Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. Hand delivered applications must be taken to the NIJJDP/OJJDP, Room 784, 633 Indiana Avenue, N.W., Washington, D.C. between the hours of 8:00 and 5:30 p.m. except Saturdays, Sundays or federal holidays.

IX. Civil Rights Compliance

A. All recipients of OJJDP assistance must comply with the non-discrimination requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973 as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination Regulations (28 CFR Part 42, Subparts C, D, E, and G).

B. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights Compliance (CRC) of the Office of Justice Programs.

C. Applicants shall maintain such records and submit to the OJJDP upon request timely, complete and accurate data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this program because of their race, national origin, sex, religion, handicap or age. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or contracts with any other persons(s) or groups(s), such other recipient, persons(s) or groups(s) shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to assure its civil rights compliance obligations under any grant award.

X. References

(See appendices A & B.)

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Appendix A

Notes

1. E.g., *Goss v. Lopez*, 419 U.S. 565 (1975) (school disciplinary procedures); Tinker v. Des Moines Indep. Community School District. 393 U.S. 503 (1969) (School discipline-free spreech); Education of All Handicapped Children Act, 20 U.S.C. .1401.1461 (1976); Rehabilitation Act of 1973, 29 U.S.C. SS 701–794 (1976).

2. E.g., Ind. Code .20–8.1–5–1 to –17 (1982).

3. See S. Wasby, the Impact of the United States Supreme Court 231–32 (1970).

4. Indiana Due Process and Pupil Discipline Code, Ind. Code .20–8.1–5–8, –10 (1982).

5. National School Safety Center News Journal, Spring 1985, New Jersey v. T.L.O., The Lay of the Law, Diane Mahoney, (p. 31).

6. See e.g., Wood v. Strickland, 420 U.S. 308 (1975).

Appendix B

References

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BILLING CODE 4410-18-M

Friday
September 27, 1985

Part VII

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Program Announcement; Program of Research on the Causes and Correlates of Delinquency; Notice

DEPARTMENT OF JUSTICE

Program Announcement; Program of Research on the Causes and Correlates of Delinquency

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of issuance of solicitation of applications to conduct research on the causes and correlates of delinquent behavior.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to Part C, Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, hereby announces a new OJJDP initiative entitled "Program of Research on the Causes and Correlates of Delinquency." The primary research goal is to improve our understanding of the development of prosocial and antisocial behavior patterns.

OJJDP's National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) invites public or private agencies to submit applications to design and carry out longitudinal investigations of the development of prosocial and antisocial behavior patterns in communities characterized by high rates of serious delinquency.

Under this program of research, each project will establish an interdisciplinary research team capable of examining the etiology of delinquency in the context of the community, family, and individual differences. Emphasis will be placed on developing innovative techniques for measurement of those delinquency risk factors which offer the greatest utility in terms of being suitable targets for change through prevention and intervention strategies.

OJJDP has allocated a total of $1,000,000 for initial awards to four to six grantees competitively selected under this program of research. These initial awards will provide financial assistance for each research organization to: Conduct planning activities; coordinate their efforts with other grantees involved in this program of research; develop refined research designs and data collection instruments; produce baseline data on the study community and youth population; and to support longitudinal data collection. Under the initial award, the timeframe for conduct of the above tasks is estimated to be 15 to 18 months. Due to the longitudinal nature of this initiative, total project periods will be up to five years. This competition will be conducted according to the OJJDP Competition and Peer Review Policy, 28 CFR Part 34, Subpart A, published August 2, 1985 at 50 FR 31365–31366. The deadline for submission of applications is December 2, 1985.

FOR FURTHER INFORMATION CONTACT: Barbara Tatem Kelley, Research and Program Development Division, NIJJDP, OJJDP, 633 Indiana Avenue, NW., Room 784, Washington, DC 20531; telephone (202) 724-5929.

SUPPLEMENTARY INFORMATION:

Request for Proposals—Program of Research on the Causes and Correlates of Delinquency

Contents

I. Introduction and Background

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), hereby invites applications for a Program of Research on the Causes and Correlates of Delinquency. To understand the goal, objectives and strategy of this initiative, it is imperative to first consider previous research on this topic. Substantial effort has been expended by researchers as they attempted to isolate those risk factors which were associated with an increased propensity for involvement in delinquent behavior. Overall, this research supports the conclusion that no single cause accounts for all delinquency, and no single pathway or developmental progression leads to a life of crime.

Certain studies focused on the identification of early behavioral problems which might indicate that a child is especially "high risk" for subsequent delinquency. In the family setting, high risk children challenged parental authority or were difficult to control at home. In the school setting, high risk children displayed what might be considered nonadaptive or aggressive behavior patterns in the elementary classroom. While such early problem behavior may not have had origins of hostility and defiance, if these disruptive behavior patterns produce negative peer and angry adult reactions, antisocial and delinquent behaviors were likely to emerge with increasing age.

Other researchers have targeted for investigation those youth entering adolescence. At this stage of a youth's socialization, examples of delinquency risk factors include: Association with delinquent peers; alienation from parents and school authorities; disrespect for the law; lack of educational achievement; evidence of learning disabilities; failure to achieve age-appropriate, psychosocial developmental milestones; presence of psychiatric difficulties; impairment of neurological/psychomotor functioning; residence in a high crime neighborhood; and experimentation with alcohol and drugs.

Several long-term studies have been supported to identify risk factors related to substantial serious and violent delinquency. These studies have been conducted in a variety of jurisdictions to identify correlates and causes of delinquency and the development of serious delinquent careers. Factors such as violence in the family, involvement in law-violating gangs and groups, use of alcohol and other drugs, and residence in a high crime neighborhood all seem to contribute to the chronic involvement of a small proportion of offenders in serious crime.

The most common pattern of delinquent behavior appears to be one of declining seriousness and discontinuation after the teen-age period. However, it is apparent that those juvenile offenders characterized by an early age of delinquency onset, frequent police contacts, numerous court referrals, more serious offense histories, and commitment to juvenile corrections are more likely to pursue adult criminal careers. A number of researchers have investigated the career criminal phenomenon (Petersilia, 1980).

If one considers that delinquency research falls on a continuum from investigations of correlates to causes, then empirical findings produced to date have largely clustered on the "correlate" end of the scale. While it is likely that researchers have detected virtually all of the major risk factors correlated with a proclivity for involvement in delinquency, researchers reporting their findings have frequently had to stop short of attributing causality to any given factor or combination of factors. This hesitation to draw causal inferences was largely a function of the limitations of the research methodologies employed as well as the lack of an explicit articulation of the theoretical bases for the causal relationships.

It is exceedingly difficult to determine causality in a nonlaboratory setting lacking experimental controls. Even when delinquency is described in behavioristic terms, there is no simple statement of a given stimulus producing a particular response. Rather, the individual brings to a given situation a biological/genetic makeup which has been influenced by a host of reinforcement contingencies in the social learning arena of the family, the schools, peer associations and community environment.

Asserting delinquency causality also implies that a temporal relationship has been established, with the casual variable preceding or precipitating the onset of antisocial behavior. Interpretation of causal sequencing of events involves the application of repeated measures of the same individuals over that span of time relevant to the development of antisocial patterns. With the exception of such research as the Cambridge Study in Delinquent Behavior (Farrington, 1983), very few delinquency investigations have fulfilled the criteria of prospective longitudinal research.

Another key consideration in the attribution of causality is evidence that in the absence of a given risk factor, a youth will be less inclined to engage in antisocial behavior. Much of the previous research has failed to establish adequate comparison samples to demonstrate that the nonoccurrence of a presumed relevant condition results in a nondelinquent outcome.

The emphasis in this discussion on causality is intended to challenge the research community to creatively approach the "why" of the development of antisocial behavior in order to provide a sound, empirical basis for advances in delinquency prevention strategies and juvenile justice system intervention.

Previous research provides a basis for the identification of which groups of youth are at greater risk for delinquency involvement. Under this program of research, children growing up in high crime communities will be the focus of investigation. By virtue of this design parameter, the generalizability of findings will necessarily be limited to populations exposed to comparable risk factors. A critical research question which remains largely unanswered is why many children growing up in high crime communities experience positive socialization and thrive in spite of exposure to many delinquency risk factors. A significant challenge is to distinguish which of the risk factors appear to have the most direct impact on antisocial behavior and what naturally occurring phenomenon support prosocial development. Full exploration of this question will entail an interdisciplinary examination of the child's development, with consideration of individual differences, family experiences, socio-cultural influences, and environmental factors.

Another practical concern in prevention programming is the need to establish a sounder basis for identifying at an early age those children at greatest risk of negative social development. It is of limited utility, and certainly more costly, to wait until an individual adopts an antisocial or delinquent lifestyle and then attempt to reverse a well entrenched behavior pattern. Recent literature on prediction technology is promising in terms of more clearly specifying base rates, relative improvement over chance, and multiple gating techniques (Monahan, 1981; Loeber and Dishion, 1983). Also, with the advent of computerized sophistication in data analyses, previously insurmountable data management issues can now be addressed.

Under this program of research, OJJDP is committed to supporting innovative research designs which will yield useful findings regarding the causes and correlates of delinquency. Utility, in this instance, refers to the applicability of theoretical and empirical advances to the improvement of cause-focused strategies for delinquency prevention (Hawkins, Pastor, Bell and Morrison, 1980) and intervention.

II. Program Goals and Objectives

A. Purpose and Goal Statement

The purpose of this Program of Research on the Causes and Correlates of Delinquency is to expand the existing body of knowledge. The primary research goal is to improve our understanding of the development of prosocial and antisocial behavior patterns.

B. Major Research Objectives

The following is a listing of those objectives which are considered most critical to this program research:

1. To identify the sequential ordering of different developmental processes and life experiences, including social, psychological, behavioral and environmental, which lead to either positive socialization or adaptation of a delinquent or criminal lifestyle.

2. To identify those predisposing factors, of whatever nature, which characterize a child at risk for involvement in antisocial behavior, delinquency and crime.

3. To examine the etiology of crime and delinquency in the context of the community, family and individual differences.

4. To enhance our ability for early identification and intervention with high risk children for the prevention of delinquency.

5. To advance the development of a sound theoretical framework for the development of effective strategies for delinquency prevention and justice system intervention.

III. Research Strategy

This program of research is intended to function as a coordinated effort by multiple grantees. Applicants may propose to initiate a new study under this announcement or they may propose to supplement ongoing or existing research. In either case, applicants must demonstrate that their proposed research fulfills the objectives and design requirements of this initiative.

A. Theoretical Considerations

The theoretical framework for many previous studies tended to be rather open-ended, with researchers often capturing those risk factor data which were readily available. This approach often limited the applicability of findings to theory testing or theory building. Under this initiative, researchers will be required to delineate the theoretical foundation which guides their inclusion of factors to be investigated. Applicants are urged to approach the etiology of antisocial behavior from an interdisciplinary perspective and to take into consideration existing theories of delinquency causality as well as possible integrations of theories across disciplines.

B. Design Requirements

The research strategy does not call for replication of prior studies, rather for innovation in overcoming the methodological shortcomings of previous research. For example, due to technological limitations and funding constraints, past studies have frequently focused on a narrow range of factors, have lacked an interdisciplinary approach to the investigation of child development, and have not involved the collection of data at such points in time that would allow for interpretation of causal sequencing. Under this initiative, emphasis will be placed on conducting contemporary or prospective longitudinal studies, instead of relying exclusively on retrospective and archival data sources. Researchers should not only address those demographic factors which are easy to measure and relatively immutable, but also devise assessment techniques to capture data on those factors which are more difficult to measure but more suitable targets for change through prevention and intervention strategies.

Researchers are encouraged to approach creatively the very complex design issues related to the longitudinal investigation of the etiology of delinquency in the context of the individual, family, and community. Under this program of research, each research project should have the following characteristics:

1. Selection of study communities characterized by serious delinquency in order to have a sufficient number of the most high risk families and youth.

2. Longitudinal design which provides for data collection at critical stages of the developmental process and allows for interpretation of causal sequencing of events.

3. Careful delineation of a sampling plan to answer specific research and policy questions.

4. Emphasis on studying those delinquency risk factors which offer the greatest utility in terms of being suitable targets for change through prevention and intervention strategies.

5. Innovative techniques for measurement of those factors related to the development of prosocial and antisocial behavior patterns.

6. Sensitivity to cultural and ethnic distinctions in the etiology of delinquency.

7. Establishment of an interdisciplinary research team.

C. Restrictions on Bio-Medical or Behavior Control Experimentation

While OJJDP encourages researchers to assess a broad range of delinquency risk factors, it should be noted that this office is legislatively restricted from conducting research involving any biomedical or behavior control experimentation on individuals. As described in section 261(d) of the JJDP Act, the term "behavior control" refers to methods which involve a substantial risk of physical or psychological harm to the individual and which are intended to modify or alter antisocial behavior.

D. Coordination of Program of Research

OJJDP recognizes the need for all researchers involved in this program of research to coordinate their activities. Purposeful coordination will serve:

1. To ensure comprehensive coverage of key research questions.

2. To provide a forum for collaboration among the various researchers in the development and subsequent utilization of comparable measures.

3. To establish multiple longitudinal data bases which could be subjected to aggregate secondary analysis on selected issues.

While coordination activities will be scheduled throughout the duration of this initiative, the initial six to nine months will be an intensive coordinated planning period. During this planning period, all researchers will convene to familiarize each other with their proposed research designs, and to exchange ideas on state-of-the-art interdisciplinary advances in such areas as factor measurement and predictive modeling.

IV. Major Responsibilities of Successful Applicants

Each organization selected to participate in this program of research will be responsible for all aspects of the project design, implementation, and product development.

A. Phase I

Initial awards will support Phase I project activities. Under Phase I, each research organization will be responsible for the following tasks:

1. Conduct of planning activities.

2. Coordination of efforts with other grantees involved in this program of research, as discussed in section III. D.

3. Development of refined and detailed research design.

4. Development of comprehensive workplan for the implementation of the refined design.

5. Development and pretesting of data collection instruments.

6. Securement of full access to all study data sources.

7. Development of detailed plan for protection of confidentiality of data.

8. Production of baseline data on the study community and youth population.

9. Initiation of longitudinal data collection.

There is no exact timeframe for the completion of these tasks, however, Phase I awards will provide support for 15 to 18 months of activity. For those reseachers initiating a new study, it is estimated that a considerable amount of time under the initial Phase I award will be devoted to tasks 1 through 8. For those researchers supplementing ongoing studies, more time under Phase I may be available for proceeding with actual data collection. All participants in this initiative must successfully complete tasks 1 through 8 prior to receiving consideration for continuation funding under Phase II.

B. Phase II

All subsequent continuation awards will support Phase II activities, which include the following:

1. Full implementation of longitudinal data collection.

2. Development and maintenance of a computerized data base.

3. Analysis of data.

4. Continued coordination and data sharing with other researchers involved in this initiative.

5. Ongoing assessment of the validity and reliability of measurement techniques and instruments.

6. Refinement of data collection approaches and research design, as appropriate.

7. Communication of findings through the production of interim reports, issue papers, and final reports.

With respect to task 7, researchers are strongly urged to surface interesting findings as they become available. Throughout the life of these projects, researchers should strive to produce documents which clearly convey significant findings and practical applications for policy-makers, practitioners, and other researchers.

V. Eligibility Requirements

Applicants who fail to satisfy the following requirements will be ineligible for funding consideration. Funding agency determination of eligibility will be based solely upon OJJDP review of documentation provided in the application.

A. Eligible applicants include public or private agencies or organizations.

B. In order to maximize open competition in the award of these research grants, "for-profit" organizations are eligible to apply provided they certify compliance with the following two agency policy requirements:

1. The OJJDP grant award must not be used to support the normal profit-making operations of the organization, but must serve to support or stimulate the legislatively authorized research and evaluation objectives of NIJJDP.

2. For at least one year following the termination of this award, the recipient will not complete or accept any procurement or assistance award supported by OJJDP funds which may have resulted or been derived from the original award.

C. Applicant organizations may choose to submit joint proposals with other organizations as long as one organization is designated in the application as the primary applicant and any co-applicants are designated as such. Further discussion of co-applicants is provided under section VII. Together co-applicants must meet the eligibility requirements specified in section V. D and E.

D. The applicant must have experience in the following areas in order to be eligible for consideration:

1. Prior experience in the design and implementation of research on the causes and correlates of delinquency or crime.

2. Prior experience in the conduct of longitudinal research.

3. Prior experience in the development, maintenance and analysis of large computerized data bases.

E. The applicant must establish a project research team with interdisciplinary expertise necessary for the design and conduct of research on the child developmental, family, and community risk factors for anti-social behavior.

F. The applicant must have the management and financial capability to effectively implement a project of this scope and complexity.

VI. Duration and Dollar Amount

A. Due to the longitudinal nature of this research, project periods will be up to five years. For the purposes of responding to this solicitation, applicants are advised that the initial awards will provide support for Phase I activities (refer to Section IV.A). The timeframe for the conduct of Phase I tasks is estimated to be 15 to 18 months.

B. OJJDP has allocated a total of $1,000,000 for initial Phase I awards to four to six grantees competitively selected under this program of research. It is anticipated that a series of Phase II (see section IV.B) grants will be made available to support the continuation of individual research projects. Funding of a noncompeting continuation grant within a previously approved project period may be withheld for justifiable reasons, which include:

1. There is no continued need for further research.

2. A grantee is delinquent in submitting required reports.

3. Adequate grantor agency funds are not available to support the project.

4. A grantee fails to show satisfactory progress in achieving the objectives of the project or otherwise fails to meet the terms and conditions of the award.

5. A grantee's management practices fail to provide adequate stewardship of the grantor agency funds.

6. Outstanding audit exceptions have not been cleared.

7. Any reason which would indicate that continued funding would not be in the best interests of the Government.

C. Recognizing the considerable expense involved in conducting longitudinal research of this nature, OJJDP strongly encourages applicants to seek funding from additional sources, both public and private.

VII. Minimum Program Application Requirements

All applicants must submit a completed Application for Federal Assistance (Standard Form 424), including a program narrative, a detailed budget and a budget narrative. The program narrative shall not exceed 75 double-spaced pages in length.

In submitting applications which contain more than one organization, the relationships among the parties must be set forth in the application. As a general rule, organizations which describe their working relationship in the development of products and the delivery of services as primarily cooperative or collaborative in nature will be considered as co-applicants. Those organizations which are primarily procuring services or products from another organization would not be considered as co-applicants. In the event of a co-applicant submission, one co-applicant must be designated as the payee to receive and disburse project funds and be responsible for the supervision and coordination of the activities of the other co-applicants. Under this arrangement each organization would agree to be jointly and severally responsible for all project funds and services. Each co-applicant must sign the SF-424 and indicate their acceptance of the conditions of joint and serveral responsibility with the other co-applicants.

In addition to the requirements specified in the instructions for preparation of Standard Form 424, the following information must be included in the application:

A. A statement of the problem to be addressed, including the review of the theoretical and empirical literature on the development of prosocial and antisocial behavior patterns, causes and correlates of delinquency, and implications of research findings for prevention and intervention.

B. A succinct statement of your understanding of the goal and objectives of the Program of Research on the Causes and Correlates of Delinquency.

C. A complete discussion of the proposed research design and methodology including:

1. Delineation of theoretical framework which guides your study.

2. Presentation of your specific study's goals, objectives, and research questions to be addressed.

3. Discussion of what theory-based factors will be addressed and how these will be measured.

4. Description of the high crime community selected for investigation including socio-demographic information, documentation of the delinquency problem, cultural and ethnic context, and location/boundaries.

5. Description of proposed sample, discussion of expected rate of attrition, and justification that the proposed sample size is adequate for longitudinal design.

6. Presentation of the longitudinal design for data collection.

7. Specification of data sources and verification of data access.

8. A Privacy Certificate describing procedures to be followed to assure confidentiality of data in accordance with funding agency regulations, copies of which are available upon request.

9. Discussion of plans for data analysis.

10. Suggestions for ways to coordinate with other researchers involved in this initiative.

D. A detailed workplan for Phase I activities which includes identification of major milestones, designation of organizational responsibility, and a schedule for completion of tasks and products. The nature and utility of products should be discussed.

E. A description of the project management structure which includes proposed staffing plan, brief positions descriptions which delineate roles and responsibilities, identification of proposed members of interdisciplinary research team, description of relevant staff experience and expertise, and résumés of key project staff (include as an appendix to the application). The project director must devote a minimum of fifty percent (50%) of his/her time to this effort.

F. An organizational capability statement which describes relevant organizational experience and demonstrates that the applicant has the substantive and financial capability to effectively administer the project.

G. A detailed budget for the Phase I period, including travel funds for coordination meetings with other program grantees (estimate costs for three three-day meetings to be hosted by various participating grantees), and any costs which might be required to serve as a host site for one meeting.

H. An estimated budget of annual costs for conducting Phase II activities through the conclusion of the project period.

I. Applications which propose noncompetitive contracts for the provision of specific services must contain a sole source justification for any procurement in excess of $10,000.

VIII. Selection Procedures and Criteria

In general, all applications received in response to this solicitation will be reviewed in terms of their potential contribution to the state-of-the-art, the appropriateness and feasibility of the research design, and innovative measurement of risk factors. Applications will be evaluated by a peer review panel according to the OJJDP Competition and Peer Review Policy, 28 CFR Part 34, Subpart B, published August 2, 1985 at 50 FR 31366–31367. Site visits may be conducted by peer review panelists and/or OJJDP staff to verify information provided by those applicants ranked through peer review as best qualified for further consideration.

Specifically, applications will be rated according to the following criteria and weights:

A. The problem to be addressed by this research project is clearly stated, including evidence of knowledge of related literature (refer to section VII, A)	10
B. An understanding of the goals and objectives of this program of research is clearly articulated, including assessment of the degree to which proposed research would further these objectives (refer to section VII, B and C.2)	10
C. The research design and methodology is sound and contains program elements directly linked to the achievement of project objectives (refer to section VII, C)	40
D. The project management structure is adequate to the successful conduct of the project (refer to section VII, E)	15
E. Organizational capability is demonstrated at a level sufficient to successfully support the project (refer to section VII, F)	5
F. Budget costs are reasonable, complete and appropriate in comparison to the activities proposed to be undertaken (refer to section VII, G, H, and I)	10
G. The workplan is adequate, clear and feasible and will support the development of useful products (refer to section VII, D)	10

The results of peer review under a competitive program will be a relative aggregate ranking of applications in the form of "Summary Ratings." These will ordinarily be based on numerical values assigned by individual peer reviewers, and as set forth in the OJJDP *Peer Review Manual.*

OJJDP intends to sponsor a number of individual projects which, in combination, serve to investigate a broad range of developmental issues related to the etiology of delinquency. To achieve this end, individual projects sponsored under this program of research should be complementary in scope and approach rather than duplicative. In addition to the scores based upon the above weighted criteria, the final selection process will also include consideration of diversity of: Research approach and developmental risk factors targeted for investigation. A final selection consideration will also be the estimated long-range costs of conducting the proposed research for the duration of the project period. OJJDP may choose to negotiate with the finalists to make certain adjustments to their applications. Peer review recommendations in conjunction with the results of internal review and any necessary supplementary review, will assist the Administrator's consideration of competing applications and selection of applications for funding. The final award decision will be made by the OJJDP Administrator.

IX. Procedures and Deadlines for Submission of Applications

A. Organizations which plan to respond to this announcment are requested to submit written notification of their intent to apply to NIJJDP/OJJDP by October 25, 1985. Such notification should specify: The name of the applicant organization, mailing address, telephone number, and primary contact person. In the event that organizations intend to apply as co-applicants (as described in section VII of this solicitation), each of the co-applicants are to provide the above information. The submission of this notification is optional. It is requested to assist NIJJDP in estimating the workload associated with the review of applications and for notifying potential applicants of any supplemental information related to the preparation of their applications.

B. Applicants must submit the original signed application and three copies to NIJJDP/OJJDP. The necessary forms for applying (Standard Form 424) will be provided upon request.

C. The deadline for submission of applications is *December 2, 1985.* All applications must be delivered or mailed to NIJJDP/OJJDP by 5:30 p.m. on that date. Those applications which are mailed must be postmarked on or before December 2, 1985, by the U.S. Postal Service.

D. The mailing address for all correspondence (e.g., applications, notification of intent to apply, requests for forms) related to this program announcement is as follows: Research and Program Development Division, National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, Room 784, 633 Indiana Avenue, NW, Washington, D.C., 20531.

X. Civil Rights Compliance

A. All recipients of OJJDP assistance must comply with the nondiscrimination requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended; Title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973 as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-Discrimination Regulations (28 CFR Part 42, Subparts C, D, E, and G).

B. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights Compliance (CRC) of the Office of Justice Programs.

C. Applicants shall maintain such records and submit to the OJJDP upon request timely, complete and accurate data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this program because of their race, national origin, sex, religion, handicap or age. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or contracts with any other person(s) or group(s), such other recipient, person(s) or group(s) shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to assure its civil rights compliance obligations under any grant award.

XI. References

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Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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federal register

Friday
September 27, 1985

Part VIII

Department of Transportation

Federal Aviation Administration

14 CFR Part 61

Duration of Airman Medical Certificates; Withdrawal of Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 61

[Docket No. 19176; ref. Notice 82-15]

Duration of Airman Medical Certificates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Notice 82-15, published in the **Federal Register** on December 2, 1982 (47 FR 54414), which proposed to extend the duration of third-class airman medical certificates for operations requiring a private or student pilot certificate. Notice 82-15 was in response to a petition for rulemaking by the Aircraft Owners and Pilots Association (AOPA) dated May 11, 1979. This petition asks that the duration of all third-class certificates be changed to 3 years. As proposed in Notice 82-15, the new rule would have required periodic third-class medical examinations at 2- to 5-year intervals based on the age of the airman rather than every 2 years as now required. Notice 82-15 elicited significant opposition. A number of concerns were expressed by the medical community. After careful consideration, Notice 82-15 is being withdrawn.

FOR FURTHER INFORMATION CONTACT: William H. Hark, M.D., Aeromedical Standards Division, AAM-200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone number (202) 426-3802.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 1982 (47 FR 54414), in response to a petition by the AOPA, the Federal Aviation Administration (FAA) published Notice of Proposed Rulemaking (NPRM) No. 82-15. That notice proposed to extend the duration of third-class airman medical certificates for operations requiring a private or student pilot certificate. The proposal would have required periodic third-class medical examinations at intervals based on the age of the airman. It also would have relaxed the requirements for a large number of private or student pilots to undergo a medical examination every 24 months.

Reasons for the Withdrawal

A majority of the commenting private physicians and an aviation-oriented medical association experessed to opposition to the proposal. A number of physicians, though expressing support for the intent of the proposal, suggest alternative examination intervals or changes in the scope of examination. Several note their belief that the periodic medical certification examination is the only reason many airmen visit a physician. They believe that health consciousness is desirable in airmen and that the periodic encounters with designated physicians (Aviation Medical Examiners) encourage it. They argue that a reduction in examination frequency may be construed as a downgrade of the importance of health to flight safety.

The majority of individual airmen and their organizations are in favor of a reduction in frequency of examination. One large organization of airline pilots expresses support but emphasizes the need for limiting certificate validity periods in questionable cases where the airman's medical condition requires evaluation to determine if the standards are met. Some commenters want the elimination of all medical examinations.

Whereas Notice No. 82-15 dealt solely with the duration of airman medical certificates, the FAA has announced and is conducting a complete review of the medical standards for airmen and of its certification practices and procedures (47 FR 16298, April 15, 1982; 47 FR 30795, July 15, 1982). As part of that review the American Medical Association (AMA) is reviewing these standards and procedures and is expected to report its recommendations to the FAA in February 1986. Given the imminent issuance of the AMA's report, and the fact that the report may well provide the FAA with better data on which to base an evaluation of the safety concerns regarding the proposals which were raised by the medical community, the FAA has decided to withdraw the notice and reconsider this matter in the context of its review of the AMA's recommendation. Any future consideration of examination frequency will be given within the context of this study's outcome.

Withdrawal of NPRM

Accordingly, Notice No. 82-15 (47 FR 54414, December 2, 1982) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject.

Authority: 49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

Issued in Washington, D.C., on September 23, 1985

William T. Brennan,

Acting Director of Flight Operations.

[FR Doc. 85-23103 Filed 9-24-85; 12:16 pm]

federal register

Friday
September 27, 1985

Part IX

Environmental Protection Agency

40 CFR Part 3

Employee Responsibilities and Conduct; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 3

[OGC FRL-2874-6]

Employee Responsibilities and Conduct

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: EPA is revising the Employee Responsibilities and Conduct regulations at 40 CFR Part 3. These regulations are necessary to reflect changes in the Agency's organization, to implement Rule 1.11 of the American Bar Association's 1983 Model Rules of Professional Conduct, to exempt tax-exempt bond funds from the prohibition of 18 U.S.C. § 208(a), to make minor changes based on the Agency's experience in administering the earlier regulation and to clarify other provisions. The effect of these changes is to allow employees who own tax-exempt bond funds to participate in matters affecting the financial interests of state and local governments and, in jurisdictions where Rule 1.11 of the American Bar Association's 1983 Model Rules of Professional Conduct applies, to bar former EPA attorneys from participating in court challenges to rules they helped to make. In addition, Deputy Ethics Officials are authorized to require certain employees below GS/GM-13 to file confidential financial statements.

DATE: This regulation is effective September 27, 1985.

ADDRESS: Office of General Counsel (LE-132G), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donnell L. Nantkes, (202) 382-4550.

SUPPLEMENTARY INFORMATION:

Background

On June 26, 1985, EPA published a Notice of Proposed Rulemaking at 50 FR 26506 to revise regulations published February 29, 1985 (49 FR 7528). Comments were due by July 29, 1985. No comments were received. Accordingly, these regulations are published as proposed, except that 40 CFR 3.302(e) is revised to make it clear that the employment interests of employees' spouses and minor children are required to be reported on EPA Form 3120-1, Confidential Statement of Employment and Financial Interests.

EPA published a complete revision of its regulation regarding Employee Responsibilities and Conduct on February 29, 1984. Since then, parts of the revised regulation have become outdated as a result of changes in the Agency's organizational structure. For example, the list of officials in Appendix B to Subpart C who are subject to special requirements under Section 318(d) of the Clean Air Act is out-of-date. This list is updated without substantive change. In addition, § 3.302(b)(1) currently refers to the "Enforcement Counsel." This position has been replaced by an "Assistant Administrator for Enforcement and Compliance Monitoring."

Section 3.301(b)(1) is revised to exempt tax-exempt bond funds from the prohibition of 18 U.S.C. 208(a). Such funds are analogous to the diversified mutual funds which are currently exempt.

Section 3.302 is revised to authorize Ethics Officials to require certain employees below GM/GS-13 to file EPA Form 3120-1, Confidential Statement of Employment and Financial Interests, where their duties directly affect the financial interests of specific parties. This authority applies only to employees who are contracting officers, project officers, inspectors, auditors or On-Scene Coordinator representatives. Such employees may have serious conflicts, and Ethics Officials should be able to monitor their financial and employment interests. Directing other employees below GM/GS-13 to file continues to require the specific approval of the Office of Government Ethics.

Section 3.302 is also revised to make it clear that employees who are required to file EPA Form 3120-1, Confidential Statement of Employment and Financial Interests, must provide information concerning the employment interests of their spouses and minor children.

Since in EPA's experience there is no basis for distinguishing outside employment involving holders of assistance agreements from such employment involving EPA contractors and subcontractors, the provisions regarding approval of outside employment are expanded to include outside employment involving holders of assistance agreements.

The regulation also implements Rule 1.11 of the American Bar Association's 1983 Model Rules of Professional Conduct by providing that, where the local jurisdiction has adopted Rule 1.11, former EPA attorneys are prohibited from participating in judicial challenges to rules which they helped to develop. This change applies only where a complaint has not been filed by the effective date of this regulation or the date Rule 1.11 became effective in the jurisdiction, whichever occurs later.

The following changes are intended to clarify existing provisions:

(1) The *Discussion* paragraph after the verbatim reprint of 18 U.S.C. 208 in Appendix A to Subpart A is revised to make it clear that a vested right to funds in a State retirement system does not create a disqualification under the statute where the funds are invested in a separate trust account and are not controlled by the former employer.

(2) Paragraph (1) of Appendix A to Subpart C is revised to make it clear that interests in mutual funds must be reported on EPA Form 3120-1. This is desirable because the exemption for mutual funds at § 3.301(b)(1) does not apply to funds which concentrate their investments in particular industries, and Ethics Officials should be able to judge whether mutual funds are within the exemption.

(3) Paragraph (3) of Appendix A to Subpart C is revised to specify the information to be included in the Deputy Ethics Officials' annual certifications to the Designated Agency Ethics Official. This information includes: (1) the number of employees at GM/GS 13-15; (2) the number required to file; (3) the number of other employees required to file; (4) the number of remedial actions by type; (5) a certification that no employee who performs any "functions or duties" under the Surface Mining Control and Reclamation Act holds any prohibited interests; and (6) a certification that all required reports have been received, reviewed and signed and that any necessary remedial actions have been completed. This paragraph has also been reworded to clarify the procedures for submission of annual supplemental statements and (where employees interests have changed) submission of updates every four months.

(4) Paragraph (4) of Appendix A to Subpart C is revised to make it clear that a Confidential Statement of Employment and Financial Interests may be disclosed to the Office of Inspector General and, on the written request of the chairman, to a committee or subcommittee of Congress. This provision is implicit in the February 29, 1984 regulation and does not change existing practice.

(5) Section 3.508(e) is revised to make it clear that the requirement for approval of outside employment applies to employment involving firms regulated by the "EPA program Office or Regional Office" in which an employee serves.

(6) Appendix A to Subpart E is revised to make it clear that requests for approval of outside employment are to

be routed through employees' supervisors.

Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a regulation is "major" and therefore subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. We have determined that this regulation is not "major" as it will not have a substantial impact on the economy. Consequently, the regulation is not subject to the impact analysis requirements of Executive Order 12291.

List of Subjects in 40 CFR Part 3

Conflicts of interests.

Dated: September 11, 1985.

Lee M. Thomas,

Administrator.

Therefore, 40 CFR Chapter I, Part 3 is amended as follows:

PART 3—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. The authority citation for Part 3 continues to read as follows:

Authority: Executive Order 11222, 30 FR 6460; 3 CFR 1964–1965, p. 306; 5 CFR Parts 734, 735 and 737.

2. Redesignate § 3.105 as 3.106 and add a new § 3.105 to read as follows:

§ 3.105 Post-employment restrictions affecting former EPA Attorneys.

This section applies where a jurisdiction in which a former EPA employee holds bar membership has adopted Rule 1.11 of the American Bar Association's Model Rules of Professional Conduct dated August 1983, in particular Rule 1.11(d)(2) which provides that the term "matter" includes "any other matter covered by the conflict of interest rules of the appropriate government agency." In such cases, the term "matter" includes participation (in the form of drafting, providing advice or making recommendations) in the development of EPA regulations. Where a former EPA employee participated in the development of an EPA regulation while employed by EPA, he or she may not represent or assist in representing any party or parties as an attorney in any judicial proceeding to contest the validity of the rule. However, this section applies only where the complaint was not filed before the effective date of this regulation or the date when Rule 1.11 became effective in the jurisdiction, whichever occurs later.

3. In Appendix A to Subpart A, add the following sentences at the end of the Discussion paragraphs within the discussion of 18 U.S.C. 207:

Appendix A to Subpart A—Conflict of Interest Statutes and Examples.

* * * * *

Retirement plans maintained by a former employer may also amount to a financial interest, depending on the circumstances. For example, a fund managed by a former employer which includes company stock would create a personal financial interest, whereas a pension plan of a State government which is managed by a separate trustee and in which the former employee's right have vested would not create a personal financial interest in the State government in which an EPA employee formerly served. Employees are encouraged to seek the advice of the Designated Agency Ethics Official regarding pension plans.

4. Section 3.300 is amended by revising paragraphs (a) and (b)(7) to read as follows:

§ 3.300 Prohibitions against acts affecting a personal financial interest.

(a) As discussed in Appendix A to Subpart A, section 208(a) of Title 18, United States Code, prohibits an employee from knowingly participating in an EPA matter in which the employee, the employee's spouse, minor child, present or prospective employer, or organization in which the employee is an officer, has a financial interest.

(b) * * *

(7) Rulemaking and policy matters which have a direct and predictable effect on the financial interests of companies in which the employee owns stock or has an official or employment relationships. Examples are discussed in Appendix A to Subpart A.

5. In § 3.301 revise paragraph (b)(1) to read as follows:

§ 3.301 Waiver.

* * * * *

(b) * * *

(1) Mutual funds (including tax-exempt bond funds), except those which concentrate their investments in particular industries;

* * * * *

6. In § 3.302 revise paragraph (b)(1) and redesignate paragraphs (c)(2) and (d) as paragraphs (d) and (e) respectively. Add a new paragraph (c)(2) and revise redesignated paragraph (d) and redesignated paragraph (e), to read as follows:

§ 3.302 Financial Disclosure Reports and Confidential Statements of Employment and Financial Interests.

* * * * *

(b) * * *

(1) All employees who report to the General Counsel or the Assistant Administrator for Enforcement and Compliance Monitoring, and Regional Counsel employees;

(c) * * *

(2) Those in positions classified at GS–12 or below (or comparable levels under other pay systems) if their duties directly affect the financial interests of specific parties. Such positions are limited to contracting officers, project officers, inspectors, auditors and On-Scene Coordinator representatives.

(d) Other employees classified below the GM or GS–13 level (or comparable levels under other pay systems) who are in positions which otherwise meet the criteria of paragraph (c)(1) of this section may also be required to file, provided the Office of Government Ethics has approved in writing. Deputy Ethics Officials should consult with the Designated Agency Ethics Official in seeking such approval.

(e) *Financial and employment interests of employees' relatives.* In completing Confidential Statements of Employment and Financial Interests, the financial and employment interests of a spouse or minor child are considered to be interests of the employee and must be reported.

7. Revise paragraphs (1), (3) and (4) of Appendix A to Subpart C to read as follows:

Appendix A to Subpart C—Procedures for Filing Confidential Statement of Employment and Financial Interests

(1) *Submission*—Each employee required to submit a Confidential Statement of Employment and Financial Interests must submit the completed EPA Form 3120–1 within 30 days after entrance on duty or (where the position is not specifically listed in this Part) within 30 days after being notified of the requirement to file. Interests which are exempt from the prohibition of 18 U.S.C. 208(a) (except for interests in mutual funds) need not be reported. *See* § 3.301(b). The completed form is sent to the Deputy Ethics Official for the employee's organization. Headquarters employees in the Office of General Counsel and employees in the immediate Office of the Administrator submit their forms to the Designated Agency Ethics Official.

* * * * *

(3) *Supplemental Statements*—For purposes of annual review, employees who are required to submit EPA Form 3120–1 must submit a new statement each July by no later than July 31, even if no changes have taken place during the year.

Deputy Ethics Officials must notify such employees of this requirement and must complete review of the statements within 30 days after submission. By September 30 of each year, Deputy Ethics Officials must submit a statement to the Designated Agency Ethics Official containing the following information: (i) the number of employees in their organization at GM/GS 13–15; (ii) the number required to file; (iii) the number of other employees required to file under § 3.302(c) or 3.302(d); (iv) the number of remedial actions taken by type of action (i.e., recusals, waivers, divestitures, reassignments or blind trusts); (v) a certification that no employee who performs any "functions or duties" under the Surface Mining Control and Reclamation Act holds any prohibited interests (see § 3.305); and (6) a certification that all required reports have been received, reviewed and signed and that any necessary remedial actions have been taken.

In addition, whenever additions or changes have taken place, employees who are required to file must submit a supplemental statement by the end of the four month period in which the transactions occurred; that is, by November 30 and March 31. Deputy Ethics Officials must notify employees of this requirement during the months when these updates are due, and must review and sign the updates within 30 days after submission. However, they need not provide any report to the Designated Agency Ethics Official regarding the updates.

(4) *Confidentiality*—EPA Form 3120-1 is confidential. No information from this form may be disclosed other than to the Designated Agency Ethics Official and the Alternate Agency Ethics Official, immediate staff assistants whom the responsible Deputy Ethics Official has specifically designated in writing, the Office of Inspector General, committees or subcommittees of Congress on the written request of the chairman, or as the Director of the Office of Government Ethics or the Administrator may determine for good cause.

* * * * *

8. In Appendix B to Subpart C revise paragraph (2) under Coverage to read as follows:

Appendix B to Subpart C—Employees Subject to Special Requirements Under the Clean Air Act

* * * * *

(2)(i) In the Office of the Administrator: Administrator, Deputy Administrator, and the Director of the Science Advisory Board.

(ii) Regional Administrators.

(iii) In the Office of General Counsel: General Counsel, Deputy General Counsel, Associate General Counsel for Air and Radiation.

(iv) In the Office of Enforcement and Compliance Monitoring: Assistant Administrator for Enforcement and Compliance Monitoring, Senior Enforcement Counsel, Associate Enforcement Counsel for Air Enforcement.

(v) In the Office of Policy, Planning and Evaluation: Assistant Administrator for Policy, Planning and Evaluation, Deputy Assistant Administrator for Policy, Planning and Evaluation, Director of the Office of Policy Analysis, Director of the Office of Standards and Regulations.

(vi) In the Office of Air and Radiation: Assistant Administrator for Air and Radiation, Deputy Assistant Administrator for Air and Radiation, Director of the Office of Policy Analysis and Review, Director of the Office of Program Development, Director of the Office of Air Quality Planning and Standards, Director of the Office of Mobile Sources, and Directors of the following Divisions: Control Programs Development, Emission Standards and Engineering, Monitoring and Data Analysis, Stationary Source Compliance, Strategies and Air Standards, Certification, Emission Control Technology, Engineering Operations, Field Operations and Support and Manufacturers Operations.

* * * * *

9. In § 3.501 revise paragraph (a) to read as follows:

§ 3.501 Policy.

(a) Subject to the approval requirements of § 3.508, employees may engage in outside employment or other outside activity consistent with the standards of this Subpart.

* * * * *

10. In § 3.502 revise paragraph (d) to read as follows:

§ 3.502 Guidelines and Limitations.

* * * * *

(d) Involve work with any EPA contractor or subcontractor on an EPA project or work with any holder of an EPA assistance agreement or subagreement on an EPA project (unless the Designated Agency Ethics Official approves work on such acquisition or assistance agreement in writing) or would involve work for any person or organization in a position to gain advantage through the employee's exercise of official duties;

* * * * *

11. In § 3.507 revise paragraph (a) to read as follows:

§ 3.507 Special conditions applicable to publishing.

* * * * *

(a) No income is derived from publishing materials which EPA makes available to the general public or which are available to the employee because of his or her official duties but are not available to the general public; and

* * * * *

12. In § 3.508 revise paragraphs (d) and (e) to read as follows:

§ 3.508 Administrative approval.

* * * * *

(d) Outside employment or other outside activity involving an EPA contractor or subcontractor or holder of an EPA assistance agreement or subagreement; and

(e) Employment by a firm which is regulated by the EPA program Office or Regional Office in which the employee serves.

* * * * *

13. In Appendix A to Subpart E revise the introductory text of paragraph 1 (Form and content of request) to read as follows:

Appendix A to Subpart E—Procedures for Permission To Engage in Outside Employment or Other Outside Activity

1. *Form and content of request*—A written request for administrative approval of outside employment must be addressed to the appropriate Deputy Ethics Official, or, in the immediate Office of the Administrator or Deputy Administrator, to the Designated Agency Ethics Official. The request must be sent through the employee's supervisors and must indicate:

* * * * *

§ 3.603 [Amended]

14. In § 3.603(a), change "Statements of employment and financial interest" to "Statements of Employment and Financial Interests."

[FR Doc. 85-22420 Filed 9-26-85; 8:45 am]

BILLING CODE 6560-50-M