, less reimbursements of $30,000).

Item 4. Promotions for Newly Appointed Probation Officers Pursuant to Judiciary Salary Plan ($1,301,000)

Pursuant to the Judiciary Salary Plan, probation officers, as a rule, enter on duty in grade JSP-9. After completing one year of satisfactory service, they are eligible for promotion to Associate Probation Officer, grade JSP-11. After completing a year's satisfactory service as Associate Probation Officer, they become

eligible for promotion to the journeyman level--grade JSP-12. These promotions are granted based on the recommendations of the employing courts.

The additional probation officers authorized for fiscal years 1975 (320) and 1976 (75) were included in the budget at the entrance salary for grade JSP-9 with the exception of several supervisory positions. For fiscal year 1976, funds were provided for the promotion of the 320 officers authorized in 1975 from grade JSP-9 to grade JSP-11. Provision has been made in the 1977 budget for upgrading those 320 positions from grade JSP-11 to grade JSP-12. In addition, provision has been made for upgrading the probation officers authorized for fiscal year 1976 from grade JSP-9 to grade JSP-11. The total cost of these promotions is $1,301,000; $1,210,000 for personnel compensation and $91,000 for personnel benefits.

Item 5. Reclassification of Clerical Positions in the Federal Probation System ($516,000)

At the request of the Judicial Conference Committee on the Administration of the Probation System and with the concurrence of the Subcommittee on Supporting Personnel, the Administrative Office of the United States Courts in the fall of 1974 conducted a survey of the supervisory and non-supervisory clerical positions in the Federal Probation Service, to determine whether they were properly classified commensurate with the duties and responsibilities assigned.

The survey revealed that the provisions of the classification plan, i.e., the Judiciary Salary Plan, were inadequate for properly classifying the clerical positions existing today in the Federal Probation Service, since the Plan had not been designed to accommodate a system of the magnitude and scope of the present one. This inadequacy was found to have evolved as a result of two main factors.

First, the Federal Probation System has grown overwhelmingly since the inception of the Judiciary Salary Plan in 1964. At that time, the System was composed of 522 probation officers and 368 clerk-stenographers. It now consists of 1,468 probation officers, 941 clerk-stenographers, and 20 probation officer assistants--nearly a three-fold increase in personnel. Second, the administrative framework of the criminal justice system has become increasingly more complex in recent years; not only in the probation system, but also in the Bureau of Prisons, Board of Parole, the Federal Bureau of Investigation and the Drug Enforcement Administration, organizations with which probation personnel are normally associated.

The impact of these two factors on the clerical support staff of the probation system has been significant. The survey revealed that the clerical staff has assumed greater responsibility for the administrative work of the system, thus freeing the professional staff to devote a greater portion of its time to the preparation of pre-sentence investigations and the supervision on probation or parole. In many instances, probation clerks are performing a full range of clerical duties, requiring a thorough and complete knowledge of the complex administrative rules, regulations, and procedures of the criminal justice system.

Therefore, it is deemed necessary to institute an amendment to the Judiciary Salary Plan which will provide for the reclassification of the probation clerical staff to properly reflect the complexity of the duties and the levels of responsibilities of the positions. Under the proposed plan, non-supervisory clerical personnel would be classified as either Probation Clerk, JSP-3-4-5, or Senior Probation Clerk, JSP-4-5-6, depending upon the range of duties and responsibilities.

Supervisory clerical personnel would be classified based on the number and level of the subordinates supervised, with the top clerical supervisor in the largest office being classified at JSP-11. There would also be provision for the position, Secretary to the Chief Probation Office, JSP-6-7-8-, in the largest offices.

The sum of $480,000 is included for compensation and $36,000 for related benefits.

Item 6. Reduction of Lapses for Five Positions in the Special Legal Staff, Ninth Circuit ($96,000)

In fiscal year 1976, the Congress authorized 14 new positions for the special legal staff in the Ninth Circuit Court of Appeals. Accordingly, a reduction of lapses to the extent of $96,000 has been requested; $88,000 for personnel compensation and $8,000 for related benefits.

Item 7. Extra Compensable Day in Fiscal Year 1976 ($-473,000)

The sum of $473,000 ($434,000 compensation and $39,000 related benefits) has been deducted in recognition of the fact that in fiscal year 1977 there are only 261 compensable days compared with 262 compensable days in fiscal year 1976.

Item 8. Deputy Circuit Executives for the Courts of Appeals ($309,000)

The Judicial Conference of the United States in September 1973 approved the establishment of a deputy circuit executive position in each circuit at a rate of compensation to be determined by the circuit councils, not to exceed $31,500 per annum. These positions were requested in the budget for fiscal year 1975 and again in fiscal year 1976, but they were denied by Congress. It is requested that the matter be reconsidered in view of the increasing caseload in the district courts and courts of appeals and the anticipated impact of the Speedy Trial Act. There is an ever increasing demand for the improvement of methods and procedures and for management of nonjudicial activities of the courts. The circuit executives simply cannot perform all of their statutory duties and responsibilities without the assistance of a deputy who can assume some of the burdens of the office. To date, the circuit executives have been limited to a staff consisting of only one secretary.

The Act provides that the duties to be delegated to a circuit executive by the circuit council may include, but need not be limited to:

"(1) Exercising administrative control of all nonjudicial activities of the court of appeals of the circuit in which he is appointed.

"(2) Administering the personnel system of the court of appeals of the circuit.

"(3) Administering the budget of the court of appeals of the circuit.

"(4) Maintaining a modern accounting system.

"(5) Establishing and maintaining property control records and undertaking a space management program.

"(6) Conducting studies relating to the business and administration of the courts within the circuit and preparing appropriate recommendations and reports to the chief judge, the circuit council, and the Judicial Conference.

"(7) Collecting, compiling, and analyzing statistical data with a veiw to the preparation and presentation of reports based on such data as may be directed by the chief judge, the circuit council, and the Administrative Office of the United States Courts.

"(8) Representing the circuit as its liaison to the courts of the various States in which the circuit is located, the marshal's office, State and local bar associations, civic groups, news media, and other private and public groups having a reasonable interest in the administration of the circuit.

"(9) Arranging and attending meetings of the judges of the circuit and of the circuit council, including preparing the agenda and serving as secretary in all such meetings.

"(10) Preparing an annual report to the circuit and to the Administrative Office of the United States Courts for the preceeding calendar year, including recommendations for more expeditious disposition of the business of the circuit."

The Act also provides that:

"The circuit executive may appoint, with the approval of the council, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts."

The Congress recognized the need for supporting personnel for circuit executives and, obviously, did not intend for one man to perform all of the functions outlined in the Act. It is contemplated that the deputy circuit executive will assist the circuit executive in discharging his statutory duties and would be directly responsi-

ble for such other duties as may be delegated by the judicial council, the chief judge, or the circuit executive. These delegated duties may include, but need not be limited to, the development and implementation of an information system, the conduct of studies for improvement of methods and procedures, the review and evaluation of requests for personnel, and the organization and conduct of the annual Circuit Judicial Conference.

The sum of $309,000 is included for 9 deputy circuit executives ($284,000 for personnel compensation and $25,000 for related benefits). In addition, the sum of $45,000 is included under the heading "Travel and Miscellaneous Expenses" for their expenses of travel, the procurement of equipment, and other office expenses.

Item 9. Deputy Clerks for the Courts of Appeals ($217,000)

At the direction of the Judicial Conference, the chief judges of the courts of appeals were asked to submit estimates of their personnel requirements for fiscal year 1977. In response, the judges expressed the need for 40 additional deputy clerks over and above the new positions authorized for fiscal year 1976. After carefully reviewing and evaluating the requests, it was determined, based on the established ratio of 75 filings per deputy, that 18 positions would meet the demands of the estimated increased workload in the clerks' offices. (Since that time, actual filings data for the first four months of fiscal year 1976 have become available, showing a 17 percent increase over the same period of the previous year. If this trend continues, we may have no alternative but to provide a request for an amendment to the budget so as to provide the additional deputy clerks required to accomodate the unanticipated increase in caseload.

The above referred to ratio of one deputy clerk per 75 filings was approved by the Judicial Conference as the staffing pattern required for effective office operations. This ratio necessarily must be flexible as it is applied to each circuit. There are, of course, several factors which must be considered and which conceivably would justify a departure from the standard, such as the number of statutory places of holding court, the geographic boundaries of the circuit, etc. In applying the ratio to each circuit's request for new positions, any requests which would result in less than 75 filings per deputy were disallowed. None of the requests were increased despite the fact that in some cases the volume of filings per deputy exceeded 75. As a result of this individual treatment of each circuit, the present and projected overall average of filings per deputy is higher than the established ratio.

The workload in the circuit courts increased from 16,436 filings in fiscal year 1974 to 16,707 filings in fiscal year 1975--an increase of approximately 1.6 percent. It is estimated that in fiscal year 1976, filings in the courts of appeals will approximate 17,500* and in 1977, 18,000*; increases of 3.5 percent and 4 percent, respectively. The following table shows the volume of filings, authorized staff, and the average number of appeals per deputy for fiscal years 1971 through 1975, together with estimates for fiscal years 1976 and 1977. It should be noted that the totals in the table were derived from detailed examination of historical data for each of the individual courts of appeals.

*Estimates prepared prior to availability of fiscal year 1976 filing data.

Fiscal Year	Appeals Commenced	Deputy Clerks Authorized	Average Number of Appeals Per Deputy
1971	12,788	134	95
1972	14,535	156	93
1973	15,629	176	89
1974	16,436	196	84
1975	16,658	202	83
Estimates			
1976	17,500	218	80
1977	18,000	236	76

The sum of $217,000 is included for the 18 additional deputies; $199,000 for their compensation and $18,000 for related benefits--agency contributions for retirement, group life insurance and health insurance. The estimate contemplates the employment of the deputies in grade JSP-7 at $11,046 per annum. In addition, the sum of $36,000 is included under the heading "Travel and Miscellaneous Expenses" to provide the new employees with general office equipment and to cover the cost of communications, supplies, and other miscellaneous expenses.

Item 10. Deputy Clerks for the District Courts ($2,478,000)

At the direction of the Judicial Conference, the chief judges of the district courts were asked to submit estimates of their personnel requirements for fiscal year 1977. These courts submitted requests for 309 additional positions for clerks offices, over and above 1976 levels. The Administrative Office was delegated authority to review the requests and to include in the budget estimate additional positions for good cause shown. Based on the current and projected workload, it was determined that 210 positions were justified.

The following table shows the volume of criminal and civil filings, filing equivalents, authorized staff, and average number of filings and equivalents per deputy for fiscal years 1968 through 1975 and the projections for fiscal years 1976 and 1977.

Fiscal Year	Civil Filings	Criminal Filings[1]	Filing Equivalents[2]	Total	Annual % Increase	Deputy Clerks	Average Per Deputy
1971	93,396	43,157	25,409	161,962	6.6	1,438	113
1972	96,173	49,054	25,679	170,906	5.5	1,504	114
1973	98,560	42,434	25,883	166,877	(2.4)	1,574	106
1974	103,530	39,754	29,230	172,514	3.4	1,605	107
1975	117,320	43,282	36,655	197,257	14.3	1,664	119
Estimated:							
1976	133,000	46,000	39,000	218,000	10.5	1,965	111
1977	142,000	48,000	39,000	229,000	5.0	2,175	105

[1]Including transfers under Rule 20, Federal Rules of Criminal Procedure.
[2]Bankruptcy filings, naturalization petitions, divisional offices, violation notices, senior judges, etc.

While civil filings increased 13.2 percent in fiscal year 1975 over 1974, we have projected fiscal year 1976 at 13 percent and 1977 at 7 percent. At the same time, although criminal case filings increased 8.4 percent, we have forecast increases of 6 percent and 4 percent for fiscal years 1976 and 1977, respectively.

The Judicial Conference in September 1973 approved as a goal, a ratio of one deputy clerk per 100 civil and criminal filings as the staffing pattern required for effective office operations. The ability of individual courts to meet this goal is questionalbe in many cases, particularly if allowance is not made for several factors which add to the workload of such courts and are not included in the civil and criminal filing total. In assessing the reasonableness of the request for additional personnel from all courts, therefore, for fiscal year 1977 the 100 to 1 ratio concept has been applied flexibly and specific allowance has been made for such factors as the anticipated future volume of bankruptcy cases and petitions for naturalization. Allowances have also been given to courts with one or more small divisional office and for the number of senior judges who continue to perform substantial work. In several of the courts, the volume of violation notices has been sufficient to warrant consideration in the application of the ratio concept and in a few cases where it is estimated that the volume of passport applications which must be processed in fiscal year 1977 is substantial, allowance has been made for that activity.

In applying the ratio of each district's request for new positions, any requests which would have resulted in a ratio of less than 100 filings per deputy (including allowances for the factors named above) were disallowed. None of the requests were increased despite the fact that in some cases the volume of filings would have justified additional personnel. As a result of this district-by-district evaluation of the requests, the present and projected overall ratio of filings per deputy approximates the recommended standard. Future allocations will be made consistent with this prescribed standard in an effort to equalize and equitably distribute the personnel among the respective courts.

The request for 210 positions is based on our normal requirements (and in fact is conservative based on current workload trends) and it is expected that a substantial increase in personnel will be required within the next year or two to comply with the Congressional mandate re: Speedy Trial.

Meaningful progress toward the self-imposed commitment of the Judiciary to expedite disposition of cases requires resources commensurate with workload and any material reduction in requested support personnel will impact on the rigid schedule for Speedy Trial implementation.

The sum of $2,478,000 has been requested for the 210 additional positions required in fiscal year 1977, $2,273,000 for personnel compensation and $205,000 for related benefits. In addition, the sum of $420,000 is included under the heading "Travel and Miscellaneous Expenses" for the procurement of equipment, communications, and supplies.

Item 11. Central Violations Bureaus ($241,000)

After four years, it has become increasingly apparent that the United States magistrate system has had a significant impact on the work of the clerks' offices in at least one area, that of the Central Violations Bureau.

Districts which have large concentrations of military reservations, national parks, and other federal installations, typically receive as many as 3,000 forfeiture of collateral payments in the mail each month. An additional 300 to 500 persons may appear in person to forfeit collateral or pay fines assessed by the magistrates. A significant amount of administrative work is generated by receipt of these payments due to bad or incorrect checks, unidentified payments, etc. This increased workload often cannot be absorbed by other personnel of the clerks' offices, making it necessary for the court to request immediate assistance in the form of additional help.

Over three million dollars in forfeited collateral or fines collections was deposited with the United States Treasury in fiscal year 1975. These funds were generated from Central Violations Bureaus at some 70 district courts. It is estimated that establishment of Central Violations Bureaus in approximately 20 additional district courts will enrich the United States Treasury by an additional $750,000 annually. Clearly this financial benefit more than offsets the annual cost of 20 additional deputy clerks required to administer the Central Violations Bureaus to be established. The sum of $221,000 is required for personnel compensation and $20,000 for related benefits. In addition, the sum of $40,000 is included under the heading. "Travel and Miscellaneous Expenses" for general office equipment and to cover the cost of Communications, Supplies, and other miscellaneous expenses.

Item 12. Personnel for the Probation Service ($6,815,000)

In the past 5 years, the Federal Probation System has experienced substantial growth in the three major indices of its workload--the number of persons received for supervision during the course of a year, the number of persons under supervision on a given date, and the number of investigative reports prepared.

Persons Received for Supervision

Persons received for supervision have increased steadily from 24,577 offenders in 1971 to 36,061 for 1975, an increase of 47 percent.

The following is a comparison of the number of persons received by type of supervision during the past five years.

Persons Received by Type of Supervision

Fiscal Year	Court Probation [1]	Parole	Mandatory Release	Military Parole	Deferred Prosecution	Total
1971	15,921	5,051	2,831	208	566	24,577
1972	19,752	5,264	2,758	115	703	28,592
1973	21,362	5,838	2,577	162	689	30,628
1974	22,803	6,299	2,398	183	977	32,660
1975	23,549	8,761 [2]	2,408	200	1,143	36,061
Estimate 1976						39,708
Estimate 1977						43,713

[1]Includes persons placed on probation by United States magistrates.
[2]Includes 873 special parole cases.

Persons Under Supervision

The number of persons under supervision on a given date has increased during the same period at a corresponding cumulative rate. At the close of fiscal year 1971, probation officers were supervising 42,549 persons on probation and releasees from Federal institutions, an average of 69 per officer. By the close of fiscal year 1975, the number of persons under supervision had increased by 21,712 to 64,261, or 51 percent to an average of 44 per officer. During this 5-year period there was an increase of 6,229, or 69 percent in the parole category which requires a greater level of effort than supervision of probationers. This trend is expected to continue since an increasing number of persons released from Federal institutions are hardened offenders with a high violation rate.

Persons Under Supervision of the Federal Probation System

Fiscal Year	Court Probation [1]	Parole	Mandatory Release	Military Parole	Deferred Prosecution	Total
1971	30,608	9,055	2,012	227	647	42,549
1972	35,999	10,029	2,047	181	767	49,023
1973	40,504	10,877	1,955	224	786	54,346
1974	43,990	12,377	1,916	269	1,063	59,615
1975	45,662	15,284 [2]	1,754	302	1,259	64,261
Estimate 1976						69,000
Estimate 1977						74,000

[1] Includes persons placed on probation by United States magistrates.
[2] Includes 693 special parole cases.

Investigative Reports

The increase in the workload was not restricted to persons under supervision. The demands for investigations and resultant reports rose at a dramatic rate. During fiscal year 1971, probation officers completed 23,479 presentence investigation reports. In fiscal year 1975, officers completed 31,740 reports, a growth of 35 percent.

In addition, during fiscal year 1975, probation officers prepared 60,123 other investigative reports, including reports for the United States magistrates, United States attorneys on juvenile matters, the United States Board of Parole, the Federal Bureau of Prisons Institutions, and the United States Disciplinary Barracks. The following is a comparison of all investigative reports prepared by probation officers during the last five years:

Type of Investigation	1971	1972	1973	1974	1975
Presentence Investigation	23,479	27,558	29,736	29,492	31,740
Limited Presentence Investigation	2,159	2,118	1,915	1,943	2,202
Collateral Investigation for Another District	8,057	8,343	8,470	9,203	11,932
Preliminary Investigation to Assist U. S. Attorney in Juvenile Cases	503	527	632	862	953
Postsentence Investigation for Institution	281	426	553	658	650
Pretransfer Investigation	6,343	7,231	7,650	8,603	9,870
Alleged Violation Investigation (Probation and Parole)	6,053	5,790	5,895	6,630	8,581
Prerelease Investigation for a Federal or Military Institution	6,116	6,490	6,780	6,965	8,805
Special Investigation Regarding a Prisoner in Confinement	1,920	2,348	2,921	4,628	6,010
Furlough and Work-Release Reports for Bureau of Prisons Institutions	320	444	556	1,140	2,770
Parole Supervision Reports	4,920	5,067	5,187	5,895	7,030
Parole Revocation Hearing Reports	1,346	1,265	965	1,127	1,320
Total	61,497	67,607	71,260	77,146	91,863

Changes in Persons Received for Supervision

Three factors commonly accepted as indicators of anticipated difficulty in the adjustment of an offender under supervision and as evidence of the need for greater intensity of supervision are the person's age, the extent of their prior criminal record, and the nature of the offense which brought them under supervision. The factor of age exhibits a high degree of association with the success or failure of an offender on probation or parole. Reasearch has indicated that the younger the offender the greater the risk that he will violate the conditions of his release. The more extensive his prior record the more likely he will be involved in future criminal behavior. Finally, there exists a substantial difference in violation rates according to the nature of the offense committed by the offender. During the period June 30, 1968 to June 30, 1975, the number of persons under supervision increased from 36,799 to 64,261, an increase of 75 percent. This, however, is only part of the picture. Major shifts occurred within the population resulting in increased responsibilities and obligations for probation officers charged with the supervision of offenders.

Comparing fiscal year 1975 to 1968, the data indicate a trend toward a younger population of offenders received for supervision. In 1968, 6,254 persons were 24 years of age or younger when received for supervision. In 1975 the total of persons in this age category increased to 10,063. The significance of this lies in the fact that the younger offender is more active and aggressive and has greater needs for counseling and education in solving his problems on his own. The higher crime rate for younger persons is well known and is reflected in traditionally higher probation and parole violation rates.

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A concentration of resources on the younger offender can make the difference between that persons becoming either tomorrow's law abiding citizen or a costly lifelong responsibility to the criminal justice system. A dollar of correctional resources spent on the young offender promises the best return on the investment.

An increased concentration of youth in a caseload means increased demands on the correctional agency to meet unique challenge of dealing with the younger offender. The Congress gave recognition to the problems of youth in enacting the Federal Juvenile Delinquency and Youth Correction Acts.

The proportion of offenders with prior criminal records has not changed significantly since 1968. However, of those persons received for supervision in 1975 for whom a statement of prior criminal records was available, 58.5 percent had a prior criminal record. Of this number 2,909 had served a prior prison commitment of 1 year or less and 5,192 had served one or more prison terms greater than 1 year. It is noteworthy that 77 percent of parole cases had a prior record as had 89 percent of persons granted a mandatory release.

Historically, offenders convicted for certain crimes not only present a threat to the safety of society but also have a high probation or parole violation rate. These crimes include robbery, assault and homicide, narcotics, marihuana, and forgery. Since 1968 the number of persons received for supervision for forgery has increased 44 percent, for assault and homicide 143 percent, for robbery 162 percent, for marihuana 375 percent, and for narcotic violations 408 percent.

Projection of Personnel Needs

Projections of personnel needs for fiscal year 1977 submitted by the chief judges of the district courts in response to the direction of the Judicial Conference of the United States totaled 496 probation officer positions and 349 clerk-stenographer positions over and above the new positions authorized for fiscal year 1976.

Each projection of personnel needs was carefully reviewed. The workload of each office was projected to fiscal year 1977 based on present trends. The requests were then evaluated on the basis of the number of additional positions required to reduce caseloads to 50 (the standard adopted by the Judicial Conference to provide 1 hour face-to-face contact per month with each person under supervision) and provide sufficient officers for investigative and administrative responsibilities. In each instance the review was limited to the number of positions requested. No request was increased. Where the request would result in an excessive staffing ratio, it was reduced.

The Judicial Conference of the United States, on the recommendation of its Committee on the Administration of the Probation System and Subcommittee on Supporting Personnel concluded that there is a need for 379 officer positions, 234 clerk-stenographer positions, and 20 probation officer assistant positions.

Projected Workload with Additional Personnel

The following table presents the average cases per officer exclusive of presentence duties and includes projections for fiscal years 1976 and 1977. The projections of persons under supervision for 1976 and 1977 of 5,000 additional persons per year are based on the 5-year historical trend. The projected increases in presentence investigations were arrived at by applying the rate of increase over the past 5 years, 8 percent.

Fiscal Year	Probation Officer Positions	Presentence Investigations	Officers Required for PSI[1]	Officers Available for Supervision	Supervision Cases	Average Supervision Cases per Officer[2]
1971	612[3]	23,479	183	429	42,549	99
1972	640	27,558	215	425	49,023	115
1973	808	29,736	232	576	54,346	94
1974	1,148	29,492	230	918	59,615	65
1975	1,468	31,740	248	1,220	64,261	53
Estimate						
1976	1,543	34,279	268	1,275	69,000	54
1977	1,922	37,022	289	1,633	74,000	45

[1] Based on data obtained from time study conducted by Federal Judicial Center in January 1973. Assumes completion of 128 presentence investigation reports and a proportionate share of other investigative reports.
[2] No allowance for administrative positions.
[3] Exclusive of two officers engaged in the operation of the Chicago Training Center through fiscal year 1971. Positions transferred to Federal Judicial Center in fiscal year 1972.

While there has been a decline in the growth rate of persons received for supervision in the past several years, the use of the absolute growth rate for the 5-year period is justified and probably conservative. Fiscal Year 1975 saw an increase in criminal defendant filings of 8 percent while criminal defendant terminations decreased .7 percent. Implementation of the Speedy Trial Act of 1974 should result in a dramatic increase in terminations with a corresponding increase in the number of persons received for supervision which would justify the 5,000-person estimate.

The projected increase in presentence investigations also is conservative. In the past 5 years, presentence investigations have been prepared for 78 percent of sentenced defendants. Recent amendments to Rule 32(c) of the Federal Rules of Criminal Procedure (effective December 1, 1975) will require a presentence investigation on all defendants unless the investigation is waived by the defendant or the sentencing judge states on the record he has sufficient information to impose sentence without a presentence investigation. It is safe to anticipate these changes will result in an increase of presentence investigations to at least 90 percent of sentenced defendants.

Clerk-Stenographers

The clerk-stenographers requested herein are required to provide the officers with necessary secretarial and clerical assistance.

The addition of 379 probation officers, 234 clerk-stenographers, and 20 probation officer assistants, will require an increase in supervisory personnel. Accordingly, this request includes funds for 65 supervisory probation officer positions classified in grades JSP-13, 14, and 15, as well as 41 supervisory clerk positions classified in grades JSP-6, 7, and 8 to meet these requirements under standards established by the Judiciary Salary Plan. The total sum of $6,815,000 is requested for fiscal year 1977, $6,238,000 for compensation and $577,000 for related benefits. In addition, the sum of $2,371,000 has been included in the appropriation "Travel and Miscellaneous Expenses" for travel, communications, supplies, and other miscellaneous expenses and for security investigations.

Item 13. Library Assistants, Courts of Appeals ($36,000)

The Fourth, Eighth, and Tenth Circuit Courts of Appeals have requested and the Judicial Conference has approved, a library assistant position for their respective central libraries. The sum of $36,000 has been requested for this purpose ($33,000 for personnel compensation and $3,000 for related personnel benefits). In addition, the sum of $6,000 is included under the heading "Travel and Miscellaneous Expenses" to cover the cost of communications, supplies, general office equipment, and other miscellaneous expenses.

The United States Courthouse at Richmond, Virginia, is undergoing extensive renovations which includes the enlargement of the central library, and there is a pressing need for a library clerk to act as staff support for the librarian and the assistant librarian. Duties to be performed by the library clerk include shelving, mailing, filing, record keeping, and assistance in cataloguing, and book repair.

The Eighth Circuit Court of Appeals is in need of a library assistant for the central library located in St. Louis, Missouri, to assist with xeroxing, answering telephoned or mailed requests, cataloguing, indexing, and to provide continuity of operation. The central library serves as a research facility for those at trial in the Eastern District of Missouri, the bankruptcy court, the U. S. Attorney's staff, as well as members of the bar and the supporting staff of the judges.

The Tenth Circuit library staff presently consists of a chief librarian and an associate librarian. A deputy clerk has been detailed to work in the library to assist in the printing of slip opinions of the circuit and most forms and form letters used by the court. The Tenth Circuit is the only circuit which prints its forms internally. Because of space and other considerations, it was deemed more appropriate to have the chief librarian administer the program. If the assistant librarian is authorized, the deputy clerk currently on detail will be reassigned to the clerks' office.

Item 14. Staff Law Clerks and Secretaries for Courts of Appeals ($250,000)

The courts of appeals have requested and the Judicial Conference has approved, 13 additional staff law clerks, as distinguished from personal law clerks to judges, and two court (pool) secretaries as follows:

Staff Law Clerks	No. Pos.
D. C. Circuit	2
Second Circuit	2
Third Circuit	2
Fourth Circuit	2
Sixth Circuit	1
Seventh Circuit	2
Tenth Circuit	2
	13
Court (Pool) Secretaries	
Third Circuit	1
Fourth Circuit	1
	2

The staff law clerks often referred to as pro se clerks are required to perform the research required in the growing number of complex motions presented to the court for consideration and to review for the court all pro se matters, whether they be applications or appeals. The review is necessarily thorough, for most pro se litigants can not cite cases in point, do not know which particular facts or events are relevant to their claims, and often can not even tell whether they are presenting the court with a new claim or attempting to relitigate an old one. In many cases, simply to understand what a litigant is saying, the pro se clerk must obtain and read the entire hearing and trial transcript. In habeas corpus cases brought by state prisoners, for example, it is often necessary to review voluminous minutes of state court hearings and jury trials, briefs and opinions in two levels of state appellate courts and possibly the Supreme Court, and then the district court record. In many cases, the research and evaluation is the equivalent of the time an attorney retained by the litigant would have to spend preparing and briefing an appeal. Other functions of a pro se

clerk include instructing litigants daily by phone, mail, or in person on the procedures necessary to get the application or appeal before the court and assigning counsel to brief and argue appeals after the court has granted such relief based upon consideration of the pro se clerk's memoranda or where the district court has granted a certificate of probable cause.

The pool secretaries for the Third and Fourth Circuits are required to provide assistance on a regular basis to both resident and non-resident judges. The demands for secretarial services have increased in proportion to the increase in the workload of the courts of appeals. The circuit judges, with the exception of those in the Fifth Circuit, currently are authorized only one secretary. The secretarial pools provide a source of help on an as needed basis.

The sum of $250,000 is included for the additional staff law clerks and pool secretaries as follows:

	No. Pos.	Amount
Staff Law Clerks, JSP-11 @ $16,255	13	$211,315
Secretary, JSP-7 @ $11,046	2	22,092
Total Compensation	15	233,407
Less: Normal lapses		-4,407
Net Compensation		229,000
Benefits		21,000
Total		$250,000

In addition, the sum of $30,000 is included under the heading "Travel and Miscellaneous Expenses" to cover the cost of communications, supplies, general office equipment and other miscellaneous expenses.

Item 15. Salary Adjustments for Official Court Reporters Based on New Classification and Qualification Standards ($221,000)

The Congress authorized funds for fiscal year 1975 for implementation of a new plan adopted by the Judicial Conference for the qualification and compensation of official court reporters in the United States district courts. The original appropriation request called for a 10 percent salary increase for those reporters who met the proposed qualification; however, Congress authorized only one-half of the amount requested. The Judicial Conference, therefore, authorized an increase of only 5 percent pending the availability of additional funds. A request for additional funds for fiscal year 1976 was denied.

It is felt that the additional 5 percent increase is essential for the recruitment and retention of competent court reporters who can provide truly professional reportial services to the district judges. The need for competent reporters has become increasingly important with the advent of computerized transcriptions.

The new plan of qualification and compensation for court reporters provides that as a prerequisite to appointment, a court reporter shall possess as a minimum requirement (1) at least four years of prime court reporting experience and (2) a certificate of proficiency from the National Shorthand Reporters Association or the equivalent. Such a qualified person shall, upon appointment, receive the starting salary for court reporters as fixed by the Judicial Conference. The new plan also provides that official court reporters who have satisfactorily served the district courts in this capacity for ten years shall, upon recommendation of the employing court, receive a 10 percent increase over the starting salary. It further provides that a holder of a certificate of merit from the National Shorthand Reporters Association (or the equivalent) shall be eligible for the 10 percent salary increase after five years of satisfactory service as an official court reporter upon recommendation of the employing court.

It appears that approximately 200 reporters (50 percent) will qualify for the salary increase. The sum of $221,000 is included for this purpose; $205,000 for compensation and $16,000 for related benefits.

Mr. SLACK. The request for fiscal year 1977 is $138,145,000, an increase of $16,685,000 over the adjusted appropriation for fiscal year 1976.

PROPOSED LANGUAGE CHANGE

Page 7.1 of your justifications indicates a proposed language change concerning post differential and allowances for employees stationed outside the continental United States and in Alaska. What is the reason for the proposed language?

Mr. FOLEY. The reason for that, sir, is that all court personnel in those territories and Hawaii and Alaska receive a cost-of-living increase except the law clerks and the secretaries to the judges—the personal staff—because they come under the ceiling requirement for the amount of base pay that is allowed to those positions. Inasmuch as the cost-of-living increase is part of the base pay we are unable to grant the law clerks and the secretaries the cost-of-living increase.

Mr. SLACK. What is the estimated cost associated with this change?

Mr. GARABEDIAN. Mr. Chairman, we estimate the cost not to exceed $80,000. We have not asked for additional funds. We intend to absorb that cost.

Mr. SLACK. What is your authority for granting such allowances?

Mr. FOLEY. That is the Director's authority under section 604 of title 28. It grants the Director the authority to fix salaries of supporting personnel.

CLERICAL POSITIONS IN THE FEDERAL PROBATION SERVICE

Mr. SLACK. Item 5 on page 7.4 of the justification lists a request of $516,000 for reclassifying of clerical positions in the Federal probation system. Has such a new system been set up yet?

Mr. FOLEY. If I may, sir, I shall ask our expert on probation to answer that question.

Mr. JACKSON. A study was made to see how appropriate the salaries were within the Federal Probation Service in terms of establishing equity in the court family. Due to the expansion and responsibility of services, a study was made and a modest proposal for the increase of these graded secretarial positions was approved.

Mr. SLACK. That is contingent on the funding?

Mr. JACKSON. Yes, when I said that it was approved, I had reference to the Judicial Conference.

SPECIAL LEGAL STAFF, NINTH CIRCUIT

Mr. SLACK. Item 6 is a request for $96,000 for reducing of lapses of 5 positions authorized in fiscal year 1976 for the Ninth Circuit. Were any funds appropriated for these 5 positions in 1976?

Mr. FOLEY. No, sir.

Mr. SLACK. What is the total number of positions authorized for that?

Mr. GARABEDIAN. Mr. Chairman, at the present time there are 28 positions authorized for that special staff.

Mr. SLACK. What is the composition?

Mr. GARABEDIAN. Not all the positions have been filled, but my understanding is that they, the court, has made a determination that 21 of those positions will be attorneys and 7 secretaries.

Mr. SLACK. Do any of the other circuits have legal staff comparable to the Ninth Circuit?

Mr. GARABEDIAN. The only other circuit that has been authorized—a special legal staff—is the Fifth Circuit. That was approved by your committee. The total number of positions authorized is 43, which include 15 law clerks and 15 secretaries assigned to individual judges.

Mr. SLACK. Would you please provide for the record a statement showing the number of staff law clerks and secretaries authorized for each of the courts of appeals as distinct from personal law clerks and secretaries of the judges?

Mr. GARABEDIAN. Yes, sir.

[The information follows:]

PERMANENT STAFF (COURT) LAW CLERKS[1] AND SECRETARIES AUTHORIZED FOR COURTS OF APPEALS

	Court law clerks including senior law clerks for the court	Court secretaries (pool)
District of Columbia	3	4
1st	1	3
2d	3	3
3d	3	3
4th	6	4
5th	[2] 24	[3] 19
6th	5	3
7th	1	3
8th	4	6
9th	21	7
10th	5	3
Total	76	58

[1] Includes senior law clerk positions authorized in fiscal year 1976.
[2] Includes 15 law clerks assigned to individual judges.
[3] Includes 15 secretaries, 1 for each of the judges.

DEPUTY CIRCUIT EXECUTIVES

Mr. SLACK. I note that item No. 8, which I believe you have requested previously, amounts of $309,000 and 9 positions for deputy circuit executives for the Courts of Appeals. What is the statutory authority for these positions?

Mr. GARABEDIAN. Mr. Chairman, when the circuit executive position was created by Public Law 91–647 in January of 1971, the act provided for the appointment, with the approval of the circuit council, necessary employees in such number as may be approved by the Director of the Administrative Office.

Mr. SLACK. Very good. Have there been any studies conducted as to the contribution they made toward efficiency?

Mr. FOLEY. Such a study is underway now in the Federal Judicial Center. I don't believe it is near completion as yet.

DEPUTY CLERKS FOR COURTS OF APPEALS

Mr. SLACK. The request for $217,000 and 18 deputy clerks for the Courts of Appeals is based upon the projected 18,000 appeals being filed in fiscal year 1977. Is that still a valid projection, in your judgment?

Mr. FOLEY. We think it is a low projection, sir. We think the number of appeals may go up to 22,000, if the pattern for the current fiscal year continues.

Mr. SLACK. What is the desired ratio of filings to deputy clerks?

Mr. FOLEY. In the courts of appeals the Judicial Conference has established the ratio at 75 filings to 1.

Mr. SLACK. Then it would appear that the request would bring the actual ratio to 76 filings per deputy clerk, would it not?

Mr. FOLEY. Yes, sir; based on 18,000 appeals.

DEPUTY CLERKS FOR DISTRICT COURTS

Mr. SLACK. How many deputy clerks for the district courts were requested for fiscal year 1976?

Mr. GARABEDIAN. Mr. Chairman, we asked for a total of 410 positions. There were 85 requested in our original budget submission. Subsequently we amended the budget to request an additional 325 positions. The amendment was referred directly to the Senate committee. The Senate restored 244 of those 325 positions and the net result was that we received 301 new positions out of a request for 410.

Mr. SLACK. Three hundred and one were authorized?

Mr. GARABEDIAN. Yes, sir.

Mr. SLACK. What is the desired ratio of filings to deputy clerks in the district courts?

Judge WEINMAN. One hundred to one. I might say to you that the statistics do not show miscellaneous filings as cases in the courts of appeals. They have been increasing. They are around 3,003. But I know that in my own court I have one fellow who has filed 15 postconviction motions. You have no record of that whatsoever. But it takes time to write an opinion and take care of it. They are called miscellaneous dockets, in order to distinguish them from a regular case.

Mr. SLACK. You are requesting how many additional deputy clerks for district courts in this budget?

Judge WEINMAN. In order to arrive at the ratio of 100 to 1, we are requesting 210.

Mr. SLACK. That will bring the total number of deputy clerks for the district courts to what number?

Judge WEINMAN. One of the staff men will have to answer that.

Mr. GARABEDIAN. It will bring the total number of persons authorized for the district courts to 2,175.

Mr. SLACK. That means the average number of filings per deputy would then be approximately 105; is that not so?

Mr. GARABEDIAN. Yes, exactly.

Mr. SLACK. On page 7.15 of the justifications you mentioned filing equivalents for bankruptcy cases, naturalization petitions, et cetera. What weight is given to these factors in determining the staffing requirements?

Mr. GARABEDIAN. Mr. Chairman, if I may attempt to answer that, for naturalization proceedings we use a weight of 5 percent or 2,000 naturalization proceedings equals one position. For senior judges we apply a factor of 33⅓ percent. In other words, one deputy clerk to provide support services three senior judges may require. We also provide one deputy clerk for small divisional offices where there are fewer

than four people involved. We use a ratio of 8,000 violation notices, collateral forfeitures under the Magistrates Act, for central violations bureaus. The 8,000 violation notices equals or justifies one deputy clerk. The factor being used for bankruptcy filings is 5 percent or 2,000 bankruptcy filings equals one deputy clerk.

CENTRAL VIOLATIONS BUREAUS

Mr. SLACK. The request for central violations bureaus of $241,000 and 20 positions has been presented previously, has it not?

Judge WEINMAN. Yes.

Mr. SLACK. Would you care to comment on this request?

Mr. FOLEY. This is an area in which we think we can do great service and at the same time benefit the Treasury of the United States. In fiscal year 1975, for example, over $3 million in forfeited collateral or fines were paid into the Treasury. We feel that if we were able to expand this program in—well, the proposed locations I can submit for the record, if you wish, sir. We would probably be able to deposit an additional $750,000 annually into the Treasury.

Mr. SLACK. Without objection, we shall insert at this point in the record the proposed locations at which central violations bureaus are to be established.

PROPOSED LOCATIONS IN WHICH CENTRAL VIOLATIONS BUREAUS ARE TO BE ESTABLISHED

Florida, M.
Massachusetts
New York, S.
Ohio, N.
Connecticut
Kentucky, E.
Ohio, S.
Virgin Islands
Alabama, M.
Arkansas, W.
Canal Zone
Georgia, M.
Georgia, S.
Guam
Illinois, E.
Iowa, N.
Louisiana, M.
Nebraska
New York, N.
Utah
West Virginia, N.

POSITIONS FOR PROBATION SERVICES

Mr. SLACK. Referring to item No. 12 on page 7.3 of justifications, how many additional positions are you requesting for the Probation Service?

Mr. JACKSON. 633.

Mr. SLACK. Can you break that down as to officers, stenographers, and assistants?

Mr. JACKSON. 379 probation officers, 20 probation officer assistants and 234 clerk-stenographers.

Mr. SLACK. How many probation officers were authorized in 1971?

Mr. JACKSON. We had 612 probation officers in 1971.

Mr. SLACK. How many are authorized for fiscal year 1976?

Mr. JACKSON. 1,543.

Mr. SLACK. That is an increase of 931 positions, or about 152 percent; is that correct?

Mr. JACKSON. Yes, sir.

Mr. SLACK. What has been the increase in presentence investigations and supervision cases during that period?

Mr. JACKSON. In 1971——

Mr. SLACK. It should be less than 152 percent?

Mr. JACKSON. Yes, sir, it is considerably less. The increase in presentence investigations was 46 percent, and increase in persons under supervision was 62 percent.

Mr. SLACK. On page 7.20 of the justifications, I note that you indicated a goal of 50 cases per officer. Yet, on page 7.21 you indicate that with the additional positions requested, the average supervision cases per officer would be brought down to 45. What is the explanation of this?

Mr. JACKSON. I would refer the committee to Footnote 2 under the average supervision cases per officer on the table on page 7.21, which indicates that this does not take into consideration the administrative overhead. We would like to have an allowance for administrative positions but it would be very difficult for us as a service to give you an accurate portrayal of that because in some of our smaller districts the chief probation officer who would be classified as an administrator would have only perhaps a token caseload, whereas in the larger offices the chief probation officer would not be expected to handle any cases. On the basis of the total staff, inclusive of the personnel for administration, the average supervision caseload will be 45 to 1.

Mr. SLACK. Very well. Would you please provide for the record a statement of the total amount included in the Judiciary budget for the Probation Service for fiscal year 1977? By that I mean a total for salaries, travel, miscellaneous expenses, space, furniture, furnishings, et cetera.

Mr. JACKSON. Yes, sir.

[The information follows:]

ITEMS IN THE FISCAL YEAR 1977 BUDGET FOR THE PROBATION SERVICE
(In thousands of dollars)

Salaries of Supporting Personnel:	Salaries	Benefits	Travel	Misc. Expenses	Space	Furniture	Grand Total
Annualization of October 1975 Pay Increases...	$ 470	$ 35	$ ...	$ ...	$ ...	$ ...	$ 505
Annualization of 125 positions, authorized in 1976.....	359	33	...	...	...	...	392
Within-grade step increases.....	376	28	...	...	...	...	404
Promotions for newly appointed probation officers.....	1,210	91	...	...	...	...	1,301
Reclassification of clerical positions in the Probation Service.....	480	36	...	...	...	...	516
Extra compensable day.....	-146	-13	...	...	...	...	-159
633 new personnel for the Probation Service...	6,238	577	...	...	...	...	6,815
Travel and Miscellaneous Expenses:							
Nonrecurring expenses for probation personnel appointed in 1976 offset by annualization of recurring costs.....	...	...	28	-183	...	...	-155
Expenses relating to new probation personnel (633).....	...	...	426	2,371*	1,570	506	4,873
Total Increase, fiscal year 1977.....	8,987	787	454	2,188	1,570	506	14,492
Estimated Cost of Operations, Fiscal Year 1976 (2,555 positions).....	37,400	3,366	1,860	3,036	5,110	255	51,027
Grand Total, estimated.....	$46,387	$4,153	$2,314	$5,224	$6,680	$761	$65,519

*Includes nonrecurring expenses of $1,375,000.

COURTS OF APPEALS LIBRARIES

Mr. SLACK. I note that you are requesting three additional positions and $36,000 for courts of appeals libraries. Is that correct?

Mr. FOLEY. Yes, sir.

Mr. SLACK. What are the details of this request?

Mr. FOLEY. Largely the result, sir, of the fact that we have courts of appeals judges who are living at centers where there are a substantial number of district court judges but no library facilities. For example, the chief judge of the third circuit resides in Wilmington and has chambers there, and he holds court in Philadelphia. We need staff in what we call the satellite libraries of the circuits.

LEGAL STAFF FOR COURTS OF APPEALS

Mr. SLACK. Would you care to comment on item No. 14, which states a request of $250,000 and 15 positions for staff law clerks and secretaries for courts of appeals?

Mr. GARABEDIAN. Mr. Chairman, as I indicated earlier, there is a special legal staff in the fifth circuit and in the ninth circuit. There have been no special staffs established in other circuits but there is a recognized need for court law clerks and court secretaries as distinguised from the personal law clerks and secretaries to judges. These requests have come to us from each of the circuit courts and we have incorporated them in the budget with the approval of the Supporting Personnel Subcommittee of the Judicial Conference.

OFFICIAL COURT REPORTERS

Mr. SLACK. With regard to the final item, item 15, "Salary adjustments for official court reporters," do I properly understand that these adjustments are made on the basis of proficiency and longevity?

Mr. GARABEDIAN. Yes, sir.

Mr. SLACK. To date, how many of the reporters have been qualified for such increases; that is, the number and percentage?

Mr. GARABEDIAN. As of November 30, the latest figures I have, there were 233 reporters, out of a total of 407, or 57 percent, who have qualified.

Mr. SLACK. What is the salary of the official court reporters?

Mr. GARABEDIAN. The basic salary of an official reporter today is $20,605, to which you would add the 5-percent longevity increase, or $1,030.

Mr. SLACK. How much does a reporter earn from sale of transcripts or private reporting work in addition to this regular salary?

Mr. GARABEDIAN. In fiscal 1975 their earnings from the sale of official transcripts after expenses averaged $9,345 nationwide and earnings from private reporting work averaged $3,576 for a total of $12,921 in addition to their regular salaries.

Mr. SLACK. Are there questions on salaries of supporting personnel, Mr. Smith?

Mr. SMITH. No.

Mr. SLACK. Mrs. Burke?

EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Mrs. BURKE. I have just one question. Is there an affirmative action program or equal employment opportunity program for your supporting personnel?

Mr. FOLEY. Within the Administrative Office there is an affirmative action program. In the field, they have been asked to conform to the program of the Administrative Office. We have no authority to impose it in the field. But we have urged that the field follow the same program which we have in the Administrative Office.

Mrs. BURKE. Has the field office come up with any programs to date?

Mr. FOLEY. I have not seen any reports on that. Maybe Mr. Bates has.

Mr. BATES. Not so far as I know.

Judge WEINMAN. We have it in the southern district of Ohio.

Mrs. BURKE. I would be interested in any reports that do come in or a report on the progress of that program in Ohio. Thank you. I have no further questions on this item.

Mr. SLACK. Mr. Miller had some questions on this item. He stepped out of the room. We might proceed and come back to that.

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

The third item is entitled "Representation by Court-Appointed Counsel and Operation of Defender Organizations." We will insert pages 8.1 through 8.16 of the justifications in the record.

[The justification pages referred to follow:]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

Summary of Requirements

Appropriation 1976 (as enacted)	$18,890,000
Proposed supplemental for pay costs	156,000
Budget Authority, 1976	19,046,000
1977 budget estimate	20,686,000
Proposed Increase	1,640,000

Appropriation Language

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For the operation of Federal Public Defender and Community Defender organizations, and the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A, as amended by Public Law 91-447, October 14, 1970), [*$16,590,000*] $20,686,000 to remain available until expended.

[For "Representation by court-appointed counsel and operation of defender organizations" for the period July 1, 1976, through September 30, 1976, *$4,148,000*.]

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	214	$18,890
Proposed supplemental for pay costs	..	156
Budget Authority, 1976	214	19,046
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay costs	..	+52
2. Regular salary advancements and within-grade step increases for personnel in Federal Public Defender offices	..	+423
3. Escalation in cost of operating Community Defender Organizations	..	+175
4. Anticipated increase in number of persons to be represented by court-appointed counsel	..	+720
5. Increased cost of investigative, expert, and other services (including transcripts)	..	+270
6. Additional personnel for Federal Public Defender offices to be financed out of funds which would otherwise be available for court-appointed counsel	+4	...
Subtotal, adjustment to base and built-in changes	+4	+1,640
Program changes:		
None	..	...
Total increases requested	+4	+1,640
Total appropriation requested	218	20,686

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent Comparison by activities:	1976[1] Appropriation Perm. Pos.	 Amount	1976 Adjusted (Base for 1977) Perm. Pos.	 Amount	1977 Request Perm. Pos.	 Amount	Increase 1977 over 1976 as Adjusted Perm. Pos.	 Amount
Federal Public Defenders	214	$ 4,989	218	$ 5,464	218	$ 5,464	..	$...
Community Defender Organizations (grants)	..	2,031	..	2,206	..	2,206	..	...
Court-appointed counsel, transcripts, and other services	..	12,026	..	13,016	..	13,016	..	...
Total requirements	214	19,046	218	20,686	218	20,686	..	...

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$ 4,018	$ 4,450	$ +432
12	Personnel benefits	359	395	+36
21	Travel and transportation of persons	118	130	+12
23	Rent, communications, and utilities	170	183	+13
24	Printing and reproduction	36	41	+5
25.1	Compensation and out-of-pocket expenses of court-appointed counsel	9,665	10,385	+720
25.2	Investigators, interpreters, psychiatrists, and other experts	470	540	+70
25.3	Transcripts	1,960	2,160	+200
25.4	Other services	98	94	-4
26	Supplies and materials	20	22	+2
31	Equipment	34	22	-12
31	Lawbooks	67	58	-9
41	Grants, subsidies, and contributions	2,031	2,206	+175
	Total obligations	19,046	20,686	+1,640

[1] Includes proposed Pay Act supplemental of $156,000 ($145,000 for personnel compensation and $11,000 for related benefits.

Purpose Statement

This appropriation is for the compensation and expenses of court-appointed counsel and for the operation of defender organizations. The Criminal Justice Act of 1964 (18 USC 3006A), as amended by P.L. 91-447, approved October 14, 1970, provides for furnishing representation for any person unable to obtain adequate representation (1) who is charged with a felony of misdemeanor (other than a petty offense) or with juvenile delinquency by the commission of an act which, if committed by an adult, would be such a felony or misdemeanor or with violation of probation, (2) who is under arrest, when such representation is required by law, (3) who is subject to revocation of parole, in custody as a material witness, or is seeking collateral relief, or (4) for whom the Sixth Amendment of the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any Federal law requires the appointment of counsel.

Each district court, with the approval of the judicial council, is required to have a plan for furnishing representation by private attorneys in a substantial proportion of cases and, in addition, may provide for attorneys furnished by a bar association or a legal aid agency, or attorneys furnished by a Federal public defender or community defender organization. Any district or part of a district, or two adjacent districts or parts of districts, whether or not in the same circuit, in which at least 200 appointments are required annually, may establish either or both of the authorized defender organizations. The judicial council of the circuit shall, prior to approving the plan, supplement it with provisions for representation of appeal.

Counsel may be compensated at rates not exceeding $30 per hour for time expended in court or before a United States magistrate and $20 per hour for time reasonably expended out of court or such other hourly rates as may be fixed by the judicial council of the circuit, not to exceed the minimum hourly scale established by a bar association for similar services rendered in the district.

The compensation (exclusive of allowable expenses) is limited to $1,000 for each attorney in a case in which one or more felonies are charged, to $400 for each attorney in a case in which only misdemeanors are charged and $250 for each attorney in connection with a post trial motion made after the entry of judgment or in a probation revocation proceeding or for representation of any persons subject to revocation of parole, in custody as a material witness, or seeking relief under Section 2241, 2254, or 2255 of Title 28 or Section 4245 of Title 18, United States Code. In capital cases or in other difficult cases in which the court finds it necessary to appoint more than one attorney, the limitations apply to each attorney. Payments in excess of these limitations may be made to provide fair compensation in cases involving extended or complex representation when so certified by a United States district judge or magistrate, as applicable, and approved by the chief judge of the United States court of appeals.

Investigative, expert, or other services necessary for an adequate defense also are available to persons who are being represented under the Act, and in some cases to persons who have retained counsel but are financially unable to secure the "other" services. Payment for such services to a person or an organization are limited to $300; however, the limitation may be waived if the court certifies that payment in excess of the limit is necessary to provide fair compensation because of the unusual character or duration of the services. The excess payment must be approved by the chief judge of the circuit.

Justification of Proposed Language Change

The 1977 budget estimate includes a proposed change in appropriation language to convert from a yearly to a no-year appropriation for the following reasons:

(1) The substantive legislation (18 USC 3006A), Section (j) states in part: " * * When so specified in appropriation acts, such appropriations shall remain available until expended. * * "

(2) The amounts allocated to the defender organizations are fixed by the Judicial Conference, while the remaining balance of the appropriation is applied to the payment of compensation and expenses of court-appointed private panel attorneys as well as payment for transcripts, investigative, and other expert services. During fiscal year 1975, one-third of all persons requiring appointment of counsel under the Criminal Justice Act were represented either by a Federal Public Defender or a Community Defender. The remaining two-thirds were represented by private panel counsel. Unpredictable factors enter into the estimation of the number of persons to be represented by private panel attorneys, the average cost of each representation, and the cost of transcripts, investigative, and other expert services. Among the unpredictable factors are: (a) The personnel strength and prosecutorial policies of the U. S. attorneys' offices, (b) The proportionate mix of complex cases and appeals between defender organizations and private panel attorneys, (c) The number of claims submitted by private panel attorneys without receipt by the Administrative Office of the advance copies of their appointment, (d) The number of private attorney claims in excess of statutory limitations approved by the chief judges of the courts of appeals, and (e) future crime rates.

(3) The budget estimates have been conservative, attested to by the fact that no balance was left to return to the United States Treasury for all the full fiscal years' operations since 1966 and also by the fact that several supplementals were requested and granted. A supplemental request of $4.1 million was approved for fiscal year 1976 of which $1.8 million was made available for the liquidation of obligations incurred in prior years. A no-year appropriation will permit us to carry forward an unobligated balance from one year to the next. It will in no way diminish our accountability for the funds. We shall continue to report annually on the obligations incurred, outlays, and the status of funds available. The estimates of budget authority will also be submitted on an annual basis as heretofore.

Justification of Changes

It is expected that during fiscal year 1977 there will be approximately 50,000 persons represented under the Criminal Justice Act in the United States courts of appeals and United States district courts. This includes discretionary appointments in habeas corpus and 2255 proceedings, representation of probation and parole violators and representation in petty offense cases when the defendant faces the likelihood of a jail sentence. Based on this projected caseload, the sum of $20,686,000 will be required, an increase of $1,640,000 over the amount available for fiscal year 1976. The average cost per case, excluding transcripts and "other services," is expected to be approximately $360.

The sum of $7,670,000 has been allocated for the operation of Defender organizations; $5,464,000 for Federal Public Defenders and $2,206,000 for Community Defender organizations. The remaining funds ($13,016,000) will be available for the compensation and expenses of court-appointed counsel, transcripts, and other services. The budgetary requirements of the Defender organizations and the need for additional funds for representation by court-appointed counsel are explained below:

Federal Public Defenders

The amendments to 18 USC 3006A by Public Law 91-447, approved October 14, 1970, authorized the establishment of Federal Defender or Community Defender organizations for districts or adjacent districts in which 200 or more appointments are required annually. Subsection (h) is intended to provide an option for the establishment of a Public Defender organization or Community Defender organization. Only one such organization is to be approved for any district or part of a district in the absence of a clearly demonstrated showing of the need for and feasibility of more than one such organization.

With regard to the Federal Public Defenders, the statute provides that, "Each organization shall submit to the Director of the Administrative Office of the United States Courts * * * its proposed budget." Such estimates, pursuant to 28 USC 605, require the approval of the Judicial Conference of the United States before presentation to the Office of Management and Budget. The statute provides for a term of four years and that the compensation to be paid to the Federal Public Defenders shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the same district. In determining the rates of compensation of the Federal Public Defender and the attorneys on his staff, the judicial councils are to take into account the size of the office, the number of employees required, and the responsibilities of the Public Defender and his staff as compared with the United States attorney and his staff. All other personnel on the staff of the Federal Public Defender shall be appointed in such number and grade as shall be approved by the Director of the Administrative Office of the United States Courts.

Currently there are Federal Public Defender organizations in operation in 21 judicial districts as follows:

Arizona
California, Northern
California, Eastern
California, Central
Colorado
Connecticut
Florida, Southern
Kansas
Kentucky, Eastern*
Louisiana, Eastern
Maryland
Missouri, Western
Nevada
New Jersey
New Mexico
Ohio, Northern
Pennsylvania, Western
Tennessee, Western
Texas, Southern
Virgin Islands
Washington, Western

*Established in fiscal year 1976.

The cost of operating the twenty functioning organizations in fiscal year 1975 was approximately $3.6 million. During the year they were assigned 10,337 cases and disposed of 9,322. As of June 30, 1975, there were 3,090 cases pending; 2,803 in the district courts and 287 in the courts of appeals. Taking into account the work in process, that is, time and effort expended in the pending cases, the overall average cost per case in fiscal year 1975 (exclusive of certain nonrecurring expenses) was approximately $360. This compares favorably with the cost of representation by private attorneys when we consider the fact that these organizations are performing invaluable services for and on behalf of the courts in coordinating appointments, advising and counseling private attorneys, and in many other ways which are not reflected in the raw statistics.

The public defenders were asked to submit estimates of their budgetary requirements for fiscal year 1977, and revised estimates for fiscal year 1976 to take into account pay increases authorized in October 1975.

The cost of operations for fiscal year 1975 and the budget estimates of the Federal Public Defenders for fiscal years 1976 and 1977 are as follows:

	Actual F. Y. 1975	Estimate* F. Y. 1976	Estimate* F. Y. 1977	Increase 1977 over 1976
Arizona.....	$ 328,900	$ 423,837	$ 480,844	$ 57,007
California (N)..	305,075	349,127	370,613	21,486
California (E)..	160,483	194,711	231,953	37,242
California (C)..	672,803	780,596	812,893	32,297
Colorado.....	26,000	144,649	151,442	6,793
Connecticut.....	118,513	134,880	138,944	4,064
Florida (S).....	242,063	305,471	355,634	50,163
Kansas.....	143,058	183,656	197,383	13,727
Kentucky (E)....	.....	140,767	147,818	7,051
Louisiana (E)...	150,177	166,286	182,961	16,675
Maryland.....	167,683	222,141	265,403	43,262
Missouri (W)....	285,224	318,037	334,798	16,761
Nevada.....	117,027	165,354	183,362	18,008
New Jersey.....	198,699	306,390	332,858	26,468
New Mexico.....	111,097	116,921	125,686	8,765
Ohio (N).....	153,367	188,438	199,418	10,980
Pennsylvania (W)	79,909	152,334	173,427	21,093
Tennessee (W)...	71,416	81,801	89,890	8,089
Texas (S).....	192,540	291,565	324,731	33,166
Virgin Islands..	94,563	159,269	178,836	19,567
Washington (W)..	27,843	163,580	185,612	22,032
Total.....	$3,646,440	$4,989,810	$5,464,506	$474,696

*Reflects pay costs resulting from the general salary increase effective in October 1975. These costs are estimated at $156,000 for fiscal year 1976 and $228,000 for fiscal year 1977.

The estimates for fiscal year 1977 include 4 additional positions. The additional personnel will be provided out of funds that would otherwise be available for the compensation and expenses of private attorneys. In this regard, it should be noted that the Public Defenders are expected to receive 13,628 cases in 1977, compared with 12,819 in 1976 and 10,337 in 1975.

The following composite statements show the staffing requirements of each office and estimates of the cost of operations, by object classification, for fiscal years 1976 and 1977:

FEDERAL PUBLIC DEFENDER ORGANIZATIONS
BUDGETARY REQUIREMENTS - FISCAL YEAR 1976

	Personnel													Estimated Number of Persons Represented			
	Comp.	Benefits	Travel	Rentals of Equipment	Telephone and Telegraph	Postage	Printing	Investig., Experts & Other Services	Pre-Employment Security Investig.	Misc. Contractual Services	Supplies	Office Equipment	Books	Total	District Court	Courts of Appeals	Total	Est. Average Cost
Arizona....	$ 337,188	$ 30,249	$ 10,100	$ 2,000	$ 9,500	$ 1,500	$ 100	$ 8,500	$ 6,000	$11,000[1]	$ 1,200	$ 2,500	$ 4,000	$ 423,837	1,600	30	1,630	$260
Calif. (N).	280,376	26,281	7,600	4,100	6,190	800	300	15,000	2,230	750	1,000	2,000	3,500	349,127	900	25	925	377
Calif. (E).	159,075	14,237	3,500	1,620	3,349	700	400	6,100	2,230	400	1,000	600	1,500	194,711	640	14	654	298
Calif. (C).	639,880	58,106	8,600	9,000	18,050	2,250	700	14,500	15,610	2,000	4,000	4,650	3,250	780,596	2,000	50	2,050	381
Colorado...	119,312	10,737	2,500	1,800	3,100	400	200	3,000	.....	200	400	1,000	2,000	144,649	270	18	288	502
Conn.....	105,338	9,397	3,200	3,390	3,150	300	100	3,150	4,156	99	500	100	2,000	134,880	240	10	250	540
Fla. (S)...	239,700	21,327	7,200	3,000	7,659	735	60	4,800	6,690	200	1,200	8,900	4,000	305,471	700	35	735	416
Kansas.....	148,310	13,281	7,500	2,000	3,585	400	300	1,700	2,230	150	400	800	3,000	183,656	370	37	407	451
Ky. (E)....	90,603	7,539	12,000	3,650	2,885	250	250	1,500	6,690	200	400	4,000	10,000	140,767	255	45	300	398[2]
La. (E)....	140,232	12,559	2,200	1,400	3,295	400	200	2,600	.....	300	900	200	2,000	166,286	375	18	393	423
Maryland...	184,171	16,095	4,000	2,500	4,775	600	370	3,000	2,230	400	1,500	300	2,200	222,141	550	50	600	370
Mo. (W)....	263,846	23,583	7,300	2,700	5,758	1,700	400	4,000	2,230	900	1,120	1,500	3,000	318,037	1,025[3]	30	1,055	301
Nevada.....	127,887	11,453	6,700	2,581	4,188	335	300	2,650	4,460	200	600	.....	4,000	163,354	315	20	335	494
New Jersey.	256,826	22,846	5,500	1,658	4,050	600	300	4,500	4,460	150	1,500	1,000	3,000	306,390	600	25	625	490
New Mexico.	93,992	8,419	3,175	88	2,787	350	100	3,650	2,230	230	200	100	1,600	116,921	277	31	308	380
Ohio (N)...	153,402	13,626	4,400	1,600	3,450	600	400	3,000	4,460	200	700	600	2,000	188,438	490	10	500	377
Pa. (W)....	111,254	9,964	4,500	3,200	3,225	300	200	9,461	2,230	1,000	1,000	2,000	4,000	152,334	262	45	307	496
Tenn. (W)..	70,680	6,292	1,300	.....	875	154	50	1,300	.....	50	100	400	600	81,801	144	10	154	531
Texas (S)..	239,541	21,474	8,000	1,600	5,700	600	200	2,600	2,230	1,000	800	1,320	6,500	291,565	590	30	620	470
Virgin Is..	122,425	10,964	5,000	3,240	4,480	300	400	3,000	4,460	1,000	800	500	2,700	159,269	281	22	303	526
Wash. (W)..	133,989	11,581	4,000	2,000	3,180	400	300	2,500	2,230	100	600	700	2,000	163,580	345	35	380	430
TOTALS.....	$4,018,027	$359,010	$118,275	$53,127	$103,231	$13,674	$5,630	$100,511	$77,056	$20,529	$19,920	$33,970	$66,850	$4,989,810	12,229	590	12,819	$389

[1]Includes transportation of prisoners.
[2]Non-recurring applicable costs of equipment, lawbooks, and pre-employment investigations for newly established offices are excluded.
[3]Excludes inmate requests from the U. S. Medical Center, Springfield, Missouri.

FEDERAL PUBLIC DEFENDER ORGANIZATIONS

DETAIL OF PERSONNEL COMPENSATION - FISCAL YEAR 1976

	Public Defender	Assistant Public Defenders		Investigators		Secretarial/ Clerical		Grand Total Permanent Positions		Part-time or Temporary Employment	Extra Compensable Day	Lapses	Net Personnel Compensation	Average Compensation of Staff Attorneys
	Salary	No. Pos.	Salary	No. Pos.	Salary	No. Pos.	Salary	No. Pos.	Salary					
Arizona....	$ 35,000	10	$ 233,713	2	$ 35,335	6	$ 57,802	19	$ 361,850	$	$ 2,783	$ -27,445	$ 337,188	$23,371
Calif. (N).	35,000	7	177,584	1	16,597	5	53,650	14	282,831	5,754	2,166	-10,375	280,376	25,369
Calif. (E).	34,100	3	72,452	1	19,155	3	31,649	8	157,356	2,698	1,210	-2,189	159,075	24,151
Calif. (C).	35,000	16	404,068	5	89,600	11	120,153	33	648,821	12,221	4,990	-26,152	639,880	25,254
Colorado...	32,100	2	50,588	1	16,062	2	23,948	6	122,698	.....	941	-4,327	119,312	25,294
Conn.....	32,100	2	34,819	1	14,646	2	22,557	6	104,122	415	801	.....	105,338	17,410
Fla. (S)...	35,000	7	146,147	2	30,728	5	55,576	15	267,451	1,556	2,057	-31,364	239,700	20,878
Kansas.....	31,800	3	76,099	1	16,062	2	23,394	7	147,355	.....	1,133	-178	148,310	25,366
Ky. (E)....	31,300	2	42,470	1	14,646	2	19,957	6	108,373	.....	826	-18,596	90,603	21,235
La. (E)....	35,000	3	67,505	1	14,646	2	23,796	7	140,947	.....	1,083	-1,798	140,232	22,502
Maryland...	32,100	4	101,841	1	16,597	3	32,389	9	182,927	4,451	1,407	-4,614	184,171	25,460
Mo. (W)....	32,100	7	176,541	1	13,323	4	44,764	13	266,728	519	2,052	-5,453	263,846	25,220
Nevada.....	29,000	3	60,224	1	16,062	2	24,096	7	129,382	1,141	995	-3,631	127,887	20,075
New Jersey.	32,100	6	139,191	3	46,439	4	45,701	14	263,431	5,188	2,026	-13,819	256,826	23,199
New Mexico.	32,100	2	38,139	..	.....	2	23,035	5	93,274	.....	718	.....	93,992	19,070
Ohio (N)...	32,100	4	83,374	1	15,135	3	30,581	9	161,190	1,245	1,239	-10,272	153,402	20,844
Pa. (W)....	32,100	2	56,398	..	.....	2	21,905	5	110,403	.....	851	.....	111,254	28,199
Tenn. (W)..	29,700	1	28,296	..	.....	1	12,077	3	70,073	415	540	-348	70,680	28,296
Texas (S)..	35,000	6	147,600	2	24,237	5	51,466	14	258,303	.....	1,988	-20,750	239,541	24,600
Virgin Is..	28,930	2	45,002	2	32,313	2	23,977	7	130,222	.....	1,002	-8,799	122,425	22,501
Wash. (W)..	26,900	3	63,466	1	16,062	2	21,905	7	128,333	4,669	987	.....	133,989	21,155
TOTALS	$678,530	95	$2,245,517	28	$447,645	70	$764,378	214	$4,136,070	$40,272	$31,795	$-190,110	$4,018,027	$23,637

FEDERAL PUBLIC DEFENDER ORGANIZATIONS
BUDGETARY REQUIREMENTS - FISCAL YEAR 1977

	Personnel Comp.	Personnel Benefits	Travel	Rental of Equipment	Telephone and Telegraph	Postage	Printing	Investig., Experts & Other Services	Pre-Employment Security Investig.	Misc. Contractual Services	Supplies	Office Equipment	Books	Total	Estimated Number of Persons Represented: District Court	Courts of Appeals	Total	Est. Average Cost
Arizona....	$ 383,396	$ 34,048	$ 12,100	$ 2,300	$ 10,900	$ 1,700	$ 800	$ 10,000	$ 7,300	$ 9,800[1]	$ 1,200	$ 2,800	$ 4,500	$ 480,844	1,700	40	1,740	$276
Calif. (N).	299,882	26,631	7,600	4,300	6,400	800	300	15,000	2,450	750	1,000	2,000	3,500	370,613	900	25	925	401
Calif. (E).	191,075	16,968	3,500	1,740	3,710	800	500	6,910	2,450	450	1,150	1,200	1,500	231,953	674	17	691	336
Calif. (C).	673,806	59,837	9,350	9,000	18,450	2,500	700	14,750	12,250	2,000	4,000	3,000	3,250	812,893	2,075	55	2,130	382
Colorado...	126,048	11,194	2,500	1,800	3,100	400	200	3,000	.....	200	400	600	2,000	151,442	270	18	288	526
Conn.....	110,557	9,818	3,200	3,390	3,500	300	100	3,150	2,230	99	500	100	2,000	138,944	250	11	261	532
Fla. (S)...	293,973	26,107	7,700	3,450	7,854	790	60	5,300	4,900	300	1,200	1,500	2,500	355,634	750	40	790	450
Kansas.....	158,782	14,101	9,500	2,000	3,700	500	300	1,700	2,450	150	400	800	3,000	197,383	375	37	412	479
Ky. (E)....	110,155	9,782	13,200	4,015	3,156	275	275	1,650	2,450	220	440	200	2,000	147,818	263	48	311	475
La. (E)....	152,057	13,504	1,700	2.000	3,500	450	300	3,300	2,450	400	1,100	200	2,000	182,961	450	23	473	387
Maryland...	221,672	19,686	4,500	2,000	5,175	650	370	4,100	2,450	400	1,500	400	2,500	265,403	600	60	660	402
Mo. (W)....	278,130	24,700	7,600	2,900	6,118	1,700	400	4,000	2,450	1,000	1,300	1,500	3,000	334,798	1,025[2]	30	1,055	317
Nevada.....	140,134	12,445	8,300	3,568	4,700	415	300	3,200	4,900	200	600	600	4,000	183,362	375	30	405	453
New Jersey.	282,488	25,087	5,500	1,658	4,500	675	300	4,500	2,450	200	1,750	1,250	2,500	332,858	675	30	705	472
New Mexico.	100,498	8,925	3,550	98	2,965	350	100	4,450	2,450	250	200	100	1,750	125,686	292	35	327	384
Ohio (N)...	164,968	14,650	4,400	1,700	3,750	600	400	3,000	2,450	200	700	600	2,000	199,418	500	15	515	387
Pa. (W)....	132,647	11,780	5,500	3,500	3,850	400	300	4,000	2,450	1,000	1,000	2,000	5,000	173,427	285	52	337	515
Tenn. (W)..	75,315	6,688	1,300	925	162	50	400	1,200	2,450	100	100	400	800	89,890	150	12	162	555
Texas (S)..	267,845	23,786	9,000	1,800	5,900	700	200	3,000	4,900	1,100	1,000	1,500	4,000	324,731	620	33	653	497
Virgin Is..	138,974	12,342	5,000	3,240	4,480	300	400	3,500	4,900	1,500	1,000	300	2,900	178,836	300	30	330	542
Wash. (W)..	147,719	13,118	5,500	3,000	3,800	600	400	4,000	2,450	125	1,000	900	3,000	185,612	414	44	458	405
TOTALS.....	$4,450,121	$395,197	$130,500	$58,384	$109,670	$14,955	$7,105	$103,710	$73,230	$20,444	$21,540	$21,950	$57,700	$5,464,506	12,943	685	13,628	$401

[1] Includes transportation of prisoners.
[2] Excludes inmate requests from the U.S. Medical Center, Springfield, Missouri.

FEDERAL PUBLIC DEFENDER ORGANIZATIONS

DETAIL OF PERSONNEL COMPENSATION - FISCAL YEAR 1977

	Public Defender	Assistant Public Defenders		Investigators		Secretarial/ Clerical		Grand Total Permanent Positions		Part-time or Temporary Employment	Extra Compensable Day	Lapses	Net Personnel Compensation	Average Compensation of Staff Attorneys
	Salary	No. Pos.	Salary	No. Pos.	Salary	No. Pos.	Salary	No. Pos.	Salary					
Arizona....	$ 35,000	10	$ 254,302	2	$ 36,858	6	$ 62,550	19	$ 388,710	$	$ 1,495	$ -6,809	$ 383,396	$25,430
Calif. (N).	35,000	7	188,757	1	17,339	5	55,994	14	297,090	5,872	1,143	-4,223	299,882	26,965
Calif. (E).	34,100	4	104,200	1	20,032	3	33,313	9	191,645	2,731	737	-4,038	191,075	26,050
Calif. (C).	35,000	16	434,550	5	93,620	11	124,378	33	687,548	12,373	2,644	-28,759	673,806	27,159
Colorado...	32,100	2	52,625	1	14,664	2	27,749	6	127,138	.....	489	-1,579	126,048	26,313
Conn.....	32,100	2	38,283	1	15,318	2	24,014	6	109,715	420	422	.....	110,557	19,142
Fla. (S)...	35,000	7	165,963	2	32,131	5	58,846	15	291,940	1,838	1,123	-928	293,973	23,709
Kansas.....	31,800	3	85,116	1	16,797	2	24,461	7	158,174	.....	608	.....	158,782	28,372
Ky. (E)....	31,300	2	45,797	1	15,318	2	20,879	6	113,294	.....	436	-3,575	110,155	22,899
La. (E)....	35,000	3	75,351	1	16,255	2	24,868	7	151,474	.....	583	.....	152,057	25,117
Maryland...	32,100	5	125,943	1	17,339	4	42,791	11	218,173	5,252	839	-2,592	221,672	25,189
Mo. (W)....	32,100	7	188,862	1	14,824	4	46,761	13	282,547	525	1,087	-6,029	278,130	26,980
Nevada.....	29,000	3	67,637	1	16,797	2	24,803	7	138,237	1,366	531	.....	140,134	22,546
New Jersey.	32,100	6	147,686	3	48,561	4	47,785	14	276,132	5,294	1,062	.....	282,488	24,614
New Mexico.	32,100	2	43,949	..	.....	2	24,064	5	100,113	.....	385	.....	100,498	21,975
Ohio (N)...	32,100	4	88,549	1	15,812	3	31,959	9	168,420	1,576	648	-5,676	164,968	22,137
Pa. (W)....	32,100	2	60,867	1	16,255	2	22,917	6	132,139	.....	508	.....	132,647	30,434
Tenn. (W)..	31,000	1	29,405	..	.....	1	12,629	3	73,034	2,000	281	.....	75,315	29,405
Texas (S)..	35,000	6	155,249	2	26,164	5	54,611	14	271,024	.....	1,042	-4,221	267,845	25,875
Virgin Is..	28,930	2	50,659	2	33,816	2	25,048	7	138,453	.....	521	.....	138,974	25,330
Wash. (W)..	26,900	3	71,952	1	19,386	2	23,684	7	141,922	5,252	545	.....	147,719	23,984
TOTALS.....	$679,830	97	$2,475,702	29	$487,286	71	$814,104	218	$4,456,922	$44,499	$17,129	$-68,429	$4,450,121	$25,523

Community Defenders

A Community Defender organization is a nonprofit defense counsel service established and administered by a group authorized by a district court with the approval of the judicial council of the circuit. Such organizations are eligible to furnish attorneys and receive payments for services rendered in and out of court in the same manner and to the same extent as private attorneys are compensated under the Act. Community Defender organizations may apply for and receive, with the approval of the Judicial Conference of the United States, an initial grant for expenses necessary to establish the organization and in lieu of fees, they may apply for and receive sustaining grants to cover the cost of their operations.

Grants to Community Defender organizations for fiscal years 1975 and 1976 aggregated $1,700,850 and $2,031,442, respectively, as follows:

Name and Location*	F.Y. 1975	F.Y. 1976	Increase (Decrease)
Federal Defender Program, Inc., Atlanta, Georgia	$ 150,000	$ 130,000	$(20,000)
Federal Defender Program, Inc., Chicago, Illinois	205,000	272,000	67,000
Legal Aid and Defender Association of Detroit, Michigan	288,000	462,500	174,500
Community Defender Organization of Minneapolis, Minnesota	31,850	31,942	92
Federal Defender Services Unit of the Legal Aid Society of New York	700,000	780,000	80,000
Metropolitan Public Defender, Portland, Oregon	96,000	105,000	9,000
Defender Association of Philadelphia, Pennsylvania	230,000	250,000	20,000
Grand Total	$1,700,850	$2,031,442	$330,592

*The Community Defender organization at San Diego, California is continuing to operate on a fee basis; that is, receiving payments in each case for actual services rendered consistent with the rates of compensation being paid private attorneys.

The Community Defender organizations (exclusive of San Diego) in fiscal year 1975 received 4,963 cases and closed 4,569 cases. As of the end of the fiscal year there were 2,072 cases pending. The overall average cost of representation, taking into account the work in process (pending cases), was approximately $374.

The unit cost per case for the Community Defender organization is higher than the cost of representation by Federal Public Defender offices, but this is due to the fact that they pay for the office space they occupy whereas Federal Public Defenders are housed in Federal buildings or leased space provided by the General Services Administration.

Representation by Private Attorneys

During fiscal year 1975, there were about 46,000 persons represented under the Criminal Justice Act. As previously indicated, approximately 15,300 cases were assigned to the Defender organizations. Private attorneys were appointed in 30,752 cases; 2,159 in the United States courts of appeals and 28,593 in the United States district courts. The following table shows the number of persons represented by private attorneys in the United States courts of appeals and district courts and the average cost per case (exclusive of transcripts and other services) during the past six years and estimates for fiscal years 1976 and 1977:

Fiscal Year*	U. S. Courts of Appeals		U. S. District Courts	
	No. Cases	Avg. Cost	No. Cases	Avg. Cost
1970	1,381	$428	25,456	$170
1971	2,303	549	29,452	246
1972	2,572	718	32,801	308
1973	2,764	732	30,638	291
1974	2,450	726	28,351	306
1975	2,268	657**	29,042	292**
Estimate				
1976	2,200	730	28,000	303
1977	2,100	733	29,000	305

*As of December 31, 1975
**Estimated.

Investigative, Expert, and Other Services

The Federal courts during fiscal year 1975 authorized investigative, expert, and other services, including transcripts in the amount of $1,975,000; an increase of $382,000 (24%) over the amounts incurred in 1974. Expenditures for such services have increased substantially over the years. It is expected that this trend will continue in fiscal years 1976 and 1977. The following table shows the actual cost of these services for the United States courts for fiscal years 1972 through 1974, and the estimates for 1975, 1976, and 1977:

	Actual			Estimates		
	1972	1973	1974	1975	1976	1977
Transcripts.....	$ 849,601	$1,041,868	$1,249,204	$1,580,000	$1,960,000	$2,160,000
Investigators.....	86,998	107,831	122,046	135,000	150,000	165,000
Interpreters.....	19,697	30,804	50,157	60,000	75,000	90,000
Psychiatrists.....	102,483	102,120	104,846	120,000	150,000	180,000
Other Experts.....	46,462	55,000	75,343	80,000	95,000	105,000
Total.....	$1,105,241	$1,337,623	$1,601,596	$1,975,000	$2,430,000	$2,700,000

Item 1. Annualization of October 1975 Pay Costs ($52,000)

The salary increases granted in October 1975, on an annual basis, cost $208,000. The sum of $156,000 has been included for a proposed supplemental appropriation request for fiscal year 1976 to finance the pay costs for the nine month period from October 1975 through June 1976. The sum of $52,000 requested for fiscal year 1977 represents the difference between the full-year and part-year cost of the salary increases and related benefits.

Item 2. Regular Salary Advancements and Within-Grade Step Increases ($423,000)

The Judiciary Salary Plan provides for periodic salary advancements for assistant public defenders, as well as the normal within-grade salary increases for staff personnel. It is estimated that $423,000 will be required for these increases in fiscal year 1977 ($393,000 for personnel compensation and $30,000 for related benefits)

Item 3. Escalation in the Cost of Operating Community Defender Organizations ($175,000)

The Community Defender organizations have not yet submitted applications for sustaining grants for fiscal year 1977 and, therefore, we do not have detailed information on the projected caseload or budgetary requirements of each organization. Assuming there is no change in the volume of cases being assigned to Community Defender organizations, the cost of their operations, nonetheless, will increase as a result of general pay increases, promotions, and the like. It is also expected that there will be some escalation in charges for the space they occupy and in the cost of communications, supplies, and general office equipment. The sum of $175,000 is included for this purpose, which represents and increase of approximately 9 percent over the amount authorized for fiscal year 1976.

Item 4. Anticipated Increase in Number of Persons to be Represented by Court-Appointed Counsel ($720,000)

As Public Defender and Community Defender organizations have been established, funds which would otherwise be available for private attorneys have been diverted to cover the expenses of the defender organizations. This is based on the assumption that the defender organizations would assume a larger percentage of the caseload and that the appointments of private attorneys would diminish. This would be true if the overall caseload were to remain constant, but the criminal caseload has increased and the number of persons represented under the Act has increased proportionately.

Despite the fact that defender organizations are now handling more than 15,000 cases, the number of cases being assigned to private panel attorneys is approximately the same as it was in 1971 before the defender organizations were established. It is expected that panel attorneys will be appointed to represent approximately 31,000 persons in fiscal year 1977 and that their fees and expenses, excluding investigative, expert, and other services, will approximate $10,385,000. The estimate was derived as follows:

Fiscal Year 1977:	No. Cases	Est. Avg. Payment	Total Cost
U. S. District Courts	29,000	$305	$ 8,845,000
U. S. Courts of Appeals	2,100	733	1,540,000
Totals	31,100	$334	$10,385,000
Fiscal Year 1976	30,200	$320	$ 9,665,000
Increase, 1977 over 1976			$ 720,000

Item 5. Increased Cost of Investigative, and Expert, and Other Services (Including Transcripts) ($270,000)

The cost of transcripts, investigative, and expert services has increased over the years due in large measure to the increase in the number of persons being represented. Aside from a greater demand for transcripts, the Judicial Conference raised the rates for and original transcript (ordinary delivery) from $1.25 to $1.50 per page. The fees of psychiatrists and other experts also have increased consistent with the escalation in the wages of employees in the Government and in private industry. The total cost of transcripts and other services for fiscal year 1977 is estimated at $2,700,000, an increase of $270,000 over the amount available for 1976.

Item 6. Additional Personnel for Federal Public Defender Offices (No Funds Requested)

Four additional positions have been authorized by the Judicial Conference of the United States for Federal Public Defender offices for fiscal year 1977, two attorneys, an investigator and a secretary. The salaries and related personnel benefits for these new employees will be financed out of funds which would otherwise be available for payments to court-appointed counsel. In this regard it should be noted that the Public Defenders in fiscal year 1977 will expect to receive 13,628 cases compared with 12,601 assigned to those offices in fiscal year 1976.

CHANGE IN APPROPRIATION LANGUAGE

Mr. SLACK. The request for fiscal year 1977 is $20,686,000, an increase of $1,640,000 over the adjusted appropriation for fiscal year 1976. I note on page 8.1 of the justification that you propose a change in the appropriation language to make these funds available until expended. My first question is, what is the statutory authority for this language?

Mr. FOLEY. Under the terms of the Criminal Justice Act, sir, it is provided that the amounts specified in the appropriation acts shall remain available until expended. We feel that if this language were followed it would avoid us having to come back for supplemental requests for a program on which we have no firm basis to forecast the number of appointments with any degree of accuracy.

Mr. SLACK. And it is authorized by law?

Mr. FOLEY. Yes, sir.

NUMBER AND COST OF DEFENDER ORGANIZATIONS

Mr. SLACK. How many defender organizations are there and what is the total projected cost of their operation for fiscal year 1977?

Mr. FOLEY. We have 22 Federal public defender offices and 7 community defender offices which serve 8 judicial districts. Mr. Garabedian, do you have the other information?

Mr. GARABEDIAN. The projected cost of the Federal defender organizations is estimated at $5,464,000. For community defender organizations, our present estimate is $2,206,000, but that is subject to change. Their grant applications for 1977 were just recently submitted and are under consideration.

Mr. SLACK. How does the cost of representation through the defender organizations compare to representation by court-appointed counsel?

Mr. FOLEY. Representation by court-appointed counsel averages about $318 per case. Representation by public defender is approximately $360 and the community defender is $374 per case.

Mr. SMITH. Are they comparable cases?

Mr. FOLEY. I don't think we can say they are exactly comparable. There are certain factors here I think have to be understood. The community defender and public defender program has been underway just 4 years. Each year there are new organizations added. This brings certain nonrecurring costs into place. Furthermore, the defender organizations are in our larger cities when the cases tend to be much longer and often more serious.

Mr. SMITH. The court-appointed case would ordinarily take more time than the public defender case, wouldn't it?

Mr. FOLEY. I would think they would take less time. We have had some very long cases with court-appointed counsel. There is no doubt about that. But there are a tremendous number of single appearance cases, a hearing for the purpose of pleading, et cetera. I think this brings their average cost down a little. Also, there are certain services which the defender organizations perform for the courts which are not reflected in caseloads. For example, as you know, at least 25 percent of the cases have to be handled by private counsel even where there is a public defender organization, under the statute. The panel of

private attorneys is run by the public defender normally, depending on the wishes of the court. Many times the public defender screens the vouchers initially and then processes them up to the court. Services like this of course save the clerk's offices a great deal of time and effort.

Mr. SMITH. I know the defender organizations represent individuals in the U.S. district courts. Do they also represent individuals in the courts of appeals?

Mr. FOLEY. Yes, sir. In all criminal proceedings.

Mr. SMITH. How many cases were defended by public defenders in the courts of appeals last year?

Mr. GARABEDIAN. Mr. Chairman, in 1975, in the courts of appeals there were 2,792 people represented; 2,268 were represented by private attorneys and 524 by the defender organizations.

Mr. SMITH. How does that compare to the year before?

Mr. GARABEDIAN. There was a slight reduction. The year before there were 2,877 appeals. It is down only 85 appeals.

Mr. SMITH. On page 8.14 you mentioned that the unit cost per case for community defender organizations is higher than the cost of representation by Federal public defender officers, due to the payment for office space. Isn't it true that the Federal defender organizations also have to pay for office space?

Mr. GARABEDIAN. Sir, the office space for Federal public defender offices comes out of the general appropriation for "Space and facilities" for the judiciary as a whole. Since they are Federal agencies, their space is provided by GSA and paid from the appropriation specifically provided for that purpose. We do not know exactly what that cost is, but if you include it, it would bring their average cost up to that extent.

PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000

Mr. SMITH. In prior years we have had a listing of private attorneys earning in excess of $12,000. Do you have that for 1975?

Mr. GARABEDIAN. I have that with me, sir. I will be glad to give you that.

[The information follows:]

COMPENSATION PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000 DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Circuit	Number of Attorneys	No. of Cases	Compensation Amount
District of Columbia	10	744	$182,043.65
Second Circuit	7	146	143,202.05
Fifth Circuit	2	60	26,578.48
Seventh Circuit	4	35	74,178.59
Eighth Circuit	1	6	20,520.07
Ninth Circuit	16	818	277,010.37
Tenth Circuit	3	3	45,045.61
TOTAL	43	1,812	$768,578.82

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CRIMINAL JUSTICE ACT

DISTRICT OF COLUMBIA CIRCUIT

SUMMARY OF PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000
DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Attorney & Social Security No.	Cir. or Dist. Code	Court	No. of Cases	Amount	Total
T. Christensen [redacted]	901	U.S. Dist.	102	$	$ 28,141.00
C. Barker [redacted]	901	U.S. Dist.	97	22,139.20	
	970	D.C. Cir.	2	639.00	
	971	Sup. Crim.	3	1,741.65	
			102		$ 24,519.85
A. Overby, Jr. [redacted]	901	U.S. Dist.	69		$ 22,114.40
M. Kramer [redacted]	900	U.S. Cir.	2	1,395.00	
	901	U.S. Dist.	76	17,957.95	
			78		$ 19,352.95
E. Wilhite [redacted]	901	U.S. Dist.	82		$ 15,943.10
L. Kleiman [redacted]	900	U.S. Cir.	2	1,765.00	
	901	U.S. Dist.	35	12,682.20	
	971	Sup. Crim.	1	1,000.00	
	972	Sup. Juv.	1	183.66	
			39		$ 15,630.86
S. Rosen [redacted]	901	U.S. Dist.	58	9,925.00	
	970	D.C. Cir.	1	26.00	
	971	Sup. Crim.	23	4,432.50	
			82		$ 14,383.50

D. C. Circuit (cont'd.)

M. Fabrikant					
[redacted]	901	U.S. Dist.	41	13,265.00	
	971	Sup. Crim.	1	946.60	
			42		$ 14,211.60
J. Hurley					
[redacted]	901	U.S. Dist.	106		$ 13,976.50
P. Evans					
[redacted]	901	U.S. Dist.	3	475.00	
	971	Sup. Crim.	36	13,294.89	
			39		$ 13,769.89
TOTALS	900	U.S. Cir.	4	3,160.00	
	901	U.S. Dist.	669	156,619.35	
	970	D.C. Cir.	3	665.00	
	971	Sup. Crim.	64	21,415.64	
	972	Sup. Juv.	1	183.66	
			741		$182,043.65

CRIMINAL JUSTICE ACT

SECOND CIRCUIT

SUMMARY OF PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000
DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Attorney & Social Security No.	Cir. or Dist. Code	Court	No. of Cases	Amount	Total
E. Panzer [redacted]	320	2nd Cir.	3	$ 3,250.00	
	325	N.Y. (S)	27	32,490.74	$ 35,740.74
D. Keegan [redacted]	320	2nd Cir.	1	230.00	
	325	N.Y. (S)	7	25,051.50	25,281.50
R. Mitchell [redacted]	325	N.Y. (S)	51	24,257.90	24,257.90
J. Corbett [redacted]	320	2nd Cir.	1	475.00	
	322	N.Y. (E)	18	12,215.94	
	325	N.Y. (S)	3	4,357.28	17,048.22
H. Jacobs [redacted]	320	2nd Cir.	2	1,504.04	
	325	N.Y. (S)	10	12,481.74	13,985.78
J. Berman [redacted]	320	2nd Cir.	3	3,468.15	
	322	N.Y. (E)	2	1,550.00	
	325	N.Y. (S)	8	8,966.76	13,984.91
L. Levenson [redacted]	320	2nd Cir.	1	1,250.00	
	325	N.Y. (S)	9	11,653.00	12,903.00
			146		$143,202.05

CRIMINAL JUSTICE ACT

FIFTH CIRCUIT

SUMMARY OF PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000
DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Attorney & Social Security No.	Cir. or Dist. Code	Court	No. of Cases	Amount	Total
E. Bodine [redacted]	094	Fla. (M)	1	$14,411.48	$14,411.48
R. Villalobos [redacted]	436	Texas (N)	59	12,167.00	12,167.00
			60		$26,578.48

CRIMINAL JUSTICE ACT

SEVENTH CIRCUIT

SUMMARY OF PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000
DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Attorney & Social Security No.	Cir. or Dist. Code	Court	No. of Cases	Amount	Total
J. Given [redacted]	141	Ind. (N)	1	$29,309.30	$29,309.30
T. Smith [redacted]	141	Ind. (N)	2	17,826.60	17,826.60
F. Galvin, Jr. [redacted]	130	7th Cir.	1	640.00	
	141	Ind. (N)	2	14,392.69	15,032.69
T. Ramsey [redacted]	130	7th Cir.	5	3,450.00	
	131	Ill. (N)	24	8,560.00	12,010.00
			35		$74,178.59

CRIMINAL JUSTICE ACT

EIGHTH CIRCUIT

SUMMARY OF PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000
DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Attorney & Social Security No.	Cir. or Dist. Code	Court	No. of Cases	Amount	Total
K. Tilsen [redacted]	250	8th Cir.	2	$ 4,096.77	
	411	S. Dakota	4	16,423.30	$20,520.07
			6		$20,520.07

CRIMINAL JUSTICE ACT

NINTH CIRCUIT

SUMMARY OF PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000
DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Attorney & Social Security No.	Cir. or Dist. Code	Court	No. of Cases	Amount	Total
M. Boren [redacted]	053	Calif. (C)	114	$23,750.45	$ 23,750.45
H. Gillingham [redacted]	050	9th Cir.	1	1,000.00	
	053	Calif. (C)	77	21,732.90	22,732.90
J. Dunn [redacted]	050	9th Cir.	2	1,972.90	
	053	Calif. (C)	45	18,593.58	20,566.48
K. Brink [redacted]	050	9th Cir.	1	360.00	
	053	Calif. (C)	47	19,985.00	
	055	Calif. (S)	1	200.00	20,545.00
D. Marks [redacted]	050	9th Cir.	2	1,260.00	
	053	Calif. (C)	27	18,494.30	19,754.30
G. Adams [redacted]	050	9th Cir.	1	820.00	
	055	Calif. (S)	17	18,135.00	18,955.00
L. Rimbach [redacted]	050	9th Cir.	2	840.00	
	053	Calif. (C)	56	17,012.35	17,852.35
J. Reichmann [redacted]	050	9th Cir.	3	1,160.00	
	053	Calif. (C)	121	16,540.79	17,700.79

Ninth Circuit (cont'd.)

S. Lawrence					
[redacted]	050	9th Cir.	1	432.00	
	053	Calif. (C)	79	16,727.00	
					17,159.00
R. Ripley, Jr.					
[redacted]	050	9th Cir.	4	3,365.00	
	055	Calif. (S)	23	12,506.00	
					15,871.00
B. Winsberg					
[redacted]	053	Calif. (C)	20	15,210.00	15,210.00
D. Rothman					
[redacted]	050	9th Cir.	3	3,935.50	
	053	Calif. (C)	34	11,115.00	
					15,050.50
J. Keker					
[redacted]	050	9th Cir.	1	687.50	
	051	Calif. (N)	4	13,195.60	
					13,883.10
C. Stewart					
[redacted]	050	9th Cir.	1	1,400.00	
	053	Calif. (C)	38	11,788.00	
					13,188.00
B. Litt					
[redacted]	053	Calif. (C)	35	12,760.50	12,760.50
W. Daly					
[redacted]	052	Calif. (E)	58	12,031.00	12,031.00
			818		$277,010.37

CRIMINAL JUSTICE ACT

TENTH CIRCUIT

SUMMARY OF PAYMENTS TO PRIVATE ATTORNEYS IN EXCESS OF $12,000
DURING THE PERIOD JANUARY THROUGH DECEMBER 1975

Attorney & Social Security No.	Cir. or Dist. Code	Court	No. of Cases	Amount	Total
C. Lewis [redacted]	161	Kansas	1	$19,705.61	$19,705.61
R. Austin [redacted]	161	Kansas	1	12,770.00	12,770.00
D. Gilman [redacted]	161	Kansas	1	12,570.00	12,570.00
			3		$45,045.61

Mr. SMITH. What is the average caseload of attorneys serving in the public defender offices, the Federal public defender offices?

Mr. GARABEDIAN. That varies from a low of 77 to a high of 164, depending on the complexity of the cases in a particular district. The overall average caseload per attorney is 109.

Mr. FOLEY. There is also a travel factor there that affects the number that can be handled. For example, a public defender in Connecticut consists of a defender and two assistants and they serve three courts, Hartford, New Haven, and Bridgeport. Inevitably there is a time factor because of travel.

Mr. SMITH. What is the average salary of an assistant public defender?

Mr. FOLEY. Approximately $23,600.

Mr. SMITH. The appropriations for this have increased from $3 million to $20 million over the last 10 years. What is the reason for the rapid growth?

Mr. FOLEY. The large increase in criminal cases is primarily the reason. There may also be an increase in the number of indigent criminal defendants.

Mr. SMITH. What can be done to hold down the costs of the Criminal Justice Act?

Mr. GARABEDIAN. All of the budget estimates submitted by Federal public defenders and grant applications submitted by community defenders are subject to a review by a Committee of the Judicial Conference and ultimately the approval of the Judicial Conference. We do not have any control over payments to private counsel. That is based on the number of hours put in on a case and the judge determines what is considered reasonable compensation.

Mr. FOLEY. It is the view of the Judicial Conference Committee that supervises the administration of the act that on the whole the Federal judiciary has been very conservative in supervising the administration of the act from the standpoint of conserving public funds.

Mr. SMITH. Before we go to fees for jurors, do you have any questions?

Mrs. BURKE. I have no questions.

FEES FOR JURORS

Mr. SMITH. Under "Fees for jurors," the request for fiscal 1977 is $19,350,000, an increase of $1,350,000 over fiscal 1976. We will submit pages 9.1–9.7 of the justifications for the record.

[The justifications follow:]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEES OF JURORS

Summary of Requirements

Appropriation 1976 (as enacted)	$18,000,000
1977 budget estimate	19,350,000
Proposed Increase	1,350,000

Appropriation Language

FEES OF JURORS

For fees, expenses, and costs of jurors; and compensation of jury commissioners; [$18,000,000] $19,350,000 to remain available until expended.

[For "Fees of jurors" for the period July 1, 1976, through September 30, 1976, $4,500,000.]

FEES OF JURORS
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	..	$18,000
Adjustments to base and built-in changes:		
1. Anticipated increase in the use of grand jurors	..	+450
2. Anticipated increase in petit jury trials and trial days, civil and criminal	..	+900
Subtotal, adjustments to base and built-in changes	..	+1,350
Program changes:		
None	..	...
Total increases requested	..	+1,350
Total appropriation requested, 1977	..	19,350

FEES OF JURORS

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent Comparison by activities:	1976 Appropriation Perm. Pos.	 Amount	1976 Adjusted (Base for 1977) Perm. Pos.	 Amount	1977 Request Perm. Pos.	 Amount	Increase 1977 over 1976 as Adjusted Perm. Pos.	 Amount
Jury Commissioners	..	$ 50	..	$ 50	..	$ 50	..	...
Grand Jurors	..	4,350	..	4,800	..	4,800	..	...
Petit Jurors	..	13,600	..	14,500	..	14,500	..	...
Total Requirements	..	18,000	..	19,350	..	19,350	..	...

Object Classification
(In thousands of dollars)

		1976 Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation:			
	Jury Commissioners	$ 48	$ 48	$ ...
	Jurors	14,000	15,050	+1,050
	Total personnel compensation	14,048	15,098	+1,050
12	Personnel benefits	2	2	...
21	Travel and transportation of persons (jurors)	3,500	3,770	+270
25	Other services (meals and lodging furnished sequestered jurors)	450	480	+30
	Total obligations	18,000	19,350	+1,350

Purpose Statement

This appropriation is for the compensation of jury commissioners and for the fees and allowances of grand and petit jurors, including meals and lodging furnished sequestered jurors and transportation of juries of view. Budgetary requirements depend largely upon the volume and the length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries being convened by the courts at the request of United States attorneys. For basic statutory authorities, reference is made to section "M" of the Digest of Appropriations, The Judiciary, on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

Payments out of this appropriation over the last several years have remained relatively constant despite substantial increases in the use of grand jurors and in the volume of petit jury trials and trial days. This is due to the fact that there has been a savings through more effective utilization of jurors and the use of six-man juries in civil cases. Such savings, in all probability, have or will reach the optimum point in fiscal year 1976 and, if the current trend in criminal filings continues, additional funds will be required for petit jury trials. It is also expected that there will be an increase in the use of grand jurors as a result of the Speedy Trial legislation. The sum of $19,350,000 is included for the fees and allowances of jurors (includes fees of jury commissioners) for fiscal year 1977, an increase of $1,350,000 (7%) over the amount available for fiscal year 1976.

Justification of Proposed Language Change

It is proposed that the text of the appropriation be changed so as to convert it from an annual to a no-year appropriation for the following reasons:

(1) Expenditures from this appropriation are uncontrollable and the estimates of budgetary requirements at best are guesstimates.

(2) The Constitution of the United States grants every citizen the right of a jury trial in criminal cases (Article 3, Section 2, Amendments 5 and 6) and in civil cases where the value in controversy shall exceed twenty dollars (Amendment 7), though the right of trial by jury can be waived by the parties.

(3) The frequency with which grand juries are summoned is dependent largely upon factors outside the control of the Federal courts, namely the U. S. Attorney (Department of Justice). These variables include the level of criminal activity in a particular judicial district, the vigor in which the U. S. Attorney sees fit to investigate a particular activity, and the complexity of matters under investigation.

Since there is little, if any, control over the expenditures from this appropriation, there would be no advantage to an annual limitation on budget authority. Such limitations preclude the carry-over of unobligated balances from one year to the next and in the event of a deficiency, it leaves no alternative but to request supplemental appropriations. A no-year appropriation would not in any way diminish our responsibility relating to the formulation and presentation of the budget estimates but it would provide greater flexibility and latitude in either a deficit or surplus situation.

Justification of Changes

As previously indicated, we are requesting an additional $1,350,000 for fiscal year 1977; $450,000 to cover an anticipated increase in the use of grand jurors and $900,000 for the fees and allowances of petit jurors. The increase in budgetary requirements is explained below:

Item 1. Anticipated Increase in the Use of Grand Jurors ($450,000)

As of June 30, 1975, there were 305 grand juries serving in the United States district courts compared with 279 on July 1, 1974. During the year, 291 grand juries were impaneled while 265 were discharged for a net increase of 26, or 9 percent. Overall, 570 grand juries were in existence at sometime during the twelve month period. The number of grand juries that are used in each of the district courts varies depending on factors such as the amount and type of criminal activity and the number of places of holding court. On June 30, 1975, there were 30 districts with only one grand jury in existence compared with 29 grand juries in the Southern District of New York. There also is a substantial variance in the number and frequency of grand jury sessions. In some cases, grand juries were in existence for a full year but did not hold any sessions whatsoever.

Payments to grand jurors in the last four years have increased 46 percent; from $2,718,374 to $3,975,427. We would expect that the demand for grand juries will continue, particularly in view of the mandates of the Speedy Trial Act of 1974. Section 3161(b) of the Act provides:

> "Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days."

In order to meet the requirements of the Act, many of the district courts will have to increase the number of grand jury sessions or invoke the extension provision. It is conservatively estimated that $4.8 million will be required in fiscal year 1977 for the fees and allowances of grand jurors; an increase of $450,000 (10.3%) over the amount allocated for grand jurors in 1976.

The following table shows the cost of grand juries from 1971 through 1975, and the estimates for 1976 and 1977

Fiscal Year	Fees & Expenses of Grand Jurors	Increase	
		Amount	Percentage
1971	$2,718,374	$	....
1972	3,130,867	412,493	15.2
1973	3,464,198	333,331	10.7
1974	3,642,726	178,528	5.2
1975	3,975,427	332,701	9.1
Estimates			
1976	4,350,000	374,573	9.4
1977	4,800,000	450,000	10.3

Item 2. Anticipated Increase in Petit Jury Trials and Trial Days ($900,000)

In the last four years, petit jury trial days have increased 29 percent; from 21,990 to 28,293. In contrast, payments to petit jurors during the same period went up only 1 percent; from $13,306,488 to $13,474,573. If our expenditures had increased in direct proportion to the increase in trial days, the total cost of petit juries in 1975 would have exceeded $17 million, a savings of over $3.5 million. This savings can be attributed to the use of six-man juries in civil cases and to improvements in the management and control of juror recruitment and utilization. Jury pooling, the use of multiple voir dire, the establishment of deadlines for settlements of pleas, the staggering of trial starts, reductions in voir dires size, effective use of pre-trial and omnibus hearings, and the use of code-a-phones are some of the management techniques and tools that have been used by the district courts to optimize the use of jurors. The cumulative savings that have been realized over the last four years is more than $12 million. The following chart clearly demonstrates the accomplishments of the district courts:

Petit Juror Usage - Fiscal Years 1971-1975

Petit Jurors	1971	1972	1973	1974	1975	1975 over 1971 Increase (Decrease)	1975 over 1971 Percent Change
Total Available.....	512,553	545,861	573,150	540,628	546,627	34,074	6.6
Selected or Serving.....	277,878	303,482	324,038	315,419	328,445	50,567	18.2
Challenged.....	66,314	79,131	86,520	82,152	88,228	21,914	33.1
Not Selected, Serving or Challenged	168,361	163,248	162,592	143,057	129,954	(38,407)	-22.8
Jury Trial Days.....	21,990	26,135	28,425	28,274	28,293	6,303	28.7

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The courts are expected to continue to improve juror utilization but there is a limit on the savings that can be realized. We believe we have or will reach the optimum point in fiscal year 1976. If the current upward trend in civil and criminal filings continues with a corresponding increase in jury trials, additional funds will be required in fiscal year 1977. The amount requested for petit jurors is $14,500,000; an increase of $900,000 (6.6%) over the amount presently available. The following table shows the petit juror costs in fiscal years 1971 through 1975 and the estimates for 1976 and 1977:

Fiscal Year	Petit Jurors*	Increase (Decrease) Amount	Increase (Decrease) Percentage
1971	$13,306,488	$	...
1972	13,411,912	105,424	.8
1973	14,219,927	808,015	6.1
1974	13,553,882	(666,045)	(4.7)
1975	13,474,573	(79,309)	(.6)
Estimate			
1976	13,600,000	125,427	.9
1977	14,500,000	900,000	6.6

*Includes meals and lodging furnished sequestered jurors and transportation of juries of view.

Now, you are also requesting funds in this account be made available until expended. Do you have statutory authority for that request?

Mr. GARABEDIAN. Mr. Chairman, we do not know of any specific statutory authority for that. But we do believe it is a matter within the discretion and authority of the Appropriations Committee to determine whether an appropriation is to be an annual appropriation or a no-year appropriation.

Mr. SMITH. What would be the advantage of doing that?

Mr. GARABEDIAN. Fees of jurors are statutory fees. They are uncontrollable insofar as the grand juries are concerned. Grand juries are convened at the request of the U.S. attorneys, and the jurors are paid their statutory fees. The same holds true with reference to petit jurors. Jury trials are demanded by the parties. They have to be paid. The advantage of a no-year appropriation is that if there is a balance left over we could carry it forward and use it the following year. I want to mention the fact that if we don't use the moneys for fees to jurors it is returned to the Treasury. We see no point of continuing on an annual basis.

Mr. SMITH. If it were not done, if a continuing resolution were required, you would get the money just the same, wouldn't you?

Mr. GARABEDIAN. Yes, but it will not help us in a deficiency situation. We have been faced with problems in the past when an appropriation was totally liquidated late in the fiscal year and we did not anticipate the deficiency. We would have to submit a request for a supplemental, whereas, if it were a no-year appropriation the following year's appropriation would be available to liquidate obligations incurred in the prior year. It may obviate difficult situations for us when we do not accurately forecast our requirements.

CURRENT FEE SCHEDULE FOR JURORS

Mr. SMITH. What are the current fees paid jurors?

Mr. GARABEDIAN. The attendance fee is $20 a day, mileage is 10 cents a mile and the subsistence allowance is $16 per day.

Mr. SMITH. Do you find hardship pleas with regard to these fees?

Judge WEINMAN. I have not.

Mr. FOLEY. We have found pleas of hardship on a nationwide basis many times, particularly on the 10 cents a mile factor and on the cost per day. We have recommended, and there is a bill pending which would increase the attendance fee from $20 to $30. All of these juror fee restrictions were written into the Jury Selection and Service Act of 1968. Therefore, they have to be changed by legislation.

GRAND JURIES

Mr. SMITH. What is the basis for the projected increase in the number of grand juries?

Mr. FOLEY. Mr. Garabedian, do you have that?

Mr. GARABEDIAN. Mr. Chairman, that relates primarily and almost exclusively to the impact of the speedy trial legislation. Under the Speedy Trial Act a man who is arrested has to be indicted within 30 days, which will require that a grand jury sit monthly, whereas at the present time they sit whenever it is necessary. Sometimes they

don't sit at all during a period of a year. We do anticipate a substantial increase in grand jury fees.

Mr. SMITH. That would increase the number of grand juries because they are being called in more often. But would that increase the total number of hours that grand juries sit?

Mr. GARABEDIAN. They are paid each day they sit. If they sit more often it means we have to pay more in the way of fees.

Mr. SMITH. Well, if you have a certain number of cases, what is the difference whether they sit for 21 days in a row or 10 days and then are out 1 week and come back for 11 days?

Mr. GARABEDIAN. Mr. Chairman, if a grand jury is sitting, it would not make any difference how many cases it gets. You are correct about that. But there are districts where a grand jury only sits once every 6 months. Now grand juries are going to have to sit once every month or once every 30 days.

Mr. SMITH. Whether they have a case or not?

Mr. GARABEDIAN. If they have one case they have to sit. They can't wait until they accumulate a number of cases to sit, otherwise we would be in violation of the Speedy Trial Act.

Mr. SMITH. Are you saying there would be times when they have nothing to do but they are still sitting?

Mr. GARABEDIAN. Not that, sir, but maybe they will have 2 or 3 hours' work and then be dismissed for the day but they have to be paid for the full day.

PETIT JURIES

Mr. SMITH. I see. You are anticipating an increase in petit jury trials also. What is the basis for that?

Judge WEINMAN. That is principally because of the increase in case-load.

Mr. SMITH. And that relates to the information you gave us earlier about the new laws and all that.

Judge WEINMAN. Then, of course, you are getting more criminal cases tried, with the hopes that they can stay out of jail that much longer and go to the court of appeals and maybe to the Supreme Court. It just delays justice, in my book.

TRAVEL AND MISCELLANEOUS EXPENSES

Mr. SMITH. Now you have a request for fiscal year 1977 for $26,550,000, an increase of $6,510,000 over the appropriations for fiscal year 1976 for travel and miscellaneous expenses. We will insert pages 10.1 through 10.11 of the justifications in the record.

[The justifications referred to follows:]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

TRAVEL AND MISCELLANEOUS EXPENSES

Summary of Requirements

Appropriation 1976 (as enacted)	$20,040,000
1977 budget estimate	26,550,000
Proposed Increase	6,510,000

Appropriation Language

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, [*$20,040,000*] $26,550,000.

[For "Travel and miscellaneous expenses" for the period July 1, 1976, through September 30, 1976, *$4,883,000*.]

TRAVEL AND MISCELLANEOUS EXPENSES
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	..	$20,040
Adjustments to base and built-in changes:		
1. Nonrecurring expenses authorized for new personnel in 1976, offset by the annualization of recurring costs	..	-252
2. Proposed transfer of funds to the Federal Judicial Center for travel by judges and other court personnel incident to attending institutes and joint councils on sentencing pursuant to 28 U.S.C. 334	..	-60
3. Fees of interpreters appointed pursuant to Rule 28, F.R. Cr. P.	..	+175
4. Records disposal	..	+98
5. Postage and fees (penalty mail)	..	+450
6. Telecommunication services	..	+533
7. Supplies and materials	..	+300
8. Escalation in cost of lawbooks, accessions and continuations	..	+320
9. Other increases in contract rates, tariffs and service charges	..	+488
Subtotal, adjustments to base and built-in changes	..	+2,052
Program changes:		
10. Expenses relating to requests for new personnel under the heading "Salaries of Supporting Personnel"	..	+2,948[1]
11. Expansion and improvement of telephone services	..	+125
12. Installation of protective devices	..	+105
13. Computer assisted legal research	..	+920
14. Rental of word processing equipment	..	+360
15. Computerized transcription	..	...
Subtotal, program changes	..	+4,458
Total increases requested	..	+6,510
Total appropriation requested, 1977	..	26,550

[1] Includes $1,595,000 for nonrecurring expenses: $869,000 for security investigations by the FBI of new probation officers and $726,000 for the procurement of general office equipment.

TRAVEL AND MISCELLANEOUS EXPENSES

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent Comparison by activities:	1976 Appropriation Perm. Pos.	 Amount	1976 Adjusted (Base for 1977) Perm. Pos.	 Amount	1977 Request Perm. Pos.	 Amount	Increase 1977 over 1976 as Adjusted Perm. Pos.	 Amount
1. Travel	...	$ 5,643	...	$ 5,611	...	$ 6,124	...	$ 513
2. Miscellaneous expenses	...	14,997	...	17,081	...	21,146	...	4,065
Total obligations	...	20,640	...	22,692	...	27,270	...	4,578
Reimbursements from the appropriation "Salaries and Expenses of Referees"	...	-600	...	-600	...	-720	...	-120
Total direct obligations	...	20,040	...	22,092	...	26,550	...	4,458

Object Classification
(In thousands of dollars)

		1976 Estimate	1977 Estimate	Difference (+) or (-)
12	Personnel benefits	$ 30	$ 52	$ +22
21	Travel and transportation of persons	5,643	6,124	+481
22	Transportation of things	40	68	+28
23	Rent, communications, and utilities	6,824	9,559	+2,735
24	Printing and reproduction	1,551	1,845	+294
25	Other services	1,142	2,295	+1,153
26	Supplies and materials	1,061	1,642	+581
31	Equipment:			
	General office	1,369	2,385	+1,016
	Lawbooks, accessions	380	300	-80
	Lawbooks, continuations	2,600	3,000	+400
	Total obligations	20,640	27,270	+6,630
	Anticipated reimbursements	-600	-720	-120
	Budget authority (appropriation)	20,040	26,550	+6,510

Purpose Statement

This appropriation provides for the necessary travel and miscellaneous expenses of the judges and supporting personnel of the United States courts of appeals and the United States district courts, including the probation offices, but excluding the offices of United States magistrates and referees in bankruptcy. Salaries and expenses of magistrates are included under a separate general fund appropriation and the expenses of referees, including the compensation of their clerical assistants, are paid from a special fund appropriation.

For basic statutory authorities, reference is made to section "N" of the Digest of Appropriations, The Judiciary on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

Justification of Changes

The sum of $26,550,000 is requested for fiscal year 1977 which represents an increase of $6,510,000 over the amount appropriated for fiscal year 1976. The increase in budgetary requirements, in large measure, is due to the escalation in the cost of supplies and services, including a recently announced increase in postal rates. The sum of $2,948,000 is included for expenses relating to requests for new personnel. If the additional positions requested under the heading "Salaries of Supporting Personnel" are approved, funds will be required for the procurement of general office equipment, travel, and other miscellaneous expenses, including the cost of pre-employment security investigations for probation officers. Provision has been made for expansion and improvement of telephone services, installation of protective devices, computerized legal reseach, and the procurement of memory typewriters and other work processing machines. Details with regard to the uncontrollable increases (or decreases) and the proposed program increases for fiscal year 1977 follow:

Item 1. Deduction for Nonrecurring Expenses ($-252,000)

The Congress for fiscal year 1976 authorized 518 new positions. The cost of equipment and other nonrecurring expenses relating to the establishment of these new positions have been deducted in establishing the budgetary requirements for fiscal year 1977. These nonrecurring expenses, however, have been offset to the extent of the amount required to annualize the recurring expenses relating to the personnel authorized for the Probation Service and for 317 deputy clerks for the district and circuit courts which in fiscal year 1976 were funded on a nine-month basis and 10 deputy clerk transcript operators for metropolitan courts which were funded on a six-month basis. The net reduction in the base appropriation is as follows:

1. Deduction for nonrecurring expenses:

Preemployment security investigations.	$-136,000	
Equipment	-307,000	
Subtotal		$-443,000

2. Annualization of recurring expenses:	Recurring Annual Cost*	Authorized for F.Y. 1976	Annualization of expenses for F.Y. 1977	
Travel	$113,000	$ 85,000	$ 28,000	
Communications	347,000	238,000	109,000	
Printing	58,000	40,000	18,000	
Other Services	29,000	20,000	9,000	
Supplies	87,000	60,000	27,000	
	$634,000	$443,000	$191,000	+191,000
Net Reduction				$-252,000

*Represents annual cost of miscellaneous expenses relating to 75 probation officers and 50 probation clerk-stenographers and 317 deputy clerks for the district and circuit courts which in 1976 were funded on a nine-month basis, and 10 deputy clerk computer transcript operators for metropolitan courts which in 1976 were funded on a six-month basis.

Item 2. Transfer of Funds to the Federal Judicial Center for Sentencing Institutes ($-60,000)

The Federal Judicial Center has agreed to assume the responsibility for the payment of expenses of travel by judges and other court personnel incident to attending institutes and joint councils on sentencing pursuant to the provisions of Section 334 of Title 28, United States Code. The statute provides that the expenses of attendance of the judges shall be paid from applicable appropriations from the Judiciary of the United States. The expenses connected with the preparation of plans and agenda for the conference and for the travel and other expenses incident to the attendance of officials and other participants invited by the Attorney General shall be paid from applicable appropriations of the Department of Justice. When the Congress enacted the legislation authorizing these sentencing institutes on August 25, 1958, Public Law 85-752, the Federal Judical Center was not in existence and, therefore, the determination was made that such expenses should be paid out of this appropriation. Since these sentencing institutes clearly are in the nature of an educational program, it would logically follow that the Judicial Center should be responsible for administering the funds for the program consistent with its statutory responsibility for developing and conducting eductional and training programs for court personnel. The Judicial Center has agreed to the transfer of funds, and provision has been made for an increase in its budgetary authority corresponding to the reduction proposed herein.

Item 3. Fees of Interpreters Appointed Pursuant to Rule 28, F.R. Cr. P. ($175,000)

Rule 28 of the Federal Rules of Criminal Procedure provides: "The court may appoint an interpreter of its own selection and may fix the reasonable compensation of such interpreter. Such compensation shall be paid out of funds provided by law or the government, as the court may direct."

The Department of Justice has traditionally paid for the services of interpreters required in court during a trial or other proceeding involving a non-English speaking defendant. The Department of Justice now takes the position that these interpreters should be paid for out of funds appropriated for the operation and maintenance of the courts, with the exception they will continue to pay for interpreters required for non-English speaking Government witnesses. The amount requested herein ($175,000) is based on information furnished by the Department of Justice.

Item 4. Records Disposal ($98,000)

The General Services Administration has severely curtailed the services provided to the United States Courts in connection with the transfer of records to Federal Records Centers. Effective July 1, 1975, the United States Courts assumed the responsibility for servicing their own transfers of records.

Preparing, packing, and shipping records (initial transfer and return after reference) will cost $98,000. Based on an analysis of the most recent information, more than 36,000 cubic feet of records will be transferred initially or returned to the Federal Records Centers during fiscal year 1977. These transfers must occur to comply with the provisions of applicable Records Control Standards already approved by the Congress.

Item 5. Postage and Fees (Penalty Mail) ($450,000)

The sum of $1,500,000 is presently available for reimbursing the Postal Service for the offical mail of the judges and the supporting personnel of the courts, exclusive of bankruptcy judges and magistrates. The Postal Service has been granted a 30 percent increase in first class rates effective December 31, 1975. An additional $450,000 will be required as a direct result of the higher postal rates.

Item 6. Telecommunication Services ($533,000)

It is estimated that an additional $283,000 will be required in fiscal year 1977 to cover increased charges for local telephone services for the judges and other officers and employees of the United States courts of appeals and district courts. It is estimated that the cost of such services, exclusive of requirements for new personnel, will run $1,980,000 in the fiscal year 1976 and that the fiscal year 1977 will approximate $2,263,000, an increase of 14 percent.

According to information from the General Services Administration, the Federal Judiciary's share of the cost of inter-city telephone services under the Federal Telecommunications System in fiscal year 1976 will amount to $1,540,000. Of this sum, $1,310,000 (about 85 percent) is payable from this appropriation. It is anticipated that the total fiscal year 1977 cost will be $1,800,000, with $1,530,000 of that amount being chargeable to this appropriation for an increase of $220,000. In addition, it is anticipated that the approval of higher tariffs by regulatory agencies will result in an increase of $30,000 in the cost of commercial toll calls, raising the total amount requiredfor that purpose from $210,000 to $240,000. The total projected increase for FTS and commercial long distance calls is $250,000 with the total cost for both in fiscal year 1977 being $1,770,000, exclusive of requirements relating to new personnel.

Item 7. Supplies and Materials ($300,000)

Based on the recent increases in expenditures for this purpose, it is anticipated that in fiscal year 1977, the sum of $1,360,000 will be required for supplies and materials, exclusive of requirements relating to new personnel. Only $1,060,000 is presently available, therefore, the allotment will have to be augmented to the extent of $300,000. The following table reflects the rising costs in this area (rounded to nearest thousand):

1971 -	$ 411,000
1972 -	460,000
1973 -	520,000
1974 -	653,000
1975 -	1,087,000
Est. 1976 -	1,200,000
Est. 1977 -	1,360,000

Item 8. Escalation in the Cost of Lawbooks ($320,000)

Provision has been made for an additional $320,000 for the procurement of lawbooks, accessions and continuations necessary for the maintenance of the judges' libraries and central libraries in the courts of appeals and in some district courts. This will increase the allotment for the procurement of lawbooks approximately 10 percent from $2,980,000 to $3,300,000. The increase in requirements is due primarily to higher prices being charged by publishing companies pursuant to contracts entered into by the General Services Administration. An increase in the volume of material required to maintain these libraries is a contributing factor. New and reemphasized fields of the law have increased the demand for special reports, textbooks, and other reference material.

Item 9. Other Increases in Contract Rates, Tariffs and Service Charges ($488,000)

a. Transcripts ($10,000). The Judicial Conference of the United States in September 1975, authorized an increase in the fees for original transcripts (ordinary delivery) from $1.25 to $1.50 per page. This increase of 20 percent was approved in recognition of the higher fees being paid by court reporters to note readers and transcribers and the increase in the cost of supplies and materials. Fees for transcripts on appeal in civil cases for persons allowed to proceed in forma pauperis pursuant to 28 USC 1915 and the Court Reporters Act, 28 USC 753(f), are being paid out of this appropriation. Payments for such transcripts heretofore have averaged approximately $50,000 per year. An additional $10,000 will be required as a result of the rate increase.

b. Increased Cost of Replacement Equipment ($108,000). The cost of typewriters, adding machines and other general office equipment have increased approximately 10 percent under contracts entered into by the General Services Administration. Also, as the number of supporting personnel in the courts have increased so has the demand for the replacement of worn or obsolete equipment. In order to offset these higher contract rates the allotment for the normal replacement of equipment will have to be augmented to the extent of $108,000. The sum of $1,062,000 is presently available for this purpose.

c. Increased Cost of Relocation and Transportation of Things ($50,000). Expenditures for the relocation of court personnel (changes of official station) in the interest of the Government have increased over the years. This is due in large measure to the appointment of additional probation officers and other new personnel. Increased charges for shipping and storing household goods and effects, real estate commissions and closing costs and higher allowances for temporary living facilities and house hunting trips are very definitely contributing factors. It is estimated that the sum of $120,000 will be required for this purpose in fiscal year 1977 which is $50,000 in excess of the amount presently available in the base appropriation.

d. Preemployement Security Investigations by the FBI ($50,000). The cost of security investigations by the Federal Bureau of Investigations have increased and will continue to increase as a result of higher salaries and travel allowances for agents and other personnel engaged in the performance of this function. We have also experienced a larger turnover of probation officers than was originally anticipated. The current cost of a full field investigation is $2,028. It is expected that the cost will increase by 10 percent in fiscal year 1977 to approximately $2,240 per investigation. Based on past experience, we estimate that $180,000 will be required for preemployment security investigations of probation officers, exclusive of requirements relating to any new positions that may be authorized. The estimate contemplates a turnover of approximately 5 percent or 80 probation officers per year. The sum of only $130,000 is presently available for this purpose in the base appropriation. It should be noted that investigations of bankruptcy judges, United States magistrates, and Federal Public Defenders are paid out of other appropriations.

e. Printing and Reproduction ($120,000). There has been a substantial increase in the cost of printing envelopes, forms, letterheads, dockets, and other materials by the Government Printing Office, Federal Prisons Industries, and commercial printers. Based on past experience, the total cost of printing and reproduction

(exclusive of the printing of opinions) in fiscal year 1977 is estimated at $800,000 which represents an increase of 18 percent over the amount ($680,000) presently available for that purpose.

f. Rental of Copy Equipment ($150,000). Based on recent increases and expenditures for this purpose, it is estimated that in fiscal year 1977 the sum of $1,350,000 will be required for the rental of copy machines for clerks' offices, judges' chambers and other component offices of United States courts of appeals and United States district courts, exclusive of bankruptcy judges and magistrates. This represents an increase of approximately 12 percent ($150,000) over the amount presently available in the base appropriation.

Item 10. Expenses Related to New Personnel ($2,948,000)

Under the appropriation "Salaries of Supporting Personnel", provision has been made for 908 new positions for the United States courts of appeals and district courts. The sum of $2,948,000 will be required in this appropriation for the procurement of general office equipment, travel, communications, supplies and other expenses incident to establishing these new positions. The estimate is based on a unit cost derived from samplings of expenses currently being incurred by officers and employees in similar positions. The sum of $869,000 has been included for preemployment security investigations by the FBI which will be required for the new probation officers. These examinations currently cost $2,240 each. The sum of $726,000 is included for general office equipment. The nonrecurring cost of equipment and security investigations, of course, will be deducted in establishing the budgetary requirements for fiscal year 1978. With regard to the additional personnel included in the budget for the Probation Service, the cost of communications, supplies, and other recurring miscellaneous expenses have been calculated based on a nine-month period. Their expenses will have to be annualized in fiscal year 1978.

Item 11. Expansion and Improvements of Telephone Service ($125,000)

The increased workloads in many of the Federal courts and the substantial amount of additional work which will be generated as a result of enactment of the Speedy Trial Act (Public Law 93-619) will require the expansion of telephone service in many of the Federal courts. Also, additional service will be required for courts moving into larger quarters in new and remodeled buildings. It is anticipated that $125,000 will be required for this purpose in fiscal year 1977.

Item 12. Installation of Protective Devices ($105,000)

The use of letter bombs has concerned some of the Federal judges who are vulnerable to attack by such means. As a safeguard against such bombs, it is proposed to provide a letter bomb detector for each Federal courthouse where one or more circuit or district judges are stationed which could be used to screen incoming mail for the judge or judges. There are 175 locations involved. The cost per detector is about $600 which would involve a total expenditure of $105,000. This is a nonrecurring expense that will be deducted in fiscal year 1978.

Item 13. Computer Assisted Legal Research ($920,000)

The Congress for fiscal year 1976 appropriated the sum of $150,000 for computerized legal research system. The funds that have been provided will permit the installation of six terminals in courts of appeals' libraries. We plan to install six additional terminals in the courts of appeals and 30 terminals in district courts in fiscal year 1977. These terminals will be made available only at locations where there are at least three judges and their law clerks who will have access to the equipment. United States magistrates, bankruptcy judges, and Federal public defenders also will be authorized to use the equipment.

Several terminals have been installed by the Federal Judicial Center on an experimental basis. A review and evaluation of the systems currently in operation have demonstrated that the quality of legal reseach can be improved and that the time required for such research can be substantially reduced, thus increasing the work, quality, and productivity of law clerks as well as decreasing the time which judges now spend on legal research. In the long run, we would expect a savings by reducing the need for more research support for the judges, while at the same time improving the quality of the decisions and opinions from the bench. The average cost per terminal will be approximately $25,000 per year. The cost will vary depending on the types of terminals that are installed in each location and the extent to which the terminals are used. The sum of $900,000 will be required for the 36 terminals, plus $20,000 for supplies that are not included in the rental charges.

Item 14. Rental of Word Processing Equipment ($360,000)

The Congress for fiscal year 1976 appropriated funds for the rental of 60 automatic typewriters for use in the courts of appeals and district courts. The continually increasing administrative and clerical requirements of the Federal Judiciary necessitate more expansive use of word processing equipment. The additional sum of $360,000 is requested for the annual rental of approximately 100 of these machines for use by judges' secretaries, clerk-stenographers in the probation service, and the other personnel where there is a large demand for editing revision and repetitive typing. Revision capability and ease of text manipulation will expedite the preparation of reports and other typewritten material and will provide a product that is both accurate and neat in appearance. Since only changes have to be reviewed, the need for proofreading will be virtually eliminated and there should be a substantial increase in the productivity of secretaries and typists. The use of automatic typewriters in the offices of Federal judges of both courts of appeals and district courts will greatly facilitate the editing, revisions, and final high-speed automatic preparation of opinions, special instructions, court orders, and correspondence.

Item 15. Computerized Transcription

The Administrative Office plans to continue with the implementation of computer-aided transcription capabilities in Federal district courts to attack the problem of transcript delay. The sum of $459,000 which was made available for this purpose for fiscal year 1976 will permit the procurement of equipment for the participation of approximately 50 court reporters in the program. We intend to recruit 50 additional reporters in fiscal year 1977. Ultimately we would hope to involve all of the reporters in the program, but we recognize that many

reporters are not computer compatible and that it may take several years before our goal is attained. We are not requesting any increase in the appropriation, but are seeking authority to retain the funds ($459,000) that were provided for this purpose in fiscal year 1976. These funds will be used to upgrade the storage capabilities of the COURTRAN II computers procured by the Federal Judicial Center to store the computer translated proceedings prior to editing by individual reporters. This editing function will be performed by the individual reporters on cathode ray terminals connected directly to the central processing unit of the computer. Once the transcript has been edited, it will be reproduced in final form on high speed printers.

The cathode ray tubes, a printer, and the necessary communications interface comprise a "terminal station". During fiscal year 1977 we estimate that six terminal stations will be required to accommodate 50 reporters. The cost of these terminal stations and electronic shorthand transcribers (steno-type machines designed to be used for computer-aided transcript systems) is as follows:

Electronic steno-type machines (50 at $1600)	$ 80,000
Upgrading computer storage capacity	148,000
Terminals (including print terminals) (6 at $30,000)	180,000
Telecommunications	51,000
	$459,000

FEDERAL JUDICIAL CENTER

Mr. SMITH. The second item shows a proposed transfer of funds to the Federal Judicial Center for travel by judges and other court personnel incident to attending institutes. What is the reason for these funds being transferred?

Mr. GARABEDIAN. When the sentencing institutes were authorized by the Congress many years ago, we did not have a Federal Judicial Center, and as a consequence, the Administrative Office of the U.S. Courts was given some responsibility for organizing and paying for expenses of travel by judges who attended these sentencing institutes.

Since then, the Federal Judicial Center was established, and it is within the scope of responsibility and Jurisdiction of the Center to conduct educational and training programs. We feel these sentencing institutes should be conducted under the auspicies of the Center.

This transfer is being made by agreement with the Center and you will find that there will be an additional item in their budget of $60,000.

FEES FOR INTERPRETERS

Mr. SMITH. You have a request of $175,000 for fees for interpreters. Who is paying these at the present time?

Mr. GARABEDIAN. Traditionally, these fees have been paid by the Department of Justice. We were informed that with respect to non-English-speaking defendants they would no longer pay the fees, and that they considered it a responsibility of the courts under rule 28 of the Federal Rules of Criminal Procedure. We agreed to assume the responsibility for it with the understanding it was subject to the approval of funds by the Congress.

We have informed the Department of Justice that we were including this request for $175,000 in our budget.

Mr. SMITH. Does that include witnesses that the Justice Department is calling?

Mr. GARABEDIAN. It would not include government witnesses who are non-English speaking. They will continue to pay for interpreting required by U.S. attorneys in connection with non-English-speaking witnesses.

Mr. FOLEY. That sum should be deducted from the Justice Department appropriation.

Mr. SMITH. It has been carried in the Justice Department appropriation for a number of years, then?

Mr. GARABEDIAN. Yes, sir.

Mr. SMITH. Why have they proposed this change?

Mr. FOLEY. Rule 28 provides for the courts to appoint the interpreters, and they take the position if the court appoints them, it should come out of our appropriation rather than theirs.

RECORDS DISPOSAL

Mr. SMITH. I note that you are requesting $98,000 in item 4 for records disposal. Has this service previously been provided by GSA?

Mr. GARABEDIAN. Yes, sir, it has been provided by GSA. They furnished the boxes to load the records in, picked them up and shipped them to the Records Centers for us. They refuse to pay for this

service any longer and have asked the agencies to provide funds in their own budgets to cover the expense.

Mr. SMITH. Where are the records stored?

Mr. GARABEDIAN. I believe it is in Franconia, Va., where we send our records. They have record centers scattered throughout the country.

Judge WEINMAN. Records from Ohio go to Chicago.

Mr. SMITH. Does the court ever call for those records?

Judge WEINMAN. On several occasions it was necessary to have the clerk send for some records in Chicago.

Mr. FOLEY. We have had frequent occasions for sending for records.

Mr. SMITH. Who pays for the storage space, then?

Mr. GARABEDIAN. At the moment they are not charging rent for the storage space, but I believe that is in the wind.

Mr. SMITH. You have a request for $2,948,000 with respect to item No. 10. I assume this is the full amount that relates solely to expenses for new personnel requested and the salaries of supportive personnel; is that right?

Mr. GARABEDIAN. Yes, sir.

Mr. SMITH. If the number of new personnel requested is reduced, this item would be reduced accordingly?

Mr. GARABEDIAN. Yes, sir.

COMPUTER ASSISTED LEGAL RESEARCH

Mr. SMITH. With respect to item No. 13, the request for $920,000 for computer assistance research, how is this related to the efforts of the Federal Judicial Center in computerizing the work of the court?

Mr. FOLEY. This relates to actually installing computer research facilities in a few of the largest courts in the country which have become satisfied that they need them and that the computer research would be a great aid to efficiency in their operations.

Mr. SMITH. Where are these terminals?

Mr. FOLEY. Well, terminals are installed on a lease basis. For example, most of the large law firms in the country now have them, and many of the U.S. attorneys' offices have them. No Federal court except on an experimental basis has any at the present time.

The appropriation requested by the Federal Judicial Center is for the purposes of continuing experimentation among the types—of which there are at least two types of computer research devices now in existence. I understand that the Federal Judicial Center study has not yet been completed, but many of our judges in the larger courts, having had demonstrations of this equipment by the Center and others, they have been in private law firms, and the like, and in the U.S. attorneys' offices, are satisfied that they are ready to go ahead now and have this equipment installed, and they are satisfied it would be of enormous benefit to the efficiency and the accuracy of their operations.

Mr. SMITH. Why aren't the six terminals requested by the Judicial Center?

Mr. FOLEY. Once the experimental phase is over, it is our job to seek the funds to install the operational equipment.

Mr. SMITH. Will the use of these computers help meet objectives of the Speedy Trial Act?

Mr. FOLEY. We think it will be of great assistance; yes, sir.
Mr. SMITH. How?
Mr. FOLEY. In expediting the research necessary.

COMPUTERIZED TRANSCRIPTION

Mr. SMITH. Under item 15, computerized transcription also involves computers provided through the Federal Judicial Center. Isn't the Center funding such projects at the present time?
Mr. FOLEY. Experimentally, yes, sir.
Mr. SMITH. Then you assume it would be transferred to you as soon as it is no longer experimental?
Mr. FOLEY. Yes, sir.
Mr. SMITH. What progress has been made in the computerized transcription efforts?
Mr. GARABEDIAN. Mr. Chairman, not as much as we would like. The Judicial Center has had 25 reporters participating in a pilot program. Several of them have continued to work with these computers. Progress is being made, but it is rather slow. They do expect to continue the experiments this fiscal year and are going to recruit another 100 reporters to participate in the program.
Mr. SMITH. Is the matter put on the computer by reporters?
Mr. GARABEDIAN. The reporters' stenographic notes, which the reporter here, for example, is producing, are inscribed on a magnetic cassette tape in the machine. It is a special stenotype machine. That cassette then is placed in a computer terminal and fed to a computer and translated into written words and comes back in that form requiring only the editing either by the reporter or by an editor, at which point the corrections are made and the final transcript then is produced.
Mr. SMITH. They are always edited then?
Mr. GARABEDIAN. Yes, sir; they should be, because there is a fine-tuning problem. Every reporter has his own style, and you can't program a computer to read everybody's notes exactly the same way.
Mr. SMITH. I was thinking also that where you put the comma is important. When some witness is interrupted in the middle of a sentence you can put a period or three dots. That can make a great deal of difference.
Mr. GARABEDIAN. Yes, sir; and these are some of the problems they are wrestling with now. We believe computer transcription is here to stay. It is a question of perfecting it. We are optimistic that by 1977 fiscal year we will have 50 reporters committed, and that is all this money will provide for—50 reporters out of a total of 400.
Mr. SMITH. When this comes back, is the reporter who looks at it the same reporter that took the hearing originally?
Mr. GARABEDIAN. Not necessarily. As I understand it, he could hire someone to edit the transcript and compare it with the notes he made. He has the notes available in addition to the magnetic tape so a note-reader could conceivably edit the final transcript for him.
Mr. SMITH. Regarding these things I mentioned, would the note-reader be able to pick those up from his notes?
Mr. GARABEDIAN. I would assume yes, sir.

Mr. SMITH. How will this affect present court reporters and what is their attitude toward this?

Mr. GARABEDIAN. Some reporters are accepting it others are resisting it. The ones that resist it primarily are those that do not use stenotype machines, but use traditional Gregg or Pittman shorthand, which you can't computerize. There is some resistance to the program.

The other factor is economics. At the moment, the charges for producing the transcript by a computer are rather high and unless some form of subsidy or some means of financial support is provided, the reporters will resist it. We are trying to work out something along those lines.

Mr. SMITH. Can the other type of machine that they talk into; in other words, the voice——

Mr. GARABEDIAN. Stenomask. I have heard of that. The Judicial Center in Brooklyn, N.Y., has experimented with that. Apparently that isn't as successful as they hoped it would be. That also presents numerous problems.

Mr. SMITH. It cannot be computerized then?

Mr. GARABEDIAN. No, sir; those are spoken words as distinguished from magnetically recorded words.

Mr. SMITH. I have heard some reporters say that is the coming thing, that stenotype is now going to go out.

Mr. GARABEDIAN. That does obviate the need for notereaders and typists can listen to an earphone and type the words she hears. So it is probably better than what we have today. With computerized transcription you would eliminate the typing completely. You simply take the holes she punches in the paper and produce the words from those holes.

Mr. SMITH. I have also heard some of them say that they can more accurately portray what the witness meant to say; since they have a little more time they can get the commas in, and get the correct sentence structure.

Mr. GARABEDIAN. You may be right. I am not an expert in this field.

Mr. FOLEY. One of the greatest advantages seen for computerized transcription is the immediate availability of the transcript. As you know, one of the main delays in getting court cases into the court of appeals is the availability of the transcript.

Mr. BATES. If I may interject, on the voice system the Judicial Center and also the Administrative Office have talked to Bell labs, and they have been working on this for some time, but it is 10 years off, as we understand it.

Mr. SMITH. You are talking about transcribing the voice to the printed word?

Mr. BATES. Right.

Mr. SMITH. Mrs. Burke.

DUPLICATION OF TRANSLATORS

Mrs. BURKE. I have one question on item No. 3, and it concerns the interpreters being paid by the Justice Department and by the court. Do you anticipate any confusion, for example ending up with two interpreters in a single case, where the interpreter for the witness is

being paid for by the Justice Department and the one for the defendant is being paid for by the court?

Mr. FOLEY. I would expect that if the court were satisfied with the Department of Justice interpreter, he would probably appoint the same man, but the reverse situation could happen, of course.

Mrs. BURKE. I hope we don't end up with a duplication of fees and interpreters, since you divide up and have two different authorities to pay for interpreters.

Mr. FOLEY. Well, we have some of that now. Of course, we have in certain jurisdictions full-time interpreters who are paid from our appropriation. What we are talking about here are interpreters for specific cases.

Mrs. BURKE. So you could have only one interpreter for a particular case? It would not be a situation that we have seen sometimes in the court, where what happens is that there are interpreters who sit around the court waiting for a call. Or they sit around in some place conveniently located, and then when there is a witness or a defendant, the call goes in. I just wonder, will we have a situation where a call goes to one interpreter when the defendant comes in and a call to another interpreter when a witness arrives—since they are paid from different fees?

Mr. FOLEY. The court is in a position to control that under rule 28.

Mrs. BURKE. I hope we have some indication that there is an attempt to eliminate duplication and avoid paying double.

Mr. FOLEY. I would agree with you.

Mr. SMITH. Mr. Miller.

MAGNETIC TRANSCRIPTIONS

Mr. MILLER. Getting back to the subject you were talking about a few moments ago, and that is the recording. If you are using magnetic tape instead of one such as the young lady here reported, do you find it a problem with the witnesses that they may or may not say as much if they are being recorded on tape? This has been reported in the past that there can be a problem with the person; they may not convey the message you want, or they hold back because they are being recorded magnetically.

Mr. GARABEDIAN. Mr. Miller, I do not believe the defendant would know the difference because as far as he is concerned the reporter will have a machine similar to that being used by the reporter here, except for a built in device which will record the data on a cassette. So what he sees today, is what he will see when we computerize transcription. It is not like making a sound recording. There will be a reporter present making notes as she is now, and I don't think the defendant or witness would know any difference.

Mr. MILLER. So it would be magnetic tape, but the reporter would be putting it on the magnetic tape.

Mr. GARABEDIAN. Yes, sir.

Judge WEINMAN. Of course there is a problem using interpreters like that, and I have had it on the State court when I was practicing law. I needed an interpreter many times so I had my own there to be sure they answered the question properly, because they may put their own answers in instead of what the witness said.

BANKRUPTCY CASES AS AN ECONOMIC INDICATOR

Mr. MILLER. I would like to back up, if we can, to the general statement. I would like to have at least your expression on the general statement on page 53, point 3, where it is stated, "Perhaps one of the strongest indicators of the economic posture of the country are the bankruptcy cases filed in the district court," and it goes on to explain that the 262,283 bankruptcy cases pending on June 30, 1975, was 31 percent greater than a year ago. "We are taking that to be an indicator of the economic posture."

Today I am not sure it is quite the indicator it has been in the past. We have passed Federal statutes that create problems for people in business. The OSHA program is an example. I am not evaluating the programs, but I can see the end result, and I know some of the small businessmen who have had great problems. They have closed their doors because of this.

OSHA, the minimum wage law, the 1970 Air Pollution Control Act, and the 1972 Water Pollution Control Act, have created problems for businessmen, and they went bankrupt.

We are in a new cycle, and I know you are not there to evaluate that type of thing in a bankruptcy case, but at the same time while we are talking with one branch of the Government. I wondered whether you had any thoughts along this line that could guide us as to what direction we may go. For example, whether you heard anything in these bankruptcy cases that would indicate "the Federal Government has created the problem, and that is why I am bankrupt."

Judge WEINMAN. Various administrative bodies have put out an order and expect it to be done within a certain period of time. The last one I had that was brought in by the U.S. attorney, himself, was they had not purified the bread properly in Sunshine Biscuit Co. and they wanted it closed down. And I said, "How many people are employed?" And they said "400." I said, "I won't do it to 400 families." I said, "Give them time to get it straightened around."

They said, "No, we have to do it now. We have orders out of Washington." So they filed the case; it got into the newspapers; Sunshine Biscuits closed the plant and it is no longer there.

That is where the problem is that causes your bankruptcies. You just can't change over so fast in business. And I have been in business in my life, one of the few who is on the bench, and these things coming out of the administrative bodies on which there are no hearings, no appeals, or if there are, it is too late, put people out of business.

Mr. MILLER. I have a deep concern about this every time we consider a bill. We need to protect the employees; we need to pass legislation that could give them a living wage. Sometimes we go overboard, and if we drive the employer out of business so that the employee does not then have a job. We have completely defeated the total purpose.

Judge WEINMAN. This is only in my own experience. I had the Department of Labor come in asking for employees to be paid so much money that they said should have been paid under the minimum wage. The union had made a contract in order to keep the business going to take less than the minimum wage for a certain period of time. It is still pending. I am not going to act on it. Maybe I should, but I am

not going to stop that company or put it into bankruptcy. When the orders come out here, the U.S. attorneys think they have to do it. They don't have any authority, themselves, to do otherwise.

The man in the bankruptcy department probably could answer your other questions. But we have a lot of chapter XI's coming in, and you are going to have a lot more.

Mr. MILLER. I understand that we will be moving into the chapter for bankruptcy, and we can pursue that then.

Judge WEINMAN. I made a statement we are going to reduce the number of bankruptcy clerks that is going to be required, because the increase in bankruptcy as anticipated did not materialize.

THE COURTS AND GSA

Mr. MILLER. One other thing, Judge, concerning an action in Miami, Fla., and this, I understand, was a problem between the courts and GSA.

Judge WEINMAN. Better not bring that up because I have to deal with GSA now. I would do anything to them if I could get hold of them, and I have some newspaper articles here for you.

I don't get cooperation from GSA. I don't have my furniture yet that I ordered a year and a half ago. I have all my old furniture. I can give you more to talk about, in fact, the one that hit the paper last week, of course part of it is the contractor. It is a new building. We had a meeting last Friday. You should talk to Chuck Whalen, he was there. They are going to take away somebody who is presently taking care of our building. They are going to have two maintenance men running it out of Cincinnati. We want to hold them there until we have it straightened out.

They installed a see-through window so the prisoner can see out and you can't see in.

I have bookcases all over my office. I never ordered them, and I don't have any books. Judge Cecil came over and loked at it and said, "My gosh, where did you get the bookcases?" I said, "I didn't order them. They never asked me what I wanted. They went ahead and built them in, and I don't have any books." He is on the circuit court of appeals. He has a whole library, and he doesn't have any bookcases.

Oh, I could tell you. But you read the article.

Mr. MILLER. I will read the article, but it seems like this is a good time to clear it up.

Judge WEINMAN. There is nothing to be cleared up as far as I am concerned. I am a senior judge, and I didn't have anything to say about it. I thought you would be interested in the articles. I will just give you the last one. This is the Dayton Journal Herald, and it is a picture of a tinkertoy. It says, "However, there are a few bugs to be worked out."

Mr. MILLER. All I am interested in is the problem being resolved. Unless we know the problem, we can't find the solution.

Judge WEINMAN. We don't get any cooperation. I can answer your question very fast.

Mr. MILLER. Do you get parking spaces?

Judge WEINMAN. I don't worry about parking spaces. There is another thing, 16 parking places and 500 people in the building.

We were ready in 1971 and got the building approved and had the plans ready. GSA couldn't find the plans and they had to start all over. Instead of getting a local architect so we can talk to him, they go to Cincinnati. You ask Chuck Whalen, he can give you the history.

Mr. MILLER. My concern is this: We have the judiciary in this subcommittee. Under my other Subcommittee of Treasury and Postal, we have GSA. I get one story there and another one over here. Somewhere along the line I am going to tie it together, even if we have to get you people in the room and lock the doors.

Judge WEINMAN. You had a snow job given you in my book. I got the same thing Friday from Frank Resnick in Chicago and Chuck Whalen was there when it happened. Judge Cecil walked out of the room. He said, "Wasn't that a meeting in futility," if you want to know how the cooperation is.

Mr. MILLER. It may be. I honestly do not know the answer. I need to know the true problem first. I haven't really found the problem.

Judge WEINMAN. We never had any problem until they started to turn everything over to themselves, if you want to know the truth about it.

Mr. MILLER. Well, this tells us something. I was on the Public Works Committee at the time that started.

Judge WEINMAN. I never had any problem before that at all with any of them. It is not only in my case. Remember the last time I was here I said other people had mentioned it, but in the meantime I became personally involved. As a senior judge I am still working but I am using another courtroom.

Mr. MILLER. I would like to pursue that a little later after we get into another section, Mr. Chairman.

SALARIES AND EXPENSES OF MAGISTRATES

Mr. SMITH. The next item is salaries and expenses of magistrates. The request is $11,862,000, and that is an increase of 612,000 over 1976. At this point we will insert pages 11.1 through 11.10 of the justifications in the record.

[The justifications follow:]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES

Summary of Requirements

Appropriation 1976 (as enacted)	$10,914,000
Proposed supplemental for pay costs	336,000
Budget Authority, 1976	11,250,000
1977 budget estimate	11,862,000
Proposed Increase	612,000

Appropriation Language

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES

For compensation and expenses of United States Magistrates, including secretarial and clerical assistance, as authorized by 28 U.S.C. 634-635, [*$10,510,000*] $11,862,000.

[For "Salaries and expenses of United States magistrates" for the period July 1, 1976, through September 30, 1976, *$2,594,000*]

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	429	$10,914
Proposed supplemental for pay costs	..	336
Budget Authority, 1976	429	11,250
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay costs	..	+112
2. Annualization of 30 positions authorized in fiscal year 1976	..	+200
3. Within-grade step increases	..	+78
4. Reclassification of positions to conform to classification standards of Civil Service Commission	..	+101
5. Telecommunication service	..	+25
6. Postage and fees (penalty mail)	..	+27
7. Increase in contract rates, tariffs, and other charges for supplies and services	..	+150
8. Nonrecurring expenses authorized for fiscal year 1976	..	-129
9. Extra compensable day in fiscal year 1976	..	-12
Subtotal, adjustments to base and built-in changes	..	+552
Program changes:		
10. Authorization of three new full-time secretary positions for each of the three full-time Bankruptcy Judge-Magistrates	+3	...
11. Rental of automatic typewriters	..	+60
Subtotal, program changes	+3	+60
Total increases requested	+3	+612
Total appropriation requested, 1977	432	11,862

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent Comparison by activities:	1976[1] Appropriation Perm. Pos.	 Amount	1976 Adjusted (Base for 1977) Perm. Pos.	 Amount	1977 Request Perm. Pos.	 Amount	Increase 1977 over 1976 as Adjusted Perm. Pos.	 Amount
Salaries and expenses	429	$11,250	429	$11,802	432	$11,862	3	$60

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$ 8,873	$ 9,380	$+507
12	Personnel benefits	854	900	+46
21	Travel and transportation of persons	108	118	+10
23	Rent, communications, and utilities	356	502	+146
24	Printing and reproduction	74	77	+3
25	Other services (including reimbursable expenses of part-time magistrates)	593	526	-67
26	Supplies and materials	74	139	+65
31	Equipment	318	220	-98
	Total obligations	11,250	11,862	+612

[1]Includes proposed Pay Act supplemental of $336,000 ($312,000 for personnel compensation and $24,000 for related benefits).

Purpose Statement

Funds appropriated under this heading are for the salaries and expenses of United States magistrates appointed under 28 U.S.C. §631. Full-time magistrates are appointed for a term of eight years and are provided with office space, clerical assistance, and all necessary supplies and equipment. Part-time magistrates are appointed for a term of four years and are allowed reimbursement for necessary expenses as provided by 28 U.S.C. §635(b). Reference to basic statutory authorities are contained in section "0" of the Digest of Appropriations, The Judiciary, on file with the Office of Management and Budget and the Appropriations Committees of the Congress.

The Federal Magistrates Act authorizes the district courts to assign very important judicial duties to magistrates. One of the major purposes of the legislation is to free the time of judges for the actual trial of cases by transferring some of their other duties to these subordinate judicial officers. The courts, on the whole, are responding very positively to the expressed desire of the Congress by progressively delegating "additional duties" in civil and criminal cases to magistrates. The magistrates are performing all duties formerly handled by United States commissioners and exercise an expanded trial jurisdiction over minor federal criminal offenses. In addition, they may be designated by United States district judges to serve as special masters, to conduct pretrial and discovery proceedings in civil and criminal cases, to consider applications for post-conviction relief, and to perform any other judicial duties "not inconsistent with the Constitution and laws of the United States."

The Judicial Conference of the United States, in accordance with the provisions of the Federal Magistrates Act, determines the number, locations, and salaries of full-time and part-time magistrates "as the expeditious administration of justice may require." 28 U.S.C. 633(c). Positions are created and salaries established by the Conference in the light of the recommendations of the Director of the Administrative Office, the district courts concerned, and the judicial councils of the circuits. In authorizing magistrate positions and establishing appropriate salaries for these positions, the Judicial Conference by statute gives primary consideration to the nature and the volume of judicial business expected to arise before the magistrates at individual locations.

The following table shows the number of full-time, part-time and combination positions authorized by the Judicial Conference:

	Number of Authorized Magistrates
Full-time positions	143
Part-time positions	335
Combination positions	17

The workload of United States magistrates has been shifting steadily towards the above referred to, "additional duties" under authority of 28 U.S.C. 633(b). During the fiscal year 1975 the volume of these additional duties handled by magistrates increased by about 12 percent over the preceding year. The total, moreover, has jumped by 50 percent since 1972, the first year of nationwide operation of the magistrates system. The following tables shows the increasing workload of the magistrates over the past four years:

"Additional Duties" Disposed of by United States Magistrates
During the Fiscal Years 1972, 1973, 1974 and 1975

	1972	1973	1974	1975
Criminal Proceedings:				
Post-indictment arraignments	10,799	12,093	13,996	16,286
Pretrial conferences or omnibus hearings	5,279	5,327	6,313	6,120
Motions	5,870	6,684	7,118	7,278
Other	388	233	601	780
Total Criminal Proceedings	22,336	24,337	28,028	30,464
Civil Proceedings:				
Prisoner petitions	6,786	7,604	7,455	8,464
Pretrial conferences	7,168	11,819	15,743	17,776
Motions	6,077	4,434	5,985	7,938
Special master reports	256	306	367	391
Social Security reviews	334	284	277	537
NARA proceedings	705	740	320	163
Other	1,055	1,993	1,897	1,497
Total Civil Proceedings	22,381	27,180	32,044	36,766
Grand Total	44,717	51,517	60,072	67,230

Preliminary Criminal Matters

United States magistrates have been given all powers and duties conferred by statute or rule upon the former United States commissioners. 28 U.S.C. 636(a)(1). Under this authority, magistrates issue search and arrest warrants, conduct bail proceedings, and hold probable cause hearings. The volume of the initial proceedings conducted by magistrates in criminal cases increased by 3 percent during the fiscal year 1975.

Initial Criminal Proceedings Conducted by United States
Magistrates in Criminal Cases During the Fiscal Years 1972, 1973, 1974, and 1975

	1972	1973	1974	1975
Search warrants	7,338	5,961	5,649	5,563
Arrest warrants	36,833	33,149	27,029	27,893
Bail proceedings	64,518	66,095	58,034	58,121
Preliminary examinations	9,554	7,628	7,124	8,144
Removal hearings	2,480	2,288	2,316	2,198
Probation revocation hearings	N/A	N/A	N/A	1,407
Total	120,723	115,121	100,152	103,326

Magistrates disposed of 84,505 minor offense cases, including petty offense, during the fiscal year 1975, compared with 82,705 in 1974 -- an increase of 2 percent over last year and a jump of 17 percent over the 72,082 trial jurisdiction cases handled in 1972.

Minor Offense Cases Disposed of by United States Magistrates, by Nature of Offense, Fiscal Years 1972, 1973, 1974, and 1975

	1972	1973	1974	1975
Minor offenses other than petty offenses:				
Traffic	4,972	6,999	5,651	5,164
Theft	1,928	1,849	2,449	2,770
Food and Drug	397	825	884	938
Other	1,870	2,161	2,258	2,531
Total	9,167	11,834	11,242	11,403
Petty Offenses:				
Traffic	41,997	48,889	44,164	49,896
Immigration	9,798	13,986	15,824	11,147
Hunting, Fishing, and Camping	6,223	4,771	5,633	4,637
Other	4,897	5,100	5,842	7,422
Total	62,915	72,746	71,463	73,102
Grand Total	72,082	84,580	82,705	84,505

Justification of Changes

The sum of $11,862,000 has been requested for the operation of the Federal magistrates system in fiscal year 1977, an increase of $612,000 over the amount available for fiscal year 1976, taking into account the proposed supplemental for pay costs. The need for additional funds is explained in greater detail below:

Item 1. Annualization of October 1975 Pay Costs ($112,000)

The salary increases granted in October 1975, pursuant to the Federal Salary Act of 1970 (P.L. 92-210 and Executive Order 11883) on an annual basis cost $448,000. The sum of $336,000 has been included in the above referred to supplemental appropriation request for fiscal year 1976 to finance the pay costs for the nine month period from October 1, 1975 to June 30, 1976. The sum of $112,000 is included for fiscal year 1977 representing the difference between the full and part-year cost of the salary increases and related personnel benefits ($103,000 for personnel compensation and $9,000 for related benefits).

Item 2. Annualization of 30 Positions Authorized in Fiscal Year 1976 ($200,000)

The Congress in the Supplemental Appropriation Act of 1976, Public Law 94-157, approved December 18, 1975, authorized 30 new positions; 10 full-time magistrates and 20 supporting personnel. The recurring annual cost of these new positions is $604,000. The sum of $404,000 which was made available in the Supplemental Appropriation Act represented a six-month provision; including, the nonrecurring cost of lawbooks, equipment, and security investigations by the F.B.I. Taking into account these nonrecurring expenses, the sum of $200,000 will be required in fiscal year 1977 as follows:

	Recurring Annual Cost	Supplemental 1976	Additional Funds Required 1977
Compensation and benefits.....	$548,000	$274,000	$274,000
Travel.....	20,000	10,000	10,000
Lawbooks and equipment.....	.....	80,000 NR	-80,000
Communications, supplies and expenses ($3,600 per full-time magistrate).....	36,000	18,000	18,000
Security investigations by the F.B.I. ($2,240 per investigation).....	.....	22,000 NR	-22,000
	$604,000	$404,000	$200,000

NR Nonrecurring expenses

Item 3. Within-Grade Step Increases ($78,000)

The secretarial and clerical assistants serving in the office of full-time magistrates are subject to the promotional plan for Judiciary personnel and will be granted periodic step increases corresponding with those provided for by Chapter 53 of Title 5, United States Code. It is estimated that these within-grade salary advancements during fiscal year 1977 will cost $78,000; $71,000 representing increases in compensation and $7,000 for related benefits.

Item 4. Reclassification of Positions to Conform to Classification Standards of Civil Service Commission ($101,000)

The clerical assistant-courtroom deputy positions in the offices of full-time magistrates require responsibilities, training, and management skills of a higher order than is contemplated by grade JSP-6. These positions have been re-evaluated and regraded upwards to one grade in accordance with Civil Service standards and in light of four years experience nationally under the Federal magistrates system. The sum of $101,000 is requested to provide funds to adjusted the salaries of these employees from grade JSP-6 to grade JSP-7 ($93,000 for personnel compensation and $8,000 for related benefits).

Item 5. Telecommunications Services ($25,000)

The cost of local telephone services for United States magistrates on Government switchboards or, in some cases, on commercial lines in fiscal year 1975 was $88,000. The sum of $97,000 is available for this purpose in fiscal year 1976 which takes into account an anticipated increase of 10 percent in telephone rates. A comparable increase in tariffs is anticipated in fiscal year 1977 which will require an augmentation of the allotment to the extent of $10,000.

In addition to the increase in charges for local service, based on information furnished by the General Services Administration, the cost of long-distance telephone services on the Federal Telecommunications network payable out of this appropriation is expected to increase by approximately $15,000, from $50,000 to $65,000.

Item 6. Postage and Fees ($27,000)

The sum of $90,000 is presently available for reimbursing the Postal Service for the official mail of United States magistrates. As a result of the recent increase in postage rates for first-class mail, the amount to be reimbursed the Postal Service will increase 30 percent, from $90,000 to $117,000.

Item 7. Increase in Contract Rates, Tariffs, and Other Charges for Supplies and Services ($150,000)

a. Copy Equipment ($30,000). Based on recent increases in expenditures for this purpose, it is anticipated that in fiscal year 1977 the sum of $90,000 will be required for the rental of copy machines for the use of United States magistrates and their supporting personnel. The sum of only $60,000 is presently available for that purpose in the base appropriation.

b. Supplies and Materials ($60,000). There has been a substantial increase in the cost of supplies and materials purchased from General Services Administration supply depots and from commercial sources. It is estimated that in fiscal year 1977 the cost of supplies and materials to be consumed by the magistrates will approximate $120,000 which is $60,000 in excess of the sum presently available for that purpose in the base appropriation.

c. Lawbook Accessions and Continuations ($60,000). There has been a substantial increase in the cost of lawbooks and other reference material required for the maintenance of the libraries of United States magistrates. As a consequence of the increases in subscription rates under contracts entered into by the General Services Administration, the allotments for lawbook accessions and continuations will have to be increased to the extent of $60,000; from $120,000 to $180,000. The following chart reflects the rising cost of lawbooks over the past several years and our estimates for fiscal years 1976 and 1977:

	Lawbook Accessions	Lawbook Continuations	Total
Fiscal Year 1972	$16,000	$ 22,000	$ 38,000
Fiscal Year 1973	27,000	29,000	56,000
Fiscal Year 1974	41,000	36,000	77,000
Fiscal Year 1975	48,000	62,000	110,000
Estimates:			
Fiscal Year 1976	52,000	68,000	120,000
Fiscal Year 1977	80,000	100,000	180,000

Item 8. Deduction for Nonrecurring Expenses Authorized for 1976 ($-129,000)

For fiscal year 1976 the Congress appropriated $83,000 for the procurement of lawbooks and general office equipment required incident to the establishment of 63 new full-time positions. Also, $46,000 was appropriated for security investigations. Since these are nonrecurring expenses, they have been deducted in establishing the budgetary requirements for 1977.

Item 9. Extra Compensable Day in Fiscal Year 1976 ($-12,000)

The secretarial and clerical personnel who are being paid on a biweekly basis, in fiscal year 1977, will be compensated for 261 days; whereas in fiscal year 1976 there are 262 compensable days, resulting in a reduction of one extra compensable day; $11,000 representing personnel compensation and $1,000 for related benefits.

Item 10. Secretaries for Bankruptcy Judge-Magistrate

During the last two fiscal years, the Judicial Conference has authorized three full-time combination magistrate-bankruptcy judge positions. Although the incumbents are technically classified as both part-time magistrates and part-time bankruptcy judges, they work on the two combined offices of a full-time basis, are prohibited from practicing law, and are subject to the same provisions of the Code of Judicial Conduct as all other full-time Federal judicial officers. As part-time magistrates, however, no specific provision has been made in prior appropriations for Federal employed secretarial or clerical positions for these individuals. Rather, like other part-time magistrates, it has been contemplated that they would have to hire private secretarial or clerical assistants and claim reimbursement for the expenses thereof in accordance with 28 U.S.C. §635(b). Their staff for bankruptcy duties, on the other hand, although working in the same or contiguous offices in the Federal courthouse, are Federal employees.

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It is requested that each of the three full-time bankruptcy judge-magistrates be authorized one Federal employee secretary, JSP-8, for magistrate duties. No additional funds are requested for these positions, since the change represents a simple conversion from private employment to Federal employment. The salary and related costs would be offset by an equivalent reduction in reimbursement expenses for part-time magistrates.

Item 11. Rental of Automatic Typewriters ($60,000)

The continually increasing administrative and clerical requirements of full-time magistrates necessitates adaptation to more automated procedures via automatic typewriters. $60,000 is requested for the annual rental of 20 automatic typewriters for the largest of the 100+ offices for magistrates now serving in a full-time capacity. A great deal of the tedious, repetitive proceedings in the Federal courts could be effectively and efficiently applied to automatic typewriters. The editing, revision, and repetitive typing done in a magistrate's office is often excessive, as much of the context of reports and recommendations on prisoner petitions and criminal proceedings is universally used. In addition, pretrial orders are prepared, submitted to all counsel involved for corrections and changes, and finally presented to the court as a complete statement of the contentions and issues of the case. This same repetitive application can also be applied to notices and letters to counsel and other court officials. Since only changes need be reviewed, considerable proofreading time by the magistrate can be saved. Furthermore, the typists' increased output capacity would free other supporting personnel from some of their more clerical responsibilities and allow time for more analytical, supervisory, and other administrative functions.

How long has the magistrate system been in operation?

Mr. FOLEY. We have the Chief of the Magistrate Division here, Mr. McCabe.

Mr. MCCABE. The act was passed in October 1968. We had five pilot districts in 1969 and the system became effective in all 91 U.S. district courts by June 30, 1971.

Mr. SMITH. Has it eased the load of district court judges?

Mr. MCCABE. Very much so.

Mr. SMITH. Would you outline for the record the various duties of the magistrate?

Mr. MCCABE. In the justification here we have listed the duties and given statistics from the annual report. The duties fall into three major categories. First of all, the initial proceedings in criminal cases such as issuance of warrants, conduct of bail and pretrial hearings and the like. Second, a trial jurisdiction of misdemeanor cases up to a penalty of one year in jail and/or $1,000 fine. And third, and perhaps most importantly, what we call additional duties authorized under 28 U.S.C. 636(b) which allows the district courts to assign to a magistrate a wide variety of additional duties, duties in the past that have had to be performed by judges.

On page 11.5 we list those extra duties, 67,000 proceedings conducted by magistrates last year under this authority, including arraignments, pretrial conferences, motions, and the like.

Mr. SMITH. How many magistrates were originally in the program and how many are there at the present time?

Mr. MCCABE. The total number actually has declined. The number of full-time magistrates has gone from I believe 81 in 1971 to 143 as of now, while part time has declined from 450-some-odd to 335.

Mr. SMITH. Now, you described the duties of the magistrates. Some of those things were formerly done by commissioners, some by district judges.

Mr. MCCABE. Yes, sir.

Mr. SMITH. There hasn't been a reduction, though, in the number of magistrates or district judges, so has this relieved them of some of their burden. Or how does that work?

Mr. MCCABE. Yes, indeed. The number of judges has remained constant since the magistrate program started but the caseload has increased dramatically so we are coping with a larger caseload at this time. Magistrates have helped to pick up a good deal of that addition.

Mr. SMITH. How many magistrates did you have in 1972?

Mr. MCCABE. I believe it was 80-some-odd.

Mr. GARABEDIAN. Mr. Chairman, there were 88 full-time magistrates and 470 part-time.

Mr. SMITH. How many are you requesting in this budget?

Mr. GARABEDIAN. This budget provides for a total of 143 full-time magistrate positions, 335 part-time and 17 combination positions.

Mr. SMITH. That is a fairly hefty increase. Caseloads have been going up, of course.

Mr. MCCABE. I think it is partly explained by the fact that the magistrate system is just now being implemented. It is new and the judicial conference has been authorizing positions slowly, requiring justification.

The statute specifically states that a system of full-time magistrates

is preferred over part-time magistrates. The Judiciary Committee has been on record several times to that effect.

So what the conference is doing now, it is still essentially setting up the system with full-time magistrates nationwide.

Mr. SMITH. How can you show that a magistrate does the equivalent, offsets the work of a judge or a commissioner?

Mr. MCCABE. It is very difficult to show statistically. We know what the magistrates are doing because we have their figures, but we know also that the district courts are terminating a great many more cases today than they did in 1971.

We have to assume that if the magistrate is performing a substantial number of duties, that is helping the courts. We know, for example, if magistrates conducted 17,000-plus civil pretrial conferences last year, that means 17,000 civil pretrial conferences that judges did not have to conduct, which, I would assume, would free them for trial of cases.

Mr. SMITH. Obviously some of the judges would not have had time to conduct those, but I suppose some of them would have had time?

Mr. MCCABE. It is very difficult to show exact correlation, but we do know the total output of the courts is substantially higher than it was a few years ago.

Mr. SMITH. How many supporting personnel are authorized for full-time magistrates?

Mr. GARABEDIAN. At the present time, 286 positions. We have asked for three additional positions.

Mr. SMITH. What do you do about supportive personnel for part-time magistrates?

Mr. GARABEDIAN. Part-time magistrates are authorized to claim reimbursement for the secretarial help they hire in connection with the magistrate's work. They have private law offices and they are entitled to reimbursement for secretarial services up to an amount, I believe it is not to exceed——

Mr. MCCABE. We ask each part-time magistrate to send an estimate of the expenses at the beginning of the year and we use as a guideline that the total amount should not exceed his own salary. A lot will request less than their own salary. We review each budget and send them the allowance and then the marshal makes payments for those expenses up to the allowance.

Mr. SMITH. Do you try to break it down by the amount per hour?

Mr. MCCABE. Yes, indeed.

Mr. SMITH. Do you have a guideline for how much per hour the personnel should receive?

Mr. MCCABE. Yes; in addition to the total annual budget, the salary paid to the secretary or clerk cannot exceed that for an equivalent Federal employee and also it may not be anything more than the attorney pays his secretary for his law office work.

SALARIES AND EXPENSES OF REFEREES

Mr. SMITH. Under "Salaries and Expenses for Referees," you requested for the year 1977, $32,105,000. That is an increase of $5,747,000 over 1976.

We shall insert pages 12.1 through 12.17 of the justifications in the record.

[The justifications referred to follow:]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES OF REFEREES

Summary of Requirements

Appropriation 1976 (as enacted)	$25,562,000
Proposed supplemental for pay costs	796,000
Budget Authority, 1976	26,358,000
1977 budget estimate	32,105,000
Proposed Increase	5,747,000

Appropriation Language

SALARIES AND EXPENSES OF REFEREES

For salaries and expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed [*$24,096,000*] $32,105,000 to be derived from the Referees' salary and expense fund established in pursuance of said Act, and, to the extent of any deficiency in said fund, from any monies in the Treasury not otherwise appropriated: *Provided*, That [$600,000] $660,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expense of the bankruptcy system.

Appropriation Language (con't.)

[For "Salaries and expenses of referees" for the period July 1, 1976, through September 30, 1976, *$6,008,000*: *Provided*, That $150,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expense of the bankruptcy sytem.]

SALARIES AND EXPENSES OF REFEREES
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	1,490	$25,562
Proposed supplemental for pay costs	..	796
Budget Authority, 1976	1,490	$26,358
Adjustments to base and built-in changes:		
1. Additional amount in 1977 to provide full-year cost of pay increases	..	+275
2. Annualization of 240 positions authorized in fiscal year 1976	..	+1,383
3. Within-grade step increases	..	+149
4. Telecommunication service	..	+45
5. Postage and fees (penalty mail)	..	+400
6. Rental of copying equipment	..	+50
7. Printing and reproduction	..	+50
8. Supplies and materials	..	+90
9. Equipment and lawbooks (continuations)	..	+50
10. Nonrecurring expenses authorized for fiscal year 1976	..	-217
11. Extra compensable day in fiscal year 1976	..	-45
Subtotal, adjustment to base and built-in changes	..	+2,230
Program changes:		
12. Establish three new full-time positions (including equipment), conversion of two part-time positions to full-time status and to adjust the salaries of three part-time positions as authorized by the Judicial Conference of the United States	+5	+182
13. Establish 258 new clerical positions, including equipment, etc	+258	+3,245
14. Rental of automatic typewriters	..	+30

15. Increase in transfer to Administrative Office	..	+60
Subtotal, program changes	+263	+3,517
Total increases requested	+263	+5,747
Total appropriation requested, 1977	1,753	32,105

SALARIES AND EXPENSES OF REFEREES

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
Comparison by activities:	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Salaries and expenses	1,490	$26,358	1,490	$28,588	1,753	$32,105	263	$3,517

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$17,393	$21,002	$+3,609
12	Personnel benefits	1,546	1,860	+314
21	Travel and transportation of persons	255	255	...
22	Transportation of things	2	2	...
23	Rent, communications, and utilities	1,680	2,357	+677
24	Printing and reproduction	258	360	+102
25	Other services	94	131	+37
26	Supplies and materials	373	539	+166
31	Equipment	557	619	+62
92	Undistributed (allocations to other accounts)	3,600	4,320	+720
	Total obligations	25,758	31,445	+5,687
	Transfer to Administrative Office, U. S. Courts	600	660	60
	Budget authority (appropriation)	26,358	32,105	+5,747

[1]Includes proposed Pay Act supplemental of $796,000 ($740,000 for personnel compensation and $56,000 for related benefits).

Purpose Statement

The district courts of the United States are constituted courts of bankruptcy, vested with original jurisdiction at law and in equity in proceedings brought under the bankruptcy statutes. This jurisdiction primarily is exercised through referees appointed by the several district courts. Their compensation and benefits are paid from this appropriation, which is derived, to the extent that such funds are available, from a special fund in the Treasury to which are deposited payments of fees and charges by parties to the proceedings. Reference to basic statutory authorities is contained in section "P" of the Digest of Appropriations, The Judiciary, on file with the Office of Management and Budget and the Appropriations Committees of the Congress.

In fiscal year 1975 the salaries and expenses of referees exceeded the receipts deposited to the credit of the Referees' Salary and Expense Fund to the extent of $2,938,457. The annual deficits for fiscal years 1972, 1973, and 1974 were $4,539,542, $5,367,036, and $4,905,011, respectively. It is estimated that for fiscal years 1976 and 1977 the annual deficit will be $3,855,000 and $6,226,000, respectively. Consequently, it was and is necessary that advances be made out of the General Fund of the Treasury to cover the deficits. These advances are made pursuant to section 40c(4) of the Bankruptcy Act (11 U.S.C. 68) which provides as follows:

> "... the salaries of the referees in active service and the expenses of the referees, including the salaries of their clerical assistants, shall be paid out of annual appropriations from such salary and expense fund, by the United States. Any deficiencies of such salary and expense fund shall be paid out of any funds in the Treasury of the United States not otherwise appropriated, and appropriations to pay such deficiencies are hereby authorized: Provided, however, that there shall be covered into miscellaneous receipts of the Treasury of the United States in any subsequent year so much of the surplus, if any, arising in the salary and expense fund as may be necessary to reimburse the Treasury of the United States for payments made on account of such fund in any prior year."

The Treasury Department has taken the position that the above referred to provisions of law do not constitute a permanent indefinite appropriation from the general fund but that it is an authorization for Congress to enact appropriations when necessary.

Based on anticipated receipts and appropriations, including the proposed supplemental for "pay costs," it is expected that the fund at the end of fiscal year 1976 will reflect a cumulative deficiency of $-24.4 million. The projected cumulative deficiency for the transition quarter (TQ) and for fiscal year 1977 are $-25.7 million and $-31.9 million, respectively. The following statement shows the receipts, appropriations, and balances in the fund for the past five years and estimates for fiscal years 1976 and 1977.

Referees' Salary and Expense Fund

Fiscal Year	Receipts	Appropriations				Adjustments [1]	Year End Balance or Deficiency
		Sals. Referees	Exps. Referees	Bank. Comm.	Total		
1971	$12,141,853	$ 6,242,000	$10,100,000	$400,000	$16,742,000	$157,397	$ -2,782,836
1972	13,080,483	6,416,000	11,495,000	.....	17,911,000	290,975	-7,322,378
1973	14,252,107	6,755,000	12,896,000	426,000	20,077,000	457,857	-12,689,414
1974	14,984,446	6,991,000	13,300,000	.....	20,291,000	401,543	-17,594,425
1975	18,383,954	6,990,000	14,590,000	.....	21,580,000	257,589	-20,532,882
Estimates							
1976 [2]	22,503,000	26,358,000 [3]	.....	.....	26,358,000	.....	-24,387,882
TQ	5,626,000	6,944,000	.....	.....	6,944,000	.....	-25,705,882
1977	25,879,000	32,105,000 [3]	.....	.....	32,105,000	.....	-31,931,882

[1] Unobligated balances returned to the Treasury.
[2] Two appropriations were combined in fiscal year 1976.
[3] Includes proposed Pay Act supplemental.

In fiscal year 1975 there were 254,484 bankruptcy cases filed compared with 189,513 in 1974, an increase of 34 percent. We are currently projecting 300,000 bankruptcy case filings for fiscal year 1976, an increase of almost 60 percent over the number filed in 1974. We estimate that there will be approximately 36,000 business bankruptcies in 1976 compared with only 20,746 in 1974. This is a significant factor as it relates to the workload of referees. Business cases generate far more work for bankruptcy judges and their supporting staffs than consumer no-asset cases, due to greater creditor interest and involvement and the more complex litigation control and disbursement procedures. Despite recent tax rebates and other measures which have been taken to stimulate the economy, there is no evidence of a leveling off of bankruptcy cases.

The following table shows the number of business and non-business bankruptcies and the average number of filings per clerk during the past six years and the estimates for fiscal years 1976 and 1977:

Fiscal Year	Non-Business	% of Total	Business[1]	% of Total	Total Filings	Permanent Clerical Positions	Average Bankruptcy Filing per Clerk
1970	178,202	91.7	16,197	8.3	194,399	914	213
1971	182,249	90.5	19,103	9.5	201,352	914	220
1972	164,737	90.1	18,132	9.9	182,869	986	185
1973	155,707	89.9	17,490	10.1	173,197	1,020	170
1974	168,767	89.1	20,746	10.9	189,513	1,020	186
1975	224,354	88.2	30,130	11.8	254,484	1,054	241
1976 (est.)	264,000	88.0	36,000	12.0	300,000	1,401[2]	214
1977 (est.)	303,600	88.0	41,400	12.0	345,000	1,659[2]	210

[1]Includes farmers, professionals, merchants, manufacturers, and others in business.
[2]Includes for comparative pruposes, 100 temporary clerks authorized in fiscal year 1976.

In fiscal year 1975, bankruptcy judges closed 192,792 cases, an increase of 14,615 (8 percent) more cases than were closed in 1974. Despite the increase in terminations, the pending caseload reached a record high of 262,283 as of June 30, 1975. The filing of new cases are at a rate beyond the capacity of bankruptcy offices to keep pace. As a consequence, the bankruptcy judges have been diverting clerical employees normally assigned to the closing of cases to the duties attendant the opening of new cases which is re-required by statute within certain time periods. Administration of cases is thus being cut off short of final distribution resulting in an extensive backlog. The very existence of a large backlog of cases which must eventually be closed compounds the problem with numerous inquiries of creditors and attorneys as to the status of cases and when they may expect to be paid.

The Rules of Bankruptcy Procedure which were recently adopted formalize the process by which adversary and contested matters are brought before the bankruptcy judge. Any bankruptcy case, whether a no-asset straight bankruptcy or a large arrangement case, may have several such adversary proceedings brought on for trial. The most frequent adversary proceeding is the objection to discharge or the dischargebility of a special debt. Trials of adversary and contested matters heard by bankruptcy judges in bankruptcy cases presently approximate 100,000 annually. The processing of these matters is a normal part of the staff function.

Staffing of bankruptcy offices is geared to the volume and ratio of business and non-business bankruptcy cases. For non-business consumer bankruptcies and Chapter XIII, Wage Earner Plans, a clerical employee normally is required for each 240 cases filed per year. For business bankruptcies in which a greater percentage of assets are recovered and which involves more complex liquidation and distribution procedures, a clerical employee is required on the average for 120 cases filed per year.

The formulae used in determining the staffing requirements of a bankruptcy judge necessarily must be flexible considering the fact that there are some cases involving an exceptionally large number of creditors and which can completely tie up one or two clerks in an office for several months preparing notices and handling claims. Temporary employees will be authorized in these situation to the extent possible out of funds available for that purpose. A recent study of Chapter X, Chapter XI, and Chapter XII cases pending before some 95 bankruptcy judges showed 4,373 such cases pending, with aggregate assets of over $10 billion and liabilities of over $11 billion with scheduled creditors numbering 1,495,396. This study clearly reflects the scope and magnitude of the activities in bankruptcy offices and for clerical effort involved. The burgeoning caseload has created a very critical situation. It is imperative that additional supporting personnel be authorized to bankruptcy judges at the earliest possible date if they are to be expected to perform their statutory duties and responsibilities and provide the services to the parties in bankruptcy proceedings which they are entitled to under the law. Based on the projected 345,000 cases expected to be filed in fiscal year 1977, 258 additional clerical employees will be required.

The Administrative Office will allocate the new positions on the most equitable basis possible in hopes of alleviating a situation which has reached crisis proportions.

Justification of Changes

The appropriation request of $32,105,000 for fiscal year 1977 represents a net increase of $5,747,000 over the appropriation for fiscal year 1976. The increase represents the addition of new personnel, rate increases for telephone service, printing, copy machine tental, lawbooks, supplies, and postal rates.

Item 1. Additional Amount in 1977 to Provide Full-Year Cost of Pay Increases ($275,000)

The salary increases granted in October 1975, on an annual basis costs $1,071,000. The sum of $796,000 has been included in the supplemental request shown above to finance these pay increases from October 1, 1975, through June 30, 1976. The sum of $275,000 is included in this request to cover the difference between the part-year and full-year cost of salary increases and related benefits ($256,000 for compensation and $19,000 for related benefits).

Item 2. Annualization of 240 Positions Authorized in Fiscal Year 1976 ($1,383,000)

A supplemental appropriation for fiscal year 1976 was approved for 240 clerical positions and their supporting costs to meet the increased number of bankruptcy filings. Because of the delay due to the appropriation process, the supplemental for these 240 positions were requested and approved for a six month period, January through June, 1976. The differences between full and part-year cost of these positions is $1,383,000 as follows:

	1977 Recurring Annual Cost	1976 Approved	1976 Pay Supplemental	Difference 1977 over 1976
Personnel compensation	$2,340,000	$1,114,000	$56,000	$1,170,000
Personnel benefits	209,000	100,000	4,000	105,000
Rent, communications, and utilities	144,000	72,000	.....	72,000
Printing and reproduction	24,000	12,000	.....	12,000
Other services	12,000	6,000	.....	6,000
Supplies and materials	36,000	18,000	.....	18,000
Total	$2,765,000	$1,322,000	$60,000	$1,383,000

Item 3. Within-Grade Step Increases ($149,000)

Clerical employees of referees in bankruptcy are subject to the promotional plan for Judiciary personnel and are granted periodic step increases in compensation corresponding with those provided by Chapter 53 of Title 5, United States Code. The sum of $149,000 will be required for this purpose; $139,000 is for compensation, $10,000 for related personnel benefits. The estimate is based on past experience and takes into account savings due to turnover of personnel and the filling of vacancies at lower rates of pay.

Item 4. Telecommunication Services ($45,000)

It is estimated that local telephone service for referees will cost about $272,000 in fiscal year 1976. The 1976 estimate included an anticipated 7 percent increase in telephone rates. With a similar percentage increase anticipated in fiscal year 1977, the cost is expected to be $292,000, for an increase of $20,000, exclusive of requirements for new personnel.

The fiscal year 1976 cost to this appropriation for Federal Telecommunication network and commercial circuit calls is expected to be $175,000. In fiscal year 1977 the cost is expected to rise to $200,000 (exclusive of the need generated by new personnel), for a total increase of $25,000.

	Local Telephone Services	Federal Telecommunication Network and Commercial Circuit Calls
1971	$191,000	$ 78,000
1972	211,000	73,000
1973	185,000	97,000
1974	218,000	112,000
1975	254,000	127,000
1976 (est.)	272,000	175,000
1977 (est.)	292,000	200,000

Item 5. Postage and Fees (Penalty Mail) ($400,000)

It is estimated that postage for referees will cost about $1,300,000 in fiscal year 1977, The estimate for fiscal year 1976 is $1,000,000, currently $900,000 is appropriated for these services. Due to the deficit of $100,000 for fiscal year 1976 and $300,000 increase in fiscal year 1977 based on 30 percent increase to postal rates resulting in a total requirement of $400,000 for this appropriation (exclusive of the needs generated by new personnel). The following chart reflects the cost in this area over the past five years and the estimates for fiscal years 1976 and 1977 (rounded to nearest thousand):

1971	$ 460,000
1972	500,000
1973	800,000
1974	650,000
1975	750,000
1976 (est.)	1,000,000
1977 (est.)	1,300,000

Item 6. Rental of Copy Equipment ($50,000)

Based on the recent increases in expenditures for this purpose, it is anticipated that in fiscal year 1977, the sum of $330,000 will be required for the rental of copy machines only $280,000 is available during fiscal year 1976 for copier rental. Therefore, an increase fo $50,000 is required in fiscal year 1977. The following chart reflects the rising cost in this area over the past five years and the estimates for fiscal years 1976 and 1977 (rounded to nearest thousand):

1971	$ 89,000
1972	119,000
1973	140,000
1974	191,000
1975	262,000
1976 (est.)	280,000
1977 (est.)	330,000

Item 7. Printing and Reproduction ($50,000)

Based on the pattern of expenditures over the last five years, it is estimated that in fiscal year 1977 the sum of $308,000 will be required for printing costs. This represents an increase of $50,000 over the amount available during fiscal year 1976.

The following table shows the trend in the cost of printing for the last five years and the estimates for fiscal years 1976 and 1977:

1971	$123,000
1972	171,000
1973	135,000
1974	225,000
1975	196,000
1976 (est.)	258,000
1977 (est.)	308,000

Item 8. Supplies and Materials ($90,000)

Based on recent increases in expenditures for this purpose, including substantially higher purchase prices for paper products, it is anticipated that in fiscal year 1977 the sum of $463,000 will be required for the cost of supplies and materials, Only $373,000 is presently available. Therefore, and increase of $90,000 is required. The following chart reflects the rising cost in this area over the past five years and the estimates for fiscal years 1976 and 1977 (rounded to nearest thousand). The increase requested is exclusive of needs generated by new personnel.

1971	$166,000
1972	189,000
1973	183,000
1974	242,000
1975	366,000
1976 (est.)	373,000
1977 (est.)	463,000

Item 9. Equipment and Lawbooks (Continuations) ($50,000)

Based on recent increases in expenditures for this purpose and due to the increase in inventory of general office equipment assigned to referees and unusually high subscription rates of lawbooks, it is anticipated that in fiscal year 1977 a combined sum of $380,000 will be required for referees in bankruptcy (exclusive of requirements for new personnel).

Equipment. This increase is due primarily to the procurement of special equipment such as envelope sealers, addressograph and mimeograph machines. Normally this type of equipment has a short life span depending largely on the extent they are utilized. It is anticipated that in fiscal year 1977 the sum of $180,000 will be required for the cost of office equipment. Fiscal year 1976 was appropriated $150,000 (exclusive of nonrecurring cost), therefore, and increase of $30,000 is required.

Lawbook Continuations. Referees in bankruptcy are provided with basic libraries, the cost of continuation material required for the maintenance of their libraries, and the cost has continually increased over the years. To some extent this is due to price increases. Based on the past trends, as well as projections of known price increases, it is estimated that the sum of $200,000 will be required in fiscal year 1977, an increase of $20,000 over fiscal year 1976 appropriated amount of $180,000.

The following chart reflects the trend in cost of equipment and lawbook continuations for the past five years and the estimates for fiscal years 1976 and 1977:

	Equipment Other	Lawbook Continuations
1971	$ 86,000	$ 72,000
1972	259,000*	85,000
1973	321,000*	95,000
1974	217,000*	135,000
1975	174,000*	144,000
1976 (est.)	150,000	180,000
1977 (est.)	180,000	200,000

*Includes nonrecurring obligations.

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Item 10. Nonrecurring Expenses Authorized for Fiscal Year 1976 ($-217,000)

For fiscal year 1976, the Congress appropriated $217,000 for the procurement of general office equipment required incident to establishment of seven new full-time positions. Since this is a nonrecurring expense, it is being deducted to establish the budget requirements for 1977.

Item 11. Extra Compensable Day in Fiscal Year 1976 ($-45,000)

Clerical employees of referees are being paid on a biweekly basis during fiscal year 1977, they will be compensated for 261 days; whereas in fiscal year 1976 there are 262 compensable days, resulting in a reduction of one extra compensable day. ($42,000 representing personnel compensation and $3,000 for related benefits.)

Item 12. Referee Positions ($182,000)

The following recommendations were approved by the Bankruptcy Committee of the Judicial Conference in July 1975.

a. Authorization of new full-time referee positions at Brooklyn, Eastern District of New York, New York City, Southern District of New York and Indianapolis, Southern District of Indiana, at a salary of $33,200 per annum and authorization for status change from part-time to full-time at Reno, Nevada at a salary change from $18,000 to $33,200 per annum.

b. In March 1975, the Judicial Conference authorized an increase to full-time service for one (1) part-time bankruptcy judge at Charlotte, Western District of North Carolina with a salary increase to $33,200 from $18,000 per annum.

c. Authorization to increase salaries of part-time referee positions as follows at:
   (1) Wilmington, Delaware from $15,715 to $18,000 per annum.
   (2) Hyattsville, Maryland from $16,580 to $18,000 per annum.
   (3) Tallahassee, Northern District of Florida from $15,480 to $18,000 per annum.

Summary of Requirements:

		Increase
a.	Full-time positions at Brooklyn, New York, New York City, New York, and Indianapolis, Indiana, @ $33,200	$ 99,600
	Personnel Benefits	9,000
	Equipment, including lawbooks, @ $4,500	13,500 NR
	Security investigations @ $2,240	7,000 NR
b.	Transfer of 2 part-time positions at Reno, Nevada and Charlotte, North Carolina, to full-time with salary change from $18,000 to $33,200	30,400
	Personnel Benefits	2,775
	Equipment, including lawbooks, @ $4,500	9,000 NR
	Security investigations @ $2,240	4,000 NR
c.	Increase salaries of part-time positions at Wilmington, Delaware, Hyattsville, Maryland, and Tallahassee, Florida	6,225
	Personnel Benefits	500
	Totals	$182,000

Item 13. Establish 258 New Clerical Positions ($3,245,000)

The following recommendations were approved by the Bankruptcy Committee of the Judicial Conference in July 1975:

The Committee authorized the Bankruptcy Division to increase clerical positions during 1976 by 280 employees. Approval was based on an estimate of clerical needs as follows: a total of 300,000 cases to be filed of which 12 percent will be business cases. Non-business case requirements are determined at the rate of 240 cases per year for each employee; business case requirements are 120 cases per year per employee.

The present allocation of positions was based on estimates of 240,000 bankruptcy case filings. Additional positions are required for the anticipated increase of 60,000 cases. Application of the formula would require 220 employees for the 52,000 non-business cases and 60 employees for the remaining 7,200 filings, a total of 280 clerical position increases. A supplemental appropriation was submitted for the 280 positions, and an appropriation was approved for 240 positions. The balance of 40 positions are requested for fiscal year 1977. These additional positions are in excess of all permanent and temporary positions approved by the Congress in prior budgets.

Recent changes in the Bankruptcy Act and adoption of the Federal Rules of Bankruptcy Procedure have apparently made the use of automatic data processing (ADP) feasible in certain administrative functions related to the processing of bankruptcy cases such as issuing notices. It is proposed to utilize a portion of the funds authorized for clerical personnel to pay for ADP services provided it can be demonstrated that ADP can accomplish the same amount of work at the same cost, or less, than can be accomplished by a clerk.

Based on the formula described above, it is requested that an additional 210 clerical positions be approved to service bankruptcy offices in fiscal year 1977. This is based on an estimated 345,000 bankruptcy case filings in fiscal year 1977. This represents an increase of 45,000 cases (15 percent) over 1976 estimates, 14 percent of these will be business cases. This will require 165 positions for non-business and 45 positions for business cases.

Two clerical positions for each of the new full-time referees (Brooklyn, New York, New York City, New York, and Indianapolis, Indiana, for a total of (6) positions.

One additional clerical position for each of the new full-time referees converted from part-time (Reno, Nevada and Charlotte, Norther Carolina) for a total of two positions.

Summary of Requirements

Two hundred and fifty eight (258) clerical positions @ JSP-6 ($9,946) (includes 40 positions for which a supplemental was requested by not approved)		$2,566,068
Less 2 percent lapse rate		-51,068
Total		2,515,000
Personnel Benefits		214,000
Rent, communications, supplies, etc		310,000
Communications	$155,000	
Printing	52,000	
Other contractual services	26,000	
Supplies and materials	77,000	
Equipment for 258 new positions		206,000 NR
Total		$3,245,000

Item 14. Rental of Automatic Typewriters ($30,000)

The continually increasing volume of administrative and clerical requirements in the bankruptcy courts necessitates adaptation to more automated procedures via automatic typewriters. $30,000 is requested for the annual rental of ten automatic typewriters for those large and heavily burdened bankruptcy courts where the demand for editing, revisions, and repetitive typing is exceeding the practical and effective capabilities of present equipment and personnel.

Revision capability and ease of text manipulation will enable bankruptcy judges to have more time to change their written documents to ensure accuracy of contents as well as appearance. Stencils for notices to creditors, a major clerical task for bankruptcy courts, can be prepared in a fraction of the time it takes to manually prepare them for each individual case. In addition, all preparation, revision, and final print-

ing of findings, orders, and general correspondence can be done much more efficiently. Since only changes need be reviewed, considerable proofreading time by bankruptcy judges can be saved. Furthermore, the typists increased output capacity would free other supporting personnel from some of their more clerical responsibilities and allow time for more analytical, supervisory, and other administrative functions.

Item 15. Increase in Reimbursement to the Administrative Office, United States Courts ($60,000)

It is contemplated that the cost of operating the Bankruptcy System will increase by 10 percent from $600,000 to $660,000 as a result of pay increases granted for October 1975, the new positions for the Bankruptcy Division, within-grade salary advances, and increases in the cost of various other supplies.

What is the status of the bankruptcy fund?

Mr. FOLEY. Mr. Wright is here, Chief of the Bankruptcy Division.

Mr. WRIGHT. The fund itself, I believe on page 12.7 of the justification, that information is shown. The total deficit to the fund at the close of fiscal year 1975 was $20 million. The anticipated deficit at the close of fiscal 1977 will be $31,931,882.

Mr. SMITH. How many bankruptcy filings are you forecasting for 1977?

Mr. WRIGHT. Approximately 310,000 cases.

Mr. SMITH. How do you arrive at that?

Mr. WRIGHT. On the projection principally of the last 5 months ending in November of this fiscal year and they show an increase of approximately 11 percent. We originally projected a 15-percent increase over 1976 which would have brought us up to 345,000 but that is not going to materialize as it appears now.

Mr. SMITH. You are estimating how many?

Mr. WRIGHT. The 310,000 cases; however, let me add that there is also indication based on the first 4 months of the fiscal year that the number of business cases is greater to the total. In other words, 14 percent of these cases will be business cases as opposed to 12 percent in 1975.

Mr. SMITH. How do you make that projection? Do you assume whatever trend there has been for a given period of time will continue?

Mr. WRIGHT. Yes; that is essentially it. When we first projected 345,000 cases, that came after an increase in 1975 over 1974 of 34 percent. It increased from 189,000-plus to 254,000.

Mr. SMITH. Is the time frame used for the projection a 1-year period compared to the previous year?

Mr. WRIGHT. Yes.

Mr. SMITH. Then how did you arrive at a different projection in the last few months?

Mr. WRIGHT. This is the most recent data that we have.

Mr. SMITH. But that must not have been based on a full year then?

Mr. WRIGHT. No, sir, it was not.

Mr. GARABEDIAN. When we developed the estimate we didn't have any experience for fiscal year 1976. Prior to the hearing we reviewed our calculations based on statistics for the last 5 months.

Mr. SMITH. This is based on 5 months?

Mr. GARABEDIAN. Yes; ending November 30. We are using the most current information available.

Mr. SMITH. This change, then, will affect other requests?

Mr. GARABEDIAN. Yes, sir, it will reduce the request for space and for furniture in addition to any reduction you make in the appropriation for salaries and expenses of referees.

Mr. SMITH. How many new clerical positions were requested for 1976 and how many were authorized?

Mr. WRIGHT. In 1976 I believe the initial request was for 41 positions. There was a supplement of 240 positions plus 100 temporary indefinite positions. All of these are now in the offices.

Mr. SMITH. Now you want another 258?

Mr. WRIGHT. No; now we want another 72 positions. Based on the lower projection we are asking for 72 instead of 258 positions.

Judge WEINMAN. We are going in reverse, Congressman Smith.

TRANSFER OF FUNDS

Mr. SMITH. You show an increase of $60,000 in the amount to be transferred to the administrative office. What is the total amount to be transferred in 1977 and how do you arrive at that amount?

Mr. GARABEDIAN. Mr. Chairman, the total to be transferred in 1977 is $660,000. The amount is arrived at by taking the salaries of those personnel who are directly involved in activities relating to the administration of the bankruptcy system, that is people who work in the bankruptcy division or in the information systems division, where they accumulate statistics on bankruptcy, as well as indirect costs, such as processing payrolls, examining travel vouchers, maintaining accounting records—we can provide you with a statement if you wish, showing how we arrived at the $660,000.

Mr. SMITH. I wish you would do that.

Mr. GARABEDIAN. I will be glad to do it.

[The information follows:]

STATEMENT ON EXPENSES OF ADMINISTERING THE BANKRUPTCY SYSTEM

The amount being transferred to the administrative office represents the following direct and indirect costs being paid by the administrative office on behalf of the bankruptcy system:

Direct costs:	Positions	Amount
Bankruptcy division	14	$241,000
Systems development	½	14,000
Bankruptcy unit—D.I.S.	5	47,000
Computer program—D.I.S.	½	8,000
Machine operator—D.I.S.	½	6,000
Key punch operators—D.I.S.	2½	20,000
Total compensation	23	336,000
Benefits		30,000
Travel		12,000
Miscellaneous expenses (rent, communications, printing, etc.)		29,000
Total direct costs		407,000
Indirect costs:		
Executive direction		28,000
Personnel division		31,000
Financial management		106,000
Administrative services		88,000
Total indirect costs		253,000
Grand total		660,000

Mr. SMITH. Mrs. Burke?

EVALUATING AN AMENDMENT IN TERMS OF SAVINGS

Mrs. BURKE. I have one question which relates to a policy evaluation. Considering the large number of filings in 1975 and in 1974 and anticipating a change in the economic picture, do you believe that there could be a substantial saving if there was an amendment to the Bankruptcy Act to allow for withdrawal of bankruptcy actions if a plan had been arrived at with the creditor, or the defendants had been substantially paid, so that you would not have to go through what will be a long delay in finally adjudicating and closing many of these cases? And even if you find it difficult to make an evaluation in terms of dollars and cents, I would like to have some assessment of what that saving could be.

Mr. WRIGHT. I don't see any real saving there. A large part of your expense comes in the initial stages of the case and a case even now is subject to a motion to dismiss if they want to request the court to look into the circumstances to see whether it should be dismissed. I don't know whether you are referring primarily to the consumer-type case or the business-type case.

Mrs. BURKE. Last year I think that you estimated there would be tremendous clerical costs involved in closing this increased number of bankruptcies and that as a result many of these would have to stay open for a period of years because there would not be the staff available to finally adjudicate them and do the necessary clerical paperwork. I wondered if this might be one way.

Mr. WRIGHT. At that stage you would have the assets, whatever assets there were, liquidated and in a bank account. The purpose of the Bankruptcy Act is to distribute those evenly to the creditors according to the scheme of the act. I don't think it would be appropriate to dismiss the case at that time.

Judge WEINMAN. You are suggesting possibly before it gets that far along?

Mrs. BURKE. Yes, I am.

Mr. WRIGHT. I was referring to the cases that have been substantially administered.

Mrs. BURKE. Let me ask what percentage of your nonbusiness cases are no-asset cases?

Mr. WRIGHT. You mean the consumer cases that are no-asset cases?

For the consumer cases in straight bankruptcy, 71.9 percent are no asset cases. For all cases filed, it is something like 55 or 56 percent.

Mrs. BURKE. So in about 71 percent of the cases there really aren't any bank accounts to distribute, or it is just a clerical matter in 71 percent of those nonbusiness cases.

Mr. WRIGHT. There can still be controversy arising in these cases as to whether or not a particular debt is discharged or going to be discharged. That, of course, is why the person files, is to get a discharge of his debts, and it may be a particular creditor says, "this man has filed a false financial statement and should not be discharged." So this will still come up in a case.

Mrs. BURKE. Don't you usually resolve that at the first meeting of the creditors?

Mr. WRIGHT. No; that is resolved on the filing of the complaint in the case and the issuance of a summons and responsive pleadings filed and brought on for a hearing.

Mr. SMITH. Mr. Miller?

Mr. MILLER. I understood you to say that 71.9 percent were no-asset cases. That would be of the nonbusiness?

Mr. WRIGHT. Of the straight bankruptcy cases that were filed. This is not considering the cases filed under the other chapters, chapter XIII or chapter XI of the act.

Mr. MILLER. Would you describe a little further the 55 percent that you indicated?

Mr. WRIGHT. That was of the total number of cases closed. The figure I gave you was for 1974, which was the last year we had the breakdown. The 55 percent was of the total cases filed under the act.

Mr. MILLER. Thank you. Thank you, Mr. Chairman.

Mr. SMITH. We will recess until 1 p.m. Monday.

MONDAY, JANUARY 26, 1976.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS

WITNESSES

WILLIAM E. FOLEY, DEPUTY DIRECTOR, ADMINISTRATIVE OFFICE, U.S. COURTS
GILBERT L. BATES, ASSISTANT TO THE DIRECTOR, BUSINESS AND PERSONNEL, ADMINISTRATIVE OFFICE, U.S. COURTS
EDWARD V. GARABEDIAN, CHIEF, FINANCIAL MANAGEMENT DIVISION, U.S. COURTS

Mr. SLACK. The committee will please come to order. The first item to which we shall direct our attention this afternoon is entitled "Administrative Office of the United States Courts."

We will insert at this point in the record pages 13.1 through 13.26 of the justifications.

[The justification pages referred to follow:]

THE JUDICIARY

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Summary of Requirements

Appropriation 1976 (as enacted)	$7,233,000
Proposed supplemental for pay costs	246,000
Budget Authority, 1976	7,479,000
1977 budget estimate	8,957,000
Proposed Increase	1,478,000

Appropriation Language

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere,

[$7,233,000: *Provided*, That not to exceed $120,000 of] $8,957,000

the appropriations contained in this title shall be available for the study of rules of practice and procedure.

[For "Administrative Office of the United States Courts" for the period July 1, 1976, through September 30, 1976, *$1,823,000.*]

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	387	$7,233
Proposed supplemental for pay costs	..	246
Budget Authority, 1976	387	7,479
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay costs	..	+82
2. Annualization of 29 new positions authorized in fiscal year 1976	..	+157
3. Within-grade step increases	..	+69
4. Telecommunications services	..	+27
5. Postage and fees (penalty mail)	..	+15
6. Escalation in the cost of contractual services and supplies	..	+87
7. Nonrecurring cost of special equipment authorized in 1976	..	-62
8. Extra compensable day in fiscal year 1976	..	-24
Subtotal, adjustment to base and built-in changes	..	+351
Program changes:		
9. Additional personnel:		
a. Bankruptcy Division	+1	+20
b. Clerks Division	+4	+91
c. Magistrates Division	+2	+44
d. Probation Division	+2	+54
e. Management Review Division	+10	+307
f. Administrative Services Division	+17	+257
g. Financial Management Division	+9	+133
h. Information Systems Division	+10	+152
i. Personnel Division	+6	+90

10. Equipment:			
Purchase of collator stations	$15,000 NR		
Rental of six word processing machines	24,000	..	+39
11. Transfer from appropriation "Salaries and Expenses of Referees"		..	-60
Subtotal, program increases		+61	+1,127
Total increases requested		+61	+1,478
Total appropriation requested, 1977		448	8,957

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
Comparison by activities:	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
General administration	387	$7,379	387	$7,730	448	$8,857	61	$1,127
Study of rules of practice and procedure	..	100[2]	..	100	..	100	..	...
Total	387	7,479	387	7,830	448	8,957	61	1,127

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$6,139	$7,216	$+1,077
12	Personnel benefits	544	636	+92
13	Benefits for former personnel	16	16	...
21	Travel and transportation of persons	317	475	+158
23	Rent, communications, and utilities	575	707	+132
24	Printing and reproduction	54	79	+25
25	Other services	147	172	+25
26	Supplies and materials	130	158	+28
31	Equipment	157	158	+1
	Total obligations	8,079	9,617	+1,538
	Less: Transfer from appropriation "Salaries and Expenses of Referees"	-600	-660	-60
	Total direct obligations	7,479	8,957	+1,478

[1] Includes proposed Pay Act supplemental of $246,000 ($228,000 for personnel compensation and $18,000 for related benefits).

[2] Exclusive of $20,000 for travel of judges and other court officials being paid for out of other appropriations.

Purpose Statement

This appropriation is for the salaries and expenses of the Administrative Office of the United States Courts which is supervised by a Director and a Deputy Director appointed and subject to removal by the Supreme Court. The Director, under the supervision of the Judicial Conference of the United States, supervises all administrative matters relating to the offices of clerks and other clerical and administrative personnel of the courts; examines and reports on the state of the dockets of the courts; determines the rates of compensation to be paid employees if they are not otherwise fixed by law; plans, directs, and administers programs for records disposal, procurement, printing, space assignment and utilization, and other logistical and administrative services functions; directs and supervises a management information system; and administers a safety and security program. The Director administers the United States probation service, including pretrial services agencies; the bankruptcy system; United States magistrates; the criminal justice program, and various other programs and activities. He is a member of the Board of Directors of the Federal Judicial Center and a member of the Board of Certification for Circuit Executives. He provides staff support for Committees of the Judicial Conference of the United States and serves as liason with Congress, with agencies of the Government, and with the public and the media. The Director is responsible for the formulation of the estimates of annual expenditures and appropriations necessary for the maintenance and operation of the courts and is further responsible for the execution of the budget as approved by Congress. He is also responsible for administration of the Judicial Survivors Annuity System.

The amount requested for fiscal year 1977 is $9,617,000; $8,957,000 by direct appropriation and $660,000 by a transfer from the appropriation "Salaries and Expenses of Referees." Excluding the so-called uncontrollable or mandatory items, the increase in budgetary authority--1977 over 1976-- is $1,127,000. Provision has been made for 61 new positions which will increase the total permanent staff of the office from 387 to 448. Of the 61 new positions requested, 38 are repeat requests, i.e., positions which were included in the budget for 1976 but which were denied by Congress. The additional personnel are required primarily to cope with increases in workload. Provision also was made for the expansion of several existing programs and for additional services to be provided the courts in an effort to improve operations and expedite the disposition of cases.

In the last five years, the volume of appeals has increased 30 percent from 12,788 to 16,658. Civil filings in the district courts increased 20 percent from 93,396 to 117,320. Since 1971, the volume of criminal cases increased 27 percent from 41,290 to 52,511*. Bankruptcy case filings in 1975 reached an all time high of 254,484 compared with 201,352 in 1971, an increase of 21 percent. Civil and criminal trials completed in the district courts went up from 17,549 in 1971 to 19,236 in 1975. The Probation Service also experienced a substantial increase in workload. The number of persons under supervision went up 51 percent from 42,549 on

*Includes 11,403 minor offense cases disposed of by United States magistrates.

June 30, 1971 to 64,261 on June 30, 1975. Probation officers in 1975 were called upon to complete 31,740 presentence investigation compared to 23,479 in 1971, an increase of 35 percent. During the last five years the supporting personnel in the courts of appeals and district courts, including referees and magistrates, has increased 29 percent from 6,548 to 8,447.

The increase in the caseload and the personnel in the courts generates an increase in the workload of the Administrative Office that cuts across all of its activities. The Information Systems Division is required to process a larger volume of statistical reports. The increase in court personnel results in a proportionate increase in the number of vouchers that must be processed, the number of employees that must be paid, the new equipment, additional quarters and facilities that must be acquired, and in other areas which the Office must provide logistical support services.

The Congress over the past several years, has granted substantial increases in the personnel of the Administrative Office, but by the same token, the Office has assumed many new duties and responsibilities either as a result of new legislation, changes in policy, or simply due to events beyond its control. The Office assumed new and extensive responsibilities under the Speedy Trial Act of 1974, including: support to the district courts during the planning phase, coordination of the plans as approved by the Judicial Conference, establishment of pretrial services agencies specified by Title II of the Act, and the installation of computer equipment required to meet the statutory information and reporting requirements of the Act. The examination of court offices, which heretofore was performed by the Department of Justice, was transferred to the Administrative Office in fiscal year 1975. The Office is now extensively involved in the administration of two new appropriations for space and furniture which formerly were responsibilities of the General Services Administration. The General Services Administration has agreed to continue to provide services relating to the procurement of furniture; however, the involvement of the Administrative Office is essential in order to assure the equitable distribution of the resources.

The personnel requirements of each division and other program increases are explained in detail below:

Item 1. Annualization of October 1975 Pay Costs ($82,000)

The salary increase to be granted in October 1975, on an annual basis costs $328,000. The sum of $246,000 has been included in the supplemental request shown above to finance these pay increases from October 1, 1975, through June 30, 1976. The sum of $82,000 is included in this request to cover the difference between the part-year and full-year cost of salary increases and related benefits. ($76,000 for compensation and $6,000 for related benefits.)

Item 2. Annualization of New Positions Authorized in Fiscal Year 1976 ($157,000)

The Congress for fiscal year 1976 authorized 29 new positions. The sum of only $515,000 was made available taking into account (savings) to be realized as a result of anticipated delays in the recruitment and appointment of these employees. The difference between the full and part-year cost of these new positions is $157,000 as follows:

	Recurring Annual Cost	Appropriated 1976	Difference 1977 over 1976
Personnel Comensation.....	$493,000	$379,000*	$114,000
Personnel Benefits.....	43,000	33,000*	10,000
Travel.....	110,000	69,000	41,000
Miscellaneous Expenses.....	26,000	18,000	8,000
Equipment.....	...	16,000	-16,000
Total.....	$672,000	$515,000	$157,000

*Adjusted to reflect 5% pay increase.

Item 3. Within-Grade Step Increases ($69,000)

Officers and employees of the Administrative Office of the United States Courts, with the exception of the Director, Deputy Director, and Wage Board employees, are subject to the provisions of Title 5, United States Code, governing appointments in the competitive services and the provisions of Chapter 51 and Subchapter III of Chapter 53 of such Title, relating to classification and General Schedule pay rates. It is estimated that these within-grade salary advancements during fiscal year 1977 will cost $69,000. The estimate takes into account savings due to turnover of personnel and the filling of vacancies at lower rates of pay. ($64,000 for personnel compensation and $5,000 for related benefits.)

Item 4. Telecommunications Services ($27,000)

The sum of $90,000 is presently available for local and long distance telephone services. It is estimated that the cost of such services, exclusive of requirements for new personnel, will be approximately $117,000 in 1977. The cost of local telephone services on Government switchboards in fiscal year 1977 is estimated at $67,000. In addition, the sum of approximately $50,000 will be required for intercity voice services under the Federal Telecommunications System. The increases are due to higher tariffs approved by regulatory agencies and general salary increases for telephone operators and other personnel.

Item 5. Postage and Fees (Penalty Mail) ($15,000)

The United States Postal Service has increased postal rates 30 percent effective December 31, 1975. The sum of $50,000 is presently available in the base appropriation for reimbursing the Postal Service for official (penalty) mail. An additional $15,000 will be required in fiscal year 1977 to cover the higher postal rates.

Item 6. Escalation in the Cost of Contractual Services and Supplies ($87,000)

The sum of $87,000 will be required to offset anticipated increases in domestic air fares, repair and maintenance of equipment, printing and reproduction, supplies, general office equipment, and other contractual services. The following is a breakdown of the amount requested by object classification:

Travel	$ 9,000
Rental of Equipment	24,000
Printing	12,000
Supplies	9,000
Equipment	15,000
Other Services	18,000
	$87,000

Item 7. Nonrecurring Cost of Special Equipment Authorized in 1976 ($-62,000)

For fiscal year 1976, the Congress appropriated $62,000 for the procurement of a paper cutter, a press and other equipment for the Administrative Office Printing Plant. Since these are nonrecurring expenses, they have been deducted to establish the budgetary requirements for fiscal year 1977.

Item 8. Extra Compensable Day in Fiscal Year 1976 ($-24,000)

The sum of $24,000 ($22,000 compensation and $2,000 related benefits) has been deducted in recognition of the fact that in fiscal year 1977 there are only 261 compensable days compared with 262 compensable days in fiscal year 1976.

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Item 9a. Bankruptcy Division (1 position, $20,000)

The present staff of the Bankruptcy Division consists of 13 positions; 5 attorneys, 2 auditors, and 6 clerical positions. One new position of Program Analyst, GS-11, is requested for fiscal year 1977 at a cost of $20,000 ($16,000 for compensation, $2,000 for personnel benefits, and $2,000 for related expenses). This request has been endorsed by the Bankruptcy Committee of the Judicial Conference.

There are 220 referees in bankruptcy with an authorized clerical force of 1,308. Three additional referee positions and 258 additional clerical positions have been requested for fiscal year 1977. Bankruptcy filings in fiscal year 1975 exceeded a quarter of a million in number, an all-time high. It is anticipated that this high rate of filings will continue for several years.

It is necessary to establish a Program Analyst position to make the most effective use of the statistical data that is available to analyze its significance, and to recommend changes in form and content. In addition to existing statistics complied by the Information Systems Division, the bankruptcy judges are now submitting reports to the Bankruptcy Division on adversary or contested matters which also require analysis.

Changes in the Bankruptcy Act and procedural rules in recent years require a re-evaluation of the entire bankruptcy statistical program. The compilation of statistical data not now available is even more necessary because of pending legislation which would change the administrative structure of the bankruptcy system. Without the analyst, the effort expended in the compilation of statistics and cost of administration studies in bankruptcy will, in great measure, be negated. In addition, the analyst is needed to assist with the development of a system to make greater use of automatic data processing in the production of notices to creditors and other aspects of case administration. The present staff of the Bankruptcy Division cannot give adequate time and attention to this area of responsibility, nor does any member of the staff have formal training in this field.

Item 9b. Clerks Division (4 positions, $91,000)

In fiscal year 1976 the Congress provided funds for five new positions to establish a Clerks Division in the Administrative Office to oversee, coordinate, and assist in the more efficient operation of clerks' offices. Four additional positions are being requested for fiscal year 1977; two management analysts, GS-13, an administrative assistant, GS-11, and a secretary, GS-7. The sum of $91,000 will be required for these new positions; $73,000 for compensation, $6,000 for personnel benefits, $4,000 for travel, $3,200 for the nonrecurring cost of equipment and $4,800 for miscellaneous expenses.

This Division was to become the focal point for such functions affecting clerks' operations as were heretofore scattered among various other divisions of the Administrative Office. Those operating functions of other divisions (Finance, Personnel, Administrative Services, and Statistics) would remain and be strengthened through liaison with the Clerks Division.

The current staff of three professionals and two secretaries performs the following functions:

- Acts as a focal point for clerks' immediate and long-range problems.
- Coordinates training needs of clerks and deputy clerks with the Federal Judicial Center.
- Recommends substantive procedural or policy changes to the Director of the Administrative Office for submission to the appropriate committees of the Judicial Conference.
- Allocates new positions to courts based on present needs and forecasts of caseload.
- Coordinates with other Administrative Office divisions those functions with material impact on clerks' operations.

The request for additional personnel constitutes a step toward the effective implementation of those efficient procedures currently being utilized in some courts. The management analysts will be concerned with improving the productivity within the clerks' offices. An additional responsibility will be the extensive reivew of forms and reports used in clerks' offices to determine their suitability. The design and testing of work measurement procedures in clerks' offices will be coordinated with this Division. The responsibility for identifying those problem areas which appear to be common to many clerks' offices and the recommended procedures for handling them fall to the Clerks Division. The Administrative Assistant will be used to relieve the Chief from the constant inquiries and requests from 105 clerks' offices. He will act as a coordinator in referring matters to appropriate personnel and following up on responsiveness to assure that adequate, timely action is taken. The additional Secretary is needed based on the large increase in correspondence since the office was established.

Item 9c. Magistrates Division (2 positions, $44,000)

The Division of Magistrates provides administrative direction and supervision to the new federal magistrates system, which has been fully operational in all judicial districts since July 1, 1971, and provides staff assistance to the Judicial Conference on all matters affecting magistrates. The present staff of the Division of Magistrates consists of a chief, five attorneys, and four clerical personnel. It is requested that funds be provided for two additional positions; one attorney, GS-13, and a clerk-stenographer, GS-6. The sum of $44,000 will be required for these two positions, $33,000 for compensation, $3,000 for personnel benefits, 4,000 for travel, $1,600 for equipment and $2,400 for communications, supplies and other miscellaneous expenses.

The relatively new judicial position of United States magistrate, particularly full-time magistrate, is becoming an ever more important component of the Federal Judiciary. The number of full-time magistrates has grown by 75 percent since 1971 and should continue to increase for several years to come as magistrates take over more and more of the work now being performed by the judges.

The Division has been unable to review local magistrate and district court operations to the extent necessary to carry out the Director's statutory responsibility to supervise the administration of the federal magistrates

system (28 U.S.C. §604(d)(1)). The additional positions would allow it to adequately appraise and revise procedures and functions in magistrates' offices and make better informed allocations of personnel, salaries, and support services.

The staff of the Division has spent a substantial part of its time in drafting legislation and preparing legal research documents on jurisdictional matters for the Judicial Conference. If the pending bill approved by the Conference to enlarge the jurisdiction of magistrates (S 1283 and H.R. 5575) is enacted, the Division will have to draft new model rules of court to implement its provisions, draw up legal and procedural guidelines for the magistrates, completely revise existing manuals, and prepare new training seminars in cooperation with the Federal Judicial Center.

The new Speedy Trial Act is also having a significant impact upon the work of magistrates and the Division, as magistrates are expected to handle virtually all criminal proceedings before trial in most district courts. The Division's staff is participating in training and planning, prescribing new forms and procedures, and actively participating in implementing the new Act. Moreover, the proposed new federal criminal code would substantially revise and enlarge the trial jurisdiction and procedures of magistrates. The Division must conduct substantial on-going legal research in this area, whether or not the criminal code is eventually enacted in its present form.

The Federal Magistrates Act requires the Director to prepare and distribute a procedural manual with annual supplements (28 U.S.C. §604(d)(4)). The Division does not have sufficient staff to fulfill this obligation and cannot comply with the requirements without additional professional and clerical help. The Judicial Conference committee has instructed the Director to seek the necessary additional staff to fulfill the statutory mandate.

Item 9d. Probation Division (2 positions, $54,000)

The present staff of the Probation Division is 24. Two new positions are requested for fiscal year 1977. One professional position (GS-15) is requested to supervise, coordinate, and review the work of the five regional representatives of the Division in their ongoing program of field office inspection and evaluation and their liaison with other Federal correctional agencies. This increase in professional staff will require the support of one additional clerical position (GS-7). The cost of these two positions is $54,000, $42,000 for compensation, $4,000 for personnel benefits, $4,000 for travel, $1,600 for equipment and $2,400 for miscellaneous expenses.

The presently authorized strength of the field probation services is 1,543 probation officers, 20 probation officer assistants, and 991 clerical positions. An additional 379 officers, 234 stenographers, and 20 probation officer assistants are being requested for fiscal year 1977.

The Federal Bureau of Prisons and the United States Board of Parole underwent regionalization which was completed on September 1, 1974. The work of the Probation Division and the field probation personnel are inextricably linked to these two agencies. Where in the past the Division dealt with only one central office

for matters pertining to correctional institutions and parole activities, it will now be faced with working with six major offices of these services, e. g., the principal offices in Washington, D. C., and five regional offices located in Philadelphia, Atlanta, Kansas City, Dallas, and San Francisco.

The central goal of the Division is to promote efficient operation of the probation system--a system serving the courts, U. S. Board of Parole, and the Federal Bureau of Prisons. Accordingly, the Probation Division has reorganized into regional areas identical to those adopted by the Bureau of Prisons and Board of Parole. This reorganization recognizes the common interests shared with these agencies and the need to work closely with them to coordinate the Federal correctional system. One Division staff member is assigned to each of five regions. The staff member for each region visits regularly in the regional offices of the Bureau and the Board and has liaision and oversight responsibility for U. S. probation offices in that region. This change makes it possible for the Division to share in the improved service for the field that regionalization affords.

Item 9e. Management Review Division (10 positions, $307,000)

It is the goal and objective of the Administrative Office to conduct an examination of all Federal court offices on an 18 month cycle. In order to accomplish this goal, it is estimated, as a minimum, that a staff of 30 employees will be required. The Congress for fiscal year 1976 authorized 20 positions for this Division; 16 professional and 4 secretarial or clerical. Provision has been made for 10 additional positions: 8 examiners in grades GS-11, 12, 13, and 14, and two clerk-stenographers, grade GS-6. The sum of $307,000 will be required for these positions; $190,000 for compensation, $17,000 for personnel benefits, $80,000 for travel, $8,000 for equipment, and $12,000 for communications, supplies and other miscellaneous expenseses.

The Division of Management Review was established by the Director of the Administrative Office based on policy considerations of the Judicial Conference. The Conference recommended that the judicial examination function be transferred from the Department of Justice to the Administrative Office, after concluding that inspections and examinations would be more accurately attuned to the day-to-day problems and requirements of the Federal Judiciary, and implementation of recommendations and changes in policy could be more closely coordinated and achieved if made by the Administrative Office.

The growth in the judicial work force and in the volume of cases in the past fifty years demanded that significant changes be made in the Federal Judiciary. During that time, Congress auhtorized the creation of a national judicial policy-making organ, the Judicial Conference; a professional organization, the Administrative Office; a judicial research and education unit, the Federal Judicial Center; and finally, specialized administrative bodies in the circuit councils and circuit executives. The emergence of these institutions required the concomitant growth of professionalism among the supporting personnel of the Judicial Branch of the Government.

The new Division is committed to the concept of working in a positive approach by brining to bear the resources of the Administrative Office in achieving more efficient and effective management of the courts through the development of better management techniques.

The staff of the Division which includes attorneys, auditors, and management analysts will work in teams. The scope of review will include the nature and extent of compliance with regulations, policies, plans and

procedures; the effectiveness of management controls over operations and resources; reliability of statistical data and reports; the integrity of the financial records; and the adequacy of internal controls. Recommendation will be directed toward improving the efficiency of operations and identifying changes needed to bring about greater effectiveness.

Item 9f. Administrative Services Division (17 positions, $257,000)

The present Division staff is 71, including the Office of the Chief, Space and Facilities Branch, Procurement and Property Management Branch, and Management Services Branch. The Space and Facilities Branch is responsible for satisfying the housing needs of the Federal courts, administering the court security and safety program, and providing the courts and their supporting offices with efficient telephone service. The Procurement and Property Management Branch is responsible for Judiciary-wide activities concerning the procurement, management, utilization, and disposition of personal property; procurement of contractual personal services, authorization of expenses of travel; warehousing activities; and distribution of consumable supplies. The Management Services Branch provides management consultant services to the courts on a continuing basis and is responsible for the administrative management of forms, directives, reports, correspondence, mail, files, records disposition, vital records, microfilming, and printing and distribution for the Federal Judiciary and the Administrative Office of the United States Courts.

An additional 17 positions are requested for fiscal year 1977, of which 4 are required for new functions generated by the necessity to administer the appropriation for the rental of space, tenant alterations, and related services for the courts of appeals, district courts, the Administrative Office and the Federal Judicial Center. The new positions are detailed below:

	Number of Positions	Amount
Management Services Branch:		
Paperwork, Systems, and Procedures Analyst, GS-11	2	$ 32,510
Clerk-typist, GS-4	2	15,952
Distribution Clerk, GS-3	3	21,306
Mail and Messenger Clerk, GS-3	1	7,102
Space and Facilities Branch:		
Space Administrator, GS-13	1	22,906
Management Analyst, GS-11	1	16,255
Clerk-stenographer, GS-5	2	17,850
Procurement and Property Management Branch:		
Procurement Assistant, GS-7	1	11,046
Clerk-typist, GS-4	1	7,976
Work Measurement Unit:		
Management Analyst, GS-12	1	19,386
Management Analyst, GS-9	1	13,482
Clerk-stenographer, GS-5	1	8,925
Total compensation	17	$194,696
Personnel Benefits		16,304
Travel		12,000
Equipment		13,600
Miscellaneous Expenses (communications, supplies, etc.)		20,400
		$257,000

Management Services Branch

The present staff of the Branch is 25 positions, allocated as follows: Office of the Branch Chief-7, Print Shop-8, Mail and Messenger Service-5, Central Files-4, Graphics-1. As the duties and responsibilities of the Administrative Office, and of all the Federal Judiciary, have expanded there has been a correlative increase in record keeping and the need for a more effective records management program has become imperative.

The Congress has shown its concern about the way paperwork and records systems are not being efficiently managed. There are several pieces of legislation, such as H.R. 14935 and S. 3921, now in Congressional conference committees, which will impose even greater requirements on Federal agencies than those which already exist.

It is proposed to add staff to the Branch to: provide management consulting services to the courts on a continuing basis; review the needs of the Judiciary in the paperwork management field; implement control and procedures mechanisms relative to forms, reports and directives.

A General Accounting Office report dated August 1973, stated that the annual cost of paperwork throughout the Government was $15 billion. Over the last ten years, the National Archives and Records Services has performed over 50 evaluations of paperwork management programs throughout the Federal agencies. It has determined that each agency's cost of paperwork, at a minimum, is 10 percent of its total budget and, in some cases, is as much as 25 percent and that agencies which have paperwork management programs have been able to achieve actual savings of as much as 1 percent of the agency's total budget during the first two years. In an effort to realize at least some of the potential savings, four positions are requested for this function; 2 Paperwork, Systems and Procedures Analysts; and 2 Clerk-typists.

During fiscal year 1975, the distribution responsibility (which has never been funded) was assigned to the Printing, Publications and Graphics Section so that a productive central distribution operation would replace the fragmented and uncoordinated manner in which distribution has been accomplished by sacrificing other essential services. Three positions will be required to perform these functions.

Four mail and messenger clerks and a supervisor service the entire Administrative Office of the United States Courts and provide special messenger service for pick up and delivery of material to and from the Supreme Court, the Congress, the Government Printing Office, and other agencies. Within the last year, the number of Administrative Office locations to be serviced has doubled and an additional Mail and Messenger Clerk is necessary to insure the prompt and efficient processing of the mail.

Space and Facilities Branch

This Branch has a present staff of 9 positions: Office of the Branch Chief-3, Space Administrator-2, Clerk-stenographers-2, Communications Specialist-2. At present, two positions review the space requirements of the Federal Judiciary, which occupies over 7.5 million square feet of space at more than 350 locations. One of these is manned by the Assistant Branch Chief which is an ineffective utilization of personnel made necessary by the lack of resources. With the new responsibilities assumed under Public Law 92-313 which requires the Judiciary to budget for space rental, tenant alterations and services and security, a Space Administrator position is requested for this Branch.

In order to discharge the scheduling responsibilities of the new appropriation for space rental ($64 million) a Management Analyst is also requested. The incumbent will review and verify space rate charges, receive requests for new space or tenant alterations, and establish priorities for work scheduling based on availability of funds. He will maintain cost records necessary for budget preparation and a suspense file on projects that must be funded at a later date because of lack of funds. Two Clerk-stenographers are needed to provide staff support.

Procurement and Property Management Branch

The present staff of the Branch is 34: Office of the Branch Chief-4, Property Management-7, Warehouse-8, Follow-up Unit-4, Procurement-11. The Branch is responsible for procurement of lawbooks, equipment, supplies and other services required by the Federal Judiciary including contractual printing of forms, dockets, opinions and records. In addition, it is charged with the responsibility of maintaining inventory records on equipment valued at over $6 million and lawbooks valued at over $31 million.

One additional Procurement Assistant and one Clerk-typist is requested for the Property Management Branch to assist in the acquisition, transfer, disposition, and accountability for equipment and lawbooks; direct a property management program for the judicial staff of over 9,700; maintain up-to-date records in subscriptions required to keep all Federal court system libraries current. Likewise, all inventory records must be amended, verified, and receipted for every time there is a change of personnel due to retirement, resignation, etc. In recent years, more than 60 new judgeships have been authorized, many full and part-time magistrates have been appointed, Federal public defender organizations have been established, over 300 probation officers have been added, and the Speedy Trial program has been undertaken, including the establishment of Pretrial Services Agencies.

Court officials are becoming more and more aware of new areas of technology and automation such as word processing equipment and micro-fisch editions of lawbooks. This awareness is reflected in the increasing volume of requests sent to this Branch. The addition of these positions will enable the Property Management Branch to direct needed attention to problems related to automated systems and procedures and the evaluation of new office equipment and lawbooks for the courts.

Work Measurement Unit

At present this Unit consists only of a Management Analyst. To plan, organize, develop and conduct work measurement surveys; tabulate and analyze data, develop, test, and maintain manpower standards; a minimum of three additional positions are requested: two Management Analysts and a Clerk-stenographer. Standards based on actual workload, will optimize the utilization of manpower and facilitate the development of sound budget justifications--justifications that will more clearly define what requested positions will be used for; what benefits will be derived; what will be lost in the event requested positions are not approved.

Item 9g. Financial Management Division (9 positions, $133,000)

The Financial Management Division is responsible for developing coordinating and maintaining an integrated system of financial support services, inlcuding accounting, budgeting, auditing, financial-management analysis, and reporting. The Division is comprised of three Branches. Budget, Accounting and Fiscal Operations. The Budget Branch formulates the budget estimates and exercises control over obligations and expenditures. The Accounting Branch is responsible for the operation of a centralized accounting system and the publication of financial statements and reports relating to appropriated funds, trust funds, and general and

special fund receipts. the disbursing functions also are performed in the Accounting Branch. The Fiscal Operations Branch is responsible for the preparation of payroll for the entire Judiciary (except the Supreme Court), the settlement of all claims under the Criminal Justice Act, and the administrative examination of travel and miscellanous expense vouchers.

At the present time there are 82 positions authorized for the Financial Management Division allocated as follows: Division Chief-4; Budget Branch-9; Accounting Branch-20; Fiscal Operations Branch-49. Nine additional positions are included for fiscal year 1977, primarily to cope with an increased workload resulting from new programs and activities and as a direct result of an increase in the supporting personnel of the courts. As additional personnel are authorized in the field, there are proportionate increases in the volume of payroll transactions that must be processed, travel and miscellaneous expense vouchers that must be examined and paid, and the number of documents that must be coded, classified and posted to the financial records. The sum of $133,000 will be required for the 9 new positions as follows:

	Number of Positions	Amount
Budget Branch:		
Budget Analyst, GS-11	1	$ 16,255
Accounting Branch:		
Systems Accountant, GS-12	1	19,386
Clerk-stenographer, GS-6	1	9,946
Fiscal Operations Branch:		
Voucher Examiner, GS-7	3	33,138
Payroll Clerk, GS-6	1	9,946
Clerk (Machine Operator), GS-5	1	8,925
Clerk-typist, GS-4	1	7,976
Total compensation	9	$105,572
Personnel Benefits		9,428
Equipment		7,200
Miscellaneous expenses (communications, supplies, etc.)		10,800
		$133,000

Budget Branch

The present professional staff of the Budget Branch consists of a budget officer, his assistant, 4 budget analysts, 2 accounts maintenance clerks, and a secretary. Recently the budget officer was given additional responsibilities for five new appropriations; Space and Facilities, Furniture and Furnishings, Speedy Trial Planning, Pretrial Services, and the Bicentennial Celebration. With regard to the funds for furniture and

furnishings, it is essential that the budget officer maintain close liaison with the General Services Administration and take an active role in the allocation of funds to insure the equitable distribution of resources among the respective courts. He is required to exercise control over the olbigations for space, tenant alterations, and other reimbursable services by the General Services Administration so as to obviate violations of the Anti-Deficiency Act. The budget officer is responsible for the allocation of funds to the Speedy Trial planning groups established in each of the district courts. He also has assumed responsibilities relating to the allocation and control of funds which were made available for the Judiciary's observance of the Bicentennial.

Taking into account the new appropriations referred to above, the Budget Branch is now responsible for the formulation, justification, and execution of 17 appropriations aggregating over $300 million. It is requested that the staff be augmented to include an additional Budget Analyst, grade GS-11.

Accounting Branch

Two new positions are requested for this Branch: A Systems Accountant, GS-12; and a Clerk-stenographer, GS-6. These 2 new positions will be assigned to a recently established "Accounting Systems and Planning Section." At the present time, there are only 4 positions allocated to that Section which has the responsibility for developing and maintaining a comprehensive accounting system for the Administrative Office, and in reviewing and recommending improvements in the accounting and fund control procedures in the clerks' offices and in procedures relating to the disbursement of funds by United States marshals. The Section also must plan, coordinate, and implement changes in operating procedures (manual and automated), including accounting forms used in processing data by the Administrative Office and court personnel. Changes necessarily must be coordinated with regulatory agencies, e.g., General Accounting Office, Treasury Department, and the Office of Management and Budget.

It is essential that greater emphasis be placed in the accounting and financial reporting systems. Procedures in the clerks' offices for the collection and disposition of deposit funds, registry funds, and general and special fund receipts require review and modernization. New procedures and regulations also are needed with respect to the disbursement of appropriated funds by United States marshals. The office currently is in the process of developing and documenting an entirely new accounting system which will meet the requirements of the General Accounting Office and the Treasury Department and which will provide more meaningful information for budgetary purposes and financial management decisions. It is expected that a basic (automated) general accounting system will be installed and operational during fiscal year 1976. However, a number of subsystems will be required in order to derive full benefits from the automated system. The additional Systems Accountant is required for this developmental effort.

Fiscal Operations Branch

Six additional positions are requested in order to cope with an increased workload. An additional Payroll Clerk is required as a direct result of an increase in personnel and to comply with a new requirement for city tax withholdings. Three Voucher Examiners are required for the administrative examination and settlement of claims for travel and miscellaneous expenses and claims submitted by attorneys appointed to represent persons under the Criminal Justice Act. In addition, there is need for a second (back-up) Machine Operator for the Criminal Justice Claims Section to process orders of appointment and vouchers submitted by attorneys and claims for investigative, expert, and other services. A Clerk-typist is required simply to handle an increased volume of correspondence and other material. It should be noted that the personnel requested for the Fiscal Operations Branch are not professionals, but clerks who will be assigned day-to-day "nuts and bolts" duties and responsibilities.

Sampling techniques are being used to the maximum extent possible and the clerical force of the Branch is being kept to a minimum. It is essential that the office be adequately staffed if they are to meet payroll deadlines and effect settlement of claims on a timely basis. More extensive samplings would subject the Administrative Office to criticism by the General Accounting Office for its failure to properly audit the vouchers and the accounts of the courts as required of the Director by 28 USC 604(a)(10).

Item 9h. Information Systems Division (10 positions, $152,000)

The Division of Information Systems is responsible for providing statistical information on the state of judicial business in each Federal court; data processing services to all elements of the Administrative Office, including the processing of statistical data, the payroll for the entire Judiciary (except the Supreme Court), and other business management information; evaluating the effectiveness of existing information systems, developing new systems when required, and maintaining all existing systems.

The Division is organized into three Branches: Statistical Analysis and Reports Branch, Data Processing Branch, and Systems Development Branch. The present authorized strength of the Division is 95 positions. Ten additional positions have been requested for fiscal year 1977 as follows:

	No. Pos.	Amount	
Data Processing Branch:			
Systems Programmer, GS-12	1	$ 19,386	
Communications Programmer, GS-12	1	19,386	
Administrative Assistant, GS-9	1	13,482	
Clerk-stenographer, GS-6	1	9,946	
Statistical Analysis and Reports Branch:			
Statistical Assistant, GS-7	1	11,046	
Data Analyst (Bankruptcy), GS-7	1	11,046	
Data Analyst (Civil), GS-6	1	9,946	
Data Analyst (Bankruptcy), GS-5	2	17,850	
Systems Development Branch:			
Clerk-stenographer, GS-6	1	9,946	
Total compensation	10	$122,034	
Personnel Benefits		9,966	
Equipment		8,000	(NR)
Misc. expenses (communications, supplies, etc.)		12,000	
		$152,000	

Data Processing Branch

A Systems Programmer is needed: (1) to assist the present staff in periodic generation and maintenance of the operation system, the set of programs designed to manage the resources of the computer system and to control the operation of all the application programs, so that the computer support provided to all Administrative Office users and to the applications programmers and analyst will always be up-to-date; (2) to develop, install, and maintain generalized routines to be used by all programmers so that common operations can be performed in the same manner; (3) to provide individualized support to the applications programmers/analyst in preparing the job control language necessary for efficient execution of their programs on the computer system; and (4) to install and maintain systems programs obtained from outside vendors for use by all personnel of the Division in managing the internal operations of the computer system.

A Communications Programmer is needed to provide specialized support to the systems programming group for the planning, installation, and maintenance of data communication and data transmission programs, so that the applications programmer/analysts will be able to develop communications-based systems which use data terminals and devices at remote locations to transmit data to the Administrative Office computer center.

An Administrative Assistant is needed to assist the Branch Chief in conducting managerial studies relative to quality and quantity of workload, establishment of performance standards, coordinating personnel matters, and

to provide special emphasis in operating areas as required. This Branch is charged with providing data processing support to the entire Administrative Office and at the present time there is neither an Assistant Branch Chief nor a Deputy Branch Chief to assist in the management and control of this vital operation.

A Clerk-stenographer is needed to provide clerical and typing support for the Data Processing Branch. This Branch operates on both a day and night shift basis and, as required, on a 24-hour a day basis. The incumbent will also handle time and attendance matters, night shift defferential, and normal clerical functions of filing, copying, preparing correspondence, and maintaining records of Branch activities.

Statistical Analysis and Reports Branch

Three data analysts are requested for the Bankruptcy Unit. This Unit is so overburdened by the record breaking number of filings and terminations that the existing staff personnel are unable to handle the detailed transactions. The addition of three Data Analyst positions will preclude the need for costly overtime and enable the staff to provide the Bankruptcy Division with data on a timely basis.

A data analyst is requested for the Civil Unit. This Unit is also overburdened with record breaking numbers of filings and terminations. An additional Data Analyst is required if this Unit is to compile the necessary statistical data relative to civil cases on a timely basis.

A Statistical Assistant is requested to provide technical assistance to professional personnel in the area of statistical compilations and measurements. In addition, the position can provide assistance needed to prepare the calendar year Wiretap Report, quadrennial surveys of district and circuit judgeship needs, statistical material for Congressional hearings, special studies on the operation of the Judiciary workload, such as new legislation, changes in sentencing procedures, and the like.

Systems Development Branch

This Branch is staffed with professional and technical analysts and programmers who are required to document a large volume of data concerned with analytical studies, systems design, programming logic, and related matters. There is currently no Clerk-stenographer position assigned to this Branch. The work is being done by personnel on loan from other offices as needed. The increasing demands justify the assignment of a Clerk-stenographer on a permanent full-time basis.

Item 91. Personnel Division (6 positions, $90,000)

The Division of Personnel is responsible for the administration of a comprehensive personnel program for the entire Federal judicial establishment (excluding the Supreme Court). This includes the continuing development of the Judiciary Salary Plan and related pay and qualification standards for the supporting positions in the court system and the fixing of salaries of all court personnel "whose compensation is not otherwise fixed by

law" (28 USC 604(a)(5)). The Division examines and processes all personnel actions from appointment to retirement; provides advice and assistance to employees and officers on benefits, law, rule, and regulation governing personnel in the Judiciary branch. The Division is also responsible for the personnel management programs relating to employees of the Administrative Office, who are under the classified Civil Service, and handles the "housekeeping" personnel functions for the Federal Judicial Center.

The Division of Personnel currently consists of 31 positions, allocated to the following organization units: Office of the Division Chief-5; Classification and Survey Branch-5; Field Operations Branch-15; Administrative Office Branch-6. Six additional positions will be requested in fiscal year 1977 as follows:

	No. Pos.	Amount	
Office of Division Chief:			
File Clerk, GS-4	1	$ 7,976	
Field Operations Branch:			
Retirement Service Clerk, GS-7	2	22,092	
Personnel Assistant, GS-7	1	11,046	
Clerk-typist, GS-4	1	7,976	
Classification and Surveys Branch:			
Personnel Management Specialist, GS-12	1	19,386	
Total compensation	6	$68,476	
Personnel Benefits		5,524	
Travel		4,000	
Equipment		4,800	(NR)
Misc. expenses (communications, supplies, etc.)		7,200	
		$90,000	

Office of the Division Chief

There is need for an additional File Clerk to cope with the increasing workload in the personnel records fileroom. Organizationally, the personnel records fileroom is in the Office of the Division Chief. Currently, there is one individual in charge of the official personnel folders for the 10,500 court personnel (including judges). All actions, pay changes, performance ratings, and letters of commendation, etc., must be filed in the official personnel folder. The files are controlled files; that is they must be receipted for and logged in and out. Periodically, they must be retired to the Federal Records Center and/or the files rearranged. All of the foregoing data regarding numbers of court employees and actions, impacts directly upon this position. Annually, over 50,000 pieces of material in 10,500 separate folders are sorted, checked, and filed by one individual, and the additional File Clerk is urgently needed for these functions.

Field Operations Branch

A Retirement Service Clerk is needed to handle a new additional function which has been levied upon this Branch by the U. S. Civil Service Commission. An Employee Service Statement (Standard Form 2815) is to be prepared and furnished to every employee upon separation. The employee must asknowledge receipt of the statement by signing and returning a copy for his official personnel folder. If the employee does not return the copy within 30 days, an unsigned control copy, retained by the agency, is filed in the folder. Since the 10,500 employees in the courts are all serviced by mail, it is anticipated that this form will have a large aggravation quotient. One man year of effort will be required at an estimated rate of 2,000 employee separations per year.

There is need for another Retirement Service Clerk, a Personnel Assistant, and a Typist to handle the current and projected workload. The Congress authorized 700 new positions for 1976 and approximately 1,000 additional positions are included in the budget for 1977. As the court population increases, the Division of Personnel must increase with it to provide the necessary personnel and related administrative services.

The number of court personnel has grown from 8,400 to 10,500 from fiscal year 1972 through 1975. However, the amount of directly related activity in the Division of Personnel has not increased linearly with that of the number of employees serviced. It has increased at a greater rate. In fiscal year 1975 over 1974, for example, while the number of court personnel increased by 800, the number of personnel actions increased by 1,900. There are several reasons for this: changes in basic provisions, such as the open season for health benefits becoming an annual event, rather than triennial; additional types of classifications of positions, allowing for career ladders and, consequently, more promotions; and the increasing size of the organizations which results in specialization of functions, and more reassignments from one position to another.

Further adding to the workload have been recent amendments to the Leave Act; amendments to the Federal Employees' Compensation Act (discussed below); and a change in the payroll system which has made the notice of personnel action the single source document for all payroll transactions (except tax withholding) concerning salary, benefits, etc., relating to an employee's net pay. Approximately 94 percent of the employees in the judicial establishment are under the Civil Service Retirement System, with a turnover of approximately 20 percent.

There were recent amendments to the Civil Service Retirement System requiring additional posting for probation officers, and each retirement requires two annuity computations; that is, one as of the actual date of retirement and one as of the last cost-of-living adjustment in annuities. In addition, the Civil Service Commission now requires that a copy of the annuity estimate be furnished to that agency for each retiring employee. When an employee retires, the retirement clerk has to post the personnel history and fiscal side of the retirement record card as well as prepare or process around ten forms. For a resignation, there are approximately six

forms to be prepared or completed. We should also consider that there are time limitations to be met in forwarding the proper forms to convert life insurance and health benefits coverage. All of the forms are required by legislation or regulations of the Civil Service Commission. We are unable to keep current with the present staff. There are now two floaters assigned to this fuction, and even with the additional help and overtime, we are unable to keep the paperwork flowing in preparing and certifying the forms to be sent to separated employees. There is no relief in sight with the addition of new positions in the courts.

Classification and Surveys Branch

An additional Personnel Management Specialist is urgently needed in this Branch. In addition to the functions which its title describes, this Branch also performs a developmental function. New procedures required by amendments to law, revisions of programs and policies, and the internal personnel management services of the Administrative Office are formulated by the Branch prior to their institution as standard operating procedures.

A new function, resulting from amendments to the Federal Employees' Compensation Act (5 USC 1801 et. seq.), which will impact upon the Personnel Division as a whole, is currently being instituted and proceduralized by this Branch. Among the more noteworthy provisions of the Act are:

- Provision for 45 days of continuation of pay (which need not be taken consecutively), a pay status that did not previously exist. The 45 days are computed in a highly complex manner, taking into consideration the day of the week, the time and type of injury, and the date of the most previous day of continuation of pay.

- Quarterly reports by the Administrative Office to the Department of Labor on total continuation of pay used in the courts.

- Liberalized compensation for work-related injuries.

The impact has been substantial. Previously, the Administrative Office did not become involved in injury compensation in the courts. Each court dealt directly with the Department of Labor. Now, however, copies of injury reports are sent to the Administrative Office for inclusion in the official personnel folder. Additionally, if an injury claim appears spurious, contravention of the claim is made by the Administrative Office.

In addition to becoming involved in a new area, there is a further complicating factor. Because of the liberalized benefits, injuries ignored in the past are now being claimed by employees. The Department of Labor originally estimated that the number of claims would increase 150 percent. Our experience in the past six months indicates that this estimate is going to be low.

66-404 O - 76 - 16

This is the Branch of the Division of Personnel which is responsible generally for the continuing review of the Judiciary Salary Plan. This is particularly true in light of the continual change in the programs and functions of the Federal Judiciary as a result of legislation and growth (magistrates system, Federal public defender system, Speedy Trial Act, and pretrial services agencies). Each additional type of position added to the courts and each general upgrading of previously existing types of positions, requires that a survey be made to determine: what the duties and responsibilities of the positions as they exist in the various courts are; how many there are; how the duties compare with other types of positions; the need for the type of position; the cost; recommendation, etc.

Within the Administrative Office, as the staff has increased, there has been a steady growth in position classification requests. In fiscal year 1972 there were 20 classification actions; in fiscal year 1973 - 49; in fiscal year 1974 - 58; in fiscal year 1975 - 74. It should be borne in mind that this data reflects only those actions taken. It does not include those denied or explored and/or deferred. Employee relations activities have likewise increased. In the past 18 months there have been four performance rating appeals (there were none prior), and four EEO complaints (doubling the total number prior). Virtually every employee problem has as its roots a personnel action or lack thereof.

Item 10. Equipment ($39,000)

It is our desire to take advantage of new equipment and modern management techniques that are available which will optimize the use of our clerical force and offset the ever increasing administrative and clerical workload. With this goal and objective in mind, provision has been made for the procurement of additional collating equipment at a cost of $15,000 and the rental of six word processing machines at a cost of $24,000.

Collator

At the present time, a large portion of the printed material which is being produced by the Administrative Office Printing Plant is being gathered (collated) manually. The addition of four stations to our existing collator will substantially reduce and, in some cases, eliminate the manual operations. This would not only result in a savings in clerical effort, but it would facilitate meeting publication deadlines which quite often are critical.

Word Processing Machines

The unduly increasing administrative and clerical requirements of the office necessitate more expansive use of word processing equipment. The sum of $24,000 has been requested for the annual rental of six automatic typewriters for use in offices where the demand for editing, revision, and repetitive typing exceeds the practical and effective capabilities of present equipment and personnel. Revisions capability and ease of text manipula-

tion will expedite the preparation of reports and other typewritten material and will provide a product that is both accurate and neat in appearance. Since only changes have to be reviewed, the need for proof-reading will be virtually eliminated and there should be a substantial increase in the productivity of secretaries and typists. The use of these word processing machines should also reduce the demands for overtime during peak workload periods.

Item 11. Transfer of Funds from the Appropriation "Salaries and Expenses of Referees" ($-60,000)

The additional position included for the Bankruptcy Division and portions of the amounts included for the general salary increase and within-grade step increases, are properly chargeable to the appropriation for "Salaries and Expenses of Referees." A further adjustment of the charges to the bankruptcy appropriation is necessary to cover the escalation in contract rates, tariffs, and other charges for supplies and services, including postage, which are of an uncontrollable nature. Accordingly, we have proposed an increase in the amount being transferred to this appropriation for general administrative expenses of the bankruptcy system from $600,000 to $660,000. Reference is made to Item 7 of the justification for the appropriation "Salaries and Expenses of Referees."

Mr. SLACK. The request for fiscal year 1977 is $8,957,000, an increase of $1,478,000 over the adjusted appropriation for fiscal year 1976.

GENERAL STATEMENT

Do you have a statement with regard to this request, Mr. Foley?

Mr. FOLEY. Yes, Mr. Chairman, I have submitted a statement for the record.

Mr. SLACK. Would you care to read your statement?

Mr. FOLEY. I would like to insert it if I may and make an observation or two.

Mr. SLACK. Very well. We shall insert the statement as though read at this point in the record and ask you if you will summarize the contents.

Mr. FOLEY. Mr. Chairman and members of the subcommittee, I sincerely appreciate this opportunity to appear before you in support of the budget estimates of the Administrative Office for the fiscal year ending September 30, 1977. Mr. Gilbert L. Bates, Assistant Director for Business and Personnel; and Mr. Edward V. Garabedian, Chief of the Financial Management Division are here with me and together we shall attempt to respond to any questions you may have and to provide you with any additional information desired.

The amount requested for fiscal year 1977 is $9,617,000; $8,957,000 by direct appropriation and $660,000 by a transfer from the appropriation for "Salaries and expenses of referees." Excluding pay costs and other adjustments to the base appropriation, the proposed increase in our programs is $1,127,000. Provision has been made for 61 additional permanent positions to be allocated to the respective organizational components of the Office as outlined on page 13.2 of the budget justifications.

Last year we requested 67 new positions and only 29 were approved. Therefore, 38 of the new positions included in the budget for fiscal year 1977 are repeat requests. We appreciate the fact that there has been a substantial increase in the staff of the Administrative Office over the past several years, but in large measure this is due to additional duties and responsibilities either as a direct result of new legislation, changes in policy, or simply events beyond our control. The Office assumed new and extensive responsibilities under the Speedy Trial Act of 1974 which included the establishment of pretrial services agencies. The responsibility for examining court offices was transferred from the Department of Justice to the Administrative Office. We are now extensively involved in the administration of two new appropriations for space and furniture which were formerly responsibilities of the General Services Administration. We have also experienced a general increase in workload as a direct result of the increase in civil, criminal, and bankruptcy case filings, and the additional supporting personnel authorized for the courts.

Mr. Chairman, I would like to also call your attention to the fact that the Director just recently established within the Administrative Office a special Budget Review Committee comprised of our three Assistant Directors—Mr. Joseph F. Spaniol, legal, legislative, and special projects; Mr. Gilbert L. Bates, business and personnel; and Mr. Paul C. Bender, plans and analysis. This committee was charged

with the responsibility for reviewing and recommending to the Director the staffing requirements of each division based on current responsibilities and its goals and objectives for fiscal year 1977. I can assure you that this committee was totally independent, impartial, and objective in formulating its recommendations since not more than one member of the committee has direct oversight responsibility for any particular division.

In addition to the internal review of the requests, the Chairman of the Budget Committee of the Judicial Conference appointed a subcommittee comprised of Judge James R. Browning of the Ninth Circuit Court of Appeals, Chief Judge Robert E. Maxwell from the U.S. District Court for the Northern District of West Virginia, and Judge Eldon B. Mahon from the U.S. District Court for the Northern District of Texas to review and evaluate the budget of the Administrative Office. As a result of these two screening processes, the requests for additional personnel submitted by our 10 division chiefs were reduced from 101 to the 61 new positions included in the budget. Many of the reductions were made to insure against a duplication of effort between two or more divisions, recognizing that a tendency toward such duplication is inevitable even in an organization as small as that of the Administrative Office.

I shall not take the time of the subcommittee to repeat in detail the justifications for the 61 new positions included in our budget, but would like to highlight the requirements of our Management Review Division, the Administrative Services Division, and Information Systems Division. With respect to the Management Review Division, the Administrative Office, for the first time, is in a position to identify and take remedial action on administrative and procedural problems in the courts of appeals and district courts. Through regular examinations of each court by our Management Review Division and with the benefit of prompt, accurate reports from that Division, we shall be able to bring about substantial improvements in administration. The Clerks Division, the Criminal Justice Act Division, and other operating divisions in the Office will be made aware of any deficiencies that exist and they, in turn, would implement or recommend changes in policies and/or procedures which will promote greater efficiency and effectiveness in the operations. The 10 positions requested for the Management Review Division were included in the budget for fiscal year 1976 but were not authorized. These positions are required if we are to attain our goal and objective of conducting these examinations on an 18-month cycle.

With respect to the Administrative Services Division, four of the new positions are required for new functions relating to the administration of the appropriation for the rental of space, tenant alterations, and related services. Eight new positions have been requested for a newly established Management Services Branch to provide management consulting services to the courts on a continuing basis and to review the needs of the Judiciary in the field of paperwork management. We also intend to establish a work-measurement unit which will

plan, organize, develop, and conduct work-measurement surveys and regularly review the prescribed manpower standards.

Our Information Systems Division is in need of 10 additional positions primarily to cope with an increased workload in the Data Processing Branch and in the Statistical Analysis and Reports Branch. The increase in the volume of civil, criminal, and bankruptcy case filings has a direct impact on the activities of this Division in that there is a proportionate increase in the number of statistical reports that must be coded and classified. The compilation of such statistical data is a statutory responsibility of the Office and it is essential that reports on the state of the dockets be prepared on a timely basis for the benefit of the Congress, the Judicial Conference, and law enforcement agencies in the executive branch of the Government.

Mr. Chairman, we respectfully request your consideration of these requests for additional personnel as we believe that through our efforts in the Administrative Office we can be of greater service to the courts in effectuating improvements in operations which will not only increase productivity, but will ultimately result in fewer demands for supporting personnel for the courts and a real savings to the taxpayers.

INTERNAL BUDGET REVIEW

Mr. FOLEY. This year, Mr. Chairman, we have for the first time attempted to institute a system of internal controls whereby three of the assistant directors comprised a committee which heard the division heads' requests, and as a result, instead of asking for 101 new positions we are asking for 61.

Of this 61, 38 are positions which were previously requested of the Congress and denied, and 23 are new positions that are being asked now for the first time.

I would be pleased to answer any questions.

Mr. SLACK. How many positions were authorized for the administrative office in fiscal year 1971?

Mr. FOLEY. In 1971, 220 positions were authorized.

Mr. SLACK. How many are presently authorized?

Mr. FOLEY. We had in 1976, 387 positions.

Mr. SLACK. It is my understanding that you are requesting an increase of 61 positions for fiscal year 1977, which would bring total authorized positions to 448.

Mr. FOLEY. Yes, sir.

Mr. SLACK. That is twice the number of positions presently authorized. Excuse me. That is twice the number of positions authorized in fiscal year 1971. Would you supply, to be inserted at this point in the record, a statement showing for each organizational unit the number of positions authorized in 1971, the number presently authorized, and the total number requested for fiscal year 1977?

Mr. FOLEY. Yes, sir, I have such a table to submit for the record.

Mr. SLACK. We shall insert the document at this point in the record.

[The information referred to follows:]

NUMBER OF POSITIONS AUTHORIZED AND REQUESTED FOR ADMINISTRATIVE OFFICE, U.S. COURTS

	1971	1976	Requested 1977
Office of the Director	4	7	7
Office of the Deputy Director	4	6	6
Office of the Executive Assistant to the Director	2	2	2
Office of the Assistant to the Director, Business and Personnel	2	4	4
Office of General Counsel	5	12	12
Criminal Justice Act Division		3	[1] 3
Division of Magistrates	4	10	12
Division of Bankruptcy	11	13	14
Division of Personnel	16	31	37
Division of Probation	9	24	26
Division of Management Review		20	[1] 30
Clerk's Division		5	[2] 9
Equal Employment Opportunity Unit		2	[3] 2
Division of Information Systems	43	95	105
Division of Financial Management	64	82	91
Division of Administrative Services	56	71	88
Total	220	387	448

[1] Division and unit were established in fiscal year 1975.
[2] Clerk's Division established in fiscal year 1976.
[3] Equal Employment Opportunity established in fiscal year 1974.

CLERKS' DIVISION

Mr. SLACK. There was a clerks' division established in the current fiscal year with a complement of some five positions; is that right?

Mr. FOLEY. Yes, sir, that is correct.

Mr. SLACK. Now, as I understand it, you want to add four additional positions for that division?

Mr. FOLEY. Yes, sir.

Mr. SLACK. What is the rationale for this increase?

Mr. FOLEY. It is an effort, sir, to coordinate in a better fashion the work of the clerks' offices, to help them meet the new problems they have, particularly in the area of the Speedy Trial Act which impinges very heavily upon the work of the clerks' offices, and to assist in their staffing and personnel requirements in conjunction with our personnel division.

MANAGEMENT REVIEW DIVISION

Mr. SLACK. With respect to the testimony on page 13.12, is the Management Review Division the same as the Office of Judicial Examination?

Mr. FOLEY. Which previously existed in the Department of Justice, yes, sir. It is intended to perform substantially the same function.

Mr. SLACK. Why did you change the name? Any particular reason for changing it?

Mr. FOLEY. The division is emphasizing management principles, I think, more than the examination of clerks' offices and we thought it was a more appropriate description of the function.

Mr. SLACK. Is the request for 10 positions the portion of the request which was not allowed last year?

Mr. FOLEY. Yes, sir.

Mr. SLACK. How long have such examinations been made by the Administrative Office?

Mr. FOLEY. This is our first year of making such examinations. We began last fall making these examinations.

Mr. SLACK. You say this is the first year?

Mr. FOLEY. We are in the first year.

Mr. SLACK. But you have done something in this year?

Mr. FOLEY. We have inspected teams out now and we have covered six district courts so far.

Mr. SLACK. You examined six courts; is that right?

Mr. FOLEY. Yes, sir, we have.

Mr. SLACK. How frequently are such examinations made at the present time?

Mr. FOLEY. We are hopeful, now that we have this responsibility and when the division is finally established, to be able to make the examination for all courts each 18 months.

Toward the end of the period that the Department of Justice was performing this function, the time lag was somewhat better than 5 years. We feel that that is not enough of an examination and it ought to be done at least every 18 months.

Mr. SLACK. Do I understand you correctly that to examine every 18 months you need 10 positions?

Mr. FOLEY. Yes; in addition to doing these regular inspections we have to send auditors every time there is a change in the post of clerk of the courts so we do have additional audits that are made from time to time.

ADMINISTRATIVE SERVICES DIVISION

Mr. SLACK. I refer now to 13.13. I notice in item No. 9(f) entitled "Administrative Services Division," that there is a request for 17 positions and $257,000.

Mr. FOLEY. Yes, sir.

Mr. SLACK. The number of positions represents an increase of 24 percent over the current number of positions authorized.

Mr. FOLEY. Yes, sir.

Mr. SLACK. How do you justify an increase of this magnitude?

Mr. FOLEY. I think we have to admit we have neglected this division the past several years, and the time I think has come when we have to start putting more manpower into that division in order to get the type of services we need. Even such menial things as messenger service becomes a problem now that we are located in four different buildings and efficiency is a factor we have to think of. I think Mr. Bates who has a close eye on this might want to say another word or two about this division.

Mr. SLACK. Will you please do it, Mr. Bates?

Mr. BATES. Thank you.

As far as the overall relationship of the size of this division to the administrative total, sir, in 1971 there were 56 positions in this division and that approximated 25 percent of the total positions. If you grant us the 17 requested here, it will bring this division into line because the other divisions have grown much more rapidly than this one and the Administrative Services Division will then have the new number of 88 positions, only 20 percent of all administrative positions.

So relative to the Administrative Office as a whole, this division will still be less than it was back in 1971.

Secondly, it seems to me that it is relevant to point out that because of shortage of personnel this division has not been able to provide certain services that we regard as most important.

One of the primary ones is a method of work measurement both with the Administrative Office and in the field clerks' offices and other portions of the court family out in the field, and another is the administration of the appropriations for rental space, intended alterations and the like. This is all within the responsibility of this division.

FINANCIAL MANAGEMENT DIVISION

Mr. SLACK. Moving along to 13.16, under item 9(g) you request nine positions and $133,000 for the Financial Management Division. I assume this comes about because of an additional workload; is that right?

Mr. FOLEY. Yes, sir. The Chief of the Division is Mr. Garabedian and I think I had better let him speak for it.

Mr. SLACK. Very well.

Mr. GARABEDIAN. Mr. Chairman, the personnel we have asked for primarily are clerical positions. The operations we are talking about are nuts and bolts kinds of operations. We do have need for a budget analyst in the budget branch to administer the new appropriations for pretrial services, speedy trial planning and the two new appropriations transferred from GSA, space and furniture.

Here again, in the accounting area, the impact of these new appropriations requires a processing of more documents, and in my fiscal operations branch there are more payroll transactions, and more vouchers for travel and miscellaneous to be examined in the criminal justice area. So, it is nuts and bolts. We just need the people to get the work done.

Mr. SLACK. What is the necessity for the request of 10 additional positions for the Information Systems Division listed on page 13.19?

INFORMATION SYSTEMS DIVISION

Mr. FOLEY. The Information Systems Division is not only receiving a great deal heavier input from the field with the growing caseload; it also has fallen further and further behind particularly in the field of statistics for probation and bankruptcy, and we feel we have to do something to add to the manpower of that division in order to enable us to do the job we are supposed to do in statistics.

Mr. SLACK. How many positions are currently authorized in that division?

Mr. FOLEY. Ninety-five positions, sir.

Mr. SLACK. Now up 10 more?

Mr. FOLEY. Yes, sir.

Mr. SLACK. What are the objectives of this division? What are its accomplishments?

Mr. FOLEY. This division is responsible for carrying out one of the primary functions which the director has under the statute creating the administrative office and that is to keep statistical records of the workloads of the courts to report to the courts on a quarterly basis in order that they may compare their own records on workload and im-

prove their management systems, and to report to the Congress annually.

Mr. SLACK. You referred earlier to the Speedy Trial Act. How does the administrative office become involved in carrying out the provisions of this act? Is it meeting the objectives as of the present time?

SPEEDY TRIAL ACT

Mr. FOLEY. Under the Speedy Trial Act, Mr. Chairman, the administrative office has the coordinating function which involves as well the Federal Judicial Center and the Department of Justice in helping the field offices in their planning functions.

The agency also creates planning commissions in every district which look to the administrative office for overall guidance.

Under title II of the Speedy Trial Act, 10 pretrial service agencies are created throughout the country which are supervised by the Probation Division of the Administrative Office.

Then the statistical division is charged with full reporting requirements of the act. This is really a very new burden on the Division of Information Systems because of the very strict timetable which the act prescribes for criminal cases, and therefore we have had to prescribe new reporting forms in order to respond in a timely manner about the status of any criminal case.

Mr. SLACK. Is it meeting the objectives as of the present time?

Mr. FOLEY. It is a little too early to tell. The act has just come into operation, and it has a 5-year buildup cycle until it becomes fully effective.

LAND COMMISSIONERS

Mr. SLACK. The Justice Department has heretofore requested funds for payment of commissioners appointed in land condemnation cases. No such funds are requested in the 1977 budget, on the assumption that such funds would be requested in the Judiciary budget. Yet the 1977 budget for the Judiciary includes no such request. I have before me communications from the Justice Department and from the Administrative Office of the Courts concerning this matter. Mr. Foley, would you please tell the committee what happened on this item?

Mr. FOLEY. For several years the Department of Justice has suggested to the judicial conference that it arrange for payment of funds for land commissioners out of the administrative office appropriations. The judicial conference has on at least three occasions rejected that proposal.

In 1975 at its September meeting the judicial conference again rejected this proposal but in so doing suggested to its Committee on Court Administration that it study the feasibility of assessing the costs and expenses of land commissioners to the condemning parties and that study is now going forward.

Meanwhile the judicial conference took the position that until there is a resolution of this problem, the Department of Justice should continue to request these funds.

We immediately advised the Department of Justice of this action, after the September session of the conference.

About 10 days ago, possibly 2 weeks ago, I received a letter from Mr. Pommerening telling us that the Department of Justice was not going to seek these funds. This was the first we knew of it.

I immediately wrote to the Deputy Attorney General and pointed out to him in view of the position of the judicial conference that the administrative office was prevented from seeking these funds and urged that the Department reconsider its position.

The next word I had on it was on Friday afternoon when I received a copy of Mr. Pommerening's letter to you.

Mr. SLACK. Without objection, we shall insert the letter received on January 22 from the U.S. Department of Justice; following that, the letter dated January 23 from the Administrative Office of the U.S. Courts.

[The letters referred to follow:]



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JAN 2 1976

Honorable John M. Slack
Chairman, Subcommittee on Departments
of State, Justice, Commerce, the
Judiciary and Related Agencies
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As you know, the Department's FY 76 appropriation language for "Fees and Expenses of Witnesses" contains a provision which permits those funds to be used to pay the compensation and expenses of Commissioners appointed in land condemnation cases. It also contains a provision which limits the daily rate of such compensation to the equivalent of a grade 18 in the General Schedule.

The Department's FY 77 budget reflects the deletion of both provisions from the "Fees and Expenses of Witnesses" appropriation language, as well as a negative transfer of $200,000 as an adjustment to base. It was our intention that this authority, responsibility, and funding be transferred to the Administrative Office of the U.S. Courts (AOUSC). Because Federal judges appoint Commissioners and set their pay rates, the Department has felt for some time that this transfer is in order. This year, the Department discussed the transfer informally with both the Office of Management and Budget (OMB) and the AOUSC. OMB largely left the matter up to us and AOUSC. We believe that the idea of the transfer had support within AOUSC, except for the Budget Committee of the Judicial Conference. Apparently, the full Judicial Conference has taken a position against the transfer at this time.

OMB has advised us that the Judiciary budget for FY 77 does not have either the language or the funds to effect this transfer. This means that currently there is no provision in either the Department's FY 77 budget or that of the Judiciary to perform this important function.

It appears that there are two options available, both involving action by the Congress: the first, and the one the Department prefers, is that the Congress insert language and funds for this function in the Judiciary budget. The second, with which the Department would have to comply, is that the Congress require that language and funds for this function be restored to the Department's FY 77 budget.

A speedy decision is required in order to allow whichever organization you decide should carry the function to amend its FY 77 budget. An amendment is necessary to assure that the item is before Congress so that it can be covered by a continuing resolution. If the item is not being considered by Congress, it could not be part of a continuing resolution and the Land Commissioners program would cease at the end of September.

At your convenience, we shall be pleased to explain our position to you personally.

Sincerely,

Glen E. Pommerening
Assistant Attorney General
for Administration

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
SUPREME COURT BUILDING
WASHINGTON, D.C. 20544

ROWLAND F. KIRKS
DIRECTOR

WILLIAM E. FOLEY
DEPUTY DIRECTOR

January 23, 1976

Honorable John M. Slack
Chairman, Subcommittee on Departments
of State, Justice, Commerce, the
Judiciary and Related Agencies
Committee on Appropriations
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

This is in reference to the letter addressed to you on January 22, 1976 by Mr. Glen E. Pommerening, Assistant Attorney General for Administration of the Department of Justice, relative to the omission from the 1977 budget requests of the Department of Justice of any funds for the payment of compensation and expenses of commissioners appointed in land condemnation cases.

At the request of the Department of Justice the Judicial Conference of the United States has under consideration at this time the question of the payment of fees of land commissioners. It has charged its Committee on Court Administration with making a study to determine whether it is feasible and practicable that the fees and expenses of land commissioners be borne by the condemning agency. Until such time as this study has been completed and the Conference has had an opportunity to study the recommendations, the Conference has expressed the view at its most recent session in September 1975, that the request for funds for the payment of fees and expenses of land commissioners should continue to be borne by the Department of Justice.

I thought you should have this record of Conference action in considering Mr. Pommerening's letter.

Sincerely yours,

William E. Foley
Deputy Director

Mr. SLACK. Are there questions with regard to the Administrative Office of the Courts?

JUSTIFICATION OF INCREASE IN PERSONNEL

Mr. CEDERBERG. I don't have a question, just a little observation. It seems the increase in personnel has been rather dramatic. I am not questioning the need for this personnel, but can you insert in the record someplace the reason for the increased workload? Is it legislative? Have we passed a great deal of legislation here that brings additional workload on the Administrative Office of the Courts? We would like a little analysis.

I understand that the Speedy Trial Act does cause you some problems. I think it is important that we try to inform those in the field how to carry out that act in the most efficient manner, but when you have requested double the number of personnel every year since 1971, all under the guise of being a little more efficient than before, I sometimes wonder whether we are in fact that much more efficient. Can you give us some concrete accomplishments for the record that have resulted since we have had these increases in personnel? I don't want to be critical, but when we look at this, or our colleagues do, we have to have some basis upon which to justify it.

Mr. FOLEY. Yes. We will be glad to submit a statement if we may.

Mr. CEDERBERG. That is all.

[The information referred to follows:]

Staffing Requirements of the Administrative Office of the United States Courts 1971 - 1977

In fiscal year 1971 there were 220 permanent positions authorized for the Administrative Office. The proposed permanent staff of the Administrative Office for fiscal year 1977 is 448, which represents an increase of 228 positions over a period of six years. This growth in the staff of the Administrative Office is due to: (1) the direct impact of new legislation; (2) the transfer of functions from other agencies; (3) new programs and management improvements; and (4) a general increase in workload. The following summary table reflects the increase in personnel for each category:

Increases in Personnel Fiscal Year 1971 Through Fiscal Year 1977 (Proposed)

Contributing Factor	Staffing Requirements (Permanent Positions)
Impact of new legislation	107
Transfer of functions from other agencies	33
New programs and management improvements	40
General increase in workload	48
TOTAL	228

The following is a brief explanatory statement with respect to each of the above referenced contributing factors:

Impact of New Legislation

1. Speedy Trial Act of 1974, P.L. 93-619, approved January 3, 1975. (42 positions)

   This Act imposed upon the Administrative Office new and extensive responsibilities, including support services to the courts during the planning process, the coordination of plans as approved by the Judicial Conference, the establishment of Pretrial Services Agencies, and the compilation of statistical data and publication of reports for the Judicial Conference and the Congress. The requirements relating to this Act were outlined in detail in a request for a supplemental appropriation for fiscal year 1975.

2. The Federal Magistrates Act, P.L. 90-578, approved October 17, 1968. (17 positions)

In fiscal year 1971 a new division was established to supervise administrative matters relating to the United States magistrates. Initially only 4 positions were authorized. The staffing requirements of the Magistrates Division for fiscal year 1977 is 12 positions. In addition to the personnel directly involved in administering the program, 9 additional positions were established in other organizational components of the Office to provide the administrative, financial, and other logistical support services required by the magistrates and their supporting personnel.

3. An Act to provide for the Appointment of Additional District Judges, P.L. 91-272, approved June 2, 1970. (15 positions)

This Act created 61 additional district judgeships which in turn required the appointment of 318 supporting personnel, i.e., secretaries, law clerks, court reporters, and courtroom deputies. Fifteen additional positions were authorized for the Administrative Office of the United States Courts to perform the day to day fiscal, procurement, and personnel functions required incident to the appointment of these new judges and other personnel.

4. Amendments to the Criminal Justice Act, P.L. 91-447, approved October 14, 1970. (12 positions)

This Act provided for the creation of Federal Public Defender and Community Defender Organizations and expanded the scope of coverage under the Criminal Justice Act to include representation of probation and parole violators, habeas corpus and 2255 petitioners, material witnesses, and other persons entitled to representation under the Sixth Amendment. A recent decision of the Supreme Court (Argersinger vs. Hamlin) has further expanded the scope of coverage to include petty offense cases where there was a liklihood of a prison sentence. A Criminal Justice Act Division was established in the Administrative Office to provide staff support services to the Judicial Conference Committee for Administration of the Act and to coordinate and monitor the activities of the respective Defender Organizations. Three positions were authorized for this new Division. In addition, it was necessary to augment the staff of existing divisions to the extent of 7 positions to cope with the increased volume

of appointments and to perform the related budgetary and accounting functions. Two additional positions have been requested in the budget for fiscal year 1977 in anticipation of a continuing increase in the appointments of counsel.

5. Public Buildings Amendments of 1972, P.L. 92-313, approved June 16, 1972. (8 positions)

This Act imposed upon the Administrative Office the responsibility for the payment of rent for space occupied by the courts in Federal buildings and in buildings under the control of the Postal Service. In addition, provision has been made for reimbursements to GSA for tenant alterations and other space related services, i.e., heating and air conditioning, cleaning and janitorial services, and protective services. It was necessary to augment the staff to exercise control over the expenditure of funds, the examination of vouchers, and for the related budgetary and accounting functions.

6. Organized Crime Control Act of 1970, P.L. 91-452, approved October 15, 1970.

An Act Authorizing the Use of Community Treatment Facilities for Persons Placed on Probation, Parole, or Mandatorily Released, P.L. 91-492, approved October 22, 1970. (5 positions)

Comprehensive Drug Abuse Prevention and Control Act of 1970, P.L. 91-513, approved October 27, 1970.

An Act Authorizing Care for Narcotics Addicts on Probation, Parole or Mandatorily Released, P.L. 92-293, approved May 11, 1972.

Public Laws 91-452 and 91-513 provided new and complex sentencing procedures for organized crime offenders and dangerous narcotics offenders. Both of these laws had a direct impact on the work of probation officers. Public Laws 91-492 and 92-293 also contributed to the workload of probation officers. All of these laws placed a substantial additional burden on the Probation Division of the Administrative Office in discharging their responsibility in supervising and monitoring compliance by the probation officers.

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7. Equal Employment Opportunity Act of 1972, P.L. 92-261, approved March 24, 1972. (2 positions)

This Act brought Federal agencies and employees for the first time under the Civil Rights Act of 1964 as amended. This new legislation gave the Civil Service Commission broad regulatory and enforcement authority. Two additional positions were authorized for the Administrative Office to administer the Equal Employment Opportunity Program.

8. Economic Stabilization Act Amendments of 1971, P.L. 92-210, approved December 22, 1971. (1 position)

This Act created the Temporary Emergency Court of Appeals which was given exclusive jurisdiction of all appeals from the district courts of the United States in cases and controversies arising under Title II of the Act or under regulations or orders issued thereunder. The life of this Court was recently extended and its jurisdiction expanded under the Energy Policy and Conservation Act, Public Law 94-163, approved December 22, 1975. The Court is being financed out of appropriations to the Federal Energy Administration. The funds are being transferred to the Administrative Office of the United States Courts which is responsible for providing all of the logistical support services in addition to performing the accounting and budgetary functions.

9. Amendments to the Federal Rules of Criminal Procedure, August 15, 1975. (1 position)

Rule 32 (c) which was effective as of December 1, 1975, provides for a presentence investigation in every case prior to the imposition of sentence or the granting of probation unless, with the permission of the court, the defendant waives such an investigation or the court finds that in the record it has sufficient information for sentencing purposes. This requirement has increased the workload of probation officers and in turn had a direct impact on the workload of the Probation Division.

10. An Act Providing for the Appointment of a Circuit Executive for each Judicial Circuit, P.L. 91-647, approved January 5, 1971. (1 position)

An additional position was authorized for the Office of the Deputy Director to coordinate all of its functions relating to the Judicial Conference, its 14 committees,

and 4 regular subcommittees, as well as the respective circuit councils and circuit conferences. The creation of the position of circuit executive emphasized the need for such coordination by the Administrative Office.

11. An Act to Assist Federal Employees in Meeting Their Tax Obligations under City Ordinances, P.L. 93-340, approved July 10, 1974. (1 position)

This Act authorized the withholding of city taxes from the wages of government employees. The additional burden imposed upon the Payroll Section in the Administrative Office necessitated the addition of one employee.

12. An Act to Amend Title 5 of the United States Code with Respect to the Retirement of Certain Law Enforcement Personnel, P.L. 93-350, approved July 12, 1974. (1 position)

This Act relates to the minimum and maximum age limits for appointments to law enforcement positions and eligibility for retirement under the hazardous duty provisions of the Civil Service Retirement Act. An additional position is included in the fiscal year 1977 budget for our Personnel Division as a result of additional postings required and the need for additional annuity computations with respect to probation officers.

13. An Act to Amend Chapter 81 of Title 5, Relating to Compensation for Work Injuries, P.L. 93-416, approved September 7, 1974. (1 position)

This Act provides for extensive and liberalized benefits for employees injured in the performance of their official duties. It also provides for such benefits for the first time to grand and petit jurors. As a consequence, the Administrative Office will be required to process a substantially greater number of claims under the Federal Employees Compensation Act.

Transfers of Functions From Other Agencies

1. Examination of Court Offices. (30 positions)

The Division of Management Review was established in 1974 to examine court offices, a function previously performed by the Department of Justice. To date, 20 positions have been authorized and 10 additional positions have been requested for fiscal year 1977 which will permit the examination of court offices every 18 months.

2. Procurement of Furniture and Furnishings. (2 positions)

Prior to fiscal year 1975, the General Services Administration provided all of the furniture and furnishings required by court personnel out of direct appropriations to GSA. In fiscal year 1975 the Administrative Office assumed budgetary responsibility for this program, but with the understanding that the funds would be transferred to GSA and that agency would continue to perform the procurement and other related functions. It was necessary to augment the staff of the Financial Management Division of the Administrative Office to formulate the budget estimates, prepare budget justifications, and exercise control over the allocation of the resources.

3. Payment to Court Interpreters. (1 position)

The Department of Justice, after traditionally paying for interpreters required in court, now takes the position that these interpreters should be paid out of Judiciary appropriations pursuant to Rule 28 of the Federal Rules of Criminal Procedure. A position has been requested for fiscal year 1977 to provide for the processing of authorizations and payment of fees of interpreters.

New Programs and Management Improvements

1. Establishment of a Clerks Division. (9 positions)

In fiscal year 1976 a Clerks Division was established in the Administrative Office to oversee, coordinate and assist in the more efficient operation of clerks' offices. This Division is to act as a focal point for clerks immediate and long range problems, coordinate training programs for clerks and their deputies, recommend substantive or procedural policy changes, allocate new positions, and coordinate with other divisions those functions which impact on clerks' operations. Initially 5 positions were authorized for this Division and 4 new positions are included in the budget for fiscal year 1977.

2. Work Measurement Unit. (3 positions)

Provision has been made in the budget for fiscal year 1977 for 3 new positions for the purpose of establishing a Work Measurement Unit in the Administrative Services Division. This Unit will be responsible for planning, organizing and conducting work measurement surveys; tabulating and analyzing the data; developing, testing and maintaining manpower standards for the purpose of determining the staffing requirements of the respective courts. This function is essential in that it assures an equitable distribution of resources.

3. Computer Systems Development. (14 positions)

In recognition of the need for the automation of many of the functions in the Administrative Office and in the courts, a Computer Systems Development Branch was established in the Division of Information Services in 1972. This Branch is responsible for a continuous study of methods and procedures and for the development of new systems for the calendaring and assignment of cases, standardization of court docketing, selecting and accounting for jurors, filing procedures, and the like. Exclusive of the additional personnel authorized for implementation of the Speedy Trial Act, the staff of this Branch currently consists of 13 positions. One additional position has been requested for fiscal year 1977.

4. Accounting Systems and Planning Section. (6 positions)

In fiscal year 1974 a new Accounting Systems and Planning Section was established in the Finanacial Management Division for the purpose of developing and maintaining a comprehensive accounting system for the Administrative Office and for reviewing and recommending improvements in the accounting and fund control procedures in the clerks' offices and in procedures relating to the disbursement of funds by United States marshals. This Section is also responsible for planning, coordinating, and implementing changes in operating procedures (manual and automated) in compliance with the requirements of regulatory agencies, e.g., General Accounting Office, Treasury Department, and the Office of Management and Budget. The staff of this Section currently consists of 4 permanent positions. Two additional positions are included in the budget for fiscal year 1977.

5. Paperwork Management. (8 positions)

The Administrative Services Division was recently reorganized and a new Management Services Branch was established to provide management consulting services to the courts on a continuing basis, including a review of paperwork, and the implementation of controls and procedures relative to forms, reports and directives. It is believed that through the efforts of this new Branch, there can be a substantial savings of paperwork. Initially 4 positions were authorized for this new Branch and 4 additional positions are included in the budget for 1977.

Increased Workload

Since fiscal year 1971 there has been a dramatic increase in the workload of the courts of appeals and district courts. It is expected that the workload will continue to increase in fiscal years 1976 and 1977. If the current trend continues, conceivably there will be over 22,000 filings in the courts of appeals in 1977 compared with 12,788 in 1971, an increase of 72 percent. Civil and Criminal filings in the district courts for fiscal year 1977 are projected at 190,000 compared with 136,553 in 1971, an increase of 40 percent. We are currently projecting 310,000 bankruptcy cases for fiscal year 1977 compared with 201,352 in 1971, an increase of 54 percent. The number of persons expected to be under the supervision of federal probation officers in 1977 is 74,000 compared with 42,549 in 1971, an increase of 74 percent. Probation officers are expected to conduct approximately 37,000 presentence investigations in 1974 compared with 23,479 in 1971, an increase of 58 percent. There have also been significant increases in the number of minor offense cases disposed of by United States magistrates, in the number of civil and criminal jury and non-jury trials, petitions for naturalization, and a significant impact on the work of clerks' offices in processing forfeitures of collateral or fines assessed by magistrates.

As a result of the increasing workload in the courts of appeals and district courts, there has been a substantial increase in the number of supporting personnel authorized for the courts. For fiscal year 1977 provision has been made for a total of 10,697 permanent positions (exclusive of the judges) which represents an increase of 69 percent over the number of positions authorized in 1971. The increase in caseload and the increase in personnel in the courts has a direct impact on the workload of the Administrative Office in that the new employees must be provided office space, supplies, equipment and other services. As a result of the growth of personnel in the field, the Administrative Office necessarily must process a greater number of personnel actions, payroll changes, examine and effect settlement of more expense vouchers and the like. Also, the increased caseload requires the processing and compilation of more statistical data by our Information Systems Division.

In contrast to the increased workload and personnel in the courts referred to above, the proposed staff for the Administrative Office for fiscal year 1977 represents an increase of 48 positions, or approximately 20 percent as it relates to workload as distinguished from new and additional responsibilities, and new programs or management improvements.

Mr. SLACK. Mr. Miller?

ADMINISTRATION OF SPACE AND FURNITURE APPROPRIATIONS

Mr. MILLER. Mr. Foley, on page 2 of your testimony you say: "We are now extensively involved in the administration of two new appropriations for space and furniture which were formerly responsibilities of the General Services Administration." Could you tell us why General Services Administration will not be handling that particular area you are speaking of? Why will it be necessary for you to do this?

Mr. GARABEDIAN. If I may, Mr. Miller, since most of the workload falls on my shoulders, I would like to explain that initially, when this committee appropriated funds for furniture and space, we were given the authority to transfer both appropriations to GSA to be administered by GSA pursuant to an agreement with Mr. Sampson who was then the Administrator of GSA.

Generally, we had encountered numerous problems, particularly relating to space and reimbursable services, some alterations, protective services, and the like.

Since the authority was permissive, that is the transfer was permissive rather than mandatory, we elected not to transfer the space and facilities appropriation, but rather to go on a direct billing procedure so that we would know how the money is being spent, what it was being spent for.

Up until now we have had no information of this kind, because the appropriation in total was administered by GSA. They would dip into the pot and pull out whatever was necessay to fulfill the demands placed upon them by the courts.

As a consequence of going to the direct billing procedure we now get a billing from GSA for every type of reimbursable service they render aside from the normal bills for rent. However, billings from GSA are creating numerous accounting problems for us and also budgetary problems.

With reference to the furniture and furnishings appropriation we have asked GSA to tell us what they have been spending for furniture at each of the court locations. They have told us that they cannot provide us with that information, that their accounting records are not set up in such a way that the information would be readily available.

Nonetheless, they asked us to assist them in allocating the funds so that we would equitably distribute our resources over all the courts at some 300 different locations. We agreed to do that, so now we are in the business of trying to arrive at some fair allocation procedure, without having the benefit of any information on what has been spent in the past and what it has been spent for.

Starting the next fiscal year, what we plan to do is ask each of the courts to inform us what their budgetary requirements will be, and on that basis, we will allocate the funds and maintain accounts which will show exactly what is spent in each court.

So here again, we are getting into rather involved and complex accounting and budgetary procedures only because we feel that, in the past, there has not been sufficient control over the funds we have transferred to GSA for these two appropriations.

Mr. MILLER. What it means, as I see it, is a duplication of effort. If GSA had the record they would be able to convey to you what the expenditure was in each of the courtrooms for facilities they are furnishing, but now I see also as we go to page 4 with respect to the Administrative Service Division 4 of the new positions are required for new functions relating to the administration of the appropriation for the rental of space, tenant alterations, and related services. So this seems to be a duplication, and you need to set up accounts to find out exactly what it is costing so that you will be able to transfer funds to GSA. Am I understanding that correctly?

Mr. GARABEDIAN. If we transfer it in a lump sum, yes, sir, it would certainly reduce our burden in this area.

But we would continue to approve every request for protective services or any other reimbursable service and we would continue to be involved to the extent suggested here.

Now, Mr. Miller, to give you an example of the kind of problem I am talking about, under the SLUC billings a certain level of maintenance and services are provided by GSA, and if the tenant makes a demand for service over and above that, the tenant is expected to pay for it.

Well, we are being billed—and I saw a bill the other day for $130,000 for tenant alteration in a courthouse. The problem we have is we do not know where GSA's responsibility begins and ends and where our responsibility begins and ends.

In other words, is the $130,000 considered tenant alterations or is it a major improvement of the facilities? Should this come under the general heading of repairs, improvement, construction or what?

Certainly we can understand and appreciate the fact that if we want an outlet built into the wall we should pay for it. We have no problem with that. We have no problem with painting a room if it is over and above the normal schedule to paint, but we are having some difficulty with the billings, and we felt in order to get a handle on what was being spent in this area, the best way and only way to do it is to have them bill us for every type of service they render which is the direction we are going at the present time.

We feel we have a responsibility to your committee here to know what is happening; up until now we didn't know.

Mr. MILLER. As I see it we would have a better handle. We would know where it goes, but it will be in some cases duplication of effort, separate accounts; and it will cost more. I am not sure that we are heading in the right direction.

As you know, I serve on another Appropriations Subcommittee where we consider GSA's appropriations. I think it is good this is brought out. It will help us in the other subcommittee.

It seems to me if we had this in each agency we would have quite a duplication of effort because it would be necessary for each agency to keep track and set up their own system to be able to pay separately for each item to GSA. It sounds like a good businesslike arrangement, I like the idea but not necessarily the idea of two separate groups doing the same thing.

Mr. GARABEDIAN. Mr. Miller, may I say something relative to that statement? We are unique in that we are the only agency that doesn't buy our own furniture, that is not on a direct billing arrangement with GSA.

If Agriculture or the Department of Justice or State Department wants tenant alterations, they issue a job order, GSA does the job, and they send the bill to the agency and the agency pays it.

What we are saying in effect is we want to handle it exactly the same way every agency in the Government is handling it.

We are unique in that as a result of an agreement with Mr. Sampson, GSA is providing us with a service which they do not provide any other agency.

But I am not sure that the service we have been getting is totally satisfactory.

STATISTICAL INFORMATION REQUIREMENTS

Mr. MILLER. That is good information. One other question. You state, "Our Information Systems Division is in need of 10 additional positions primarily to cope with the increased workload in the Data Processing Branch." You go on to say that this is necessary in order to prepare on a timely basis reports for the benefit of the Congress, the Judicial Conference and the law enforcement agencies in the executive branch of the Government. It seems as though you are doing work for another group or several other groups. Are we creating that problem? Is the Congress asking you for additional statistical analysis? Is this causing you an additional workload?

Mr. FOLEY. In the area of speedy trial legislation the answer would be yes, sir.

All across the board it is not solely because we have new legislation; it is also because we have not had the manpower particularly in the statistical analysis of the courts branch to keep up with our responsibilities.

We have fallen behind seriously in at least two areas, bankruptcy and probation.

Mr. MILLER. Then what it comes to, we are speaking of additional statistical analysis for the law enforcement agencies in the executive branch of the Government. Have you had additional requirements made mandatory to you in order to come up with additional information that would help the administration?

Mr. FOLEY. It helps us, primarily, sir, in our relations with the Bureau of Prisons and Board of Parole.

Mr. MILLER. I notice that you also speak of the Speedy Trial Act and you also make mention of the proposed new Federal Criminal Code and the fact that this would be an additional load, that it would substantially revise and enlarge the trial jurisdiction procedures. Is that work you need to do now included in the budget that you are requesting in anticipation of the proposed new Federal Criminal Code being enacted?

Mr. FOLEY. We have no way of knowing whether and how soon it will be enacted but the legislation has been very seriously considered, and therefore we have necessarily to prepare ourselves for the possibility.

That jurisdiction that you cite has to do with our magistrates division which of course would feel the impact more than any other admin-

istrative office division because of the requirement of new types of forms and new reporting and so forth.

The main impact of S. 1 of course would be on the judges themselves. As Mr. Garabedian points out it would also enlarge trial jurisdiction.

Mr. MILLER. You bring up a very interesting point when you speak of forms. We have a Commission on Paperwork now and I am not sure how far it reaches out, but they are supposed to help solve the problem of removing some of the forms from agencies within the administration. I would assume they would be looking at the forms you have.

Mr. FOLEY. Most of our forms are prescribed either by the rules of civil procedure or the rules of criminal procedure or the bankruptcy rules and are designed really to expedite procedures.

But like all forms I am sure there is some room for improvement.

Mr. MILLER. Has the Commission on Paperwork contacted you to look over your forms?

Mr. FOLEY. Mr. Bates would know that.

Mr. BATES. Yes, sir, we have been so contacted and we have two people who are working with them on the problem.

Mr. MILLER. That sounds very good. It sounds as though we are moving in the right direction.

Mr. CEDERBERG. How many forms do they have?

Mr. BATES. I do not know, sir.

SPACE AND FACILITIES

Mr. SLACK. The next item is entitled "Space and facilities." The justifications thereto are to be found beginning at page 15.1, which page we shall insert at this point in the record, together with pages 15.2 through 15.7.

[The justification pages referred to follow:]

THE JUDICIARY

SPACE AND FACILITIES

Summary of Requirements

Appropriation 1976 (as enacted)	$64,000,000
1977 budget estimate	75,969,000
Proposed Increase	11,969,000

Appropriation Language

SPACE AND FACILITIES, THE JUDICIARY

SPACE AND FACILITIES

For the rental of space, tenant alterations, and related services for the United States Courts of Appeals and District Courts, the Court of Customs and Patent Appeals, the Customs Court, the Court of Claims, the Administrative Office of the United States Courts and the Federal Judicial Center, pursuant to the Public Buildings Amendments of 1972, Public Law 92-313, June 16, 1972 (86 Stat. 216), [$64,000,000] $75,969,000 to be available for transfer to the General Services Administration which shall be responsible for administering the program in compliance with standards or guidelines prescribed by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States.

[For "Space and facilities" for the period July 1, 1976, through September 30, 1976, $16,000,000.]

SPACE AND FACILITIES
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	Amount
Appropriation 1976 (enacted to date)	..	$64,000
Adjustments to base and built-in changes:		
1. Space rental	..	+6,750
Program changes:		
2. Space requirements relating to requests for new personnel	..	+3,319
3. Security systems installation and maintenance	..	+1,230
4. Reimbursable protective service	..	+670
Subtotal, program changes	..	+5,219
Total increases requested	..	+11,969
Total appropriation requested, 1977	..	75,969

SPACE AND FACILITIES

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976 Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
Comparison by activities:	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Space and facilities	..	$64,000	..	$70,750	..	$75,969	..	$5,219

Object Classification
(In thousands of dollars)

		1976 Estimate	1977 Estimate	Difference (+) or (-)
23	Space rental	$48,000	$58,069	$+10,069
	Heating and air conditioning for off-duty hours	400	400	...
25	Repairs and alterations	9,600	9,600	...
	Reimbursable protective service	6,000	6,670	+670
	Maintenance of security equipment	...	450	+450
31	Equipment (court security systems)	...	780	+780
	Total obligations	64,000	75,969	+11,969

Significant Items in House and Senate Appropriations Committee Reports

Excerpt from House Appropriations Committee Report No. 94-318, pages 31 and 32

The Committee is most concerned over the amount of courtroom space not utilized and the lack of any progress toward its disposition or transformation into other facilities. The Administrative Office of the United States Courts, at the Committee's request, provided data indicating that 70 courtrooms were utilized an average of five trial days or less per year over the past five years, and that as many as 200 courtrooms may be excess. The annual cost in utilities and rental charge for these largely unused facilities is estimated to be about $2 million. While the Committee recognizes that courtroom utilization should not be the sole criterion for maintenance of a Federal courtroom, much greater emphasis should be placed on utilization than in the past. The Committee directs the Director of the Administrative Office of the United States Courts to inventory courtroom space under his jurisdiction, prepare a list of excess courtroom space based on utilization, ability of other courtrooms to absorb an added load, immediate need for new judgeships, population served, and distances of travel, and work with the General Services Administration to arrange for disposition of such excess property.

Excerpt from Senate Appropriations Committee Report No. 94-328, page 48

The Committee is concerned over the amount of courtroom space not utilized and the lack of any progress toward its disposition or transformation into other facilities. The Administrative Office of the United States Courts, at the House Appropriations Committee's request, provided data indicating that 70 courtrooms were utilized an average of five trial days or less per year over the past five years, and that as many as 200 courtrooms may be in excess. The annual cost in utilities and rental charge for these largely unused facilities is estimated to be about $2 million. While the Committee recognizes that courtroom utilization should not be the sole criterion for maintenance of a Federal courtroom, much greater emphasis should be placed on utilization than in the past. The Committee concurs in the House Committee directive to the Director of the Administrative Office of the United States Courts to inventory courtroom space under his jurisdiction, prepare a list of excess courtroom space based on utilization, ability of other courtrooms to absorb an added load, immediate need for new judgeships, population served, and distances of travel, and work with the General Services Administration to arrange for disposition of such excess property.

Action taken or to be taken

The Administrative Office of the United States Courts has not yet completed its utilization study of 703 courtrooms nationwide assigned to the United States district courts. Results of the study will be submitted to the Appropriations Committees when it is completed. To date, with the cooperation of the Federal courts involved, facilities at 18 locations have been released as follow:

Alaska, Ketchikan	Nevada, Carson City
Florida (M), Fernandia Beach	New York (W), Canandaigua
Illinois (E), Cairo	New York (W), Jamestown
Illinois (S), Quincy	Oklahoma (N), Bratlesville
Iowa (N), Dubuque	Oklahoma (N), Pawhuska
Iowa (N), Mason City	Oklahoma (W), Chickasha
Iowa (S), Creston	South Carolina, Greenwood
Iowa (S), Keokuk	Vermont, Windsor
Minnesota, Mankato	Washington (W), Bellingham

There is some opposition to the closing of court facilities by local bar associations through their local congressional representatives. Notwithstanding, every effort is being made to persuade the chief judges of the respective district courts to voluntarily release facilities which are under-utilized and uneconomical to maintain. Considering the fact that these are statutory places of holding court, the matter of closing down some of the facilities may ultimately have to be resolved by the Congress.

In accordance with one or more resolutions of the Judicial Conference of the United States, the last which was adopted in October 1971, the Federal courts generally cooperate fully with non-court activities in making courtrooms available for their use when not needed for Federal court purposes. Likewise, Federal court facilities are frequently made available for use by state and local courts. The Administrative Office is making the utilization of existing courtrooms a prime consideration in determining whether to provide additional courtrooms at any locations where they may be requested. Courtrooms are no longer being provided the judges on a one-for-one basis unless the utilization factor indicates it is necessary. Another consideration with regard to the release of courtroom facilities is the need to accommodate new judgeships. This, of course, presents a problem in that a determination as to the requirements of the new judges cannot be made until a judgeship bill is enacted and it is known where the new judges will be headquartered. By and large, infrequently used courtrooms are located in outlying places where there is little likelihood that a judge will be stationed.

When the inventory of courtroom space reflecting the amount of utilization of each facility is complete, we must look to the Congress for guidance as to which facilities should be released considering the fact that it is within the jurisdiction of Congress to determine where court shall be held.

Purpose Statement

This appropriation is to cover the costs of space rental, off-duty utility charges, repairs, tenant alterations, and reimbursable protective services. For basic statutory authority, reference is made to Section "S" of the Digest of Appropriations, The Judiciary.

As indicated in a previous statement, the House and Senate Appropriations Committees have expressed concern over the payment of rent for courtrooms and other facilities that are under-utilized. Several facilities already have been released with the cooperation of the respective courts involved. We would hope that additional facilities will be released in the process of the survey that is being conducted and ultimately the budgetary requirements for the rental of space and related expenses will be reduced. At this point in time, it would be difficult to make an estimate of the savings that will be accomplished and, therefore, the budget estimate for fiscal year 1977 is based on current occupancy augmented to the extent necessary to accommodate new personnel. Any savings realized will be returned to the Treasury since this appropriation is not available for any other purposes.

Justification of Changes

Item 1. Space Rental ($6,750,000)

In fiscal year 1975, the space rental cost for the Judiciary was $46,370,228. According to information from the General Services Administration, the cost of the rental space in fiscal year 1976 for 7,588,250 square feet of space occupied by the Judiciary as of June 30, 1975, is $43,213,000. In addition, it is estimated that $4,787,000 will be required in 1976 for space that will be required to accommodate new personnel, senior judges, and expansion space in new and remodeled buildings.

In fiscal year 1977, according to GSA, we may expect the rental charges to increase by $3,600,000 or 7.5 percent. About 162,800 additional square feet at an annual rental of about $1,950,000 will be required to rent space for judges who take senior status in fiscal year 1977. An additional 100,000 square feet will be involved incident to the completion of four new buildings and several remodeling projects at a cost of 1,200,000 for an increase of $3,150,000.

Item 2. Space Requirements Relating to Request for New Personnel ($3,319,000)

Additional space requirements for new personnel for fiscal year 1977, which is not contained in Item 1, is computed at $12.40 per square foot. The detail requirements by appropriation are as follows:

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	No. of Positions	Square Feet	Total Cost
Supporting Personnel	908	181,600	$2,251,840
Referees and staff	5	15,000	186,000
Additional bankruptcy clerical positions	258	51,600	639,840
Administrative Office	61	18,300	226,920
Federal Public Defenders	4	1,200	14,880
		267,700	$3,319,480

Item 3. Security Systems Installation and Maintenance ($1,230,000)

Previously, the Department of Justice funded the expense of court security systems and equipment incident to the responsibility of the U.S. Marshals Service for the security of the Federal judges and court personnel. We were informed, however, that it did not plan to reimburse GSA any longer for expenses of this nature. Accordingly, funds are being requested in the fiscal year 1977 Judiciary budget for this purpose.

Based on a survey by the U.S. Marshals Service, the installation of court security systems is recommended at 19 courthouse locations in fiscal year 1977 at an estimated cost of $670,000. An additional $110,000 will be needed for the 37 judges who become eligible for senior status in fiscal year 1977. The estimated cost of maintenance of security equipment already installed at 86 court locations in fiscal year 1977 is $450,000.

In summary, $780,000 will be required for installation of new security equipment and $450,000 for equipment maintenance for a total of $1,230,000.

Item 4. Reimbursable Protective Services ($670,000)

Pursuant to the provision of Section 4 of Public Law 92-313, the Judiciary is responsible for paying for physical security required over and above that provided in the GSA-SLUC rates. In fiscal year 1976, the cost of this security is anticipated to be $4,588,000 in GSA-owned buildings and $1,412,000 in Postal Service-owned buildings for a total of $6,000,000. It is estimated that this cost will increase in fiscal year 1977 as a result of salary increases for the guard force, related benefits and expenses. In addition, it is anticipated that more guards will be needed due to the expansion of court facilities and judges taking senior status. To cover fiscal year 1977 costs, a total of $670,000 will be needed in fiscal year 1977.

Mr. SLACK. You indicate a request in fiscal year 1977 of $75,969,000, an increase of $11,969,000 over appropriations for fiscal year 1976. Do you wish to comment with respect to this item, Mr. Foley?

Mr. FOLEY. Only to say, sir, that after this budget justification was put together we discovered that we are saving through release of certain facilities listed on 15.4, $360,000 which should be deducted from our request.

Mr. SLACK. $360,000. What about the amount of square footage of space?

Mr. FOLEY. It is a savings of some 75,264 square feet.

Mr. SLACK. You state on page 15.4 of the justifications that the Administrative Office has not yet completed its utilization study of 703 courtrooms. When do you expect to complete that study?

Mr. FOLEY. We have a target date of March 31 for the completion of that study, sir.

Mr. SLACK. 1976?

Mr. FOLEY. Yes, sir, it is very well along now.

Mr. SLACK. You anticipate that additional facilities can be released?

Mr. FOLEY. We are certainly hopeful that they can.

Mr. SLACK. On page 15.6 of the justifications you referred to an additional 100,000 square feet involved in the completion of four new buildings and several remodeled projects. Will you please give us the location of each of those buildings and remodeling projects?

Mr. FOLEY. Yes, sir, we have those here. The four new buildings are in Honolulu, Syracuse, N.Y., Winston-Salem, N.C., and Elkins, W.Va. The remodeling projects are in Richmond, Va., and Grand Rapids, Mich.

Mr. SLACK. With respect to the request of $3,319,000 on page 15.6, related to space for new personnel, I would assume that this amount could be adjusted if the number of new personnel is reduced; is that correct?

Mr. FOLEY. Yes, sir.

SECURITY SYSTEMS AND PROTECTIVE SERVICES

Mr. SLACK. What can you tell us about the security system installation and maintenance request on page 15.7?

Mr. FOLEY. This is the special field supervised by Mr. Bates and I think if I may I should like him to answer that question, sir.

Mr. SLACK. Very well.

Mr. BATES. As to this security system, sir, as you may recall, we are dependent on three different sources for necessary guard service. Several years ago when the security system in the late 1960's and early 1970's was a matter of major concern to one and all, an agreement was reached between the Administrative Office, the Post Office, the General Services Administration and the Marshals Service to split security responsibility among those three agencies.

In a Post Office owned building it is up to the Post Office; and in a GSA building, GSA, as to so-called perimeter security.

As to protecting and securing the person of the judge, his chambers, and his court, that was and still is the responsibility of the Marshals Service.

We have had some difficulties on occasion as to whose areas overlapped what other ones. Generally the program has gone well. We have had because of limitations which GSA has told us about in its budget, changed the nature of the security provided to include mobile squads or units. They have security officers who in special circumstances or in case of a hot trial provide additional security personnel. The Marshals Service has done the same.

When our SLUC rate is not sufficient to pay GSA or the Post Office, either one, for what our judges feel very definitely is the security required, we have been required by the GSA and the Postal Service to pay for any additional guard service we require.

Mr. SLACK. There is also a related item on page 15.7 under item 4 entitled "Reimbursable Protective Service," which shows a requested increase of $670,000. Would you provide for the record a listing of the locations where there is a need for protective services over and above the level of such service provided presently by GSA?

Mr. FOLEY. Yes, sir.

[The information referred to follows:]

January 28, 1976

FEDERAL COURTHOUSES IN WHICH GUARD SERVICE ABOVE STANDARD LEVEL IS OBTAINED BY JUDICIARY ON REIMBURSABLE BASIS IN FISCAL YEAR 1976

Circuit and Location	Reimbursable Positions
FIRST CIRCUIT	
Maine	
Bangor	.57
Portland	1.13
Massachusetts	
Boston	7.21
New Hampshire	
Concord	1.13
Puerto Rico	
San Juan	4.82
Rhode Island	
Providence	4.93
SECOND CIRCUIT	
Connecticut	
Bridgeport	1.13
Hartford	1.13
New York	
Albany	1.13
Auburn	1.00
Brooklyn*	9.84
Buffalo	2.26
New York City (2 buildings)	
Circuit and District Court	18.77
Customs Court	1.64
Rochester	2.26
Syracuse	.57
Vermont	
Burlington	1.13
THIRD CIRCUIT	
Delaware	
Wilmington	3.80

*Denote Postal-owned buildings; all others are GSA-owned.

Federal Courthouses in which Guard Service above Standard Level is Obtained - FY 1976

Circuit and Location	Reimbursable Positions
THIRD CIRCUIT (cont.)	
New Jersey	
Camden	3.39
Newark*	4.00
Trenton	3.39
Pennsylvania	
Harrisburg	6.79
Philadelphia	12.10
Pittsburgh*	7.00
Scranton*	2.00
Wilkes-Barre*	1.00
Virgin Islands	
Charlotte Amalie	1.13
FOURTH CIRCUIT	
Maryland	
Baltimore	8.71
North Carolina	
Asheville	1.13
Charlotte*	1.13
Greensboro	1.13
Raleigh	1.13
South Carolina	
Charleston	1.13
Columbia	1.13
Greenville	1.13
Virginia	
Alexandria*	4.00
Norfolk*	4.00
Richmond	2.26
West Virginia	
Charleston	1.64
Elkins*	5.00

*Denotes Postal-owned buildings; all others are GSA-owned.

Federal Courthouses in which
Guard Service above Standard
Level is Obtained - FY 1976

Circuit and Location	Reimbursable Positions
FIFTH CIRCUIT	
Alabama	
Birmingham	2.26
Mobile	3.39
Montgomery	2.26
Tuscaloosa	2.26
Florida	
Jacksonville	3.39
Miami*	13.00
Orlando	2.26
Pensacola	2.26
Tampa	2.26
Tallahassee*	.90
West Palm Beach	2.26
Georgia	
Atlanta	3.39
Columbus*	2.00
Gainesville	2.26
Macon	2.26
Savannah	1.13
Louisiana	
Lafayette*	1.00
Lake Charles*	1.00
New Orleans (2 buildings)	
Court of Appeals	3.62
District Court	9.04
Shreveport	1.64
Mississippi	
Biloxi*	3.00
Greenville	1.13
Jackson	1.13
Texas	
Austin	1.13
Brownsville	2.00
Corpus Christi	4.30
Dallas	3.76

*Denotes Postal-owned buildings; all others are GSA-owned.

Federal Courthouses in which Guard Service above Standard Level is Obtained - FY 1976

Circuit and Location	Reimbursable Positions
FIFTH CIRCUIT (cont.)	
Texas (cont.)	
El Paso	2.00
Fort Worth	2.00
Houston	6.89
San Antonio	4.92
Tyler	1.13
SIXTH CIRCUIT	
Kentucky	
Louisville	2.26
Owensboro	1.13
Michigan	
Detroit	4.92
Grand Rapids	2.00
Kalamazoo	1.13
Ohio	
Akron	1.13
Cincinnati	2.00
Cleveland	4.92
Columbus	1.13
Dayton	1.13
Toledo	2.00
Tennessee	
Memphis	3.39
Nashville	2.26
SEVENTH CIRCUIT	
Illinois	
Alton	1.13
Chicago	6.00
East St. Louis*	1.00
Springfield	2.00

*Denotes Postal-owned buildings; all others are GSA-owned.

Federal Courthouses in which
Guard Service above Standard
Level is Obtained - FY 1976

Circuit and Location	Reimbursable Positions
SEVENTH CIRCUIT (cont.)	
Indiana	
Fort Wayne*	1.00
Hammond	1.13
Indianapolis	4.92
EIGHTH CIRCUIT	
Arkansas	
Little Rock	1.32
Texarkana	2.46
Iowa	
Des Moines	2.34
Minnesota	
Minneapolis	4.92
St. Paul	4.92
Missouri	
Kansas City	4.10
St. Louis	2.03
Nebraska	
Omaha	1.75
NINTH CIRCUIT	
Alaska	
Anchorage	1.13
Arizona	
Phoenix	2.95
Tucson	4.22

*Denotes Postal-owned buildings; all others are GSA-owned.

Federal Courthouses in which Guard Service above Standard Level is Obtained - FY 1976

Circuit and Location	Reimbursable Positions
NINTH CIRCUIT (cont.)	
California	
Los Angeles	8.88
Sacramento	4.92
San Diego	4.24
San Francisco (2 buildings)	
Court of Appeals	2.95
District Court	2.92
Hawaii	
Honolulu	3.79
Idaho	
Boise	2.26
Nevada	
Las Vegas	3.69
Oregon	
Portland (2 buildings)	
Court of Appeals	2.92
District Court	2.81
Washington	
Seattle	2.81
Spokane	1.13
TENTH CIRCUIT	
Colorado	
Denver	1.48
Kansas	
Kansas City	2.34
Topeka*	3.00
Wichita*	4.00
New Mexico	
Albuquerque	4.23
Oklahoma	
Oklahoma City	4.92
Tulsa*	10.00

*Denotes Postal-owned buildings; all others are GSA-owned.

Federal Courthouses in which Guard Service above Standard Level is Obtained - FY 1976

Circuit and Location	Reimbursable Positions
TENTH CIRCUIT (cont.)	
Utah	
Salt Lake City	4.92
DISTRICT OF COLUMBIA CIRCUIT	
Washington, D. C.	11.02
REIMBURSABLE POSITIONS	
105 GSA-owned Buildings	334.92
20 Postal-owned Buildings	69.03
TOTAL	403.95

Mr. SLACK. When additional protective services are provided in a given building, does the Judiciary have to pick up the entire tab for the additional costs or are all the occupants of the building required to pay a portion of that cost?

Mr. FOLEY. If we request the protective services we have to pay the entire costs even though other tenants would benefit.

Mr. SLACK. Then would the entire amount of this appropriation be transferred to GSA?

Mr. GARABEDIAN. As I indicated we are now on a direct billing procedure so we get billed for services as they are rendered.

Mr. SLACK. What portion of that total is strictly for space requirements?

Mr. GARABEDIAN. The SLUC billings for fiscal year 1977 is estimated at $58,069,000.

Mr. SLACK. Are there questions with regard to space and facilities?

Mrs. BURKE. I have just a couple of questions. Earlier, when we started the hearing we were discussing the bomb protection devices as part of the security for the courts. Are those provided for all of the courts and to all judges or only to those courts where there is a certain level of activity?

Mr. GARABEDIAN. It is provided based on the requests we receive from the court. We would not automatically provide it unless we felt, or if the judge felt, that such a device was needed and justified.

VACANT COURTROOMS

Mrs. BURKE. I notice here that you list something like 70 courts that were used 5 or less days. I would be very interested in knowing whether any of those are in California, or whether any of the courts that are on the list of 200 that are probably excessive are in California? I think last year we did ask you how to eliminate some of those courts. Is it going to take Congressional action to eliminate a specific site, or how will that be done?

Mr. GARABEDIAN. Mrs. Burke, it is a serious problem when we try to close down a facility because the constituents of the respective Congressmen and Senators usually protest violently the closing of facilities.

But aside from that, aside from how persuasive we are, the only way you could force a court to close down the facility is for Congress to terminate a particular location as a statutory place of holding court.

In other words, the Congress established it as a place of holding court and the members of the bar at that location would expect us to hold court there.

Therefore we must keep some of the facilities open. Ultimately this problem may have to be resolved by Congress, if they find that a place is underutilized. Simply by an act of Congress stating there is no longer a statutory requirement.

Mr. CEDERBERG. What happened in the past was, there was a tradition around here that everytime a judge was appointed there was a courtroom built in his home town. It was a lot of nonsense, and as a result we have these courtrooms that aren't being used at all. Probably the only way we as a committee can get at this problem is to put a limitation on the appropriations bill: No money can be spent out of this

appropriation for any court that holds less than, say, 5 trial days a year—stating something like that, because otherwise the judiciary itself really has a difficult time.

Mrs. BURKE. That is the reason I would like to know the courts in California. We are trying to save money, and I see money thrown away in all these different places. You are talking about $12 a square foot for additional space for additional employees and we aren't making anywhere near full use of the space of employees we already have.

Mr. FOLEY. Before you came in, Mrs. Burke, we said we have a study under way which is due about the 31st of March, and this should answer your question as to California.

Mrs. BURKE. I certainly look forward to it. I really think we should have language in the bill, because I suspect the Judiciary Committee has never really come to grips with this, but we have to listen to it and to go along with it.

Mr. GARABEDIAN. I do want to mention the fact that aside from the judges holding court at these locations we do have probation, magistrates, and bankruptcy judges who do use the facilities and it may justify retention of the facilities.

The district court may not necessarily hold court there but we have received arguments in support of retaining facilities based on the use of it by these other offices.

Mrs. BURKE. That, of course, would be a less expensive facility, if you are just talking about a bankruptcy referee who would be there. Also, I suspect most people who would go into bankruptcy would not mind if they had to travel an hour or two, since it is not a daily routine; it is hopefully only once in a lifetime. In the study you are preparing, will you specify the uses to which the courtroom is put even though the court might not actually be in session.

Mr. FOLEY. That is one of the purposes of the study.

Mr. CEDERBERG. In addition to that, often those courts have a room where bankruptcy proceedings can be held.

Mr. FOLEY. We never build a room as such for bankruptcy or magistrates, but often if the facility exists they do use it.

Mr. SMITH. But you are not saying that you only need one room in every district; are you?

Mr. CEDERBERG. No.

Mrs. BURKE. My point is, if court is held 5 days or less a year, I can't imagine why that courtroom should be continued.

Mr. GARABEDIAN. We will provide you with the record we have on California.

Mr. SLACK. Mr. Miller?

Mr. MILLER. I would like to doublecheck because last year at the hearings we had information that there were 200 or so facilities that were not needed. This year we do have 18 facilities that have been released. Now apparently there are more beyond the 18 that could be released. I have a letter that was sent November 5 updating that, and we see that the 18 are marked off the previous list, so I am not sure whether plans are to close additional facilities or additional courtrooms, but it appears there are still many that could be closed.

Mr. GARABEDIAN. That survey will be completed by the end of March and we go from there.

Mr. MILLER. We have a pretty good survey. We have had two of them. I requested this last year and I have a survey of States and the courtrooms that were used five or less trial days per year. So what is in the survey that goes beyond that?

Mr. BATES. If I may, in this additional survey we have the results from about 70 of the 94 courts around the country, Mr. Congressman. It is more precise data on actual use not only by courts but by other Government agencies, bankruptcy judges, magistrates, and the like. That is the official information.

Mr. FOLEY. The hearing examiners from many agencies do use our courtrooms. We have no record of that. That is done on a local basis. They make arrangements when they are in the field. This will probably show up in the survey.

Mr. MILLER. I understand it is not as easy for you to do it, as it states in your report. You receive opposition from the bar associations. I attempted to spell it out. We are inquiring of you as to what can be closed in no uncertain terms, so I see no reason why the local bar associations would be unhappy with you. I gues they will have to be unhappy with me. As far as I am concerned, it is in the record, and we will leave it in the record. But we can close more, if there are 200 that are not needed, then the report will show that we can do that.

Yet there is money in that appropriations bill that would allow those courtrooms to continue during this next year; is that right, even though you had to show they were not needed; there is no money here to keep them intact?

Mr. GARABEDIAN. Aside from the $360,000 it is conceivable that is exactly right, sir.

Mr. MILLER. I guess we can remove them as we mark up the bill.

Mr. SMITH. How much does it cost to close them?

Mr. GARABEDIAN. It doesn't cost us anything, Mr. Smith. What happens is we simply release the facilities to GSA. We don't have to pay rent on the facilities. What they do with the facilities is another matter.

Mr. SMITH. Can you release them as of next week?

Mr. GARABEDIAN. If the court agrees with it.

Mr. SMITH. You don't have to pay rent for any leadtime; is that right?

Mr. GARABEDIAN. That is right, sir.

EXPENSES, U.S. COURT FACILITIES

FURNITURE AND FURNISHINGS

Mr. SLACK. The final item is entitled "Expenses, U.S. Court facilities, furniture and furnishings." Insert in the record at this point pages 16.1 through 16.5.

[The justification pages referred to follow:]

THE JUDICIARY

EXPENSES, UNITED STATES COURT FACILITIES

FURNITURE AND FURNISHINGS

Summary of Requirements

Appropriation 1976 (as enacted)	$4,570,000
1977 budget estimate	5,675,000
Proposed Increase	1,105,000

Appropriation Language

EXPENSES, UNITED STATES COURT FACILITIES

FURNITURE AND FURNISHINGS

For necessary expenses, not otherwise provided for, to provide furniture and furnishings for the United States Courts, including the Administrative Office of the United States Courts and the Federal Judicial Center, ~~[$4,570,000]~~ $5,675,000 to be available for transfer to the General Services Administration which shall be responsible for administering the program in compliance with standards or guidelines prescribed by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States.

[For "Furniture and furnishings" for the period July 1, 1976, through September 30, 1976, $425,000.]

FURNITURE AND FURNISHINGS
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	Amount
Appropriation 1976 (enacted to date)	..	$4,570
Adjustments to base and built-in changes:		
1. Nonrecurring cost of furniture and furnishings for newly constructed and remodeled buildings appropriated in 1976	..	-2,130
2. Nonrecurring cost of furniture and furnishings for new personnel authorized in 1976.	..	-740
3. Escalation in cost of replacing and rehabilitating furniture and furnishings in existing facilities	..	+425
Subtotal, adjustments to base and built-in changes	..	-2,445
Program changes:		
4. Furniture and furnishings required incident to occupancy of new buildings and newly constructed or remodeled facilities	..	+2,280
5. Furniture and furnishings for new personnel	..	+1,270
Subtotal, program changes	..	+3,550
Total increases requested	..	+1,105
Total appropriation requested, 1977	..	5,675

FURNITURE AND FURNISHINGS

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976 Appropriation Perm. Pos.	1976 Appropriation Amount	1976 Adjusted (Base for 1977) Perm. Pos.	1976 Adjusted (Base for 1977) Amount	1977 Request Perm. Pos.	1977 Request Amount	Increase 1977 over 1976 as Adjusted Perm. Pos.	Increase 1977 over 1976 as Adjusted Amount
Comparison by activities:								
Furniture and furnishings, newly constructed and/or remodeled buildings	..	$2,130	..	$ ...	..	$2,280	..	$2,280
Furniture and furnishings, other buildings	..	2,440	..	2,125	..	3,395	..	1,270
Total requirements	..	4,570	..	2,125	..	5,675	..	3,550

Object Classification
(In thousands of dollars)

		1976 Estimate	1977 Estimate	Difference (+) or (-)
22	Transportation of things	$ 35	$ 39	$ +4
25	Other services	520	635	+115
26	Supplies and materials	338	371	+33
31	Equipment	3,677	4,630	+953
	Total obligations	4,570	5,675	+1,105

66-404 O - 76 - 19

Purpose Statement

This appropriation is to cover the cost of furniture and furnishings for the United States Courts, including the Administrative Office of the United States Courts and the Federal Judicial Center. Funds for this purpose are appropriated to the Judiciary and transferred to the General Services Administration. For basic statutory authority, reference is made to Section "T" of the Digest of Appropriations, The Judiciary, on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

An appropriation of $5,675,000 is requested for fiscal year 1977, which represents a net increase of $1,105,000 over the appropriation for fiscal year 1976.

Justification of Changes

Item 1. Furniture and Furnishings for Newly Constructed or Remodeled Buildings ($-2,130,000)

The full amount appropriated for this purpose in fiscal year 1976 has been deducted in developing the 1977 estimate.

Item 2. Furniture and Furnishings for New Personnel Authorized in 1976 ($-740,000)

This nonrecurring cost has also been deducted in arriving at the 1977 budget estimate.

The list of prices as originally furnished by the General Services Administration for furniture and furnishings reflects a much lower cost than the present catalog. Therefore, the recurring base appropriation was affected by the upward trend of the financial spiral and is totally inadequate to fund the needs of the Judiciary. Additional funds are requested in Item 5.

Item 3. Escalation in Cost of Replacing and Rehabilitating Furniture and Furnishings in Existing Facilities ($425,000)

Based upon the best information available and projections for the costs that can reasonably be anticipated, it is estimated that a base budget for this purpose should be established at $2,125,000, requiring an increase of $425,000 in fiscal year 1977.

Item 4. Furniture and Furnishings Required Incident to Occupancy of New Buildings and Newly Constructed or Remodeled Facilities ($2,280,000)

During fiscal year 1977, ten new buildings are scheduled for completion as shown in the table below. Furniture requirements for these buildings were developed by the General Services Administration based on 1975 price levels. With provision for cost increases as projected by trend data, the total requirements for new buildings in fiscal year 1977 is estimated at $762,000. A listing of the new locations follows:

BUILDINGS SCHEDULED FOR COMPLETION AND OCCUPANCY DURING FISCAL YEAR 1977

	Amount Required* For Furnishings
Fort Lauderdale, Florida	$150,600
Columbia, South Carolina	200,400
Topeka, Kansas	59,000
McAllen, Texas	32,800
Harrison, Arkansas	130,400
Jonesboro, Arkansas	65,900
Pocatello, Idaho	38,700
Panama City, Florida	27,000
Gulfport, Mississippi	25,900
Rockford, Illinois	30,800
	$761,500

*Takes into account price escalations of 10 percent.

In addition, furniture and furnishings requirements incident to other major space expansion projects is projected at $1,518,000. This estimate is based on a 1977 project schedule of approximately 190,000 square feet at $8.00

Item 5. Furniture and Furnishings for New Personnel ($1,270,000)

The nonrecurring cost of furniture and furnishings for new personnel in fiscal year 1977 is projected at $1,270,000. Provision has been made for 15 senior judges and staff ($240,000), five referees ($30,000), 258 bankruptcy clerks ($206,400), nine deputy circuit executives ($27,000), and 899 supporting personnel ($719,200). The sum of $47,400 is included for the Administrative Office and the Federal Judicial Center, for other new personnel.

Mr. MILLER. Is it possible to furnish for the record the amount of savings because those 18 were closed?

Mr. SLACK. It was 75,264 square feet and $360,000. The request for fiscal year 1977 is $5,675,000, an increase of $1,105,000 over appropriations for fiscal year 1976. Do you care to make any comments?

Mr. FOLEY. The only comment I would make is on page 16.5 we listed the buildings which are scheduled for completion and occupancy during fiscal year 1977.

Mr. SLACK. With respect to item number 5 on page 16.2, the request of $1,270,000 for furniture and furnishings for new personnel, am I correct in assuming this amount is directly related to the additional personnel requested elsewhere in the Judiciary budget?

Mr. FOLEY. Yes, sir.

Mr. CEDERBERG. When we cut that in half we can cut this in half?

Mr. FOLEY. Yes, sir.

Mr. SLACK. It also appears from page 16.2 that you have an adjusted base for 1977 of $2,125,000 and program increases of $3,550,000. What would this amount be used for in this appropriation item?

Mr. GARABEDIAN. Primarily for the replacement and rehabilitation of furniture in existing facilities and the $2,280,000, item 4 relates to furniture and furnishings for new facilities. That is a nonrecurring expense and it will be deducted when we establish our budgetary requirements for 1978.

BICENTENNIAL APPROPRIATION

Mr. SLACK. Last year in Public Law 94–121 there was appropriated $2 million for expenses to be incurred by the Judiciary in observance of the American Revolution Bicentennial. What can you tell us about this item, and where was this money spent?

Mr. FOLEY. The coordinator of the Bicentennial Committee, that is Judge Howard Markey, has furnished me a statement of the status of the appropriation and the expenditure which was made. I would be glad to submit it for the record.

Mr. SLACK. A quick glance at this would indicate that there is a remaining appropriation of $1,513,195.84. Without objection, we shall insert at this point in the record the budget status of the Bicentennial Committee as of January 20, 1976.

[The information referred to follows:]

JUDICIAL CONFERENCE OF THE UNITED STATES

BICENTENNIAL COMMITTEE

Budget Status as of January 20, 1976

Appropriation		$2,000,000.00
Spent-to-date		
Movies Project	$ 13,186.80	
Meetings- travel & room	9,052.77	
Salaries	5,473.35	
Telephone	294.44	
Stationery	233.00	
Miscellaneous	84.00	
TOTAL		$ 28,324.36
Available Balance		$1,971,675.64
Identified Expenses		
Movies Project	$411,813.20	
Book Project	5,000.00	
Salaries	41,000.00	
Telephone	516.60	
Stationery	150.00	
TOTAL		$ 458,479.80
Remaining Appropriation*		$1,513,195.84

*Circuit Subcommittees are preparing requests for funding of local projects. Additional meetings will be required. Publication costs are yet to be determined.

The Committee has established a policy, as reflected in the attached report, that no moneys will be expended from this appropriation unless fully justified and approved by the Committee as contributing directly to the Bicentennial program of the judiciary.

JUDICIAL CONFERENCE OF THE UNITED STATES
BICENTENNIAL COMMITTEE
510 THE COURTS BUILDING
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20005
(202) 382-2943

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COORDINATOR

ROWLAND F. KIRKS
SECRETARY

ARLENE FICKLER, ESQ.
EXECUTIVE ASSISTANT

January 5, 1976

TO: Chief Judges of the Federal Circuit and District Courts
Members of the Circuit Bicentennial Committees
Circuit Executives
Clerks of the Circuit and District Courts

FROM: Bicentennial Committee of the Judicial Conference of the United States

SUBJECT: Judiciary's Celebration of the Bicentennial

I. Introduction

The federal judiciary, acting through the Bicentennial Committee of the Judicial Conference of the United States, has undertaken four projects, on a national basis, in celebration of the Bicentennial. Each project is intended to produce a product useful to the people of the United States for many years to come.

a. Films:

The Committee is contracting with Metropolitan Pittsburgh Public Broadcasting for the production of five short movies, available to the general public for use in the classroom and at group meetings, and a 90-minute special feature film, formed of excerpts from the movies, to be shown during prime time on Public Broadcasting Stations. The movies will focus on early decisions that were significant in the development of this country's federal system. Specifically, they will deal with Marbury v. Madison, the issue of executive privilege in the Aaron Burr treason trial, the right to fair trial in the same case, Gibbons v. Ogden, and McCulloch v. Maryland. The movies are expected to be available for distribution in the fall of 1976 and the special film will be aired at approximately the same time.

b. Book:

The Committee plans to publish a book, intended for use primarily by the lay public, which will focus on the role of the courts in our federal system. The book is being written by Professor Sidney Hyman of the University of Chicago and should be available for distribution to the public during the summer of 1976.

c. Biographical Directory:

The third project is a biographical directory of federal judges, both past and present. This directory will contain not only a biography of each federal judge, but also a short history of the federal courts.

d. "Pound Revisited":

The Committee is working with the American Bar Association Board of Governors and the Conference of State Chief Justices in planning the National Conference on "The Causes of Popular Dissatisfaction with the Administration of Justice -- Roscoe Pound Revisited -- 1906-1976." This gathering will provide the opportunity for fresh thought by the leaders of the bench and bar concerning the legal-judicial system. The Conference will be held in April in St. Paul, Minnesota.

II. Circuit Committees

A bicentennial committee has been appointed in each circuit. These committees will bear the primary responsibility for collecting the information needed for biographies of deceased judges. Detailed questionnaires will be forwarded to the committees in a short while. In the meantime, the committees are encouraged to begin work by preparing a list of all judges who are serving and who have ever served on the federal circuit, district, and territorial courts of their region.

At present, the circuit committees have at most five members. In order to complete the biographical directory in timely fashion, it may be necessary to invite others - members of the bar, law school professors, political scientists, etc. - to assist in this project. The chief judges of the circuits are encouraged to extend such invitations where needed.

III. Circuit histories and other local projects

The judiciary's celebration of the Bicentennial need not be limited to those projects described above. The Bicentennial Committee is willing to consider suggestions with respect to local celebrations. For example, upon the submission of a detailed proposal, the Committee will consider providing up to $5,000 to each circuit for the writing of the history of the circuit. The Committee will consider other detailed proposals which the courts consider worthwhile. In determining whether to provide financial

support for these local projects, the Bicentennial Committee will follow a policy of judging the merits of each project. Although the Congress has appropriated two million dollars for use by the judiciary in celebration of the Bicentennial, the Bicentennial Committee has adopted the firm policy that these moneys will not be spent merely because they have been appropriated. Rather, each project will be considered on its intrinsic merit and future usefulness.

Each circuit desiring to undertake local projects which would require Bicentennial Committee funding should address their requests to the offices of the Bicentennial Committee. Such requests should include a detailed description of the proposed project and an estimate of its cost. District courts which wish to sponsor local projects should arrange to include the district court's request for funds in the circuit's submitted budget. The submitted circuit budgets should include requests for funds, if any, which will be needed by the circuit in connection with its work on the biographical directory.

After such requests have been approved, circuits may seek reimbursement by submitting vouchers to the offices of the Bicentennial Committee of the Judicial Conference. They should carry the Bicentennial Committee's Administrative Office account number, 10X0933. Such vouchers should not be submitted directly to the Administrative Office, as that will only delay payment.

IV. Conclusion

Your cooperation in all these matters is appreciated. If we all work together, the judiciary's celebration of the Bicentennial, though undertaken at minimum cost, will result in products both interesting and useful to millions of people over many years to come.

Mr. FOLEY. I don't know what that other material is. I don't know whether it is pertinent to it or not. It is a description of the program.

Mr. SLACK. Yes; it goes into the films and the books.

Mr. FOLEY. Fine.

Mr. SLACK. Thank you very much, gentlemen.

THURSDAY, JANUARY 29, 1976.

THE FEDERAL JUDICIAL CENTER

WITNESSES

JUDGE WALTER E. HOFFMAN, DIRECTOR
JOSEPH L. EBERSOLE, DEPUTY DIRECTOR
CHARLES W. NIHAN, DIRECTOR OF THE DIVISION OF INNOVATIONS AND SYSTEMS DEVELOPMENT
DAVID DURBIN, ADMINISTRATIVE ASSISTANT TO THE DIRECTOR

Mr. SLACK. The committee will come to order, please.

This morning we shall undertake to complete the hearings for the Federal judiciary for the fiscal 1977 budget request. We will turn to the first item, which is the Federal Judicial Center.

We will insert at this point in the record pages 14.1 through 14.36 of the justification book.

[The justification pages referred to follows:]

THE JUDICIARY

THE FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Summary of Requirements

Appropriation 1976 (as enacted)	$6,565,000
Proposed supplemental for pay costs	55,000
Budget Authority, 1976	6,620,000
1977 budget estimate	7,720,000
Proposed Increase	1,100,000

Appropriation Language

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, ~~[$6,565,000]~~ $7,720,000

~~[For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,721,000]~~

THE FEDERAL JUDICIAL CENTER
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	73	$6,565
Proposed supplemental for pay costs	..	55
Budget Authority, 1976	73	6,620
Adjustments to base and built-in changes:		
1. Reduction in COURTRAN II contract services and related costs	..	-570
2. Nonrecurring project equipment in fiscal year 1976	..	-248
3. Extra compensable day in fiscal year 1976	..	-2
4. Annualization of October 1975 pay costs	..	+18
5. Annualization of 15 positions authorized in fiscal year 1976	..	+131
6. Within-grade step increases	..	+15
7. Transfer of funds from the appropriation "Travel and Miscellaneous Expenses" for Sentencing Institutes	..	+60
8. Increase in the costs of postage, equipment rental, supplies and equipment	..	+37
Subtotal, adjustments to base and built-in changes	..	-559
Program changes:		
9. Eight additional positions (two for a new Division of Rules and Legislation, three supporting personnel for Education and Training, two supporting personnel for Innovations and Systems Development, and one position for a Judicial Fellow)	+8	+110
10. Travel and transportation of persons for training of judicial personnel	..	+379
11. Contract Services (including tuition payments for special training)	..	+124
12. Accelerated COURTRAN II (local court management information systems) implementation for Speedy Trial Act requirements	..	+1,046
Subtotal, program changes	+8	+1,659
Total increases requested	+8	+1,100
Total appropriation requested, 1977	81	7,720

THE FEDERAL JUDICIAL CENTER

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent Comparison by activities:	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Salaries and expenses	73	$6,620	73	$6,061	81	$7,720	8	$1,659

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$1,430	$1,680	$ +250
12	Personnel benefits	130	152	+22
21	Travel and transportation of persons	1,192	1,619	+427
23	Rent, communications, and utilities	326	832	+506
24	Printing and reproduction	105	100	-5
25	Other services	2,055	1,421	-634
26	Supplies and materials	80	92	+12
31	Equipment	1,302	1,824	+522
	Total obligations	6,620	7,720	+1,100

Includes proposed Pay Act supplemental of $55,000 ($51,000 for personnel compensation and $4,000 for related benefits).

Purpose Statement

This appropriation is for the operation of the Federal Judicial Center, which was established by the Act of of December 20, 1967, P.L. 90-219 (81 Stat. 664). the Center is charged with the responsibility of furthering the development and adoption of improved judicial administration in the courts of the United States.

Functional Responsibilities of the Center

In Section 620 (b), Title 28, United States Code, the functions of the Center are outlined as follows:

> "(1) to conduct research and study of the operation of the courts of the United States, and to stimulate and coordinate such research and study on the part of other public and private persons and agencies;
>
> "(2) to develop and present for consideration by the Judicial Conference of the United States recommendations for improvement of the administration and management of the courts of the United States;
>
> "(3) to stimulate, create, develop and conduct programs of continuing eduation and training for personnel of the judicial branch of the Government, including, but not limited to, judges, referees, clerks of court, probation officers, and United States commissioners (magistrates); and
>
> "(4) insofar as may be consistent with the performance of the other functions set forth in this section, to provide staff, research, and planning assistance to the Judicial Conference of the United States and its committees."

Composition and Duties of the Board; Organization of Center

The Center is supervised by a Board of seven members, composed of the Chief Justice of the United States, who is the permanent Chairman; the Director of the Administrative Office of the United States Courts who is also a permanent member; two active judges of the Courts of Appeals of the United States and three active judges of the District Courts of the United States, each elected by the Judicial Conference of the United States for a four-year term. The Act creating the Center directs the Board to establish policies and develop programs for the Center; to recommend methods for improving judicial administration of the United States courts, including the training of their personnel; and to study and determine ways in which automatic data processing and systems procedures may be applied to the administration of the United States Courts.

The chief officers of the Federal Judicial Center are the Director, responsible to the Board for supervising the Center's staff and carrying out the Center's programs, and his Deputy, who reports to the Director on management, planning and program development responsibilities. The Center is organized into four functional divisions: Education and Training, which conducts continuing education and training programs for federal judges and other personnel of the Judicial Branch; Research, which engages in studies to develop the information needed to formulate recommendations on improving the operations of the federal courts; Innovations and Systems Development, which studies and develops new techniques, procedures and systems for evaluating and improving various aspects of federal court management; and Inter-Judicial Affairs and Information Services, which responds to calls for assistance and information from federal courts, acts as liaison with judicial adminstration organizations and state judiciary groups, and publishes the monthly newsletter for the federal judiciary, The Third Branch.

Goals of the Center

The Center's goal is to bring to bear independent research, innovation, education, and the coordination of judicial affairs and information in the interest of better judicial administration. This goal can be achieved only if present conditions are fully analyzed and future problems anticipated before they reach critical proportions. Such analysis and anticipation should be accomplished both for individual courts and the system as a whole. We believe that the courts have a responsibility for the speed with which litigation moves to a just conclusion, that the time currently required can be reduced, and that a portion of that reduction can be accomplished with the resources presently available. We believe that it is possible to accelerate the flow of all court business through the intelligent use of supporting personnel without in any degree abdicating judicial decision-making responsibilities or diluting the quality of justice in the federal courts. We believe that it is possible to vastly streamline the clerical support operations of our courts through the application of modern business methods and advanced technology -- to the mutual benefit of the courts, the bar, the litigants and the public.

Justifications of Changes

The total appropriation for the Federal Judicial Center in Fiscal Year 1976 as approved by the Congress was $6,565,000. A proposed supplemental of $55,000 is being requested to meet the statutorily mandated increases in personnel compensation and benefits thus bringing the Fiscal Year 1976 total to $6,620,000.

The estimate for Fiscal Year 1977 is $7,720,000 reflecting an increase of $1,100,000 over the current appropriation. The required changes are explained below:

Item 1. Reduction in COURTRAN II contract services and related costs ($-570,000)

As part of the fiscal year 1976 appropriation estimate, the Center requested an amount of $6,567,900 to remain available until expended. This sum was sought to facilitate the accelerated implementation of the Center's local court management information system (COURTRAN II) to assist the Federal judiciary in meeting the statutory requirements of the Speedy Trial Act of 1974. the Congress acted to allow funds for this purpose on a yearly, rather than "no year", basis. Thus, the Center's fiscal year 1976 appropriation included an amount of $2,424,728 for accelerated COURTRAN II implementation. As detailed under Item 12 (below), to continue this process in fiscal year 1977 it is estimated that the COURTRAN II Speedy Trial implementation costs will amount to $2,900,728 (approximately 70 percent of the remaining total amount not appropriated in F.Y. 1976). Although this amount reflects a net increase over F.Y. 1976, it includes the following object classification reductions:

Travel	$- 12,000
Other services	-553,000
Supplies	- 5,000
	$-570,000

These amounts have been deducted in establishing the fiscal year 1977 requirements.

Item 2. Nonrecurring project equipment in 1976 ($248,000)

In fiscal year 1976, an amount of $45,000 was appropriated to support the equipment purchases required by the Center's pilot project on the use of video technology. It is estimated that the video equipment requirements during fiscal year 1977 will amount to $25,000. Thus, $20,000 has been deducted in establishing the fiscal year 1977 requirements.

An amount of $20,000 was allocated in the fiscal year 1976 appropriation for puchase of equipment necessary for the Center's computer aided transcription project. It is anticipated that the focus of this project during the coming fiscal year will not require additional equipment expenditures and, accordingly, the sum of $20,000 has been deducted in setting the estimate of fiscal year 1977.

The estimated costs of maintaining the Center's Information Service (library) in fiscal year 1977 are $4,000. The amount available for this purpose during the current fiscal year is $7,000. Therefore $3,000 has been deducted.

An amount of $205,000 was contained in the fiscal year 1976 budget to cover the costs associated with equipment purchases in support of the COURTRAN II general systems development. Since this computer equipment cost was a nonrecurring item, it has been deducted for purposes of the F.Y. 1977 budget.

Item 3. Extra compensable day in 1976 ($-2,000)

The sum of $2,000 in compensation and related benefits has been deducted in recognition of the fact that there are 261 compensable days in fiscal year 1977 as compared with 262 compensable days in fiscal year 1976. This deduction is equal to the amount requested for this purpose inthe current appropriation.

Item 4. Annualization of October 1975 pay costs ($18,000)

The cost-of-living increase granted in October 1975 is estimated to cost $73,000 on an annual basis. The sum of $55,000 has been included in the supplemental request noted above to finance these pay increases from October 1, 1975, through June 30, 1976. The sum of $18,000 is included in this request to cover the difference between the part-year and full-year cost of the salary and related benefits increases ($16,300 for compensation and $1,700 for related benefits).

Item 5. Annualization of 15 positions authorized in fiscal year 1976 ($131,000)

In fiscal year 1976, Congress authorized fifteen (15) new positions to support the accelerated implementation of the Center's COURTRAN II management information system to meet the requirements of the Speedy Trial Act of 1974. The salaries and related benefits for these new positions on an annual basis amount to $375,000. The sum appropriated for fiscal year 1976 was only $243,728 to take into account savings (lapses) to be realized as a result of normal delays in recruitment and appointment of the new personnel. The rounded difference between the full and part-year cost ($131,000) will be required for fiscal year 1977 ($119,000 in personnel compensation and $12,000 for related benefits).

Item 6. Within-grade step increases ($15,000)

During fiscal year 1977, the Judicial Center will again be mandated by statute to provide within-grade salary increases to those of its permanent personnel who are subject to the provisions of Chapter 51 and Subchapter III of Chapter 53 of Title 5, United States Code, relating to the Classification and General Schedule pay rates. The Center will also offer modest salary adjustments to its excepted personnel on a merit basis within guidelines set by its governing Board. It is estimated that these within-grade salary advancements during fiscal year 1977 will cost $15,000 -- $13,500 for personnel compensation and $1,500 for related benefits (government contributions to the retirement fund, health insurance, group life insurance, etc.).

Item 7. Transfer of funds from the Appropriation "Travel and Miscellaneous Expenses" for Sentencing Institutes ($60,000)

Section 334 of Title 28, United States Code authorizes the Judicial Conference of the United States to establish institutes and joint councils on sentencing "...for the purpose of studying, discussing, and formulating the objectives, policies, standards, and criteria for sentencing those convicted of crimes and offenses in the courts of the United States." The statute also provides that the expenses of attendance for judges shall be paid from the applicable appropriation for the judiciary of the United States.

The Sentencing Institute statute was enacted in August 1958, ten years prior to the creation of the Federal Judicial Center, and the expenses of judicial participation have been paid from the "Travel and Miscellaneous Expenes" Appropriation since that time. Since April 1973, the Center has, by virtue of a resolution of the Judicial Conference, assisted in the formulation and preparation of all sentencing institutes. The budgetary authority requested herein is a logical extension both of this Judicial Conference and of the Center's statutory mandate to develop and conduct programs of continuing education for the judiciary. The Judicial Conference and the Administrative Office have agreed to the transfer of funds, and provision has been made for a reduction in the "Travel and Miscellaneous Expenses" Appropriation corresponding to the proposed increase in the Center's budget authority.

Item 8. Increase in the costs of postage, equipment rental, supplies and equipment ($37,000)

An amount of $37,000 over the sum available for these purposes in fiscal year 1976 will be required to offset anticipated increases in the costs of postage, rental of office equipment, supplies and general office equipment purchases during fiscal year 1977. Listed below is a breakdown of this increase by object classifications:

Postage	$ 5,000
Rental of equipment	5,000
Supplies	12,000
Equipment	15,000
	$37,000

The increased amount requested for postage ($5,000) will be necessary to cover the higher postal rates that recently went into effect. The sum included for Rental of Equipment ($5,000) is to cover the rising costs of rental fees for copy equipment.

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The additional amount required for supplies is intended to keep pace with the increasing costs of general office supplies ($10,000), subscriptions to periodicals for the Information Service ($2,000), and materials necessary to support the eduction and training program, particularly the expanding cassette lending library and correspondence course ($5,000). The actual increase for supplies is estimated to be $17,000. This amount has been reduced to $12,000 by applying the savings realized by the diminished supplies requirements of the COURTRAN II project.

The increase in the equipment category is estimated to be necessary to meet office equipment cost increases for purchases of a general administrative nature ($10,000) and those required to support the Center's educational activities ($5,000).

The costs for the printing and reproduction of materials performed by the Government Printing Office are expected to increase over the next fiscal year. And although certain of the Center's program printing expenses are estimated to rise, the overall printing allocation will decrease as a result of economies and any increase will be absorbed.

Item 9. Eight additional positions (two for a new Division of Rules and Legislation, three supporting personnel for Education and Training, two supporting personnel for Innovations and Systems Development, and one position of Judicial Fellow) ($110,000)

During fiscal year 1977, the Judicial Center will require eight additional positions in order to effectively meet the demands of its program responsibilities. The total annual cost of these positions will be $110,000 ($100,800 in personnel compensation and $9,200 in related benefits).

Two positions are requested to establish a new Division of Rules and Legislation. The Board of the Center has determined that such a function is required to give early notice to the Judiciary Committees of new rules and changes in rules as they are being evolved. This will give the Congress an opportunity to comment at early stages of the rule-making process and will result in familiarity with and awareness of rules when they are submitted by the Supreme Court to the Congress. The often lengthy and elaborate rules submitted in the past few years have created problems for the Congress because of this lack of earlier notice. The new division would also be charged with responding to questions raised by the Congress about the effects of prospective legislation on the judiciary. The division would develop better methods for determining the impact of prospective legislation. It would monitor new bills so as to be in a position to have the time required to more accurately assess the probable effects of legislative changes on the federal courts.

It is estimated that the Division will require a Director and one secretary to carry out these activities.

Summary

Division Director	$37,800
One (1) Secretary	15,000
Benefits	4,700
Total	$57,500

The Education and Training Division has experienced an ever-increasing demand for seminars, conferences and instructional assistance from all components of the Federal Judiciary over the past several years. Additions to the professional staff of this Division has been granted by the Congress in recognition of this growing responsibility. In fiscal year 1977 it is anticipated that the Center will provide approximately seventy-five resident instruction courses while continuing to expand the educational services provided through the more economical techniques of correspondence courses and the cassette lending library. This increased activity will now make necessary additional supporting assistance which has been deferred during the past two years. Two clerk-typists will be required to assist in handling the flow of correspondence, the typing of program presentations and course materials, and the maintenance of records and pertinent training data for all participating personnel. One administrative aide will be necessary to fulfill the full-time responsibilities of maintaining the cassette lending library, including the recording, reproduction and editing of cassettes; responding to and inventorying all loan requests and updating the listing of tapes available.

Summary

Two (2) Clerk-Typists	$18,000 ($9,000 each)
One (1) Administrative Aide	9,000
Benefits	2,500
Total	$29,500

The Innovations and Systems Development Division presently has one secretary for the Division Director and one clerk-typist supporting the District Court Study Project staff consisting of the project leader, three permanent research associates, and consultants employed as necessary. The technical staff developing the COURTRAN system, of which the Speedy Trial Act is a part, has a requirement for a secretary to prepare documentation, manuals, etc., which will be used by those districts utilizing the COURTRAN system. This individual will be supporting the COURTRAN project manager and members of the technical staff developing the COURTRAN applications and must therefore have advanced secretarial skills and knowledge of data processing. This individual, in addition to normal secretarial skills, will also be responsible for travel arrangements, vouchers, etc., for all members of the Center's technical staff. It is therefore requested that a GS-8 level secretary be authorized for this position. In addition, the Innovations and Systems Development Division is engaged in conducting projects in the fields of Computer Aided Transcription of court reporter notes, Computer Assisted Legal Research for judges and parajudicial personnel, and studies related to the transferability of these projects

to Center owned computer equipment. It is therefore requested that a GS-5/6 clerk-typist be authorized for the Division to support 3-5 project managers and research associates in the clerical functions connected with these and related projected.

Summary

One (1) Secretary	$12,000
One (1) Clerk-Typist	9,000
Benefits	2,000
	$23,000

Several years ago, the Judiciary, in association with the National Academy of Public Administration, launched the Judicial Fellows Program. This Program was designed to achieve two main purposes, i.e., providing staff assistance to the Federal Judiciary in administrative and management areas paralleling the assistance provided by law clerks to the Justices of the Supreme Court in petition review and legal research, and allowing promising future leaders to gain first-hand experience in management decision-making in judicial administration comparable to the learning experience in the Executive Branch afforded by the White House Fellows Program. The Program is administered by the National Academy through an initial grant from the Ford Foundation. It is designed to give at least two professionals, selected annually for one year of service, an opportunity for creative work on major problems of judicial administration.

The Board of the Judicial Center has actively supported this program through its early years and has directed that the Center provide one position per year for a Judicial Fellow who has particular expertise in areas falling within the purview of its statutory responsibilities. Thus, authorization is requested for one position of Judicial Fellow beginning in fiscal year 1977. The costs associated with this program (estimated to be $27,500) will be absorbed from monies previously allocated for temporary and part-time personnel.

Item 10. Travel and transportation of persons for training of judicial personnel ($379,000)

The amount of $379,000 requested as an increase in the funds available for the travel and transportation of persons in fiscal year 1977 results from the requirements of the Federal Judicial Center's expanding education and training program.

Since its inception, the Federal Judicial Center has attempted to meet its statutory responsibilities for continuing education and training by utilizing the best available resources to promote the exchange and application of new ideas, techniques and information throughout the Federal judiciary. These efforts have been formulated into a broadly based, comprehensive program designed to encourage improved administration at every level of the court system.

Internal demands for training and retraining continue to grow, both as a result of the ever-present changes in the responsibilities of court personnel and the annual increase and turnover in the number of persons who need training and orientation.

The probation officer training responsibility is the most notable example of the latter demand factor. Since fiscal year 1973, the authorized population of the Probation Service has increased by nearly 200 percent and an additional 379 officers have been requested for fiscal year 1977. Thus, the need to provide orientation training will continue on an expanded basis during the next fiscal year in order to provide the new officers, who enter on duty as a result both of normal turnover and Service expansion, professional job information and training at the outset of their federal careers. The refresher or advanced seminar program for experienced probation officers will also feel the impact of this growth. Because of the increasing personnel authorizations over the past several years, these officers are now reaching the three-year eligibility level and are raising the number of advanced seminars required to train them. The rapid growth of the Probation Service has also created demands for a new series of management courses for the many officers elevated to supervisory level positions in all offices. It is estimated that these demands for probation officer training will require approximately double the number of courses offered during the current fiscal year, an increase which accounts for an estimated $300,000 of the total travel increment requested.

The balance of the amount required for the fiscal year 1977 education program ($79,000) will be necessary to offset the rising costs in transportation and to provide a minimal expansion in the Center's resident instruction activities to make available courses which respond to the constant changes in the responsibilities of court personnel. The series of workshops inaugurated this year covering juror utilization, the new rules of evidence and the recent amendments to the Federal Rules of Criminal Procedure for district court judges will continue. It is anticipated that nearly all district judges will participate in these workshops which are conducted on a circuit (regional) basis. Two refresher seminars will be offered for federal appellate judges. A new series of courses for members of the district court clerks' offices will be sponsored to respond to the requirements of the Speedy Trial Act of 1974. Seminars, conferences, workshops and institutes will continue for circuit executives, magistrates, bankruptcy judges, court clerks, public defenders and other specialized employees such as fiscal clerks, jury clerks, probation and bankruptcy clerks. As in the past, it is expected that approximately one-fourth of the members of the Federal judiciary will participate in these resident instruction programs during the coming fiscal year.

In addition to the formal seminars offered, the Judicial Center encourages senior-level court personnel to take advantage of education opportunities by defraying the tuition costs of short, job-related courses sponsored by the Civil Service Commission, local colleges and universities, and commercial training organizations. These courses are funded to provide training in specialized, narrow job-related areas which cannot economically be offered through formal Center seminars. As noted under Item 11 below, this activity will require an estimated increase of $45,000 in fiscal year 1977. This increment is necessary to meet the growing

demands for specialized training, particularly from probation officers, court clerks, and the Administrative Office of the United States Courts. This latter agency, for example, anticipates that its training requirements for Equal Employment Opportunity and Upward Mobility programs will increase by $20,000 in fiscal year 1977.

During fiscal year 1977, the Center's continuing education and training program will expand its emphasis on employing economic techniques to disseminate knowledge and information. The audio cassette and video tape programs will be used to provide seminar presentations to those persons who are unable to attend formal courses. The extension (correspondence) courses inaugurated this past year will be expanded into additional management and supervision areas. The in-court management training courses, offered by a small traveling Center faculty who visit a particular district, will be continued.

Summary

Travel	$379,000
Contract Services	45,000*
Total	$424,000

Item 11. Contract Services (including tuition payments for special training) ($124,000)

As noted in previous appropriations submission, the activities of the Federal Judicial Center have been structured into six major program areas: Appellate Litigation; Trial Court Litigation; Sentencing and Probation; Improving General Administration of the Judicial System; Inter-Judicial Affairs and Information Services; and Continuing Education and Training. Each of the Center's four operating divisions engages in coordinated project work within one or more of these program areas.

Since the research and development projects constitute a major portion of the Center's contractual services requirements, the justifications under this item will again be utilized to describe all of the projected research and development program activities which will require funding in fiscal year 1977. Because many of these projects involve a number of separate cost components (e.g.., travel, printing, supplies, or equipment) in addition to contract services, the total estimate costs for each project include all anticipated expenditures. These amounts have been allocated to the appropriate object classifications.

Overall, in fiscal year 1977 the net contract services requirements for Center Activities will decrease because of the reduction and reallocation of funds from this category for COURTRAN II Speedy Trial development. However, some program activities will require increased contract services funding. The increase of $124,000 consists of: (1) a $45,000 increase for the tuition payment program (See Item 10 above); (2) a $5,000 increase for support to a Judicial Conference requested library study; and (3) a $74,000 increase for research and development program projects described in the subsections immediately following.

*included under Item No. 11

I. PROGRAM ON APPELLATE LITIGATION

1. Civil Appeals Monitoring Project

The Federal Judicial Center has provided the Second Circuit Court of Appeals with funds to implement an experiment in the use of Rule 33 of the Federal Rules of Appellate Procedure. A senior staff attorney conducted pre-argument conferences with litigants in non-prisoner civil appeals in order to explore settlement possibilities and in an effort to improve the quality of the appeallate process. This project, known as the Civil Appeals Management Project (CAMP) is being evaluated by the Center during the current fisal year with special emphasis placed upon an examination of the particularized role of the staff attorney at the appellate level. The data thus generated will be explored further and analyzed as it impacts both on experimentation within the courts (discussed below) and upon potential additional functions for staff attorneys on the appellate level. $16,000 will be expended in this effort.

Summary

Contract Services	$15,000
Travel	1,000
Total	$16,000

2. Computer Assisted Legal Research

In mid-1975, the Center began a project to evaluate the two major computer assisted legal research systems which are presently commercially available. They are LEXIS, a full-text system containing cases, statutes and other relevant legal materials and WEST/LAW, a headnote and abstract system containing cases only. The major purpose of the project is to evaluate the systems along four dimensions: speed, cost-effectiveness, quality of research output, and user satisfaction. Also, the project is providing comparative data on the two types of systems, full-text versus headnotes. Finally, the project is generating some data on the best way to use the systems. Pilot evaluation sites were established in three circuits, D. C., 6th and 10th. These circuits were chosen on the basis of several criteria including geographical location, types of cases coming into the circuit, interest and willingness to participate in the project by circuit staff and judges, presence or absence of staff attorneys, and presence or absence of a state data base on the system used at the particular location.

The project is the first direct field experimentation with such systems in which actual legal research projects are done both by using the traditional manual methods and by using one or both of the computerized systems in conjunction with existing manual methods. Through the use of social science research methodology, the project will provide substantial evidence as to the value of computer assisted legal research systems.

Since a major part of the evaluation project involves having pieces of research done both by manual and computer methods, extra work is required of the participating judges, their law clerks and staff attorneys. Due to a greater than expected additional burden placed on participating courts, which is also coupled with the dramatic increases in the workloads of federal judges and their staffs, project participants do not have as much time to complete the necessary work on evaluation project research as first thought in early 1975 when the project was planned. Thus, it will be necessary to have Center rental of existing terminals continue into fiscal year 1977 in order to successfully complete this aspect of the pilot study.

Also, as the project has progressed, questions in addition to those posed by the four major evaluation dimensions have arisen. The two main additional areas requiring further research are the best placement of terminals in a circuit or district courthouse and methods for maximizing user effectiveness and skill with the systems. Thus, even if the final conclusion of the evaluation project is to provide such systems for use in federal courts, these additional questions have to be answered.

The question of maximizing user effectiveness is basically a training question. Research in the federal courts is usually done by law clerks who are skilled in traditional manual methods, but generally totally unfamiliar with computerized research methods. While both LEXIS and WEST/LAW provide some initial training with the installation of their systems, preliminary data on usage from the evaluation project shows lower than expected usage. This data suggests the initial training may not be sufficient to get law clerks, who usually have only one year appointments, to a level of proficiency in a short period of time so that they will begin using a computerized system whenever possible. Of course, it may also be that, in fact, the law clerks and other users in federal courts have achieved a high level of proficiency with such systems, but the systems are not particularly useful in the federal court setting. We need to know which of these is the reason for a lower level of usage than expected and the further research planned for 1977 is aimed at this question. One approach to this problem will be to provide a more specialized training program for federal court users to determine if such training will raise the level of usage. If it does not, then we will be able to conclude that the needs for such systems in federal courts are less than originally anticipated.

The question of the best placement for computerized legal research terminals consists of two parts. The first aspect of the placement question has to do with which courthouses should have terminals. The answer to this question is partly affected by the number of judges in a given courthouse and their expected level of usage and partly by the type of user access provided. It has already become clear from the preliminary data that less than one terminal per courthouse is needed. However, access to the computerized data base still must be provided for those courthouses not having terminals. Thus, the evaluation project will be working out various methods of providing remote user access from a central site containing a computerized legal research terminal.

Second, there is the actual physical location question when there is direct user access. Where in the courthouse is the best place to put a terminal? Preliminary surveys of law clerks already indicate that physical location can be a barrier to usage. The question then becomes one of finding the most desirable location given whatever space constraints exist in a particular courthouse.

At the inception of the project it was thought by many knowledgeable persons that approximately 111 terminals would be needed for the federal courts. This is based on having one terminal per district and appellate court plus an additional terminal for each courthouse with more than 10 federal judges in residence. The total rental cost for such terminals would be approximately $1.6 million per year. The preliminary data from the first few months of the evaluation project suggests that even if the federal courts adopt one or the other of the computerized systems, far fewer than 111 terminals will be needed. Once the questions of maximizing user effectiveness, of proper physical location and of remote service modes are answered, it is likely that closer to 25 (and possibly fewer) terminals will suffice for the needs of the federal courts at a cost of approximately $600,000 per year, a cost avoidance of approximately one million dollars per year in computer equipment rental alone. This saving does not take into account the savings of the costs for space and support of such systems.

The estimated cost during fiscal year 1977 for completing the evaluation project is $160,000.

Summary

Travel	$ 7,000
Printing	1 000
Contract Services	26,000
Rental of Equipment	125,000
Supplies	1,000
Total	$160,000

II. PROGRAM ON TRIAL COURT LITIGATION

1. District Court Studies Project

The District Court Studies Project is now nearing completion. While it is anticipated that the project will influence a variety of the Center's activities for years to come, most research aspects of the project itself now contemplated will be near completion by the end of the fiscal year 1977. Three groups of questions are the central focus of the study:

a. What district court procedures are working best.

b. What outside factors (local bar, traditions, state courts, etc.,) affect court work? How? To what extent? How can they or their effects best be managed or accommodated as appropriate by the courts?

c. What do the judicial statistics actually measure? In what ways are they misleading or inadequate as a basis for policy decisions?

By the beginning of fiscal year 1977, the first phase of the project will be complete in its research aspect, but there will be substantial activity to implement the resultant findings. Phase I has consisted of a series of comprehensive studies of individual courts to evaluate alternative procedures. Reports have been submitted to these courts making a number of recommendations concerning procedures that are working well. A vigorous effort to visit courts that suffer from docket congestion is planned to assist these courts in implementing the study findings. (Some findings used will draw upon Phase II below.) As requested, visits will be made to courts, their special problems analyzed, a specific and precise proposal will be prepared for each, and implementation will be monitored. Phase I implementation will require $50,000 in fiscal year 1977.

Phase II will consist of a number of separate projects to examine more precisely some questions raised in Phase I. (A prime purpose of Phase I was to define specific research hypotheses.) Some projects will test preliminary findings more rigorously than has been possible to date. Others will examine particular problems in detail to obtain more precise answers to questions about why certain things happen as they do. Still others will experiment with new statistical measures and evaluate their possible value. What follows is not an exhaustive list, as additional areas for examination will be developed as more is learned. The following are the projects for which planning is farthest advanced.

(1) Case Weights Experiments

Continuing research by the Center and by others has increasingly highlighted limitations of the present system of case weights (used to calculate the weighted caseload of each court). Several mathematical bases have been suggested that could be used to recalculate the weights from present data, or from a revised time-study. The present system suffers both from the fact that it is based on data several years old and from data limitations that have been discovered through intensive analysis in the years since the last time-study was carried out. A conference was held in December 1975 to bring together researchers from all over the country who have been looking into these questions. Drawing on the results of this conference, a program is now being defined to establish a procedure to improve the system for calculating weights, and to hopefully be able to produce an annual update of these weights without the need for a burdensome time-study. Most of this work will be carried out and completed during the fiscal year 1977, at an estimated cost of $50,000.

(2) Civil Case Flow Analysis

An extensive data collection effort is currently underway to determine the obstacles to more speedy and efficient docket control by district courts surveyed in Phase I. This has turned out to be a more complex and difficult task than was expected, since it involves the analysis of hundreds of data elements in many cases. The benefit of the effort will be enormous. We will develop a technique which will make it possible to identify the special problems of any district court quickly and cheaply, and to complete a "diagnosis" highlighting the major problems of any court. The final development of this technique will be carried out during fiscal year 1977, as well as a good deal of implementation work already referred to. The estimated cost of this effort is $40,000 in fiscal year 1977.

(3) Criminal Case Flow Analysis

As a counterpart to the civil case flow analysis, the Center will examine in detail the procedures involved in the processing of criminal cases in several districts. Results of this effort to date have already been provided to the Speedy Trial Act planning groups. Further analysis of the data will refine our findings during the coming fiscal year at an estimated cost of $20,000.

(4) Survey of Litigating Attorneys

A sample of lawyers who have appeared in federal courts during the past two years will be surveyed, by mail questionnaire, to learn:

-- their strategic and tactical reasons for filing a suit in federal court;

-- what they perceive or estimate as their gain, or their loss, by filing in federal court as opposed to state court;

-- their reasons for, and the circumstances they feel they gain, or lose, by requesting a jury, or a non-jury, trial in federal court.

(5) Experiments with Advanced Case Management Procedures

Several proposals have developed from court visits to date that suggest that there are many promising techniques that could be evaluated by a kind of "laboratory" in district courts. Some experiments will be carried out to test alternative packages of procedures that appear promising based on research to date. An experiment is under discussion to determine if the total social cost of personal injury cases would be altered if there could be an accelerated early trial to determine liability, followed by a much later trial on damages after rehabilitative efforts and full accounting of damages were complete. Other experiments in

the planning stage concern the impact of alternative approaches to trial scheduling (length of time, frequency of breaks, times of day used, and so on) on retention of information of jurors. These projects will require an estimated $30,000 in fiscal year 1977.

In sum, the District Court Studies Project will require the following budget in fiscal year 1977:

Phase I :	Implementation (research complete)	$ 50,000
Phase II:	Case Weights Experiments	50,000
	Civil Case Low Analysis	40,000
	Criminal Case Flow Analysis	20,000
	Survey of Litigating Attorneys	15,000
	Experiments with Advanced Case Management Procedures	30,000
		$205,000

Summary

Contract Services	$205,000
Total	$205,000

2. Computer Aided Transcription

This is a continuation of the project started in fiscal year 1975 with the objectives of determing:

a. The number of existing court reporters who can be expected to successfully utilize computer transcription;

b. What impact, if any, computer transcription has on appellate delay; and

c. the most cost effective method of producing transcripts with a computer.

The project has progressed more slowly than originally anticipated primarily because the commercial companies offering computer aided transcription services are small and were not able to expand as rapidly as projected, and not all of them were able to offer the quality of service the Center needed in order to effectively evaluate computer aided transcription. To date only two commercial companies have been able to offer the required type of service. We anticipate that at least one additional commercial company will be able to participate in our evaluation during fiscal year 1977 and allow us to involve sufficient federal reporters and computer transcription techniques to complete our evaluation of this technology.

To date the Center has analyzed the stenotype notes of approximately one hundred (100) court reporters to determine their computer compatibility. Twenty-five reporters had participated in the project as of January 1, 1976, and it is estimated that 50 will have been trained and have produced transcript by the end of fiscal year 1976.

The data gathered to date is not yet comprehensive enough to allow us to accurately predict what percentage of the total reporter population can be expected to successfully utilize this new technology, although preliminary results indicate about 50 percent of existing reporters can successfully use it.

As of January 1976, of the 25 reporters trained only one reporter has continued using CAT once the Center-supported participation period ended. Even this one individual found the cost high, but was willing to pay it because it did enable him to cope with his heavy workload. Some reporters failed to have any transcript produced even during their participation. These initial results have pointed the way to the alternatives which have to be explored if CAT is to be used in the courts and benefit both the courts and the reporters.

The main thrust of our efforts in fiscal year 1977 will be to explore these alternatives and to determine the most economical method of computer transcription. Some of the questions to be answered are:

a. Should a computer service company do the initial editing of the court reporter notes, or should the court reporter or an employee of the reporter perform this function?

b. Should the Center develop the software to do the translating or lease the translation software from one of the commercial companies offering such services?

c. Should the commercial companies perform the translation of the court reporters notes and then should court-owned computer equipment (the COURTRAN II computer) be utilized to accomplish subsequent editing of the transcript?

d. Should the Center lease the translation software from one or more commercial companies and perform all computer functions on COURTRAN II computer equipment?

During fiscal year 1977 the Center will involve approximately 100 more court reporters in the project in an attempt to answer these questions.

It should be pointed out that the companies providing computer aided transcription have proven that it can be done. Many of the reporters have been happy with the transcripts received. The things that must be demonstrated are whether it can be done on a large scale and what method is the most economical. There does not appear to be much question that the present method, whereby the computer company provides editing service, is not economically feasible for most reporters. It also does not appear that very many individual reporters would consider purchasing the equipment necessary to enable them to do their own editing.

The logical alternative, if the courts are to reap the maximum benefit from CAT, seems to be to allow the reporters to use equipment provided by the court. (Possible legal impediments to this approach are being studied.) Since the courts do not yet have their COURTRAN II equipment which we would use for this purpose, we are experimenting with some courts in Phase B of this project through rented equipment and leased communication lines. Phase B does allow the reporter to do the editing on a video display terminal (VDT) installed in the court. The VDT is hooked into the service company's computer.

As of January 1, 1976, there were terminals in two courts. By February of 1976 there will be terminals in five courts on a pilot basis.

The costs for the completion of this important evaluation project are primarily travel, training costs, and transcript subsidies for the participating reporters, and travel by Center personnel and contractors in performing the detailed evaluations of data collected during the project.

Training for 100 court reporters at $500 each	$50,000	
Travel and per diem for court reporters for training	51,000	
Travel by Center and contract personnel	11,000	$112,000
Contracts with commercial computer aided transcription companies	$30,000	
Contracts with economists and computer scientists to determine the most cost effective and efficient way of providing such services to the federal court report population in the future	25,000	
Detailed analysis of the data collected to answer the questions posed above and the preparation of a final comprehensive report	22,000	77,000
		$189,000

Summary

Contract Services	$ 97,000
Rental of Equipment	30,000
Travel	62,000
Total	$189,000

3. Video Technology

The Center continues to be actively involved in the development of the application of video technology in the federal courtroom setting. Pilot projects were established in five districts to study the use of videotape for prerecording testimony of otherwise unavailable experts. As a resulte of this experience, as well as extensive literature and project research, the Center published a procedural manual, Guidelines for Pre-Recording Testimony on Videotape Prior to Trial. These Guidelines set forth procedures with high standards aimed at insuring that reliable and accurate recording will be produced and now are being widely used in both state and federal courts.

The plans for fiscal year 1977 are largely dependent on the results of the projects currently funded for the fiscal year. Support for the original four pilot courts and the additional court added during fiscal year 1976 will continue.

During the fiscal year, the thrust in this area will be shifted to research into the impact of this technology on juror perceptions, trial procedures and trial outcome. the differential effects of alternative production and editing techniques and alternative screen sizes will be researched in order to provide further guidance for the control of production and playback methods in the courts. It is estimated that $70,000 will be devoted to the continued research work in this area. An additional $25,000 will be necessary for equipment purchases largely for training purposes.

Summary

Contract Services	$70,000
Equipment	25,000
Total	$95,000

4. Prisoner Petition Screening Project

The Center established a committee of federal judges to study the problems generated by the large number of state prisoner civil rights petitions filed in the federal district courts. The committee, known as the Prisoner Civil Rights or Section 1983 Committee, developed standards for processing cases through the courts and prepared a form complaint for use by prisoners. Working with these aids and under the supervision of the Committee, the Center is conducting a pilot project in three district courts; staff law clerks have been hired to screen and process these complaints, thus providing an additional resource to the courts in an effort to handle more expeditiously this portion of the caseload.

The analysis and evaluation of this project will continue into fiscal year 1977. Further the Committee will be meeting to consider the consequences of the research findings as well as to discuss current legislative and judicial matters that may have an impact on the prisoner petition area in general. A document containing revised standards, results of the pilot program, and suggestions for other improvements will be issued. The cost of this continuing project is expected to be $22,500.

Summary

Contract Services	$15,000
Travel	2,500
Printing	5,000
Total	$22,500

5. Juror Representativeness

Under the provisions of 28 U.S.C. Section 1863, the federal courts have a responsiblity to assure that federal juries are drawn from a fair cross-section of the community in which the district court sits. The Judicial Conference Committee on the Operation of the Jury System has initiated a regular reporting procedure to monitor the results of jury selection. Data is periodically gathered reflecting race and sex of the persons in the more than 300 jury wheels in the federal system. In the past, the Center has obtained Bureau of Census data on the race and sex composition of the population in each of the wheel areas for comparison with 1972 and the 1974 jury wheel data. Reports on these two studies have been made to the Committee.

In addition to the effort with comparative statistics, the Center, working with the Jury Committee and the Administrative Office, has developed a new system for regular data gathering. The system, designed to be less burdensome to district court clerks' offices, has been approved by the Jury Committee. As designed, it enables analysis of juror representativeness at all stages of juror selection, from master wheel through actual appearance for service, and aids in diagnosing some of the causes of nonrepresentativeness. Further, the new system has a flexible reporting requirement; rather than a single date for the entire judiciary, reports would be prepared only at those times when the individual court refills a wheel, changes the excuse of exemption provisions, or the like.

The Center will refine and further analyze this new system in anticipation of the influx of new district court reports on the makeup of the jury wheels which will follow the 1976 elections. A computer program will be developed to provide the rather thorough statistical analysis that this new plan will provide. $36,5000 will be used in this ongoing project.

Summary

Contract Services	$35,000
Travel	1,500
Total	$36,500

6. Examination of Growth in District Court Filings

While the Center's work in forecasting (see below) is based on the development of indicator variables and their effect on present and future case filings, other analysis is necessary in the effort to explain and understand what forces tend to move caseloads up and down. An examination of the number of civil cases commenced over the last fifteen years in the various circuits presents a picture of steadily increasing numbers of filings (except in the District of Columbia Circuit where change reflects the effects of the Court Reorganization Act of 1970), but the pattern or rate of growth varies remarkably; the range is from about an 11 percent to approximately a 288 percent increase in the civil caseload. The Center will explore this data to identify, among other things, whether the currency of the docket acts as a stimulus or an inhibitor of new filings and whether the mix of case types impacts on the filing picture. The results of this multifaceted inquiry will be of use in refining the forecasting effort and will be analyzed with respect to weighted caseload and other studies already completed by the Center. It is estimated that $60,000 will be expended for this project.

Summary

Contract Services	$55,000
Travel	4,000
Printing	1,000
Total	$60,000

7. Board of Editors -- Manual on Complex and Multidistrict Litigation

The Center continues to sponsor the work of the Board of Editors for the Manual on Complex and Multidistrict Litigation. The Board holds meetings thorughout the year to maintain the process of up-dating and revising the manual as circumstances require. This support will entail the expenditure of $10,000 in fiscal year 1977.

Summary

Travel	$10,000
Total	$10,000

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III. PROGRAM ON SENTENCING AND PROBATION

1. Research Support for Sentencing Institutes

Sentencing Institutes were established under the auspices of the Judicial Conference of the United States (28 U.S.C. Section 334) for the purpose of "studying, discussing, and formulating the objectives, policies, standards and criteria for sentencing those convicted of crimes and offenses in the courts of the United States." At the request of the Judicial Conference and over the past several years, the Center has assumed an increased responsibility for the planning, development, and coordination of the programs at these institutes. Working with a staff level committee established with representatives of the Bureau of Prisons, the Board of Parole, the Probation Service, and the Center, a number of institutes have been organized and presented with various sentencing related topics on the agenda.

Recent emphasis has been placed on the consequences of alternative sentences; the response of the Bureau of Prisons, Board of Parole, and Probation Service to differences in sentence type and length have been examined and the role of discretion within these agencies discussed. Institutional tours providing interaction with inmates, custodial officers, and staff personnel are incorporated into the programs.

These institutes provide an additional opportunity to examine sentencing activity in general and to identify issues and ideas that may require individual research and study by the Center. Furthermore, information and concepts about sentencing and sentencing activity is often integrated into the regularly scheduled seminars and workshops of the Education and Training Division of the Center.

Continued support and conduct of the institutes are contemplated for fiscal year 1977, with Center personnel taking an active role in the presentations as well as preparation for these meetings. $6,000 will be required for these efforts.

Summary

Travel	$3,000
Printing	3,000
Total	$6,000

2. Sentencing Studies

This general title describes a large number of varied activities that the Center undertakes to develop more understanding of the sentencing process. In the past, the Center administered a study of sentencing disparity in which district judges in the Second Circuit rendered sentences in 30 cases on the basis of identical presentence reports. Working again with the Second Circuit Committee on Sentencing Practices, the Center is assisting judges in their efforts to determine the nature of the factors that effect disparity by exploring the potential uses of benchmark sentences. Further, the Center has administered and analyzed a questionnaire on the subject of sentence review at the request of the Committee on Rules of Practice and Procedure of the Judicial Conference and has studied the consequence of alternative sentences as they impact upon the Bureau of Prisons, Board of Parole, and Probation Service practices.

One of the requests for information most often heard at seminars and institutes is the need for some kind of feedback mechanism. Judges want to know what other judges are doing in similar cases. They also want to know what has become of the defendants that they have sentenced; they want to know if the sentence they imposed has had the desired effect on the individual. The Center will develop a number of feedback models in an attempt to provide the information judges want. In a related project, a sentencing reading list of bibliography will be prepared and distributed among federal judges. Both of these projects were deferred from the previous fiscal year because of the press of other business.

Furthermore, a more detailed examination will be launched into the observation and study reports that are prepared as an aid to sentencing. Initial inquiry as part of the preparation for the presentations at seminars and institutes revealed that additional study on the content of these diagnostic evaluations and their utility in the sentencing process was warranted. An evaluation of the use of the Administrative Office Form 235 is also contemplated. This form, developed as a vehicle to communicate sentencing objectives from the judge to Prisons, Parole, and Probation, will have been in use for some two years and analysis of the recent history is needed to assess the form's utility and to revise its format as necessary.

Finally, additional study is planned into the disparity issue. Replication of the Second Circuit project in other circuits is being considered along with a comparable study with probation officers and other decision makers in the correctional process. These projects would measure the extent of disparity in other areas and would incorporate an analysis of the impact of Parole Board procedures on these sentences.

It is estimated that $85,000 will be devoted to research and development of these various projects.

Summary

Contract Services	$75,000
Travel	5,000
Printing	5,000
Total	$85,000

IV. PROGRAM ON IMPROVING GENERAL ADMINISTRATION OF THE JUDICIAL SYSTEM

1. COURTRAN II General Systems Development (Local Court Management Information Systems) ($295,000)

This continuing important project has the objective of developing computerized local court management information systems for both district and appellate courts. The Center is now successfully past the research phase and is moving toward full-scale pilot operation in the federal courts. During the past year the criminal case management facet of the project was substantially accelerated to allow federal district courts to meet the information processing demands imposed by the Speedy Trial Act of 1974. However, a great deal of automated assistance is urgently needed by federal courts in areas not directly addressed by the Speedy Trial Act, such as civil case and bankruptcy case processing, where automation can provide federal courts with some of the necessary tools to expeditiously process their ever-increasing caseloads.

The progress made by the Center during the past year represented a major step forward in our planned development. The relatively extended period of experimentation represented a deliberate attempt to avoid computerizing operations merely because the technology existed and to make certain the system would meet the actual, realistic needs of the courts. From its inception the project has aimed at determining how automatic data processing could help judges implement the principles of effective civil and criminal case management taught at our seminars for district judges. Priority was also given to incorporating in the final system the best practices and procedures currently used by parajudicial personnel supporting the judges. Secondary priority was given to more traditional objectives, such as better record keeping and more accurate statistics.

The project has gone through several phases, each of which represented both an evolutionary step forward and a change in concept. The original version of the system developed in 1969, COURTRAN I was operated in several courts using rented computer time. Last year, development of COURTRAN II, an advanced version of the original system operated on general purpose mini-computers, was initiated. Development of the civil caseflow management version was completed and is now in operation on two mini-computers in the district courts in the District of Columbia and Northern Illinois. The criminal case system has been almost completely redesigned to respond to the Speedy Trial Act and software development will be completed in early 1976.

Although priority has been given to the criminal and civil case systems, these are only two of the applications planned for COURTRAN. Other applications include (1) jury selection and utilization, (2) appellate case processing, (3) financial accounting, (4) attorney conflict management, (5) computer-aided transcription editing, and (6) bankruptcy petition management. The first version of a financial system for use initially by the Administrative Office and later by court clerks' offices is completed and operating. The design process for both jury selection and appellate case applications has been initiated and actual development will commence when the design has been completed. All of these applications have the one dual objective of reducing clerical effort while enhancing administrative effectiveness in the federal courts.

Center development plans for COURTRAN II were substantially revised when it became clear that the passage of the Speedy Trial Act imposed substantial data collection and monitoring requirements on all district courts which could not be met with existing manual information processing systems. Since the Act required the COURTRAN program to be vastly accelerated and implementation completed in the majority, if not all, federal district courts in a compressed time frame, we asked the Congress for funds to install 25 mini-computers and 40 terminal stations which would given COURTRAN capabilities to 65 districts.

An initial amount of $1,020,000 was requested as a supplement to our fiscal year 1975 budget and was generously provided by the Congress. The remainder of the money we felt essential for the accelerated completion of the project was included as "no-year" money in the 1976 budget request. In the Hearing before the House Appropriations Subcommittee on the fiscal year 1975 supplemental, we stated the first task we would undertake was a communications network survey. The purpose of this survey was to determine the best telecommunications system needed to support the system and the optimum mix of computer sizes for the COURTRAN II applications we were considering. The survey focused upon equipment acquisition costs, annual operating costs, personnel requirements and expansion capabilities to meet future needs.

This study indicated that serious consideration should be given to a different allocation of computing power than originally planned. After a thorough analysis it was determined that the advantages of a combination of three larger regional computers tied into much smaller communications controller computers in some courts, and terminal stations in every court, represented a more economical approach than did our original plans. During fiscal year 1976, we are installing one large computer in the District of Columbia District Court with terminal stations in five other districts. Further expansion will be made during the latter part of fiscal year 1976. Although we have changed the equipment configuration to support the COURTRAN system to respond to cost savings and improved service to the courts, there has been no change in the project objectives. Instead, this new evolutionary step represents a better method for achieving the objectives for which the Congress has provided funds.

During fiscal year 1977 the Center requests $270,000 to continue the basic COURTRAN development efforts. Of this amount $20,000 will be needed to complete the redesign and programming necessary to transfer the civil case management system from mini-computers to the larger regional computer; $50,000 will be needed to complete the development of the appellate case management system; $20,000 will be needed to continue development of the calendar management capability; and $20,000 will be required to complete development of the software to interface COURTRAN noncriminal data files with those of the Administrative Office of the United States Courts. To date, the COURTRAN program has primarily focused upon the problems of large metropolitan district courts which, for the most part, are geographically located, and hold court, in single locations. While the software and logic of the COURTRAN system is designed for use by all district courts, we have not completed an in-depth study of the problems associated with automating multi-division districts or districts which hold court in several locations. Therefore the Center requests $60,000 to conduct the necessary studies of procedures used in multi-division districts to determine what procedural or system changes may be necessary to best serve the needs of these courts with the COURTRAN system. The Center is also currently conducting experiments in the areas of computer-aided transcription of court reporters' notes and computer-assisted legal research for use by judges and law clerks in researching cases relevant to cases being heard. Both of these projects are currently being supported by outside (commercial) computer equipment. Now that the Center has obtained in-house computer capabilities, it may well prove economical to support these studies on Center owned computer equipment. However, since the Center computer equipment is technically different from the commercial equipment currently being used, there may be problems associated with the transfer of the previously cited functions to court equipment. In view of the tremendous potential cost savings which could be achieved by this action, the Center requests $100,000 to study the feasibility and economic benefits of transferring these projects to Center owned computer equipment.

Although the Center intends to transfer the civil case management system presently operational on two mini-computers in the Districts of Northern Illinois and the District of Columbia to the larger Center computer, the mini-computers will be fully utilized as communication processors in the COURTRAN network. Maintenance of these machines will be required at an annual cost of $25,000 for both mini-computers.

Summary

Contract Services	$295,000
Total	$295,000

2. Forecasting District Court Caseloads

Since 1973, the Center has been engaged in an effort to provide an improved method for forecasting federal district court caseloads instead of basing caseload predictions on filing trends from previous years. The project was founded on the premise that changes in litigation activity are signaled by changed in social, political, economic and demographic indicators. If we can measure variations in those indicators and relate them to variations in filings, then we should be able to describe case filing experience in terms of indicator activity and then monitor those indicators to predict litigation activity in the future.

Working with Battelle Pacific Northwest Laboratories, case filing models (mathematical equations relating filing volume to indicator activity) were developed for 42 types of civil and criminal cases for the period 1950 through 1970. In all, 4,200 sets of models were generated, using 158 different variables or indicators of case filing volume. Then, two sets of projections of caseloads 5, 10, and 20 years in the future were made. One reflects the experience of the past without potential change and the other is based upon the occurrence of selected potential future events (prepaid legal insurance, restrictions in diversity jurisdiction, nationwide no-fault insurance, and the like) and their probable impact on filings.

A second series of contracts was entered into to analyze and evaluate further the materials and data generated in the first stage. Actual caseload experience for fiscal year 1975 is being studied to see if the filings fall within the bounds of the forecasts for 1975 based upon the 1950-1970 data. Redundancies and overlap in the indicator sets are being reduced by aggregating indicators that measure similar activities. Further study will identify similarities and differences among the districts.

The initial results of the project are encouraging. The Center's forecasting work appears to demonstrate that indicator-based forecasts can and should be used in order to provide guidance in planning the allocation of resources in the district courts. Additional efforts are contemplated to enhance the reliability and precision of this tool to determine the potential demands on court services. It is estimated that $65,000 will be expended to develop and expand the basic work on several levels.

Summary

Contract Services	$60,000
Travel	2,000
Printing	3,000
Total	$65,000

3. Forecasting Appellate Court Caseloads

The successful application of indicator based models for production of district court caseloads leads logically to an effort to develop more sophisticated methods for forecasting the caseloads in the appellate courts. As in the trial courts, a more precise gauge of future appellate court business aids in the planning for and the appropriation of adequate resources to handle the dockets expeditiously.

The techniques learned from the trial court study, coupled with a method of measuring the rate of appeal, will be employed in an effort to establish the relationship between district court caseload variation and court of appeals caseload variation. This study will translate predicted rises and decreases in district court caseloads into appellate caseload change in advance of the occurrence of that change. Furthermore, alternative means of anticipating appellate filings will be explored.

While preliminary data had indicated that some of the techniques learned in the district court forecasting study could be applied successfully in an effort to anticipate appellate filings, further work in this area was deferred because of the demands of other projects, particularly the planning effort under the Speedy Trial Act. The decision to delay the commencement of this project has proven to be a wise one, however. Refinements in the skills and techniques required for the trial court study will necessarily enhance the effort on the appellate level. The cost of the development and implementation of this project is estimated to be $49,000.

Summary

Contract Services	$45,000
Travel	1,000
Printing	3,000
Total	$49,000

4. Interdisciplinary Studies

The Interdisciplinary Studies program is based on the assumption that all solutions for the problems of judicial administration cannot be expected to come from the legal profession. There has been a quickening of interest on the part of the social and behavioral sciences and a literal explosion in the applications of social and behavioral science techniques to court administration issues. Although we initially envisioned the program as being one of supporting theoretical (as opposed to applied) research, the encouraging experience to date has shown that many projects considered to be theoretical have resulted in immediate practical benefits. Further benefits have accrued from the stimulation of interest among professionals in these disciplines which our program has caused. These factors, in combination, provide the Center an opportunity to obtain a substantial return for limited resources via interdisciplinary studies.

Contracts under this program sometimes pay for a complete project, but whenever possible we attempt to provide, via contract, that extra funding which enables an otherwise non-performable project, which has a strong potential for results of immediate interest to the courts, to be completed. An example of the former was a study of litigation flow in the Second, Fifth and D. C. Circuits. Selection of studies to be funded is based on their promise for maximum significance for judicial administration. The estimated cost for interdisciplinary studies during fiscal year 1977 is $50,000.

Summary

Contract Services	$50,000
Total	$50,000

5. Conference on Experimentation within the Courts

The CAMP and Prisoner Petition Screening projects referred to above have a unique feature: control and experimental groups are established in order to determine the effects of the new procedures in the treated cases as compared with cases that would otherwise get the attention of the senior attorney or staff law clerk, but for the purposes of the evaluation are left untreated. This feature appears to be an important milestone in court research; no other federal court has ever tested the efficacy of a new or established procedure through the use of experimental research techniques within the court system. Judges, legal scholars, and commentators will be assembled to present papers and lead discussion on the legal issues and constitutional restraints of such research. Such conference is expected to contribute to the development of guidelines and standards and add substantially to the list of potential research projects for future Center action. The convening of this conference was deferred from last fiscal year due to the need to develop additional background information and because of the demands of other projects. An amount of $20,000 will be required for this project.

Summary

Contract Services	$10,000
Travel	5,000
Printing	5,000
Total	$20,000

Item 12. Accelerated COURTRAN II (Local Court Management Information Systems) Network Implementation for Speedy Trial Act (STA) Requirements ($1,046,000)

After passage of the Speedy Trial Act of 1974 the Center augmented its budget request to include in the fiscal year 1976 appropriation submission the amount of $6,567,900 for the accelerated installation and implementation of the COURTRAN computer system network in a total of 65 courts. The system is designed to handle the enormous information processing and monitoring demands placed on the district courts by the 1974 Act. In the fiscal 1976 budget we asked that the amount of $6,567,900 be provided as "no year" money. It was the sense of the Appropriations Committee that it would be more desirable to have the requested amount divided and included in specific fiscal year budgets in the amounts estimated by the Center to be required in fiscal years 1976, 1977 and 1978. It was estimated that $2,543,963 would be required in fiscal year 1976 (including the transition quarter). In Judge Hoffman's June 10, 1975 letter to Appropriations Subcommittee Chairman Slack, it was estimated that 70 percent of the remaining $4,023,937 or $2,900,728 would be required in fiscal year 1977, and the remaining $1,123,209 in fiscal year 1978, to provide the federal courts with the automated information processing capabilities they urgently require. Accordingly, the Center is requesting the amount of $2,900,728 in fiscal year 1977 for the next stage of implementation of the COURTRAN computer network. This will allow us to continue implementing COURTRAN so as to provide nationwide capability by the time the Speedy Trial Act moves into its final implementation phase.

During fiscal year 1976 the Center's development effort resulted in changes to our original concept which will allow us to provide additional support service while holding the costs of implementation at the originally estimated level. Before describing these changes and the advantages which accrue therefrom, it is important that the Committee be clearly informed of the costs associated with the program in the long run.

In our November 25, 1974, letter to House Judiciary Committee Chairman Rodino (p. 399 of 1976 Appropriations Subcommittee Hearings) we estimated the annual costs of operating the system would be $2,295,000. Later, at the February 26, 1975 hearing, in response to a question from Chairman Slack regarding the estimated annual cost of maintaining and operating the system, Judge Hoffman responded that the estimate had been revised to $2,137,900 per year (p. 409 of 1976 Hearings). Our studies during fiscal year 1976 continued to support this as an adequate estimate.

Our estimate of $6,567,900 for total implementation costs included $4,430,000 in one-time costs and $2,137,900 in annual operating costs for one year for each system installed and for each employee hired. It was contemplated that after a twelve-month period, the maintenance and operational costs would be added to the United States Courts budget. This was the assumption used in arriving at the $2,137,900 amount for

annual operating costs in the fiscal year 1976 budget requests. Because of the design and development changes made during 1976, the annual costs associated with operations cannot begin to be transferred for budget purposes until fiscal year 1978. For fiscal year 1977, annual personnel costs in the amount of $131,000 are included in the Center's regular budget under Item 5 to cover annualization of 15 persons employed in 1976. This amount is included as an adjustment to the base for fiscal year 1977 and thus does not represent a net increase. All other maintenance and operating costs are included in the Item 12 amount described herein. It is anticipated that operating and maintenance costs will begin to approach the estimated annual level in fiscal year 1978, but will not reach two million dollars per annum until fiscal year 1979. Most of the amount will be included in the regular United States Courts budget by that time.

The design and development changes referred to above were the result of studies made under the fiscal year 1975 supplemental budget. In the Hearings on the Second Supplemental Appropriation Bill, 1975, we reported (p. 373) we would conduct a communications network survey to determine how to achieve minimal communications cost. In addition to this survey we conducted extensive studies of the amount of computer power needed and of the number and types of technically trained persons needed. These studies and surveys indicated that the planned dispersion of 25 mini-computers would result in unsatisfactory communication costs. Since it is probable that eventually all courts may be given computer support, we analyzed and number of mini-computers which would be required if this eventuality occurred. This indicated that equipment costs would be unnecessarily high if the planned mini-computer approach were followed. Furthermore, more extensive studies of manpower requirements indicated that instead of one technically trained person per installation, it would require either two or three technical individuals for each installation. This would result in many more positions than had been originally estimated. (In fact, if all courts were provided with computer capability via 50 mini-computer installations plus many terminal stations, approximately 150 technical persons would be required in the courts.) We also explored more intensively the management and training problems incidental to 24 or more geographically dispersed mini-computer installations. These were found to be almost insuperable especially because courts do not now have any technical people and all technical guidance would have to come from a central organization. We also surveyed various sizes of computers to determine which type would result in the lowest cost and shortest amount of time for developing new applications. Another factor which was evaluated was the efficiency of automated data input to the Administrative Office. After evaluating all these items for various computer sizes, our studies concluded that the use of several large computers in either two or three regional processing centers -- with terminals provided to each court -- would result in lower communications costs, more efficient data input to the Administrative Office, a maximum of 28 technically trained persons instead of the 75 to 150 who would eventually be needed under the mini-computer approach, greatly accelerated system development time, substantially easier management, and reduced training problems. The studies indicated equipment costs to support 65 courts would be approximately the same as those estimated for 25 mini-computer systems with 40 terminal stations, but substantially less than the amount required in the long run when such service was provided to all federal courts.

Further advantages of using several large computers accrue from greatly reducing the need to achieve reliability by providing redundancy in communications and equipment backup systems for 25 installations. Instead, reliability (i.e., continuous trouble-free support) can be achieved by providing redundant system backup components in only two or three installations. Also, this approach will allow the Center to take advantage of the use of highly skilled specialists instead of the less highly skilled generalists required for a network of 25 installations.

As a result of this change in concept, the Center initiated a competitive procurement procedure which resulted in the selection of a large computer type which would meet our requirements. The acquisition of large computers rather than multiple small computers also allows the Center to consider providing federal courts with support at some future date in such areas as computer assisted legal research and computer assisted transcription on court-owned equipment. The procurement of multiple small computers would have effectively eliminated our consideration of assuming the computational load associated with programs of this type.

The first large computer has been installed in the United States Courthouse in the District of Columbia and will begin operations in February 1976. By the end of 1976 we plan to have a substantial percent of the metropolitan federal courts with the heaviest criminal caseloads supported by the system. We anticipate purchase of the second large computer, to be located in Chicago, Illinois, during fiscal 1976.

We are now conducting studies to determine whether the most cost effective and reliable support to courts can be provided through more powerful backup components in two installations or through three installations each of which had relatively lower reliability. The costs are approximately the same for either alternative.

The estimated cost for equipment acquisition in fiscal year 1977 is $1,750,000. This includes computer equipment plus additional terminal stations so that the 45 to 50 largest courts will have support by the end of 1977.

During fiscal 1977, the Center will continue to rent telecommunications services to support and interconnect those courts supported by the system from commercial value-added network companies as well as rent the communications controllers and data sets located within each court. These devices are necessary to connect our terminal stations and computers as well as the terminal stations. We also will require maintenance contracts for each of the large computers and the terminal stations. These maintenance contracts will cover both scheduled preventive maintenance and on-call equipment failure maintenance. The total cost of equipment rental and necessary maintenance services during fiscal year 1977 will be $616,000.

The cost of supplies to support the system for the year is estimated to be $46,000 and the cost of travel for on-site system support, installation of terminal stations and training coordination in new court locations will be $28,000.

The software development program for the network will continue into 1977. This includes special software for telecommunications interface, information displays designed for each use by deputy clerks, and system reliability techniques. The estimated cost of this software development is $185,000. An additional $32,000 will be required to maintain existing software and, more importantly, to modify Speedy Trial monitoring portions of the COURTRAN software package to accommodate district and appellate court decisions which require changes to the computational algorithms used by the system. This will allow the system to continually determine the status of individual criminal defendants and determine compliance with the dictates of the Speedy Trial Act itself, as well as with the accelerated case processing procedures and plans of each participating court.

The centralization of computing resources will require no increase in personnel over and above the 22 positions contained in both our presentation to the House Committee on the Judiciary and our original "no year" request submitted to this Subcommittee. Of this number the fifteen requested and approved in our fiscal year 1976 budget, following this Subcommittee's request for the "no year" funds to be divided into discrete fiscal years (see Judge Hoffman's letter to the Honorable John M. Slack, Jr. of June 10, 1975), will be sufficient to meet our development and operational needs during fiscal year 1977. Therefore, no additional technical personnel are contained in this budget request. The remaining seven technical positions contained in our original "no year" request may, however, be required in fiscal year 1978 if a third installation is determined to be cost effective.

In summary, an amount of $2,900,728 will be required for COURTRAN Speedy Trial implementation in fiscal year 1977. The sum of $2,424,728 was available for this activity during the current fiscal year. From this amount, $570,000 has been deducted (see Item 1) in setting the base requirements for fiscal year 1977. Thus, an amount of $1,046,000 is requested to increase the funds available to the required total ($2,424,728 - $570,000 = $1,854,728 + $1,046,000 = $2,900,728). The increase has been allocated as follows:

Summary	
Rent	$ 496,000
Equipment (purchase)	550,000
Total	$1,046,000

Mr. SLACK. The request for fiscal year 1977 is $7,720,000, an increase of $1,100,000 over the adjusted appropriation for fiscal year 1976.

You have a statement, do you not, Judge Hoffman?

Judge HOFFMAN. Yes.

GENERAL STATEMENT

[The prepared statement follows:]

STATEMENT BY JUDGE WALTER E. HOFFMAN
DIRECTOR OF THE FEDERAL JUDICIAL CENTER

Mr. Chairman and Members of the Committee:

I appreciate this opportunity to appear before you again as Director of the Federal Judicial Center in support of the Center's appropriation request for fiscal year 1977.

We have requested a total budget authority of $7,720,000 for fiscal year 1977, $7,660,000 by direct appropriation and $60,000 in a transfer from the appropriation "Travel and Miscellaneous Expenses" for travel associated with statutory sentencing institutes. The net increase of this request for 1977 over 1976 is $1,100,000.

We are necessarily concerned about asking any increase for fiscal 1977 over the current year's budget, especially because Congress was so generous in granting our prior requests. The Federal Judicial Center has now about reached its full scale operation if no new legislation is enacted which may have a substantial impact on the federal courts. There is, of course, legislation pending which may force us to alter this statement. For example, S.1 and related bills are under consideration, the enactment of which would require a further expansion of our Education and Training Division

as well as our Research and Innovations and Systems Development Divisions. Such bills will drastically revise the substantive criminal law field and would require extensive educational programs for judges and magistrates.

Excluding the passage of legislation which may compel an extension of our activities, we believe that we will be able to present a reduction in our fiscal 1978 budget which would approximate $1,000,000. This is largely due to the fact that our planned Courtran equipment purchases, occasioned by reason of the enactment of the Speedy Trial Act of 1974, will be substantially completed.

The net increase requested for fiscal year 1977 consists of four components:

(1) The Continuing Education and Training Program will require an additional $484,000 during the next fiscal year to keep pace with the burgeoning need for training for all levels of the Federal judiciary;

(2) The Center's core staff will require supplementation by the addition of eight (8) positions at an annual cost of $110,000.

(3) The Courtran II local court management information system criminal case processing development will require an additional $476,000 in fiscal 1977 (consistent with the estimate given your

subcommittee last year) to continue accelerated implementation to support the district courts in meeting the requirements of the Speedy Trial Act of 1974; and,

(4) The inflationary, uncontrollable increases in essential operating expenditures (postage, supplies and equipment) will require an additional $30,000 in fiscal year 1977, an amount not offset by program reductions.

This overview, as explained more specifically in the following sections of this statement, describes the four items which account for the net increase in the Center's Fiscal 1977 request. It does not, however, present the comprehensive details which are contained in our appropriation justification. I should briefly mention the other major adjustments which appear at page 14.02 of the justification.

Item 1 reflects a decrease of $570,000 in Courtran II Speedy Trial Act development requirements for fiscal 1977 in contract services, travel and supplies. This reduction in costs is offset by an increase in equipment costs of approximately this amount. An increase in communications and maintenance costs makes the net increase equal to $476,000, even though the increase over the adjusted base, after subtracting the $570,000, is $1,046,000 as reflected in Item 12.

Item 2 shows a reduction of $248,000 in nonrecurring project equipment costs. This item includes a decrease of $205,000 in equipment purchases for the regular Courtran II development program. Here again, there are offsetting increases balanced against this amount. Item 5 requests $131,000 to annualize the salaries of Courtran II personnel who were added in fiscal 1976. Item 11 contains an increase of $74,000 in research and development contracts. I should also point out that Item 11 reflects the increase only on the summary page. We have, as in the past, described our research and development projects from a zero budget base. That is, we attempt to justify under Item 11 of the budget estimate the entire general R&D effort anticipated for fiscal 1977. Therefore, all cost figures under Item 11 represent total costs, instead of merely the increase for fiscal year 1977.

Continuing Education and Training

The Center's program of education and training for the judiciary continues to reflect the impact of increases in the numbers of court personnel and the changes in their responsibilities. This program will require an estimated $1,670,000 in fiscal 1977 (exclusive of staff salaries), an increase of $484,000 over the current fiscal year.

An amount of $60,000 is included in the training request for 1977 to enable the Center to bear the necessary travel

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and subsistence expenses associated with the participation of Federal judges in the Sentencing Institutes authorized under 28 U.S.C. 334. Heretofore, these costs have been paid from the "Travel and Miscellaneous Expenses" appropriation of the regular Judiciary budget. The Center, with the concurrence of the Judicial Conference and the Administrative Office of the U. S. Courts, requests a transfer of funds from this appropriation in recognition of the commonality of purpose these Institutes and the Center's statutory research and training responsibilities share.

The increase in the education program also includes $379,000 for the travel and transportation of persons for training of judicial personnel. Of this amount, approximately $300,000 arises as a direct result of the past and projected expansion in the Probation Service. Since the start of fiscal year 1972, when the Center undertook responsibility for probation officer training, the Service population has grown from 602 to 1,498 officers. An additional 379 positions are included in the U. S. Courts' fiscal 1977 request. This expansion has required a concentrated expansion in the Center's probation training programs.

The remaining $79,000 of the $379,000 increase for seminar transportation for fiscal year 1977 will allow the

Center to provide a modest expansion in other facets of its educational program while offsetting the rising costs in airline and other travel fares. This modest expansion will include five additional regional workshops for district court judges covering the Federal Rules of Evidence, Amendments to the Federal Rules of Criminal Procedure and other current topics; and three more seminars for United States Magistrates.

The final component of the $484,000 increase in funds to support the education and training activities results from the anticipated expansion of the Center's special tuition program for which an increase of $45,000 is requested. This program is designed to enable senior-level court personnel to attend specialized, job-related educational courses which are offered at the local level through governmental and private institutions.

The Center has always given its statutory educational responsibility the highest of priorities. Through a range of training methods, we are attempting to reach one quarter of the members of the Federal judiciary each year and provide them with the tools to perform at their ultimate capacities to the benefit of the entire system. The increase in training funds requested for fiscal 1977 will allow the Center to continue this essential process.

Personnel

In fiscal 1977, the Center requests an increase of eight (8) positions in its core staff at a cost of $110,000 per annum. Expansion of research and development programs has reached the point where necessary supporting secretarial and clerical services, deferred in previous years, are now crucial. Six of the eight additional positions requested fall into this supportive category. The Training Division requires two clerk-typists and an administrative aide to assist in producing, processing and organizing the considerable amount of materials connected with the expanding educational program. The Innovations and Systems Development Division requires a secretary for its development staff to provide the full range of normal supporting services it now lacks. In addition, this office must add a clerk-typist to handle the work requirements of several project directors who currently must share the services of the Division Director's secretary. And the Board authorized new Division of Rules and Legislation will require one individual to perform necessary secretarial services.

The two remaining additional positions requested for the coming fiscal year are both professional in nature. One of these will enable the Center, at no increased cost, to continue

its support of the Judicial Fellows Program in a formal manner by allowing the employment of one Fellow per year to work on Center projects particularly in need of the high-level expertise and experience this Program can provide. The second professional portion requested will be for a Director for a new Division of Rules and Legislation. This senior-level position, approved by the Board of the Judicial Center, will be devoted to advising the Congress on the status of pending changes in the rules of practice and procedure in the federal courts and developing improved methods of estimating the impact pending legislation will have on the judiciary.

Accelerated Courtran II Implementation

The amount of $2,424,728 was appropriated by Congress in fiscal 1976 for accelerated implementation of the Courtran II local court management criminal case processing system. This amount was slightly over one-third of the total $6,567,900 originally estimated to support the federal courts in meeting their statutory responsibilities imposed by the Speedy Trial Act of 1974. For fiscal year 1977, continued development (which includes the acquisition of additional computer equipment, maintenance, communications, etc.), will require an estimated $2,900,728 which is a net increase of $476,000

over the funds appropriated in fiscal 1976 and an increase of $1,046,000 over the adjusted base of $1,854,728. The adjusted base was arrived at by taking the $2,424,728 appropriated in fiscal 1976 and deducting $570,000 from it as a result of reductions in travel, other services and supplies. The increase of $1,046,000 is a result of an increase of $496,000 for rent, communications and maintenance of equipment and $550,000 for purchase of additional equipment. As pointed out in my letter of June 10, 1975 to Chairman Slack, $2,900,728 was estimated for fiscal year 1977. The program is continuing as planned in that the requested increase for fiscal year 1977 of $1,046,000 added to the adjusted base of $1,854,728, makes a total of $2,900,728.

We have again segregated estimated costs for our general Courtran development program from the costs for accelerated development and implementation associated with the Speedy Trial Act. Thus, costs for general development covering civil case systems and other noncriminal case applications are covered under Item 11 of the budget estimate while costs for the continuation of the accelerated network system started last year are included as Item 12. The reason for keeping the funds separate is to facilitate your subcommittee's oversight function. We gave you our estimates for one-time and annually recurring costs a year ago and we have

every hope of staying within these figures. We expect you will call us to task if we do not.

The funds for establishing a Courtran II network for criminal case management, monitoring, and statistical reporting will result in a working system which can then also be used for other applications such as civil case management, appellate case management, bankruptcy case processing, jury selection, fiscal accounting, etc. Our general Courtran development work includes these other applications. The total estimated cost for the system for fiscal year 1977 therefore includes Item 12 ($2,900,728) and the amount estimated for general development ($295,000) under Item 11.

The estimates submitted last year for the accelerated program included one-time costs plus funds for only one year of annually recurring costs. At this early phase of implementation our primary recurring cost which started in fiscal 1976 is for personnel. The amount requested for fifteen positions in fiscal 1976 was based on an employment schedule under which persons would be hired at intervals throughout the year. The costs for these positions for a full year in 1977 require an increase of $131,000 over the 1976 amount. This annualization cost has been included in Item 5 of the Budget Estimate.

This past year the Center staff, in conjunction with a number of recognized experts in the field of computer system design, completed a comprehensive examination of the Courtran program to determine the optimal mix of computer sizes and locations to support the program. The conclusion of our detailed examination was that the concentration of computer processing power in two or three regional computing centers rather than the distribution of equal computing in twenty-five geographical locations utilizing minicomputers would be far more advantageous to the federal courts and would require fewer technically trained persons. The equipment acquisition costs associated with the two alternative approaches are almost identical; but the savings to be realized in communications and operations costs plus better program development tools and improved system reliability dictated our selection of several large computers to support Courtran rather than the many minicomputers that had been originally planned. This modification of computer equipment acquisition will not affect the timetable or goals of the Courtran program nor will it reduce the quality of service to be provided or the number of courts scheduled to participate in the Courtran program. Our current budget estimate reflects our decision to utilize more powerful computers in a limited number of geographical locations.

We have found that several years of development will be required and that therefore some of the annually recurring costs will continue in the Center budget for several years rather than being transferred to the U.S. Courts budget. For example, of the 15 positions added in 1976, nine are staff for the Courtran II System Development Center in D. C. and six will be assigned to the second regional center which will be purely operational. We expect to transfer these six positions to the U. S. Courts budget shortly after the second center reaches operational status. The same procedure will apply to a third center.

Uncontrollable Increases

As in the case with every organization, the Judicial Center anticipates that the costs of many of its essential administrative functions will increase due to inflation in fiscal year 1977. These uncontrollable increases for the Center will be reflected primarily in rising costs for postage, rental of office equipment and necessary purchases of supplies and equipment of a general administrative nature. Although every effort has been made to defray or absorb these increases, an approximate additional amount of $30,000 will be required in the coming fiscal year to meet these escalating costs.

Judge HOFFMAN. Through the consideration of the committee last year, the Federal Judicial Center has been very active.

As you know, we were called upon to put into operation our program known as Courtran II, and that has progressed with all reasonable degree of rapidity. We have had some delays in connection with getting the equipment installed and renovating the premises at the District of Columbia District Court.

Of course, the premises had to be altered to some extent by General Services Administration and there were attendant delays in that connection.

The large computer has now been installed and is in its inspection stage. Under our contract we had a 30-day provision for testing and the testing started January 5. We are not called upon to pay for the equipment, of course, until the test has been completed to our satisfaction.

With regard to the budget, in a supplementary letter which I forwarded to you under date of January 28, there was some confusion with respect to our last budget as to the number of personnel who are authorized.

If you will look at the budget of the U.S. Government, 1977 appendix, you will find that in part 1, page 57, there was an erroneous number of positions reported. We requested corrections in the galley proofs. Those corrections do not appear in part 1, but the correct numbers do appear in part 2 at page 814. I think that letter I wrote to you, Mr. Chairman, will satisfy your committee with respect to the positions.

There was some confusion, I assume, with respect to the 15 Courtran positions and whether they should have been under contract, or whether they should be considered as permanent employees.

I will merely state to you that when we compiled the figures we perhaps gave an erroneous impression that these employees would be on a contract basis. Actually, Mr. Chairman, we changed our initial thought with respect to the plan of installation of our Courtran II operations.

We came before you last year and suggested we were exploring the possibility of installing 25 minicomputers and approximately 40 terminals throughout the countrry.

I recall some members of the committee were interested in where the terminals would be placed and we had that information.

We also said in our report that we would make a study of this matter by reason of the passage of the Speedy Trial Act, and the difficulties in contemplating what would be needed. We did make that study and the study brought forth the realization we would do better by installing not more than three major computers, one of which has now been installed in the District of Columbia Court House. One will be installed in Chicago, Ill., and one in Los Angeles, Calif.

From those major computers, we now know that we can service all of the District courts throughout the United States with the possible exception of Alaska, Hawaii, Canal Zone, Puerto Rico, Virgin Islands, and Guam. They have peculiar problems with respect to telecommunications.

The cost factor is a major item there. I don't know we will ever reach the point where we will be able to place those outlying areas into our system of Courtran II operation.

We could, of course, come to you for the necessary telecommunications expense that would be required but that is a little bit beyond what would be proper under the circumstances.

This accounts for a major change, but no difference in the cost. Our study brought this forth. In June 1975, at my insistence, we put forth a request for proposals on the purchase of this equipment and there were many bidders involved.

The bid, which was finally accepted, was the lowest bid and we found, after investigation, it was a very desirable company to do business with. That equipment was promised to us in September. It did arrive approximately on time from the manufacturer. Then we ran into the difficulties of getting a place to put the equipment.

We had been working on it and finally the temporary emergency court of appeals, headed by Judge Tamm, agreed to give up its space in the District of Columbia District Court and other space was provided for them. We took over those quarters. That required, however, some alterations because of the fact this equipment, No. 1, is very valuable—I think the cost of the computer itself is something like $385,000, or something like that.

No. 2, it had to be in a place suitable to the manufacturer of the computer and could be tested properly. Arrangements had to be made for a survey by GSA with respect to the floor-bearing factors.

This brought about delays. The equipment was installed the latter part of November, perhaps November 25, or November 27. Since that time it has been tested and was placed in operation on January 5 on a test basis.

Actually, we could have placed it in operation immediately prior to the Christmas holidays, but the manufacturer said they didn't want to send their people down here at that time.

That is the history of our Courtran II.

SUPPLEMENTARY STATEMENT

In connection with the supplementary statement I sent to you, we put ourselves out on a limb with respect to our fiscal 1978 budget and promised you there would be a reduction of $1 million in our requested budget if there are no particular passages of legislation which may seriously affect the judiciary during this particular year.

I mentioned particularly in my statement the possible passage of S. 1, or the House counterpart, and if those bills pass, we will have to go into extensive education with Federal judges to familiarize them with the new provisions of such a bulky bill.

Excluding that, we are in a position where we can assure you there would be a requested reduction of approximately $1 million.

EDUCATION AND TRAINING PROGRAM

The increases of this year are $484,000 for the continuing education and training program. We could give you a breakdown of the anticipated seminars and workshops and conferences which we plan to con-

duct in fiscal year 1977. There has been an increase this year, as a matter of fact, and there will be a further increase next year.

POSITION INCREASES

There will be a request of $110,000 for eight additional positions, six of which are secretarial in nature, to take care of the increase in our professional staff which we have already requested and are in the process of hiring.

Two of these positions, one involves a new item which is mentioned for the first time in the budget, and I think the Budget Committee should be aware of it because it started some 3 years ago, and that was a judicial fellows program, similar to the White House fellows program, although, of course, of a different nature.

Actually, this was started through the Chief Justice originally, I believe, and each year there are two judicial fellows selected by a committee. Former Justice Clark is chairman of the committee. The Director of the Administrative Office and the Director of the Federal Judicial Center are members of the committee.

Mr. Erwin Griswold, a former Solicitor General, is a member of the committee. Mr. Roger Blough, former president of the United States Steel; Dr. George Graham is on the committee, and Mrs. Elizabeth Hughes Gossett.

Annually we select two judicial fellows.

This started on private funding similar to the group in the White House. That funding was only to get it going and we have now been told that the private funding will have to be terminated. Thus we have been requested to take annually a judicial fellow. This year's judicial fellow we now have is Dr. Jack Buchanan, a computer expert, so really he falls right into our Courtran II operation most successfully.

This is a very worthwhile program and we realize it has been of benefit to the center, even though the person selected only actually serves as a judicial fellow for 1 year. We are hopeful that this committee will see fit to continue that and fund us to the extent of 1 year, which we are classifying as a permanent employee, although he is actually only there for a 1-year term, at which time he is succeeded by another employee, but we consider the position as permanent.

The other position which we ask in the professional category is a position for a director of a new division created by the board of the center entitled "Division of Rules and Legislation." That will be a senior level position, and the purpose of this is to advise Congress on the status of pending changes in rules of practice and procedure in the Federal Court and developing improved methods of estimating the impact pending legislation will have on the judiciary.

I know the committees of Congress now generally place in their reports something to the effect as to whether there will be an impact on the judiciary along those lines. They get this information mainly through the Department of Justice.

However, the Department of Justice does not communicate with anyone in the judiciary before giving the information to the committees of Congress, and we feel that this should be established.

RULES OF PRACTICE AND PROCEDURE

Furthermore, with respect to rules of practice and procedure, I am certain you are aware of the fact of the problems that came up in the rules of evidence, the problems which came up with the more recently made effective rules of criminal procedure.

I served for 14 years as a member of the Advisory Committee on Criminal Rules and was immediately discharged as soon as I became Director of the Federal Judicial Center.

There had been a lack of communication between the Rules Committee of the Judiciary and the Congress, and quite properly so. We can understand why there would be a lack of communication.

I was at the last session of the Advisory Committee on Rules—Judge Lombard of the second circuit asked me to attend, even though I was not a member—and I noticed that a member of the staff from the Senate Judiciary Committee was present, and also a member of the staff of the House Judiciary Committee was present, pursuant to invitation from former Chief Judge Lombard of the second circuit.

We were hopeful of establishing this position with the idea in mind that we would have a person to whom Congressmen and their staffs could turn to make inquiry as to impact and the questions that may be presented relative to rules of procedure, and so forth.

Those are the two permanent positions, other than the secretarial, that we have requested.

IMPLEMENTATION OF COURTRAN II

The Courtran II implementation is not in fact any major revision. You will recall, Mr. Chairman, that last year, when I appeared before you we requested no-year money for the entire project. At that time we were led to believe that perhaps that was unwise. Later I received a call from Mr. Mizelle indicating the committee desired to break it down into 3 years. I wrote you a letter in June, I believe, of 1975, breaking down these particular costs into a 3-year program.

We contemplate that after fiscal year 1978 that program will be fully operational and we will be able to present to you in concrete fashion the operating costs for the future, subject to changes in salaries which are, of course, inevitable in any system.

I might say, Mr. Chairman, that our initial thought was that we would turn over the entire system to the Administrative Office after approximately 5 years.

We have found in studying the matter that computer operation is a continuing field. While we have not as yet discussed this matter with the Director, or Deputy Director of the AO, we feel that the Washington computer which we now have installed should be retained, not only as an operational piece of equipment, but also as a research and development piece of equipment to be operated by the center. However, that is a matter we don't have to reach at this point. That was one of the reasons why we thought it best to put these employees on a permanent basis rather than on a contract basis, because we could then turn over to the AO, after the operation becomes complete, the personnel in the Chicago area and the personnel in the Los Angeles area, and hopefully—and it would be our recommendation, certainly—

that we retain the control phase of the Washington, D.C. computer in order that we can continue with our research and development in that area.

I don't think I have anything else to add, Mr. Chairman, unless you have questions.

As I told Mr. Mizelle before you came in, I consider it a privilege to appear before you, but you are entitled to have answers to questions and if we don't have the answers we will get them for you.

Mr. SLACK. Thank you, Judge Hoffman.

Would you provide for the record a breakdown of the conferences of the workshops you referred to in your statement?

Judge HOFFMAN. We may be able to give you that right now. These are the planned programs for fiscal year 1977.

Mr. SLACK. Without objection, we will insert at this point in the record the continuing educational training plan for fiscal year 1976.

[The document referred to follows:]

FEDERAL JUDICIAL CENTER CONTINUING EDUCATION AND TRAINING, FISCAL YEAR 1977

Title	Number	Estimated cost per program	Total estimated cost
Sentencing Institutes	2	$30,000	$60,000
Appellate Judges' Seminar	2	17,000	34,000
District Judges' Workshop	10	5,000	50,000
Newly Appointed District Judges' Seminar	2	20,000	40,000
Metropolitan Chief Judges' Conference	2	20,000	40,000
Magistrates' Seminar	10	15,000	150,000
Bankruptcy Judges' Seminar	5	15,000	75,000
Bankruptcy Judges' Orientation Seminar	1	15,000	15,000
Circuit Executives' Conference	1	3,000	3,000
Federal Public Defenders' Seminar	1	15,000	15,000
Assistant Federal Public Defenders' Orientation Seminar	2	12,000	24,000
Federal Public Defender Investigators' Seminar	2	12,000	24,000
Court Reporters' Seminar	3	12,000	36,000
Probation Orientation Seminar	15	15,000	225,000
Advanced Probation Officer Seminar	18	15,000	270,000
Supervisory Probation Officer Seminar	7	10,700	75,000
Chief Probation Officer Management Seminar	2	12,000	24,000
Instructional Technology Workshop for Probation Officers	2	10,000	20,000
Probation Officer Assistants Seminar	1	10,000	10,000
Metropolitan District Clerk's Conference	2	15,000	30,000
District Court Clerks' Seminar	2	12,000	24,000
Courtroom Deputy Clerks' Seminar	3	11,000	33,000
District Court Fiscal Deputy Clerks Orientation Seminar	1	12,000	12,000
Probation Office Clerks	2	15,000	30,000
Bankruptcy Office Clerks	5	10,000	50,000
In-Court Management Training Conferences	10	1,000	10,000
Subtotal	113		1,379,000
Staff travel			39,000
Planning committee travel			20,000
Total	113		1,438,000

Mr. SLACK. Wtihout objection, we shall insert at this point in the record a letter directed to this committee by Judge Hoffman on January 28 concerning the positions the Judge referred to in his opening statement.

[The letter follows:]

THE FEDERAL JUDICIAL CENTER
DOLLEY MADISON HOUSE
1520 H STREET, N.W.
WASHINGTON, D. C. 20005

OFFICE OF
THE DIRECTOR

TELEPHONE
202/393-1640

January 28, 1976

Honorable John M. Slack, Jr.
Chairman, Appropriations Subcommittee
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

The Administrative Office of the United States Courts has informed us that the staff of your Committee has raised questions concerning the number of positions authorized for the Federal Judicial Center and certain discrepancies between The Budget of the United States Government, 1977--Appendix (1977 Budget Appendix), and the Center's Congressional justifications. This letter is in response to these questions.

I was surprised to see the erroneous permanent position numbers reported in Part I at page 57 of the 1977 Budget Appendix since we had requested corrections in the galley proofs. Although these emendations do not appear in Part I, the correct numbers do appear in Part II on page 814.

I believe the error in Part I of the 1977 Budget Appendix originated with the twenty-five positions added to our FY 1976 budget estimate as a result of the passage of the Speedy Trial Act of 1974. In this estimate, we asked for three persons to fulfill our advisory responsibilities under the Act (See, Hearings on Department of State, Justice, Commerce, The Judiciary, And Related Agencies Appropriations For 1976: Part 1 - The Judiciary; p. 353), and twenty-two systems managers for acceleration of the Courtran program See, 1976 Hearings; p. 391). Thus, we were asking for a total of eighty persons at the time of the fiscal year 1976 hearings. As you may recall, the Speedy Trial Act was signed into law on January 3, 1975 and the budget estimate adjustments to reflect the additional positions occasioned by the Act were necessarily received by the Office of Management and Budget after the printing deadline for the Presidential submission.

Subsequent to the fiscal year 1976 hearings, you asked that we provide information on the amount required for accelerated Courtran in 1976 and subsequent years if the request for "no year" funds was not granted. In my letter to you of June 10, 1975 it was estimated that fifteen of the twenty-two accelerated Courtran program positions would be needed in fiscal year 1976. Thus, this letter amended our 1976 request for additional personnel related to the Speedy Trial Act from twenty-five to eighteen. After the funds were appropriated in the amount requested for fiscal year 1976, our total number of positions was seventy-three (Fifty-two positions in fiscal 1975, plus three additional positions in the 1976 estimate submitted to OMB prior to the passage of the Speedy Trial Act, plus the eighteen positions noted above which were added as a result of the Speedy Trial Act).

As you will note, the uncorrected position figures in Part I (p. 57) of the 1977 Budget Appendix show a requested increase of seven positions for fiscal year 1977, whereas the budget estimate submitted to your Committee and Part II (p. 814) of the Budget Appendix show a requested increase of eight positions. This reflects a decision on my part, made at the time of our review of the Budget Appendix galley proofs, to include the position of Judicial Fellow in our estimate, even though the costs for the position will be absorbed out of currently available funds. Although this position will be filled by a different person each year, I decided it should be included as a permanent position so your Committee would be fully informed.

I hope this information is responsive to the questions raised by your staff.

With highest regards, I remain

Faithfully yours,

Walter E. Hoffman

Walter E. Hoffman
Director

Mr. SLACK. The Courtran II system is designed to meet the objective of the Speedy Trial Act, is it not?

Judge HOFFMAN. Primarily; that was the urgency we had when we came before you last year. However, I would not want to mislead the committee; because it was necessary to put it into effect for the Speedy Trial Act, we do not intend to stop merely on processing the criminal cases. It is our plan also—and we are working on it, and I believe it is noted in our proposed budget, and the justifications for it will set forth very clearly that we are going into all the phases of the Federal court operations.

Mr. SLACK. How much of your total request is related to efforts to meet the objectives of the Speedy Trial Act?

Judge HOFFMAN. Do you mean the breakdown of Courtran and, say, what is Speedy Trial and what is——

Mr. SLACK. If you can give us the total dollars in this request related to meeting the objectives of the Speedy Trial Act, it would be appreciated.

Judge HOFFMAN. If your question confines itself solely to Speedy Trial——

Mr. SLACK. You haven't that available at this point? Please provide it for the record.

Judge HOFFMAN. We will try to get that information for you. It is very difficult because certain of our personnel will be working on civil case processing, certain others working on criminal case processing. We can even give you a rough estimate, but I don't think we can give you any precise figures. I would not want to mislead you.

Mr. SLACK. Very well.

[The information follows:]

AMOUNT IN THE FEDERAL JUDICIAL CENTER'S FISCAL YEAR 1977 REQUEST RELATED TO MEETING THE OBJECTIVES OF THE SPEEDY TRIAL ACT OF 1974

Out of the total fiscal year 1977 budget request, the amount attributable to the Speedy Trial Act includes:

1. Funds associated with the accelerated implementation of the Courtran II local court mangement information system:

	Amount
Item 12 of the justifications	$2,900,728
Item 5 of the justifications	131,000
Total	3,031,728

2. Funds associated with 2 specific research staff positions (1 professional and 1 secretarial) and the equivalent of 1 man-year consisting of part-time services of approximately 12 professional staff members:

Professional—Salary and benefits	$41,202
Secretary—Salary and benefits	13,229
Professional—equivalent man-year salary and benefits	26,160
Total	80,591

3. Funds associated with three planned training seminars for District courtroom deputy clerks: Three seminars at $11,000 each $33,000

Thus, the total amount contained in the 1977 request attributable to the Speedy Trial Act is $3,145,319.

(Not included in this estimate are the portions of programs devoted to the Speedy Trial Act in seminars to be conducted for district judges and probation officers.)

"THE THIRD BRANCH" NEWSLETTER

Mr. SLACK. Referring to 14.5 of your justification, you mention a monthly newsletter for the Federal judiciary entitled "The Third Branch." How long have you been publishing such a newsletter?

Judge HOFFMAN. Mr. Ebersole tells me 1968. I was on the Board of the Center for 2 years before I was appointed Director in 1974, and I know it was coming to me every month at that time. I will rely on Mr. Ebersole's statement that it was 1968.

Mr. SLACK. What has been the general reaction to this publication?

Judge HOFFMAN. The general reaction is that it is very widely read, certainly among the judiciary, and those interested in judicial administration, Mr. Chairman. In fact, we occasionally get a little criticism if we publish something in there that someone doesn't like.

I can assure you, it comes back to us and very promptly.

That is an indication to me that it is read, when you get some criticisms.

POSITION INCREASES AND VACANCIES

Mr. SLACK. Getting back to the permanent positions, how many are presently authorized?

Judge HOFFMAN. Part II, page 814 of the budget, indicates 73.

Mr. SLACK. How many vacancies exist at the present time?

Judge HOFFMAN. There are at the present time 19 vacancies. Included in that 19 are 13 Courtran II systems managers. We have been unable to complete that program. Nor did we want to complete it particularly until we had this equipment installed.

Mr. SLACK. How many additional positions are you now requesting?

Judge HOFFMAN. Eight more, six of which are secretarial, two of which are professional. That is the judicial fellow and the director of rules and legislation.

Mr. SLACK. Page 14.9 of your justification indicates that two of those newly requested positions are for a new Division of Rules and Legislation. Isn't this a function of the administrative offices of the U.S. court? If so, it would appear to me to be a duplication of effort. Am I wrong?

Judge HOFFMAN. Mr. Chairman, I don't think so.

Mr. SLACK. You don't think it would be a duplication of effort?

Judge HOFFMAN. I do not think so. I think this is a man or woman, as the case may be, who would be expected to have some familiarity with legislation and who can be expected to either answer or get the answers to impact requests promptly and in that connection the recent report published for the Judicial Council of California, which was published in September 1975, is appropriate.

I think an examination of that report shows it clearly goes beyond the present function of the Administrative Office, or, that is, the Office of General Counsel in the Administrative Office. He is the one handling it primarily.

Mr. SLACK. There is a request for three new positions for the Education and Training Division, is there not?

Judge HOFFMAN. Is it three new this year?

Mr. SLACK. How many are assigned to that division at the present time?

Judge HOFFMAN. Education and Training, the number authorized at the present time is 12. The number of vacancies would be one. There are three new positions for Education and Training.

There are two clerk-typists and one administrative aide. They were included in the six that I mentioned previously, Mr. Chairman; out of the total of eight new positions, there are three being assigned to Education and Training—two clerk-typists and one administrative aide.

Mr. SLACK. You are also requesting new positions for the Innovations and Systems Development Division, are you not?

Judge HOFFMAN. I believe there is an additional secretary and one clerk-typist for that division which, of course, has expanded by reason of—to a considerable extent by reason of the top professionals we have to get in this field.

Mr. SLACK. You request two positions for that?

Judge HOFFMAN. Yes.

Mr. SLACK. How many positions are presently in that division?

Judge HOFFMAN. The Systems Development has 17 authorized with no vacancies, but that does not include Courtran, for which we have asked—we are authorized 15 already and we have 13 vacancies at the present time because we just got the equipment in. We didn't see fit to hire these people in advance and carry them on the payroll when we had no equipment.

Mr. SLACK. Then this area is responsible for the Courtran System, is that right?

Judge HOFFMAN. Yes, that is correct.

Now, of course, Mr. Nihan, who is with us today, is Director of that division. He is familiar with Courtran, without question, but he comes under the 17 that have already been authorized. He is not included in the 15. There are others. I do not want you to think that the 15 positions for Courtran II are exclusive and that they handle the entire operation of Courtran II.

COMPUTER TRANSCRIPTION

Mr. SLACK. You referred to the computer aid transcription project briefly in your opening statement. What is the current status of this project, Judge?

Judge HOFFMAN. I don't recall referring to it in my opening statement, Mr. Chairman, but I am familiar with it.

Mr. SLACK. Very well. Give us the status of it. I thought you did mention it.

Judge HOFFMAN. I think I should refer to the justification first. It is on page 14.19.

This project, as the court reporter who is present is well aware of, is one of great promise for the future, but it must be made economically feasible from the standpoint of the reporter in order to achieve success.

We have been unsuccessful in acquiring the services of more than two computer commercial companies to handle our project and, in fact, only one—that is Stentran in Vienna, Va., has done the bulk of the work. We have finally been successful in finding a qualified computer company in the Chicago area.

There are other commercial companies which are not yet operative in the sense of achieving a successful program, in our opinion. How-

ever, we are hopeful there will be more companies in the future. We anticipate one additional company will be able to participate during fiscal year 1977.

We started, Mr. Chairman, by taking certain pilot districts and asking for stenotype notes to be provided by court reporters so that we could determine—not we, but Stentran, who is under contract with us—to determine whether they are computer compatible. If they are not computer compatible, of course, it stands to reason that they would need additional training, or they could not achieve success in the program.

We have had two reporters who have achieved remarkable success, one in Richmond, Va., and one in Baltimore; two others in Pittsburgh who achieved some success, but basically we are a little bit disappointed in the response that we have been able to procure from the court reporters.

The court reporters themselves are somewhat reluctant. They seem to feel it will seriously affect their earnings.

In due time, Mr. Chairman, I think that certainly the Administrative Office and the Federal Judicial Center combined would ask this committee to give consideration, if it legally can be done, to the purchase of stenotype machines which have the computer equipment attached to them, to be purchased for those who qualify for these programs, and the property, of course, to remain that of the U.S. Government.

We are also now in Phase II of our program with respect to computer aided transcription, relating to the use of terminals by certain reporters who have achieved success. We have a terminal to serve two reporters in Pittsburgh. We have a terminal to serve two reporters in Baltimore. We have a terminal serving two reporters in Richmond, Va., and I think the St. Louis terminal has been shipped at least. I don't know whether it has been installed, and one is going into Los Angeles.

Now, these terminals, Mr. Chairman, permit a court reporter—I call them TV screens; the experts call them terminals—they permit a court reporter to make a telephone call to the computer company to tell them to put in their tape on a certain named case and the computer company says, "We will put it in at 5 o'clock this afternoon" and by doing that the reporter can sit in Richmond, Va., or Los Angeles, Calif., or wherever it may be and the reporter can see on the TV screen, the terminal, the entire transcript as it comes out from the computer. He can stop that computer no matter where he is, in Los Angeles or otherwise, by pressing buttons, and then make his own corrections and the net result would be that he not only proof reads his transcript at one time, but it comes out a finished product and, subject to errors that any reporter would make in his "scope editing," he would have a complete transcript, which would be perfect.

It is our hope, Mr. Chairman, but it is still an appreciable period away; it is our hope that we can convince the Comptroller General, who has the question now, incidentally, before him, in connection with the Superior Court of the District of Columbia, it is our hope we can convince him that it is legal for the Congress to provide for the purchase of this equipment for the benefit of reporters, the equipment, of course, to remain under the title of the United States of America.

If that is done and if Congress would be so inclined to provide telecommunications lines, it is my prediction that in about 15 years' time the Federal court system could have approximately 75 percent of its reporters using computer transcriptions and getting the transcripts out.

As a matter of fact, in Richmond, Va., the transcriptions of Judge Merhige, who sits there, are now handled by his reporter on a computer basis. He enters a final judgment and within approximately 15 days from the time that the final judgment is entered, his reporter has the case in the court of appeals, after the final judgment and the notice of appeal, of course, is entered.

The reporter has the entire transcript and it makes no difference whether it is 500 pages or 5,000 pages. This prints 600 lines a minute, as I understand it, and it doesn't make any difference how long the transcript is.

I am hopeful that we can convince the reporters, instead of living like animals, as some of them have had to live, working all night long and so on, they can start using this system and get it developed to the point where they haven't this burdensome problem of transcripts and people complaining about inevitable delays.

I have been through it with my own reporter, whom I, of course, no longer have because I am on senior status, but I know his problems and when a reporter gets 12,000 and 15,000 pages in arrears, he is really frustrated and it is very difficult to keep up with the situation.

That is the long-run feature of it. We have to report to you in due time as to the cost phase of this project. We have got to report to you on the economic phase from the standpoint of the reporters themselves, because without some cooperation on the part of the reporters, it is not likely we are going to meet with success.

We plan to recommend to the Judicial Conference of the United States the establishment of guidelines. In fact, I think the AO should be the proper one to make the recommendation, working in unison, that new guidelines be established to require new reporters, without affecting any that are now presently employed, but to require new reporters to meet certain tests indicating that they are computer compatible. When that is done, the system itself will phase into computer transcription. We are very hopeful along those lines.

COURTRAN II

Mr. SLACK. Judge Hoffman, last year you requested $6,567,900 for expansion of the Courtran II System. If my memory is correct, something over $2.5 million of that amount has been appropriated to date.

Judge HOFFMAN. I think that is correct.

Mr. SLACK. How much was included in your pending request for the system?

Judge HOFFMAN. $2,900,728, I believe it is, Mr. Chairman.

Mr. SLACK. Would you provide for the record a current list of contracts entered into by the Judicial Center?

Judge HOFFMAN. Yes, sir.

Mr. SLACK. Without objection, we shall include at this point in the record contracts and consultant fees paid and obligated from July 1, 1975, through January 15, 1976.

[The list referred to follows:]

THE FEDERAL JUDICIAL CENTER

January 28, 1976

CONTRACTS AND CONSULTANT FEES

(Paid and Obligated, July 1, 1975 through January 15, 1976)

Contracts

Name (Division)	Contract Dates	Contract Amounts	Purpose
Applied Systems Concepts, Inc. (Systems)	July 1, 1975 - June 30, 1976	$ 31,850	Courtran II - Civil case system design
Battelle Northwest Laboratories (Research)	Dec 20, 1975 - Feb 20, 1976	$ 7,500	Development of "forecasts" of 1975 filing activity and comparison with 1975 actual filings
Berman, Lon (Systems)	July 1, 1975 - Dec 1, 1975	$ 4,704	Courtran II - programming and software design
Eckman, Alexander (Deputy Director)	Oct 20, 1975 - Oct 30, 1975	$ 480	Preparation of Conference techniques and presentations
Gerritsen, Robert (Systems)	July 11, 1975 -	$ 4,000	Courtran II -- development & design

Contracts

Name (Division)	Contract Dates	Contract Amounts	Purpose
Gillespie, Robert (Systems)	July 1, 1975 - Sept 1, 1975	$ 2,700	District Court Studies - revision of case weighting system
Graves, Frank (Deputy Director)	Oct 30, 1975 - June 30, 1976	$ 2,025	Development of new statistical measures for court performance
Hall, James (Systems)	July 1, 1975 - Dec 1, 1975	$ 2,160	Courtran II - Criminal Case System Design
Hume, John (Systems)	Aug 1, 1975 - June 30, 1976	$20,250	Courtran II - development & design
Janda, Kenneth (Research)	Oct 27, 1975 - Apr 1, 1976	$ 1,500	Evaluation of Civil Appeals Management Project
Institue for Law & Social Research (Systems)	Oct 6, 1975 - June 30, 1976	$32,958	District Court Studies - inter-district caseload analysis
Institute for Law & Social Research (Systems)	Jul 25, 1975 - Sep 1, 1975	$ 1,779	Speedy Trial criminal defendant analysis
Karlton, Philip (Systems)	Dec 12, 1975 - Jan 12, 1976	$ 810	Programming for financial management system
Kent Salmond Associates (Systems)	Aug 15, 1975 - Dec 15, 1975	$20,250	Courtran II - Evaluation of data base management systems and efficiency of C II data base design
Landes, William (Systems)	Dec 1, 1975 - Jan 1, 1976	$ 1,000	District Court Studies - Court management analyses

Contracts

Name (Division)	Contract Dates	Contract Amounts	Purpose
Lederer, John (Systems)	Dec 1, 1975 - Jan 1, 1976	$ 1,000	District Court Studies - Court Management analyses
Levine, Mark (Research)	Nov 1, 1975 - Mar 1, 1976	$ 1,500	Sentencing Councils Study
McDermott, John (Systems)	Jul 1, 1975 - Dec 30, 1975	$ 3,300	District Court Studies - Court management analyses
Meade Data Control (Systems)	Jul 1, 1975 - Jun 30, 1976	$100,500	Rental of Lexis research terminals
National Academy of Public Administration (Systems)	Jul 1, 1975 - Aug 15, 1975	$ 2,436	District Court Studies Project
National Archives & Records Service, GSA (Systems)	Sep 1, 1975 - Jun 30, 1976	$105,230	Courtran II - Manual clerical process analysis
Neubauer. David (Systems)	Jul 1, 1975 - Dec 30, 1975	$ 5,590	District Court Studies - Court management analyses
Penn, Richard (Systems)	Dec 1, 1975 - Jan 1, 1976	$ 1,000	District Court Studies - Court management analyses
Rapidata, Inc. (Systems)	Dec 8, 1975 - Jun 30, 1976	$102,200	Courtran II -- software development
Redden, Kenneth (Education)	Jul 1, 1975 - Jan 1, 1976	$ 2,000	Transcribing and editing reports from Judges' seminars

Contracts

Name (Division)	Contract Dates	Contract Amounts	Purpose
Reid, Brian (Systems)	Dec 17, 1975 - Jan 31, 1976	$ 2,500	Courtran II - Criminal case system design
Remington, Frank (Research)	July 1, 1975 - Jun 30, 1976	$ 4,000	Reporter for Prisoner Civil Rights Committee
Resource Planning Corp. (Systems)	Jul 7, 1975 - Aug 7, 1975	$ 2,350	Computerization of juror lists
Rule, Laurel (Education)	Sep 23, 1975 - Oct 31, 1975	$ 1,551	Development and presentation of a course on effective written communication
Samet, Hanan (Systems)	Nov 14, 1975 - Feb 15, 1976	$ 6,000	Courtran II - software installation studies
Schkolnick, Mario (Systems)	Jul 7, 1975 - Dec 15, 1975	$ 17,500	Financial management system design
Smith-Mattingly Productions (Systems)	Jul 1, 1975 - Dec 30, 1975	$ 8,000	Training and technical assistance for video tape pilot courts
Stauber, B. Ralph (Systems)	Jul 12, 1975 - Jul 15, 1975	$ 415	District Court Studies - Time study analyses
Stenographic Machines, Inc. (Systems)	Nov 11, 1975 - Jan 30, 1976	$ 8,535	Computer Aided Transcription development
Stentran Systems, Inc. (Systems)	Jul 1,1975 - Jun 30, 1976	$ 50,704	Computer Aided Transcription - training, terminals rental and economic analyses

Contracts

Name (Division)	Contract Dates	Contract Amounts	Purpose
Stentran Systems, Inc (Systems)	Jan 1, 1976 - Jun 30, 1976	$ 92,183	Computer Aided Transcription - "Scope editing" analyses in three district courts
Stentran Systems, Inc. (Systems)	Jan 1, 1976 - Jun 30, 1976	$ 22,125	Computer Aided Transcription - development of translation indices training and production of transcripts
Stone, Lawrence (Systems)	Sep 1, 1975 Sep 15, 1975	$ 945	Evaluation of back-up and support equipment for audio/video projects
Swegle, Harry W. (Inter-Judicial Affairs)	Oct 15, 1975 - Nov 14, 1976	$ 2,420	Writing and editing services for The Third Branch
Swegle, Harry W. (Deputy Director)	Nov 17, 1975 - Jan 16, 1976	$ 5,400	Development of a plan to determine impact of legislation on court caseloads
Taylor, Russell (Systems)	Dec 16, 1975 - Feb 15, 1976	$ 2,500	Courtran II - transaction processing system development
University of Chicago (Research)	Jul 25, 1975 Nov 25, 1975	$ 19,198	Evaluation of the Center's training program & development of framework for future planning
West Publishing Co (Systems)	Jul 1, 1975 - Jun 30, 1976	$ 28,140	Rental of WEST/LAW research system and terminal
Wood, Robert (Systems)	Jul 1, 1975 - Sep 30, 1975	$ 4,200	Courtran II - Communications hardware and software evaluation

Continuing Education and Training

Consultant Fees

Name	Seminars	Consultant Fees
Anderson, John E.	Advanced Probation Officers (2)	$200.00
Augustus, Gladys L.	Advanced Probation Officers	100.00
Berg, Raymond K.	Asst. Federal Defenders	135.00
Ernst, Franklin	Advanced Probation Officers	135.00
Freed, Daniel J.	Pretrial Services Officers	135.00
Freeman, Daniel F.	Advanced Probation Officers	75.00
Hartley, Donald E.	Advanced Probation Officers	75.00
Herzog, Asa S.	Bankruptcy Judges (2) Bankruptcy Chief Clerks	540.00 540.00
Johnston, Wade W.	Advanced Probation Officers	100.00
Kohn, Aaron M.	Advanced Probation Officers (2)	200.00
Miller, Harold R.	District Judges (2)	270.00
Patton, John D.	Advanced Probation Officers	100.00
Remington, Frank	Asst. Federal Defenders	135.00
Schneider, Max A.	Advanced Probation Officers	135.00
Shellow, James M.	Asst. Federal Defenders	135.00
Soc, George	Advanced Probation Officers	100.00
Soden, Edward	Advanced Probation Officers (2)	150.00
Sutton, A. James	In-Court Management (2) District Court Clerks Planning Committee	470.00 135.00 100.00
Thompson, James W.	Pretrial Services Officers	135.00
Woggon, Harry A.	Advanced Probation Officers	50.00

Mr. SLACK. Are there questions with regard to the Judicial Center?

COURT TRANSCRIPTIONS

Mrs. BURKE. Is there a transcript made of every criminal case or just of those where an appeal is requested?

Judge HOFFMAN. Only, Mrs. Burke, where there is an appeal requested, except that court reporters are required to transcribe the plea and the sentence, which is a very short proceeding of probably a matter of three pages.

Mrs. BURKE. I assume the same is true of civil cases—they are only transcribed upon request?

Judge HOFFMAN. That is right, and it is privately paid for in the civil end. In the criminal field the government assumes probably the major portion of the transcripts because most of them are indigent.

Mrs. BURKE. How will this television terminal work? Will it be kept for a certain period of time and then the tapes—how will that work as far as preventing an accumulation of trials? Once there is an appeal taken, would it be kept separately, or how would you do that?

Judge HOFFMAN. I would assume, although that has not been worked out, but I would assume, because the court reporter is required by law to keep on record for a period of 10 years his notes of any proceeding, now he always has—and the notes our reporter is putting down right now on the stenotype machine, they never leave the court reporter for the purpose of the computerization. He has an adjunct to that machine, a magnetic tape which he detaches and mails away. If it is lost in the mail, he would then be delayed. However, he would not in any sense be handicapped by reason of the official transcript being lost. He would still have it.

I don't think your question has been approached. Namely, whether the computer company will keep the tape or whether it will be sent back to the court reporter. I am uncertain as to what they are doing right now. Maybe Mr. Nihan can tell us.

Mr. NIHAN. At the present time the computer company, due to the low volume, is keeping the tapes of all transcripts which have been sent in for transcript, but as the Judge pointed out, in addition to the magnetic tape, the reporter still has, as does the reporter taking this hearing, the paper tape of the proceeding, and that remains with the court reporter for the required period.

Mrs. BURKE. So they will still maintain all these records for 10 years?

Mr. NIHAN. The paper tape still exists.

JURY REPRESENTATION

Mrs. BURKE. Turning to the question of jury representation on page 14.23, I notice you say that "The center will refine and further analyze this new system in anticipation of the influx of new district court reports on the makeup of the jury wheels which will follow the 1976 elections." What will that entail?

Judge HOFFMAN. As you know, being in the political field, there are many people who register for the first time solely to vote in a Presidential election. Congress, sometime ago, I think, amended the Jury Selection Act to provide that we should change our master wheels

after every Presidential election. The net result is that after the Presidential election this fall they will literally dump—if I can use that word—the old master wheel containing the list of all possible or potential jurors and then they will by random selection approach the voter registration lists or not necessarily the voter registration lists. We have a peculiar problem here in the District of Columbia—we have no control over the Superior Court of the District of Columbia—that is, the Center has nothing to do with it, but we have been working with them, trying to assist them on some of their problems because of difficulties in connection with the limited number of people who register to vote as voters of the District of Columbia. So many people are in here, like I am; I am from Virginia, so I am registered in Virginia, and couldn't be considered here.

The District has a peculiar problem. If you limit the District of Columbia solely to voter registration lists, the question is whether or not you are getting a fair cross section of your community, of the people who work and live here, even though perhaps on a 1- or 2- or 3-year basis.

That is the principal difficulty, I think, that requires our continuing activity and the Judicial Conference of the United States has imposed upon the Center from time to time the obligation to review the jury selection process to see that we are getting a fair cross section of the community, not only by reason of race and sex, but also by reason of involvements in business enterprises, and what your occupation may be.

Mrs. BURKE. Is the wheel made up by particular courts?

Judge HOFFMAN. The wheel is made up by each district court on a random selection process.

Actually, the only thing I had to do with it when I was Chief Judge of the United States District Court for the Eastern District of Virginia was to initially draw at random a number. It might be number 14. We figured out how many jurors we would need for that particular division of the court.

We took the population of each particular county or city and then proportionately allocated to each county or city a certain percentage of the jurors that we would need, and then proceeded to start with number 14 and went from there on in accordance with the number we needed until we got them and they are purely selected at random. In fact, they are now selected by computer up here in Washington, D.C., and we haven't anything to do with it.

Mrs. BURKE. What has been the profile of the Washington, D.C., juries?

Judge HOFFMAN. I really don't know.

Mrs. BURKE. It was a problem, perhaps, that the voter registration did not cover a cross section?

Judge HOFFMAN. I know former Chief Judge George Hart did talk to me one time and was concerned, even in the District Court, with the fact that there are so many people who live in Washington and work in Washington, but do not register here to vote, and therefore he was very much concerned as to whether they were getting a fair cross section of the community of the residents here in the District of Columbia, even though so many people retain their status. The military people in the Norfolk area where I come from, there we have an influx of such military, but many of those people maintain their residence status for voting purposes in Ohio, Illinois, or wherever it may be.

The problem presented there—we are not concerned down there because the military are generally excluded from jury service calls, but the problem presented there is one of whether or not those people are entitled to serve on a jury.

I assume the same problem exists up here in the District of Columbia, as to whether people who work and live in the District of Columbia, but do not vote here, should be entitled to serve on juries.

The Jury Selection Act does not confine the drawing of jurors to the voter registration list. It permits courts, by local rules, to select them from driver registration for automobiles, or any number of sources; the directory—any number of sources to which you can turn, to secure those other than those who may already be registered as voters.

Mrs. BURKE. The reason I asked is that I have no idea whatsoever what the pattern has been in the Federal courts. I have been involved in a lawsuit against courts in my own district. There had been a change in the method of selecting of jurors because they felt that the jurors who lived in the immediate area of the Los Angeles court were disproportionately old, poor, and minority. I was interested in exactly what the policy was of the Federal courts, and whether there was an attempt to have a certain profile of the juror, rather than to have a jury selected from the peers of the people who live in that district.

Judge HOFFMAN. Not knowing anything particularly about Los Angeles, but assuming for the purpose of argument, I know the court in Los Angeles is the central district of California.

I am sure what they do is they determine how many prospective jurors or potential jurors they need, not actually serving but those who must be drawn from, and then they apportion a certain percentage to Los Angeles County in accordance with its population and whatever other counties may comprise the central district of California, and, frankly, I could give it to you and it is in the statute. You know what it is?

Mrs. BURKE. I think I am aware of that. The only thing I am concerned about is whether or not there is desire to have the perfect jury and whether that jury is necessarily parallel to the population of that court. That is the only thing I am asking.

I have never really looked into the Federal situation at all. I don't even know.

Judge HOFFMAN. The only definition I know of a perfect jury is when you are on the side that wins.

Mrs. BURKE. That is exactly my point. I just have one other question. Last year we were discussing sentence disparities, and you indicated there had been one study showing there was a great deal of disparity from one area to the other. I wondered about the progress of the sentencing studies and whether or not there were any other factors that were being studied, such as economic——

Judge HOFFMAN. I think if you will note our budget, we have an item in here in connection with sentencing institutes.

For the first time, Mrs. Burke——

Mr. SLACK. Which page are you referring to?

Mrs. BURKE. 14.25, I think.

Judge HOFFMAN. 14.25 and 14.26.

The Judicial Conference of the United States, of course, has had the ultimate control over sentencing institutes for some period of years,

in fact since Congress created sentencing institutes by statute, 28, U.S.C., section 334.

In 1958 this was created. At that time, of course, the Federal Judicial Center was unheard of and the control over the sentencing institute was ultimately in the Judicial Couference of the United States, but essentially in the Attorney General.

Several years ago, I think about 2 years ago, the judicial conference passed a resolution requesting the Federal Judicial Center to become more active in the participation in sentencing studies. That resulted in the Second Circuit sentencing study which I think I mentioned last year.

Now, in conference with the Administrative Office several months ago we determined that the Administrative Office has heretofore carried an item in their budget of $60,000 for the travel and subsistence expense of Federal judges attending sentencing institutes.

They have very frankly stated to us that they would like for us to take it, and included in the budget here is a transfer item of $60,000 whereby the Federal Judicial Center will now assume the travel and subsistence that was previously assumed by the Administrative Office for judges attending the sentencing institutes.

I might add, Mr. Chairman, while it is not in this record, I have also conferred with my friend Judge Harold Tyler, the Deputy Attorney General of the United States, and he and I are in agreement that ultimately we are going to ask Congress to amend the statute and put the entire control of sentencing institutes under the auspices of the Federal Judicial Center.

Judge Tyler is strongly in favor of it. I have a letter in my files to that effect, but we are not ready to act because we have to get the Judicial Conference of the United States approval first before we come to Congress. We do think that that might be a piece of legislation that you would be affected with by the 1978 budget. That would be an additional factor that I mentioned that would be imposed upon the Center.

If you ask my prediction, I think the ultimate planning and control of the sentencing will fall under the auspices of the Federal Judicial Center.

Have I sufficiently answered?

Mrs. BURKE. Do you have additional studies going on now in the Judicial Center, or are all of those still under the sentencing institute?

SENTENCING COUNCILS

Judge HOFFMAN. No. If there is any study going on it is going on in connection with the Federal Judicial Center work. I don't know of anything else.

Yes; we are at this moment studying the effect of sentencing councils on the matter of disparity and we have a group out from our research division.

Charles Phillips is the one who is primarily handling that project, and Detroit, Brooklyn, Oregon, Chicago, all have sentencing councils. By that I mean when a man pleads guilty or is found guilty and a presentence report is thereafter prepared, three judges will meet before final sentencing, including the sentencing judge, and they will

discuss it and each will give his respective views as to what he thinks is an appropriate sentence.

We are endeavoring to ascertain whether that tends to minimize the disparity issue.

Mrs. BURKE. Is there any information available to that council of similar sentences in similar crimes in other areas or other districts?

Judge HOFFMAN. No; except that when Courtran II is completed and in operation we will have built into the system the so-called average sentence for various crimes in each particular district, so that when that is in operation you could punch a button and find out what the average sentence may be in a particular district.

Of course, the AO has nationwide average statistics and I believe the AO could probably break it down under their present system and give you, for example, the average sentence for bank robberies in Los Angeles or wherever it may be.

I do know that the average sentence for bank robberies nationwide, I think, is about 10½ to 11 months.

Mrs. BURKE. Ten and a half to eleven months for bank robberies?

Judge HOFFMAN. Ten and a half to eleven years. I beg your pardon. No; I don't think it will ever get that low.

Mrs. BURKE. Thank you very much.

Mr. SLACK. If there are no further questions, we thank you, Judge Hoffman and gentlemen.

Judge HOFFMAN. Thank you, Mr. Chairman and Congressman Cederberg, and Congresswoman Burke.

THURSDAY, JANUARY 29, 1976.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

WITNESSES

HOWARD T. MARKEY, CHIEF JUDGE
GEORGE E. HUTCHINSON, CLERK

Mr. SLACK. The next item to which we shall direct our attention is entitled "Court of Customs and Patent Appeals."

The justifications thereto are to be found beginning on page 2.1 of the justification book, which page we shall insert at this point in the record, together with pages 2.2 through 2.5.

[The justifications referred to follow:]

66-404 O - 76 - 24

THE JUDICIARY

COURT OF CUSTOMS AND PATENT APPEALS

Summary of Requirements

Appropriation 1976 (as enacted)	$853,000
Proposed supplemental for pay costs	30,000
Budget Authority, 1976	883,000
1977 budget estimate	898,000
Proposed Increase	15,000

Appropriation Language

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, [$853,000.] $898,000

[For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $213,000.]

COURT OF CUSTOMS AND PATENT APPEALS
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	36	$853
Proposed supplemental for pay costs	..	30
Budget Authority, 1976	36	883
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay costs	..	+11
2. Within-grade step increases	..	+6
3. Extra compensable day in fiscal year 1976	..	-2
Subtotal, adjustment to base and built-in changes	..	+15
Program changes:		
None	..	...
Total increases requested	..	+15
Total appropriation requested, 1977	36	898

COURT OF CUSTOMS AND PATENT APPEALS

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Comparison by activities:								
Salaries and expenses	36	$883	36	$898	36	$898	...	...

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$788	$802	$+14
12	Personnel benefits	56	57	+1
21	Travel and transportation of persons	5	5	...
23	Rent, communications, and utilities	17	17	...
24	Printing and reproduction	4	4	...
25	Other services	2	2	...
26	Supplies and materials	5	5	...
31	Equipment	6	6	...
	Total obligations	883	898	+15

[1]Includes proposed Pay Act supplemental of $30,000 ($28,000 for personnel compensation and $2,000 for related benefits).

Purpose Statement

This appropriation is for the salaries of the chief judge, four associate judges, and other officers and employees of the Court of Customs and Patent Appeals as well as for communications, supplies, and other incidental expenses of the Court. For data as to the functions of the Court, its jurisdiction, and basic statutory authorities, reference is made to section "G" of the Digest of Appropriations, The Judiciary, on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

During fiscal year 1975 there were 32 new customs appeals and 132 new patent and trademark appeals filed, or a total of 164 cases added to the docket. The Court reduced its case backlog of patent and trademark cases as well as customs cases. The case backlog was reduced by 16, from 141 at June 30, 1974 to 125 at June 30, 1975.

A summary of the business of the Court from 1965 to 1975 follows:

CUSTOMS CASES	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975
Pending, beginning of year.....	26	31	46	21	27	43	57	59	55	26	22
Docketed during year.....	34	46	28	35	40	51	53	43	30	33	32
Disposed of during year.....	29	31	53	29	24	37	51	47	59	37	28
Pending, end of year.....	31	46	21	27	43	57	59	55	26	22	26
PATENT AND TRADEMARK CASES											
Pending, beginning of year.....	275	314	339	358	402	407	425	383	343	282	119
Docketed during year.....	261	216	246	215	197	197	184	106	140	128	132
Disposed of during year.....	222	191	227	171	192	179	226	146	201	291	152
Pending, end of year.....	314	339	358	402	407	425	383	343	282	119	99

Justification of Changes

An appropriation of $898,000 is requested for 1977, which represents an increase of $15,000 over the appropriation for 1976 which has been adjusted to reflect a proposed supplemental for "pay costs." The supplemental takes into account pay increases granted effective October 1, 1975, pursuant to the Federal Salary Act of 1970, Public Law 92-210 and Public Law 94-82. The need for additional funds is explained below:

Item 1. Annualization of October 1975 Pay Costs ($11,000)

The salary increases granted in October 1975, on an annual basis, cost $41,000. The sum of $30,000 has been included in the above referred to supplemental appropriation request for fiscal year 1976 to finance the pay costs for the nine month period from October 1, 1975, through June 30, 1976. The sum of $11,000 is included for fiscal year 1977 representing the difference between the full-year and part-year costs of the salary increases and related personnel benefits. ($10,000 for personnel compensation and $1,000 for related benefits).

Item 2. Within-grade Step Increases ($6,000)

It is estimated that $6,000 will be required in fiscal year 1977 to grant court employees periodic step increases corresponding with those provided for officers and employees subject to Section 5332 of Title 5, United States Code.

Item 3. Extra Compensable Day in Fiscal Year 1976 ($-2,000)

The sum of $2,000 has been deducted to cover regular pay in excess of 52 weeks. Employees of the court who are paid biweekly will be compensated for 261 days in fiscal year 1977 compared with 262 compensable days in 1976.

Mr. SLACK. The request for fiscal year 1977 is $898,000—an increase of $15,000 over the adjusted appropriation for fiscal year 1976.

You have a general statement, I believe, do you not, Judge Markey?

Judge MARKEY. Yes, I do, Mr. Chairman.

Mr. SLACK. Would you please proceed in your own fashion.

GENERAL STATEMENT

Judge MARKEY. Yes.

I should like the privilege, Mr. Chairman, of reading it, particularly since I found a slight error in it and it is so short.

I will try to read it quickly and then I do have a few comments on it if permitted.

I appreciate the opportunity of representing the court before you this morning.

We again request no increase beyond mandatory personnel costs. Our requests covering administrative costs have been continuously maintained at the 1971 level. One of our goals is to hold to that total as long as possible.

Our major goal has been a minimum interval between filing and disposition of appeals. That interval is important, not only to the ends of justice but to our economy. Prior to June 1972, the 3-year interval delayed or precluded investment of money for production of an invention, advertising a trademark, or importing of merchandise.

The assistance provided by your committee 2 years ago has contributed substantially to our success. Though filings increased in 2 of the 3 years, the interval for fiscal year 1973 was reduced to 31 months. It was 22 months in fiscal year 1974 and 13 months at the end of fiscal year 1975. Our present interval averages 10 months.

As predicted last year, there has been an increase of 67 percent in filings from the Patent and Trademark Office in July-December 1975, over the same period in 1974. However, with the continued support of the committee, we believe we can at least maintain our 10-month interval without an increase in staff or in administrative expenditures.

Now, if I may comment on the statement at this point, in mentioning the interval and the importance of investment, that is based primarily on my 25 years of practice in the field before becoming a judge in which I had clients say to me, well, if I have to wait 3 years before I find out whether this product may be patentable, to invest my tooling costs and all the rest involved, the heck with it. At the same time I am not going to buy a four-page, three-color ad in Time magazine at its high cost unless I am sure that my trademark is fully protected.

At the same time importers of merchandise have watched carefully, of course, importation of similar merchandise, and if they have to wait a long time to find out what the actual duty is going to be they had best look elsewhere.

I mentioned the assistance provided 2 years ago. The committee will recall giving us two technical advisers, like the other courts of appeals. The present interval of 10 months coincides with Mr. Cederberg's concern, when we first expressed our goal as 8 months and he challenged us, and rightly so, and thus far he is still right because we are not at 8 months.

However, we are reviewing our rules. We wrote entirely new rules in 1972, the first in 20 years, but in so doing we allowed the attorney to continue the same schedule. We made enough changes as it was and we didn't want to change their activity too hard the first time around.

We are now taking a hard look at whether we can't cut the attorney's filing and preparation of briefs and so on, getting the case ready to be heard, down to a smaller interval. They now have 6 months and we have been trying to persuade them to do it by friendly persuasion, and we may use a little stronger effort in the future.

At our judicial conference in May one of the things we are going to present to them is just that.

We may yet reach our 8 months but we are now at 10 and we are happy to be at that, particularly since, as we predicted, we had this increase of 67 percent.

We have thus far as of right now 121 patent and trademark appeals filed, which is running about 4 per week, and if that continues we are going to end up with well over 200 appeals from the Patent Office alone.

The numbers, however, in this particular court are not too enlightening. As I think I mentioned at one other appearance, the nature of our cases is quite different from the ordinary court. All of them are highly technical.

I noticed on the desk behind Mr. Cederberg an LLV, a lunar landing vehicle. We have had that kind of thing. We have had the satellite camera that goes on it. At the moment I have on my desk a laser situation. Last year we considered the President's imposing of a surcharge in 1971 which was challenged; that is, his power to do it. The constitutionality of his action was challenged. That, of course, involved a half billion dollars duties on imports. So the type of case is of equal importance with the number of cases.

We believe, as I said, however, that we can maintain at least this 10-month interval. We haven't given up on our 8-month interval. At the same time we are going to try to continue economies to keep our administrative costs at that 1971 level.

We are, of course, by law required to request the additional $15,000 for mandatory personnel costs.

Thank you, Madam Chairman.

I would be glad to attempt to answer any questions.

TIME LAPSE BETWEEN FILING AND DISPOSITION OF APPEALS

Mrs. BURKE. Thank you very much, Judge Markey.

I am pleased to hear that the interval between the filing and the disposition of appeals has been reduced considerably in the last few years. I believe you indicated 2 years ago that the interval was 32 months, and now I understand the present interval is 10 months. You indicate that you may be able to reach 8 months in the future. Two years ago you indicated that a desirable time for disposing of cases would be 6 months. Are you striving to reach that goal? How do you assess the possibility of reaching that goal in view of the 67-percent increase in filings?

Judge MARKEY. The answer to the first question is "Yes."

A moment ago I mentioned we want to continue to go to 8 months. We still want 6 months, of course. Whether we will ever reach it or not, that maybe isn't too important as long as we keep trying.

If we reach for the Moon and miss it, we may still be pretty high. I think we can. We are constantly working, Madam Chairman, to revise our procedures. That is the way we have kept administrative costs down.

We have moved functions around. We have dispensed with functions that weren't really necessary, that became encrusted over the years and people were doing them "because we always did them that way," the world's worst reason for doing anything, of course, and so we think we can do that.

Now, we will retain the 6 months as our goal. I think we can. I want to try. As the mother said, "Don't eat any more cookies; you will burst." The little boy said, "Mommy, pass the cookies and stand aside." We say stand aside. Here we come. As to whether we can or not, particularly with the increase, I would be less than candid, of course, to sit here and say, of course we can, or we know we can, or anything of that sort because again, as I reiterate, the nature of the case and the types of cases can make all the difference in the world, of course.

But it is questionable if they continue to be highly technical, highly complex. We are getting more and more medical cases. I have a case on my desk now. We have had three cancer cases in the last couple of years, alleged cures for cancer. We have chemical cases and so on. If that continues we will have a tougher job of it, but you will recall that the committee did give us this additional research capability, which is what really was the key, giving each judge two technical advisers rather than one. We have hired them on an exchange basis, that is to say, an overlapping basis, so that they work for 2 years; we change five every year so we always have a senior man or a more experienced man in the office so that the judge no longer has to do so much training of the new boy for 4 or 5 months and pretty soon he is ready to leave.

This more senior man can bring him along much quicker. The true effects of that are just now beginning to be shown.

You may recall the committee initially authorized the hiring of three because of the time factors involved and we did that and this last year is the first time we have had all judges each with two technical advisers, so we haven't really mined that resource totally yet. We are still trying to think of ways to do it best.

I think that with those two on a continuing basis, with the judges learning to use two to the maximum ability, that we can do it. We are going to try. We will not come here and ask for any help unless we really and truly have tried everything we know how. We have been doing that and will continue to do that.

I don't know if such a long answer really answers it.

Mrs. BURKE. I believe that answers it. All of the increases requested for fiscal 1977 are of a mandatory nature; is that correct?

Judge MARKEY. Yes.

Mrs. BURKE. Thank you very much.

Mr. Cederberg?

Mr. CEDERBERG. Judge, I think you are moving in the right direction and I don't think there is any question but that you will hit 8 months. I am not very optimistic about 6 months. That almost gets to be somewhat impractical, but if you make 8 months, I will be satisfied.

Judge MARKEY. Thank you, sir.

I would add the comment, by the same token we are very anxious to avoid even the appearance of what you might call production-line justice which is a contradiction in terms, of course.

I have described an assembly line effort in the area of judging as Russian roulette. As is so well said, justice denied is justice delayed, but justice rushed is justice roulette.

So we are not doing this on a purely mechanical, administrative, cold-hearted, the heck with everything, numbers and time alone count, not by any means.

I have as a slogan on my desk and throughout the court that our goal is to decide each case as correctly and as promptly as possible, so that by the same token, Mr. Cederberg, I accept and continue the challenge, and now, of course, you have said we can't do 6 months and that just makes it all the more challenging. We hope to meet 8 by next year. We are going to try.

Mrs. BURKE. Thank you very much, Judge.

Judge MARKEY. Thank you.

THURSDAY, JANUARY 29, 1976.

CUSTOMS COURT

SALARIES AND EXPENSES

WITNESSES

NILS A. BOE, CHIEF JUDGE
JOSEPH E. LOMBARDI, CLERK
RICHARD J. DeMARCO, CHIEF DEPUTY CLERK

Mrs. BURKE. We have before us Judge Boe of the Customs Court. We will insert 3.1 through 3.7 of the justifications in the record.

[The justification pages referred to follow:]

THE JUDICIARY

CUSTOMS COURT

Summary of Requirements

Appropriation 1976 (as enacted)	$2,587,000
Proposed supplemental for pay costs	92,500
Budget Authority, 1976	2,679,500
1977 budget estimate	2,705,000
Proposed Increase	25,500

Appropriation Language

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; [$2,587,000]: *Provided,* $2,705,000
That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

[For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $645,000.]

CUSTOMS COURT
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	122	$2,587
Proposed supplemental for pay costs	..	93
Budget Authority, 1976	122	2,680
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay costs	..	+32
2. Extra compensable day in fiscal year 1976	..	-7
3. Within-grade step increases	..	...
Subtotal, adjustment to base and built-in changes	..	+25
Program changes:		
None	..	...
Total increases requested	..	+25
Total appropriation requested, 1977	122	2,705

CUSTOMS COURT

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
Comparison by activities:	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Salaries and expenses	122	$2,680	122	$2,705	122	$2,705	..	...

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$2,385	$2,408	$+23
12	Personnel benefits	180	182	+2
21	Travel and transportation of persons	25	25	...
22	Transportation of things (documents)	1	1	...
23	Rent, communications, and utilities	28	28	...
24	Printing and reproduction	8	8	...
25	Other services	24	24	...
26	Supplies and materials	10	10	...
31	Equipment	19	19	...
	Total obligations	2,680	2,705	+25

[1]Includes proposed Pay Act supplemental of $92,500 ($85,000 for personnel compensation and $7,500 for related benefits).

Purpose Statement

The estimate under this title is to provide for the salaries of the nine judges and supporting personnel of the United States Customs Court, and the necessary operating expenses of the Court, including travel expenses, expressage, communication services, printing and binding, supplies, equipment, furniture, new books and regular continuations of reports, encyclopedias, digests and pocket parts of various sets, and miscellaneous items of expense for the fiscal year 1977. For data as to the functions of the Court, its jurisdiction and basic statutory authorities, reference is made to Section "H" of the Digest of Appropriations, The Judiciary, on file with the Appropriations Committees of Congress and the Office of Management and Budget.

A summary of the business year of the Court for fiscal years 1974, 1975, and 1976 (July through November, 1975) follows:

	Pending Beginning of Year	Received	Decided	Pending End of Year
CIVIL ACTIONS				
1974	6,286	3,598**	2,073	7,811
1975	7,837*	3,570**	1,416	9,991
1976 (July through November)	9,991	1,435**	804	10,622
PROTESTS				
1974	159,623	4	114,311	45,316
1975	45,316	242	32,364	13,194
1976 (July through November)	13,194	33	6,115	7,112
APPEALS FOR REAPPRAISEMENT				
1974	112,885	0	11,372	101,513
1975	101,513	479	11,144	90,848
1976 (July through November)	90,848	7	5,821	85,034
APPLICATIONS TO REVIEW				
1974	15	4	7	12
1975	12	0	4	8
1976 (July through November)	8	0	7	1
REMANDS OF PROTESTS				
1974	66	0	1	65
1975	55*	0	7	48
1976 (July through November)	48	0	5	43
TOTALS				
1974	278,875	3,606	127,764	154,717
1975	154,733	4,291	44,935	114,089
1976 (July through November)	114,089	1,475	12,752	102,812

*Revised on basis of actual count of cases pending at the beginning of the year.

**The Customs Courts Act of 1970, as implemented by Rules of the United States Customs Court, permits an importer, before instituting an action with the Court, to consolidate into a single action any number of denied protests and entries of merchandise involving the same category of merchandise and presenting a

common issue. The results of this consolidation procedure should be compared for reporting purposes to the practices followed prior to the law when the usual case instituted in the Court involved only one entry of merchandise.

The 3,598 civil actions commenced in fiscal year 1974 included approximately 14,104 denied protests covering 30,157 entries of merchandise.

The 3,570 civil actions commenced in fiscal year 1975 included approximately 13,562 denied protests covering 41,784 entries of merchandise.

The 1,435 civil actions commenced in fiscal year 1976 (July through November, 1975) included approximately 3,997 denied protests covering 11,390 entries of merchandise.

Justification of Changes

An appropriation of $2,705,000 is requested for fiscal year 1977 representing an increase of $25,500 above the appropriation for fiscal year 1976 which has been adjusted to reflect a proposed supplemental for pay costs under the Federal Salary Act of October 1, 1975. The increases requested by statutory provisions affecting personnel compensation and related benefits.

Item 1. Annualization of October 1975 Pay Costs ($32,500)

A supplemental appropriation for fiscal year 1976 has been requested for salary increases which became effective October 1, 1975. The October 1, 1975, supplemental request is for $92,500. The annual cost of the October 1, 1975, increase, including related benefits, is estimated at $125,000. The difference between the annual salary ($125,000) and the amount included in the 1976 supplemental ($92,500) is required as follows:

	Annual Cost of the October 1, 1975 Pay Increase	Included in the F. Y. 1976 Proposed Supplemental (October 1, 1975, Pay Increases)	Difference Required in F. Y. 1977
Personnel Compensation	$115,000	$85,000	$30,000
Personnel Benefits	10,000	7,500	2,500
Total	$125,000	$92,500	$32,500

Item 2. Extra Compensable Day in Fiscal Year 1976 ($-7,000)

The sum of $7,000 has been deducted for one extra compensable day that was included for fiscal year 1976. Employees of the Court who are paid bi-weekly will be compensated for 261 days in fiscal year 1977 compared with 262 compensable days in fiscal year 1976.

Item 3. Within-Grade Step Increases

The cost of within-grade step increases to be granted in fiscal year 1977 to be absorbed by the Court.

Mrs. BURKE. The request for fiscal year 1977 is $2,705,000, an increase of $25,500 over the adjusted appropriation for fiscal year 1976.

Chief Judge Boe, we welcome you to the committee.

Judge BOE. Thank you, Madam Chairman.

May I present again at this time my associates and assistants, our Clerk, Mr. Lombardi; and our Deputy Clerk, Mr. De Marco.

We have a prepared statement which I understand has not been delivered up to this time. We sent it down for distribution through the Administrative Office. I am sorry that the delay occurred which didn't permit this to arrive until just now.

Mrs. BURKE. You may read it, or if you want, put it in the record. It is very brief.

GENERAL STATEMENT

Judge BOE. Thank you.

Madam Chairman and members of the committee, I, again, am pleased to advise the committee that the U.S. Customs Court is requesting no increase in its fiscal 1977 appropriation except for the sum of $25,500 which represents the amount required to implement the mandated salary increase effective on October 1, 1975. The court has not sought any increased appropriation since 1971 except for the amounts necessitated by the respective mandated salary increases.

During this period of time, however, the court has continued to reduce the backlog of approximately 450,000 cases which were pending on October 1, 1970, to a present level of approximately 100,000 cases. We anticipate that with continued supervisory effort a further and appreciable reduction of these remaining cases will be effected during fiscal year 1977 and that the full activities of this court will continue without increased appropriations except for such salary increases as hereafter may be mandated.

I thank you for the opportunity to appear before this subcommittee today and, in behalf of the entire court, I wish to express our appreciation for the consideration which you may give to our budget request for the forthcoming fiscal year.

CASELOAD

Mrs. BURKE. Thank you very much.

Judge Boe, turning to page 3.5 of the justifications, it is indicated there that the total number of cases decided is down from 127,764 in 1974 to 44,935 in 1975. Why is there such a drastic reduction in cases decided?

Judge BOE. These represent, Madam Chairman, so to speak, the clearing of the old cases which were presented to the court prior to the Customs Courts Act of October 1, 1970.

Prior to that date, as I explained in previous hearings before this committee, all protests when they were denied by the customs service were automatically referred to the Customs Court and over the course of time they continued to accumulate until we did have, as I said, at one time a backlog we estimated at 450,000 cases.

Now, that did not mean, Madam Chairman, that every one of these cases was tried because they might involve similar issues, maybe with regard to certain types of shoes, maybe with regard to other materials, and so forth.

Then there would be hundreds or thousands of other cases that would be, under the rules of the court, suspended and when one of those cases, a test case, was tried by our court and ultimately decided on appeal, it frequently happened that the rest of the cases would be abandoned or would be settled by the Justice Department, as the case required. This is the reason why you see the drop that you have at the present time in the figures that you have just quoted.

I have mentioned in the statement that we had 100,000 cases left and you might ask the question why are not those more rapidly disposed of.

This was only due to the fact that we still have certain cases, some of which, yes, have been tried, as test cases, determining the broad overall issue, and which are now in the process of being taken on appeal to the CCPA and which when fully decided, if not retried on another basis, will be ultimately either abandoned or maybe settled on an agreed stipulation of facts.

TIME LAPSE BETWEEN FILING AND DISPOSITION OF CASES

Mrs. BURKE. Last year, Judge, you discussed the time interval between the filing of a case and the final disposition. At that time I believe you indicated the average would be about a year and a half. Do you have any more current information in that regard?

Judge BOE. No.

As I indicated I believe last year, this time element is going to depend largely, let us say, on the nature of the case. Every effort is made by the court and each of the nine judges of the court to try to speed a case along.

In other words, having been lawyers ourselves, we realize that procrastination is a word which is in the vocabulary and is used by all lawyers no matter what type of practice you engage in, so it is necessary that the court does serve as a prod.

However, you must be careful and where you have some important cases which require a great deal of discovery procedure, the taking of depositions, the issuance of interrogatories, and the answers, and so on, it may be that a year and maybe 2 years would not be excessive in the preparation of that case after the filing of the complaint.

In other cases, again, a case will be filed, an answer could be made within the 60-day period by the Justice Department, the case could be brought up for trial, and a brief submitted and probably disposed of in, say, 6 to 8 months.

Mrs. BURKE. I believe that the only increases are payroll increases.

Judge BOE. Only the mandated increases, that is correct.

Mrs. BURKE. Thank you very much.

Judge BOE. Thank you for your consideration.

THURSDAY, JANUARY 29, 1976.

COURT OF CLAIMS

SALARIES AND EXPENSES

WITNESSES

WILSON COWEN, CHIEF JUDGE
FRANK T. PEARTREE, CLERK

Mrs. BURKE. We will now hear from the Court of Claims.

Judge COWEN. Madam Chairman, I will introduce, and I think you already know him, the clerk of our court, Mr. Frank T. Peartree, who has been with me now a number of years at these hearings.

I have no written statement, Madam Chairman. I think that the justifications for these requested increases are clearly set forth in our request but I would like to emphasize just one of them with this supplemental statement.

Mrs. BURKE. Thank you, Judge. We will place pages 4.1 through page 4.7 of the justifications in the record.

[The justification pages referred to follow:]

THE JUDICIARY

COURT OF CLAIMS

Summary of Requirements

Appropriation 1976 (as enacted)	$2,429,000
Proposed supplemental for pay costs	78,000
Budget Authority, 1976	2,507,000
1977 budget estimate	2,536,000
Proposed Increase	29,000

Appropriation Language

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, six associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, [$2,429,000] $2,536,000

[For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $597,000]

COURT OF CLAIMS
FISCAL YEAR 1977
(Dollar amounts in thousands)

Summary of changes:	1977 Request Perm. Pos.	1977 Request Amount
Appropriation 1976 (enacted to date)	95	$2,429
Proposed supplemental for pay costs	..	78
Budget Authority, 1976	95	2,507
Adjustments to base and built-in changes:		
1. Annualization of October 1975 pay costs	..	+26
2. Within-grade step increases	..	+12
3. Subsistence and mileage allowances (P.L. 94-22)	..	+10
4. Rent, communications, and utilities	..	+5
5. Printing and reproduction	..	+22
6. Expenses relating to Alaska Native Claims Settlement Act	..	-40
7. Extra compensable day in fiscal year 1976	..	-6
Subtotal, adjustment to base and built-in changes	..	+29
Program changes:		
None	..	...
Total increases requested	..	+29
Total appropriation requested, 1977	95	2,536

COURT OF CLAIMS

Obligations by Activity
(Dollar amounts in thousands)

Authorization: Permanent	1976[1] Appropriation		1976 Adjusted (Base for 1977)		1977 Request		Increase 1977 over 1976 as Adjusted	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Comparison by activities:								
Salaries and expenses	95	$2,507	95	$2,536	95	$2,536	...	...

Object Classification
(In thousands of dollars)

		1976[1] Estimate	1977 Estimate	Difference (+) or (-)
11	Personnel compensation	$2,022	$2,052	$+30
12	Personnel benefits	190	192	+2
21	Travel and transportation of persons	29	25	-4
23	Rent, communications, and utilities	22	27	+5
24	Printing and reproduction	144	166	+22
25	Other services	80	55	-25
26	Supplies and materials	8	7	-1
31	Equipment	12	12	...
	Total obligations	2,507	2,536	+29

[1]Includes proposed Pay Act supplemental of $78,000 ($73,000 for personnel compensation and $5,000 for related benefits).

Purpose Statement

This appropriation is for the salaries of the chief judge, six associate judges, fifteen commissioners, and other officers and employees of the Court of Claims as well as for travel, communications, printing, and other incidental expenses. For data as to the functions of the Court, its jurisdiction, and basic statutory authorities, reference is made to section "I" of the Digest of Appropriations, The Judiciary, on file with the Appropriations Committees of the Congress and the Office of Management and Budget.

During the court year, from October 1, 1974 to September 30, 1975, the court disposed of 384 petitions and 21 appeals representing 552 claimants. Except for 90 of these cases, in which no given amounts were claimed, the total amount claimed was $287,575,729. Of the cases disposed of, the court rendered judgments for claimants in the sum of $79,041,925, of which $2,679,553 carried interest. A number of these judgments were based on settlements between the parties. Also, the court rendered judgments for the United States on counterclaims or offsets in the amount of $232,015. The Clerk each January, pursuant to 28 U.S.C. 791(c), transmits to the Congress a report of the business of the court showing the names of the claimants, the amounts involved, the nature of the cases, and the disposition thereof.

The number of petitions and appeals pending on September 30, 1975, totaled 2,147 representing 14,737 claimants. Of this total there were 44 petitions involving 10,819 claimants. While test cases in all probability will dispose of the majority of the petitions in this latter group, a substantial number of the other 2,103 petitions will require proceedings before the court and disposition by the court.

The following is a statistical summary of the business of the court for the year ended September 30, 1975:

	Pending September 30, 1974		Filed		Disposed		Pending September 30, 1975	
	Pets	Pltfs	Pets	Pltfs	Pets	Pltfs	Pets	Pltfs
Cases other than class cases	2,033	2,464	440	1,842	379	397	2,094	3,909
Class cases[1]	37	5,395	12	5,558	5	134	44	10,819
Appeals from the Indian Claims Commission	23	23	7	7	21	21	9	9
Totals	2,093	7,882	459[2]	7,407	405	552	2,147	14,737
Cases other than class cases:								
Service pay	66	66	59	59	37	37	88	88
Civilian pay	93	93	47	47	58	58	82	82
Contract	280	301	80	82	86	94	274	289
Indian	14	14	1	1	4	4	11	11
Patent	50	51	12	12	14	14	48	49
Property (taken)	86	412	54	1,301	23	33	117	1,680
Tax	356	371	137	173	100	100	393	444
Renegotiation	136	136	11	11	28	28	119	119
Transportation	932	947	5	5	15	15	922	937
Miscellaneous	20	73	34	151	14	14	40	210
Class Cases:[1]								
Civilian pay	24	615	8	142	5	134	27	623
Service pay	3	18	...	...	...	...	3	18
Indian	10	4,762	4	5,416	...	...	14	10,178
Appeals from the Indian Claims Commission	23	23	7	7	21	21	9	9

[1]Multiple-plaintiff petitions.
[2]Of the total number of petitions filed 3 were reinstated by order of the Court or of the Supreme Court.

Justification of Changes

An appropriation of $2,536,000 is requested for 1977, which represents an increase of $29,000 over the appropriation for 1976, which has been adjusted to reflect a proposed supplemental for "pay costs." The supplemental takes into account pay increases granted effective October 1, 1975, pursuant to the Federal Salary Act of 1970, Public Law 92-210 and Public Law 94-82. The need for additional funds is explained below:

Item 1. Annualization of October 1975 Pay Costs ($26,000)

The salary increases granted in October 1975, on an annual basis cost $104,000. The sum of $78,000 has been included in the above referred to supplemental appropriation request for fiscal year 1976 to finance the pay costs for the nine month period from October 1, 1975 through June 30, 1976. The sum of $26,000 is included for fiscal year 1977 representing the difference between the full-year and part-year cost of the salary increases and related personnel benefits.

Item 2. Within-Grade Step Increases ($12,000)

It is estimated that $12,000 will be required in fiscal year 1977 to grant court employees periodic step increases corresponding with those provided for officers and employees subject to Section 5332 of Title 5, United States Code ($11,000 for personnel compensation and $1,000 for related benefits).

Item 3. Subsistence and Mileage Allowances (P.L. 94-22) ($10,000)

This increase is requested because of the recently enacted Travel Expense Amendments Act of 1975 which increased the per diem and subsistence allowances for official travel. Also present during recent years have been increasing transportation costs. Pursuant to 28 U.S.C. §2503(a) the court has the obligation to conduct its trials in locations most convenient for the claimant and his witnesses with the result that at least 50 percent of the trials conducted by the trial judges (commissioners) of the court are at locations outside Washington, D. C.

An increase of $10,000 is offset by a decrease of $14,000 due to nonrecurring costs under the Alaska Native Claims Settlement Act, included in Item 6 below.

Item 4. Rent, Communications, and Utilities ($5,000)

No increase in this account has been requested in recent years, but is necessitated at this time because of increasing telephone and postal rates. During the past three years, the average monthly telephone costs have risen from $1,100 to $1,600, and a further increase effective July 1, 1975, has increased the cost of monthly telephone charges to $1,800. Of the requested increase, $4,000 is for telephone costs. A $1,000 increase for postage is necessary due to a 30 percent increase in postage rates effective December 31, 1975.

Item 5. Printing and Reproduction ($22,000)

The court last requested an increase for this account for fiscal year 1968. During the intervening years in the face of increasing charges at the Government Printing Office the court has taken steps to meet these increasing costs. It has transferred to in-house duplication a substantial portion of the work which previously had been done at the Government Printing Office. Also, this same period saw an increase in the number of cases disposed of by order instead of by opinion, thus effecting a saving in printing costs. This in turn served to reduce the number of bound volumes from four to three per year which likewise served to reduce the quantity of printing and binding. Despite these measures, this account showed a $7,000 deficit for 1974 and a deficit for fiscal year 1975 of $17,000. Charges at the Government Printing Office for the printing of court opinions which were in the area of $20.00 per page in 1969 have risen to $52.00 during 1974. During this same period the bound volume cost has risen from approximately $10,000 for each volume to $19,000. All indications are that these charges will continue to rise. Present also is the ever increasing cost of paper which is not only reflected in the Government Printing Office charges but in the paper which must be purchased for the court's in-house duplicating. Paper costs have doubled in the past year.

Item 6. Expenses Related to the Alaska Native Claims Settlement Act ($-40,000)

This item represents an elimination of the $40,000 that was provided in fiscal years 1975 and 1976 for the disposition of claims under Section 20 of the Alaska Native Claims Settlement Act (Public Law 92-203). It is fully expected that the disposition of these claims will be substantially accomplished during fiscal 1976, and that any expense which may remain can be absorbed by the court within its regular appropriation.

Item 7. Extra Compensable Day in Fiscal Year 1976 ($-6,000)

The sum of $6,000 has been deducted to cover regular pay in excess of 52 weeks. Employees of the court who are paid biweekly will be compensated for 261 days in fiscal year 1977 compared with 262 compensable days in 1976 ($5,000 for personnel compensation and $1,000 for related benefits).

Mrs. BURKE. The request for fiscal year 1977 is $2,536,000, an increase of $29,000 over the adjusted appropriation for fiscal year 1976.

Judge Cowen has no formal statement. However, he will expand on the justifications and make comment.

PRINTING AND REPRODUCTION

Judge COWEN. One I would particularly like to refer to is item No. 5, which is printing reproduction.

Aside from the mandated salary increases, the cost item which has been increasing most rapidly in our court, and most uncontrollably, has been the cost of printing.

As you know, we are required to use the Government Printing Office and since you also use them I am sure you are familiar with the fact that their costs have been mounting each year.

In 1968, which was the last time that we asked this committee until now to give us an increase in printing, we could see the problem we were going to face so we tried to offset it if we could. We went out and purchased a multilith machine and we began to duplicate all of our Commissioners' or trial judges' decisions in-house, instead of sending them to the Government Printing Office.

We also decided that the court could handle a lot of its decisions by typewritten orders or orders multilithed rather than printed because we didn't think they had sufficient precedential value to be printed and were of primary interest only to the parties, so we cut down about half of our printed decisions.

We thought, Madam Chairman, that this would solve the problem, but we were mistaken because each year since that printing costs have gone up.

For example, in 1969 the per page cost of printing of a slip opinion was about $20. By 1972 it had risen to $52. The cost of printing a bound volume rose from an average of about $10,000 to about $25,000 and this year it is a good deal higher.

Now, I have exhausted my ideas on efforts to reduce the printing costs and we don't have any solution for it any further. We have discussions with people at the Printing Office. We presented our problem to the chairman of the Joint Congressional Committee on Printing, but I have to tell you that I don't have any solution for this continued increase in printing cost.

Mrs. BURKE. I suppose that everyone has the same problem.

Judge COWEN. Yes, Madam Chairman, I think that is right.

Mrs. BURKE. In looking at our hearing record, it appears that in 1973 the Court disposed of 453 petitions; in 1974, 448 petitions; and on page 4.5 of your justification you indicate 405 petitions in 1975. This seems to be a steady reduction each year. At the same time the backlog seems to increase slightly each year—from 2,025 petitions of the end of September 30, 1973 to 2,093 petitions at the end of 1974, and 2,147 petitions at the end of 1975. What is the explanation for this? The performance seems to have gone down and the backlog increased.

INCREASE IN CASE BACKLOG

Judge COWEN. It is not a substantial increase in backlog and I think the best answer for it is to tell you that because litigation is expen-

sive and because suits against the Government are on the whole rather complicated, the cases are longer and more difficult.

In other words, unless the attorney thinks that his client has a good case he is not going to go to court at all. Most of these cases have been through an administrative hearing for determination so they are lengthy and complicated, but I think this is also true: We have had a number of cases in the court which have depended upon the resolution of a test case and I think this year we will see a substantial reduction in our backlog because all of those test cases have been decided. There will be a sharp reduction, will there not?

Mr. PEARTREE. Yes.

If you look at our transportation cases, 922 pending petitions, around 890 of those are going to be disposed of this court year.

We finally have settled them out based on prior court opinions, and we expect to have close to 900 petitions disposed of and taken care of by money judgments in the present year which will end on September 30.

Judge COWEN. That will make a substantial reduction, Madam Chairman. It is true these have been held for several years. We thought we had two decisions and we thought that would settle them, but we had to hand down two more.

The lawyers could not get together.

Mrs. BURKE. Are all of the requested increases of a mandatory nature?

Judge COWEN. Of course the printing is not of a mandatory nature. We are also asking for some increase in travel, but that has been offset by a reduction in the prior appropriation for the Alaska Native Claims Settlement Act. There also is a small increase for telephone and postage. Those are not mandatory.

CLAIMS UNDER ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mrs. BURKE. What is the status of the claims filed under the Alaska Native Claims Settlement Act?

Judge COWEN. We are very happy to report that that undertaking is about completed. All of the fee claims of the attorneys, which of course was the largest amount, have been settled and paid. All of the claims of the native villages or associations have been settled and paid.

Unfortunately, we had to have a trial of the claims for the consultants because an audit revealed substantial differences between their submissions and their records, but those have been tried and I think will be disposed of soon.

We have only then left the out-of-pocket expenses of the attorneys and they are being audited and I am very hopeful that we won't have to try that. I hope the people can get together, Madam Chairman, and settle them. It is not a very big item. It doesn't include overhead. It is only the lawyers' out-of-pocket expenses attributed directly to this act.

Mrs. BURKE. No further questions. Thank you very much.

Judge COWEN. Thank you, Madam Chairman.

Mrs. BURKE. We will recess until 1 o'clock, when we will hear the International Trade Commission.

TUESDAY, FEBRUARY 3, 1976

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

WITNESSES

ARTHUR S. FLEMMING, CHAIRMAN
JOHN A. BUGGS, STAFF DIRECTOR
LOUIS NUNEZ, DEPUTY STAFF DIRECTOR
BERT SILVER, DIRECTOR, OFFICE OF MANAGEMENT
JOHN G. BIRKLE, BUDGET OFFICER

Mrs. BURKE (presiding). The subcommittee will come to order. We will now consider the budget request for the Commission on Civil Rights.

We shall insert the entire set of justifications in the record.

[The justification pages referred to follow:]

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, [$7,700,000] $9,540,000.

[For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,925,000.]

(Departments of State, Justice and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1976.)

STANDARD FORM 300-T
June 1975, Office of Management and Budget
Circular No. A-11, Revised.

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES
PROGRAM AND FINANCING (in thousands of dollars)

Identification code 30-36-1900-0-1-751	1975 actual	1976	TQ estimate	1977 estimate
Program by activities:				
1. Non-legal reports and studies	1,345	1,539	393	1,609
2. Hearings, legal reports and studies	780	853	217	1,271
3. State advisory committee and community programs	2,583	2,823	723	3,081
4. Liaison and information dissemination	587	647	162	728
5. Federal program evaluation and complaints	840	976	246	1,004
6. National issues and conferences	142	366	93	475
7. Basic civil rights research and Clearinghouse Library	546	689	159	825
8. Age discrimination programs	...	...	...	547
Total program costs, funded 1/	6,823	7,893	1,993	9,540
Change in selected resources (undelivered orders)	166	...	...	...
10 Total obligations	6,989	7,893	1,993	9,540
Financing:				
25 Unobligated balance lapsing	11	...	...	...
Budget authority	7,000	7,893	1,993	9,540
Budget authority:				
40 Appropriation	7,000	7,700	1,925	9,540
44.20 Supplemental now requested for civilian pay raises	...	193	68	...
Relation of obligations to outlays:				
71 Obligations incurred, net	6,989	7,893	1,993	9,540
72 Obligated balance, start of period	686	733	706	434
74 Obligated balance, end of period	-733	-706	-434	-530
77 Adjustments in expired accounts	-22	...	...	...
90 Outlays, excluding pay raise supplemental	6,920	7,737	2,194	9,437
91.20 Outlays from civilian pay raise supplemental	...	183	71	7

1/ Includes capital outlay as follows: 1975, $47 thousand; 1976, $15 thousand; TQ, $0; 1977, $23 thousand.

(Mono cost: 22.13) (Mono cost: 5.9) (Mono cost: 5.9) (Mono cost: 5.9) (Mono cost: 5)

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Narrative Statement on Program and Performance

1. Non-legal Reports and Studies--Studies concerning areas in which there may be civil rights denials are conducted and reports issued with recommendations to the President and the Congress.

Number of Publications

	1975 Actual		1976 Estimate		TQ Estimate		1977 Estimate	
	Begun	Completed	Begun	Completed	Begun	Completed	Begun	Completed
Employment	1	-	1	1	1	-	-	1
Education	1	2	-	2	1	-	-	-
Economic Development	-	2	-	1	-	-	-	-
Housing	-	-	-	1	-	-	-	-
Voting	1	1	-	-	-	-	-	1
Administration of Justice	-	-	-	-	-	-	-	-
Other	1	1	1	1	-	-	3	3
Total	4	6	2	6	2	-	3	5

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2. Hearings, Legal Reports and Studies--Hearings are conducted by the Commissioners to investigate and obtain information about civil rights denials. Legal and quasi-legal studies are conducted and reports issued with recommendations to the President and the Congress.

Number of Publications

Publications by Subject	1975 Actual		1976 Estimate		TQ Estimate		1977 Estimate	
	Begun	Completed	Begun	Completed	Begun	Completed	Begun	Completed
Hearing Reports	1	-	-	2	-	-	4	2
Hearing Staff Papers	1	1	-	-	-	-	5	5
Hearing Transcripts	2	4	3	1	-	-	5	4
Other	2	3	-	1	-	-	-	-
Total	6	8	3	4	-	-	14	11

Hearings

1975 Actual		1976 Estimate		TQ Estimate		1977 Estimate	
No.	Days	No.	Days	No.	Days	No.	Days
2	12	3	9	-	-	5	17

3. State Advisory Committee and Community Programs--State Advisory Committees hold conferences, open and closed meetings and issue reports to gather and disseminate information about civil rights problems. Programming to implement Commission recommendations and to provide solutions to civil rights problems is maintained.

Selected Workload Factors

	1975 Actual	1976 Estimate	TQ Estimate	1977 Estimate
State Advisory Committee Planning Meetings	186	190	47	195
State Advisory Committee Special Work Assignments	34	40	10	50
State Advisory Committee Factfinding Meetings	17	20	4	25
State Advisory Committee Closed or Executive Meetings	4	5	1	10
State Advisory Committee Conferences	15	20	5	20
State Advisory Committee Reports	26	20	5	20
National State Advisory Committee Conference	-	1	-	1

4. Liaison and Information Dissemination--The Commission uses publications, films, liaison with private and public groups, the media, and a variety of other techniques to provide civil rights information to those who have rights, those who have responsibilities to comply with Federal civil rights laws and policies, those who implement these laws and policies and the general public.

Selected Workload Factors

	1975 Actual	1976 Estimate	TQ Estimate	1977 Estimate
Issues of Civil Rights Digest	5	4	1	4
Publications	2	2	1	2
Spanish Translations	✓	✓	✓	✓
Liaison	✓	✓	✓	✓
Exhibits	✓	✓	✓	✓
Internal Newsletter	✓	✓	✓	✓
External Newsletter	-	-	-	✓

5. Federal Program Evaluation and Complaints--Programs of Federal agencies are appraised for compliance with civil rights laws to determine whether their benefits reach all groups equitably. Complaints which allege discrimination are received from the public and referred to Federal agencies having jurisdiction.

Selected Workload Factors

	1975 Actual		1976 Estimate		TQ Estimate		1977 Estimate	
	Begun	Completed	Begun	Completed	Begun	Completed	Begun	Completed
Publications	-	4	-	3	1	-	1	-

	1975 Actual	1976 Estimate	TQ Estimate	1977 Estimate
Complaints	1,926	2,000	500	2,000

6. National Issues and Conferences--Current civil rights issues are examined and monographs, statements or reports are prepared dealing with the issues. Conferences are held in connection with Commission projects or to provide liaison with private and public civil rights agencies.

Selected Workload Factors

	1975 Actual	1976 Estimate	TQ Estimate	1977 Estimate
Publications	1	7	1	12
Conferences and Consultations	4	2	1	2

7. Basic Civil Rights Research and Clearinghouse Library--Basic civil rights research in the cases of discrimination is conducted. Technical assistance in research methodology is provided to ongoing Commission studies. A library, to support research, studies, hearings, conferences, and other Commission activities is maintained.

Selected Workload Factors

	1975 Actual		1976 Estimate		TQ Estimate		1977 Estimate	
	Begun	Completed	Begun	Completed	Begun	Completed	Begun	Completed
Publications	-	1	4	2	-	1	1	1
Seminars and Colloquia	✓		✓		✓		✓	
Technical Assistance	✓		✓		✓		✓	
Library	✓		✓		✓		✓	

8. Age Discrimination Programs--Hearings are conducted and a study undertaken to make recommendations to the President and the Congress concerning unreasonable discrimination because of age.

Selected Workload Factors

	1975 Actual	1976 Estimate	TQ Estimate	1977 Estimate
Hearings	-	-	-	3
Reports	-	-	-	1

STANDARD FORM 304–T
June 1975, Office of Management and Budget Circular No. A–11, Revised.
304-103T

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code 30-36-1900-0-1-751	1975 actual	1976 estimate	TQ estimate	1977 estimate
Personnel compensation:				
11.1 Permanent positions	4,181	4,769	1,244	5,074
11.3 Positions other than permanent	278	303	84	668
11.5 Other personnel compensation	49	51	5	61
[illegible]				
Total personnel compensation	4,508	5,123	1,333	5,803
Personnel benefits:				
12.1 Civilian	374	425	110	496
[illegible]				
21.0 Travel and transportation of persons	428	476	115	754
22.0 Transportation of things	9	10	2	11
23.0 Rent, communications, and utilities	717	861	203	1,007
24.0 Printing and reproduction	247	351	85	530
25.0 Other services	367	496	111	751
26.0 Supplies and materials	126	136	34	165
31.0 Equipment	47	15	...	23
[illegible]				
[illegible]				
[illegible]				
[illegible]				
[illegible]				
[illegible]				
Total costs funded	6,823	7,893	1,993	9,540
94.0 Change in selected resources	166	...	...	...
99.0 Total obligations	6,989	7,893	1,993	9,540
	(Mono cost: 22.13)	(Mono cost: 5.9)	(Mono cost: 5.9)	(Mono cost: 5)

STANDARD FORM 300-T
June 1975, Office of Management and Budget
Circular No. A-11, Revised.

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES
PERSONNEL SUMMARY

Identification code 30-36-1900-0-1-751	1975 actual	1976 estimate	TQ estimate	1977 estimate
Total number of permanent positions	263	280	...	288
Full-time equivalent of other positions	21	22	...	41
Average paid employment	261	279	...	315
Average GS grade	10.00	10.14	...	10.14
Average GS salary	$17,655	$18,861	...	$18,960
Average salary of ungraded positions	$18,025	$18,926	...	$18,926
(Mono cost: 22.13)	(Mono cost: 5.9)	(Mono cost: 5.9)	(Mono cost: 5.9)	(Mono cost: 5)

Type size: 6 point 14½ picas Fol. lit. solid

STANDARD FORM 306
July 1968, Bureau of the Budget
Circular No. A-11, Revised.
306-103

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES

DETAIL OF PERMANENT POSITIONS

	1975 actual	1976 estimate	1977 estimate
Executive Level V	1	1	1
GS-18	2	2	2
GS-17	2	2	2
GS-16	5	5	5
GS-15	15	16	16
GS-14	22	24	24
GS-13	31	35	35
GS-12	40	47	50
GS-11	28	27	30
GS- 9	19	23	23
GS- 8	6	7	7
GS- 7	24	27	27
GS- 6	24	21	21
GS- 5	29	28	30
GS- 4	11	11	11
GS- 3	2	2	2
Ungraded	2	2	2
Total permanent positions	263	280	288
Unfilled positions, June 30	-24	-5	-5
Total permanent employment, end of year	239	275	283

GPO : 1969 O - 353-453

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LEGISLATIVE AUTHORIZATION OF THE COMMISSION

The United States Commission on Civil Rights is an independent bipartisan agency first established by the 1957 Civil Rights Act (P.L. 85-315). Public Law 92-496 extended the life of the Commission until June 30, 1978, raised the Commission's appropriation limitation, and extended the Commission's jurisdiction to include denial of equal protection of the law because of sex. The duties of the Commission, as enumerated in the Civil Rights Act of 1957, and as amended by the Civil Rights Act of 1964 (P.L. 88-352), by P.L. 90-198, and by P.L. 92-496 are:

"Sec. 104(a) The Commission shall --

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

"(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election."

"Sec. 104(b) The Commission shall submit interim reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings and recommendations not later than the last day of Fiscal Year 1978."

Six Commissioners appointed by the President by and with the advice and consent of the Senate, determine policy for the agency. A full-time Staff Director, also a Presidential appointee, is responsible for the day-to-day conduct and administration of Commission affairs.

HIGHLIGHTS OF THE BUDGET REQUEST

The appropriation request for Fiscal Year 1977 totals $9,540,000 and 288 positions. The amount appropriated for Fiscal Year 1976 was $7,700,000 to support 280 permanent positions. Adding the Fiscal Year 1976 supplemental requests of $193,000 for pay costs and $276,000 to implement P.L. 94-135 to the amount already appropriated produces a total of $8,169,000. The increase requested for Fiscal Year 1977 is therefore $1,371,000 and 8 permanent positions.

The following are the new projects we propose the Commission undertake in Fiscal Year 1977:

1. Employment

   a. A study of unemployment and underemployment among minorities and women.

   b. A study dealing with affirmative action.

2. Housing

   a. A study dealing with the forces for residential segregation and their impact on the racial/ethnic composition of public schools.

3. Women's Rights

   a. A study of the impact of lack of reproductive choice on low income women.

   b. A study dealing with domestic violence.

4. Political Participation

   An investigation of barriers hindering minority and female participation and success as participants in the political process.

5. Administration of Justice

   Part II of the Administration of Justice in Prison Study.

6. Monitoring the Federal Establishment

   Another follow-up to the Civil Rights Enforcement Effort Report.

7. Age Discrimination

A study of unreasonable discrimination based on age in programs receiving Federal financial assistance.

8. Conferences

a. A National Conference of SAC Chairpersons.

b. A conference for non-Federal reservation Indians.

c. A Western regional civil rights conference.

9. General Civil Rights Activities

a. A study of the provision of public facilities and service.

b. A review of the literature dealing with race and IQ.

ACCOMPLISHMENTS IN FISCAL YEAR 1975

ACTIVITY 1 - NON-LEGAL REPORTS AND STUDIES

The Commission undertakes original reports and studies in civil rights and related areas for a variety of reasons among which are the following:

- To establish facts not otherwise available, and to suggest remedial legislation.
- To evaluate the effectiveness of existing legislation, policies and regulations and the manner in which they are enforced.
- To present facts to the public in order to increase its awareness of problems and to develop information which can help solve the problems.
- To point out continual instances of overt discrimination.

The Civil Rights Act of 1964 extended the functions of the Commission by giving it a responsibility to provide information to national and community organizations and institutions, Government agencies and the general public concerning civil rights matters. As part of this function, the Commission issues clearinghouse publications designed to better understanding by providing reliable information about civil rights problems and about the laws, procedures, and approaches available for resolving them.

The following reports, studies and publications were completed in Fiscal Year 1975:

Minorities and Women as Government Contractors

This report, released in the fourth quarter of FY 1975, examines the effectiveness of various governmental programs intended to provide marketing opportunities for businesses-owned or controlled by minorities and women by means of government procurement contracts. Although the emphasis was on Federal programs, procurement by State and local governments was also examined.

Twenty Years After Brown

This series of reports examines the extent of civil rights progress in the United States since Brown v. Board of Education, the Supreme Court's landmark school desegregation decision of May 17, 1954. Two reports in the series were released in FY 1975 the first, Twenty Years After Brown: The Shadow of the Past, published in June 1974, provided historical background for the series. The second in the series, Twenty Years After Brown: Equality of Educational Opportunity, released in the third quarter of FY 1975, covered the evolution of educational opportunity during the 20 years since Brown.

Voting Rights Act: Ten Years After

In January 1975, the Commission published the Voting Rights Act: Ten Years After, a report assessing the status of minority voting rights in jurisdictions covered by the special provisions of the Voting Rights Act of 1965 which was extended in 1970. The report describes the progress that occurred since the Commission's report Political Participation (1968) and documents the many barriers that still prevent minorities from enjoying equal political rights in the jurisdictions that were studied. The Commission recommended that the Voting Rights Act's special provisions be retained for an additional 10 years.

A Better Chance to Learn: Bilingual-Bicultural Education

This report, released in the fourth quarter of FY 1975, examined the concept and experience of bilingual education to determine its validity and feasibility as an alternative to existing forms of schooling for children whose predominant language is not English. The benefits of bilingual education to English speaking children was also explored.

Making Civil Rights Sense Out of Revenue Sharing Dollars

This clearinghouse report, published in the third quarter of FY 1975, was intended to stimulate public interest and participation in the general revenue sharing program, particularly among those concerned with the rights of minorities and women. In this report, the Commission described how revenue sharing works, examined its civil rights implications and suggested ways in which local citizens could monitor or influence the use of revenue sharing funds.

ACTIVITY 2 - HEARINGS, LEGAL REPORTS AND STUDIES

The Commission, using the subpoena power granted by Congress, conducts public hearings serving several purposes.

- To obtain information concerning civil rights problems which provide the basis for Commission reports and recommendations for the President and the Congress.

- To make information, which could result in corrective action, available to the community in which the hearing is held.

- To bring civil rights problems and potential solutions to these problems, to the attention of the Federal government and the Nation.

- To obtain information concerning the manner in which Federal departments and agencies are discharging their civil rights responsibilities under laws passed by Congress, and to bring this information to the attention of appropriate Federal officials and the Nation.

Commission hearings are designed to use one area of the Nation as a microcosm in order to identify civil rights problems that are representative of problems throughout the Nation, or a large portion of it. Hearings also are designed to explore and evaluate successful solutions to civil rights problems found in one community or area so that the Commission can suggest solutions applicable to other parts of the Nation.

Also included in this activity are reports, studies and publications dealing with primarily legal areas.

Chicago, Illinois Hearing on Women and Poverty

In June 1974, the Commission held a three-day public hearing in Chicago, Illinois, on Women and Poverty. This hearing had a national focus on those programs and policies which keep a disproportionate number of women in poverty although theoretically designed to enable people to break the poverty cycle. The hearing concentrated on primary means of livelihood, from salaries and wages to public assistance, social security and pensions. Within this framework, job training programs and childcare facilities were also explored.

Information collected at the June hearing indicated that the exploration of issues had not been completed. The Commission wanted to explore more fully aspects of traditional employment for women. Also, one of the employers with which we wished to explore some issues needed additional time to prepare information. Accordingly, the hearing was resumed in Fiscal Year 1975 with sessions in July, August and November.

When completed, the hearing provided documentation for the finding that the programs designed to place women in salaried employment, or to provide income security have not been effective. Minority women were also shown to suffer from a double jeopardy--race and sex discrimination.

Boston, Massachusetts Hearing on Public School Desegregation

The Commission held a five-day hearing on public school desegregation in Boston, June 16-20, 1975. The hearing focused on the roles of the Federal, State and local governments as well as the private sector, including community leaders in the implementation of a Federal court order to desegregate the schools. The hearing also had a national focus as it sought to determine what roles and responsibilities ought to be undertaken by the various levels of government in order to better direct Federal resources to accomplish peaceful and orderly compliance with the law.

Boston School Desegregation Paper

This document was prepared as background information for the Commission's Boston hearing on School Desegregation. It included a description of the Boston school system, the role of the Federal, State and local governments in the desegregation process in Boston and the role of the private sector and the Boston Communities. It also included statistics on the cost incurred and summarized the ten years of litigation that preceeded the Federal court's order to desegregate the Boston public schools.

Equal Opportunity in Suburbia

This report, released in August of 1974, is the product of an extensive study of racial isolation in the Nation's metropolitan areas. It is a study of why this pattern of isolation has occurred, how it is crippling the growth and prospertiy of our cities, and how it can be arrested and reversed. The information in the report was gathered through Commission hearings in St. Louis, Baltimore, and Washington, D. C. and factfinding meetings of State Advisory Committees in those cities and in Boston, Phoenix and Milwaukee.

The Other Side of the Tracks, A Handbook on Nondiscrimination in Municipal Services

This publication, designed for use by citizens across the country in obtaining equal services from local governments, was released in September 1974. It outlines in lay language what citizens can do about inequality in the provisions of such services as paving, garbage collection, police services in cities, towns, villages, counties and special districts. The booklet explains that although localities are not required to provide such services as sewers and street lights, localities are required to guard against discrimination in those services that are provided.

Constitutional Aspects of the Right to Limit Childbearing

This legal study, released in April 1975, analyzed the manner in which the proposed constitutional amendments designed to nullify or limit the right to limit childbearing, as defined by the Supreme Court, would undermine the First, Ninth and Fourteenth Amendments to the Constitution. Additionally, the study related the treatment of abortion under common law, as well as the histroy of statutes prohibiting abortion, to the constitutional issues. Further, the study analyzed the effect on private law (including torts and property), tax and criminal law, of a constitutional amendment establishing embryonic or fetal rights. Finally, the study described the threat to the enforcement of other civil rights provisions in the Constitution posed by a successful effort to deny the right to terminate a pregnancy.

Congressional Relations

In Fiscal Year 1975, Commissioners and staff testified before Congressional committees, or prepared statements for Congressional committees, on the following matters having civil rights implications:

- Testimony on Equal Housing Opportunity in Suburbia before the House Judiciary Subcommittee on Civil Rights and Constitutional Rights.

- Testimony on Extension of the Voting Rights Act before the House Judiciary Subcommittee on Civil Rights and Constitutional Rights and before the Senate Judiciary Subcommittee on Constitutional Rights.

- Testimony on Amendments to the Equal Credit Opportunity Act before the Consumer Affairs Subcommittee of the House Banking and Currency Committee.

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ACTIVITY 3 - STATE ADVISORY COMMITTEE AND COMMUNITY PROGRAMS

This activity is concerned with the Commission's field programs and the 51 State Advisory Committees established in each State and the District of Columbia.

The Commission operates a field program for a variety of purposes:

- To make itself more aware of what the "grass roots" civil rights problems are and how the majority and minority groups are reacting to the problems and proposed solutions.
- To monitor the field programs of Federal agencies which have responsibilities in civil rights.
- To disseminate information to the majority community, minority communities, private organizations, civil rights organizations, and State and local governments concerning civil rights problems and proposed solutions to those problems.
- To assist in the design of programs at the local and State levels which attempt to find solutions to civil rights problems and which serve as pilot projects in that information and solutions developed become transferable to other communities with the same type problems.
- To assist in the design, execution and follow-up activity of hearings, with responsibility for field follow-up.
- To contribute to the formulation of, and follow-up to, recommendations developed in Commission studies and hearings.
- To maintain field liaison with public and private groups and State and local governments and to appraise the activities of State and local governments.
- To receive, investigate and process complaints.

The field program of the Commission is implemented through a headquarters staff in Washington, regional offices located in New York, Washington, Atlanta, Chicago, San Antonio, Denver, Kansas City and Los Angeles and 51 State Advisory Committees.

A State Advisory Committee is composed of residents of the particular State engaged in various professions, balanced as to political affiliation, sex, age, race and ethnicity, serving without

compensation other than expenses. Members of State Advisory Committees are appointed by the Commission. Staff assistance and services are provided to the SAC's by the regional offices and the Washington staff.

State Advisory Committee (SAC) Activities

In Fiscal Year 1975, the 51 State Advisory Committees were involved in a total of 256 meetings, conferences and special work assignments. These activities covered the full spectrum of civil rights concerns. The following examples illustrate the type of activities undertaken by State Advisory Committees in Fiscal Year 1975.

- The Florida Advisory Committee held a two-day factfinding meeting on police/community relations in Miami and Dade County, June 20-21, 1975. The meeting sought to determine the status of minorities in the police and sheriff's departments in the areas of employment, promotions and training and how minorities in the community were treated by the staff of those departments.

- The Michigan Advisory Committee held a factfinding meeting February 20, 1975 in Livonia, Michigan to examine the impact of the Housing and Community Development Act of 1974 (P.L. 93-383) and the "Block Grants" available under Title I of the Act.

- The Indiana Advisory Committee held a factfinding meeting in August 1974 to examine the plight of migrant workers in the State of Indiana.

- The Missouri Advisory Committee held a factfinding meeting on May 21-22, 1975 to develop a factual record of actual revenue sharing funds used in metropolitan St. Louis and the State of Missouri. The main focus was on citizen participation and the relationship of revenue sharing allocations to the needs of minorities and poor people.

- The Iowa Advisory Committee held a statewide Civil Rights Conference in Des Moines on May 1-2, 1975, to examine Federal programs and the mechanism used to get information to minorities and poor people.

- The New Mexico Advisory Committee held a three-day factfinding meeting in Farmington in August 1974 to ascertain the cause of racial tension in Farmington and San Juan County between the Navajos and white citizens. The focus was on community attitudes, administration of justice, alcohol abuse, employment and medical services.

- The California Advisory Committee held a factfinding meeting on April 10-11, 1975, dealing with Salinas Union High School District and the Mexican American community. The Committee examined the affirmative action plan and the bilingual/bicultural programs to ascertain their effect on Mexican American students.

- The Colorado Advisory Committee held a factfinding meeting on May 10, 1975, to ascertain the number of minorities and women in medical and legal professions in the State and what obstacles might prevent their access to those professions.

- The Montana Advisory Committee held a media conference on April 12, 1975 in Missoula focusing on two issues: (1) employment and (2) image making. These issues were examined in the context of their effects on minorities and women.

- The Connecticut Advisory Committee held a one-day factfinding meeting on equal employment in New Haven, June 12, 1975. The Committee sought to document to what extent blacks and Puerto Ricans receive equal treatment in hiring process, promotions and other aspects of public employment in that city.

- The Kansas Advisory Committee held a factfinding meeting on December 18, 1974 in Topeka on seeking to document the reasons women were not granted credit as easily as men in the State of Kansas.

- The New York Advisory Committee held a factfinding meeting in July 1974 which dealt with the problems of Asian Americans in the State of New York and primarily in New York City. The focus was on social services and their unequal distribution in the Asian American community.

- The Massachusetts Advisory Committee conducted an investigation of the school desegregation problems in the City of Boston. The report to the Commissioners culminated in a Commission hearing in Boston in June 1975. The SAC is continuing to work in the community to ameliorate the problems of desegregating that city's schools.

- State Advisory Committees in Arizona, California, Colorado, Kansas and Texas conducted conferences in those States in a follow-up program to implement the recommendations contained in the series of Commission reports on Mexican American education.

Administration of Justice in Prison Project

The project continued during FY 1975 with publication of SAC reports and follow-up activities to the fourteen open meetings held in Fiscal Year 1974. During FY 1975 preparation of a national clearinghouse report was started which will be published in early Fiscal Year 1976.

Asian American SAC Activities

The Asian American activities during FY 1975 consisted of an informal open hearing in New York City by the New York SAC and the publication of two reports by the California SAC. Follow-up activities were carried out by both committees during the year.

Native American SAC Activities

The New Mexico SAC held informal public hearings in Farmington to identify problems and suggest solutions in connection with the Navajo Indians and the Farmington community. The Arizona SAC, following up the Commission hearings in Arizona, published a report on Indian employment. The Minnesota SAC published a report on Indian issues in Minneapolis and St. Paul. A staff report on voting irregularities on the Pine Ridge Reservation in South Dakota was issued. The Western Regional Office sponsored a conference in Seattle, Washington to discuss issues and problems of Alaskan Native Americans and exchange suggestions with Alaska State and Federal officials in preparation for an indepth program during FY 1976.

Migrant Farmworkers Project

One SAC informal open hearing was held this year in Indiana and a report published. Because of the complex issues involved, staff and SACs in other regions are studying the various aspects of the migrant problems before holding public meetings during FY 1976.

State Advisory Committee Publications

In Fiscal Year 1975, the following State Advisory Committee reports were published:

- Louisiana - The Quest for Housing: A Study of Housing Conditions in New Orleans, July 1974
- North Carolina - Economic and Political Problems of Indians in Robeson County, August 1974
- Nebraska - Inmate Rights and Institutional Response -- The Nebraska State Prison System, August 1974
- Montana - Employment Practices in Montana -- The Effects on American Indians and Women, September 1974
- Montana, North Dakota, South Dakota (joint report) - Indian Civil Rights Issues in Montana, North Dakota, and South Dakota, September 1974
- New Mexico - The Struggle for Justice and Redress in Northern New Mexico, October 1974
- Colorado - Colorado Prison Study, October 1974
- Delaware - The Delaware Prison System, November 1974
- Alabama - Alabama Prisons, December 1974
- Maryland - To Grant or Not to Grant, December 1974
- Maine - Federal and State Services and the Maine Indian, December 1974.
- New York - Warehousing Human Beings, December 1974
- Arizona - Adult Corrections in Arizona, December 1974
- Minnesota - Bridging the Gap: The Twin Cities Native American Community, January 1975
- Rhode Island - Minorities and Women in Government: Practice Versus Promise, January 1975

- Massachusetts - Route 128: Boston's Road to Segregation, January 1975
- Arizona - Indian Employment in Arizona, February 1975
- California - Asian Americans and Pacific Peoples: A Case of Mistaken Identify, February 1975
- Indiana - Indiana Migrants: Blighted Hopes, Slighted Rights, March 1975
- Utah - Credit Availability to Women in Utah, April 1975
- California - A Dream Unfulfilled: Korean and Pilipino Health Professionals, May 1975
- Illinois - Education Bilingual/Bicultural - Un Privilegio O Un Derecho, May 1974 (Spanish translation May 1975)
- Florida - Toward Police/Community Detente in Jacksonville, June 1975
- Illinois - A Decade of Waiting in Cairo, June 1975
- Michigan - Civil Rights and the Housing and Community Development Act of 1974, Volume I: Livonia, June 1975
- Kansas - Inmate Rights and the Kansas State Prison System, December 1974

ACTIVITY 4 - LIAISON AND INFORMATION DISSEMINATION

As the national clearinghouse for civil rights information, the Commission is responsible for disseminating information regarding denial of equal protection of the laws because of race, color, sex, religion, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities and transportation, and the administration of justice.

Before the Civil Rights Act of 1964, the agency was responsible principally for providing information to the President and the Congress. The 1964 Act expanded the Commission's responsibility to that of providing information to national and community organizations and institutions, governmental agencies, and the public as well. In effect, the Civil Rights Act of 1964 gave the Commission a public education function, the effectiveness of which is important to the success of the Nation's efforts to secure civil rights for all its citizens.

This requires the Commission to develop effective techniques for disseminating the information it collects, through the news media and otherwise. By providing reliable information about civil rights problems and the laws, procedures, and approaches for resolving them, contributions are made to better understanding. Activities are directed toward:

- Members of minority groups and women, in order to assist them in understanding their rights and the procedures for achieving those rights.
- Members of the dominant group, in order to acquaint it with the extent and nature of civil rights denials and to help it understand what must be done to remedy it.
- Private persons and organizations which have responsibilities for applying civil rights laws and policies, to help them understand their responsibilities.
- Government officials responsible for implementing laws and programs.
- Community leaders and civic groups which assume responsibility for effectuating change in the community.

Publications

Preparation and dissemination of Commission publications is a major agency function which includes editing, processing, publicizing, and distributing. During Fiscal Year 1975, approximately 650,000 copies of Commission publications were distributed, including clearinghouse publications and the Civil Rights Digest. In March 1975, a record number of 7,410 individual requests were received and processed.

Publication of the monthly intra-agency newsletter, "Inside", commenced with the beginning of Fiscal Year 1975. It will continue to be published monthly in a newsletter format ranging from six to eight pages.

The Catalog of Publications and the Civil Rights Directory were revised and published, the Directory revision being the first for that publication in five years. It is planned that both of these publications will be revised and issued annually in the future.

Spanish Translations

The demand for Spanish versions of Commission publications increased during Fiscal Year 1975. A variety of statements and press releases, originated both in the Commission's national offices and in the regional offices, were translated into Spanish. Translations were completed of Counting the Forgotten, the report on census undercount; the Commission hearing rules; Statute, Rules, and Regulations; and the report of the Illinois State Advisory Committee on bilingual-bicultural education. Translation of the Commission's report on bilingual-bicultural education is nearing completion.

The Civil Rights Digest

The Digest is a quarterly forum for discussion of civil rights issues and is unique in its ability to present controversial ideas and debates. Four regular issues of the Digest were published in Fiscal Year 1975. These issues dealt with employment discrimination, bilingual education, school desegregation, fair housing, women in prison, and affirmative action, among other topics. Another printing of 30,000 copies of the Spring 1974 special issue on women was ordered because of heavy demand. In addition, a fifth special issue of the Digest devoted to the New York Puerto Rican Hearing was released.

In addition to a mailing list of 30,000, the Digest was distributed at conventions and meetings of national and local organizations. Upon request, it was sent to community groups, educators, civil rights organizations, government officials, and private citizens. Many articles have been reprinted by other publications.

Media Relations

Fiscal 1975 was clearly a record-setting year insofar as Commission media activities were concerned. Eleven formal, announced Commissioner news conferences were held to release 12 different reports. Subjects of the reports were suburban access, municipal services, voting rights, revenue sharing, the right to limit childbearing, bilingual-bicultural education, minorities and women as government contractors, Volume II of the post-Brown series, and the series regarding Federal civil rights enforcement. Releases, statements, and press advisories were prepared for each of these formal and scheduled news conferences.

Four other reports on discrimination in mortgage finance, the Oglala Sioux election, Brown I, and a "popular" summary of the Mexican-American education series were issued by news releases. Releases also were distributed regarding Congressional testimony on housing and voting rights, opposition to anti-abortion and anti-busing legislation, an article in Civil Rights Digest on discrimination against American Jews in international business, a new HEW policy on health care for Native Americans, a conference on the Milliken v. Bradley decision, a consultation on the Brown II report, and regional conferences for human rights workers in Boston and Atlanta.

Liaison

Liaison with private groups, both local and national, is an important function of the Commission. Groups are contacted, kept informed of Commission activities, and encouraged to make use of Commission publications and exhibits. An effective method of reaching groups is through conventions and conferences where Commission publications are exhibited and distributed.

In connection with representation at meetings, the Commission's exhibit was used at various conferences. This basic exhibit provides an overview of the Commission's interest and concerns and is intended to promote an awareness of broad civil rights problems and the need for corrective action. The exhibit is flexible and covers housing, education, employment, political participation, administration of justice, and poverty-low income.

ACTIVITY 5 - FEDERAL PROGRAM EVALUATION AND COMPLAINTS

The Federal program evaluation function of the Agency consists of monitoring, both on a day-to-day basis, and through formal studies, the civil rights functions and responsibilities and related program activities of Federal agencies both in Washington and in the field. The Commission realizes that it is not sufficient to only monitor the direct civil rights activities of agencies and departments. There is great need and great potential for monitoring the civil rights consequences of substantive programs of departments and agencies since the operation of these programs very often may be unintentionally discriminatory.

Complaints are received from citizens who allege that they have been denied equal protection of the law because of race, religion, national origin or sex. These complaints are referred to Federal or State agencies for resolution and the complainants are kept informed as the complaint is processed and resolved. Individual complaints sometimes serve as clues in pointing out general areas where the Commission should institute studies.

Federal Civil Rights Enforcement Effort Follow-up Report

In Fiscal Year 1973, the Commission began an indepth review of the civil rights enforcement efforts of the Federal Government. This follow-up study extended through Fiscal Year 1974 and resulted in four published reports in Fiscal Year 1975, is an expansion of the report on the same subject which the Commission published in 1970, with follow-up reports issued in 1971 and 1973. The latest review covered the activities of the agencies in four regional offices as well as in Washington and went into far greater depth than the Commission's earlier report.

The following four volumes of the Federal Civil Rights Enforcement Effort Follow-up Report which were released in Fiscal Year 1975: To Regulate in the Public Interest, To Provide for Fair Housing, To ensure Equal Educational Opportunity, and To Provide Fiscal Assistance.

Appraisal of Federal Agencies in Fiscal Year 1975

In Fiscal Year 1975, the Commission continued its program of monitoring the Federal establishment to appraise, on a day-to-day basis, the civil rights implications of programs. Comments on proposed regulations were forwarded to several agencies, including the Federal Reserve System, the Departments of Health, Education and Welfare, Labor, the Internal Revenue Service, and the Office of Revenue Sharing of the Department of the Treasury.

Complaints

In this fiscal year, 1,926 complaints were processed in the central and regional offices.

ACTIVITY 6 - NATIONAL ISSUES AND CONFERENCES

The Commission prepares monographs, statements and short reports on civil rights subjects which have become matters of public debate, or in its best judgement are likely to become matters of public debate. All pertinent arguments are gathered, analyzed and subjected to the facts revealed by studies and/or conferences and consultations. The documents then are prepared to provide hard factual information to the President; the Congress, or appropriate Congressional Committees; Federal, State or local agencies; non-governmental organizations and the general public.

Conferences are also held to promote Commission projects and as a liaison device with local, State and private civil rights agencies.

Milliken v. Bradley Consultation

A consultation on "Milliken v. Bradley: Implications for Metropolitan Desegregation", was held in Washington, D. C. on November 9, 1974. Six scholarly papers were prepared by experts or authorities and reviewed by them with Commissioners and commented upon by three reactors for each paper. The purpose of the consultation was to assess what effect this Supreme Court decision had and will have on metropolitan school desegregation. A report on the consultation will be released the first quarter of Fiscal Year 1976.

Twenty Years After Brown Consultation

A consultation on the second of the series of Commission reports on "Twenty Years After Brown" was held in Washington, D. C. on December 17, 1974. A group of scholars and educators were invited to comment upon the report. The Commissioners were enabled to learn of the present position of school and agency professionals regarding desegregation of the Nation's public schools.

Regional Civil Rights Conferences

Two more of the series of regional civil rights conferences were held last fiscal year. The New England conference held in Boston on September 22-24, 1974 was attended by just over 100 persons, most of whom were professional staff members of State and city governmental agencies dealing with civil rights, women's rights and human relations. The conference theme was: "Making Public Employment a Model of Equal Opportunity".

The Southern Conference, held in Atlanta on April 16-18, 1975, was attended by more than 150 professionals, who came from eleven Southern States. The conference theme was: "Making the Constitution Work for All Americans". Participants, for the most part, represented official, governmental agencies at the Federal, State, county and city level.

ACTIVITY 7 - BASIC CIVIL RIGHTS RESEARCH AND CLEARINGHOUSE LIBRARY

The Commission conducts basic civil rights research:

- To discover the underlying causes and dynamics of discrimination through the use of current social science methods and theories so that effective corrective measures can be developed and disseminated.
- To document the personal, social, economic and political consequences of discrimination and of subtler forms of bias.
- To provide an impetus to non-governmental researchers to conduct studies which will contribute to a better understanding of discrimination and to more effective social policies to eliminate discrimination.
- To develop the kind of knowledge which will provide insight into the problem of non-compliance with anti-discrimination legislation, and the means for combating non-compliance.

A clearinghouse library is maintained to support the basic research, program studies, hearings, conferences and legal activities of the Commission.

Longitudinal Study of School Desegregation

The design of the Longitudinal Study of School Desegregation was completed and submitted by the contractor. The completed design was reviwed by twenty-six persons expert in school desegregation or social science. The design along with the comments on the design were released by the Commission to the public.

Technical Assistance to Commission Projects

During its first year of operation the new research activity provided consultation assistance on research methodology to the following ongoing Commission projects: The Puerto Rican Study, Government Procurement with Minority and Female Contractors, Bilingual-Bicultural Education Project, the Mexican American Education Study, the Social Indicators Project, Equal Provision of Public Facilities and Services, Sexual Assault, Prison Project, and Voting Rights Project.

Causes and Remedies for Personnel and Institutional Racism and Sexism

Materials were acquired and the literature review began for this study which will get underway in Fiscal Year 1976.

Seminars and Colloquia

A series of colloquia was held at which researchers from other Government agencies and universities presented their work in areas of Commission interest to Commission staff. Among the subjects discussed were: the impact of the wage and employment provisions of Title VII on black income and employment, changes in black-white income differentials during the decade 1960-1970, racial attitudes and behavior among city police, the history of the Boston school desegregation crisis, and race and sex differences in attributions for success and failure.

A seminar was held on how to develop a research approach to the study of affirmative action which was attended by interested parties from the University of Maryland, the Sloan School of Management of the Massachusetts Institute of Technology, the Institute for Social Research at the University of Michigan, the National Association for the Advancement of Colored People, the National Urban League, the Office of Federal Contract Compliance, as well as by Commission on Civil Rights Staff.

National Clearinghouse Library

The collection continued to expand from approximately 12,000 volumes at the beginning of the fiscal year to 20,000 at its conclusion. The microfilm collection was doubled by adding the Federal Register (1973-1974) and the New York Times (1970-1971 and 1974-1975). The Clearinghouse Library displayed pertinent parts of the civil rights collection at the Boston and Atlanta regional conferences.

ACCOMPLISHMENTS TO DATE AND PLANS FOR
THE REMAINDER OF FISCAL YEAR 1976
AND THE TRANSITION PERIOD

ACTIVITY 1 - NON-LEGAL REPORTS AND STUDIES

School Desegregation in Prince George's County

During the fourth quarter of FY 1975, this detailed examination of the controversy over school desegregation in Prince George's County was completed. It covers the pre-Brown period through enactment of the Civil Rights Act of 1964, the period in which HEW negotiated for Title VI compliance with the local school board, the litigation resulting in the court's desegregation order and the summary rejection by the U. S. Court of Appeals of Prince George's County's appeal, and the period following implementation of the school desegregation plan. The report will be released during the third quarter of Fiscal Year 1976.

Twenty Years After Brown

The third in this series of reports dealing with Equality of Economic Opportunity was released in July 1975. This report sketched the nature and extent of changes in the economic status of minorities and women, and included a discussion of the relationship between economic opportunity and access to public accommodations. The fourth section in this series of reports released in December 1975 offered recommendations for achieving equal opportunity, where it is lacking, in housing.

Labor Unions and Equal Employment Opportunity

Part I of this study, which focuses on referral unions, is expected to be released during the later part of FY 1976. This report details the impact of the policies and practices of labor unions in facilitating admission of minorities and women into particular jobs. The report examines the extent and severity of exclusionary practices, as well as the steps taken to end such practices, through a study of relevant court cases, statistical data, existing research, and independent Commission staff investigations. The effectiveness of the limits applied by the courts, Federal agencies, and the unions are assessed.

The part of the study on labor unions and equal employment opportunity for minorities and women will examine the effects of union and management practices on advancement opportunities for minorities and women already on the job. Among the practices this portion will examine are initial job assignments, seniority systems, occupational lines of progression, job bidding, job training, and testing. The study also will assess the effectiveness of existing remedies regarding discrimination in job promotions. The second study will be completed in FY 1977.

Equal Opportunity and the Media

This study will assess the relationship of television, commercial and public, to equal opportunity for minorities and women. It examines the extent of minority and female participation in the control of radio and television stations, and also their representation on the staffs and in decisionmaking positions of such stations. The study will also inquire into the process by which licenses are granted and renewed, the relationship between networks and their affiliates, and the impact of minority and female representation, or lack of it, on programming. This study is scheduled to be completed in FY 1976.

Social Indicators for Measuring the Status of Minorities and Women

This project marks the beginning of an ongoing civil and women's rights indicators program under which the Commission will collect from Federal, State, and private sources data from which it will be able to determine longitudinal trends in the areas of civil and women's rights. The resulting findings will be used both to facilitate Commission program planning and provide the public a more definitive appraisal of the status and progress of minorities and women in America. The report will be completed in FY 1977.

National School Desegregation Guidelines

The Commission sets as a major goal the establishment of a method by which desegregation can be accomplished throughout the Nation. The Nation's school systems have generally been directed to desegregate through Federal administrative guidelines established by law or by court orders. These two methods have often resulted in the application of differential standards which have led to misunderstanding, regional diversity in the application of desegregation requirements creating an atmosphere which is not conducive to effective enforcement and implementation of desegregation. To eliminate these problems, the National Desegregation Standard project has been designed, focusing

on six core problem areas that all school districts undergoing desegregation face: (1) the recruitment of teachers and support staff, (2) the preparation of teachers to teach in an integrated school community, (3) the planning and development of a curriculum that encompasses the broadest objectives to learn, and to encourage the development of attitudes commensurate with an integrated society, (4) the development of extra-curricular activities that takes into consideration the diversity of the school population, (5) the development of administrative and community leadership to function in a desegregated school environment, and (6) the development of internal strategies within the school system to eliminate abuse of disciplinary procedures directed to minority students. These components are enveloped in patterns of effective attendance and the development of mechanisms in the school and community through which new patterns of racial adjustments are developed which do not repeat the racial patterns previously extant in a racially separate educational community environment. This project will be completed in FY 1976.

National Project on Asian and Pacific Island Americans

For many years, issues of civil rights were considered almost entirely in the context of black Americans. More recently, the problems of Spanish surnamed Americans and Native Americans have been increasingly recognized. Few facts, however, are available concerning the problems of various Asian and Pacific Island groups--Chinese Americans, Japanese Americans, Korean Americans, Native Hawaiians, etc. Many have assumed that these groups have no civil rights problems that warrant national attention. In recent years, scattered events reported in newspapers and other media have suggested that various Asian American groups do indeed have civil rights problems. The Commission has undertaken an investigation in the area of Asian and Pacific Island Americans to disclose the extent and nature of their civil rights problems. The study, which will be completed in FY 1977, seeks to identify the various groups--who they are, what their numbers are and their rates of growth, and where they reside--and determine the extent and nature of the civil rights problems they face--e.g., social and economic status, access to jobs, housing, social services, etc.

Sexual Assault on Women

Although several studies of sexual assault on women have been conducted, none has been directed primarily at the disproportionate impact this problem has on minority and low income women. This study, in addition to emphasizing this aspect, will review current State rape laws and eveluate the revisions proposed and enacted in order to develop a model State law which provides justice for women

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and protection for minority men from discriminatory treatment by the courts. It will include an analysis of various States' definition of the crime, as well as evaluation of penalties prescribed for conviction, and evaluation of evidentiary requirements. The study, to be completed in FY 1977, also will investigate the effectiveness of existing remedial programs in order to determine whether and how Federal, State and local government agencies can and should support such activities.

ACTIVITY 2 - HEARINGS, LEGAL REPORTS AND STUDIES

Hearings

A total of nine hearing days, dealing with school desegregation, is scheduled for the remainder of Fiscal Year 1976. The information gathered in these hearings as well as the earlier one in Boston, will be incorporated into the statutory report on school desegregation.

Desegreating the Boston Public Schools: A Crises in Civic Responsibility

In August 1975, the Commission released a report based on testimony taken in five days of public hearings in Boston the previous June. The report documented the history of the school desegregation effort in Boston detailing the successes, which had not previously been adequately reported, as well as the failures. The report contained 71 recommendations to help implement school desegregation in Boston. The report concluded that the Boston School Committee consistently and persistently refused to accept the responsibilities placed on it by the Constitution as defined by the Federal district court.

Puerto Rican Project Report

A report on civil rights problems of the Puerto Rican community in the Northeastern and Midwestern United States based on the information developed at the New York Puerto Rican hearing and on the series of SAC open meetings over the last three years is being developed by a contractor. This report will be released in Fiscal Year 1976.

Navajo Nation: An American Colony

This report, based on the Window Rock hearing, was issued in the Fall of 1976.

Women and Poverty Report

This report, to be issued in FY 1976, will focus on women and poverty, based on the materials developed in the several hearings, and field investigations pursuant to those hearings.

ACTIVITY 3 - STATE ADVISORY COMMITTEE AND COMMUNITY PROGRAMS

In Fiscal Year 1976, the State Advisory Committees will continue their ongoing programs in support of national Commission projects as well as their concern for emerging local civil rights issues. It is expected that SACs will be involved in a total of 275 meetings, conferences and special work assignments out of which 20 SAC publications will flow.

Administration of Justice in Prisons

This continuing project will produce during this fiscal year a clearinghouse report on the rights of prisoners based upon data from SAC informal hearings and staff investigations. The content of the report will be a comparison of the treatment of prisoners against a list of tentative standards for treatment.

Migrant Farm Workers Project

During this fiscal year and extending into Fiscal Year 1977, SACs in migrant stream areas will conduct studies and hold open meetings on the conditions encountered by migrant farm workers. The conditions being investigated and reported include employment, housing, education, health and welfare services, administration of justice and a review of the legislation affecting migrant workers. The project will also seek to determine to what extent migrant workers have access to or are involved in the decisionmaking process affecting their lives.

Asian American SAC Activities

The Asian American activities begun in previous years will continue in the two regions in which the concentration occurs, the Northeast Region and the Western Region. A new project will be undertaken in the Midwestern Regional Office. Follow-up activities will be carried out during Fiscal Year 1976 and 1977.

National School Desegregation Project

In support of the National School Desegregation Project, State Advisory Committees in four states will conduct open meetings to gather information for the national report. In addition, SAC members will collect information in approximately twenty-four states in which one school district which has successfully desegregated will be used as a case study. Information from these case studies will also be incorporated in the final report.

Native American SAC Activities

The continuing effort to identify and report the problems of Native Americans will continue by SACs in States with significant Native American populations and problems. During Fiscal Year 1976, follow-up will continue in the States and regions in which SAC and Commission hearings have been held, and new projects will be undertaken in Alaska, Arizona, North Dakota and South Dakota.

SAC Training and Development Conferences

During Fiscal Year 1976, the Commission and staff will hold a series of conferences to acquaint SACs with new procedural and program activities of the Commission and how these will affect the SACs. In August, the SAC Chairpersons convened in Washington, following which regional conferences were held to provide the chairpersons and staff an opportunity to acquaint all members with the new procedures and plan effective programs.

ACTIVITY 4 - LIAISON AND INFORMATION DISSEMINATION

Publications

The primary vehicle of the Commission in reaching the public will continue to be reports and publications aimed at all segments of society--Government officials at all levels, educational institutions, labor, industry, and the general public--to delineate specific aspects of the civil rights movement and interpret the meaning of civil rights developments. The Commission will continue its usual activities in the area of publications distribution.

A Commission responsibility under its clearinghouse function is disseminating information concerning civil rights problems, the laws governing them, and various procedures for resolution. However, the Commission does not now have a basic piece of material describing the major civil rights laws or answering the most frequently asked questions on civil rights. Such material would help minorities and women understand their rights and the methods of achieving them more clearly. Work toward publication of such a pamphlet, to be called "Know Your Civil Rights", will continue during Fiscal Year 1976.

The Civil Rights Directory, the Catalog of Publications, and the Commission Brochure will be updated and reprinted, the latter in both English and Spanish. Publication of the internal monthly newsletter will continue.

Translations

Translation activities of the Commission are expected to increase during Fiscal Year 1976. The Spanish version of A Better Chance to Learn: Bilingual/Bicultural Education is nearing completion. Translation of the forthcoming Puerto Rican Report is anticipated, and a pamphlet on the Voting Rights Act will be issued in Spanish. Arrangements have been made for the translation of the California State Advisory Committee Report, Asian American and Pacific Peoples: A Case of Mistaken Identity, into several Asian languages.

The Civil Rights Digest

The Digest is an open forum for civil rights issues and is unique in its ability to present controversial ideas and debates. Four regular issues of the Civil Rights Digest will be produced in Fiscal Year 1976.

Liaison

The program of liaison with private groups will be broadened and increased. Exhibit activities and publication distribution at conventions will be expanded.

Media Relations

The Commission's relationship with the media involves not just sporadic contact with the press on the release of a report, but a continuing relationship that encourages those in media to avail themselves of the information available from the Commission. Through personal contact, press releases, and press conferences, efforts to interest the media to cover Commission activities, use information available from the Commission, and devote more attention to civil rights issues will be continued during Fiscal Year 1976.

ACTIVITY 5 - FEDERAL EVALUATION AND COMPLAINTS

Federal Civil Rights Enforcement Effort Follow-up Report

The Commission will complete, in Fiscal Year 1976, the Federal Civil Rights Enforcement Effort Study begun in Fiscal Year 1973. Two volumes on employment and Title VI were issued this fiscal year. This undertaking will culminate with the release of the final volume on policymakers. The first six volumes of the study to date have shown that the Federal enforcement program has not appreciably improved in the last three years. A comprehensive set of recommendations for correcting the existing deficiencies are included in all of the volumes of the study.

Report on the Structure and Effectiveness of State and Local Civil Rights Enforcement

A majority of States and many localities now have their own civil rights or human rights agencies. For many minority group members and women the State and local agencies are the initial point of contact when grievances need redressing. The quality of the agencies vary greatly from State to State, locality to locality. Yet no indepth and across the board evaluation of their work has been performed.

This study, to begin in the transition quarter, will entail a review of civil rights enforcement in six States. Onsite visits will be made and documents will be examined. An analysis will also be made of the nature and impact of Federal assistance to State and local civil rights efforts.

Appraisal of Federal Agencies in Fiscal Year 1976

The program of appraising the day-to-day operations of Federal agency civil rights programs will continue. Special efforts will be made to focus on agency enforcement in the area of sex discrimination, e.g., the Department of Labor's role with regard to the Equal Pay Act of 1963, and on matters of priority concern, e.g., evaluating civil rights enforcement in the special revenue sharing programs, the Comprehensive Employment and Training Act of 1973 and the Housing and Community Development Act of 1974.

Complaints

In Fiscal Year 1976, it is expected that 2,000 complaints, including complaints at the regional office level, will be processed.

ACTIVITY 6 - NATIONAL ISSUES AND CONFERENCES

National Issues

At the end of Fiscal Year 1975, the Commission established a new activity to deal with short-term projects involving important national civil rights issues. In Fiscal Year 1976, this new activity will spearhead the Commission's National School Desegregation Project, the components of which have been described in various sections of this submission. A final report to the Nation summarizing information gathered in the four hearings, four State Advisory Committee open meetings, twenty-four case studies, the national survey, and the consultation will be issued in the transition quarter.

One other national civil rights issue will be the subject of action. A monograph on the issue of "Last Hired, First Fired" dealing with employment in a recessionary period will be published.

Consultation on School Desegregation

As part of the School Desegregation Project a one-day consultation was held in Washington, D. C. on December 8, 1975. This consultation involved selected opponents and supporters of school desegregation and focused on three basic issues:

(1) how government policy has influenced and can continue to influence school desegregation;

(2) the role of the American judiciary in implementing social policy which in the short run may be contrary to the desires of a majority of citizens, and the danger to our entire system of constitutional government that would be caused by removing the courts' authority to implement remedies for the deprivation of individuals' constitutional rights;

(3) the extent to which there has been white flight from desegregation and the extent to which judicial orders for desegregation have contributed to whatever white flight there may be. The papers and proceedings of the consultation will be published in FY 1976.

National Conference on Desegregation

In the transition quarter a conference of national leaders will be convened in Washington, D. C. for the dissemination of the findings and recommendations of the Commission and for endorsement of its report to the Nation.

Affirmative Action Consultation

A Consultation on Affirmative Action in Employment in Higher Education was held on September 9-10, 1975 in Washington, D. C. Scholarly papers were prepared by authorities and experts in: (a) the history of affirmative action; (b) Federal regulations and case law; (c) HEW guidelines and HEW action; and (d) reactions of colleges and universities. Following a format similar to last year's Milliken v. Bradley consultation, each presentation was followed by two or more reactors, and Commissioners had an opportunity to interact with presenters and reactors. A Commission publication containing the transcript of the meeting and the papers presented is being prepared.

ACTIVITY 7 - BASIC CIVIL RIGHTS RESEARCH AND CLEARINGHOUSE LIBRARY

Research Studies

Four research-type studies will begin in Fiscal Year 1976, three of which will be completed within the same fiscal year. Of these three, two are literature reviews in the area of education: (a) whether schools have the potential to effectively educate minority pupils, and (b) whether sex and race-biased school books have adverse impacts

on students. The third is an assessment of the costs and effectiveness of present social science reference aids for civil and women's rights information. The fourth study will be the major undertaking for the Office of Research for the next three to four years and will consist of a large-scale basic inquiry into the race and gender attitudes of Americans, and the situational factors that determine whether, when, and how those attitudes shape behavior towards minority and female persons.

Nationwide Survey to Assess the Extent of Substantial Progress in Desegregation

As part of its School Desegregation Project the Commission will survey a random sample of school superintendents, mayors, and Chambers of Commerce and perhaps other community leaders to determine the relationships between (1) leadership support for desegregation (by community and school leaders), and the success of desegregation; (2) leadership support, and the presence of school programs and practices commonly throught to facilitate desegregation; and (3) the presence of such programs and practices, and the success of desegregation. The study will provide the first data on these factors from a nationwide representative sample.

Technical Assistance

Consultation services concerning research methodology will continue to be provided to other Commission projects. The colloquia series with guest speakers on approaches to improving the policy - relevance of social science research will also continue.

National Clearinghouse Library

The design, (of the new library) construction, furnishing will be started before the end of Fiscal Year 1976.

PROPOSALS FOR FISCAL YEAR 1977

ACTIVITY 1 - NON-LEGAL REPORTS AND STUDIES

Unemployment and Underemployment Among Minorities and Women

The Commission, in Twenty Years After Brown: Equality of Economic Opportunity, found that:

> The unemployment rate for nonwhites compared with the unemployment rate for whites has remained virtually unchanged since 1954. The unemployment rate for nonwhites continues to be a little more than double the white rate, and minority unemployment undoubtedly is even higher than available data indicate. Similarly, the unemployment rate for women, regardless of race, has been higher than for white men; the unemployment rate for black women has been substantially higher than for white women; and unemployment for nonwhite teenagers has been more than double the rate for white teenagers.

These disproportionately high unemployment rates have been attributed to overt discrimination and to characteristics embodied in the labor market which, coupled with the "human capital" (i.e., education, training, experience, etc.) minorities and women possess, offer less opportunity for stable employment.

This study would attempt to measure that part of minority and female unemployment and underemployment that cannot be readily explained by overt discrimination. It would identify those characteristics of the labor market that impede advancement or result in higher unemployment among minorities and women. Future demands for various types of labor would be analyzed and the skills required compared with those currently possessed and being acquired by these demographic groups.

A second phase of the project will seek to estimate the cost to society of high unemployment and underemployment among women and minorities by exploring the loss in gross national product as well as expenditures that would not otherwise be incurred for income maintenance programs (e.g., unemployment insurance, food stamps, AFDC, public housing), law enforcement, fire protection, public health, and other community services.

Forces for Residential Segregation and Their Impact on the Racial/Ethnic Composition of Public Schools

Since its inception the Commission has been concerned with the separate causes and effects of discrimination in the housing market and in public schools. In a July 1974 study, Equal Opportunity in Suburbia, the Commission found that discrimination coupled with the generally lower income of racial and ethnic minorities fosters metropolitan residential segregation. The resulting residential pattern is characterized by a suburban "white noose" of housing priced beyond many minority family pocketbooks encircling a nonwhite inner city of deteriorating neighborhoods.

Low income, which places minorities at a double disadvantage in the housing market, stems in part from discrimination in the schools. Inferior education prevents minority group members from converting their education to income as successfully as do whites. However, as the Commission found in a 1967 study, Racial Isolation in the Schools, the educational achievement of blacks is related to both the racial and income class composition of the schools they attend. The composition of the schools, in turn, affects residential segregation. In essence, racial and economic discrimination are intertwined and perpetuate each other.

The various studies on housing and education, nevertheless, have not sought to determine definitively how practices in the private housing market; Federal, State, and local housing programs; zoning and land use policies and regulations have affected both residential patterns and the racial/ethnic/income class composition of schools. The debate over Milliken (the court denied plaintiffs' motion to require metropolitanwide school desegregation on the grounds that suburban jurisdictions had not been shown to have acted willfully to exclude black children) has made apparent an urgent need to examine these relationships.

Two or three metropolitan areas will be selected for study. Land and school records, city/county council and school board minutes, other local records, and related Federal and State actions will be examined in an attempt to establish the relationship between decisions affecting housing patterns and the changing racial/ethnic composition of school districts considered segregated.

Impact of Lack of Reproductive Choice on Low-Income Women

This study will deal with freedom from forced sterilization and the right to abortion, the two major issues of reproductive choice. In both instances, the impact is greatest on low income women, who must rely on public funds to pay for abortion, and whose refusal to accept sterilization may result in the curtailment of public assistance or other Federal benefits.

Coerced sterilization includes both overt coercion and acceptance of uninformed consent. The study will ascertain the incidence of forced sterilization by race, sex, age, and economic status of those sterilized; deal with the impact of sterilization on the health and legal rights of the victims; determine the extent of Federal involvement in forced sterilizations, including both the funding of clinics which perform such operations as well as the ways in which receipt of Federal benefits is linked to the requirement for sterilization; analyze the adequacy of program regulations and policies in protecting the recipients including investigation of the efficacy of enforcement and reporting requirements; and investigate the implementation of State eugenics laws, including a focus on the differential impact of such implementation on poor and/or minority women.

Since the 1973 Supreme Court decisions in the cases of Roe and Doe, some States have not altered their laws to conform with the decisions, and others have enacted restrictive laws (requiring spousal consent, limiting Medicaid payments, regulating the medical procedure itself, and establishing reporting requirements), many of which are being systematically challenged in the courts. Congress has enacted several laws, and is considering others, which restrict access, primarily by low income women, to abortion. In addition, the policies of several Federal agencies are in conflict with the Roe and Doe decisions. Many public, as well as private hospitals, have refused to perform abortions altogether, or have agreed to perform them only in the first trimester. In all cases, the constitutionality of such actions is under scrutiny, as is their effect on women's health.

The study will include a review of Federal and State abortion laws, regulations and policies to determine the degree of compliance with the Supreme Court decisions and to assess the impact of non-compliance on women. It will also include an examination of the response of public hospitals and other health institutions in view of their particular impact on low-income women.

Equal Provision of Public Facilities and Services

This study will explore the nature and extent of disparities in the quantity and quality of public facilities (e.g., trash collection, fire protection) in minority neighborhoods compared to those provided in other neighborhoods in selected localities, determine the effectiveness of Federal procedures in preventing their occurrence, consider the implications revenue sharing might have upon the magnitude of the problem and provide a model examination format for residents to use in examining apparently disparate facilities and services in their areas.

Affirmative Action

One of the most controversial issues that has arisen over the past few years relates to affirmative action requirements to increase minority and female employment, particularly the "goals and timetables" features of affirmative action. Charges have been made that affirmative action really means quotas; that it results in hiring unqualified persons; and that it is discrimination in reverse. There is little empirical evidence, however, to determine the validity of these charges or, indeed, the effectiveness of affirmative action as a means of increasing minority and female employment opportunities.

The study will also determine the nature and examine the execution of affirmative action policies and procedures adopted by employers, and evaluate their effectiveness in increasing the number and improving the status of minorities and women. Particular attention will be directed toward appraising the adequacy of Federal affirmative action requirements and the effectiveness of the Office of Federal Contract Compliance and the Equal Employment Opportunity Commission in ensuring compliance.

Political Participation

During Fiscal Year 1977, the Commission will complete a national study of political participation. The study will investigate the barriers that hinder minority and female participation and success as participants in the political process. It will focus on the influence that minorities and women have on the nominating process and in general elections. The study will be based on field research in jurisdictions not covered by the special provisions of the Voting Rights Act, court cases, and the files of relevant private and governmental agencies.

Domestic Violence

Although only limited data are available regarding the extent of violence within a family or quasi-family context, it appears that the victims of such violence are overwhelmingly female and the perpetrators are male--husbands or boyfriends. It has been frequently alleged that police inaction and discriminatory treatment of female victims of such violence prevents most such cases from ever reaching the courtroom. Thus, although all States have laws against assault and battery, and most also have statutes prohibiting "wife-beating", such laws are systematically unenforced when they are broken in a family or quasi-family context.

The Commission will let a contract, under which a preliminary data base--regarding the incidence and nature of cases of domestic violence throughout the country, as well as their effect on women--will be established by means of a comprehensive review of the literature. Such a review will provide an analysis both of the current state of knowledge and data, as well as of the areas in which further research and data collection are needed. The contractor will also undertake a legal analysis which will address the effectiveness of existing and proposed remedies.

ACTIVITY 2 - HEARINGS, LEGAL REPORTS AND STUDIES

Hearings

Hearing days will increase to 17 in FY 1977, and will be used mainly to support ongoing Commission projects or to follow-up on projects completed. The subpena power of hearings will thus be used to elicit specific information for Commission reports and projects. Subcommittee hearings, employing two Commissioners, will be used to a greater extent. The Commission has found that it cannot realistically predict which issues will require hearings beyond the present year. It therefore will plan for a fixed number of hearing days without specifying the subjects of the hearings.

Reports

Each of the hearings in Fiscal Year 1977 will require the preparation of appropriate staff papers. Each hearing will result in a published hearing transcript as well as a statutory report containing recommendations based on testimony elicited at the hearing.

House Counsel Activity

The usual house counsel and legal activities associated with the day-to-day operations of the Agency will continue in Fiscal Year 1977.

ACTIVITY 3 - STATE ADVISORY COMMITTEES AND COMMUNITY PROGRAMS

State Advisory Committee Activities

In addition to the regional office and SAC activities carried out in connection with national projects, many SACs will undertake individual investigations pursuant to their responsibility to study

local civil rights developments and to advise the Commission on the same. During Fiscal Year 1977, we anticipate 25 major SAC activities in conjunction with national projects or as independent activities. SACs will also be involved in the dissemination of Commission publications, monitoring their own and Commission recommendations, and conducting press conferences to release SAC reports.

State Advisory Committees will continue to undertake individual factfinding, and clearinghouse activities such as State and regional conferences on civil rights; open meetings on sex discrimination in State college and university systems; studies of housing discrimination; studies of employment discrimination in private, State and local government agencies; studies and hearings on voting rights and political participation; various activities affecting education opportunities such as testing, tracking, desegregation efforts, equality of funding, bilingual and special education programs; and liaison with private groups. It is anticipated that there will be 300 SAC meetings, conferences and special projects resulting in 20 SAC reports in Fiscal Year 1977.

In addition to this and sometimes independent of SACs, regional office staff will be involved in activities such as liaison with Federal government officials of the district and regional levels, handling complaints, and undertaking special assignments and investigations.

National State Advisory Committee Conference

In Fiscal Year 1977, a national conference of State Advisory Committee Chairpersons will be convened. The format will largely follow that of the successful conference in Fiscal Year 1976.

Administration of Justice in Prisons - Part II

The current administration of Justice in Prisons project has measured conditions in prisons against a set of suggested guidelines for the treatment of inmates. During the study, it became apparent that the present system does not rehabilitate or reform the behavior of anti-social individuals. The Commission is in a unique position to study and recommend alternative systems to deal with the problems of inmates as a minority in our social and legal structure. In Fiscal Year 1977, a study will begin with the objective of recommending alternative structures to prisons.

ACTIVITY 4 - LIAISON, INFORMATION DISSEMINATION

Publications

The Commission's publications program described in the Fiscal Year 1975 and Fiscal Year 1976 portion of this document will continue. It is anticipated additionally that approximately four more Commission publications of special interest to the Spanish-speaking public will be translated into that language.

The Civil Rights Directory and the Catalog of Publications will be revised and reissued. The intra-agency newsletter inaugurated in Fiscal Year 1975 will be continued on a monthly basis.

Civil Rights Digest

Four issues of the Civil Rights Digest will be published in Fiscal Year 1977.

Liaison and Exhibits

Liaison with public and private groups will continue. Exhibiting Commission publications at conventions of these groups will be expanded.

The present Commission exhibit is designed in a cube format to allow for maximum flexibility. The cubes contain moveable panels of photographs and text illustrating the Commission's program and goals. In Fiscal Year 1977, the Commission will develop additional material on specific subjects for use with the present cube setup. Thus, the exhibit's focus will be shifted to a pertinent subject--education, housing, employment, etc.--for a particular convention.

ACTIVITY 5 - FEDERAL PROGRAM EVALUATION AND COMPLAINTS

Federal Civil Rights Enforcement Effort Report

In the last quarter of Fiscal Year 1977 the Commission will begin an indepth study of Federal civil rights activities. This study will be similar in scope and depth to the seven volume report on this subject issued in Fiscal Years 1976-1977.

Appraisal of Federal Agencies in FY 1977

The program of appraising the day-to-day performance of the Federal agencies in discharging their civil rights responsibilities

will be continued and expanded. Efforts will be made to review activities which heretofore have not had priority such as action by the Bureau of the Census and the Office of Revenue Sharing.

Complaint Processing

Since its establishment, the Commission has processed over 21,000 complaints from citizens alleging denials of equal protection of the laws. Complaints have ranged from allegations of employment discrimination to charges of discriminatory site selection of new Federal facilities. Complaints have alleged discrimination on the basis of sex, race, national origin and religion. Many other complaints received by the Commission do not set forth the basis of discrimination.

Complaints are referred to the Federal agency or agencies having jurisdiction, and the agencies are asked to report to the Commission the disposition of the complaints. This Commission function assists those who have complaints covered by Federal law, but who are unaware of the agency to which the complaint should be directed. It also enables the Commission to follow-up on matters of special significance. In addition, an increased attempt has been made to refer complainants to private agencies where appropriate action may be taken.

Many complaints are also handled on an informal basis by the Commission's regional offices in cooperation with regional offices of Federal, State and local government agencies and private establishments.

Based on the pattern in the volume of complaints received in previous years, and the volume of complaints received this fiscal year, it is estimated that over 2,000 complaints will be received by the central office and the regional offices in Fiscal Year 1977.

ACTIVITY 6 - NATIONAL ISSUES AND CONFERENCES

Civil Rights Issues Monographs

It is estimated that ten monographs, statements or reports dealing with current civil rights issues will be produced in FY 1977.

Conference for Non-Federal Reservation Indians

The purpose of this conference would be to provide Indians who live on State reservations with policy information and analysis with the intent of strengthening their hand in relating to the Federal

government. It would bring together some 100 leaders of American Indians, primarily in the East, the South, and Midwest, who live on or are served by State reservations, and who do not enjoy the special relationship with the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) which "Federal" Indians do. The conference would explore Federal policies, the "legitimacy" of the BIA's and the IHS' position of non-relationship, and how civil rights and other laws might be helpful.

Regional Civil Rights Conference

A regional civil rights conference covering the Western United States is scheduled for FY 1977. The site and specific dates will be chosen in consultation with Federal, State and local professionals in the area. The conference will be planned in consultation with regional professionals and will follow the general purpose of the previous regional civil rights conferences: to improve and strengthen relationships among those agencies and between them and the Commission and other Federal agencies. Because of the size of the population of the Western area, it is anticipated that as many as 200 persons may participate.

ACTIVITY 7 - BASIC CIVIL RIGHTS RESEARCH AND CLEARINGHOUSE LIBRARY

Race and IQ

This review of the literature will discuss alleged IQ differences between racial/ethnic groups and point out the various reasons for thinking that there is not good evidence of such differences. The discussion will cover (1) biases in IQ tests, (2) the question of what the tests measure, (3) the relationship between IQ scores and later life achievements, and (4) flaws in presently available research about the relative importance of heredity and environment on mental abilities.

Race and Gender Attitudes

This study, started in Fiscal Year 1976, will continue through Fiscal Year 1977.

Technical Assistance

Assistance with research methodology will continue to be provided to ongoing Commission projects.

National Clearinghouse Library

Modernization and expansion of the Clearinghouse Library will continue in Fiscal Year 1977. The collection will be increased by approximately 4,000 volumes in this fiscal year.

ACTIVITY 8 - AGE DISCRIMINATION PROGRAM

On November 28, 1975, the President signed P.L. 94-135. Title III, Section 307 of the law requires the Commission to hold hearings and undertake a study of unreasonable discrimination based on age in programs receiving Federal financial assistance and to prepare a report based on these findings. In Fiscal Year 1976 and the transition quarter, provided a supplemental appropriation is enacted in time, the Commission will begin research and prepare for hearings in this area.

In Fiscal Year 1977, three hearings will be held. Based upon these hearings and staff research, a report will be submitted to Congress and the President containing findings and recommendations. The law requires that this report be submitted by May 1977.

COMMISSION ON CIVIL RIGHTS

NEW POSITIONS REQUESTED IN
F.Y. 1977 BUDGET

NO.	GRADE AND TITLE	SALARY
3	GS-12 Attorneys	$ 58,158
3	GS-11 Attorneys	48,765
2	GS- 5 Clerk-typists	17,850
8	Total annual compensation	124,773
	Less: 40 percent lapse	-49,909
	Estimated Cost	74,864

Mrs. BURKE. The request for the Commission on Civil Rights is $9,540,000 for fiscal year 1977, an increase of $1,840,000 over the actual appropriation to date for the current fiscal year. However, there are supplemental requests of $193,000 for pay costs, and a program supplemental of $276,000 pending before the committee. Considering these two items, the requested increase for fiscal year 1977 is $1,371,000 over the adjusted appropriation for fiscal year 1976.

We will first cover the request for fiscal year 1977. Then we will establish a separate hearing record for the 1976 supplement request.

GENERAL STATEMENT

We have here Chairman Flemming who will give us a general statement.

Would you prefer to read it or to insert it in the record?

Mr. FLEMMING. I will be glad to proceed in any way that you would like.

Mrs. BURKE. If you would like to just insert it in the record we will do so, and maybe you can comment on some of the highlights.

[The statement of Arthur S. Flemming follows:]

Mr. Chairman and Members of the Committee, I am Arthur S. Flemming, Chairman of the U. S. Commission on Civil Rights. With me are John A. Buggs, the Commission's Staff Director; Louis Nunez, the Deputy Staff Director; Bert Silver, Director, Office of Management; and John G. Birkle, the Commission's Budget Officer.

I am here today to support the President's request for $9,540,000 and 288 permanent positions for the Commission for Fiscal Year 1977. I am also testifying in support of the President's request for a supplemental appropriation of $276,000 for Fiscal Year 1976 and $178,000 for the transition quarter to fund the study required by Title III of P. L. 94-135, the Age Discrimination Act of 1975.

The amount appropriated for this Commission for Fiscal Year 1976 was $7,700,000. Adding the amount of the supplemental request for age discrimination, $276,000, plus the amount of the request for pay costs, $193,000, produces a total of $8,169,000 for Fiscal Year 1976.

The amount requested for Fiscal Year 1977 is thus an increase of $1,381,000 and 8 permanent positions. Five hundred and forty-seven thousand dollars of this increase is to be used to fund the Fiscal Year 1977 portion of the study on age discrimination.

The Commission's current authorization is $7 million. However, Title III of Public Law 94-135 separately authorizes the appropriation of funds necessary for the purposes of that law. The supplemental appropriation for Fiscal Year 1976 and the transition quarter, as well as the $547,000 requested for the Age Discrimination Study in Fiscal Year 1977 are thus already authorized. We have been in contact with our oversight committees in the House and the Senate and legislation authorizing the remainder of our request, which is in excess of that presently authorized, has been introduced as required by the Congressional Budget and Impoundment Control Act.

The Commission has always felt an obligation to collect factual information on school desegregation and to present our findings and recommendations on this issue to the Congress, the President and the American public. In June 1975, we held a five-day hearing in Boston, Massachusetts on the school desegregation issue and published a report based on the findings of that hearing in August. In Fiscal Year 1976 and the transition quarter, we are undertaking a program designed to document the facts relative to the issues that are

confronting the Nation in the area of school desegregation. This program will culminate in a report to the President, the Congress and the Nation on the status and prospects of school desegregation. This report will be updated in 1977 and subsequent years.

The two final sections of reports dealing with the anniversary of Brown v. Board of Education were released this fiscal year. One dealt with equality of economic opportunity while the other dealt with achieving equal opportunity in housing. In the latter part of this fiscal year, a report on labor unions and equal employment opportunity will be released. A study on equal opportunity in the media is nearing completion. A study dealing with equal opportunity as related to the Asian community will be completed in Fiscal Year 1977.

A Puerto Rican Project Report dealing with civil rights problems of the Puerto Rican community in the Northeast and Midwest United States will be released this fiscal year. A report on the Navajos, based in part on our Window Rock hearing, was issued in the Fall of 1975. The Administration of Justice in Prisons Project continues, and the final report is being prepared.

Two additional volumes of our latest Federal Civil Rights Enforcement Effort Study on Title VII and Title VI of the Civil Rights Act were released this fiscal year. The final volume in this series is nearing completion.

A consultation on affirmative action in employment in higher education was held on September 9 and 10 in Washington, D. C. A monograph dealing with the current civil rights issue of "Last Hired, First Fired" is nearly completed and will soon be issued.

The justification details the projects we hope to undertake in Fiscal Year 1977. Civil rights is a changing area and the Commission frequently changes or redirects programs to meet changing conditions. The program outlined is therefore our best estimate of the types of projects we will undertake next fiscal year.

If the request for Fiscal Year 1977 is approved, most of the increase would be used to fund additional hearing days. In recent years, the Commission has found it an effective technique to use hearings as integral parts of its studies and projects. In this way our subpoena power, which is the only power the Commission has to exact information, can be used to gather information in support of projects. Part of the increase requested would also be used to fund the increased workload of the Commissioners. The increased workload of the Commission as well as the increased number of hearings, has necessitated each Commissioner working four, five or six days a month with commensurate increases in daily compensation, travel and per diem costs, as required by law.

In Fiscal Year 1977, we plan to complete a number of projects and studies begun in previous fiscal years which are detailed in the justification. We would also plan to begin new studies in the area

of education, housing, women's rights and employment. Three civil rights conferences would be funded and State Advisory Committee activities would proceed at a slightly higher level.

AGE DISCRIMINATION PROGRAM

On November 28, 1975, President Ford signed P. L. 94-135. Section 307 of Title III of the Act, The Age Discrimination Act of 1975, requires the Commission on Civil Rights to "(1) undertake a study of unreasonable discrimination based on age in programs and activities receiving Federal financial assistance; and (2) identify with particularity any such Federally assisted program or activity in which there is found evidence of persons who are otherwise qualified being, on the basis of age, excluded from participation in, denied the benefit of, or subjected to discrimination under such program or activity". As part of the required study, the Commission is also required to hold hearings on issues relating to age discrimination in programs and activities receiving financial assistance from the Federal government.

Section 307 of the Act also authorizes appropriations of such sums as may be necessary to carry out the provisions of the section and also mandates that the Civil Rights Commission transmit a report of its findings and recommendations for statutory changes and administrative action, including suggested general regulations, to the Congress and

the President no later than 18 months after the date of enactment of the Act. The report must thus be transmitted by May 28, 1977.

The Commission wishes to do a creditable and workmanlike job in preparing the report and recommendations to the Congress and the President. Over two months have already elapsed since the enactment of the Law. The supplemental appropriation request of $276,000 assumes that an appropriation can be received by March 1 and the study started immediately thereafter. Since the authorization for this appropriation already exists, I would hope that the Congress could act on the supplemental appropriation request for Fiscal Year 1976 and the transition quarter without waiting for the markup of the Fiscal Year 1977 appropriations bill. If the supplemental appropriation is held up pending completion of action on the Fiscal Year 1977 bill, we would be seriously handicapped in preparing an adequate report in the time remaining before May 1977.

Assuming an early appropriation, the study will begin this Spring. In the transition quarter, field work will be started on the first of three hearings. The Fiscal Year 1977 request contains $547,000 to be used to hold the hearings, to complete the study and to issue and print the final report.

The other Commissioners and I believe in the work of this Commission. We believe the funds requested are necessary to carry out the work of the Commission as consistent with the responsibilities assigned to us by the Congress. I would be pleased to answer any questions concerning our request.

Mr. FLEMMING. Our opening statement summarizes the situation in terms of the request included in the President's budget. In our opening statement we simply call attention to some of our more recent activities and some of our planned activities. For example, in June of last year we did hold a 5-day hearing in Boston, Mass., on the school desegregation issue, and published a report based on the findings of that hearing in August.

In fiscal 1976 and also during the transition quarter, we are undertaking a program designed to document the facts relative to the issues that are confronting the Nation in the area of school desegregation. This program will culminate in a report to the President, the Congress, and the Nation on the status and prospects of school desegregation. This report will probably be submitted about August of 1976, and will be updated in 1977 and subsequent years.

I might say that in connection with that program, we are planning public hearings in Denver, Colo., Tampa, Fla., and Louisville, Ky. I think you can understand the reasons for selecting those three cities.

Denver has been operating under a plan of desegregation for a little over a year. Louisville, of course, just got underway this year. Tampa has been operating for a number of years, and we thought it would be worthwhile to go down there and take testimony as to what has been happening during that period of time.

Also this year we have continued to issue a series of special reports marking the anniversary of the *Brown* v. *Board of Education* decision. Likewise we continue to issue what we refer to as our civil rights enforcement reports. These are oversight reports dealing with the way in which the various departments and agencies of the Federal Government are discharging their responsibilities in the field of civil rights.

As you indicated in your opening statement, there is a separate request here dealing with the area of age discrimination as a result of the inclusion of a provision in the Older Americans Act by the Congress when it passed that legislation a few months ago, and we will be very glad to comment on that particular request.

Mrs. BURKE. Mr. Cederberg?

Mr. CEDERBERG. I don't have any questions right now.

Mrs. BURKE. I have a few questions on the justifications.

POSITIONS AND VACANCIES

How many positions are currently authorized for the Commission on Civil Rights?

Mr. BUGGS. 280.

Mrs. BURKE. How many of those are vacant?

Mr. SILVER. Sixteen. There are 264 on board.

Mrs. BURKE. How many additional positions are you requesting?

Mr. BUGGS. Eight.

Mrs. BURKE. How much are they lapsed in the pending budget?

Mr. SILVER. They are lapsed 40 percent for the coming year.

Mrs. BURKE. What is the total amount provided in the authorization act for the Civil Rights Commission for fiscal year 1976?

Mr. BUGGS. $7 million.

Mrs. BURKE. How much is authorized for fiscal year 1977?

Mr. BUGGS. The House committee indicated an authorization of $10,226,000. However, it has not been acted on, and I have had a conversa-

tion, we have had conversations with Mr. Edwards committee, and he indicates that he will get that bill before the House very shortly.

LIST OF CONTRACTS AND CONSULTANTS

Mrs. BURKE. Do you have the list of contracts and consultants?
Mr. BUGGS. Yes.
Mrs. BURKE. Without objection, we will insert this list in the record.
[The list follows:]

COMMISSION ON CIVIL RIGHTS

CONTRACTS

ACTUAL OBLIGATIONS

F.Y. 1976 THROUGH DECEMBER

NON-LEGAL REPORTS AND STUDIES

David B. Carlson, Jr.:
Prepared an analysis of housing programs in terms of their effect upon housing opportunities for minorities and women.....$2,500

Westat, Inc.:
Developed computer data files for the U.S. Population according to racial, ethnic and gender categories..... 5,605

Dr. Clara Rodiguez, Dr. Bart Landry, Dr. Setsuko Matsunaga Nishi, Dr. Susan Gustavus:
Prepared papers on social indicators for women and minorities..... 1,513

Albert S. Tedesco:
Furnished a report for use in the Media Study... 3,650

Professor Bok-Lim Kim, Dr. Don Chang Lee, Mr. David Chin, Mr. Bienvendo Junasa, Ms. Paige Barber, Professor Isao Fujimoto, Dr. Stanley Sue:
Prepared papers on problems of Asian and Pacific Island Americans..... 4,415

Subtotal..... $17,683

STATE ADVISORY COMMITTEE AND COMMUNITY PROGRAMS

Ms. Olga Villa, Dr. Jesue M. Gonzales, Audry Colom, Maurice Mitchell, George Bean, Dr. Don Purcell:
Prepared papers for various State Advisory Committee projects..... 2,750

Reporting services for State Advisory Committee Public Meeting:
Court Reporters, Inc..... 751

Ace Federal Reporters 1,614

V. M. Scott and Associates (2 meetings)..... 5,783

Bouley, Schlesinger, Profitt and DiCurti..... 2,400

Stenotype Reporting Specialist..... 1,300

Subtotal..... 14,598

LIAISON AND INFORMATION DISSEMINATION

Lonmill Industries:
Materials and labor for designing, fabricating and crating two small exhibits.....$ 3,000

Pulications Distribution, Layouts and Illustrations:
Batt Bates, Lonmill Industries, Battle Design, Kircher and Associates, Ann Masters.....$13,258

Photographic Services:
George Tames, Black Star, Kircher and Associates, Youngs Photo, Roland Freeman, Metrophoto, Image.. 2,711
Subtotal..... $18,969

NATIONAL ISSUES AND CONFERENCES

Sidney W. Green Associates:
Prepared a report concerning the Commission's role in the area of school desegregation under its Clearinghouse Mandate..... 2,500

John H. Powell, Jr.:
Prepared a legal analysis of the issue of employee seniorty programs..... 2,000

Ace Federal Reporters:
Furnished court reporting services at the Consultation on Affirmative Action in Higher Education..... 1,200

Dr. Charles Willie, Dr. Bernice Sandler, Professor Thomas Sowell, Dr. George Roche:
Prepared papers for the Consultation on Affirmative Action in Higher Education..... 2,400

Edgar F. Borgatta, James C. Goodwin, Dr. Gertrude Ezorsky, Manuel H. Guerra, Dr. Miro M. Todorovich, William Taylor, Professor Paul Seabury, Dr. Howard Sheraim, Dr. Howard A Glickstein, Patricia Harris, Harold Fleming:
Served as reactor-speakers at the Consultation on Affirmative Action in Higher Education..... 1,500

Ace Federal Reporters:
Furnished court reporting services for the Consultation on School Desegregation..... 800

Dr. Robert Green, Dr. Robert Wolf, Dr. James Coleman Robert C. Weaver, Robert McKay, Dr. Francis Keppel, Dr. Edgar Epps, Dr. Harriet Presser:
Prepared papers on School Desegregation and White Flight and presented them at the Consultation on School Desegregation..... 4,000

NATIONAL ISSUES AND CONFERENCES (Continued

Dr. Philip L. Clay:		
Prepared a synopsis of the Consultation on School Desegregation	$ 500	
Subtotal		$14,900

OTHER

Bowne Time Sharing, Inc:		
Providing a computerized Text-Editing System for the Commission	31,500	
Ace Federal Reporters:		
Reporting services for six Commission Meetings	2,054	
Administrative Contracts:		
Movers, furniture repairs, film rental, locksmiths, equipment rental	7,674	
Machine Maintenance and repairs	5,505	
Employee Training	23,856	
Miscellaneous Contractual Services	1,588	
Subtotal		72,177
Total		138,327

COMMISSION ON CIVIL RIGHTS

SALARIES OF COMMISSIONERS, CONSULTANTS AND EXPERTS

FISCAL YEARS 1974, 1975 & 1976 THROUGH DECEMBER

COMMISSIONERS	CITY	Fiscal Year 1974 Days	Fiscal Year 1974 Amount	Fiscal Year 1975 Days	Fiscal Year 1975 Amount	Fiscal Year 1976 Through December Days	Fiscal Year 1976 Through December Amount
** Flemming, Arthur S.	Washington, D.C.	...	$ ...	...	$ ...	...	$ ...
Freeman, Frankie M.	St. Louis, Mo.	57	8,331	84	12,277	31	4,626
Horn, Stephen	Long Beach, Calif.	54	7,893	57	8,331	27	4,034
Mitchell, Maurice B.	Denver, Colo.	8	1,169	...	...	...	...
Rankin, Robert S.	Durham, N.C.	27	3,946	31	4,531	17½	2,605
Ruiz, Manuel Jr.	Los Angeles, Calif.	53	7,746	61	8,916	33½	5,017
Saltzman, Murray	Indianapolis, Ind.	...	...	47	6,870	28	4,195
Subtotal - Commissioners.....		199	29,085	280	40,925	137	20,477
EXPERTS AND CONSULTANTS							
Abascal, Ralph	San Francisco, Calif.	9	900	...	...	...	...
Adams, Whitney	Washington, D.C.	...	...	68	4,556	...	...
Ahern, James F.	Madison, Conn.	...	...	7	700	...	...
Alcola, Carlos M.	Denver, Colo.	1	100	...	...	...	...
Barron, Josephina R.	San Antonio, Tex.	39	2,613	53	3,763	...	...
Benally, Christine	Farmington, N.M.	...	...	28	1,316	...	...
Beyal, Richard	Church Rock, N.M.	25½	1,020	...	...	...	...
Binder, Mary J.	Washington, D.C.	40	4,000	...	...	...	...
Bitz, Ira	Washington, D.C.	14	1,755	1½	203	...	...
* Brown, Herman L.	Dayton, Ohio	1	100	...	...	...	...
Cassadore, Philip	Peridot, Ariz.	...	...	...	...	27	1,620
Cerda, Maria B.	Chicago, Ill.	1	100	...	...	...	...
Choi, Clifford	San Francisco, Calif.	3	114	...	...	...	...
David, Alvin	Ellicot City, Md.	...	...	3	414	...	...
Ellis, William R.	Berkeley, Calif.	3	300	...	...	...	...
Fairfax, Jean E.	New York, N.Y.	1	100	...	...	...	...
Fisk, James G.	Los Angeles, Calif.	...	...	19	1,900	...	...
* Ford, Dreda K.	Washington, D.C.	5	325	...	...	...	...
Foster, Gordon	Coral Gables, Fla.	1	100	...	...	...	...
Franzwa, Helen H.	Washington, D.C.	...	...	4	372	...	...
Galvin, Raymond T.	Bridgeton, Mo.	...	...	18	1,800	...	...
Goff, Donald H.	Washington, D.C.	127	15,875	130	16,250	81	10,125
Hafer, Ellen W.	Jamaica Plains, Mass.	...	...	81	5,265	65	4,225

EXPERTS AND CONSULTANTS	CITY	Fiscal Year 1974 Days	Fiscal Year 1974 Amount	Fiscal Year 1975 Days	Fiscal Year 1975 Amount	Fiscal Year 1976 Through December Days	Fiscal Year 1976 Through December Amount
Hartley, Mary E.	Washington, D.C.	15	$ 675	...	$ ...	...	$ ...
* Haworth, Joan G.	Falls Church, Va.	...	...	...	...	24	2,400
Henry, Greta	Landover, Md.	1	100	...	...	...	...
Howard, Frankie	Tuba City, Ariz.	...	...	...	...	15½	930
Hughes, Marija M.	Washington, D.C.	15	1,125	...	...	...	...
Hunter, David H.	Washington, D.C.	1	100	...	...	...	...
* Jones, Mary A.	Fort Defiance, Ariz.	5	175	...	...	...	...
Kahn, Martin H.	Aspen, Colo.	1	85	...	...	...	...
Leonard, Deni G.	Kansas City, Mo.	98½	7,388	...	...	...	...
Macey, Marsha G.	New York, N.Y.	113	7,458	...	...	...	...
* Mercer, Jane R.	Riverside, Calif.	4	400	...	...	...	...
Orfield, Gary	Washington, D.C.	7½	637	...	...	...	...
Powell, John H. Jr.	Washington, D.C.	...	...	...	...	55	8,039
Price, Harriet H.	New York, N.Y.	100	6,000	...	...	...	...
Ramus-McKay, Julia M.	Manchester, Conn.	2	170	...	...	...	...
* Rist, Ray	Portland, Ore.	3	300	...	...	...	...
Routh, Frederick B.	Washington, D.C.	103½	10,350	...	...	...	...
Sanchez, Gilbert	Reston, Va.	1	100	...	...	...	...
* Schertz, Morris	Denver, Colo.	4	400	...	...	7½	750
Schuchat, Theodor	Washington, D.C.	...	...	...	...	9	1,305
Singer, G. Edward	Honolulu, Hawaii	70½	7,050	17½	1,750	...	...
Stout, Robert	Claremont, Calif	2	200	...	...	...	...
Tangri, Sandra	Washington, D.C.	3	300	4	400	...	...
Terry, Robert	Detroit, Mich.	3	300	...	...	...	...
Tew, David I.	Escondido, Calif.	1	100	...	...	...	...
Trimble, Joseph E.	Oklahoma City, Okla.	1	100	...	...	...	...
Uranga, Susan	Stanford, Calif.	...	...	5	300	...	...
Wagenheim, Kal	Maplewood, N.J.	...	...	...	...	41	4,100
Wang, Charles P.	New York, N.Y.	30	2,400	11	880	...	...
Want, William L.	Washington, D.C.	4	300	...	...	...	...
Watchman, Leonard J.	Gallup, N.M.	47	1,410	...	...	...	...
Watson, Bernard C.	Philadelphia, Pa.	1	100	...	...	...	...
Witt, Shirley Hill	Denver, Colo.	...	...	15	900	...	...
Works, Ernest	Los Angeles, Calif.	3	300	...	...	...	...
Subtotal - Experts and Consultants.....		910½	75,425	465	40,769	325	33,494
Total - Commissioners, Experts & Consultants.		1,109½	104,510	745	81,694	462	53,971

* Consultants

** Chairman Flemming, who is Commissioner on Aging, Department of Health, Education and Welfare, is not compensated by the U.S. Commission on Civil Rights.

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Mrs. BURKE. Would you care to clarify this?

Mr. BUGGS. The commission has an authorization for $7 million until the date of its expiration in 1978. Our authorizing committee is in the process of increasing that authorization.

STUDY ON AGE DISCRIMINATION

Mrs. BURKE. Dr. Flemming, your supplemental request of $276,000, which we will discuss a little later, is to fund a study on age discrimination. I believe that study is to be completed in fiscal year 1977; is that correct?

Mr. FLEMMING. That is correct.

Mrs. BURKE. And how much of the 1977 budget is related to that study?

Mr. BUGGS. $547,000.

Mr. FLEMMING. I might say the total cost is estimated at just a little over $1 million. As indicated, $547,000 of that appears in 1977, and the rest would be a supplemental for 1976 plus the transition quarter.

TRAVEL AND TRANSPORTATION COSTS

Mrs. BURKE. Page 9 of your justifications indicates a considerable increase in travel and transportation costs—from $476,000 in 1976 to $754,000 in 1977. How much of that increase is related to the increased per diem cost?

Mr. SILVER. We haven't broken it out exactly. It is about $50,000.

Mrs. BURKE. Approximately $50,000.

Mr. SILVER. Yes.

Mrs. BURKE. Would you supply that for the record, in case that is not correct?

[The following statement was received subsequent to the hearing:]

The increased travel costs in fiscal year 1977 due to increased per diem is $54,000.

RENTAL PAYMENTS TO GSA

Mrs. BURKE. What was your 1976 GSA payment for rental of space?

Mr. SILVER. The 1976 payment was $493,000.

Mrs. BURKE. How much are you requesting for that purpose?

Mr. SILVER. $610,000.

Mrs. BURKE. What accounts for the balance of the increase in the object class 23 shown on page 9 of your justifications?

Mr. SILVER. Of course a part of that is what we just talked about. In addition to that, there is the rental cost for eight new positions. We estimate it at $6,000. There is rental for space for the extra hearing days, $13,000. There is $16,000 for equipment rental, telephone charges and postage to support the new positions. The bulk of the increase is for the GSA space increase, charges for rents.

Mrs. BURKE. Is that increased charge for existing space, or is that additional space?

Mr. SILVER. There is the 10 percent taken out last year by the committee. Our instructions were to add that back in this year. That comes to $49,000. In addition to that GSA told us to increase our total rent by 7.5 percent which is another $41,000; $27,000 is for space for new permanent and temporary positions.

Mrs. BURKE. The staff has information that GSA is charging you last year's rent plus an increase of 6 percent.

Mr. SILVER. We were told 7½ percent.

Mrs. BURKE. You are told 7.5 percent, and that is not on the existing rent. It is on the rent as was requested, 100 percent?

Mr. SILVER. Yes.

Mr. BUGGS. The statement which I have indicates that our rent last year was $493,000 for fiscal year 1976 and GSA estimates the cost at $583,000 for the same space for fiscal year 1977, which is an increase of $90,000. I don't know what percentage that is.

[Following the hearing it was verified that the fiscal year 1977 increase for GSA space rental is 6 percent and that the 10 percent removed from the base of rent by the committee in fiscal year 1976 should not be applied to the fiscal year 1977 base.]

Mrs. BURKE. Do you have any additional questions, Mr. Cederberg, on this?

Mr. CEDERBERG. Yes, just a couple. I assume one of the things you are going to continue in 1977 is a study on age discrimination; is that correct?

Mr. FLEMMING. Yes.

Mr. CEDERBERG. As a result of the action that the Congress passed. What are you going to do next year that you didn't do this year?

Mr. FLEMMING. I think the best thing to do would be to refer to our summary.

Mr. CEDERBERG. What page is that on?

Mr. FLEMMING. Page 44.

Mr. SILVER. Page 14 contains the summary.

Mr. CEDERBERG. This is a summary of all of the things that you are planning to do next year that you didn't do this year, or maybe an updating?

Mr. FLEMMING. That is right.

NEW PROJECTS

On page 14, for example, we indicate the new projects that we propose the commission undertake in fiscal 1977. One is in the area of employment, a study of unemployment and underemployment among minorities and women, and a major study in the area of affirmative action.

In the field of housing, we plan a study dealing with the forces for residential segregation and their impact on the racial-ethnic composition of public schools.

In the area of women's rights, we plan a study of the impact of lack of reproductive choice in low-income women and a study dealing with domestic violence.

Under the heading of "political participation," we plan an investigation of barriers hindering minority and female participation in and success as participants in the political process.

Mr. CEDERBERG. What do you mean by "participants" there?—do you mean standing for election or just participating? I couldn't even run my election without the women. They are really in there now. They are in great shape.

Mr. FLEMMING. John, you have worked with the staff on developing plans for that study?

Mr. BUGGS. Yes, it has to do more with not the kind of participation which you suggest, Mr. Cederberg, but standing for election and involvement in political party affairs and that kind of thing.

Mr. CEDERBERG. Do you think there is a lack of that now? We have a beautiful example here in the chairperson.

Mr. BUGGS. Seventeen percent we discovered the other day was participation of women.

Mr. CEDERBERG. You mean in running for actual office?

Mr. BUGGS. That is right, yes, and holding offices in political parties.

Mr. FLEMMING. As you know, Mr. Congressman, the commission has been engaged in the administration of justice in prison study. That will be continued. Then of course we will continue to monitor the Federal establishment in terms of their implementation of their responsibilities under the Civil Rights Act.

Mr. CEDERBERG. Those are basically what you are going to do?

Mr. FLEMMING. That is right.

LAST YEAR'S ACCOMPLISHMENTS

Mr. CEDERBERG. What do you think you really accomplished last year?

Mr. FLEMMING. I would like to focus particularly on the area of desegregation. As you know, when we appeared before the committee 1 year ago, we were planning a study and a public hearing relative to the developments in Boston, in connection with school desegregation. Our staff went up there early in the spring to investigate the developments that had taken place, and to identify persons who were in the position to present testimony on both sides of the issue. In my judgment they did a very good job.

We then held 5 days of public hearings. We listened to well over 100 witnesses testify under oath. Actually we took 50 hours of testimony. This was one of the most enlightening experiences that I have had in dealing with this issue. Leaders of all segments of the life of the community appeared before us and talked with us very frankly about their views, about what had happened and what hadn't happened.

Following the close of the hearings, we went to work immediately on evaluating the evidence developed by the study and the evidence developed at the public hearings, and then in the middle of August the full commission went back to Boston and released our report with its findings and recommendations.

I think it is fair to say that those who have been following developments in Boston concluded that our report, with its findings and recommendations, represented a constructive contribution. Many of our recommendations were accepted and put into effect by the leaders in the various segments of the life of the community. I think that most persons felt that our holding public hearings and issuing the report helped to prepare for the implementation of phase II of the court's order. That to me was one of the outstanding developments of the year.

REGIONAL OFFICES

Mr. CEDERBERG. You have people from your organization located in other areas of the country, do you?

Mr. BUGGS. Eight regional offices.

Mr. CEDERBERG. You make that report available to all of your regional people?

Mr. FLEMMING. That is right.

Mr. CEDERBERG. So that they can draw on the experience of that hearing, because there are so many other areas that have that same problem. We have it in Detroit.

DISTRIBUTION OF DESEGREGATION REPORTS

Mr. FLEMMING. We do make it a point to send a report of this kind throughout the country. We have a good sized mailing list of our own of persons who are interested in an issue of this kind. We also made it available to all Federal judges.

Mr. BUGGS. And to all school superintendents.

Mr. FLEMMING. I think while you were out of the room, I indicated that we are planning to hold hearings in Denver, and in Louisville and in Tampa. As you know, Denver has been operating under a plan for a little over 1 year, and the indications are that it has been going very well. If that proves to be the case, we would like to identify what factors have made it possible for the program to operate effectively there, so that we can share that with the rest of the Nation.

Tampa has been operating under a plan for a number of years, and we would like to find out how it has been working. Then, of course, there has been a great deal of interest in developments in Louisville.

The whole purpose of our desegregation study has been to bring together factual information that can be used by persons who confront this issue in various parts of the country.

Next to the desegregation area, I would classify our oversight activities as constituting a very important part of our activities during the past year. We have issued reports dealing with the way in which Federal departments and agencies are implementing title VI, VII, and VII of the Civil Rights Act. I think those reports are proving to be significant reports, and reports that have and will stimulate additional action in those areas.

VOTING RIGHTS ACT

Mr. BUGGS. Mr. Chairman, you might mention the Voting Rights Act.

Mr. FLEMMING. That is right. That was right at the beginning of the year. We did as you know file with the President and with the Congress a report updating previous activities in that area, and making recommendations relative to the renewal of the legislation. I think that report was utilized by the appropriate committees of the Congress in dealing with that issue. As we all know, the act was extended, and we are delighted that that action was taken by the Congress.

Mr. CEDERBERG. That is really all I have.

Mrs. BURKE. I just have a couple of questions, and then we will go right into the supplemental.

AFFIRMATIVE ACTION

Will your study on affirmative action concern itself with affirmative action in the Legislative and Judicial branches of Government?

Mr. BUGGS. It hasn't yet been designed. It is quite a little way from design in fact.

Mr. FLEMMING. We have taken an interest in some of the developments, in the legislative branch. As you know, there were certain studies made by committees of the Congress a little over 1 year ago, and we related ourselves to those studies and to the issues that were raised by those studies. But as Mr. Buggs has indicated, the full Commission has not yet had presented to it a complete outline for this new study.

Mrs. BURKE. I see. Now, the study on domestic violence, will that include child abuse and the rights of children and evidentiary problems in battery cases involving children?

Mr. BUGGS. No; that was not intended. It is under our sex discrimination authority, and it will be primarily directed toward problems of domestic violence involving women.

Mrs. BURKE. It does not involve child abuse.

STUDY OF EQUAL PROVISION OF PUBLIC FACILITIES AND SERVICES

The last question I have concerns the proposed study of equal provision of public facilities and services; will that differ from the "Other Side of the Tracks" study?

Mr. BUGGS. Not really; the other side of the tracks was a monogram which set out what some of the problems were, and it was a precursor, so to speak, of the major study that is to be done. It will deal with exactly the same issue.

Mr. FLEMMING. We regard it as a major opportunity to take the monograph that we developed, and take testimony in various parts of the country as to the conditions that exist in that particular area, and then issue a confidential report.

Mrs. BURKE. Thank you very much.

TUESDAY, FEBRUARY 3, 1976.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

WITNESSES

LOWELL W. PERRY, CHAIRMAN
RAYMOND L. TELLES, COMMISSIONER
ISSIE JENKINS, DEPUTY GENERAL COUNSEL
B. G. MATHIS, EXECUTIVE DIRECTOR
HELEN T. STELLMAN, BUDGET OFFICER (ACTING)

Mrs. BURKE. The next item is the Equal Employment Opportunity Commission. Are you ready to proceed, Mr. Perry?

Mr. PERRY. Yes, we are.

Mrs. BURKE. We shall insert the entire set of justifications in the record.

[The justification pages referred to follow:]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Salaries and Expenses
Summary of Requirements

	Amount
Appropriation, 1976	63,040,000
Federal Pay Increase	1,619,000
Adjusted Appropriation	64,659,000
Transitional Quarter (Includes proposed Supplemental Appropriation in the amount of $619,000 for Federal Pay Increases)	(18,909,000)

	Positions			Amount			
	Professional	Clerical	Total	Permanent Salaries	State and Local Agencies	Other Obligations	Total
Total, 1976	1,782	802	2,584	$ 43,549,100	$ 6,000,000	$ 15,109,900	$ 64,659,000
Transitional Quarter				(10,390,000)	(1,500,000)	(7,019,000)	(18,909,000)
Estimate, 1977	1,796	802	2,598	46,569,500	8,000,000	15,530,500	70,100,000
Net Increase	14	...	14	3,020,400	2,000,000	420,600	5,441,000
EXPLANATION OF CHANGE:							
Increases:							
WIG's and Promotions	...	...	...	681,400	...	...	681,400
Annualization of FY 1976 Position Increases and Pay Increase	...	...	...	2,243,200	...	...	2,243,200
New Positions	14	...	14	246,700	...	...	246,700
FEPC	...	...	...	...	2,000,000	...	2,000,000
Other Necessary Increases	...	...	...	...	...	617,700	617,700
Sub-Total	14	...	14	3,171,300	2,000,000	617,700	5,789,000
Decreases:							
Moving Allowance and Building Alterations	...	...	...	...	...	- 197,100	- 197,100
Extra Day's Pay	...	...	...	- 150,900	...	...	- 150,900
Sub-Total	...	...	...	- 150,900	...	- 197,100	- 348,000
Total Increase	14	...	14	3,020,400	2,000,000	420,600	5,441,000

COMPARISON OF FISCAL YEARS 1976 AND 1977 BY ACTIVITY:

Activity	1976 Estimate				1977 Estimate				Increase			
	Positions				Positions				Positions			
	Prof.	Clk.	Total	Amount	Prof.	Clk.	Total	Amount	Prof.	Clk.	Total	Amount
I Management	57	31	88	3,107,400	57	31	88	3,168,400	...	...	...	+ 61,000
II Administrative Support	74	62	136	9,140,700	77	62	139	9,433,100	+ 3	...	+ 3	+ 292,400
III Legal Program	362	162	524	12,072,400	362	162	524	12,790,000	...	...	...	+ 717,600
IV Enforcement and Affirmative Action	1,235	518	1,753	36,782,200	1,246	518	1,764	40,909,000	+ 11	...	+ 11	+4,126,800
V Development and Planning	54	29	83	3,556,300	54	29	83	3,799,500	...	...	...	+ 243,200
Total Obligations	1,782	802	2,584	64,659,000	1,796	802	2,598	70,100,000	+ 14	...	+ 14	+5,441,000

SUMMARY BY OBJECT CLASS

TOTAL

	1976 Estimate		1977 Estimate		Increase	
	Man Years	Amount	Man Years	Amount	Man Years	Amount
Personnel Compensation	2,346.8	$ 39,654,300	2,463.5	$ 42,542,000	116.7	+ $ 2,887,700
Personnel Benefits		3,894,800		4,027,500		+ 132,700
Travel and Transportation of Persons		2,114,700		2,128,300		+ 13,600
Transportation of Things		139,200		142,900		+ 3,700
Rent, Communications, and Utilities		6,297,200		6,658,100		+ 360,900
Printing and Reproduction		578,900		591,500		+ 12,600
Other Services		4,926,100		4,952,800		+ 26,700
Supplies and Materials		563,100		563,500		+ 400
Equipment		490,700		493,400		+ 2,700
Grants, Subsidies and Contributions		6,000,000		8,000,000		+ 2,000,000
Total Obligations		64,659,000		70,100,000		+ 5,441,000

Activity I - Management

Base Program

The functions of this activity are carried out by the following offices: Office of the Chairman, Office of the Commissioners, Office of the Executive Director, Office of Public Affairs, Office of Congressional Affairs, Office of Equal Employment Opportunity and the Office of Federal Liaison.

Office of the Chairman:

The Office of the Chairman is responsible for the direction and the execution of Commission policy and program goals and for the administrative operations of the Equal Employment Opportunity Commission. The Chairman along with the other Commissioners, approves or rejects staff recommendations concerning the operations of the Commission, initiates investigations into employment discrimination through the issuance of Commissioner charges; and approves cases for litigation.

Office of the Commissioners:

The Commissioners establish Commission policy, initiate investigations into employment discrimination through the issuance of Commissioner charges; approve cases for litigation and recommend and approve an annual commercial contract and procurement program for the Commission.

Internal Audit Team:

The Audit Team is a constituent unit of the Office of the Chairman and the Office of the Commissioners and is responsible for conducting internal financial audits of the Commission's appropriate use of federal funds and of its accounting practices and procedures.

Office of the Executive Director:

Under the direction of the Chairman, the Executive Director, serving as the top line official for the Commission, provides direction and coordination for the activities of the program, support and field offices; assures that policies, procedures, and programs approved by the Commission are implemented; develops operational standards for program, support and field offices; reviews the operations of the program offices to assure that program objectives are met; recommends to the Chairman changes in program, policies, and procedures; oversees field operations; coordinates assistance from Commission staff offices to support and facilitate the efficient functioning of program offices; keeps informed of activities requiring contacts between the program, support and field offices; assures maximum coordination of headquarters and field activities.

The program and line functions under the Executive Director's administration are assigned to five headquarters offices and to regional and district offices located throughout the continental United States.

In addition, the Office of Federal Liaison reports to the Executive Director. The Office of Federal Liaison is responsible for all EEOC relationships with other federal agencies and specifically for implementing, on behalf of the Chairman and the Commissioners, the responsibilities of the Equal Employment Opportunity Coordinating Council established by Section 715 of the Civil Rights Act of 1972.

Office of Public Affairs:

The Office of Public Affairs serves as the Commission's liaison to the general public and other federal agencies. This office prepares and distributes pamphlets concerning the rights of the individual under Title VII of the Civil Rights Act of 1964, as amended. In addition, other activities that fall within the function of this office include disseminating information on employment discrimination at conventions and meetings, preparing exhibits for public display, and publishing the Agency's annual report.

Office of Congressional Affairs:

This office provides a liaison service to Congress for the Chairman and Commissioners, keeping key members of the House and Senate apprised of Commission policies and programs. In addition, the Office of Congressional Affairs proposes legislative changes and keeps the Chairman and Commissioners informed of Congressional actions affecting the Commission and its responsibilities under Title VII of the Civil Rights Act of 1964, as amended.

Office of Equal Employment Opportunity:

This office concerns itself with the internal equal employment opportunity practices of the Commission, offers guidance to managers, and oversees an in-house affirmative action program, designed to prevent discriminatory employment practices within the Commission. The office also provides counseling to employees, investigates charges of discrimination and provides for prompt and fair resolution of complaints as they arise.

Office of Federal Liaison:

The Office of Federal Liaison is the Commission's communication's link to other Federal agencies and programs affected by the passage of the Civil Rights Act of 1964, as amended. This office promotes consistency in administering the various provisions of the Act, particularly as they relate to the Office of Federal Contract Compliance, State and Local Agencies involved in the prevention of discriminatory employment practices and other Programs involving grants and contracts supported by Federal Funds. In addition, this office coordinates the collection of statistical data necessary for evaluating the performance of private and public employers by other Federal Agencies.

ACTIVITY I - MANAGEMENT

Summary of Requirements

	1976 Estimate			1977 Estimate			Increase		
	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount
11 Personnel Compensation:									
Permanent Positions:									
Office of the Chairman	21	19.9	$ 407,500	21	19.7	$ 439,300	...	- .2	+ $ 31,800
Office of the Commissioners	20	18.2	415,000	20	18.8	442,500	...	+ .6	+ 27,500
Office of the Executive Director	13	12.0	282,800	13	12.2	334,800	...	+ .2	+ 52,000
Office of Public Affairs	11	10.4	219,200	11	10.4	244,200	...	-	+ 25,000
Office of Congressional Affairs	9	8.5	162,200	9	8.5	170,700	...	-	+ 8,500
Office of Equal Employment Opportunity	12	11.9	232,100	12	11.3	232,700	...	- .6	+ 600
Office of Federal Liaison	2	2.0	44,900	2	2.0	46,500	...	-	+ 1,600
Total Permanent	88	82.9	1,763,700	88	82.9	1,910,700	...	-	+ 147,000
Positions Other Than Permanent:									
Temp., P.T., and Intermittent Emp		17.6	395,100		11.8	281,300		-5.8	- 113,800
Differentials:									
Overtime and Holiday Pay			62,300			62,300			...
Total Personnel Compensation	88	100.5	2,221,100	88	94.7	2,254,300	...	-5.8	+ 33,200
12 Personnel Benefits:									
Payments to Other Funds			193,700			200,500			+ 6,800
Moving Allowance			...			...			...
Awards			...			...			...
Total Personnel Benefits			193,700			200,500			+ 6,800
Total Personnel Compensation and Benefits			2,414,800			2,454,800			+ 40,000
Other Obligations									
21 Travel and Transportation of Persons			281,300			297,800			+ 16,500
22 Transportation of Things			9,300			11,300			+ 2,000
23 Rent, Communications and Utilities			63,100			63,100			...
24 Printing and Reproduction			85,400			85,400			...
25 Other Services			181,000			183,500			+ 2,500
26 Supplies and Materials			42,100			42,100			...
31 Equipment			30,400			30,400			...
Total Other Obligations			692,600			713,600			+ 21,000
Total Obligations			3,107,400			3,168,400			+ 61,000

Activity I - Justification of Increases by Object Class

	Increase/Decrease
Personnel Compensation	
Permanent Positions	+ $ 147,000
This amount provides for mandatory salary increases relating to promotions, periodic step increases and annualized cost of the pay raise that became effective October 1, 1975.	
Temporary, P.T., and Intermittent Employment	- $ 113,800
This decrease results from anticipated reductions during FY 1977 in the use of Experts and Consultants who are employed in FY 1976 to assist in evaluating the effect of the reorganization on program goals.	
Benefits	+ $ 6,800
This increase is mandatory and is directly related to the required increase in compensation.	
Other Operating Costs	+ $ 21,000
Almost all of this increase is for indoctrination travel that will be necessary with the appointment of a new commissioner and staff.	
Total Increase	+ $ 61,000

Activity II - Administrative Support

Base Program

The functions in this activity are carried out by the Office of Financial Management and the Office of Administration. These offices provide financial and administrative support for Headquarters offices and Regional and District office.

Office of Financial Management:

The Office of Financial Management is responsible for developing, designing, prescribing, installing, and reviewing a complete financial management reporting system. It serves as the Commission's contracting arm in the purchase of equipment, supplies, and services.

Financial Planning and Budget Division:

This Division is responsible for developing and administering the budget process, including development, presentation, and justification of the Commission's budget at all levels of review. Coordinates the development of annual financial plans, recommends allocation of available resources, issues operating budgets, and develops, implements, and maintains the Commission's financial obligation tracking and position control systems; and prepares budget activity justifications for use in Office of Management and Budget (OMB) and Congressional hearings.

Financial Services Division:

This Division is responsible for funds control through continuous monitoring of financial data and examination of financial documents. It also conducts day-to-day operations of the EEOC's accounting system; maintains books of account, accumulates cost data; prepares reports and statements; examines financial documents, and recommends certification action; provides technical information and guidance about official travel to all Commission employees; and arranges travel accommodations for Headquarters employees.

Contracts and Procurement Division:

This Division administers a program for the contracting and purchasing of EEOC equipment, supplies and services necessary to support EEOC programs; provides guidance and advice to various Commission offices in the selection of equipment and services to meet the needs of the Commission; works closely with program offices to ensure contract administration and evaluation; works closely with GSA, Department of Agriculture, Department of Commerce, and other Government agencies to effect inter-agency agreements and the use of their contracts under

the computer time sharing program.

Office of Administration:

The Office of Administration is responsible for performing services Commission-wide in the areas of personnel, labor-management relations, management and organization, and administrative services, including audio-visual services and library facilities.

Personnel Division:

The responsibilities of this Division include planning and directing a comprehensive personnel management program for the EEOC which includes: (1) the development, recommendation, and subsequent implementation of personnel policies, programs, procedures, practices and standards and the administration of various personnel programs, and (2) the mobilization and coordination of specialized techniques and resources available to provide effective responses to personnel needs and problems, and to provide positive contributions to EEOC programs through the application of advancements and innovations in day-to-day personnel operations.

Labor-Management Relations Division:

This Division develops plans and recommendations for EEOC policies and decisions on matters affecting the labor-management relations program. Provides technical advice and assistance to management and administers the NATIONAL LABOR MANAGEMENT AGREEMENT. Develops major labor-management programs which include the negotiation of labor management contracts, continuing consultation with union and management officials at local and national levels, training of supervisors in labor relations and the development of negotiating teams.

Analyzes legislation, executive orders, CSC rules and regulations, Department of Labor rulings and reports, personnel program evaluation reports, and other pertinent data to determine implementation or changes needed to achieve an effective EEOC-wide labor-management relations program.

Management and Organization Division:

This Division plans, develops, and administers Commission-wide general management policies, procedures and improvement programs to achieve the objectives of increased economy, efficiency and effectiveness of operations; reviews organization structure, relationships and operations; collects information about personnel administration and manpower resources utilization and productivity; provides management assistance to operating divisions to assure improved organization and management practices; and issues and controls management documents, forms, form letters and reports.

Administrative Services Division:

It is the responsibility of this Division to plan, organize and administer certain EFOC support services which include utilization and disposal of all real and personal property, printing and duplication, communications, mail and special messenger services, building maintenance and repairs, motor vehicle transportation, time and attendance, moving services, physical security and safety, stocking and distribution of publications and forms, audio-visual services and library facilities.

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ACTIVITY II - ADMINISTRATIVE SUPPORT

Summary of Requirements

	1976 Estimate			1977 Estimate			Increase		
	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount
11 Personnel Compensation:									
Permanent Positions:									
Office of Financial Management	39	36.1	$ 568,000	39	36.6	$ 617,100	...	.5	+ $ 49,100
Office of Administration	97	90.2	1,410,800	100	96.4	1,536,600	+ 3	+ 6.2	+ 125,800
Total Permanent	136	126.3	1,978,800	139	133.0	2,153,700	+ 3	+ 6.7	+ 174,900
Positions Other Than Permanent:									
Temp., and Intermittent Emp.		10.9	199,000		10.9	198,100		...	- 900
Differentials:									
Overtime and Holiday Pay			130,900			131,200			+ 300
Total Personnel Compensation	136	137.2	2,308,700	139	143.9	2,483,000	+ 3	+ 6.7	+ 174,300
12 Personnel Benefits:									
Payments to Other Funds			213,600			215,100			+ 1,500
Moving Allowance			200,000			100,000			- 100,000
Total Personnel Benefits			413,600			315,100			- 98,500
Total Personnel Compensation and Benefits			2,722,300			2,798,100			+ 75,800
Other Obligations									
21 Travel and Transportation of Persons			164,700			165,100			+ 400
22 Transportation of Things			19,400			19,400			...
23 Rent, Communications and Utilities			4,922,300			5,236,000			+ 313,700
24 Printing and Reproduction			225,000			225,000			...
25 Other Services			923,500			822,900			- 100,600
26 Supplies and Materials			77,100			77,500			+ 400
31 Equipment			86,400			89,100			+ 2,700
Total Other Obligations			6,418,400			6,635,000			+ 216,600
Total Obligations			9,140,700			9,433,100			+ 292,400

Activity II - Justification of Increases by Object Class

	Increase/Decrease
Personnel Compensation	+ $ 174,300

Included in this increase are funds ($42,000) for three (3) new positions to be located in the training center, and increased costs resulting from a higher position utilization rate in FY 1977. Also included are mandatory increases for annualization of the pay raise, periodic step increases and promotions.

Benefits	- $ 98,500

This figure is a net decrease. An actual decrease of $100,000 is anticipated as a result of non-recurring personnel transfers that took place in FY 1976 after the Commission was reorganized.

Other Object Classes	+ $ 216,600

This total represents a net increase. There will be a decrease for Security Services and in costs for building alterations and repairs during FY 1977 amounting to $100,600 but mandatory charges for FTS, postage, publications, equipment and space are expected to increase by $317,200.

Total Increase	+ $ 292,400

Activity III - Legal Program

Base Program

The Equal Employment Opportunity Act of 1964, amended March 24, 1972, vested authority in the General Counsel to conduct litigation as provided in Sections 706 and 707 of Title VII, as amended. In March 1974 the responsibility for litigating pattern and practices cases under the provisions of Section 707, Title VII was transferred from the Department of Justice making the Commission the sole agency with the authority to initiate litigation under Title VII against private employers.

Programmatic responsibilities for the Office of General Counsel are:

1. Court Enforcement
2. Participation in Private Litigation
3. Legal Opinion and Advice

In order to carry out the above responsibilities, the Office of General Counsel is organized into the following three Divisions:

Trial Division:

The Trial Division consists of the Trial Litigation Branch and the Litigation Services Branch. It also encompasses the 5 Regional Litigation Centers. The division is responsible for conducting all Section 706/707 litigation and for coordinating U. S. District Court matters involving subpoenas, interventions, enforcements of decrees and conciliation agreements, or otherwise involving employment discrimination law as applied to parties who are subject to Title VII. It includes the preparation and filing of pleadings, complaints, motions, and briefs as well as presentation of oral arguments, examination of witnesses and the taking of depositions necessary for the successful resolution of EEOC litigation.

The five Regional Litigation Offices are responsible to the Associate General Counsel for Trial Litigation for conducting all delegated litigation and coordinating U. S. District Court matters involving subpoenas, Section 706(f) suits, interventions, enforcement of decrees or conciliation agreements, or otherwise involving employment discrimination law as applied to parties who are subject to Title VII, including the preparation and filing of pleadings, complaints, motions, briefs and other court papers and the presentation of oral argument, examination of witnesses, taking of depositions and all other steps necessary to a successful resolution of EEOC's litigation responsiblities. The Regional Litigation Centers are responsible for litigating all regional or local cases brought by the Commission.

Appeals Division:

The Appeals Division consists of the Appellate Litigation Branch and the Amicus Counsel Branch. The division is responsible for prosecuting or defending appeals in which the Commission is a party, including those where intervention is sought at the Appellate level. This includes reviewing and recommending cases for appeal, preparing and filing of motions, briefs, and other court papers and presenting oral arguments before the courts. In addition, the division is responsible for conducting Amicus Curiae actions. This includes the preparation and filing of all papers and the presentation of oral argument before the courts in all Amicus Curiae cases.

Legal Counsel Division:

The Legal Counsel Division acts as House Counsel for the Commission. As such, the division advises the Commission, its operating divisions, and regional offices with respect to the legal aspects of novel or difficult questions of administration, interpretation and enforcement under Title VII. It reviews and advises on contracts, procurement, and agency grants to outside institutions. It represents the Commission in non-Section 706/707 administrative hearings and trials, in internal equal employment opportunity complaints, at adverse action hearings, and in grievance proceedings.

ACTIVITY III - LEGAL PROGRAM

Summary of Requirements

	1976 Estimate			1977 Estimate			Increase		
	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount
11 Personnel Compensation:									
Permanent Positions:									
Office of General Counsel									
Headquarters	193	156.0	$ 3,132,400	193	173.3	$ 3,521,100	...	+ 17.3	+ $ 388,700
Field	331	279.0	5,104,400	331	288.3	5,372,800	...	+ 9.3	+ 268,400
Total Permanent	524	435.0	8,236,800	524	461.6	8,893,900	...	+ 26.6	+ 657,100
Positions Other Than Permanent:									
Temp., P.T., and Intermittent Emp		3.6	59,800		3.6	59,800		...	...
Differentials:									
Overtime and Holiday Pay			39,000			39,000		...	...
Special Personal Services Payments			90,500			90,500		...	...
Total Personal Compensation	524	438.6	8,426,100	524	465.2	9,083,200	...	+ 26.6	+ 657,100
12 Personnel Benefits:									
Payments to Other Funds			787,700			848,200			+ 60,500
Awards			...			3,300			+ 3,300
Total Personnel Benefits			787,700			851,500			+ 63,800
Total Personnel Compensation and Benefits			9,213,800			9,934,700			+ 720,900
Other Obligations									
21 Travel and Transportation of Persons			477,300			474,000			- 3,300
22 Transportation of Things			15,800			15,800			...
23 Rent, Communications, and Utilities			259,600			259,600			...
24 Printing and Reproduction			37,400			37,400			...
25 Other Services			1,859,200			1,859,200			...
26 Supplies and Materials			93,200			93,200			...
31 Equipment			116,100			116,100			...
Total Other Obligations			2,858,600			2,855,300			- 3,300
Total Obligations			12,072,400			12,790,000			+ 717,600

Activity III - Justification of Increases by Object Class

	Increase/Decrease
Personnel Compensation	+ $ 657,100

Almost all of this increase results from an anticipated higher positions utilization rate in FY 1977. Also included are costs for mandatory increases for the annualization of the pay raise received in October 1975, promotions, and periodic step increases.

Benefits	+ $ 63,800

An increase of $60,500 in Benefits is directly related to the increase requested above for personnel compensation. Legislated personnel benefits costs are averaging about 9.2% of the total permanent compensation costs. The balance of the increase in this category is to implement a incentive awards program.

Travel	- $ 3,300

A small decrease in travel costs resulted from implementation of a Directive calling for tighter travel controls.

Total Increase	+ $ 717,600

Note: Object Class 25 - Other Services

In the total requested in this category ($1,859,200), $325,000 is actually for anticipated increases in court costs. The object class itself does not reflect an overall increase since we expect to be able to fund the increase for court costs by terminating several items in the FY 1976 base on September 30, 1976.

CASE FLOW ANALYSIS
FY 1976 - FY 1977

GENERAL COUNSEL PROGRAMS

THROUGHPUTS	Fiscal Year 1976	1977
1. Files on hand to be Reviewed	1,264	1,690
2. New case files to be Received	2,434	2,440
3. Total number of files available for review	3,698	4,130
4. Files to be reviewed (Projected)	2,013	1,966
5. Files on Hand, End of Year	1,685	2,164
6. Cases to be Recommended for Litigation (Projected)	422	334
7. Cases to be Approved for Litigation (Projected)	271	208
Cases To Be Initiated		
8. Pre-Suit	3	7
9. In Court	140	195
10. Total	143	202
11. Case Reserve	128	135

OUTPUTS, RESOURCE ALLOCATION AND PRODUCTIVITY
FY 1976 - FY 1977
GENERAL COUNSEL PROGRAMS

STRATEGY	GENERAL COUNSEL			
	FY 1976	FY 1977	Difference Number	Difference Percent
707 Enforcement				
- Cases Initiated	52	85	33	63.5%
- Cumulative Caseload	92	152	60	65.2%
- Lawyers	59.8	67.0	7.2	12.0%
- Productivity (Cases per Lawyer)	1.5	2.3	.8	53.3%
706 Enforcement				
- Cases Initiated	167	208	41	24.6%
- Cumulative Caseload	591	682	91	15.4%
- Lawyers	98.8	91.8	-7.0	-7.0%
- Productivity (Cases per Lawyer)	6.0	7.4	1.4	23.3%
Other Litigation Responsibilities				
- Cases Initiated	1/	1/	-	-
- Cumulative Caseload	7	2	-5	-71.4%
- Lawyers	9.9	9.2	-.7	7%
- Productivity	.7	.2	-.5	-71.4%

1/ No new workload was projected for this strategy, but the work years allocated to this area will be utilized to handle work already in process. In FY 1976 the Work Measurement System for General Counsel will monitor, on an individual basis, the number of and time devoted to monitoring decrees and processing actions under non-Sec. 706/707.

General Counsel (cont.)

OUTPUTS, RESOURCE ALLOCATION AND PRODUCTIVITY
FY 1976 - FY 1977

STRATEGY	GENERAL COUNSEL			
	FY 1976	FY 1977	Difference Number	Percent
Appeals				
- Cases Initiated	34	34	-	-
- Cumulative Caseload	73	83	10	13.7%
- Lawyers	11.5	11.5	-	-
- Productivity (Cases per Lawyer)	6.3	7.2	.9	14.3%
Amicus				
- Cases Initiated	80	80	-	-
- Cumulative Caseload	171	166	-5	-3%
- Lawyers	11.5	11.5	-	-
- Productivity (Cases per Lawyer)	14.9	14.4	-.5	-3.4%
Legal Counsel				
- Cases Initiated (New Actions)	100	113	13	13%
- Cumulative Caseload (Actions)	120	128	8	6.6%
- Lawyers	14.5	14.5	-	-
- Productivity (Cases per Lawyer	8.3	8.8	.5	6.0%

Activity IV - Enforcement and Affirmative Action

Base Program

The Enforcement and Affirmative Action Activity includes the following offices: Office of Field Operations, Regional and District Offices, and the Office of Compliance.

Office of Field Operations:

The Office of Field Operations is responsible for the performance of the compliance functions of the agency in the field, including the receipt, analysis, and, as appropriate, deferral of charges, investigations, pre-decision settlement efforts, writing Letters of Determinations, and conciliation activities. The office oversees field operations, keeping fully informed on all aspects of field operations; assures the overall efficiency, effectiveness uniformity and consistency of field performances; determines when remedial actions are required; and serves as the day-to-day contact between field and headquarters offices.

Regional Offices:

The Regional Office represents the Commission within the region, maintaining contacts with State and local governments, non-governmental organizations, and other federal agencies to keep them informed of EEOC programs and functions, and carrying out EEOC policies and providing leadership, coordination, evaluation and general administrative supervision of all EEOC activities in the region.

The Regional Office is responsible for the administration of the district offices in the region, including developing regional program plans and budget requests and managing financial resources allocated to the region, coordinating and monitoring a property management program for the region; and administering a regional personnel program for the recruitment, selection, and appointment of personnel through GS-11 grade level.

District Offices:

The District Office, operating under the direction and supervision of a regional office, is responsible for the performance of all control and compliance functions including the receipt, analysis and, as appropriate, deferral of charges, investigations, pre-decision settlement efforts, decision writing, conciliation activities and conciliation follow-up activities, and for participating in regional and national compliance projects.

It establishes and maintains records required by the regional office to formulate program plans and budget requests.

The District Office is responsible for legal counsel for the district, in cooperation with the Regional Counsel; providing legal assistance in the administration of the compliance function; advising charging parties and respondents of their rights and responsibilities; assisting charging parties in finding counsel; assisting local counsel and the U.S. Attorney in Title VII litigation.

Office of Compliance:

The Office of Compliance is responsible for initiating and developing programs and procedures to assure adequate and uniform quality and quantity of investigations, conciliations, and decisions and for providing technical advice and support to the field offices, implementing voluntary compliance programs, developing and maintaining the deferral relationships between the Commission and state and local FEPC's and administering the grants/contracts programs which support the efforts of State and local FEPC's.

Technical Guidance and Review Division:

This Division develops new or revised investigative procedures and conciliation standards for the compliance program, including state and local government and educational institutions; maintains the EEOC Compliance Manual and makes revisions as necessary; aids in establishing enforcement goals and priorities for regional and district offices; implements and conducts a comprehensive audit system to qualitatively assess the Commission compliance program; provides guidance on compliance policy procedures and techniques as well as on developments regarding Title VII case law and matters relating to cause and no-cause determinations; provides liaison with Regional Compliance officers regarding operations of regional compliance programs; provides coordination with respect to follow-up on national and industry-wide agreements.

Decisions Division:

Responsibilities of this Division include: drafting policy setting decisions of the Commission, preparing determinations on appeals of subpoenas, providing technical guidance to the field on subpoena litigation, development and maintenance of Volume II of EEOC Compliance Manual which deals with interpretations of Commission decisions and current case law, and provides technical guidance to the field in writing field determination letters and drafting subpoenas.

State and Local Division

This office maintains liaison between the Commission and State and local agencies concerned with identifying and eliminating discrimination in employment; develops and maintains the deferral relationships between the Commission and State agencies as provided in Section 706 of Title VII; and administers the grant/contract programs which support the efforts of State and local agencies in developing and implementing effective programs to end discrimination in employment and to enlarge job opportunities for minority group members and women in their jurisdictions.

Special Investigation/Conciliation Division

The function of this office is to process selected cases involving a limited number of respondents whose operations are national in scope. The division is responsible for investigating charges against these respondents using sophisticated economic and statistical techniques, issuing subpoenas, drafting decisions and attempting conciliation. The division works in close cooperation with the Office of General Counsel in preparation for litigation under Section 707 if it is unable to conciliate these cases. In addition, it is responsible for monitoring consent decrees, conciliation agreements, and voluntary agreements with employers and unions.

Voluntary Compliance Division

Is responsible for the implementation of voluntary compliance programs with private and public employers and provides assistance to employers, unions, employment agencies, and joint apprenticeship programs in the development of policies and procedures which will bring them into compliance with Title VII of the Civil Rights Act of 1964.

Through its Education programs, the Division develops technical publications and other materials directed to stimulating and encouraging maximum voluntary compliance with Title VII.

ACTIVITY IV - ENFORCEMENT AND AFFIRMATIVE ACTION

Summary of Requirements

	1976 Estimate			1977 Estimate			Increase		
	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount
11 Personnel Compensation:									
Permanent Positions:									
Field Offices	1,599	1,431.8	$ 22,044,300	1,610	1,509.4	$ 23,697,600	+ 11	+ 77.6	+ $ 1,653,300
Office of Compliance	105	94.6	1,800,600	105	98.7	1,987,300	...	+ 4.1	+ 186,700
Office of Voluntary Programs	25	22.5	478,900	25	24.3	489,900	...	+ 1.8	+ 11,000
State and Local Relations	12	11.4	224,500	12	11.7	238,000	...	+ 0.3	+ 13,500
Field Operations, Hdqtrs. Office	12	10.5	179,900	12	11.2	212,100	...	+ 0.7	+ 32,200
Total Permanent	1,753	1,570.8	24,728,200	1,764	1,655.3	26,624,900	+ 11	+ 84.5	+ 1,896,700
Positions Other Than Permanent:									
Temp., P.T., and Intermittent Emp		16.6	264,000		16.6	264,000			...
Differentials:									
Overtime and Holiday Pay			130,600			130,600			...
Total Personnel Compensation	1,753	1,587.4	25,122,800	1,764	1,671.9	27,019,500	+ 11	+ 84.5	+ 1,896,700
12 Personnel Benefits:									
Payments to Other Funds			2,346,900			2,494,700			+ 147,800
Awards			5,000			5,000			...
Total Personnel Benefits			2,351,900			2,499,700			+ 147,800
Total Personnel Compensation and Benefits			27,474,700			29,519,200			+ 2,044,500
Other Obligations									
21 Travel and Transportation of Persons			1,154,100			1,154,100			...
22 Transportation of Things			93,200			94,900			+ 1,700
23 Rent, Communications and Utilities			968,400			1,015,600			+ 47,200
24 Printing and Reproduction			73,800			86,400			+ 12,600
25 Other Services			452,000			472,800			+ 20,800
26 Supplies and Materials			315,300			315,300			...
31 Equipment			250,700			250,700			...
41 Grants, Subsidies and Contributions			6,000,000			8,000,000			+ 2,000,000
Total Other Obligations			9,307,500			11,389,800			+ 2,082,300
Total Obligations			36,782,200			40,909,000			+ 4,126,800

Activity IV - Justification of Increases by Object Class

	Increase
Personnel Compensation	+ $ 1,896,700

Included in this figure are the salary costs for 11 new positions totalling $167,000; the remaining increase is the cost of annualizing the October pay raise as well as other annualization costs associated with positions. Mandatory increases for promotions and within-grades have also been provided for in this category.

Benefits	+ $ 147,800

The increase in this category is directly related to the increase in compensation costs stated above.

Other Objects	+ $ 2,082,300

An increase of $2,000,000 is included in this category for grants to State and local anti-discrimination agencies. The remaining $82,300 of the increase provides for anticipated price increases in administrative support costs resulting from an increased position utilization rate.

Total Increase	+ $ 4,126,800

HIGHLIGHTS OF COMPLIANCE PROGRAM PERFORMANCE,
FY 1974 - FY 1977

	FY 1974	FY 1975	FY 1976	FY 1976 TQ	FY 1977
Charges Resolved					
- Plan	33,600	56,700	60,300 1/	17,300 1/	83,700
- Actual	37,500	57,100	--	--	--
Determinations	14,500	21,000	27,100	10,800	32,000
Conciliations	8,700	12,000	17,200	5,200	27,100

COMPLIANCE AND STATE/COMMUNITY SUMMARY

	FY 1974	FY 1975	FY 1976	FY 1976 TQ	FY 1977
Charges Received	55,900	71,000	87,000	16,000	105,000
Charges Resolved	37,500	62,300	71,500	9,200	101,300

1/ Includes 58,000 resolutions at current staff level and 2,300 by 150 new investigators and conciliators in the 4th Quarter of FY 1976.

OUTPUTS, RESOURCE ALLOCATION, PRODUCTIVITY
FY 1976 - FY 1977
COMPLIANCE PROGRAM[1/]

	COMPLIANCE PROGRAM			
	FY 1976 (12 months)	FY 1977	(Difference) 12-mo. Periods FY 1976/77 No.	% Inc./Dec.
Outputs[2/]				
- Charges Resolved	60,300	83,700	23,400	+ 39%
- Determiniations	27,100	32,000	4,900	+ 18%
- Conciliations/PDS	17,200	27.100	9,900	+ 58%
Production Years Planned[3/]	754.2	867	113	+ 15%
Productivity Per Year Planned				
- Determinations	59.3	62.1	2.8	+ 4.7%
- Conciliations/PDS	58.0	67.6	9.6	+ 17%

1/ Figures rounded to nearest hundred. (Based on Regional plans.)

2/ Outputs for 12 months include work to be done by 150 new positions in the Fourth Quarter, FY 1976.

3/ Excludes years to be spent reviewing 706 agency findings. Includes person years from 150 new positions for the Fourth Quarter, FY 1976.

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OUTPUTS, RESOURCE ALLOCATION, PRODUCTIVITY
FY 1976 - FY 1977
STATE AND COMMUNITY PROGRAM[1/]

	STATE AND COMMUNITY			
	FY 1976 (12 months)	FY 1977	(Difference) 12-mo. Periods FY 1976/77 No.	% Inc./Dec.
Outputs				
- Charges Resolved	11,200[2/]	17,600	6,400	+ 57.1
Production Years Planned	35.2[3/]	42.4[4/]	7.2	+ 20.5
Productivity Per Year Planned				
- Reviews[5/]	415	538	123	+ 30.0

1/ Figures rounded. (Based on Regional Plans) Assumes $6 million for FY 76.

2/ For six months of FY 1975, 5,200 charges were resolved through the deferral program.

3/ Includes 20.2 Compliance years and 15 State and Community years.

4/ Includes 27.4 Compliance and 15 State and Community years.

5/ For six months of FY 1975, 7,800 charges were reviewed. An anticipated 14,600 charges will be reviewed to result in 11,200 charge resolutions for FY 1976, 12 months. An anticipated 22,800 charges will be reviewed to result in 17,600 charge resolutions for FY 1977.

OUTPUTS, RESOURCE ALLOCATION AND PRODUCTIVITY
FY 1976 - FY 1977

VOLUNTARY PROGRAMS[1/]

Strategy	FY 1976 - 12 Months	FY 1977	Difference Between 1976 - 1977 Number	% inc./dec.
1. Affirmative Action Commitments				
Selected Outputs				
Number of documented commitments	19	32	13	+ 68.4
Number of people benefitted	2,424	3,950	1,526	+ 62.9
Dollar benefits	$6,700,000	$11,060,000	$4,360,000	+ 65.0
Production Years Planned	12.8	15.8	3.0	+ 23.4
Productivity Per Year Planned				
By number documented	1.5	2.0	.5	+ 33.3
By persons benefitted	189	250	61	+ 32.3
By dollar benefits	$ 523,400	$ 700,000	$ 176,600	+ 33.7
2. Educational/Technical Assistance Programs				
Affirmative action assistance	2,292	3,025	733	+ 32.0
Educational assistance/unprogrammed	2,080	2,746	666	+ 32.0
Conferences	136	180	44	+ 32.0
Production Years Planned	4	5.2	1.2	+ 30.0
Productivity Per Year Planned	2/	2/	2/	2/

1/ Based on plans submitted by field offices

2/ Due to the non-comparability of the outputs planned, no productivity per work year can be calculated at this time.

Activity V - Development and Planning

Base Program

This activity includes the Office of Planning, Research and Systems. The function of this office is to provide both short and long term planning guidance to all offices of the Commission and to collect and disseminate employment statistics through a comprehensive program of Research and information reporting systems.

Office of Planning, Research, and Systems:

The Office of Planning, Research, and Systems is responsible for administering the planning, programming and evaluation process of the Commission; analyzing and preparing research studies for utilization in the operating and action programs of the Commission; developing, implementing and monitoring appropriate employment reporting systems as required by law; developing and maintaining Information Systems for disseminating information to the Commission and other organizations.

Division of Program Planning and Evaluation:

This division is responsible for administering the planning, programming and evaluation process through which the Commission's goals, objectives and programs are established and periodically updated and evaluated, specifically including the following elements of a closed-loop system: a framework of goals, objectives, strategies and program activity by input, output and outcome, through which current and future-year plans are developed; a quarterly review and analysis which compares planned with actual progress toward objectives; policy analysis to assist the Commission in its deliberations; and special studies and evaluations to determine the effectiveness of Commission programs. It also formulates and identifies new programs, appraising manpower requirements, program design requirements, operational effects, and jurisdictional realignments.

Research and Surveys Division:

This Division designs, administers and processes research surveys relating to minority employment develops and analyzes survey statistics, and prepares research studies of economic, social and psychological determinants for utilization in the operating and action programs of the Commission.

Information Systems Division:

This Division is responsible for developing and maintaining a statistical and research information system for dissemination of information throughout the Commission and to Federal agencies, independent researchers, and organizations; and to provide automatic data processing services, systems analysis, systems design, and computer programming to meet the requirements and needs of the Commission.

ACTIVITY V - DEVELOPMENT AND PLANNING

Summary of Requirements

	1976 Estimate			1977 Estimate			Increase		
	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount	Perm. Pos.	Av. Emp.	Amount
11 Personnel Compensation:									
Permanent Positions:									
Office of Planning, Research and Systems	83	80.5	$ 1,534,500	83	82.5	$ 1,657,900	...	+ 2.0	+ $ 123,400
Total Permanent	83	80.5	1,534,500	83	82.5	1,657,900	...	+ 2.0	+ 123,400
Positions Other Than Permanent:									
Temp., P.T., and Intermittent Emp		2.6	34,100		2.6	34,100			...
Differentials:									
Overtime and Holiday			7,000			10,000			+ 3,000
Total Personnel Compensation	83	83.1	1,575,600	83	85.1	1,702,000	...	+ 2.0	+ 126,400
12 Personnel Benefits:									
Payments to Other Funds			147,900			160,700			+ 12,800
Awards			...			...			...
Moving Allowance			...			...			...
Total Personnel Benefits			147,900			160,700			+ 12,800
Total Personnel Compensation and Benefits			1,723,500			1,862,700			+ 139,200
Other Obligations									
21 Travel and Transportation of Persons			37,300			37,300			...
22 Transportation of Things			1,500			1,500			...
23 Rent, Communications, and Utilities			83,800			83,800			...
24 Printing and Reproduction			157,300			157,300			...
25 Other Services			1,510,400			1,614,400			+ 104,000
26 Supplies and Materials			35,400			35,400			...
31 Equipment			7,100			7,100			...
Total other Obligations			1,832,800			1,936,800			+ 104,000
Total Obligations			3,556,300			3,799,500			+ 243,200

Activity V - Justification of Increases by Object Class

	Increase/Decrease
Personnel Compensation	+ $ 126,400

Almost all increases requested in this Activity are for mandatory increases, i.e., annualization of the pay raise, periodic step increases and promotions. An increase is anticipated also in the position utilization rate whcih will require additional funds in FY 1977.

Benefits	+ $ 12,800

All increases in this category are for increased payments for retirement, health benefits and insurance and are directly related to the increase in compensation requested above.

Other Objects	+ $ 104,000

This increase is to complete the installation of in-house computer capability which was authorized by the Congress last year.

Total Increase	+ $ 243,200

Mrs. BURKE. The request for fiscal year 1977 is for $70,100,000, an increase of $5,441,000 over the adjusted appropriation for fiscal year 1976. The 1976 adjusted appropriation includes a pending pay supplement of $1,619,000.

We have with us the chairman, Lowell W. Perry. Would you like to read your statement or insert it in the record and comment?

Mr. PERRY. I would like to read my summary statement.

BIOGRAPHICAL SKETCH OF CHAIRMAN PERRY

Mrs. BURKE. Since this is Chairman Perry's first appearance before the committee, we shall insert his biographical sketch at this point in the record.

[The biographical sketch follows:]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Position Title—Chairman
Grade—Executive Level III
Incumbent—Lowell W. Perry

Background—Lowell W. Perry assumed office as chairman of the Equal Employment Opportunity Commission (EEOC) May 27, 1975. He was nominated to the Commission by President Gerald R. Ford on May 12 and confirmed by the U.S. Senate on May 21. President Ford designated him chairman following his confirmation.

Born in Ypsilanti, Mich. in 1931, Perry received his B.A. degree from the University of Michigan in 1954 and his J.D. from the Detroit College of Law in 1960. He also attended Duquesne University Law School in Pittsburgh, Pa.

Perry brings to the Commission a wide variety of business, personnel, and legal experiences. During 1960 and 1961, he was a law clerk to Federal Judge Frank A. Picard of the U.S. Court for the Eastern District of Michigan. He then went to Chevrolet where he served as a management representative for personnel activities in the gear and axle division until 1962. From 1962 to 1963, Perry served as a hearing officer for the National Labor Relations Board and prosecuted unfair labor practice charges as an attorney with the NLRB's Seventh Region.

In 1963, Perry joined Chrysler Corp., where he served until he was named as EEOC chairman. During his early years at Chrysler, he was involved in recruitment, public relations, marketing, and labor arbitration. He represented the corporation before the NLRB and was involved in the 1967 and 1970 negotiations with the United Auto Workers.

In 1972, he was named manufacturing manager at the Detroit Universal Division plant of Chrysler, and, in 1974, became the first black plant manager in the auto industry as the manager of the Chrysler Eldon Avenue Axle Plant. In this capacity, he supervised some 4,000 employees and was responsible for an $80 million budget.

Perry is married to the former Maxine Lewis. They have three children—Lowell, Jr., a sophomore at Yale; Scott, 12; and Merridith, 5.

GENERAL STATEMENT

Mr. PERRY. Madam Chairman and members of the subcommittee:

It is a pleasure to meet with you today to discuss the level of funding required for the Equal Employment Opportunity Commission for fiscal year 1977.

You have before you a copy of our budget request which includes program descriptions and goals for fiscal year 1977. This budget is based on a program planning process designed to achieve the objectives mandated in title VII of the Civil Rights Act of 1964, as amended:

1. Relief to individual victims of discrimination; and
2. Elimination of discriminatory features of employment systems.

The budget calls for a total of $70,100,000 in fiscal year 1977 which is a net increase of $5,441,000 over the adjusted fiscal year 1976 budget of $64,659,000.

To be more specific, in this budget we are requesting increases of $246,700 to support 14 new positions: $2 million for grants to State and local antidiscrimination agencies; $2,243,200 to annualize the cost of the October pay raise as well as the costs associated with positions; $681,400 for mandatory increases for periodic step increases and promotions; $617,700 for price increases on several recurring costs such as postage, space, publications, and FTS. There will however be a decrease of $348,000 in other operating expenses as a result of fewer personnel transfers and anticipated lower expenditures for building alterations which will enable us to limit the overall increase to $5,441,000.

Since I assumed the chairmanship of the Equal Employment Opportunity Commission last May, headquarters staff has been reorganized in a manner which I believe will permit it to function more effectively in future years. Since this organization was implemented as recently as October 14, 1975, it would be premature for me to attempt to present to you any conclusive proof of great achievements since that time. We do, however, see definite signs of revitalization within the Commission and I am pleased to report considerable progress in our ongoing effort to improve internal management procedures.

Incidentally, in the budget booklet before you there is included a chart of the new organization along with the previous organization chart that you might find helpful and which will give you a better understanding of our organizational lines of responsibility.

The funds we are requesting for fiscal year 1977 will permit us to carry out the program which, based on projections, provides for a further increase in the charge inventory. In preparing the program plan for next year, certain strategies were developed, with the participation of the Commission's field offices. Strategies designed to provide relief to individual victims include: (a) limiting the scope of a charge to the original allegation of the charging party in lieu of identifying like and related issues to add to those allegations; (b) expediting the processing of charges by predetermination settlements and under terms of prior conciliation agreements, consent decrees or court orders; and (c) grouping charges against a respondent when it has been determined that issues and bases described by charging parties are sufficiently similar to justify treatment under one enforcement action. In fiscal year 1977, field offices plan to focus 70 percent of their compliance resources on relief to individual victims of discrimination.

Other field compliance strategies designed to eliminate discriminatory features of employment systems are: (a) investigating and attempting to conciliate charges against respondents in a manner which will result in a carefully prepared case for litigation should conciliation fail; and (b) implementing compliance reviews of prior conciliation agreements to insure that discriminatory features of employment systems have, in fact, been eliminated. Field program plans project that 30 percent of field compliance resources will be focused on strat-

egies designed to eliminate discriminatory features of employment systems in fiscal year 1977.

In addition to EEOC field compliance resources, State and local deferral agencies have an important impact on the size of the charge inventory. During fiscal year 1975 the commission began a concentrated effort to increase the effectiveness of deferral agencies in resolving charges. Staff was added to 16 district offices to develop and maintain improved liaison arrangements between the district offices and 706 agencies during fiscal year 1975 and 1976. State and community programs deal mainly with one-on-one charges in order to limit growth in the charge inventory. During fiscal year 1977 the Commission will continue this thrust through a policy of measured growth designed to increase the capability of State and local agencies at a steady and sound pace.

Policy goals for the General Counsel's Office during fiscal year 1977 reinforce and improve the litigation plans already underway. Approximately 45 percent of its lawyer resources will be devoted to enforcement under section 706 of the act to provide credibility to the compliance process. It is tentatively planned that 33 percent of its lawyer resources will be used for the development of section 707 pattern and practice lawsuits and the remaining 22 percent will be allocated to other requirements in the Office of the General Counsel involving such things as amicus, appeals, post decree, and in-house counsel activities.

Madam Chairman, the budget request that I present to you is austere indeed but I believe it more appropriate to delay a request for significant position increases until we can evaluate the impact of the new organizational structure and other recent improvements on program goals. Concurrent with this evaluation, the staff of the Equal Employment Opportunity Commission pledges to seek more innovative measures to reduce the growing charge inventory.

Madam Chairman, I thank you for this opportunity to appear today and will now welcome any specific questions concerning the Equal Employment Opportunity Commission.

Prior to that I would like to introduce Ms. Issie Jenkins, our Deputy General Counsel, and Ms. Helen Stellman from our financial management area. The other witness, who is not at the table, is Mr. Mathis, the Executive Director. I would also like to acknowledge the presence of a fellow Commissioner. Mr. Raymond Telles.

Mrs. BURKE. I would like to commend you on the job that you are doing. It seems that you are on the way to correcting some of the major concerns that we had last year.

Before I begin, Mr. Cederberg?

Mr. CEDERBERG. I really don't have any basic questions, but I do have some correspondence that has just been brought to my attention.

DATE FOR FILING FORMS

A letter was sent by the town of Culpeper, Va.; Congressman Robinson represents that district. It included a letter to you as chairman regarding the date for filing EEO forms. I read from it: "I note from a copy of the Federal Register," and then it gives the pertinent references to that, "that we must complete the EEO form by December 31, 1975. This allows us 17 days to complete your form."

Then they ask whether or not you think it is fair, and so forth. They were asking for an extension of filing time to May 31. You sent a letter back to Congressman Robinson indicating that you have extended the deadline filing time, as I understand it, to the 31st of January; but you make one statement here:

> Because the Equal Opportunity Commission was extremely late in mailing out the 1975 EEO–4 Survey, the usual 2-month period allowed for response was cut short for all respondents.

Was there some particular reason you were extremely late?

Mr. PERRY. Let me go into that. One of the basic problems, if I can describe it as such, at the Commission, has been making sure that the Commission itself acts upon all policy matters as opposed to administrative type situations. In all of our functional areas, including the research area that has to conduct the activities that you refer to, contracting is required. We want to make sure that these contracts are in proper form and that Government regulations have been observed and that they are consistent with the Commission's overall plan.

That had much to do I think with the delay in getting it in the kind of form that we wanted it, so that it could be brought before the Commission in a fashion that we could be proud of.

We meet routinely every Tuesday. We vote on contracting as it relates to any one of the EEO surveys to insure that we meet the standards that we want to set for ourselves in negotiating contracts for our survey information.

Mr. CEDERBERG. Did you automatically extend the time when you sent those out or did you do that at a later date? I can see how this causes a little problem with the receiver of the form, when he gets 17 days to do it, and it happens to be over the holiday. This city said that they received it and had 17 days until December 31. I assume you notified everybody then that they did have this extension of time.

Mr. PERRY. It is my understanding that there has been some notification in the Federal Register.

Mr. CEDERBERG. The town of Culpeper never saw the Federal Register.

Mr. PERRY. Yes; but notice beyond that I wouldn't say, Mr. Cederberg.

Mr. CEDERBERG. I think this raises a problem. It raises, I think, a fundamental problem for your organization because it is an irritant that you just don't need; so why wouldn't it have been the wise thing for you to do when you knew you were very late to extend that deadline a little bit so that the people could comply? You could put it right in there. You could say "We have extended the deadline from December 31 to January 31," and you wouldn't run into some of these things. That is not too simple for you to do down there, is it?

Mr. PERRY. We did it in the Register.

Mr. CEDERBERG. You can't do it in the Register. How many people out there in the small cities in rural areas and so forth have a copy of the Federal Register? There aren't that many. I would say that if you get into this kind of a bind again, you should automatically extend the thing. You couldn't handle all that paper over Christmas anyway, so why not extend it until the 31st, and then the people would have been more likely to go along, and some of the correspondence that we

get on a thing like that—it makes it easier for us and for you. In your area, in some other areas, it can be very sensitive.

Mr. PERRY. Most of them.

Mr. CEDERBERG. Sure it is. You get a lot of complaints there and you just don't need any more. It seems to me that when you are late like that, you should automatically extend it. As I say, you wouldn't be looking at the papers until that time anyway.

Mr. PERRY. That is true.

Mr. CEDERBERG. That is all I have.

POSITIONS AND VACANCIES

Mrs. BURKE. Turning to the justifications, how many permanent positions are currently authorized for the commission?

Mr. PERRY. 2,584.

Mrs. BURKE. How many vacancies exist at the present time?

Mr. PERRY. Counting the additional 200 that your committee was responsible for us adding to our rolls the total number is 456 as of January 31, 1976.

Mrs. BURKE. You are requesting 14 new positions?

Mr. PERRY. Additional positions that would go to our field offices.

Mrs. BURKE. How much are they lapsed in the budget request?

Mr. PERRY. They are lapsed at 6 percent.

Mrs. STELLMAN. On the overall, but the new positions specifically are lapsed 25 percent.

Mrs. BURKE. Where would the new positions be allocated? You say in the field offices. Are there particular offices that you have earmarked?

Mr. PERRY. No; there are no specific offices in the field at this point, but we intend to strengthen our liaison and development activities with State and local 706 agencies, and strengthen our compliance training program. We have allocated the 200 additional positions that were authorized to specific locations in the field. Three of the positions that we are talking about in the 1977 budget tentatively are for training purposes; the remaining 11 are to support State and local agencies.

Mrs. BURKE. How much is currently available for State and local agencies?

Mr. PERRY. $6 million, and we are seeking an additional $2 million.

RENTAL PAYMENTS

Mrs. BURKE. How much in your 1976 payment to GSA for rental of space? How much was your 1977 payment for rental?

Mrs. STELLMAN. It is $3,504,500 for 1977. It is $3,395,000 for 1976.

Mrs. BURKE. Your recollection is that it is approximately $3.4 million.

CASE BACKLOG

Mr. Chairman, the 1976 appropriation bill included an increase to enable you to place 200 additional positions in the field in order to reduce the enormous backlog. In view of the fact that you have approximately 456 positions that are vacant, what is the effect on the backlog, and how has this affected it?

Mr. PERRY. When we consider the backlog, Madam Chairman, there are a number of things certainly that are significantly tied to it. One is that we have an increasing number of charges coming in.

Second, certainly we have got to have trained compliance personnel in the field, and we feel that these additional 200 that were granted are going to have a significant impact.

We are in our recruiting efforts attempting to close that gap. I wish I could tell you exactly when we are going to make some real gains on that 456. We have to look at it historically as to why we are at such a high vacancy rate.

As you know, there was a freeze on employment in this agency, and it continued in the field through July and at headquarters through August. The freeze was necessary until the reorganization was completed. Immediately after the freeze was lifted there were many promotional opportunities. We had to fill these positions by promotions from within. Vacancies had to be published, and there was a lot of built-in recruitment time to fill these positions consistent with Government regulations. That is one of the things I found out. You don't just fill these jobs as quickly as you could if you were running a corner drugstore.

I will say that we are making progress and I am hopeful that we are going to make some real in-roads on the backlog.

The other question, regarding the backlog that I think we should talk about, concerns the management techniques to control it. I am sure we have fallen short in managing the charge inventory and that represents an area in which we must make some efforts to do more positive things. One of the positive steps that has been implemented by the commission is that we are narrowing the scope of investigation of some charges, which we expect will lead to earlier resolution of those charges.

Then there are other early resolution procedures that we are implementing, our predetermination settlement efforts for instance. This should have an impact on the backlog.

Then just generally in our attempt to better manage the overall situation, I think the reorganization that we recently implemented is going to be helpful.

VACANCY RATES

Mrs. BURKE. What is the percentage of vacancy rate? In July of 1975 you indicated it was 11 percent for investigators, 10 percent for conciliators, and 15 percent in the Office of General Counsel. What is the present vacancy percentage?

Mr. PERRY. We will supply you with exact percentages; we had made a little gain on the investigators, but as I said, we had a freeze and that limited our progress.

Mrs. BURKE. We will leave a place in the record so that those percentage figures can be inserted.

[The exact vacancy rates, as compiled after the hearings, follow:]

Vacancy rate—December 31, 1975 [1]

	Percent
Investigators	8
Conciliators	12
Office of General Counsel	19

[1] 200 new positions authorized by Congress for fiscal year 1976 were not distributed until January 2, 1976 and are not included in this calculation.

Mrs. BURKE. When do you expect that you will be able to fill these vacancies?

Mr. PERRY. I wish, as I said, we could give you a specific date. We feel we have done everything we can. We have announced all these positions in the field. Of course, we have attrition that we are dealing with that also works against us, but I would hope by the end of this fiscal year that we would be closer to our desired position utilization rate which is 94 percent. But it will take some doing.

POSITION INCREASES AND CASE BACKLOG

Mrs. BURKE. In September of 1975 you indicated that you intended to request 473 new field positions for fiscal year 1977, and $8 million for 706 agencies. Would that really be what is necessary, and the staff necessary to reduce the backlog?

What effect will your present request of only 14 new positions and only $2 million additional for 706 agencies have on your backlog?

Mr. PERRY. Again, in 1977 we expect to receive something like 105,000 charges, and we are going to resolve approximately 101,000, which would be a very slight addition to the backlog. But in our opening statement we indicated that we feel that it would be prudent to look at how our reorganizational efforts have impacted on our overall situation.

I might say, too, that I don't think anybody in our organization is proud of the backlog or charge inventory, but we are in the process now where I think we are getting some hard data that is going to show that that backlog isn't as great as presently represented. But your observation is certainly correct.

At one point we were seeking additional slots to cut into the backlog at a rate of around 10 percent for 1977. I think, however, that the prudent thing for us to do, is to await the hard data and after reevaluating that, see how our reorganizational efforts are taking shape, then I think we can do a job that will be consistent with our mandate.

SAFEGUARD AGAINST FUTURE DEFICITS

Mrs. BURKE. In the second supplemental appropriation act for 1975, Public Law 94–32, there was included an appropriation of $929,000 to defray a deficiency incurred by EEOC. The committee report accompanying the bill indicated the concern of the committee with respect to the lack of proper controls to prevent such violations. The report further indicated that such controls should be established, and the committee expected to be informed of the commission's progress in this regard. Would you address the matter of this deficit covered in the supplemental, and explain what has been done to insure the proper safeguards to prevent a future deficit?

Mr. PERRY. I can say with confidence that a look at our financial picture will reveal that this agency won't find itself in that position again. We have taken steps. The steps we have taken were really in advance of the time that I arrived by the then acting chairman, Mrs. Walsh. Those measures have in fact been continued.

This is what we do. We know that the funds are available before we make any obligations with regard to any funds that are spent by this agency. Also all obligations over $25,000 excepting salaries are han-

dled through the Commission. We know at all times where we are with regard to our financial status. I think that this represents a definite improvement from what I understand was the procedure in the past.

I might say that one of the things that we have instituted is a review that we call "Face the Record," and I would hope one day you would be able to come to our agency and see it. There is a "Face the Record" chart that is in my office, in the conference room of the Commission, as well as in the office of the executive director. On each chart there is an outline of where we are on basic things: How many charges we receive, how many we actually resolve, how much money by region is being spent during that month and what has been spent on a year-to-date basis. We know exactly where we are from a financial standpoint at any given time.

We do the same with respect to our personnel. We have our staffing information there by regions so we know exactly where the vacancies are. We have controls as they relate to people and money, and we just won't be back in that deficiency situation again.

CONTRACTORS AND CONSULTANTS

Mrs. BURKE. We are very pleased to hear that. I would like to commend you again on correcting that problem.

Do you have a list of the contractors and consultants?

Mr. PERRY. Yes; we do.

Mrs. BURKE. I would like to insert in the record, at this point, exhibits 12, 13, and 5.

[The exhibits follow:]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Contracts with State and Local Agencies

1975 and 1976

	1975 Contracts	Planned 1976 Contracts
Atlanta Regional Office		
Jacksonville Florida Community Relations Commission	$ 15,050	$ 26,600
Kentucky Commission on Human Rights	80,000	...
South Carolina Commission on Human Affairs	24,940	53,200
Tennessee Commission for Human Development	26,875	26,600
Atlanta/Richmond County (Georgia) Human Relations Commission	...	19,950
Dade County Fair Housing and Employment Appeals Board	...	35,910
Florida Human Relations Commission	...	26,600
State Merit System, State of Georgia	...	19,950
Chicago Regional Office		
East Chicago Human Relations Commission	34,100	5,684
Gary Human Relations Commission	35,000	5,834
Illinois Fair Employment Practice Commission	172,200	250,000
Indiana Civil Rights Commission	75,000	45,000
Michigan Civil Rights Commission	200,000	300,000
Minneapolis Department of Civil Rights	50,000	25,000
Ohio Civil Rights Commission	175,000	275,000
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations	114,000	302,200
Minnesota Department of Human Rights	...	150,000
Dallas Regional Office		
Arkansas Governor's Committee of Human Resources	24,500	24,500
Corpus Christi Human Relations Commission	18,100	40,000
Oklahoma Human Rights Commission	52,000	81,400
Austin Human Rights Commission	...	47,000

EXHIBIT 27

Contracts with State and Local Agencies (Cont.)

	1975 Contracts	Planned 1976 Contracts
Kansas City Regional Office		
Iowa Civil Rights Commission	28,500	193,350
Kansas Commission on Civil Rights	60,017	110,000
Nebraska Equal Opportunity Commission	36,000	76,850
Omaha Human Relations Department	...	50,000
St. Louis Council on Human Relations	50,500	74,000
New York Regional Office		
Connecticut Commission on Human Rights and Opportunities	102,000	190,000
Maine Human Relations Commission	21,000	50,000
Massachusetts Commission Against Discrimination	125,000	185,000
New Hampshire Commission for Human Rights	30,000	32,000
New Jersey Division on Civil Rights	165,000	210,000
New York City Commission on Human Rights	230,000	275,000
State of New York Division on Human Rights	103,000	300,000
Puerto Rico Department of Labor	35,000	82,000
Rhode Island Commission for Human Rights	20,000	50,000
Virgin Island Department of Labor	20,000	...
Philadelphia Regional Office		
Baltimore Community Relations Commission	50,000	33,500
Delaware Human Relations Commission	32,000	54,372
District of Columbia Commission on Human Relations	80,000	99,553
Maryland Commission on Human Relations	200,000	291,555
Pennsylvania Human Relations Commission	250,000	326,700
Philadelphia Commission on Human Relations	92,000	222,104
West Virginia Human Rights Commission	60,000	77,778

Contracts with State and Local Agencies (Cont.)

	1975 Contracts	Planned 1976 Contracts
San Francisco Regional Office		
Alaska Commission for Human Rights	56,486	42,885
California Fair Employment Practices Commission	125,000	294,778
Colorado Civil Rights Commission	106,500	196,106
Idaho Civil Rights Commission	21,900	24,112
Los Angeles (City of) Board of Public Works	24,000	36,000
Montana Department of Labor and Industry	35,000	35,700
Nevada Commission on Equal Rights of Citizens	23,300	44,353
Oregon Bureau of Labor, Civil Rights Division	57,087	80,797
San Francisco Human Rights Commission	28,545	...
Seattle Human Rights Commission	13,600	...
South Dakota Commission on Human Rights	51,700	52,258
City of Tacoma Human Relations Commission	13,000	2,364
Washington State Human Rights Commission	40,100	25,000
Wyoming Fair Employment Practices Commission	17,000	35,773
Arizona Civil Rights Division	...	62,000
Utah Department of Labor, Anti-Discrimination Division	...	20,000
SUB-TOTAL	3,500,000	5,696,316
PENDING	...	303,684*
TOTAL	3,500,000	6,000,000

* Negotiations Reserve and additional allocations to be made by the Commission to State and local agencies

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EXHIBIT 5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Consultants/Experts Employed 7/1/75 - 1/31/76

Theodore M. Alexander*	138.48	Office of the Chairman
William M. Bell	100.00	Office of the Chairman
Earnest L. Brown, Jr.	100.00	Office of the Chairman
Elaine L. Cantrell*	100.00	Office of the Chairman
James F. Hill	136.50	Office of the Chairman
Richard L. Hurt*	130.00	Office of the Chairman
Warren G. Jackson*	130.00	Office of the Chairman
Leroy W. Jeffries	138.00	Office of the Chairman
Burnett S. Kelly**	138.00	Office of the Chairman
Ruth A. King	84.00	Office of the Chairman
Lily Gay Lampinen*	100.00	Office of the Chairman
Earl F. Lloyd	138.00	Office of the Chairman
B. G. Mathis**	138.48	Office of the Chairman
Peter K. Monk	138.00	Office of the Chairman
William G. Smith	145.36	Office of the Chairman
Douglas M. Stafford	138.48	Office of the Chairman
Theodore R. Harris**	100.00	Office of the Executive Director
Shirley A. Latimer	105.00	Office of the Executive Director
Kwan Sok Perrin	80.00	Office of Compliance Program
Robert L. Hogan*	145.36	Office of Administration

* Appointment Terminated
** Now a permanent employee

EXHIBIT 12

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Individual Commercial Contracts
April 1, 1975 - June 30, 1975

Firm or Individual	Purpose	Amount
Chilton Research Services Modification No. 8	Processing EEO-1 Survey	$ 251,141
Cleveland State University	Conduct a clinical legal education program	47,838
Consolidated Analysis Centers Inc.	Develop and produce reports from EEO-1 survey systems	49,050
TOTAL		348,029

EXHIBIT 13

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Individual Commercial Contracts
July 1, 1975 - January 31, 1976

Firm or Individual	Purpose	Amount
Automated Datatron	Data Conversion (keypunching)	$ 70,000
Automated Services, Inc.	Processing of State and local EEO-4 survey data.	212,826
Automated Services, Inc.	Processing EEO-5 survey data.	92,850
Data Mail, Inc.	Facilitate mailing and storage of public information materials	30,000
D. C. Van Lines	Perform moving and labor services	35,000
Howard University	Conduct an academic and clinical legal education program dealing with employment law and employment discrimination litigation	36,374
International Association of Official Human Rights Agencies	Conduct a compliance workshop and seminar for FEP agency participants and attorneys; develop training package for presentation to State and local agency Commissioners	40,024
National Employment Law Projects	Assist legal services attorneys and others in development and expansion of litigation under Title VII of the Civil Rights Act of 1964, as amended.	135,060
TOTAL		652,134

Mrs. BURKE. Would you also please provide for the record a list of speaking engagements by EEOC officials.

[The information follows:]

EXHIBIT 28

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SPEAKING ENGAGEMENTS ACCEPTED BY HEADQUARTERS STAFF
(Reporting Period July 1, 1975 - December 31, 1975)

NAME/TITLE	DATE	CITY	GROUP	ESTIMATED COST
Lowell W. Perry, Chairman	July 1	Washington, D. C.	NAACP	$ ...
"	July 30	Atlanta, Georgia	National Urban League	166
"	Aug 6	Miami, Florida	Alpha Phi Alpha	236
"	Sept 19	Chicago, Illinois	National Alliance of Businessmen	174
"	Sept 23	Philadelphia, Pa.	Wharton School - University of Pennsylvania	72
"	Oct 2	Cleveland, Ohio	Associated Industries of Cleveland	110
"	Oct 8	Dallas, Texas	Chamber of Commerce	282
"	Oct 9	Houston, Texas	Chamber of Commerce	288
"	Oct 15	Washington, D. C.	Board of Trade	...
"	Oct 22	New York, N.Y.	EDGES Group, Inc.	90
"	Nov 13	Tampa, Florida	University of Tampa - School of Business Administration	210
"	Nov 19	Tulsa, Oklahoma	Oral Roberts University	258
"	Nov 28	Newark, New Jersey	Rutgers University Law School	90
"	Dec 10	Chicago, Illinois	PUSH	174

SPEAKING ENGAGEMENTS ACCEPTED BY HEADQUARTERS STAFF (Cont.)

NAME/TITLE	DATE	CITY	GROUP	ESTIMATED COST
Ethel Bent Walsh, Vice Chairman	Sept 19	Washington, D. C.	Women's Bureau's 55th Annual Conference	$ ...
"	Oct 2	Washington, D. C.	Babcock & Wilcox Business - Government Seminar	...
"	Oct 22	Washington, D. C.	District of Columbia Federation of Business and Professional Women Club	...
"	Oct 28-30	Ithaca, New York	Seventh Annual Wilhelm Weinberg Seminar	152
"	Nov 5-8	St. Louis, Mo.	Project Equality of Kansas-Missouri, Inc.	116
"	Nov 14-15	East Brunswick, N.J.	Women's Equity Action League	50
"	Dec 3	Washington, D. C.	Soroptimist International	...
Colston A. Lewis, Commissioner	Aug 21	Washington, D. C.	National Bar Association	75
"	Oct 10	Richmond, Virginia	Crusade for Voters	...
"	Oct 24	Lynchburg, Virginia	Virginia NAACP	158
"	Oct 29	College Park, Md.	University of Maryland English Club	...
"	Nov 10	Lexington, Virginia	Washington-Lee School of Law	117
Raymond L. Telles, Commissioner	July 25	Albuquerque, N. M.	National Institute on Access to Higher Education for the Mexican American	310

SPEAKING ENGAGEMENTS ACCEPTED BY HEADQUARTERS STAFF (Cont.)

NAME/TITLE	DATE	CITY	GROUP	ESTIMATED COST
Raymond L. Telles, Commissioner (Cont.)	Aug 8	San Antonio, Texas	Urban Coalition of Metropolitan San Antonio	$ 325
Abner W. Sibal, General Counsel	Sept 12	Washington, D. C.	Commission for Women	...
"	Nov 13	Chicago, Illinois	Second ABA (National) Institute on EEO Law	214
"	Nov 18	New York, N. Y.	Chemical Industry EEO Managers	108
"	Nov 20	New York, N. Y.	New York State Bar Assn., the Federal Bar Assn. and BNA Labor Institute Program	114
Issie L. Jenkins, Deputy General Counsel	July 16	New Orleans, La.	International Association of Human Rights Agencies	177
"	Sept 10	Atlanta, Georgia	FBA Convention	421
William Robinson, Associate General Counsel	Sept 11	Atlanta, Georgia	FBA Convention	196
"	Oct 31	Milwaukee, Wisc.	Wisconsin Center for the Study of Equal Employment and Affirmative Action	176
Beatrice Rosenberg, Assistant General Counsel	Nov 18	New York, N. Y.	American Jewish Committee	68
Constance L. Dupre, Acting Associate General Counsel	Oct 31	Indianapolis, Ind.	Indiana Continuing Legal Education Forum	172
Alvin Golub, Deputy Executive Director	Nov 4	Washington, D. C.	Blue Cross/Blue Shield	...

SPEAKING ENGAGEMENTS ACCEPTED BY HEADQUARTERS STAFF (Cont.)

NAME/TITLE	DATE	CITY	GROUP	ESTIMATED COST
Patricio M. Serna, Special Assistant to Commissioner Telles	Aug 21	Boca Raton, Florida	Florida Atlantic University Seminar for Personnel Directors	$ 247
Eduardo Pena, Jr., Director, Office of Compliance Programs	Sept 17	Salt Lake City, Utah	Utah Department of Employment Security	400
"	Oct 9	Washington, D. C.	National Civil Service League	...
"	Nov 10	Philadelphia, Pa.	Joseph V. Baker Associates, Inc.	90
"	Nov 23	Dallas, Texas	Dallas County Community College District	409
"	Dec 3	Washington, D. C.	Association of Americal Railroads	...
Chris Roggerson, Director, Office of Planning, Research and Systems	Oct 5	Colorado Springs, Colo.	Paper Stationary Tablet Manufacturers Association, Inc.	338
"	Nov 15-17	Tampa, Florida	Jim Walters, Corp.	264
William H. Enneis, Chief, Research Studies	Nov 27-30	Newark, New Jersey	Rutgers State University	106
"	Dec 8	Philadelphia, Pa.	City Officials	45
James C. Sharf, Staff Psychologist	Sept 12-16	Los Angeles, Cal. and Columbia, S. C.	University of Southern California and University of South Carolina	523
"	Aug 20	Chicago, Illinois	American Psychological Association	371

SPEAKING ENGAGEMENTS ACCEPTED BY HEADQUARTERS STAFF (Cont.)

NAME/TITLE	DATE	CITY	GROUP	ESTIMATED COST
Richard A. Grossman, Supervisory Equal Opportunity Specialist	Nov 12	Roanoke, Virginia	Roanoke Valley Business Managers	$ 150
Antonio DeDios, Equal Opportunity Specialist	July 18	Tucson, Arizona	City of Tucson Staff and Personnel	700
"	July 21	Phoenix, Arizona	State of Arizona Affirmative Action Committee	...
"	Aug 6-9	Cheyenne, Wyoming	American GI Forum	750
"	Sept 11-12	Las Veges, Nevada	Nevada Association of Latin Americans	550

GAO AUDIT

Mrs. BURKE. What is the status of the GAO audit of EEOC?

Mr. PERRY. The auditors from GAO have left our premises just in the last couple of weeks. They left with us their suggestions and recommendations, which I might say we concurred in. They have been very helpful during their stay at the Commission, and I am sure that much of the progress in addressing the issues to better the performance is a result of their presence.

They have not given a final report as yet, but we have reacted to all of their observations and we concur in their preliminary draft.

MOVE OF DISTRICT OF COLUMBIA DISTRICT OFFICE

Mrs. BURKE. I have just a few other questions, and they relate to the proposed move of the District of Columbia area office. I understand that the Commission has voted to relocate the Washington, D.C. area office to Richmond, Va. Would you tell the subcommittee the reason for this move?

Mr. PERRY. Yes. First of all, it was a unanimous decision of the Commission. It was felt that this was in the best interests of the public that we attempt to serve under title VII.

I might start out by saying that in the District of Columbia, where you have 85 percent of the people federally employed, who are not in fact covered by title VII, that many residents don't come under our purview, and probably a greater percentage than 85 percent because of the remaining 15 percent, there are many people who are employed by employers of under 15 people who wouldn't come under our jurisdiction either. So the people we attempt to service are very limited in number.

In Virginia we are talking about 8 percent who are federally employed.

I might say that last year of approximately 2,000 charges that were filed with the Washington district office, only about 400 of them emanated from the District of Columbia. In Washington, D.C. there is a 706 agency. We have contracted for them to handle approximately 300 charges during the course of a year.

Also in northern Virginia, in Fairfax County, there is a 706 agency. Such 706 agencies aren't present in the other parts of Virginia, so we feel also from savings in travel costs, and per diem costs, we will eventually operate more efficiently in Richmond. We know that this can cause some inconvenience to employees. I don't want to say it harshly but we are in business more for the public than for our employees, although we are certainly mindful of our employee needs.

The district office in Washington has 38 employees, and about half of them live in the District. The other half lives outside. Under Civil Service regulations, and the regulations of our Commission, the employees will have a right to go to Richmond with their jobs. Those who choose not to go will certainly have the opportunity to seek employment in other areas of the agency. We have our administrative offices here and there will be openings for which they may apply. I don't think this move is going to result in the unemployment of any person currently employed in the Washington district office.

We are confident that this is the right thing to do, to further our mandate under title VII.

Mrs. BURKE. Have you made an analysis of the radius of the complaints? You said that you have broken down the approximately 2,000 complaints, as to the percentage that came from within the District and from outside; have you made an analysis of the radius of the complaints around Richmond, Va., as compared to those around Washington, D.C.?

Mr. PERRY. Let me say this, there is 8 percent Federal employment in Virginia so we know the people in the surrounding area are employed by employers that would come under our jurisdiction. Only 20 percent of our charges came from Washington, D.C. The remainder came in other parts of Virginia. How much of that remainder I don't have the exact percentage that relates to Richmond, if that is your question, and I think it is.

ORIGIN OF COMPLAINTS

Mrs. BURKE. Are you familiar with an analysis which showed that by far many more of the complaints came from within a 75-mile radius of Washington, D.C., than from the Richmond, Va., area?

Mr. PERRY. I don't have any information to that effect, but we will furnish that kind of analysis.

Mrs. BURKE. Could you furnish the committee with a breakdown on the complaints and the areas where they originate?

Mr. PERRY. Yes; we will.

[The following information was received after the hearing:]

INCOMING COMPLAINTS—WASHINGTON DISTRICT OFFICE—RICHMOND AREA

With regard to the question of where complaints in the district office's jurisdiction (District of Columbia and Virginia) originate, it is important to keep in mind the fact that complaints originating in the District of Columbia are deferred to the D.C. Office of Human Rights and in addition, Fairfax County has a Human Rights Commission that has been approved as an Agency to which EEOC will defer charges filed against respondents in that area. In response to your specific question, it is anticipated that about 55 percent of the charges in the Washington district office's jurisdiction will originate within a 75-mile radius of Washington, D.C. Of course many of these same charges will no doubt also be within 75 miles of Richmond. However, the bulk of these charges will be handled by deferral to the appropriate 706 agencies mentioned above. (Surrounding Maryland counties are within the jurisdiction of the Baltimore district office.) The Richmond location is more centrally located for EEOC to directly handle the remaining charges within the District's jurisdiction for which there are no 706 agencies to which they may be deferred.

COST OF RELOCATION

Mrs. BURKE. What is the anticipated cost of the relocation, training of new personnel, rental, travel, and per diem?

Mr. PERRY. The relocation costs would be in the area of $100,000.

Mrs. BURKE. Has the Commission received Office of Management and Budget (OMB) authorization for such a move?

Mr. PERRY. We have available funds for it.

Ms. Stellman, do you want to speak to this?

Ms. STELLMAN. OMB is not required to authorize. Their position is: They have no position. The Commission has authority to make the decision in that situation.

Mrs. BURKE. Do you believe the D.C. Office of Human Rights and the Fairfax County 706 agency are prepared to handle the caseload of the District of Columbia and northern Virginia?

Mr. PERRY. Yes; I do. For example, the District of Columbia Office of Human Rights contracted to handle about 300 charges last year and in fact handled about 250. There were approximately 400 charges in all filed, and as I recall we don't foresee their annual number of charges exceeding that by much in the near future.

Mr. Mathis, do you recall?

Mr. MATHIS. I think the volume is going up a little.

POSITION OF WASHINGTON, D.C., COUNCIL

Mrs. BURKE. I am sure you are aware of the strong position that has been taken by the Washington City Council and by Mayor Washington on the impact of this move on the human relations caseload, and on employment within the Washington, D.C., area. I would like to ask that a copy of this City Council resolution be entered in the record at this point.

[The resolution follows:]

Enrolled Original

A RESOLUTION 1-179

In the Council of the District of Columbia
December 16, 1975

To oppose the move of the Equal Employment Opportunity Commission from Washington, D. C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Resolution Opposing the move of the Equal Employment Opportunity Commission (EEOC) from Washington, D. C.".

Sec. 2. The Equal Employment Opportunity Commission proposes to move its Washington, D. C. District office to Richmond, Virginia.

Sec. 3. The Council is concerned about the adverse impact such a relocation would have on the residents of the District of Columbia who are victims of discrimination; on the ability of the District of Columbia Office of Human Rights (OHR) to adequately manage its employment discrimination workload; and the effect on the employees of the Washington District EEOC office.

Sec. 4. The Council is equally concerned that discrimination complaint activity would decrease because of the absence of an EEOC office in the District of Columbia, and that the removal of the city's EEOC facility would put an added burden on the D. C. Office of Human Rights which would have to assume the responsibility for answering some

6,000 information calls and for interviewing some 900 or more complainants who otherwise would have filed discrimination charges with the District EEOC office.

Sec. 5. This would represent a nearly 75 percent increase in the present Office of Human Rights caseload, placing an impossible strain on OHR's already over-burdened resources.

Sec. 6. The Council of the District of Columbia hereby requests that the Washington District Office of the Equal Employment Opportunity Commission remain in the District of Columbia, and that a discussion of the proposed relocation be initiated between the EEOC and the D. C. government.

Sec. 7. This resolution shall take place immediately upon adoption, and shall be transmitted to Mr. Lowell Perry, Chairman of the EEOC and all Commission members.

Mrs. BURKE. I have no further questions on this.
Does anyone have further questions?

POSITION INCREASES

Mr. CEDERBERG. Just one other thing. If we gave you those 14 employees could you get along without the money for them? You have so much lapse anyway.

Mr. PERRY. We are going to do our best to solve that.

Mr. CEDERBERG. You are not going to make that?

Mr. PERRY. It is going to be tough. I don't discount that.

Mr. CEDERBERG. If we give you the 14 employees and take the money out, you will be just as happy?

Mr. PERRY. No; we will need that money too as well as the people.

Mrs. BURKE. I certainly hope that given the unemployment situation there is some way you can get these positions filled. There are 400 positions sitting there that people could be utilizing.

Mr. CEDERBERG. I agree with that. Of course the secret of it is getting the right people in those positions. If you just fill those positions for the sake of filling them, you cause yourself more problems than you solve.

Mr. PERRY. Exactly. I might say this enlarging on the vacancy situation, we are getting some fine applicants with good credentials, and the kinds of people that we believe will identify with our agency. We will do the best we can from the investigator's standpoint too. We are existing not as a social agency, but as an enforcement agency to implement title VII, a law that speaks to discrimination, and we are going to get the most qualified people that we can get to pursue our responsibilities under that law.

Mr. CEDERBERG. That is all I have.

Mrs. BURKE. Thank you very much. This concludes our hearing for today.

THURSDAY, JANUARY 29, 1976.

U.S. INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

WITNESSES

WILL E. LEONARD, CHAIRMAN
DANIEL MINCHEW, VICE CHAIRMAN
EDWARD C. WALLINGTON, JR., CHIEF FINANCIAL MANAGEMENT

Mr. SLACK. The committee will please come to order.

This afternoon we shall direct our attention to the appropriation for the U.S. International Trade Commission. The justifications thereto are in a separate volume, which we shall insert at this point in the record.

[The justification pages referred to follow:]

INTERNATIONAL TRADE COMMISSION

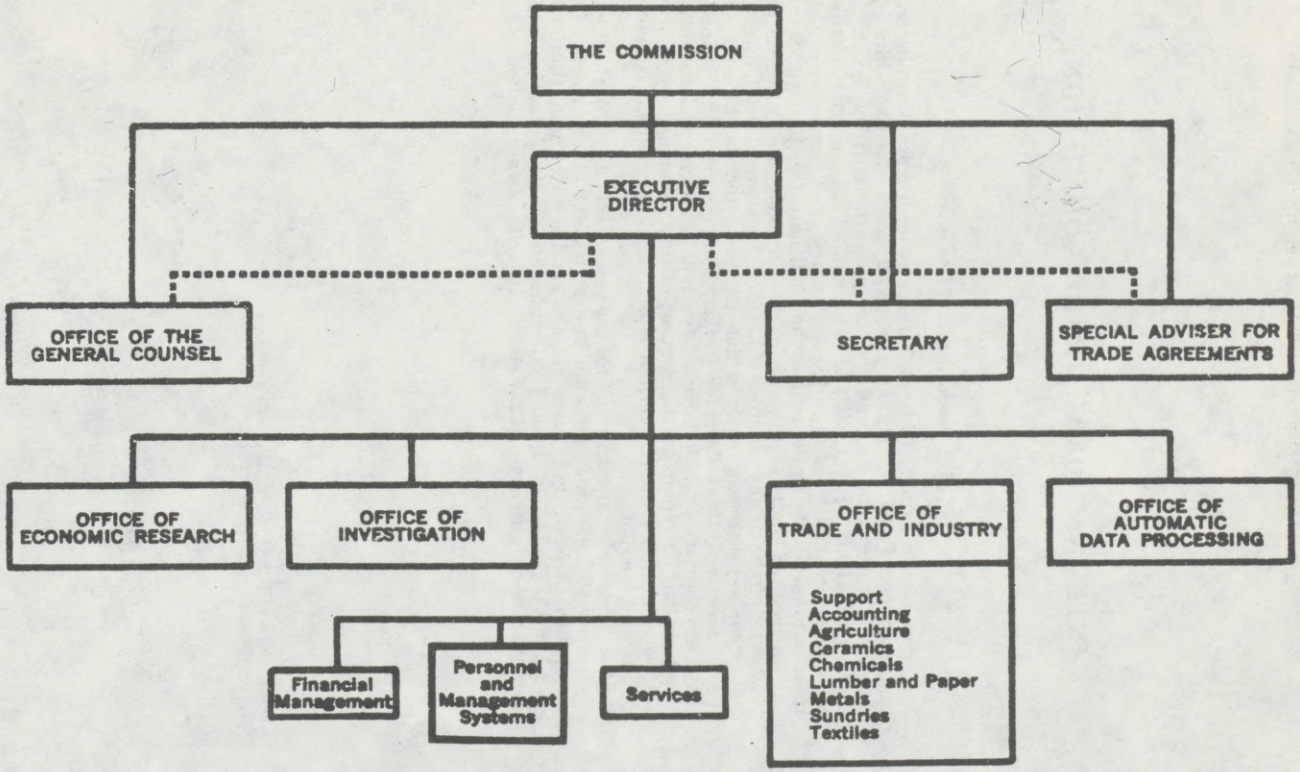
Salaries and Expenses

For necessary expenses of the International Trade Commission, not to exceed [$200,000] *$220,000* for expenses of travel, hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, [$10,400,000] *$11,539,000*: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the International Trade Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof.

[For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $50,000 for expenses of travel; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $2,675,000.] (*Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1976.*)

66-404 O - 76 - 34

UNITED STATES INTERNATIONAL TRADE COMMISSION



Analysis of Changes in Obligations for FY 1977

(In thousands of dollars)

Estimated appropriation in FY 1976			10,400
Automatic decreases:			
Savings from having 1 excess day instead of 2			-25
Automatic increases:			
Excess of cost of compensation for full year in FY 77 over half year budgeted for employees added in FY 76		+254	
Within grade and wage board increases		+125	
Increase in terminal leave, from change in law		+27	
Related increase in employee benefits, including effect of more accurate method of estimating health insurance costs		+60	
Cost of pay increase effective October, 1975:			
Compensation (271), benefits (24), absorbed in FY 76 by delays in recruiting in first half of year	+295		
Amount including compensation (128), benefits (10), and payments to other agencies (6) by which FY 77 pay increase costs exceed those for FY 76 because of impact for a full year instead of 8 months	+144		
Total cost of pay increase effective October, 1975		+439	
Increase in per diem rates (12) and air fares (8)		+20	
Increase in estimated telephone cost due to rate increases (28) and revised estimates of current usage rates (13)		+41	
Cost of increased postal rates		+33	
Increase in rent caused by paying full GSA charge		+61	
Other- printing (10), GSA services (11), supplies (8)		+29	
Total automatic increases			+1,089
Program decreases:			
Reduction of 6 positions		-48	
Reduction of overtime		-3	
Related reduction in benefits		-4	
Total program decreases			-55
Program increases:			
Addition of 2 employees to advise on consumer aspects of Commission activities		+17	
Reduction in reimbursements from other agencies		+7	
Related increase in employee benefits		+3	
Higher postage use		+20	
Increase in training		+14	
Higher building and equipment maintenance and related costs		+24	
Costs for graphic equipment, mainly replacements		+22	
Cost of furniture, carpets, shelving, etc.		+10	
Other increases- rent & communications (8), printing (5)		+13	
Total program increases			+130
Appropriation requested for FY 1977			11,539

COMPARATIVE OBLIGATIONS, BY ACTIVITY

(In thousands of dollars)

Activities	FY 75 actual	Increase or decrease, (-) FY 76 from FY 75	FY 76 estimate	Increase or decrease, (-) FY 77 from FY 76	FY 77 estimate
Public Investigations:					
Import injury resulting from trade-agreement concessions (TEA of 1962 and TA of 1974)	564	591	1,155	389	1,544
Under section 332 of the Tariff Act of 1930:					
Pursuant to Presidential request	680	(188)	492	201	693
Pursuant to congressional resolution	47	768	815	152	967
Initiated on the Commission's own motion, and special studies	113	116	229	180	409
Interference with agricultural programs (AAA)	1	28	29	-	29
Antidumping (Antidumping Act, 1921)	265	155	420	10	430
Unfair practices:					
Section 337 of TA of 1930, as amended	724	432	1,156	104	1,260
Section 303 of TA of 1930, as amended (countervailing duty)	-	29	29	-	29
Section 301(c) of TA of 1974 (export subsidy)	-	29	29	-	29
Section 301(e) of TA of 1974 (foreign import restrictions)	-	29	29	-	29
Probable economic effect of concessions (TA of 1974)	2,802	(2,298)	504	(247)	257
East-West trade reports (section 410 of TA of 1974)	34	15	49	27	76
Total public investigations	5,230	(294)	4,936	816	5,752
Furnishing technical information and assistance to--					
Congress	194	76	270	5	275
Federal agencies and the public	210	63	273	5	278
Total furnishing technical information, etc	404	139	543	10	553
Other substantive activities:					
Relating to trade agreements	350	282	632	138	770
Statistical enumeration, code structure and publication	296	780	1,076	(198)	878
Assembling and analyzing economic and technical information	868	166	1,034	126	1,160
Other	238	413	651	(26)	625
Total other substantive activities	1,752	1,641	3,393	40	3,433
Total substantive activities	7,386	1,486	8,872	866	9,738
Executive direction and administration:					
Commissioners' offices	595	243	838	194	1,032
Administration	630	79	709	70	779
Total obligations	8,611	1,808	10,419	1,130	11,549
Less: Estimated reimbursements	29	(10)	19	(9)	10
Net obligations	8,582	1,818	10,400	1,139	11,539

SUMMARY AND HIGHLIGHTS

The FY 77 budget of the United States International Trade Commission reflects the Commission's determination to hold a tight rein on expenses and to meet an expanding and intensifying workload without commensurate cost increases. It includes only $75,000 for new resources, mainly to provide for an essential rise in support services needed for effective operations. It includes $1,064,000 for net automatic cost increases resulting from the higher cost of operating for all of FY 77 with a staff expanded during FY 76 and from externally determined or built-in growth in other costs. The total request of $11,539,000 for FY 77 is, therefore, $1,139,000 above the FY 76 appropriation.

The Commission plans to fulfill an enlarged mission and greater workload with staff and other resources little changed from the level planned for June 30, 1976, by improved staff direction, organization, and motivation. Reflecting this plan, the budget calls for a staff of 426 full-time permanent employees at the end of FY 77, a decline of 4 from the 430 budgeted for the close of FY 76. The staff reduction will, in part, be made possible by elimination of the task of publishing annual reports on synthetic organic chemicals, a function being phased out by September 1976.

The continuing growth in the Commission's workload results from several stimuli. The Commission anticipates that Congress and the President will expand their requests for public investigations of trade matters, similar to that on the U.S.-Canadian automotive agreement recently completed. It expects to receive requests to update some of its past investigations, as well as requests for new far-ranging studies related to individual products and to current problems in international trade. The President's Special Representative for Trade Negotiations has indicated very heavy requirements for assistance.

The Trade Act of 1974 generally broadened the Commission's role and caused an immediate growth in workload in several areas--five of which will be mentioned here. First, extensive changes in the statutory provisions providing for Commission investigations of alleged unfair trade practices add materially to the time and efforts required for each such investigation and require a greater concentration of resources to meet newly imposed completion deadlines. Continuing growth in the volume of work required in this area appears probable. Second, the new criteria for qualification for industry relief with respect to increased imports have already stimulated demands for investigations at a rate even higher than the rate projected as recently as May 1975; each industry investigation calls for intensive use of staff and other resources for an extended period. Third, concentrated efforts are being expended in the development of compatible statistical systems for imports, exports, and domestic production as required by the Trade Act of 1974. Modifications and refinements will continue to call for a high volume of work in this area long after initial systems are established. Fourth, the Commission is becoming progressively more active in the technical work of the Harmonized System Committee of the Customs Cooperation Council, which is seeking to develop a harmonized commodity code. Finally, quarterly reports concerning imports from and exports to nonmarket-economy countries, begun as required by Section 410 of the Trade Act of 1974, are gradually incorporating a broader range of information and analysis.

To meet current needs, the Commission is emphasizing analytical studies of prospective developments in international trade, while continuing to maintain the essential historical data base from which to develop its analyses. The Commission plans to provide factual studies on current trade issues to our policymakers, as well as to respond to requests from the Congress and the Executive. Thus, more public investigations and studies will be initiated on the Commission's own motion than in the past. The Commission plans to take special efforts to assure due consideration of the interests of consumers, including the establishment of an internal consumer-interest voice.

Completion of the Commission's demanding assignments requires the devoted efforts of a skilled body of professional and support personnel. In FY 77 the Commission is placing its prime emphasis on improvement of research methods, organizational structure, personal skills, and individual motivation. In this way it expects to produce quality reports and determinations for timely use by policy-makers without a further expansion of staff or other resources. The Commission's budget request directly reflects this approach to FY 77 operations.

ACTUAL AND ESTIMATED MAN-YEAR REQUIREMENTS
FY 1974 through FY 1977

Activities	Actual Man-Years		Estimated Man-Years	
	1974	1975	1976	1977
ACTIVITY 1				
A. Public investigations:				
1. Import injury (TEA of 1962 and sections 201 and 406 of TA of 1974)	27	22	42	55
2. Under section 332 of the Tariff Act of 1930:				
a. Pursuant to Presidential request	71	28	18	25
b. Pursuant to congressional resolution	13	2	30	35
c. Initiated on the Commission's own motion, and special studies	2	5	9	16
3. Interference with agricultural programs (AAA)	9	-	1	1
4. Antidumping (Antidumping Act, 1921)	21	9	15	15
5. Unfair practices:				
a. Section 337 of TA of 1930, as amended	18	25	37	40
b. Section 303 of TA of 1930, as amended (countervailing duty)	-	-	1	1
c. Section 301(c) of TA of 1974 (export subsidy)	-	-	1	1
d. Section 301(e) of TA of 1974 (foreign import restrictions)	-	-	1	1
6. Probable economic effect of concessions (TA of 1974)	17	113	20	10
7. East-West trade reports (section 410 of TA of 1974)	-	2	2	3
Total public investigations	178	206	177	203
B. Furnishing technical information and assistance to--				
1. Congress	10	8	10	10
2. Federal agencies	2	2	2	2
3. Public	7	8	10	10
Total furnishing technical information and assistance	19	18	22	22
C. Other reports and activities:				
1. Relating to trade agreements	12	15	25	30
2. Synthetic organic chemicals reports	16	14	14	-
3. Summaries of trade and tariff information	1	-	15	25
4. Statistical enumeration, code structure and publication	7	12	38	30
Total other reports and activities	36	41	92	85
D. Assembling and analyzing economic and technical information	44	46	50	55
Activity 1, total	277	311	341	365
Activity 2, Executive direction and administration:				
A. Commissioners' offices	21	23	28	33
B. Administration	30	39	42	43
Activity 2, total	51	62	70	76
GRAND TOTAL	328	373	411	441
Less: Overtime equivalent and excess day	-3	-5	-5	-4
Net reportable man-years (per OMB Circular A-11)	325	368	406	437

ACTUAL AND ESTIMATED PERSONNEL COMPENSATION COST PERCENTAGES
FY 1975 through FY 1977

Activities	Actual cost percentages: 1975	Estimated cost percentages: 1976	1977
ACTIVITY 1			
A. Public investigations:			
1. Import injury (TEA of 1962 and sections 201 and 406 of TA of 1974)	6.3	10.8	13.0
2. Under section 332 of the Tariff Act of 1930:			
a. Pursuant to Presidential request	7.7	4.6	5.9
b. Pursuant to congressional resolution	.5	7.7	8.2
c. Initiated on the Commission's own motion, and special studies	1.3	2.2	3.6
3. Interference with agricultural programs (AAA)	-	.3	.2
4. Antidumping (Antidumping Act, 1921)	2.9	3.9	3.5
5. Unfair practices:			
a. Section 337 of TA of 1930, as amended	8.1	10.6	10.5
b. Section 303 of TA of 1930, as amended (countervailing duty)	-	.3	.2
c. Section 301(c) of TA of 1974 (export subsidy)	-	.3	.2
d. Section 301(e) of TA of 1974 (foreign import restrictions)	-	.3	.2
6. Probable economic effect of concessions (TA of 1974)	31.2	4.7	2.2
7. East-West trade reports (section 410 of TA of 1974)	.4	.5	.7
Total public investigations	58.4	46.2	48.4
B. Furnishing technical information and assistance to--			
1. Congress	2.2	2.6	2.4
2. Federal agencies	.5	.5	.5
3. Public	1.8	2.1	1.9
Total furnishing technical information and assistance	4.5	5.2	4.8
C. Other reports and activities:			
1. Relating to trade agreements	4.0	6.0	6.5
2. Synthetic organic chemicals reports	2.7	2.7	-
3. Summaries of trade and tariff information	-	3.4	5.2
4. Statistical enumeration, code structure and publication	3.3	9.8	7.1
Total other reports and activities	10.0	21.9	18.8
D. Assembling and analyzing economic and technical information	9.8	9.5	9.6
Activity 1, total	82.7	82.8	81.6
Activity 2, Executive direction and administration:			
A. Commissioners' offices	8.1	9.2	10.4
B. Administration	9.2	8.0	8.0
Activity 2, total	17.3	17.2	18.4
GRAND TOTAL	100.0	100.0	100.0

NUMBER OF PUBLIC INVESTIGATIONS 1/

	Initiated				Completed				Pending at June 30			
	Actual		Estimated		Actual		Estimated		Actual		Estimated	
	FY 74	FY 75	FY 76	FY 77	FY 74	FY 75	FY 76	FY 77	FY 74	FY 75	FY 76	FY 77
Import injury (TEA of 1962), and Section 201 and 406 of TA of 1974:												
Industry	1	3	15	18	2	-	10	19	-	3	8	7
Market disruption	-	-	2	2	-	-	-	2	-	-	2	2
Firm	10	6	-	-	10	6	-	-	-	-	-	-
Worker	32	27	-	-	36	30	-	-	3	-	-	-
Review	2	-	2	4	2	-	2	3	-	-	-	1
Pursuant to section 332 of TA of 1930	-	2	4	6	3	1	4	5	3	4	4	5
Interference with agricultural programs	7	-	2	2	7	-	1	2	-	-	1	1
Antidumping	16	8	12	12	24	6	11	12	-	2	3	3
Unfair practices:												
Section 337, TA of 1930	8	8	12	14	10	8	14	16	16	16	14	12
Section 303, TA of 1930	-	-	1	1	-	-	1	-	-	-	-	1
Section 301(c), TA of 1974	-	-	2	1	-	-	1	1	-	-	1	1
Section 301(e), TA of 1974	-	-	2	1	-	-	1	1	-	-	1	1
Probable effect of concessions	-	2	-	-	-	-	2	-	-	2	-	-
East-West Trade reports	-	3	4	4	-	3	4	4	-	-	-	-
Reports on commodity classification and the harmonized commodity code	-	2	-	-	-	1	1	-	-	1	-	-
Total	76	61	58	65	94	55	52	65	22	28	34	34

1/ Numbers of investigations alone are only partial indicators of workload: For example, the staff time required for each "industry" investigation is 3 to 6 times the staff time that was needed for each "firm" or "worker" investigation.

Number of Investigations, July 1, 1975-December 31, 1975 1/

Item	Pending 6/30/75	Initiated 7/1/75-12/31/75	Completed 7/1/75-12/31/75	Pending 12/31/75
Import injury, TA of 1974:				
Section 201 "Industry"	3	9	3	9
Section 203 "Review"	-	1	-	1
Pursuant to Presidential request or congressional resolution or initiated on the Commission's own motion:				
Section 332, TA of 1930	4	2	2	4
Antidumping, regular, AA1921	2	3	4	1
Antidumping, inquiries, TA 1974	-	2	2	-
Unfair import practices:				
Section 337, TA of 1930	16	5	2	19
East-West Trade reports	-	2	2	-
Probable effect of concessions	2	-	2	-
Principles and concepts for compatible statistics	1	-	1	-
Total	28	24	18	34

1/ As noted on the previous page, numbers of investigations are only partial indicators of workload.

INVESTIGATIONS COMPLETED IN FY 75
by type of product or subject

Import injury resulting from trade-agreement concessions (TEA of 1962):		
"Firm" investigations:		
Footwear	4	
Granite	2	
Total "firm" investigations		6
"Worker" investigations:		
Footwear	17	
Electrical and electronic products	7	
Other	6	
Total "worker" investigations		30
Pursuant to Presidential request (Conversion of the TSUS to the Brussels Tariff Nomenclature)		1
Antidumping (Antidumping Act, 1921):		
Kraft pulp	1	
Hand tools	1	
Bearings	2	
Welt work shoes	1	
Portable electric typewriters	1	
Total antidumping investigations		6
Unfair import practices (section 337, Trade Act of 1930):		
Golf gloves	1	
Electronic flash devices	1	
Hydraulic tappets	1	
Preset variable resistance controls	1	
Analog-to-digital meters	1	
Wheel-balancing weights	1	
Writing instruments	1	
Antenna rotator systems	1	
Total investigations under section 337		8
East-West Trade reports		3
Reports on commodity classification and the harmonized commodity code		1
Total investigations completed		55

INVESTIGATIONS IN PROGRESS, DECEMBER 31, 1975

Import injury to industries (Trade Act of 1974):
- Asparagus
- Stainless steel and alloy tool steel
- Slide fasteners and parts
- Footwear
- Certain stainless steel flatware
- Certain gloves
- Mushrooms
- Ferricyanide and ferrocyanide blue pigments
- Shrimp
- Certain ceramic tableware (review)

Requested by the President or Congress, or on the Commission's own motion:
- Drawback and related provisions
- Competitive position of U.S. industries
- Formulation of an international commodity code
- U.S.-Canadian automotive agreement

Antidumping:
- Birch 3-ply doorskins from Japan

Unfair import practices:
- Doxycycline
- Electronic pianos
- Convertible game tables and components thereof
- Expanded, unsintered polytetrafluoroethylene in tape form
- Chain door locks
- Eye testing instruments incorporating refractive principles
- Certain electronic audio and related equipment
- Certain hydraulic tappets
- Certain ultra-microtome freezing attachments
- Certain electronic printing calculators
- Liquid propane heaters
- Certain high fidelity audio and related equipment
- Overlapping digital movements
- Certain Angolan robusta coffee
- Record players incorporating straight line tracking systems
- Monolithic catalytic converters
- Glass fiber optic devices and instruments equipped with glass fiber optic devices
- Certain bismuth molybdate catalysts
- Dry wall screws

Miscellaneous Workload Information

Item	Actual		Estimated	
	FY 74	FY 75	FY 76	FY 77
Letters received from Congressmen	301	581	400	425
Public hearings:				
Pages of transcript	7,827	17,997	10,000	10,000
Printing:				
Total units printed (millions)	11.4	8.1	9.0	10.0
Number of originals copied	22,009	25,691	25,000	30,000
Import transactions analyzed for detailed information:				
In New York Office:				
General transactions	67,000	65,000	69,000	70,000
Benzenoid chemicals	19,000	18,000	19,000	20,000
In Suitland, Maryland	52,000	29,000	35,000	36,000
Export transactions analyzed	-	8,000	12,000	15,000
Library activity:				
Circulation, including periodicals	54,133	58,236	61,000	72,000
Reference questions	5,946	11,172	9,500	12,000

Activity 1. Research, investigations, and reports

A. Public investigations

1. Import injury to industries, firms, and workers, resulting from trade-agreement concessions

Description

Prior to enactment of the Trade Act of 1974, these investigations were conducted pursuant to provisions of the Trade Expansion Act of 1962 which provided relief to industries or firms that were seriously injured or threatened with serious injury and to groups of workers unemployed or underemployed as a result of increased imports resulting in major part from concessions granted under trade agreements. The Trade Act of 1974 liberalized criteria for relief in "industry" investigations by eliminating the required tie to concessions and substituting substantial cause for major cause in the required link between injury and imports. The act also added a new criterion--market disruption by imports from Communist countries. The responsibility for "firm" and "worker" investigations was transferred to the Departments of Commerce and Labor. "Review" investigations are made with respect to any industry granted relief. The Commission keeps under review developments respecting the industry concerned and then reports to the President as required on the probable economic effect of modifying or terminating the relief that is in effect.

Requirements	FY 75	FY 76	FY 77
Man-years	22.0	42.0	55.0
Percent of total personnel costs	6.3	10.8	13.0

Most of the work performed in this category in recent years and originally planned for FY 76 was related to "firm" and "worker" investigations under the Trade Expansion Act of 1962. A small number of "industry" cases have been performed under the act in each recent year.

The new criteria for "industry" investigations provided by the Trade Act of 1974 has resulted in a surge of petitions for such investigations even greater than that envisioned in the Commission's May 1975 amended budget request for FY 76. In that request we estimated one "industry" investigation would be initiated in FY 75 and eight in FY 76. During FY 75, three investigations had been initiated and by the end of November eight additional investigations were initiated with strong indications that others would soon be requested. No "market disruption" investigations had been requested by the end of November.

Each "industry" investigation requires far more use of staff time and resources, than were required for "firm" or "worker" investigations. Industries covered by recent investigations are widely varied, including producers of cigar-wrapper tobacco; asparagus; bolts, nuts, and screws of iron or steel; slide fasteners and parts; stainless steel and alloy tool steel; footwear; stainless steel flatware; certain gloves; and mushrooms. When producers are wide-spread, as in the asparagus and footwear industries, for example, special efforts and extensive travel are required.

The Commission cannot control the volume of work required to be completed under section 201 of the Trade Act of 1974. Without a longer period of experience under the terms of this section, volume estimates are subject to wide margins of error. It appears clear, however, that the combination of economic problems in particular industries and the new criteria for relief provided by the Trade Act of 1974 will result in a high demand for "industry" investigations through FY 77 and beyond. The Commission will have to devote a significant percentage of its total resources to the completion of these investigations.

A. Public investigations--Continued

2. Pursuant to Presidential request, congressional resolution, or on the Commission's own motion

Description

Section 332 of the Tariff Act of 1930 directs the Commission to make such investigations and reports as may be requested by the President, the House Committee on Ways and Means, the Senate Committee on Finance, or either branch of Congress, and authorizes the Commission to conduct investigations initiated on its own motion. The Commission also makes special research studies which are not publicly announced as investigations, although reports on such studies may be published.

Requirements	FY 75	FY 76	FY 77
Man-years	35.0	57.0	76.0
Percent of total personnel costs	9.5	14.5	17.7

Section 332 investigations have constituted the Commission's most important and demanding field of endeavor in recent years. Major studies have been completed for the Congress and the President. The national emphasis being placed on international trade matters makes it clear that requirements for such Commission studies will continue. The staff time devoted to such investigations was lower in FY 75 than in prior years because of the massive efforts devoted to the preparation of Commission advice to the President on the probable economic effects of possible tariff concessions.

Early in FY 75, the Commission completed the immense task of preparing for the President a draft conversion of the Tariff Schedules of the United States (TSUS) to the format of the Brussels Tariff Nomenclature (BTN). The final draft was composed for reproduction by computer, with data stored in magnetic tapes for ready future updating if and when required. If, as seems probable, the President asks for the draft to be further refined and to be updated to reflect subsequent changes in tariff laws, etc., major efforts by the professional staff will be required. If proposals for adoption of the BTN format should be made to the Congress, analyses and updating will continue over a period of years.

Much of the Commission's FY 75 work in this activity was on an investigation, requested by the President, concerning the competitiveness of U.S. industries. Published reports resulting from this investigation have covered: The competitiveness of U.S. industries, foreign trade elasticities of 20 industries, and protection in major trading countries. Other confidential reports have also been sent to the President's Special Representative for Trade Negotiations (STR). These reports are understood to be of particular value to the STR.

In the first half of FY 76, the Commission at the request of the Senate Committee on Finance, conducted and completed an investigation of the history and terms of the U.S.-Canadian Automotive Agreement and its impact on U.S.-Canadian trade, employment, production, balance of payments, capital flows, and investment patterns. The Commission held public hearings in Detroit, Michigan to supplement its research on this investigation.

Acting on its own motion, the Commission conducted an investigation, scheduled for completion on February 15, 1976, dealing with conditions of competition between domestic and imported shrimp. For this investigation, internal research was supplemented by public hearings in New Orleans, Louisiana, and Kodiak, Alaska, production centers of the domestic shrimp industry. This investigation has been terminated and the data it had developed are being used in an investigation instituted under Section 201 of the Trade Act of 1974.

Section 608 of the Trade Act of 1974 directed the Commission to participate directly in the United States contribution to the technical work of the Harmonized Systems Committee under the Customs Cooperation Council. The act directed the Commission to undertake an investigation under Section 332 of the Tariff Act of 1930 and report on the appropriate concepts and principle which should underlie the formulation of an international commodity code. The Commission is treating all of the continuing work in this area as a single investigation under Section 332 of the Tariff Act of 1930.

The Technical work of developing a harmonized commodity code for use in international trade and transportation transactions as well as in customs administration is unusually complex and demanding. It will require strong efforts by some of our most effective professionals working closely with other agency specialists, representatives of other nations, and the public. The work will extend over a period of years.

It is clear that there will be a continuing flow of requests from the Congress and the President for investigations included in this activity. Some of these investigations cover a single product or a specialized trade question; others, like those performed in recent years for the Finance Committee, cover broad fields of international trade. The Commission plans to extend its use of existing authority to initiate investigations under its own motion and to make other special studies so as to identify sensitive areas and develop information and action options for policy-makers in advance of their requests. In addition to the value of identification of problem areas which might otherwise be ignored, this emphasis will improve the utility of Commission reports by improving their timeliness.

This increased emphasis on investigations initiated on the Commission's own motion and special studies responds to the emphasis on these activities expressed by the Senate Committee on Finance on page 115 of its report on the Trade Act of 1974 (Senate Report No. 93-1298). A master list of topics for study has been prepared. The list includes items involving both economic and technical analysis as well as extensive fact-finding. In FY 76 and FY 77, the Commission can make only a beginning in its program of studying major trade and tariff subjects on its own initiative.

The Commission is uniquely qualified to perform these investigations, which were established as a key element of the Commission's mission in the Tariff Act of 1930.

A. Public investigations--Continued

3. Import interference with agricultural programs

Description

Section 22 of the Agricultural Adjustment Act authorizes the President to restrict imports of agricultural commodities rendering ineffective or interfering with programs of the Department of Agriculture, with a precondition that the Commission conduct an investigation and make reports and recommendations to the President. Whenever restrictions are imposed, the Commission may conduct new investigations if conditions warrant.

Requirements	FY 75	FY 76	FY 77
Man-years	-	1.0	1.0
Percent of total personnel costs	-	.3	.2

For a number of years prior to FY 74, the Commission carried out only one or two of these investigations each year. After an unusual surge to a total of seven investigations initiated in FY 74, demand dropped to zero in FY 75 and the first five months of FY 76.

The Commission bases its budget plans on only a nominal volume of activity in this field. When, as in FY 74, unusual requirements develop, the Commission meets them by diverting resources from other activities.

A. Public investigations--Continued

4. Antidumping

Description

Section 201(a) of the Antidumping Act, 1921, provides that whenever the Secretary of the Treasury determines that a class of merchandise is being, or is likely to be, sold in the United States at less than its fair value, the Secretary shall so advise the Commission. Upon receipt of this advice the Commission is required to determine within 3 months whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, and to notify the Secretary of the Treasury of its determination. The Trade Act of 1974 also calls for the Commission to make a preliminary determination of possible injury while Treasury is still determining whether or not dumping has occurred.

Requirements	FY 75	FY 76	FY 77
Man-years	9.0	15.0	15.0
Percent of total personnel costs	2.9	3.9	3 5

The number of antidumping investigations and resulting workload rose steadily through FY 73, but dropped in FY 74 and FY 75. Volume was affected by changes in the processing schedules at the Department of the Treasury as well as by variations in public demand.

The caseload of regular antidumping investigations in FY 77 is expected to be comparable to that in FY 76 or slightly higher. The additional function of making preliminary determinations of possible injury, while Treasury is still determining whether or not dumping has occurred, requires the assignment of more staff time and other resources to this activity. Although the time allowed for preliminary determinations is short, concentrated efforts from many staff members to develop information on which to base a determination absorb a significant amount of staff time per investigation.

Antidumping investigations involve whole industries. They require major efforts to complete within the statutory deadline of 3 months, usually requiring at least one man-year of staff time, often more. They constitute another activity which the Commission is required by statute to complete upon proper request.

A. Public investigations--Continued

5. Unfair import practices

a. Under section 337 of the Tariff Act of 1930

Description

Section 337 of the Tariff Act of 1930 provides for investigation by the Commission of alleged unfair methods of competition and unfair acts in the importation of articles into or the sale of imported articles in, the United States.

Section 341 of the Trade Act of 1974 amends section 337 of the Tariff Act of 1930. The Commission must complete investigations under this statute within 1 year (18 months for more complicated cases). The investigations must be conducted in conformity with the Administrative Procedure Act. Commission determinations may be appealed to the United States Court of Customs and Patent Appeals. The Commission may take several forms of corrective action, including issuance of cease and desist orders, subject to disapproval by the President for policy reasons.

Requirements	FY 75	FY 76	FY 77
Man-years	25.0	37.0	40.0
Percent of total personnel costs	8.1	10.6	10.5

Workload on investigations of alleged unfair import practices continues to grow, and the growth will be accelerated by the new requirements and authorities of the Trade Act of 1974. Unlike most Commission studies, these investigations usually concern parties who are direct adversaries. The new rules requiring determinations on the record and full compliance with the Administrative Procedure Act will require the Commission to spend materially more time on each investigation. Because of the new statutory time limits this will require the compression of this added work into a shorter period of time by assignment of a number of staff employees to the same investigation. The need to separate employees carrying out the investigations from those advising the Commission will require additional staff resources. Thus these investigations which already require much more time per case than other investigations concerning single products will require the allocation of still greater resources.

Investigations under section 337 of the Tariff Act of 1930 require special skills not usually needed in other studies conducted by the Commission. The Commission has employed its first administrative law judge and may have to add others to cope with the high case load in this activity. The Commission will continue to build staff competence in patent, antitrust, and unfair trade practice law to supplement its expertise in economic, marketing, tariffs, and investigations. A leveling off of the growth in demand for these investigations is envisioned for FY 77 following the accelerated growth of recent years.

b. Under section 303 of the Tariff Act of 1930 amended

Description

Section 331 of the Trade Act of 1974 amended the countervailing duty statute (section 303 of the Tariff Act of 1930) to cover duty-free as well as dutiable goods. If the Secretary of the Treasury finds that a bounty or grant is being bestowed on duty-free imports, he advises the Commission of his determination and the Commission then determines whether an industry in the United States is being, or is likely to be, injured. Thus, procedures will parallel those under the Antidumping Act of 1921, as amended.

Requirements	FY 75	FY 76	FY 77
Man-years	-	1.0	1.0
Percent of total personnel costs	-	.3	.2

Pending actual experience under this new provision of law, the Commission has made only a token allowance for work on these investigations. None was initiated in the first half of FY 76.

c. Under section 301(c) of the Trade Act of 1974

Description

If a foreign country subsidizes exports to the United States, provision is made under section 301(a)(3) of the act for the President to impose import restrictions thereon if certain conditions are met, one of which (subsection (c)(2)) is that the International Trade Commission has found that such exports to the United States have the effect of substantially reducing sales of the competitive product or products in the United States. Under section 301(c)(3), the President may also request the views of the Commission as to the effect on the U.S. economy of taking any action with respect to U.S. imports authorized under section 301(a).

Requirements	FY 75	FY 76	FY 77
Man-years	-	1.0	1.0
Percent of total personnel costs	-	.3	.2

The Commission has allowed a modest amount of work to be done in this area, pending actual experience under the new law. No investigations were initiated in the first half of FY 76

d. Under section 301(e) of the Trade Act of 1974

Description

If a foreign country maintains unjustifiable or unreasonable import restrictions which impair the value of trade commitments made to the United States or discriminate against United States commerce, the President is authorized by section 301(a)(4) of the Trade Act of 1974 to take action. Under section 303(c)(3), the President may, before taking such action, request the Commission for its views as to the probable impact on the economy of the United States of taking the action.

Requirements	FY 75	FY 76	FY 77
Man-years	-	1.0	1.0
Percent of total personnel costs	-	.3	.2

Here again, the Commission has allowed for only a moderate workload under this new provision, pending actual experience. No investigations were initiated in the first half of FY 76.

A. Public investigations--Continued

6. Probable economic effect of concessions

Description

The Trade Act of 1974, like that authorizing the Kennedy Round of negotiations, requires the President, as a condition of offers of concessions, to furnish the Commission with lists of articles which may be considered for trade agreement concessions. Within 6 months after receipt of such a list, the Commission must advise the President, with respect to each article, of its judgment as to the probable economic effect of modifications of duties on industries producing like or directly competitive articles.

The Commission is called upon to analyze various aspects related to competition between foreign and domestic industries, including, among other factors, production, trade, consumption employment, profit levels, and the use of productive facilities. The act requires the Commission to hold public hearings.

Because of the size of this task and its complex nature, including the requirement to hold public hearings, this work has been designated as a separate activity classified under public investigations. This activity does not include the varied trade agreements program activities discussed under Activity 1, C-1 (p. 25).

The Trade Act of 1974 also requires the President to seek advice from the Commission in regard to lists of articles which may be considered as eligible articles in connection with the system of generalized preferences for developing countries. In addition, the President may request similar advice with respect to trade agreements on nontariff barriers to trade.

Requirements	FY 75	FY 76	FY 77
Man-years	113.0	20.0	10.0
Percent of total personnel costs	31.2	4.7	2.2

To provide information upon which the Commission could base its determinations of probable economic effect, the Commission staff began work in the Fall of 1974 on the preparation of data sheets for some 2,000 articles or groups of articles. Each data sheet consists of nine pages of organized technical data and responses to standard requirements. These data sheets were of great value in all aspects of the task of developing the required advice and will have independent value as information sources for American negotiators. Determinations to the President in early FY 76 covered the general system of preferences as well as articles to be considered by the President in trade agreement negotiations.

Preparation of these data sheets was itself a huge task. Automatic data processing methods were used to speed their preparation. Lengthy public hearings, penetrating analysis of data developed, and careful Commission consideration leading to determinations as to its judgment of the probable economic effect of modifications of individual duties demanded great effort throughout the Commission.

As negotiations proceed the Commission expects requirements to update the information contained in the data sheets in the light of new data or circumstances. The Commission also expects some Presidential requests for Commission advice on the probable economic effect of possible modifications of nontariff barriers to trade.

A. Public investigations--Continued

7. East-West trade reports

Description

Under section 410 of the Trade Act of 1974, the Commission is to report not less frequently than once each calendar quarter with respect to imports from and exports to nonmarket-economy countries. The report is to be made to a newly created East-West Foreign Trade Board and the Congress and is to include data on the effect of such imports, if any, on the production of like, or directly competitive, articles in the United States and on employment.

Requirements	FY 75	FY 76	FY 77
Man-years	2.0	2.0	3.0
Percent of total personnel costs	.4	.5	.7

The Commission's reports deal with the impact of imports on U.S. industries of East-West trade, rather than treating only with the volume of such trade. During FY 1975, in addition to two quarterly reports, the Commission issued a special report entitled "Impact on U.S. Imports of Granting Most-Favored-Nation Treatment to Rumania". In addition, the Commission is currently working on the following special studies concerning East-West trade:

U.S. trade with the U.S.S.R.
Trade with China
Prospective Soviet imports of industrial equipment from the West
U.S. trade in food and agricultural products with the nonmarket economy countries

The expansion of this activity into the analysis of individual topics of special interest and the new analytical approaches being applied will require the allocation of additional resources to the activity.

B. Furnishing technical information and assistance

Description

An important aspect of the Commission's work involves furnishing technical information and assistance to the President, the Congress, and other Federal agencies, as well as to industries, groups, and individuals. This work arises as a consequence of the Commission's unique position as a repository of technical information and professional skill in the fields of tariffs and imports and their effect on domestic industries.

1. Furnishing technical information and assistance to the Congress

Providing information and assistance requested by Congress, congressional committees, or individual Members of Congress is a major area of Commission activity. Committees regularly request the Commission to analyze proposed legislation and to assist in the drafting of proposed legislation. Assistance to committees may also take the form of furnishing information and attending executive and public sessions of the committees. Many requests received from individual Members of Congress for varied types of information must also be answered promptly. Formal investigations requested by congressional committees are not included in this activity but are discussed separately under Activity 1, A-2

Requirements	FY 75	FY 76	FY 77
Man-years	8.0	10.0	10.0
Percent of total personnel costs	2.2	2 6	2.4

Work for congressional committees declined in FY 75, following enactment of the Trade Act of 1974. This was partly offset by a rapid growth of inquiries, and requests for assistance from individual Congressmen beginning in the second half of FY 75. The flow of inquiries continued very high in the first half of FY 76 and appears likely to be maintained. The increased public awareness of the Commission's functions has been brought about by the provisions of the Trade Act of 1974 and the wide-spread public hearings in the Spring of 1975 in connection with the development of the Commission s advice on the probable economic effects of tariff concessions. With the greater national concentration on the current round of trade negotiations and the interest in the large number of public investigations being required of the Commission, the flow of such congressional requests should continue at a high rate.

Congressional committees will, of course, continue to request Commission assistance in their consideration of various trade legislation proposals.

The Commission delivered to the President on September 30, 1974, a draft conversion of the TSUS to the BTN format. The Commission recognizes that at some time Congress may be asked to consider adoption of a revised system. It is impossible to predict the timing of such a proposal. When and if Congress does consider such a system, the Commission expects to be required to contribute actively to congressional analyses of the proposal. This work would have a major impact on all the staff. The proposed FY 77 budget assumes that such an effort will not be required during FY 77

The function of providing assistance to the Congress is one of the Commission's primary responsibilities under the Tariff Act of 1930 as was again emphasized by the Senate Finance Committee in its report on the Trade Act of 1974. It draws on the Commission's best talents and necessarily receives high priority for quality as well as timeliness of performance. The Commission's activity and cost records show that only a small percentage of all the Commission resources are applied to this key function. This percentage, however, represents only those resources applied directly. Without the ongoing efforts devoted to systematic assembly and analysis of economic and technical information (described under Activity D), it would not be possible to provide the Congress with the assistance it requires. The Commission's plans to increase its emphasis on self-initiated investigations and on special studies of trade matters are designed to further improve the Commission's capability to render prompt effective assistance to the Congress.

2. Furnishing technical information and assistance to other Federal agencies

The Commission is required by statute to assist other agencies in matters within the competency of the Commission. The Commission works closely with the Bureau of Census and the U.S. Customs Service. It is represented on several committees and is called on to have the staff members attend meetings of committees it does not regularly serve. The Commission furnishes information on strategic and critical materials to agencies concerned with problems of defense.

Requirements	FY 75	FY 76	FY 77
Man-years	2.0	2.0	2.0
Percent of total personnel costs	.5	.5	.5

The Commission expects continuing demands for such assistance, reflecting the growing Government-wide interest and activity in international trade affairs. Special international trade problems, such as recent changes in petroleum price and supply patterns, will add to normal demands. In accordance with the requirements of the Commission's appropriation, the cost of any studies made expressly at the request of other agencies is reimbursed.

3. Furnishing technical information and assistance to the public

On specific problems within its special field of competence, the Commission furnishes information in response to requests on a broad range of subjects from a wide variety of sources outside the Government The Commission is often the only available source of the requested information.

Requirements	FY 75	FY 76	FY 77
Man-years	8.0	10.0	10.0
Percent of total personnel costs	1 8	2 1	1.9

The Commission expects the work of assisting the public to grow slightly larger in FY 76 and FY 77 as a result of growing public requirements for assistance.

C. Other reports and activities

1. Relating to trade agreements

Description

This activity embraces supplying detailed, technical information for use by the President and those administering the trade agreements program. It also includes preparation of the Commission s annual report to the Congress on the operation of the trade agreements program, but does not include work described above under item A, public investigations.

Commission duties in this area include preparing special studies, developing digests of information on articles of commerce, providing technical advice to those carrying out the trade agreements program submitting recommendations to the President on matters related to program policy, or preparing in appropriate legal language the final schedules relating to U.S. tariff negotiations. The Commission's annual report on the operations of the trade agreements program is a comprehensive report intended to keep the President the Congress, and the public informed of the progress and effects of the program

Requirements	FY 75	FY 76	FY 77
Man-years	15.0	25.0	30.0
Percent of total personnel costs	4 0	6.0	6.5

As the negotiations begin, the Commission must not only carry out the special advisory task described under Activity 1. A-6 in this Justification but must provide varied support to the President's Special Representative for Trade Negotiations (STR).

This work will fall in various areas such as developing detailed information concerning commodities with a strong potential for export expansion or sensitive to imports and evaluating possible effects of tariff changes; preparing new and/or improved concordances between the TSUS and the tariff nomenclatures used by other nations; reconciling apparent discrepancies in foreign data with respect to tariff and statistical nomenclature, duty rates, and other key factors. The STR has met with the Commission and the staff outlining extensive assistance he will need.

The level of work in this area will grow steadily in FY 76 and FY 77. Emphasis is shifting from planning to developing detailed information. analyzing the effects of alternative action, and supplying technical assistance. In January 1976, one senior employee is being detailed full-time to the delegation site. With the progress of actual negotiations, the Commission expects that it will be required, as for the Kennedy Round to supply additional key staff members for duty at the site of negotiations and to support them with extensive efforts from Washington. Trade negotiation planning memoranda from the STR stress the essentiality of adequate, accurate information, supported by thorough analysis, as a base for all negotiating efforts. The Commission must give proper emphasis to this important national effort.

C. Other Reports and Activities--Continued

2. Synthetic organic chemicals reports

Description

The Commission has published annual reports covering production and sales of synthetic organic chemicals and the raw materials from which they are produced, a directory of manufacturers of the products included, and statistics on imports of benzenoid chemicals, as well as monthly statistical reports covering production of a selected list of synthetic organic chemicals considered to be representative of the industry.

The chemical industry cooperates in furnishing much of the data included in these reports because of the high value industry places on the information published.

Requirements	FY 75	FY 76	FY 77
Man-years	14.0	14.0	-
Percent of total personnel costs	2.7	2.7	-

In June, 1975, a report from the Comptroller General, addressed specifically to the question of these chemical reports, suggested that the information should be gathered only when needed for a specific purpose, and questioned distribution of the report to others at no cost.

In response to this report, the Commission has decided to phase out the synthetic organic chemicals reports over a period ending about September 30, 1976. An orderly phase out of the reports is planned. The Commission will collect and publish 1975 data for the annual reports on production and sales, and will collect monthly data on production through June of 1976. Data on 1975 imports will also be collected and published. The Commission has estimated a net saving of six positions as a result of discontinuing these publications and has adjusted its overall staffing request accordingly.

C. Other reports and activities--Continued

3. Summaries of trade and tariff information

Description

The Commission has published several series of Summaries of Trade and Tariff Information for use as comprehensive reference sources by the Congress, the courts, other agencies, and the public. This activity is an outgrowth of the Commission's ongoing responsibility for developing and maintaining the Nation's primary store of technical tariff information.

The most recent series was made necessary by changes in the tariff schedules made in 1963. The Summaries include explanations of individual item, tariff, and statistical classifications and material on commodity characteristics and uses, domestic production and consumption, U.S. imports and exports, and foreign producing and export capability. The classification information is of particular importance to individuals and organizations involved in foreign trade and to the U.S. Customs Service. Portions of the information in the Summaries are included in other publications, but no other single publication is comparably organized for use by those interested in tariffs and international trade. Demand for many of the volumes in the present series has been high. Primary distribution is made within the Government, with some copies going to reference libraries and the public.

Requirements	FY 75	FY 76	FY 77
Man-years	-	15.0	25.0
Percent of total personnel costs	-	3.4	5.2

Progress in publication of Summaries was minimal in FY 75 because staff time could not be made available for their preparation and review. The Commission is shifting some staff resources to the completion of the 9 volumes still to be published in the current series and the updating of other volumes. The updating process involves collection and analysis of current statistical information to replace that previously published as well as revisions reflecting changes in tariff provisions.

In addition to their continuing value as reference documents for other agencies and the public, Summaries reflecting current tariff provisions and economic information are necessary tools for U.S. representatives in international trade negotiations.

C. Other reports and activities--Continued

4. Statistical enumeration and publication of the TSUSA

Description

Pursuant to section 201 of the Tariff Classification Act of 1962, the Commission is charged with the responsibility of maintaining and publishing on a current basis the Tariff Schedules of the United States Annotated, to show the duty and other customs treatment accorded U.S. imports and the statistical subdivisions to be used for the purposes of reporting the commodity composition of imports for analytical purposes. The TSUSA is usually published annually, and supplements are issued periodically to reflect changes in the schedules and maintain it on a current basis. The schedules, which are essential both to domestic and foreign private and national institutions as well as to international organizations, such as the General Agreement on Tariffs and Trade (GATT), are printed by GPO and comprise about 1,000 pages. More than 26,000 copies are issued. Since it is the only authoritative source for determinations respecting the duty and other customs treatment accorded U.S. imports on a commodity basis, great accuracy is required. Changes in the Tariff Schedules of the United States reflect primarily the results of legislation, Presidential proclamations issued in pursuance of trade agreements, and modifications adopted by the Interagency Committee for the Statistical Annotation of the Tariff Schedules. The activities of this latter Committee, which is composed of representatives of the Secretary of the Treasury, the Secretary of Commerce, and the Chairman of the Commission, and which is chaired by the Commission representative, are conducted pursuant to section 484(e) of the Tariff Act of 1930. The primary object of the Committee has been improvement in the quality and utility of import trade data for analytical purposes.

Section 608 of the Trade Act of 1974 amended section 484(e) of the Tariff Act of 1930 to give the Secretary of the Treasury, the Secretary of Commerce, and the Commission authority and direction to establish for statistical purposes an enumeration of articles comprehending imports, exports, and domestic production. Under subsection (b), the Department of Commerce and the Commission conducted a joint study of existing commodity classification systems and submitted a report to both Houses of Congress and to the President with respect to this study on August 1, 1975.

Requirements	FY 75	FY 76	FY 77
Man-years	12.0	38.0	30.0
Percent of total personnel costs	3.3	9.8	7.1

Far more resources will be required for this activity in FY 76 and FY 77. The new assignment stemming from section 608 of the Trade Act of 1974 is the cause of most of the sharp increase in workload already underway in FY 76 and the high workload projected for FY 77. It is a huge and complex task, requiring deep analyses, extensive coordination with other agencies, as well as consultation and cooperation with various sectors of the general public. Work in this area is expected to continue heavy over a period of years. The special efforts required to develop the first series of compatible statistical systems for imports, exports, and production will result in peak assignment of staff resources in FY 76, but much work of refinement and modification will be needed in FY 77.

The problems to be resolved are extremely difficult and will require the best efforts of many, outside the Commission as well as within. The benefits of successful conclusions to these assignments will be both large and widespread. Trade statistics are at the heart of both governmental and private trade planning. Development of compatible systems adaptable for multiple uses will meet a long established need.

In addition, there has been a significant increase in requests by industry and by Congress for more detailed information in trade statistics respecting the composition of our import trade. In FY 74, the Interagency Committee, after lengthy discussions, adopted rules requiring collection of import statistics based on cost plus insurance and freight as well as the existing "FOB shipping point" statistics. This is a major change.

Supplements to the TSUSA are issued periodically to delineate changes in U.S. customs practices. The use of voluntary export restraints, the proclamation of a generalized system of preferences for underdeveloped countries, and the "escape-clause" application have made necessary the issuance of some added supplements in recent years and may continue to increase the number of supplements required.

D. Assembling and analyzing economic and technical information

Description

Section 332 of the Tariff Act of 1930 requires the Commission to put at the disposal of the President and the Congress, whenever requested, all information at its command, and make such investigations and reports as may be requested by the President, the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or by either branch of the Congress. These requirements, along with other sections of the act which set forth specified areas of international trade in which staff competency is required, account for a large part of the activity of the Commission and of total staff time. In order to maintain an acceptable degree of currency respecting developments in international trade and to respond expeditiously to investigations initiated by the Congress and the President or to other requests for information, a significant portion of staff time is spent in the collection, assembly, and analysis of basic economic and technical information and other data relating to changes in the conditions of competition between domestic and imported products. A principal long-term Commission goal is to know, and to be able to apply its knowledge of, the degree to which each domestic industry is competitive with its foreign counterparts--including the reasons why it is or is not competitive--and also to be able to relate this competitive position to tariff structures and nontariff barriers, both foreign and domestic. To accomplish this goal it is necessary to build a basic fund of knowledge.

Information on individual industries and the commodities produced by them comprises the largest part of this basic fund of knowledge. It includes technical data on the commodities and the processes of their production; the structure of industries; data on U.S. production, imports, exports, and prices; data on production, imports, exports, and prices for leading foreign producing and exporting countries; and facts concerning conditions of competition between imported and domestic articles. Information is obtained through the regular collection, assembly, and analysis of data from domestic producers and importers and from Government and trade publications. The Commission also maintains in its library a large collection of material related to international trade and tariff affairs.

In light of the foregoing and because of the extraordinarily broad scope and diversity of its investigations, the Commission has a special interest in the nature, quality, timeliness, and utility of our foreign trade statistics. Moreover, its involvement in the trade agreements programs and in other interagency activities relating to international trade and trade policy has resulted in an especially wide spectrum of cooperative effort with other agencies on various aspects of trade statistics, including their comparability, even before the new requirements in this area established by the Trade Act of 1974, as discussed under Activity C-4. Included in such activities has been the implementation by the Commission, the Bureau of the Census, and the U.S. Customs Service of an interagency pilot program to monitor, on a sample basis, the effectiveness and possible shortcomings of the existing system for collecting and reporting U.S. import statistics. There is general agreement among the participating agencies that the maintenance of a quality control program is essential for the import statistical program of the United States.

Requirements	FY 75	FY 76	FY 77
Man-years	46.0	50.0	55.0
Percent of total personnel costs	9.8	9.5	9.6

Contrary to plans, time spent on this activity remained near the lowest level in years during FY 75 because professional employees had to devote greater efforts than expected to high-priority tasks. FY 76 plans call for rebuilding this activity toward a level more nearly in balance with the Commission's overall responsibilities in the trade field, with a slight further increase in FY 77. In this connection, it should be observed that both the Committee on Ways and Means of the House and the Committee on Finance of the Senate in their reports on the Trade Act of 1970 placed special emphasis on the need for the Commission, as well as other agencies, to improve its facilities for the collection of data and to increase its efforts to improve the the quality of such information. The importance of those efforts was again stressed in the Finance Committee December 1974 report on the Trade Act of 1974. While this has been a prime goal of the Commission in recent years, plans for greater emphasis have been seriously inhibited by the press of other business, such as work on investigations, which has taken a higher priority. The Commission is convinced that greater emphasis on this development of economic information and technical understanding is essential to long-term Commission effectiveness.

Activity 2. Executive direction and administration

A. Commissioners' offices

Description

This catgory includes the work of the six Commissioners and their assistants and some work directly related to the Commissioners' activities performed by other employees, particularly by those in the Office of the Secretary.

Although the Commissioners devote most of their attention to the substantive work of the Commission rather than to administration the cost of the Commissioners' offices is included in Activity 2 in conformity with definitions previously established.

Requirements	FY 75	FY 76	FY 77
Man-years	23.0	28.0	33.0
Percent of total personnel costs	8.1	9 2	10.4

Until recently, Commissioners have operated with little or no immediate staff support. relying on general assistance from individual members of the agency staff. With the growth in volume and complexity of activities, this method of operation became inadequate.

In recent years the Commission has allotted two professional administrative assistants to each Commissioner, supported by one clerical employee for each. in addition to the clerical staff member previously authorized. These professional administrative assistants will assist individual Commissioners to expedite the increased volume of reports already being required and to cope with the increasingly complex and important responsibilities stemming from the new requirements of the Trade Act of 1974.

B. Administration

Description

This activity includes the work of the Executive Director's Office, and the usual administrative services. In addition to the work of employees assigned full time to administrative duties, staff time charged to this activity includes some work performed by non-administrative employees when the work involves Commission-wide administrative matters

Requirements	FY 75	FY 76	FY 77
Man-years	39.0	42.0	43.0
Percent of total personnel costs	9.2	8 0	8 0

Expansion of the Commission's administrative support staff has been essential in recent years, reflecting both the growing size of the staff to be served and the Commission's increasing emphasis on management improvement.

In FY 75 it was necessary to add to several administrative units. Special emphasis is being given to strengthening the management and analysis function in order to speed progress on a large backlog of systems development work. The Commission is making progress in the establishment and publication of operating and administrative policies and procedures, but much remains to be done in this area.

Operating supervisors are being used more extensively in administrative activities affecting the entire Commission such as the agency-wide programs in EEO performance evaluation appeals, incentive awards, and the review of proposed administrative policies and procedures. As a result. the man-years charged to administrative activities have increased more rapidly than the number of employees assigned solely to these administrative duties.

MISCELLANEOUS EXPENSE REQUIREMENTS

(In thousands of dollars)

	Actual FY 75	Estimate FY 76	Estimate FY 77	Increase or decrease (-), FY 77 from FY 76
Object classification:				
12 Personnel benefits	566	697	788	91
21 Travel and transportation of persons	133	200	220	20
22 Transportation of things	2	4	4	-
23 Rent, communications, and utilities	617	870	1,033	163
24 Printing and reproduction	37	117	132	15
25 Other services	490	566	621	55
26 Supplies and materials	193	202	243	41
31 Equipment	152	170	169	(1)
Total costs, funded	2,190	2,826	3,210	384
Change in selected resources	121	-	-	-
Total obligations for miscellaneous objects	2,311	2,826	3,210	384

An analysis of estimated obligations for miscellaneous object classes of expenditure appears on the following pages. (The difference between the costs shown in the table above for FY 75 and the obligations for FY 75 results solely from variations in year end balances of unpaid, undelivered orders.)

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Object class 12 - Personnel benefits - $788,000

The estimated costs to the Commission for contributions to the retirement fund, for health and life insurance, and under the Federal Insurance Contributions Act are direct results of the planned personnel compensation costs. These costs, amounting to $763,000 of the $788,000 total benefit costs estimated for FY 77, have been estimated on a basis consistent with actual costs in prior years and the estimated expense for FY 76. Refinements in our methods of estimating health benefits make clear a need to provide a higher benefit rate than had been assumed previously.

The Commission also expects to make payments of some $10,000 under the incentive award system and to pay employee moving expenses of $1,000 in FY 76 and FY 77.

Object class 21 - Travel and transportation of persons - $220,000

The Commission expects a $20,000 increase on travel costs in FY 77 as a result of inflation in the cost of travel by its employees to conduct a growing volume of business and to maintain staff competence. Costs have been increased by higher per diem allowances and by a series of price increases for air and rail transportation. About 60 percent of all Commission travel costs in FY 75 were expended in the conduct of investigations, an area where demand continues. Much of the increase budgeted for FY 76 and FY 77 will be needed for foreign travel, particularly trips to Brussels for technical work in the development of a harmonized commodity code, as required by the Trade Act of 1974.

Other travel is required to keep the Commission's experts abreast of current conditions in their respective industries--an area where the Commission has fallen behind reasonable levels in recent years because of staff shortages and work pressures which made it impracticable to free professional employees to conduct adequate field research. The expanded effort in the assembly and analysis of economic and technical information, previously discussed under item D of the Commission's activities, will require increasing travel by professional staff members to visit both domestic producers and importers or their representatives in both FY 76 and FY 77.

Object class 22 - Transportation of things - $4,000

The $4,000 estimated for FY 77 costs will provide for moving of household effects of new employees coming to Washington from out-of-town offices of other agencies.

Object class 23 - Rent, communications, and utilities - $1,033,000

In FY 76 the Commission paid rent in accordance with Public Law 92-313, but at rates which Congress reduced by 10 percent from those established by GSA. The FY 77 estimate for an increase in rents from about $562,000 to about $623,000 is based on the official GSA Federal Buildings Fund Estimate, which does not provide for the 10 percent reduction.

Postage usage has risen rapidly in recent years, particularly for mailing of investigation materials. Postage costs are expected to rise by $53,000 in FY 77. This includes a provision of $33,000 for rate increases effective in FY 76. Telephone costs will rise by some $41,000 because rates have risen and because more instruments will be required for the staff added in FY 76. Higher usage of office copiers and rentals of graphics equipment will add about $6,000 to costs.

Object class 24 - Printing and reproduction - $132,000

FY 75 obligations included $43,000 for the TSUSA and $7,000 for synthetic organic chemicals reports. In FY 76 and FY 77 we have budgeted for a complete TSUSA issuance plus supplements, but we have allowed only $3,000 for a final chemical report printing in FY 77. Expansion of the TSUSA to include preference rates, as authorized by the Trade Act of 1974, will raise printing costs by about $10,000 The Trade Act of 1974 makes necessary an estimated FY 77 expenditure of $20,000 for printing of schedules of statistical enumeration reflecting revisions of export and production statistical systems.

Object class 25 - Other services - $621,000

ADP contracts account for almost one-third of all services costs as more continuing activities and special projects are adapted to computer methods. Much of the total of $189,000 budgeted for FY 77 is for work on the D C. Government computer, using programs written and controlled by Commission staff members. Other ADP work is programmed and processed independently usually in other Government agencies, which must be reimbursed for their costs. Total ADP contract costs are expected to change little in FY 77 from the amounts budgeted for FY 76.

A number of items in this object class, including GSA finance, labor, repair and guard services, equipment repairs, maintenance service, security investigations, and health room services, are largely uncontrollable. Automatic cost increases will raise FY 77 costs for these services about $17,000 from the FY 76 level. The Freedom of Information Act Amendments require the Commission to make copies of transcripts available at reproduction cost. This has increased recent stenographic reporting costs by some $40,000 since the contractor can no longer profit from outside sales FY 77 stenographic reporting costs are budgeted at the FY 76 level.

The FY 77 budget provides a $14,000 increase in training costs to allow greater emphasis on career executive development as well as an expanded program of both on-site and external training of individuals and groups. It also allows for increases of $24,000 in maintenance and related costs, most of which are paid to other agencies.

Object class 26 - Supplies and materials - $243,000

About half of the increase in FY 77 obligations for supplies and materials reflects expectations for increased usage of these supplies as a corollary of increased workload. The bulk of purchases in this object class are for items required in day-to-day operations. They are subject to little discretionary control. Transfer of the cost of non-capitalized equipment, such as shelving and carpets to this object class from object class 31 accounts for $23.000 of the increase from FY 76 to FY 77. This is about $5,000 above the amount budgeted for like items in object class 31 for FY 76.

Object class 31 - Equipment - $169,000

Transfer of obligations for non-capitalized equipment to object class 26 will reduce FY 77 obligations by $23,000. This reduction is largely offset by a planned increase of $22,000 in the cost of reproduction equipment needed to replace old machines and to allow faster processing of Commission reports.

Mr. SLACK. The request for fiscal year 1977 is $11,539,000, an increase of $1,139,000 over the appropriation to date for fiscal year 1976.

Mr. Chairman, I believe this is your first appearance before the committee as chairman, and also the new vice chairman's first appearance. Will you please insert at this point in the record a short biographical sketch?

Mr. LEONARD. Yes, sir.

Mr. MINCHEW. Yes, sir.

[The biographies referred to follow:]

BIOGRAPHICAL SKETCH OF MR. WILL LEONARD

Will E. Leonard became the youngest chairman in the history of the U.S. International Trade Commission or its predecessor, the U.S. Tariff Commission, when at age 40 he assumed that office on June 17, 1975. He was first nominated by President Lyndon Johnson on October 8, 1968, and confirmed by the Senate on October 9, 1968, to serve for the remainder of a term which expired on June 16, 1969. He was renominated to a full 6-year term by the President on June 16, 1969, and confirmed by the Senate on June 17, 1969. Under the new Trade Act of 1974, which established 9-year terms for future Commissioners, Mr. Leonard's term was extended for 18 months, until December 16, 1976, during which time he will serve as chairman.

Mr. Leonard is a Democrat and a legal resident of Louisiana. Born January 18, 1935, in Shreveport, La., Mr. Leonard was 33 at the time of his original appointment and the youngest person ever appointed to the Commission.

Mr. Leonard received his elementary and high school education in the public schools of New Orleans, La. He attended Tulane University, from which he received his B.A. degree in 1956 and his LL.B. in 1958. While at Tulane, he was elected to Phi Beta Kappa and Omicron Delta Kappa, and was president of the law school student body. Mr. Leonard also received an LL.M. in 1966 from the Harvard Law School.

Mr. Leonard was employed in radio and television from 1952 to 1960. He then served as legislative assistant to Senator Russell B. Long from 1960 to 1965. He received a congressional staff fellowship for the 1965–66 academic year, during which time he attended Harvard University. From 1966 until his appointment to the Commission in 1968, Mr. Leonard was a member of the professional staff for the Senate Committee on Finance, serving as a specialist in tax and trade legislation. He is a member of the bars of the U.S. Supreme Court, the State of Louisiana, and the District of Columbia.

In Washington, D.C., Mr. Leonard resides with his wife, Maureen, and children at 4301 Massachusetts Avenue NW. His office is at the U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523–0133.

BIOGRAPHICAL SKETCH OF MR. DANIEL MINCHEW

Vice Chairman Daniel Minchew of Georgia is the newest and youngest member of the U.S. International Trade Commission. He was appointed by President Ford in October 1974. The oath of office was administered by his former employer, Senator Herman E. Talmadge. On June 17, 1975, he became the vice chairman of the Commission and will become chairman on December 17, 1976. He is a Democrat.

Mr. Minchew was born on September 9, 1939, in Savannah, Ga., and grew up on his family's farm (a tree, cattle, and row crop operation) near Baxley, Ga. As a student at Appling County High School, he was active in the 4–H club and served as president of the Georgia State 4–H Council.

The vice chairman is a graduate of the University of Georgia, Athens, Ga., where he earned his A.B. degree in political science, and of Oxford University, Oxford, England, where he received a M.A. degree in philosophy, politics and economics. While at UGA, he was elected to Phi Beta Kappa, served as President of Phi Kappa Hall, and as president of Biftad Honor Society. He is a member of Gridiron Secret Society and is a former chairman of the University of Georgia Alumni Society, Alumni Seminar Program, and a former president of the American Association of Oxford University. He is a member of the dinner committee of the annual Oxford-Cambridge boat race dinner of Washington, D.C.

From 1970 until assuming office as Commissioner, Mr. Minchew was administrative assistant to Senator Herman E. Talmadge. Prior to that time, he was employed by the United States-Japan Trade Council as its legislative director, and before that, by the National Cotton Council as its assistant Washington representative.

His first job after college was working in Washington for Senator Richard B. Russell, which was followed by a year's assignment as special assistant to the Secretary of Defense, Mr. Robert S. McNamara, and a year on the staff of the Bureau of the Budget, part of which time he was assigned to the White House staff of President John F. Kennedy.

Daniel Minchew was married to Shirley Coffield on September 15, 1973. Ms. Coffield, who retained her name after marriage, is an attorney in the office of the General Counsel of the President's Special Trade Representative. She received her A.B. degree from Williamette University, Salem, Oreg., in political science; her M.A. degree from the University of Wisconsin, Madison, Wis., in east Asian studies; and her J.D. degree from George Washington University Law School, Washington, D.C. Daniel Minchew and Shirley Coffield own Esta Valley Farms, near Eagle Creek, Oreg., where Ms. Coffield grew up.

In Washington, Mr. Minchew and Ms. Coffield live on Capitol Hill and have been active in the Capitol Hill Restoration Society. Both are members of St. Mark's Episcopal Church.

Mr. SLACK. You may proceed with your statement.

GENERAL STATEMENT

Mr. LEONARD. Mr. Chairman and members of the committee, I am pleased to meet with you today in my first appearance as Chairman of the U.S. International Trade Commission. The Trade Act of 1974 eliminated appointment of the Chairman and Vice Chairman by the President and established automatic transfer of these positions each 18 months. I am accompanied by Daniel Minchew, the Commission's Vice Chairman, who will succeed me as Chairman, and by Edward Wallington, the Commission's Chief, Financial Management.

In developing this request for funds for fiscal year 1977, the Commission's first appropriations request under new rules exempting its budget from Office of Management and Budget review or revision, the Commission has examined its needs with special care. We have given this budget close scrutiny with two objectives foremost in mind: First, to demonstrate to the Congress that we can prepare a responsible budget request without a need for OMB's review; and second, to do our part to restrain the growth in Government expenditures about which the whole country is concerned.

People are our Commission's greatest resource and the one for which most of our dollars go. Yet, we are proposing a fiscal year 1977 budget with a yearend staff of 426 people, a cutback from the number of planned for the end of fiscal year 1976. We want to reduce our staff by four from fiscal year 1976. This, we feel, compares favorably with the increases of 39 in fiscal year 1974, 19 in fiscal year 1975, and 30 in fiscal year 1976.

The Commission's request for fiscal year 1977 does call for an increase from the fiscal year 1976 dollar total. However, 93 percent of this increase results from built-in cost increases. Only $75,000 of the budget increase is allowed for growth in program-support costs, and part of this cost growth results from inflationary forces rather than from a change in operating levels.

The Commissioners are deeply appreciative of the cooperation extended by the Congress in general and your committee in particular

in providing funds for the Commission in recent years. This cooperation has been an essential element in the Commission's efforts to meet the expanded responsibilities placed upon the Commission, culminating in the special demands included in the Trade Act of 1974. The Commission views the current budget as a change from one of growth to one of consolidation. Further, since the fiscal year 1977 budget reduces, rather than increases, planned yearend staff levels, automatic cost increases in fiscal year 1978 should be significantly less than those in fiscal year 1977.

The justification we have submitted to your committee provides, we believe, full explanations of the Commission's activities and needs. We want to reemphasize to you that the demands for Commission services are, in fact, large and growing. In particular, great efforts will be required in the following areas: public investigations under the Trade Act of 1974; services to support U.S. representatives in the current round of international trade negotiations; and the development of compatible statistical systems and participation in development of a basic commodity code for use in international trade.

In this period of intense national interest in matters of international economic policies and particularly of international trade, the Commission must provide timely and professional assistance to its primary customers, the Congress and the President, but it must also improve its services to its ultimate customer, the American people. You will note that the only two new employees requested in this budget will supply new expertise and emphasis on consumer interests affected by international trade matters. The Commission, reflecting its new name and the congressional intentions expressed in the Trade Act of 1974, will be attentive to export issues and what is happening with respect to the trade of other countries, in addition to its traditional concern with matters pertaining to imports. We believe that the Commission's present efforts, such as its recent advice to the President on the probable effect of tariff concessions and the generalized system of preferences, its reports on East-West trade, its studies of international commodities agreements, and the United States-Canadian automotive agreement, and its series on the competitiveness of the United States and other major trading countries, are earning the Commission added respect throughout the international trade community.

Despite the growth in demands on the Commission for services, we have made the decision not to request further growth in our basic resources at this time. The Commission intends to concentrate its fiscal year 1977 efforts on improvements in the utilization of its resources, which in large part means its personnel, rather than on continued expansion. This course is the deliberate choice of the Commission, not the result of outside influences. We believe that through improved management we shall be able to finance effective fiscal year 1977 operations with the funds requested in this budget.

I will, of course, be pleased to try to respond to your questions.

First, may I ask Mr. Minchew if he wishes to make any remarks or comments at this point, and certainly to join in any response to questions that you may ask us.

Mr. Minchew.

Mr. MINCHEW. Mr. Chairman and members of the committee, I simply want to associate myself with the comments our chairman has

made. Having worked for the late Senator Richard B. Russell, and more recently for Senator Herman Talmadge, I have had occasions to view budget requests, and I am particularly pleased that the Commission, the six of us, have been able to come up with a budget that actually requests fewer rather than more people. I am convinced that through improvements that we are making in the Commission that we can handle our additional responsibilities with fewer people.

Mr. LEONARD. Thank you, Vice Chairman Minchew.

Mr. SLACK. You mentioned in the earlier part of the statement that under the Trade Act of 1974 the estimates submitted to the President by the Commission are included in the President's budget without revision.

Mr. LEONARD. Yes, sir.

Mr. SLACK. The amount of $11,539,000 included in the President's budget is the amount requested by the Commission, is it not?

Mr. LEONARD. Yes, sir; that is correct.

ARTICLE IN WASHINGTON STAR

Mr. SLACK. Mr. Chairman, I have an article which appeared in the Washington Star on January 15 of this year. This article indicates that the Chairman and the Vice Chairman have charged mismanagement of their agency. It says further that the Vice Chairman alleges the staff is sabotaging the Commission's efforts to do its duty. What is the meaning of this article? Can you enlighten the committee on it?

Mr. LEONARD. I would be happy to speak with respect to the statements attributed to the Chairman in that article. I believe in great part that we can improve the operations of our agency. The management begins with the six Commissioners. The six Commissioners are the first line of management for the agency and I think that if there is mismanagement—and I don't believe I was necessarily quoted as saying there was mismanagement, but if there is mismanagement, it begins first with the inability of six commissioners to do all that they can to see that the management is done properly.

Then, of course, as with every institution, there is a certain amount of delegation to levels below the first level and to the extent that those levels do not reflect the policies decided upon by the first level, to the extent that there is lateness, if sometimes noncompliance completely, with the directions made by the first level, then I feel it is correct to characterize that as mismanagement.

Now, the difficult part in a Government agency such as the U.S. International Trade Commission is, in effect, twofold. One is that there is no one person at the top. There are six persons. One must get a consensus of those six persons. Those six persons may disagree on any or perhaps all matters.

Obviously, if there is a majority sentiment, it can prevail. You sometimes can't even get a majority when you have six. You can have a split of three to three.

That is the first element that causes, perhaps, what most management experts might find is an inefficient way of running an organization.

The second element is the constraints that are placed on any Government institution, or on most Government institutions of the

Federal Government by the rules and regulations of the civil service system.

Now, we all applaud the general purpose of the civil service system and that is to remove political influence from Government jobs. But in trying to obtain that very laudatory goal, there are certain prices that we pay. The costs that we pay are sometimes the prevention of rapid action being taken, the inability to eliminate fat or inefficient or unproductive resources. That is an everyday job that any manager in the Government faces, and to the extent that he is constrained by those rules and regulations, he will not always succeed in getting the very best product for the cheapest cost from his particular program.

Mr. SLACK. Let me say at this point that I raise this only because in all probability there will be some Members on the floor, or when we take this to the full committee, who will ask questions about this article, and I want to have a satisfactory answer.

We would like to hear from you, Mr. Vice Chairman.

Mr. MINCHEW. Thank you, Mr. Chairman.

Mr. FLYNT. Mr. Chairman, I join with you in welcoming to the committee today the Chairman, Mr. Leonard, and the Vice Chairman, and I understand shortly to become Chairman, of the International Trade Commission. Mr. Minchew comes from the State of Georgia. He is widely known and highly respected for his Government service. As one member of this committee—and I certainly hope I speak for the other members of this committee—in addition to welcoming you, Chairman Leonard, I want to publicly welcome my long-time friend, Daniel Minchew, Vice Chairman, soon to be Chairman of the Commission, to our hearing today.

Mr. MINCHEW. Thank you, Mr. Flynt.

Mr. Chairman, in response to your questions and to supplement the remarks made by the Chairman, let me say that I associate myself with the comments as reported in the Star article insofar as they are reported within the space available.

The gentleman who conducted the interview did not have room to give proper weight and credit to many of the fine things that happen at our agency. News reporting sometimes emphasizes the negative over the positive.

I have, myself, I think, a great deal at stake in being associated with an agency that is a progressive agency, that is an agency that is doing its job properly. When the Commission has given, for example, a directive that when we make decisions, that people such as yourselves, those who have an interest in our escape clause and other decisions, and the public, are to be notified promptly and you print the press releases, you have them there, you have the envelopes, but you just don't mail them—you want to wait until the next day or whenever it is convenient, the public interest is not being served, in my view. In this particular instance we had printed press releases, we had addressed envelopes that were done early enough in the day that they could have been stuffed, sealed, and ready to put in the mail at the time our report was delivered to the President.

We found that in fact they had not been prepared for mailing, even though the Commission in my opinion had so directed.

Substantive things I think give me a greater problem than not getting a few press releases mailed out.

For example, I have been shocked to learn that advice that has been my advice to the President under a statutory provision of the Trade Act of 1974 has been, to some degree, questioned by members of our staff who have taken it upon themselves to go to other agencies in the executive branch, giving comments which in effect undercut positions of the Commission or, in this instance, a member of the Commission.

I do not have any claim to infallibility. I am a human and I am going to make mistakes. I do think that I, as a Commissioner, must have some sort of knowledge, at least, when our staff decides to go to various parts of the executive branch of the Government or respond to inquiries from the executive branch, especially when staff start giving advice that is contrary to the advice of the appointee.

I am always open to someone else giving a different advice, but I am charged in my oath of office as a Commissioner to fulfill my responsibilities to the best of my ability. This is not possible when staff advise executive branch offices that Commissioners' views are incorrect—without even the courtesy of informing the Commissioners. This has happened to me.

As the Chairman said, in the final analysis, if there are things going on in our agency that displease us as individual Commissioners, if we can get a majority of the Commission to go along with improvements, then we have the wherewithal to solve our problems.

In summary, I will be happy to try to respond to any question with more specific detail.

I have been a member of the Commission for approximately a year and a half. The Commission is going through a transition. It has a lot of new responsibilities. The staff has, in almost every instance, complied with a sincere effort to do its job better. In those instances where it is not doing so, I really don't blame our Executive Director, our General Counsel, or any other staff member; I blame myself, as a Commissioner, for not urging that my colleagues and I take stronger action to correct the ills about which I complain.

I hope that the six of us who are Commissioners are going to resolve some of the problems that I, as one Commissioner, and I think other Commissioners, have faced. We are in the process of dealing with the question of reorganization of the Commission. Reorganization has been a dream in the eye of our former Chairman; it has been something that I think all members of the Commission have been desirous of achieving and for various reasons we have not yet got this task accomplished.

I think in the near future we are going to be reorganized, and at that time I think many of the problems that I have alluded to will be adequately resolved.

Mr. SLACK. Very well. Thank you, Mr. Vice Chairman.

Are there questions at this point on the general statement or on the article that appeared in the Washington Star?

Mr. FLYNT. Am I correct in assuming Chairman Leonard and Vice Chairman Minchew are in agreement on this part of the question and were a part of the four-member majority?

Mr. LEONARD. We were the two members of the six-member Commission that were quoted and did give comments to the newspaper article.

I might say in a general vein, Congressman, regarding your remarks to Mr. Minchew, I would be happy to join in those remarks. I am the

oldest member down there in point of service and I really welcomed Mr. Minchew's entry on the Commission a year and a half ago. I would say in general that Mr. Minchew and I do see eye to eye on most all issues.

Mr. MINCHEW. On the specific question of the directive that our press releases be mailed out at the same time to the public that we give them to the President, Mr. Chairman, I think that it is a unanimous view of the Commission to keep the public informed in a timely manner. I certainly feel that the Commission is committed to keeping the public informed.

Mr. FLYNT. The reason I mentioned the four members who may have voted in the affirmative on that, the article to which we have referred previously states in one of the paragraphs thereof that the Commission voted four to three to direct the staff.

Mr. MINCHEW. That, on its face, is an error, and I have already advised the author of that.

Mr. FLYNT. It is your recollection that it was unanimous?

Mr. LEONARD. Yes, sir, it was. As a matter of fact, Mr. Minchew and I were both at the office late that night when we discovered that that particular direction was not being carried out and I let my sentiments be known that I was very unhappy with it, in the presence of Mr. Minchew and another Commissioner, and it was subsequent to this when the gentleman from the press found out about it.

Mr. FLYNT. Mr. Chairman, I am going to reserve the right to ask further questions and submit further questions for the record, if further study of this becomes necessary, but at this point in time and with the knowledge the committee and the committee staff have of this, as one member of the committee—and as the chairman stated a minute ago, I will say it is possible that we may be asked certain questions about this and we want to be able to answer those questions when they do arise.

I think that the action which the Commission took in issuing this directive to mail these releases to interested parties as promptly as possible—in fact, immediately—is in the best interests of a Government agency or a Government commission in this case serving the public, as the public has a right to expect to be served. Certainly at this point in time, without in any way prejudging it, I want to commend both of you and I want to commend your fellow Commissioners for taking this action to direct the staff and others within the jurisdiction of the Commission to recognize the fact that one of their primary duties is to serve and to adequately serve and to promptly serve the interested parties in this case and I reserve the right, Mr. Chairman, to ask further questions later, which may be submitted.

REORGANIZATION OF THE COMMISSION

Mr. SLACK. I hope during the reorganization you can rid yourself of some of this apparent deadwood.

Mr. LEONARD. We would like to reorient, to change resources, to put them in the places where we can get our best help. In some cases that may mean we need new people that we don't presently have the abilities and talents of at our command right now.

In other respects, I think we can retrain people, who are performing certain tasks now, to perform other tasks. We are hopeful not only with reorganization, but with having the right people we can do our job better.

Mr. MILLER. Chairman Leonard, I notice on page 1 of your statement that you say you want to reduce your staff by four from fiscal year 1976. On page 3 it states, you will note, the only two new employes requested in this budget will supply new expertise and emphasis on consumer interests. So we are reducing four and we are adding two.

I believe from what I see in another document here, I understand how that took place, but perhaps you should clear it up for the record.

Mr. LEONARD. We are, in fact, reducing the number of positions previously authorized by six and we are creating two new positions we have never had in the budget before for the Consumer Office, and so a net drop of four is contemplated.

CONSUMER INTERESTS

Mr. MILLER. Also those two employees for the consumer interests will be employed primarily for that, as I see it.

How will that fit in with the International Trade Commission's operation? What are you going to be able to convey to the consumer that is different than what they would already know through the many people who have been added to the Federal Government to convey a message to the consumers?

Mr. LEONARD. Basically in the area of international trade, I think it is the feeling of the Commission that the education of the consumer or the interests of the consumer, or both, have been somewhat neglected. If one identifies the interests of the consumer with reducing restrictions on trade and the policy pursued by the United States since 1934 in that direction, one would say, well, we have been ultimately going in the way of freer trade and therefore in the best interests of the consumer since then. But there are many provisions of law to safeguard U.S. interests because of increased trade. We have so-called escape clause provisions, so-called antidumping actions, and many other provisions of law which have noticeably lacked any mention of the interests of the consumer.

They have been devoted only to finding out what would be the effect on specific U.S. interests, such as industry or labor, agriculture, or something like that.

The most recent act, the Trade Act of 1974, began to address this problem and has specifically mentioned the interests of the consumer and the effects on the consumer in several provisions of that trade law.

We feel that it is incumbent upon the U.S. International Trade Commission to get the input, the benefit of advice, from the so-called consuming element of our population, in the various activities and investigations that we conduct. Our resources are devoted to getting the effects of certain actions on industry, on importers, on agriculture, on labor, but we have not thus far had our resources dedicated to nor really gone out aggressively to obtain advice as to how various trade laws, various investigations and actions undertaken by our

Commission can help or hurt the interests of the so-called consuming public. Therefore, we are starting with two people who can try to advise us how we can build in the consumer interests into our investigations, into our studies. They can perhaps alert consumer organizations, and unorganized, individual consumers, to know that we are an investigation-oriented agency, a research-oriented agency that is trying to determine the impact of various U.S. trade laws and actions taken thereunder on them as well as on spcific groups such as workers, management, farmers, manufacturers, stockholders, and so forth.

Mr. MILLER. Your job appears to be to protect the worker and also the consumer. I have thought in the past that you would do this and that you have that forthright in mind.

Now, we have so many people who make reports concerning the consumer. Is it possible that same information would be available from another agency where you could pick it up without your people going out to duplicate what someone else has done?

Mr. LEONARD. Certainly, we would not want to duplicate what someone else has done. We have thus far found—and I stand to be corrected—that there has been no great influx of information or input from any consumer organizations either in the Government or outside of the Government. Only at our behest within the past year when we actively sought from private consumer organizations and individual consumers their testimony in various investigations that we have conducted, did we get any response at all.

As with so many issues, the issue of international trade was not necessarily something, I guess, on which a lot of the consuming public focused, either in organized fashion, or in their own individual unorganized fashion. Therefore, we are thinking that with a couple of people in a consumer office we can try to find out how best to get the input from the consumers of the United States.

Mr. MILLER. Thank you very much.

Mr. MINCHEW. May I add one point? Our proposal is not really to set up an entirely new layer of a bureaucracy, but is to provide one professional and one staff support to try to coordinate the many consumer focuses we do have in the agency, and handled in such a way that we will not in the future have to have a very large consumer staff.

Mr. MILLER. I think that is good for the record.

Mr. CEDERBERG. Do you know anybody who isn't a consumer?

Mr. LEONARD. The question often arises how can a worker be a consumer if he or she is out of work caused by imports. That question often comes in to us. But there are obviously some people who feel their interests are not necessarily protected under the umbrella in our statutes which say, "What is the effect on U.S. industry?"

Mr. CEDERBERG. That affects everybody, and everyone is a consumer. If there is anyone who isn't a consumer, I don't know who he is. Everyone is consuming something.

Mr. LEONARD. I think we have tried to make it plain we are not only seeking the input of organized consumer groups, but also of the unorganized consumers.

Mr. CEDERBERG. You never get anything from the unorganized, unless a few people mail you things.

Mr. LEONARD. In a survey and hearings we conducted in 21 areas of the United States last year in order to provide advice to the President

on the probable economic effect of tariff reductions and granting preferences to the developing countries of the world, we actively sought information from any and all sources and, as a result, we had a number of witnesses in various cities who one might label, for want of a better term, as a consumer witness, or one not affiliated with any particular organization. To that extent we were very pleasantly surprised in getting some. Obviously the numbers were not gigantic.

Mr. CEDERBERG. As far as running the internal affairs of your shop, I would say that is the business of the Commission and you ought to run it the way you think it can be most efficiently done. If things happen that break down your efficiency, your ability to do your job, then I think you, as a commission, have the responsibility to take the necessary action to correct it. If you don't do it, I think you are neglecting your own responsibilities.

As far as I am concerned, as one member of this committee, you run your show. All we want to know is that you run it and run it efficiently.

PERSONNEL AND COST INCREASES

As far as this budget is concerned, you are not asking for too much increase in the budget. You are asking for a net decrease of 4 positions. I haven't had a chance to examine the justifications in great detail, but many of your increases are required by statute, and some represent increased costs. Is that substantially what you are saying?

Mr. LEONARD. I think that is correct. As we tried to indicate, we have no big grant programs or anything like that.

Our greatest dollar consumer is the personnel we hire. We are trying to reduce that by 4 positions. Trying to reduce our number of positions by 4.

The so-called automatic increases in costs amount to, we believe, about 93 percent of our budget increase. Much of the remainder if not an automatic increase, is due to inflation—increased prices for services or goods that we must purchase.

So we are trying to get more out of our present resources and that can only come about with better management, better organization, better motivation, and better direction at the agency, and it does begin with the six commissioners.

As I tried to indicate earlier, there are two problems, as I see it, with which we are faced, that sometimes impede our getting the very best effort that we can. First is the fact that we are six commissioners and we sometimes have six points of view and we have to try to come to a consensus in order to get a majority position as to the policy or the direction from the top of the agency.

CIVIL SERVICE REGULATIONS AND WITHIN GRADE PROMOTIONS

The second constraint is that we cannot always say "OK, you haven't done this, get out." We don't always have that option because of the rules and regulations imposed upon us under the Civil Service hiring, transfer, and dismissal system.

Mr. CEDERBERG. That is a difficulty every agency has. It comes down to within grade promotions. If you have some troublemakers, or some people you don't think are measuring up, you have no authority

to withhold their within-grade promotions, do you? Tenure takes care of that. If they are there "x" number of years, they will get a within-grade promotion. You couldn't operate an industry that way. If industry did so operate, it wouldn't generate enough tax money to pay for the Federal Government.

I don't know how you are going to handle that kind of situation. I think it is a problem not only in your agency but in others as well. Just by the fact that you are alive and breathing and work at a job a certain length of time, you automatically get a within-grade promotion. I have always felt there should be some way that you could have a merit system in this thing. I recognize too that it is a question of personality conflicts and the like, but there should be some way where, if an employee thumbs his nose at you, you would have some recourse. I recognize under existing rules it is not that easy.

That is all I have, Mr. Chairman.

Mr. SLACK. Mr. Smith.

PUBLIC INVESTIGATIONS

Mr. SMITH. You say in your statement that "great efforts will be required in the following areas," and you name three areas. One is public investigations under the Trade Act of 1974. Public investigations. Are there private investigations?

Mr. LEONARD. I guess "public" is a misnomer there. But there are investigations that are instituted by virtue of a specific provision of law. There are studies and a lot of day-to-day work that is done by the agency that is not within the context of a formally-instituted investigation. I think that is what we are trying to show there.

SERVICES TO INTERNATIONAL TRADE NEGOTIATIONS

Mr. SMITH. The second one is, "services to support U.S. representatives in the current round of international trade negotiations."

Are those international trade negotiators supposed to rely on you primarily for information or not?

Mr. LEONARD. The President has the authority—most recently, under the Trade Act of 1974—which he, in fact, delegates to his Special Representative for Trade Negotiations office, to do the negotiations, presently in Geneva. He can draw on support from anyone in the Government and certainly the act even calls for ad hoc committees of private people. The President has in fact, we believe, drawn upon, to a great extent, in his deliberations as to what he will in fact negotiate reduced, increased or same tariff levels on in Geneva, the product we presented to him this last July which was our probable effect of concessions report.

In addition to that, we have been told by the Special Trade Representative's office it would like our help in a large number of other areas that it is trying now to work on to decide what will be the U.S. position in the negotiations.

I don't know whether I can say primarily, but I do think to a great extent, and we hope to a greater extent they will be drawing upon the economic expertise at our agency.

Mr. SMITH. Let's suppose negotiations are going forward and the other side makes a proposal counter to ours.

At that point do we call upon you for analysis?

Mr. LEONARD. We have a full-time person in the delegation in Geneva as of the beginning of this year. He will, of course, be our immediate liaison with the people back here in Washington. Unlike the last negotiations which were the Kennedy round negotiations in the sixties, we do not contemplate having a large staff positioned over in Geneva, but we hope with his help and with the direct dealings with the Special Trade Representative's office we can respond as quickly as possible to requests they make for specific technical expertise and information.

Mr. SMITH. Do you anticipate they will be asking you for analysis and that kind of information?

Mr. LEONARD. They have indicated to us they will. They have made no formal requests on particular subjects. We have talked with them on a large variety of subjects upon which they would like to have some help in their negotiations.

Mr. SMITH. During the last round I happened to have been in Geneva when they were going on. I was not involved in them, but I was over there on other matters. As I talked to some of the negotiators and the backup people, I got the idea that counter proposals were being made and if it were someone from the Department of Agriculture, they would wire back to a department and they would get some information. I don't think they had much information really.

I think they were flying by the seat of their pants over there.

RELATION TO LEGISLATIVE AND EXECUTIVE BRANCHES

Mr. LEONARD. I know the Congress has seen to it in the 1974 Trade Act that the executive gets as many points of view from as many possible areas both public and private as it can. Whether that will in fact work has to be seen.

The Commission, as an independent agency, not a part of the executive branch of the Government, we feel, can provide factual input on economic matters to both the executive and to the Congress.

You see, the Congress is going to play an important role in any agreements that are brought back from the negotiations.

For example, on any agreement having to do with what is called a nontariff barrier, or nontariff measure, that has to get the specific approval of the Congress.

Now, if the executive branch of the Government does not get some input from the Commission—it is authorized by law to get such input—if it does not get the input under the law from the Commission, it is quite likely someone in the Congress is going to ask for the Commission's evaluation of any agreements brought back from multilateral trade negotiations.

So, one way or the other, we are hoping we will be able to give one of our, as we call them, chief customers, an assessment of the negotiations.

Mr. SMITH. Under this title of "Public Investigations," whatever that means, again——

Mr. LEONARD. I would be happy to enumerate the specific provisions of the law if you care to go over that.

Mr. SMITH. You say that after an unusual surge to a total of seven investigations initiated in 1974, demand dropped to zero in 1975 and the first 5 months of 1976.

Why would there be no requests for any investigations?

Mr. LEONARD. I believe you are referring to what is called section 22 of the Agricultural Adjustment Act.

Mr. SMITH. That is correct.

Mr. LEONARD. This is a provision of law under which the Commission conducts an investigation if it is requested to do so by the President of the United States, as to whether imports of an agricultural product are in effect interfering with a domestic program—a price-support program, for example—or if such imports are reducing the supply of the commodity in the United States.

We are at the direction there of the President of the United States. We haven't the authority under that provision of law to initiate investigations on our own.

The President gave us a number of those investigations—I guess it was 2 years ago—and has not given us any in recent months.

Mr. SMITH. You say the President. Has he delegated to Cabinet members or others the right to make the requests or not?

Mr. LEONARD. No, sir, this comes directly from the President.

What the President does under the law is to receive advice from the Secretary of Agriculture as to whether there seems to be a problem with some imports interfering with a price support, or other program of the Department of Agriculture. When he receives such advice, he can then decide whether he wants the Commission to in fact do an investigation and report to him. But he makes the request directly of us.

Mr. SMITH. Let me relate a factual situation to you. Then I wish you would tell me who requests or how it is done.

Three years ago an embargo was placed on soybeans. Japan then took a number of steps—and other consumer countries—to make sure they were not relying upon us completely for oil seeds and oil seed products.

Among other things, they encouraged, with the help of international organizations, the planting of large palm tree plantations in Malaysia especially, and in some other places.

That was only 3 years ago and it takes about 2 years, I guess, to get these palm trees to bear. After 3 or 4 years they really bear better, and permanently, for many, many years. Since that time, palm oil has been flowing into the United States. It quadruples every 3 or 4 months from what it was a few months before until right now 10 percent of all the vegetable oil used in the United States is palm oil.

It is one thing if that is occurring as a result of competition and for economic reasons, but in this case it is because we are the only country in the world that does not have any duty that offsets duties on other

kinds of oil seeds, oil seed products and vegetable oils. We are therefore becoming a residual consumer of all of this palm oil. Even the European Community, which is an importer, has duties on it. Malaysia even has an export duty on it.

Now, as to this kind of situation, which has grown by leaps and bounds in the last 2 years, who would ask you for a study as to what is happening, a study of what would be required to make palm oil compete on an equal basis with others, on an economic basis rather than an artificial basis, and a study of the alternatives? Who would make that request?

Mr. LEONARD. There come to mind several possibilities as to how a study or investigation could be done as you describe it on that particular subject.

One, under section 22 of the Agricultural Adjustment Act, if the President of the United States were, at the behest of the Secretary of Agriculture, to request of the Commission an investigation as to whether the imports of the particular product were in effect materially interfering with some U.S. agricultural program, a program of the Department of Agriculture, or was in fact reducing the supply of the product produced in the United States, we could do such an investigation under section 22 and report back to the President and report our findings and recommendations and in fact we could recommend a quota or some other restraint on the imports, and the President could decide what he wanted to do with respect to putting those recommendations into effect.

A second possibility would be under what is called the escape clause provision, section 201 of the Trade Act of 1974. Now, this is a provision of law which the United States has had for some time, but it has been updated in the 1974 act to give some temporary relief to a U.S. industry from imports that are not unfairly being put into the United States, that are competing in the United States, but they are increasing and they are causing some problems to U.S. industry. In that case, on the basis of a petition from an industry in the United States, the soybean producers of the United States, or on its own motion, or at the behest of the Congress, or the behest of the President, the Commission could institute an investigation under section 201, to find out whether increased imports of the article are a substantial cause of serious injury to the industry producing that article in the United States. That is a second possibility. Our recommendation there, if we find affirmatively, again goes to the President of the United States and he decides whether to put that into effect or not. If he decides not to put the Commission's recommendation into effect, that can be over--turned by Congress.

A third provision of law which would permit the Commission to undertake a study in this area would be what is called section 332 of the Tariff Act of 1930. That is a provision under which the Senate Finance Committee, the House Ways and Means Committee, either House of Congress, or the President can request the Commission, or the Commission can itself decide, to institute a study or investigation of whatever the problem is having to do with international trade. In such a circumstance, the Commission would perhaps not make any

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specific recommendation of what should be done unless a recommendation were requested by the President, the Congress, or the particular committee of Congress.

It is a possibility that, under any of those provisions of law, the situation which you describe could be investigated by the U.S. International Trade Commission.

Mr. SMITH. As a result of this, there has been a tremendous downward pressure. Partly as a result of this, there has been a downward pressure on soybean prices. The latest planting indications that have come out indicate that farmers are going to reduce planting by 7 percent, which means from the consumer standpoint we talked about a minute ago, they end up with less oil than if there had never been any imports. Does your analysis or your study take this kind of reaction into consideration?

Mr. LEONARD. We would hopefully consider all the economic factors that are at play in a particular situation.

For example, under the escape clause provisions of the Trade Act of 1974, in trying to determine whether the U.S. industry is seriously injured or not, we are directed to look at all economic factors, including whether the particular industry is operating at a reasonable level of profit, which, of course, is determined by the prices they are able to receive, whether there is a significant level of unemployment in the industry, and whether there is a significant idling of productive facilities, such as not planting sufficient numbers of the product.

Those are the kinds of factors we are specifically told to look at in a 201 investigation and that I think we would look at in any sort of an investigation in which we were trying to determine the economic consequences of a particular trade matter.

Mr. SMITH. Am I to understand that a study of this type would only be made if you get a request from the President?

Mr. LEONARD. No, sir, under different provisions of law we can institute it ourselves; we can do it at the behest of Congress; we can do it at the behest of specific committees enumerated in the statute. Our so-called parent substantive committes are the House Ways and Means and the Senate Finance Committees. So there are various ways in which we could undertake such a study.

If you would like, Congressman, for me to take this matter back to the Commission to have the Commission consider instituting its own investigation in this respect, I would be most happy to do so.

Mr. SMITH. I think you should. That leads to my next question: Do you, in fact, institute investigations on your own when something like this is called to your attention?

Mr. LEONARD. We do institute investigations on our own but we have not instituted that many investigations on our own.

I think it is a function of the fact that demands are being made on our resources from the President, from the Congress, and, under law, by private groups who petition us and therefore it is the situation where we are devoting our resources to the immediate demands made on us and we don't often have the luxury of instituting investigations of other matters we would like to get involved in.

Mr. SMITH. This gets into agricultural economics and a whole field in and of itself. Others who come along may have a totally different field.

INVESTIGATIVE STAFF

How can you have enough staff to handle investigations that come along and are as diverse as this? Do you draw upon executive departments for some of your information or analysis, or how do you do it?

Mr. LEONARD. No, sir, we are separate and apart from the executive branch as far as our personnel are concerned and we use only personnel within the confines of our agency.

Now, certain of the data are data that are available to other agencies. For example, the Census Bureau collects certain production statistics and collects certain import statistics by way of the Customs. We use that official data, but our analysis is our own, as to what those data mean.

In addition to that, we do in specific investigations a lot of particular legwork, sending out questionnaires to the affected parties, getting responses on those questionnaires to our questions that may not otherwise be collected in any other forum.

Mr. SMITH. This gets involved with cause and effect.

Mr. LEONARD. May I add one other thing?

We do have a diverse group of issues and problems to handle at the agency. We divide up, for example, into a number of different divisions, depending upon the particular commodities handled. For example, we have an agricultural division in which we have experts on specific agricultural products. We have a metals division. We have a ceramics division. We have a sundries division which takes care of miscellaneous items, and a number of divisions like that. We try to cover the waterfront.

Mr. SLACK. Mrs. Burke.

Mrs. BURKE. Some of my questions may have been answered because, unfortunately, I came in a little late.

EXPORT AND IMPORT STATISTICS

Under section 608 of the Trade Act of 1974, you were given a mandate to provide the statistical information on exports and imports as of January 1, 1976. Has that been completed, and would you care to give us some information as to what your findings are?

Mr. LEONARD. Yes. Section 608 of the Trade Act of 1974 had several different provisions in it. One of those provisions was a direction to the Commission to present to Congress and the President in 1975 a report on the principles for the world getting together and describing commodities in international trade in the same language, in effect.

That report was made to Congress and the President in 1975.

Another report called for under section 608 of the Trade Act of 1974 was a report describing how best the United States itself should collect information on products that are imported and exported and ultimately products domestically produced; how to describe them all in one system; not to have diverse systems for the different categories.

That report was made jointly by Commerce and the Commission to Congress and the President in 1975.

The third element of section 608 of the Trade Act of 1974 directed the Commission, together with the Department of Commerce, and the Department of the Treasury, to in fact put into effect a comparable

system for describing and collecting data on imports and exports by January 1, 1976, and then ultimately to get production statistics described on the same basis.

The Commission, the Department of Commerce, and the Department of Treasury were unable to meet that January 1, 1976, date. As a matter of fact, in December of 1976 the Commission sent to Congress a request that the date be changed to January 1, 1977. That is not to say that the Commission has not been putting in a lot of hours trying to come up with a comparable way of describing exports and imports. We hope we will be able to do that as soon as possible because it will be of great benefit to people engaged in exports, imports, customs collection, and statistical reporting.

TRADE EXPANSION ACT OF 1962

Mrs. BURKE. I notice from the justifications that you no longer have the responsibility for complaints on the effect of imports on unemployment. Do you have jurisdiction over the industry effect as well?

Mr. LEONARD. That is correct. Under the Trade Expansion Act of 1962, which was the previous trade legislation, the Commission was to determine the eligibility of industry, of workers, and of firms for receiving various assistance under that trade law.

Under the 1974 Trade Act, the worker assistance eligibility and the firm assistance eligibility were taken from the Commission and given respectively to the Departments of Labor and Commerce.

The Commission still retains the jurisdiction for deciding the eligibility of industry to receive relief from imports. But workers go to the Department of Labor and firms go to the Department of Commerce.

Mrs. BURKE. So you were not involved in accepting any of those complaints, which I assume were many, that came in during last year as a result of the recession?

Mr. LEONARD. Only prior to the effective date of adjustment assistance provisions of the new act taking effect. We had effective jurisdiction for the first 3 months of 1975. The law changed, the criteria changed, and the jurisdiction changed.

IMPORT COMPLAINTS FROM INDUSTRY

Mrs. BURKE. During those 3 months, what kind of complaints were you getting? In what industries, particularly?

Mr. LEONARD. I would say under the 1962 Trade Act in numbers we received most complaints from the footwear industry. More shoe firms and groups of workers in shoe firms applied for adjustment assistance than in any other industry. Of course, there were other industries. The electronics industry, and a number of other industries.

Mrs. BURKE. Did the garment industry have a substantial complaint?

Mr. LEONARD. Textile firms applied; yes. Not necessarily in the first 3 months of 1975, but throughout the history of the 1962 act, from 1962 on to 1975, there were a number.

Mr. MINCHEW. In the first part of the year I think many possible applicants made a definite decision that they would wait until the more liberal provisions of the new act came into effect. If I am not mistaken, we noticed a decline in applications because the people

reasoned, why go for relief under more difficult standards when in 3 months time, less stringent standards for relief will be available?

TECHNICAL ASSISTANCE TO SPECIAL TRADE NEGOTIATORS

Mrs. BURKE. How much technical assistance do you give to the Special Representatives for Trade Negotiations? Does it take up a great deal of time and staff?

Mr. LEONARD. The Special Trade Representative's office informally can make requests, but most of our specific studies, if we have to do a specific study for the Special Trade Representative's office, we cannot do, under law, without a specific reimbursement from that office.

Now, the President of the United States can direct us to do something and there is no reimbursement done. As I indicated a little while ago, the Special Trade Representative's office seems to want to draw on us quite a bit during the upcoming negotiations and in fact we provided, under law, a large package of information—65 volumes, I believe it was—to the President on what would be the probable economic effect of tariff concessions on every item in our tariff laws.

Mrs. BURKE. Thank you very much.

POSITIONS AND VACANCIES

Mr. SLACK. How many permanent total positions are authorized for the Commission in fiscal year 1975?

Mr. WALLINGTON. 438.

Mr. SLACK. How many additional positions were authorized in 1976?

Mr. WALLINGTON. I am sorry, I misspoke. Those were the figures for 1976; for 1975, the figure was 408.

Mr. SLACK. And 1976?

Mr. WALLINGTON. 438.

Mr. SLACK. Have all of these 438 positions been filled?

Mr. WALLINGTON. No, sir.

Mr. SLACK. How many vacancies exist at the present time?

Mr. WALLINGTON. Approximately 60.

Mr. SLACK. On page 3 of the justifications you show an automatic increase of $27,000 for an increase in terminal leave. Will you explain this item to the committee?

Mr. WALLINGTON. Yes, sir. When an employee leaves the Government, particularly when he retires, he is entitled to accumulated leave. Approximately a year ago this law limited an individual to a maximum of 240 hours of leave unless way back he had built up a higher quantity. The law was changed to entitle the employee to 240 plus any leave earned in the current year. We have had employees leave with 300 or 400 hours of leave which we had to pay, over and above normal pay. We have to provide this larger amount.

INCREASE FOR EMPLOYEE BENEFITS

Mr. SLACK. What can you tell us about the next item, which is an increase of $60,000 for employees benefits?

Mr. WALLINGTON. The bulk of that is a direct result of the three items above that on page 3, increases in compensation costs. Benefit

costs, hospitalization, health insurance and so forth happen automatically.

We did two things with regard to health insurance policies. We had been basing our advanced estimates of health insurance on a factor based on man-years. We did some testing and found it wasn't giving us as accurate an estimate as a different system based on personal rates. We recalculated our old costs on this estimated basis and found we were underestimating by about $10,000.

In addition to this, we tried to anticipate, in part, the increase in rates that went into effect the first of January for all employees. We added $10,000 to the budget for that, and we thought we were being wise. We just recently made a study and we found we underestimated that additional cost by $19,000. It had actually gone up by $29,000. We tried to outguess it and we didn't go quite far enough.

GSA RENTAL

Mr. SLACK. How much of your 1976 budget was paid to GSA for rental space?

Mr. WALLINGTON. $623,000.

Mr. SLACK. I asked about 1976.

Mr. WALLINGTON. I beg your pardon. I have given you the wrong number.

For fiscal year 1976, $562,000. For 1977 it will be $623,000.

Mr. SLACK. That is an increase of about 11 percent, is it not?

Mr. WALLINGTON. Yes, sir.

Mr. SLACK. Is that merely an estimate on your part?

Mr. WALLINGTON. We did not assume that the appropriation committees would again enact language that would reduce the payment by 10 percent. This is based on what GSA told us they would charge.

As you know, in past years the law was enacted to pay them only 90 percent of what they charged. If it was 100 percent, we would need this.

Mr. LEONARD. Mr. Chairman, as you know, our building is an ancient structure, about 135 years old, 701 E. Street NW. It is designated as a historic monument. We have had a considerable amount of problem with that building during the past year. As a matter of fact, a goodly portion of it had to be evacuated because of the building of the subway under 7th Street. We have therefore had to move a number of our employees into more crowded quarters in the building and into another building. The building is continuing to give us a lot of problems and the Commission has been trying to come up with a decision as to what it should do for the long-range future of the agency—as to whether it should attempt to move the whole agency to other quarters and where we could find sufficient quarters and whether we could have a new building constructed.

Mr. SMITH. When you had to evacuate part of a building to permit construction of a subway—where did you move to?

Mr. LEONARD. We had a commercial building they allowed us to move into and pay rent for, about two blocks away.

Mr. SMITH. GSA rents that?

Mr. WALLINGTON. Our rent is approximately the same.

Mr. SLACK. It is the understanding of the committee that, generally speaking, the 1977 assessment for rent by GSA is based on the actual amount for 1976 plus an increase of 6 percent. Yet, on the other hand, your request indicates an increase of about 11 percent. Have we been misinformed?

Mr. WALLINGTON. My understanding is somewhat different, Mr. Chairman. It is my understanding if the growth rate was up on the order of 6 percent, maybe 7 percent, I am not sure of the exact number, I don't believe this 10 percent reduction enacted by Congress is necessarily included in that 6 percent. It is my belief the increase is an increase in the gross rate they asked for. I could be wrong on that, but that was my understanding. I know we had an estimate from GSA that ties into our figures.

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

Following the hearing, Mr. Wallington queried GSA about fiscal year 1977 rent rates. He found, in short, that Chairman Slack was correct in saying that rent rates will increase by 6 percent over the net charge in fiscal year 1976. The Commission had been told by GSA to estimate rent costs on the basis explained by Mr. Wallington. The Office of Management and Budget later revised the rental structure and modified other individual agency budgets accordingly. Inasmuch as the Commission's budget is independent of OMB review, its budget was not adjusted. The Commission was not informed of the change in rate structure.

PROGRAM DECREASES

Mr. SLACK. On page 3 of the justifications, under "Program decreases," you show a reduction of six positions and $55,000. Where will these reductions be applied?

Mr. WALLINGTON. They are being applied to a single unit which is predominantly involved in the production of our synthetic and organic chemicals reports. This is not all the people working on that report. Though the reports are being discontinued, there will be considerable work that will have to be continued to collect data.

Mr. LEONARD. The Commission, in working on the budget, had a proposal presented to it by its Executive Director and there were a number of positions in various divisions and elements of the Commission. Some of those positions the Commission eliminated and others it added to.

It is true that in total there were about six positions eliminated from the chemicals division, but whether you could say it is those six positions is something else because there were other positions eliminated elsewhere in the agency and added to in the agency.

It is true we have made a decision to phase out the collection and publication of statistics on certain chemicals.

REDUCED REIMBURSEMENTS

Mr. SLACK. Under "Program increases" you request an additional $7,000 to offset reduced reimbursements from other agencies. That being the case, aren't your workload and manpower requirements reduced as well, or are they?

Mr. LEONARD. If I understand this correctly, I believe we received previously—was it a $17,000 reimbursement?

Mr. WALLINGTON. That is correct.

Mr. LEONARD. I think from the Department of Commerce for certain operations.

Mr. WALLINGTON. That is correct.

Mr. LEONARD. They are no longer giving us the full $17,000, but are in fact giving us $10,000, but we are continuing to do $17,000 worth of work and therefore it is a $7,000 increase in our part of the budget that we must carry, rather than being funded by the Department of Commerce.

Mr. WALLINGTON. They are not paying us for a specific person, full-time pay. They are paying for a certain task to which we assign a number of people.

We will do similar work in other areas. We won't be working for them, but we are always shifting from one job to another within the agency.

STATUS OF AUTHORIZING LEGISLATION

Mr. SLACK. What is the status of the authorization?

Mr. LEONARD. It is our understanding, as of today we received informal word that the authorization hearing before the Ways and Means Committee is tentatively set for Wednesday, February 11, 1976; before the Senate, by way of a letter received, the hearings are scheduled sometime during the first 2 weeks of March 1976.

Mr. SLACK. The hearing is adjourned.

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