

148386

148386

**U.S. Department of Justice  
National Institute of Justice**

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

Permission to reproduce this ~~copyrighted~~ material has been granted by

Public Domain/102D Congress

U.S. Senate

to the National Criminal Justice Reference Service (NCJRS).

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

S. 2792, A BILL TO AMEND AND AUTHORIZE APPROPRIATIONS FOR THE CONTINUED IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEPTEMBER 8, 1992.—Ordered to be printed

Mr. BIDEN, from the Committee on the Judiciary, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 2792, as amended]

The Committee on the Judiciary, to which was referred the bill (S. 2792), having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Legislative history .....	20
II. Background and need for the legislation .....	23
III. Purposes .....	29
IV. Vote of the committee .....	37
V. Section-by-section analysis .....	37
VI. Cost estimate .....	44
VII. Regulatory impact statement .....	46
VIII. Changes in existing law .....	46
IX. Additional views of Mr. Specter .....	93

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

- (1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;
- (2) by inserting after paragraph (1) the following new paragraphs:

"(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

"(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;"

(3) in paragraph (4), as redesignated by paragraph (1), by inserting "prosecutorial and public defender offices," after "juvenile courts,";

(4) by striking "and" at the end of paragraph (9), as redesignated by paragraph (1);

(5) by striking the period at the end of paragraph (10), as redesignated by paragraph (1), and inserting ";", and

(6) by adding at the end of the following new paragraphs:

"(11) emphasis should be placed on preventing youth from entering the juvenile system to begin with; and

"(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time."

(b) PURPOSE.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "delinquency" and inserting "justice and delinquency prevention";

(B) in paragraph (2) by striking "agencies, institutions, and individuals in developing and implementing juvenile delinquency programs" and inserting "nonprofit juvenile justice and delinquency prevention programs";

(C) by striking "and" at the end of paragraph (7);

(D) by redesignating paragraph (8) as paragraph (9);

(E) by inserting after paragraph (7) the following new paragraph:

"(8) to strengthen families in which juvenile delinquency has been a problem;"

(F) by striking the period at the end of paragraph (9), as redesignated by subparagraph (D), and inserting a semicolon; and

(G) by adding at the end the following new paragraphs:

"(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

"(11) to assist States and local communities to prevent youth from entering the justice system to begin with."; and

(2) in subsection (b) by striking "maintaining and strengthening the family unit" and inserting "preserving and strengthening families".

#### SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 (b)) is amended by amending the third sentence to read as follows: "The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have."

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)(1) by inserting "the Commissioner of Immigration and Naturalization," after "Community Services,"; and

(2) in subsection (c)—

(A) in the first sentence by inserting "all Federal programs and activities that detain or care for unaccompanied juveniles apprehended by or in the custody of the Immigration and Naturalization Service," after "delinquency programs"; and

(B) in the second sentence by inserting "and all Federal programs and activities that detain or care for unaccompanied juveniles apprehended by or in the custody of the Immigration and Naturalization Service" before the period.

(c) FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS.—

(1) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 221(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5613(b)(2)) is amended by striking "existence" and inserting "experience".

(2) ALLOCATION.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(A) by striking "allotted" each place it appears and inserting "allocated" and striking "allotment" each place it appears and inserting "allocation"; and

(B) in subsection (a)—

(i) in paragraph (2)(A)—

(I) by striking "part D" and inserting "parts D and F";

(II) by inserting "or such greater amount, up to \$390,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "\$325,000,"; and

(III) by inserting ", or such greater amount, up to \$90,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992," after "\$75,000";

(ii) in paragraph (2)(B)—

(I) by inserting "or such greater amount, up to \$600,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "\$400,000,"; and

(II) by inserting ", or such greater amount, up to \$90,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "100,000"; and

(iii) in paragraph (3) by striking "1988" each place it appears and inserting "1992".

(3) STATE PLANS.—Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(A) in subsection (a)—

(i) in the second sentence by striking "programs, and the state" and inserting "programs and challenge activities subsequent to State participation in part F. The State";

(ii) by amending paragraph (3) to read as follows:

"(3) provide for an advisory group, which—

"(A) shall consist of not less than 15 and not more than 30 members appointed by the chief executive officer of the State—

"(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

"(ii) which members include—

"(I) at least 1 locally elected official representing general purpose local government;

"(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, and counsel for children and youth;

"(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

"(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

"(V) volunteers who work with delinquents or potential delinquents;

"(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

"(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

"(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

"(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

"(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

"(v) at least 3 members who have been under the jurisdiction of the juvenile justice system at some time;

"(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

"(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

"(D) shall, consistent with this title—

"(i) advise the State agency designated under paragraph (1) and its supervisory board;

"(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part F; and

"(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

"(E) may, consistent with this title—

"(i) advise on State supervisory board and local criminal justice advisory board composition; and

"(ii) review progress and accomplishments of projects funded under the State plan.;"

(iii) in paragraph (9) by inserting "recreation," after "special education.;"

(iv) by amending paragraph (10) to read as follows:

"(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

"(A) community-based alternatives to incarceration and institutionalization, specifically—

"(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

"(ii) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

"(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

"(B) community-based programs and services to work with parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

"(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

"(E) educational programs or supportive services for delinquent or other youth, provided equitably regardless of sex, race, or family income, designed to encourage them to remain in school, including—

"(i) education in settings that promote experimental, individualized learning and exploration of academic and career operations;

"(ii) assistance in making the transition to the world of work and self-sufficiency; and

"(iii) alternatives to suspension and expulsion;

"(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel,

and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

"(G) youth-initiated outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

"(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

"(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

"(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

"(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency; and

"(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

"(i) a sense of safety and structure;

"(ii) a sense of belonging and membership;

"(iii) a sense of self-worth and social contribution;

"(iv) a sense of independence and control over one's life;

"(v) a sense of closeness in interpersonal relationships; and

"(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation.

"(M) programs that hold juveniles accountable for their delinquent conduct and provide juvenile court judges with a range of dispositional options that recognize the needs of juvenile offenders, such as expanded use of probation, mediator, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and secure community-based intensive service facilities linked to other support services such as health, mental health, education (remedial and special) job training, and recreation that assist juveniles to develop into productive, law-abiding adults.";

(v) in paragraph (12)(A) by inserting "or alien juveniles in custody," after "court orders,";

(vi) in paragraph (14) by striking "1993" and inserting "1997";

(vii) by amending paragraph (16) to read as follows:

"(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions"; and

(viii) in paragraph (17) by striking "and maintain the family units" and inserting "the families";

(B) by amending subsection (c) to read as follows:

"(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

"(2) If a State fails to comply with the requirements of paragraph (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

"(A) subject to subparagraph (B), the amount allotted under section 222 of the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

"(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

"(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

"(ii) the Administrator determines, in the discretion of the Administrator, that the State—

"(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

"(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time."; and

(C) in subsection (d)—

(i) by inserting "excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d)," after "section 222(a)";

(ii) by striking "the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)" and inserting "activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23)"; and

(iii) by striking "subsection (a)(12)(A) and subsection (a)(13)" and inserting "subsection (a) (12)(A), (13), (14) and (23)".

(d) NATIONAL PROGRAMS.—

(1) NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 241(d)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. (5651(d)(2))) is amended—

(A) by inserting "recreation and park personnel," after "special education personnel"; and

(B) by inserting "prosecutors and defense attorneys," after "probation personnel,".

(2) RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.—Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended—

(A) in paragraph (1) by striking "maintain the family unit" and inserting "preserve families";

(B) by redesignating paragraphs (3), (4), (5), (6), (7), (8), and (9) as paragraphs (5), (6), (7), (8), (9), (10), and (11), respectively;

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) establish or expand programs that hold juveniles accountable for their delinquent conduct and provide juvenile court judges with a range of dispositional options that recognize the needs of juvenile offenders, such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and secure community-based intensive service facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation that assist juveniles to develop into productive, law-abiding adults;

"(4) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, fire-arms offenses, gang-related crimes, violent felonies, and serious drug offenses"; and

(D) in subparagraph (D) of paragraph (7), as redesignated by subparagraph (B), by inserting "(including the productive use of discretionary time through organized recreational" after "lawful activities".

(3) TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.—Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by inserting "prosecutors and defense attorneys" after "judges".

(4) SPECIAL STUDIES AND REPORTS.—Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(A) by striking "(a) Not later" and inserting "(a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later";

(B) by striking "(1) to review" and inserting "(A) to review";

(C) by striking "(A) conditions" and inserting "(i) conditions";

(D) by striking "(B) the extent" and inserting "(ii) the extent";

(E) by striking "(2) to make" and inserting "(B) to make";

(F) by striking "(b)(1) Not later" and inserting "(2)(A) Not later";

(G) by striking "(A) how" and inserting "(i) how";

(H) by striking "(B) the amount" and inserting "(ii) the amount";

(I) by striking "(C) the extent" and inserting "(iii) the extent";

(J) by striking "(2)(A) for purposes" and inserting "(B)(i) for purposes";

(K) by striking "(B) For purposes" and inserting "(i) for purposes";

(L) by striking "(c) Not later" and inserting "(3) Not later";

(M) by striking "subsection (a) or (b)" and inserting "paragraph (1) or (2)"; and

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

"(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to juveniles waived to adult court that reviews—

"(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

"(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

"(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

"(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

"(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

"(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

"(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of gender bias within State juvenile justice systems that reviews—

"(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

"(ii) the appropriateness of the placement and conditions of confinement for females; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

"(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

"(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

"(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

"(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

"(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

"(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.



"(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban areas in the United States.

"(B) Such urban areas shall include

"(i) the District of Columbia;

"(ii) Los Angeles, California;

"(iii) Milwaukee, Wisconsin;

"(iv) Denver, Colorado;

"(v) Pittsburgh, Pennsylvania;

"(vi) Rochester, New York; and

"(vii) such other cities as the Administrator determines to be appropriate.

"(C) With respect to each urban area included in the study, the objectives of the study shall be—

"(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

"(ii) to identify factors particularly indigenous to such areas that contribute to violence committed by or against juveniles;

"(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

"(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

"(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

"(vi) to improve current systems to prevent and control violence by or against juveniles; and

"(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

"(D) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (C)."

(5) **AUTHORITY TO MAKE GRANTS AND CONTRACTS.**—Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended—

(A) in subsection (a)—

(i) by amending paragraph (3) to read as follows:

"(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.;"

(ii) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.;" and

(B) in subsection (b)(5) by inserting "community service personnel," after "law enforcement personnel,".

(e) **CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.**—Section 262(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(d)(1)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that apply to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.;" and

(2) by striking subparagraph (C).

(f) **PREVENTION, INTERVENTION, AND TREATMENT PROGRAM RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING.**—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is amended—

(1) in the heading by inserting "INTERVENTION," after "PREVENTION";

(2) in section 281—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11);

(B) by striking "Sec. 281. The Administrator" and all that follows through "purposes:" and inserting the following:

"Sec. 281. (a) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities in the prevention of youth gangs through programs that are designed to carry out any of the following purposes:

"(1) To target elementary school students, with the purpose of steering students away from gang involvement.

"(2) To provide individual and family crisis intervention and counseling to students and their families who are particularly at risk of gang involvement, including cooperation with social service, welfare, and health care programs as needed.

"(3) To develop and support community education about gangs and gang activity with the intent of involving the communities in dealing with the problems associated with gangs.

"(4) To include a special location within a school or housing project for program activities.

"(b) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities in crisis intervention and rehabilitation of youth gangs through programs that are designed to carry out any of the following purposes:

"(1) Establish or expand programs that hold juveniles accountable for their delinquent conduct and provide juvenile court judges with a range of dispositional options that recognize the needs of juvenile offenders, such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and secure community-based intensive service facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation that assist juveniles to develop into productive, law-abiding adults."; and

(C) in paragraph (8) of subsection (b), as designated by subparagraph (B), by inserting "recreation," after "local education,"; and

(3) in section 282(b)(1) by inserting "(a) or (b)" after "section 281".

(g) GENERAL AND ADMINISTRATIVE PROVISIONS.—Section 291(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended to read as follows:

"(a)(1) To carry out the purposes of this title (other than parts D and F) there are authorized to be appropriated such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

"(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No funds may be appropriated to carry out part D or F of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D or F of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D or F of this title or title V or VI) for the preceding fiscal year.

"(3) To carry out the purposes of part F, there are authorized to be appropriated \$50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996."

(h) STATE CHALLENGE ACTIVITIES.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by adding at the end the following new part:

#### "PART F—STATE CHALLENGE ACTIVITIES

##### "ESTABLISHMENT OF PROGRAM

"Sec. 297. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

**"(b) DEFINITIONS.—For purposes of this part—**

**"(1) the term 'case review system' means a procedure for ensuring that—**

**"(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interest and special needs of the youth;**

**"(B) the status of each youth is reviewed periodically but not less frequently than once every 6 months, by a court or by administrative review, in order to determine the continuing necessity for an appropriateness of the placement;**

**"(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 18 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and**

**"(D) a youth's health, mental health, and education record is reviewed and updated periodically; and**

**"(2) the term 'challenge activity' means a program maintained for 1 of the following purposes:**

**"(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.**

**"(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.**

**"(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.**

**"(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.**

**"(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.**

**"(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private non-profit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.**

**"(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.**

**"(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.**

**"(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to**

provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

“(J) Developing and adopting policies to establish—

“(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

“(ii) a statewide case review system.”

**SEC. 3. RUNAWAY AND HOMELESS YOUTH.**

(a) **FINDINGS.**—Section 302 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) the number of youth who have become homeless or who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and may live on the street, leaving them at high risk for health and other serious problems;”;

(2) by striking “and” at the end of paragraph (4);

(3) by striking paragraph (5) and inserting the following new paragraphs:

“(5) runaway youth, homeless youth, and other street youth have a disproportionate share of health problems compared to the general adolescent population but lack access to health care;

“(6) increasingly, runaway youth, homeless youth, and other street youth in need of services have more serious emotional and behavioral problems and fewer resources and therefore may need access to longer periods of residential care, more intensive aftercare services, and other assistance;

“(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment;

“(8) to reconnect runaway youth, homeless youth, and other street youth to their communities, street-based services must be provided where they congregate;

“(9) home-based services are also needed to prevent youth from leaving home or developing more serious emotional and behavioral problems; and”

“(10) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures.”

(b) **AUTHORITY TO MAKE GRANTS.**—Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

“(a) The Secretary shall make grants to nonprofit private entities, combinations of such entities, and public entities to establish, renovate, and operate local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of such youth and their families. The centers shall serve as alternatives to the law enforcement, child welfare, mental health, and juvenile justice systems.”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting “or such greater amount, up to \$100,000, as is available to be allocated without reducing the amount of any State or territory’s allocation below the amount allocated for fiscal year 1992” after “\$75,000.”; and

(ii) by inserting “, or such greater amount, up to \$45,000, as is available to be allocated without reducing the amount of any State or territory’s allocation below the amount allocated for fiscal year 1992,” after “\$30,000.”; and

(B) in paragraph (3) by striking “1988” each place it appears and inserting “1992”; and

(3) by striking subsection (c).

(c) **ELIGIBILITY.**—Section 312 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712) is amended—

(1) in subsection (a) by striking "facility providing" and inserting "project that provides"; and

(2) in subsection (b)—

(A) in paragraph (3) by striking "child's" and inserting "youth's" and striking "child" each place it appears and inserting "youth";

(B) in paragraph (4) by inserting "health and mental health care personnel," after "social service personnel,"; and

(C) in paragraph (6) by striking "children and family members which it serves," and inserting "children and family members that it serves, including youth that are not referred to out-of-home shelter services,".

(d) **GRANTS FOR A NATIONAL COMMUNICATION SYSTEM.**—Section 313(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712a(b)) is amended—

(1) in paragraph (1) by striking "1989 not less than \$500,000" and inserting "1993 not less than \$912,500, of which \$125,000 shall be available for the acquisition of communications equipment";

(2) in paragraph (2) by striking "1990 not less than \$600,000" and inserting "1994 not less than \$826,900"; and

(3) in paragraph (3) by striking "1991 and 1992 not less than \$868,300" and inserting "1995 and 1996 not less than \$911,700".

(e) **APPROVAL BY SECRETARY.**—Section 316 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5716) is amended in the second sentence by striking "\$150,000" and inserting "250,000".

(f) **TRANSITIONAL LIVING GRANT PROGRAM.**—Section 322(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714-2(a)) is amended—

(1) in paragraph (1) by inserting "which shall include money management, budgeting, consumer education, and use of credit," after "basic life skills"; and

(2) in paragraph (13) by striking "and parent or legal guardian".

(g) **STREET-BASED SERVICES AND COORDINATING ACTIVITIES.**—Title III of the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5701 et seq.) is amended—

(1) by striking sections 314, 315, and 365 and redesignating parts C and D as parts E and F, respectively; and

(2) by inserting after part B the following new parts:

#### "PART C—STREET-BASED SERVICES

##### "PURPOSE AND AUTHORITY; DEFINITIONS

"SEC. 325. (a) **PURPOSE AND AUTHORITY.**—The Secretary may make grants and provide technical assistance to public and nonprofit private entities and combinations of such entities to establish and operate street-based services to runaway youth, homeless youth, and other street youth.

"(b) **DEFINITIONS.**—For purposes of this part—

"(1) the term 'homeless youth' means a person—

"(A) who is not less than 10 years of age and not more than 21 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no safe living arrangement as an alternative to living with a relative;

"(2) the term 'other street youth' means a person under the age of 21 who may be intermittently homeless and spends the majority of his or her time on the street, using it as a primary means of economic survival and socialization; and

"(3) the term 'street-based services' includes—

"(A) street-based crisis intervention and counseling;

"(B) information and referral for housing;

"(C) information and referral for transitional living and health care services; and

"(D) advocacy, education, and prevention services for—

"(i) alcohol and drug abuse;

"(ii) sexually transmitted diseases including HIV/AIDS infection; and

"(iii) physical and sexual assault. "ELIGIBILITY

"SEC. 326. (a) **PLAN AND AGREEMENT.**—To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a street-based services project and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to identify and frequent areas in which runaway youth, homeless youth, and other street youth congregate, making contact and forming relationships with such youth;

"(2) to assess the problems and service needs of such youth and provide appropriate services or information and referral for these services;

"(3) to cause its staff to work in teams with on-street supervision or backup and off-street clinical supervision;

"(4) to cause its staff to—

"(A) develop referral relationships with agencies and organizations, including law enforcement, education, social service, vocational services, training, public welfare, legal assistance, and health and mental health care organizations; and

"(B) help integrate and coordinate such services for youth;

"(5) to submit to the Secretary an annual report that includes information regarding

"(A) the activities carried out with funds under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing the number and the characteristics of the youth who participated in the project in the year for which the report is submitted;

"(6) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(7) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

"(8) to keep adequate statistical records profiling the youth that it serves and not to disclose the identity of individual runaway youth, homeless youth, or other street youth in reports or other documents, based on such statistical records;

"(9) not to disclose records maintained on individual runaway youth, homeless youth, or other street youth without the consent of the individual youth to anyone; and

"(10) to provide to the Secretary such other information as the Secretary may reasonably require.

"(b) PRIORITY.—In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing direct services to runaway youth, homeless youth, or other street youth.

#### "PART D—COORDINATING ACTIVITIES

##### "GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"SEC. 335. The Secretary shall make grants to State, regional and other nonprofit organizations and combinations of such organizations to provide technical assistance and training to eligible groups for the purpose of establishing and improving the operation of programs for runaway youth, homeless youth, and other street youth.

##### "GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

###### SERVICE PROJECTS

"SEC. 336. (a) IN GENERAL.—The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth, homeless youth, and other street youth.

"(b) SPECIAL CONSIDERATION.—In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

"(1) youth who repeatedly leave and remain away from their homes;

"(2) outreach to runaway youth, homeless youth, and other street youth;

"(3) skill-based HIV/AIDS prevention training for runaway and homeless youth and training for staff to work with such youth;

"(4) increasing access to health and mental health care and services for runaway and homeless youth;

"(5) increasing access to education for runaway and homeless youth;

"(6) staff training in—

"(A) the behavioral and emotional effects of sexual abuse and assault;

"(B) responding to youth who are showing effects of sexual abuse and assault; and

"(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

"(7) transportation of runaway and homeless youth, and other street youth in connection with services authorized to be provided under this part;

"(8) the special needs of runaway and homeless youth in rural areas;

"(9) the special needs of family host home programs for runaway youth, homeless youth, and other street youths;

"(10) transitional living programs for homeless youth; and

"(11) innovative methods of developing resources that enhance the establishment or operation of runaway youth, homeless youth, or other street youth centers.

"(c) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants that have knowledge of or experience in working with runaway and homeless youth.

#### "COORDINATION OF ACTIVITIES

"Sec. 337. With respect to matters relating to health, education, employment, and housing, the Secretary shall coordinate the activities of health agencies in the Department of Health and Human Services with the activities of other divisions of that department and other public and private entities and encourage coordination with other departments."

(h) REPORTS.—Section 361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715) is amended—

(1) in subsection (a)—

(A) by inserting "activities," after "status";

(B) by striking "part A," and inserting "parts A, B, C, D, and E,"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "and"; and

(C) by adding at the end of the following new paragraph:

"(7) plans for the next fiscal year."

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "of this title there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992" and inserting "such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996"; and

(B) by adding at the end of the following new paragraphs:

"(3) In the use of funds appropriated under paragraph (10) that are in excess of \$38,000,000 but less than \$42,600,000, priority shall be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than \$85,000) if the appropriation were equal to or less than \$38,000,000, for the purpose of allowing such programs to achieve higher performance standards, including—

"(A) increasing and retaining trained staff;

"(B) strengthening family reunification efforts;

"(C) improving aftercare services;

"(D) fostering better coordination of services with public and private entities;

"(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and vocational services; and

"(F) improving data collection efforts.

"(4) In the use of funds appropriated under paragraph (1) that are in excess of \$42,599,999—

"(A) 50 percent shall be targeted at developing new programs in unserved or underserved communities; and

"(B) 50 percent shall be targeted at program enhancement activities described in paragraph (3).";

(2) in subsection (b)(1) by striking "of this title, there are authorized to be appropriated such sums as are necessary for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992." and inserting "there are authorized to be appropriated such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following new subsection:

"(c) There are authorized to be appropriated to carry out part C such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996."

#### SEC. 4. MISSING CHILDREN.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended by striking "fiscal years 1989, 1990, 1991, and 1992" and inserting "fiscal year 1993".

#### SEC. 5. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

### "TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

#### "SEC. 501. SHORT TITLE.

"This title may be cited as the 'Incentive Grants for Local Delinquency Prevention Programs Act'.

#### "SEC. 502. FINDINGS.

"The Congress finds that—

"(1) approximately 700,000 youth enter the juvenile justice system every year;

"(2) Federal, State, and local governments spend close to \$2,000,000,000 a year confining many of those youth;

"(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

"(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

"(5) few Federal resources are dedicated to delinquency prevention; and

"(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

#### "SEC. 503. DEFINITION.

"In this title, the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

#### "SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

"The Administrator shall—

"(1) issue such rules as are necessary or appropriate to carry out this title;

"(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

"(3) provide adequate staff and resources necessary to properly carry out this title; and

"(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

"(A) describing activities and accomplishments of grant activities funded under this title;

"(B) describing procedures followed to disseminate grant activity products and research findings;

"(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

"(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

#### "SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

"(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the



requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

- "(1) recreation services;
- "(2) tutoring and remedial education;
- "(3) assistance in the development of work awareness skills;
- "(4) child and adolescent health and mental health services;
- "(5) alcohol and substance abuse prevention services;
- "(6) leadership development activities; and
- "(7) the teaching that people are and should be held accountable for their actions.

"(b) **ELIGIBILITY.**—The requirements of this subsection are met with respect to a unit of general local government if—

- "(1) the unit is in compliance with the requirements of part B of title II;
- "(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end investment plan for delinquency prevention and early intervention activities;
- "(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);
- "(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;
- "(5) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and
- "(6) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

"(c) **PRIORITY.**—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

- "(1) plans for service and agency coordination and collaboration including the colocation of services;
- "(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and
- "(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

**"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

"To carry out this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996."

(b) **STUDY.**—After the program established by subsection (a) has been funded for two years, the General Accounting Office shall prepare and submit to Congress a study of the effects of the program in encouraging States and units of general local government to comply with the requirements of part B of title II.

**SEC. 6. CHILDREN'S ADVOCACY PROGRAM.**

(a) **FINDINGS.**—Section 211 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;" and

(3) by inserting after paragraph (4), as redesignated by paragraph (1), the following new paragraph:

"(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;"

(b) **REGIONAL CHILDREN'S ADVOCACY PROGRAM.**—Subtitle A of the Victims of Child Abuse Act (42 U.S.C. U.S.C. 13001 et seq.) is amended—

(1) by redesignating sections 212, 213, and 214 as sections 214, 214A, and 214B, respectively; and

(2) by inserting after section 211 the following new sections:

**"SEC. 212. DEFINITIONS.**

"For purposes of this subtitle—

"(1) the term 'Administrator' names the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b));

"(2) the term 'applicant' means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

"(3) the term 'board' means the Children's Advocacy Advisory Board established under section 213(e);

"(4) the term 'census region' means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section;

"(5) the term 'child abuse' means physical or sexual abuse or neglect of a child;

"(6) the term 'Director' means the Director of the National Center on Child Abuse and Neglect;

"(7) the term 'multidisciplinary response to child abuse' means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

"(8) the term 'nonoffending family member' means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse; and

"(9) the term 'regional children's advocacy program' means the children's advocacy program established under section 213(a).

**"SEC. 213. REGIONAL CHILDREN'S ADVOCACY CENTERS.**

**"(a) ESTABLISHMENT OF REGIONAL CHILDREN'S ADVOCACY PROGRAM.—**The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall establish a children's advocacy program to—

"(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

"(2) provide support for nonoffending family members;

"(3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

"(4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

**"(b) ACTIVITIES OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—**

**"(1) ADMINISTRATOR.—**The Administrator, in coordination with the Director, shall—

"(A) establish regional children's advocacy program centers;

"(B) fund existing regional centers with expertise in the prevention, judicial handling, and treatment of child abuse and neglect; and

"(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities, for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

**"(2) GRANT RECIPIENTS.—**A grant recipient under this section shall—

"(A) assist communities—

"(i) in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

"(ii) in establishing a freestanding facility where interviews of and services for abused children can be provided;

"(iii) in preventing or reducing trauma to children caused by multiple contacts with community professionals;

"(iv) in providing families with needed services and assisting them in regaining maximum functioning;

"(v) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

"(vi) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

"(vii) in obtaining information useful for criminal and civil proceedings;

"(viii) in holding offenders accountable through improved prosecution of child abuse cases;

"(ix) in enhancing professional skills necessary to effectively respond to cases of child abuse thorough training; and

"(x) in enhancing community understanding of child abuse; and

"(B) provide training and technical assistance to local children's advocacy centers in its census region that are grant recipients under section 214.

"(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAMS.—

"(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section, the Administrator shall solicit proposals for assistance under this section.

"(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

"(A) A proven record in conducting activities of the kinds described in subsection (c).

"(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can go for the purpose of evaluation, intervention, evidence gathering, and counseling.

"(C) Multidisciplinary staff experienced in providing remedial counseling to children and families.

"(D) Experience in serving as a center for training and education and as a resource facility.

"(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

"(3) PROPOSAL REQUIREMENTS.—

"(A) IN GENERAL.—A proposal submitted in response to the solicitation under paragraph (1) shall—

"(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities so that communities can establish multidisciplinary programs that respond to child abuse;

"(ii) demonstrate the ability of the applicant to operate successfully a multidisciplinary child abuse program or provide training to allow others to do so; and

"(iii) state the annual cost of the proposal and a breakdown of those costs.

"(B) CONTENT OF MANAGEMENT PLAN.—A management plan described in paragraph (3)(A) shall—

"(i) outline the basic activities expected to be performed;

"(ii) describe the entities that will conduct the basic activities;

"(iii) establish the period of time over which the basic activities will take place; and

"(iv) define the overall program management and direction by—

"(I) identifying managerial, organizational, and administrative procedures and responsibilities;

"(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

"(III) providing sufficient rationale to support the costs of the plan.

"(4) SELECTION OF PROPOSALS.—

"(A) COMPETITIVE BASIS.—Proposals shall be selected under the section on a competitive basis.

"(B) CRITERIA.—The Administrator, in coordination with the director, shall select proposals for funding that—

"(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon the respond to child abuse cases;

"(ii) assist in resolving problems that may occur during the development, operation and implementation of a multidisciplinary program that responds to child abuse;

"(iii) carry out the objectives developed by the Board under subsection (e)(2)(A);

"(C) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

"(D) otherwise best carry out the purposes of this section.

"(4) FUNDING OF PROGRAM.—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

"(5) COORDINATION OF EFFORT.—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

"(d) REVIEW.—

"(1) EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.—The Administrator, in coordination with the Director, shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

"(2) ANNUAL REPORT.—A grant recipient shall provide an annual report to the Administrator and the Director that—

"(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

"(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

"(3) DISCONTINUATION OF FUNDING.—

"(A) FAILURE TO IMPLEMENT PROGRAM ACTIVITIES.—If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.

"(B) SOLICITATION OF NEW PROPOSALS.—Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

"(e) CHILDREN'S ADVOCACY ADVISORY BOARD.—

(1) ESTABLISHMENT OF BOARD.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

"(B) MEMBERSHIP.—(i) The board—

"(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority of whom shall be individuals experienced in the child abuse investigation, prosecution, prevention, and intervention systems;

"(II) shall include at least 1 member from each of the 4 census regions; and

"(III) shall have members appointed for a term not to exceed 3 years.

"(ii) Members of the Board may be reappointed for successive terms.

"(2) REVIEW AND RECOMMENDATIONS.—

"(A) OBJECTIVES.—Not later than 180 days after the date of enactment of this section and annually thereafter, the Board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b).

"(B) REVIEW.—The board shall annually—

"(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

"(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

"(3) RULES AND REGULATIONS.—The Board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section.

"(f) REPORTING.—The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities."

(c) LOCAL CHILDREN'S ADVOCACY PROGRAM.—Section 214 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002), as redesignated by subsection (b)(1), is amended—

(1) by amending the heading to read as follows:

"SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.:"

(2) in subsection (a) by striking "The Director of the Office of Victims of Crime (hereinafter in this subtitle referred to as the 'Director'—), in consultation with officials of the Department of Health and Human Services," and inserting "The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime,";

(3) in subsection (b)(2)(B) by inserting "and nonoffending family members" after "neglect"; and

(4) by adding at the end of the following new subsection:

"(d) CONSULTATION WITH REGIONAL CHILDREN'S ADVOCACY CENTERS.—A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 213."

(d) SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003), as redesignated by subsection (b)(1), is amended in subsections (a) and (c)(1) by striking "Director" and inserting "Administrator".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004), is amended to read as follows:

"SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$20,000,000 for fiscal year 1993; and

"(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(b) USE OF FUNDS.—Of the amounts appropriated under subsection (a), not less than 90 percent shall be used for grants under sections 213 and 214."

## I. LEGISLATIVE HISTORY

### FIRST SESSION—102D CONGRESS

At the start of the 102d Congress, Senator Kohl and Chairman Biden asked their colleagues on the Judiciary Committee to focus attention on youth at risk by reestablishing the Subcommittee on Juvenile Justice. The committee responded favorably and voted unanimously to make Senator Kohl chairman of the new Juvenile Justice Subcommittee, Senator Brown ranking minority member, and Senator Biden ex officio member.

As subcommittee chairman, Senator Kohl chaired three oversight hearings during the first session of the 102nd Congress to prepare for reauthorizing the Juvenile Justice and Delinquency Prevention Act of 1974.

The first Juvenile Justice Subcommittee hearing, on May 21, 1992, examined the risks facing status offenders and possible remedies (S. Hrg. 102-285). Witnesses at the hearing included: Angela Scepanski, client from Walker's Point Youth and Family Center in Milwaukee, WI; Janna Koschene, client and volunteer from the Urban Peaks Youth Center in Denver, CO; La Fonda Brown, graduate of the Independent Living Program at Sasha Bruce Youth Center in Washington, DC; Senator Birch Bayh, former chairman of the Juvenile Justice Subcommittee, Washington, DC; Lowell Dodge, Director, Administration of Justice Issues, General Accounting Office in Washington, DC; Trudee Able-Peterson, Director of Streetwork Project, Victim Services Assistance Agency in New

York City; Virginia Price, clinical director of Bridge Over Troubled Waters in Boston, MA; Dr. Gary Melton, professor of law and psychology at the University of Nebraska in Lincoln; Carol Behrer, Director of the Family and Youth Services Bureau, Administration on Children and Families, Department of Health and Human Services; and Dr. Coleen Kivlahan Chief Medical Officer of the Health Resources and Services Administration, Department of Health and Human Services.

The subcommittee held its second oversight hearing on June 25, 1991. This hearing focused on minority overrepresentation in the juvenile justice system (S. Hrg. 102-304). Witnesses included: Cantrell Hunter, graduate of Kenosha County Community-Based Services Program in Wisconsin; Dennis Bedford, probation officer in Kenosha, WI; Tomas Cavalier, apprentice at Youth Development Inc. in Albuquerque, NM; Rudy Chavez assistant executive director at Youth Development Inc. in Albuquerque, NM; Chief Isaac Fulwood, Department of Police in Washington, DC; the Honorable David Ramirez, Denver Juvenile Court in Denver, CO; Dr. Larry LeFlore, Institute of Juvenile Justice Administration and Delinquency Prevention at the University of Southern Mississippi in Hattiesburg, MS; Dr. Carol Williams, Center for the Study of Social Policy in Washington, DC; and Dr. Clifford O'Donnell, director of the Center for Youth Research, Honolulu, HI.

The third oversight hearing was held on November 26, 1991. It explored the serious problems posed by youth gangs and violence and possible solutions. Witnesses included Robert Odom, executive director of the Social Development Commission in Milwaukee, WI; Dr. Jim Garbarino, director of the Erikson Institute in Chicago, IL; Dr. Deborah Prothraw-Stith, School of Public Health at Harvard University, Boston, MA; and Anthony Maggione, Office of Milwaukee County District Attorney in Wisconsin.

#### SECOND SESSION—102D CONGRESS

On May 21, 1992, Senator Kohl introduced S. 2792, a bill to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974.

During the second session of the 102d Congress, the subcommittee held three additional oversight hearings on the status of juvenile justice in America and on the reauthorization bill.

The fourth subcommittee hearing on March 4, 1992, examined the juvenile court system. Witnesses included: the Honorable Frank Orlando (Ret.) of Nova University in Fort Lauderdale, FL; the Honorable Michael Malmstadt of Milwaukee County Children's Court Center in Wisconsin; the Honorable David Mitchell of the circuit court for Baltimore City in Maryland; Dr. Barry Feld of the University of Minnesota Law School in Minneapolis; Dr. Gary Melton, director of the Center on Children, Families and the Law at the University of Nebraska in Lincoln; Robert G. Schwartz, executive director of the Juvenile Law Center in Philadelphia, PA, representing the American Bar Association; David Reiser of the Public Defender Service in the District of Columbia; and Christopher Baird, senior vice president of the National Council on Crime and Delinquency in Madison, WI.

The fifth subcommittee hearing on April 29, 1992, focused on the need for delinquency prevention programs and community front-end investment strategies. Witnesses included: John Collins, Kenosha County executive in Kenosha, WI; Lynne Martinez, commissioner of Ingham County in Lansing, MI; Gladys McCoy, member of the Multnomah County Board of Commissioners in Portland, OR; Thomas R. English, executive director of the Oregon Council on Crime and Delinquency in Portland, OR; Kevin Soucie, director of intergovernmental relations for Milwaukee County in Milwaukee, WI; Michael Green, juvenile justice administrator for the city of New York; Sally Herrick, president of the New York State Youth Bureaus, Ballston Spa, NY; and Carole Carpenter, Maricopa County supervisor, Phoenix, AZ.

The sixth subcommittee hearing on July 2, 1992, examined the provisions of S. 2792. Witnesses included: Senator Don Nickles from Oklahoma; Representative Robert Cramer, Jr., from Alabama; James Gurule, Assistant Attorney General of the Office for Justice Programs who was accompanied by Gerald Regier, Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice; Susan Morris, chair of the National Coalition of State Juvenile Justice Advisory Boards, Shawnee, OK; Gordon Raley, executive director of the National Assembly of National Voluntary Health and Social Welfare Organizations, Washington, DC; and Robbie Callaway, assistant national director of the Boys and Girls Clubs of America, Rockville, MD.

On June 2, 1992, the Juvenile Justice Subcommittee polled out S. 2792. Senator Kohl and Senator Biden voted to poll the bill out favorably. Senator Brown voted to poll the bill out without recommendation.

#### FULL COMMITTEE SUBSTITUTE

Once S. 2792 had been discharged to the full Judiciary Committee, the staffs of Senators Kohl, Brown, Biden, and Thurmond met with representatives of the Justice Department, juvenile justice advocacy groups, practitioners, elected officials, academics, parents, young people, and other interested parties to forge a compromise amendment in the nature of a substitute.

Although most of the concerns expressed in these meetings were relatively minor and technical, the Justice Department raised several substantial objections to the bill. Their concerns focused on three issues: the reporting relationship between the Administrator of the Office of Juvenile Justice and Delinquency Prevention and the Attorney General; their desire to increase the emphasis on holding juveniles accountable by means of intermediate sanctions and corrections as well as prevention and treatment; and the overall funding level in the authorization. All of those concerns were addressed to one degree or another during the bipartisan series of negotiations. As a result, while the Department does not endorse the substitute, it does not oppose it.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

### BACKGROUND

In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act (JJJPA). As part of the act, the Congress established the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP); a Federal research and demonstration program; and a State formula grant program to help States achieve certain juvenile justice mandates. Based on the 1974 act and subsequent reauthorizations, States must now meet four mandates to continue to qualify for formula grants. They include: (1) removing status offenders from the justice system, (2) establishing sight and sound separation for juveniles in adult jails, (3) removing juveniles from adult jails, and (4) making efforts to address minority overrepresentation.

The 1974 act also included a Runaway Youth Act as title III of the legislation. The programs authorized by this act are intended to provide an alternative, community-based system to assist runaways and other status offenders as well as emphasizing efforts to keep them out of the justice system. Based on the 1974 act and subsequent reauthorizations, States and communities may qualify for two discretionary grant programs. The Runaway and Homeless Youth Program funds basic center grants to provide emergency shelter and counseling for the purpose of reuniting youth with their families. The Transitional Living Program provides older adolescents, who cannot be reunited with their families, with a living environment structured to help them achieve self-sufficiency upon reaching adulthood.

In 1984, Congress passed the Missing Children's Assistance Act as title IV of the JJJPA. This title funds a range of programs to help locate abducted children and prevent the abduction of others. These programs include: a toll-free telephone hotline; a national resource center and clearinghouse; local private, nonprofit missing children agencies; and relevant research. A recent incidence study conducted by David Finklehor of the University of New Hampshire estimated that between 200 and 300 children a year are abducted by strangers, some 3,000 more are abducted by noncustodial parents, and at least one-half million young people run away from or are pushed out of their homes.

An outline of the JJJPA, as reauthorized through the 1988 amendments, follows:

#### OUTLINE OF JJJPA

##### *Title I: Findings/Purpose/Definitions*

It is the policy of Congress to provide the necessary resources, leadership, and coordination to develop and implement:

- effective methods of preventing and reducing juvenile delinquency, especially methods that strengthen families so that juveniles can remain at home;

- effective programs to prevent delinquency, divert juveniles from the justice system and provide alternatives to institutionalization;



ways to improve the quality of juvenile justice; and ways to assist State and local governments and public/private agencies conduct effective prevention and rehabilitation programs and provide research, evaluation and training services.

*Title II: Juvenile Justice and Delinquency Prevention*

**Part A: Office of Juvenile Justice and Delinquency Prevention (OJJDP):**

The Administrator of OJJDP shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs (OJP);

OJJDP shall implement Federal juvenile delinquency programs and conduct and support evaluations of them, coordinating efforts with other agencies;

An independent Coordinating Council on Juvenile Justice and Delinquency Prevention is established, to meet quarterly and coordinate all juvenile delinquency programs and all those related to missing and exploited children; and

An annual Children in Custody study which surveys (a) types of offenses with which juveniles are charged, (b) race and gender and ages of juveniles, (c) types of facilities used (secure detention, correctional, jails and lockups) and (d) number of juveniles who die in custody.

**Part B: State and Local Programs:**

State formula grants are awarded to fund programs to prevent delinquency, divert juveniles from the justice system, provide community-based alternatives to confinement, establish and adopt juvenile justice standards, and improve ways of handling juveniles who have committed serious crimes by means of:

- community-based residential shelters/centers for kids;
- programs to work with kids and their parents to strengthen families;
- diversion programs providing work and recreational opportunities;
- advocacy programs to improve access to justice for kids;
- educational programs to encourage at-risk and delinquent kids to finish high school;
- expanding probation programs to work with kids and families;
- youth initiated and outreach programs to reach at-risk kids;
- statewide subsidies to increase community-based alternatives to incarceration and reach at-risk kids and families and adopt justice standards;
- programs that address the relationship between delinquency and learning disabilities;
- projects to deter gangs;
- programs treating juvenile alcohol and drug addictions;
- law-related education programs;

States must submit a 3-year plan developed and coordinated by an advisory group appointed by the Governor;

States must address efforts to reduce overrepresentation of minority youth in secure detention and correctional facilities and jails and lockups;

States must ensure that status offenders (and nonoffenders) who have NOT violated "valid court orders" are *not* placed in secure detention or correctional facilities;

After a 5-year period following December 8, 1980, States must cease detaining or confining any juvenile in adult jails or lockups (prior to this, counties and States had to provide "sight and sound" separation for juveniles in adult jails and lockups);

States must establish adequate monitoring systems to measure the deinstitutionalization of status offenders and removal of juveniles from adult jails and lockups;

The Administrator may grant a state not in compliance with JJDPa a waiver if such State has (1) removed not less than 75 percent of juveniles from adult jails and lockups and (2) made a commitment to spend all formula funds on achieving compliance with the act within the following 3 year period; and

A minimum State grant is now \$325,000 (it will be \$400,000 if the total appropriation for JJDPa exceeds \$75 million).

**Part C: National Institute for Juvenile Justice and Delinquency Prevention:**

The National Institute will collect and coordinate juvenile justice data, conduct evaluations, and provide training and technical assistance for States, localities, and professionals;

The Administrator of OJJDP shall make research and demonstration grants to establish effective:

- community-based alternatives to institutionalization;
- diversion, restitution and reconciliation projects;
- advocacy activities to improve services and justice for juveniles;
- model programs to strengthen families;
- programs to deter gangs and violent offenders;
- law-related education;
- programs to reduce minority over-representation.

The Administrator of OJJDP may make research and demonstration grants to develop and encourage:

- delinquency prevention programs;
- programs to prevent school violence and vandalism and keep kids in school;
- jobs programs for juveniles;
- programs to assist State legislatures to adopt policies in line with the intent of JJDPa;
- programs to assist juveniles with learning disabilities, including job-training;
- statewide subsidies to further the aims of the act;
- programs related to special education needs of kids in the system; and

In awarding such grants, the Administrator must follow a competitive, peer review process.

**Part D: Prevention and Treatment Programs related to Juvenile Gangs and Drug Abuse and Drug Trafficking:**

\$15 million is authorized for grants to develop innovative methods of addressing serious juvenile drug and gang-related activities.

*Title III: Runaway and Homeless Youth Act*

**Part A: Runaway and Homeless Youth Grant Program:**

The Secretary of Health and Human Services (HHS) shall make grants to establish and operate local runaway and homeless youth centers to provide services outside the law enforcement and JJ system to kids and their families (Federal share is 90 percent); and

The Secretary of HHS shall also make grants for a national hotline (authorized at \$750,000).

**Part B: Transitional Living Grant Program:**

Secretary of HHS shall also make grants for shelter and service programs for homeless youth: those between 16-21 years of age who can't live with a relative and have no other safe living alternative (Federal share is also 90 percent but the program can't be appropriated until part A receives \$26.9 million).

*Title IV: Missing Children's Assistance Act*

The Administrator of OJJDP shall make grants to establish and operate a national resource center/clearinghouse to coordinate public and private programs which recover or reunite missing kids with their legal custodians by:

a national hotline;

training and technical assistance for law-enforcement;

conducting a national incidence study on missing kids

(any child under the age of 13 whose whereabouts are unknown to the legal custodian).

**NEED FOR THE LEGISLATIVE**

Although the JJDPA as authorized through the 1988 amendments, was a well-written act, much of it had never been implemented. Between 1981 and 1991, the administration zero funded the program in its proposed budgets. A bipartisan Congress repeatedly opposed this proposed budget mark, restoring funding for the program to approximately \$75 million each year. For the past 2 years, the administration has requested some funding for the OJJDP, albeit only 10 percent of current funding levels. Congress continues to reject these proposals.

Given a current trend of escalating youth violence by a small number of juveniles, an anticipated rise in the juvenile population, and increasing numbers of children and families living in poverty, any neglect of the juvenile justice system poses great concerns and will result in even greater long-term costs to society. As a result, in subcommittee hearings held during both sessions of the 102d Congress, juvenile justice practitioners, elected officials, advocates, parents, and youth raised the following issues as problems with the JJDPA and its implementation by the OJJDP.

*Continuum of care is not adequately addressed*

According to Justice Department statistics, some 700,000 young people enter the juvenile justice system each year. Subcommittee hearings determined that it costs close to \$2 billion a year, in State and local dollars, to confine them. Yet once confined, many of the juveniles are not exposed to programs which effectively deter further delinquency or which are adapted to their needs. Given these facts, a basic theme advanced by witnesses at the subcommittee's hearings was that the juvenile justice system needed to provide an appropriate continuum of care. Such a continuum would include basic prevention, community-based alternatives to incarceration for non-violent juvenile offenders and secure confinement options to keep communities safe from repeat, violent juvenile offenders.

Witnesses representing the National Association of Counties testified that only half of all States currently spend any formula grant funds on prevention efforts. Counties, which spend about 1 out of every 4 institutional dollars on juvenile confinement, protested the lack of Federal incentives to focus on prevention. Kevin Soucie of Milwaukee County, for example, testified that Milwaukee will spend \$105 million on youth programs in 1992 but less than 2 percent of those funds will be targeted on prevention or early intervention efforts. According to Soucie, the vast majority of Milwaukee youth funds are spent placing adolescents in out-of-home care.

In its 1991 report, "Kids in Trouble," the National Governor's Association outlined the effectiveness, in fiscal and human terms, of community-based programs intervening with nonviolent juvenile offenders and their families. Models in Kenosha, WI; Latrobe, PA; Ballas, OR; and Birmingham, AL, were highlighted. And the Consortium on Children, Families and the Law reported on promising community-based alternatives in South Carolina, which combine family preservation programs with job training and education for juvenile offenders. According to the National Council on Crime and Delinquency, approximately half of all the youth in juvenile correctional facilities are nonviolent offenders better assisted by closely supervised community programs than by institutions which remove them from their families and communities.

The National Coalition of State Juvenile Justice Advisory Boards reported that OJJDP was not doing enough to advise States of successful models along this continuum of care, especially programs working with serious, repeat juvenile offenders. Although Massachusetts acted in the 1970's and Utah in the 1980's to establish small secure facilities solely for violent juveniles, few States have followed suit. Many do not even have information evaluating the success of the Massachusetts and Utah models.

The American Bar Association reported on the lack of after-care services available to juveniles once they are released from correctional institutions. Prior to a recent lawsuit by Pennsylvania's Juvenile Law Center, for example, Philadelphia's juvenile probation workers were each assigned a minimum of 150 cases to oversee. With such large caseloads, workers are unable to focus on the juveniles themselves, let alone work with their families. Lack of after-care and family preservation services leave juvenile offenders at much higher risk of recidivism.

*Basic problems with administration of justice for juveniles*

In subcommittee hearings, juvenile court judges, law professors, attorneys, and advocates pointed to some basic problems about the administration of justice for juveniles in America. Professor Barry Feld of the University of Minnesota asserted that close to half of all juveniles in delinquency proceedings waive their right to counsel—even though that right was established some 25 years ago by the Supreme Court in its *Gault* decision. Dr. Gary Melton testified that juveniles are not equipped to understand the ramifications of waiving their rights to counsel unless they consult with counsel first. And Judge Malmstadt from Milwaukee and Judge Mitchell from Baltimore further testified that many overcrowded, understaffed juvenile courts have been unable to deliver individualized justice for juveniles.

Overcrowded courts can impede efficiency and effectiveness throughout the juvenile justice system. In this testimony before the subcommittee, Robert G. Schwartz of the Juvenile Law Center compared the juvenile justice system to a pipeline with diversion valves, along which children are either diverted or continue on through. Schwartz emphasized that unless juvenile courts make informed and appropriate detention decisions, schedule trials promptly and fairly, have adequate information for sentencing decisions, and ensure that juveniles do not languish unnecessarily in training schools or out-of-home care, the entire system gets backed up.

Many courts are failing to make informed and appropriate decisions about juvenile detention. In some cases, violent juveniles are sent back to the streets while nonviolent, first-time offenders remain in detention. While initially designed to serve as a temporary holding place for juveniles awaiting deposition of their cases, too many detention centers have been transformed into long-term placement options by backlogged courts and the lack of alternative community programs. As subcommittee investigations revealed, detention centers in some cities have become so crowded that juveniles sleep on mattresses on the floor and only spend 1 hour a day in a classroom. In contrast, Retired Juvenile Court Judge Frank Orlando from Nova University described the approach used by Florida's Broward County. Courts in that county use objective criteria to determine a juvenile offender's risk to the community or himself; based on that objective evaluation, nonviolent offenders are diverted to community-based programs, while violent adolescents are sent to a small facility with no more than 50 juvenile offenders.

According to the National Council of Juvenile and Family Court judges, the use of objective criteria to determine juvenile placements may also help to reduce minority overrepresentation in the juvenile justice system. Even when they commit the same offense, black teens are four times more likely to face incarceration than their white counterparts. Since 1980, minority adolescents have represented 93 percent of all juveniles incarcerated. In its 1991 report, the National Coalition of State Juvenile Justice Advisory Boards urged OJJDP to assist States to address minority overrepresentation in juvenile justice. And the Children's Defense Fund pointed to the need for Federal investment in comprehensive, col-

laborative programs in order to intervene successfully with minority and disadvantaged adolescents at high risk of entering the justice system. Examples of such programs include the "Door" and the "Valley of the Cathedral of St. John the Divine" in New York City.

*Basic needs of children and families in juvenile justice are not met*

In addition to the Children's Defense Fund, a number of other witnesses before the subcommittee asserted that the basic needs of most children who enter the juvenile justice system and their families are not being met. Last year, the Office for Technology Assessment reported that only 1 percent of all juvenile facilities in 1991 provided any accredited health care and very few provided access to mental health care, family counseling, or alcohol and drug treatment.

Although some experts assert that between 10 and 70 percent of all juveniles who enter the justice system have moderate to severe learning disabilities, many are not provided the special education they would be entitled to on the outside. And some States have no juvenile facilities which meet minimal, American Correctional Association standards for juvenile confinement.

In a recent report, the General Accounting Office (GAO) noted that 19 agencies, including the Department of Justice, now oversee some 260 Federal programs at a cost of some \$4.2 billion to serve at-risk youth. However, GAO also reported that most of this funding was targeted for job training and vocational education. Little funding is directly targeted toward preventing youth violence and delinquency.

*Lack of services for girls*

Considerable concern was expressed in the subcommittee's first hearing of the 102d Congress about the lack of appropriate placement and services for girls in the juvenile justice system. Studies in Connecticut, Hawaii, and other States indicated a certain gender bias in juvenile justice, wherein girls were more likely than boys to be detained for status offenses. And some judges responded that girls were more likely to be detained than boys because of a scarcity of other residential treatment options.

To address the concerns outlined above, S. 2792 reauthorizes the JJJPA for 4 years, proposes several new programs, and authorizes improvements in a number of existing programs as described below.

### III. PURPOSES

Senate bill 2792 reauthorizes the Juvenile Justice Act for 4 years through fiscal year 1996. The following explanation of the bill is organized by title.

#### TITLES I AND II

*Findings and purpose*

Senate bill 2792 adds findings which call attention to the fact that a small number of adolescents are becoming increasingly violent as demonstrated by an upsurge in arrests of these adolescents

for murder, assault, and weapon use. It expands the purposes of the act to strengthen families to deter delinquency, assist State and local governments to improve their juvenile justice systems, and encourage community and State efforts to prevent juveniles from entering the justice system to begin with.

#### *Establishment of office*

The bill states that the Administrator of the OJJDP shall have the same reporting relationship with the Attorney General that the other directors of bureaus within the Office of Justice Programs (OJP) have. In a 1992 evaluation of the operations of OJJDP, the Administrative Conference raised a number of concerns about staffing gaps and bureaucratic inefficiencies. A number of witnesses before the subcommittee echoed these concerns, and voiced strong support for making the OJJDP more autonomous with the Justice Department. The committee recognizes such concerns but defers on this matter to the Attorney General and to Chairman Biden, who is examining a reorganization of OJP.

#### *Coordinating council*

The bill expands the Coordinating Council by including the Commissioner of Immigration and Naturalization (INS) as a member. Based on evidence presented by the Catholic Conference and concerns raised by Senator DeConcini, the committee intends for programs for juveniles apprehended by INS to be coordinated with other Federal juvenile justice programs.

#### *Allocation*

The bill changes the allocation formula to provide an increase in the minimum formula grant level for small States up to \$390,000 and for territories up to \$90,000 so long as the appropriated funding levels are sufficient to allow larger States to receive no less than they received in fiscal year 1992. Because small States now receive formula grants of \$325,000, the committee is authorizing an increase to allow them to pursue the goals of the act more rigorously. Given a much larger increase in the overall appropriated funding level such that parts D and F of the act are fully funded and formula grants for larger States are held harmless, the committee further intends the minimum formula grant level for small States to increase to \$600,000.

#### *State plan*

The bill makes changes in the composition of the State Advisory Group (SAG) by reducing the total number of members from 33 to 30 and including at least one locally elected official to represent local government. The bill further elaborates on the composition of the SAG by including a reference to prosecutors and counsel for children and youth as possible representatives of law enforcement and juvenile justice agencies and updating other descriptions to be more precise.

The bill also elaborates upon the purposes for which no less than 75 percent of the formula grants are set-aside. Based upon research conducted by the Carnegie Council on Adolescence and testimony by the National Assembly, the bill adds programs for positive

youth development to this set-aside. Such programs will be designed to assist children at risk to gain a sense of safety, belonging, self-worth, independence, closeness in interpersonal relationships, and competence. At the request of the Justice Department, the committee also added programs to hold juveniles accountable for their conduct and provide judges with a range of sentencing options, including community-based alternatives to incarceration (probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring), and correctional programs (boot camps, secure community-based intensive service facilities linked to other support services).

By updating the equal protection language, the bill instructs States to provide assurances that all youth are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions.

The bill also changes State formula funding penalties for non-compliance with the mandates of the act. At present, if a State does not comply with the mandates of the act, the Administrator may grant a waiver allowing the State to continue to receive formula grant funds for an additional 3-year period. To be granted a waiver, States must either agree to meet one of two conditions. The State in question must either agree to spend all formula grant funds—other than administrative and SAG funds—on achieving compliance with the act or the State must make an unequivocal commitment to achieving full compliance within a reasonable time period, not to exceed 3 years. The Administrator shall terminate all funding after the additional 3-year period should States continue to fail to comply. The committee proposal changes these terms, so that States that are out of compliance will have their formula funding reduced by 25 percent for each specific mandate they fail to achieve. This will allow States to continue to provide services to juveniles and their families while attempting to come back into full compliance with the act.

#### *National institute for juvenile justice and delinquency prevention*

The bill expands the list of professionals entitled to receive training and technical assistance to include prospectors, defense attorneys, and park or recreation personnel. Prosecutors and defense attorneys are also specified as members of the law enforcement and judicial community eligible for Institute workshops and seminars on the latest effective techniques for preventing and treating juvenile delinquency.

At the request of the Justice Department, the bill further elaborates upon the Institute's existing authority to develop research and demonstration programs identifying chronic, violent, and serious juvenile offenders and to evaluate programs holding juvenile offenders accountable for their conduct.

#### *Special studies and reports*

Based upon subcommittee hearings and investigations into the American juvenile justice system, the legislation authorizes the General Accounting Office (GAO) to conduct five studies of areas of specific concern. Given the escalating numbers of juveniles waived to adult court, the committee requests a study reviewing the fre-



quency of such waivers, conditions of confinement for such juveniles, and sentencing patterns. Based on concerns raised by the National Coalition of State Juvenile Justice Advisory Boards, the legislation also mandates a study of admissions of juveniles for behavior disorders to private psychiatric hospitals and other residential programs.

In subcommittee hearings, witnesses representing the National Network for Runaway and Homeless Youth Services presented a strong case for a third study to review gender bias within State juvenile justice systems. In conducting this study, GAO is directed to look at the frequency with which female status offenders are detained and the appropriateness of placement and conditions of confinement for female. Complaints raised by the National Coalition of State Juvenile Justice Advisory Groups led the committee to request a GAO review of the Native American passthrough grant program, including recommendations to improve its cost-effectiveness by changes in the funding formula.

Last but not least, the committee paid close attention to evidence presented by the American Bar Association, the Consortium of Children, Families and the Law, and a variety of law professors that half of all juveniles in America waive their Constitutionally guaranteed right to counsel without even speaking to an attorney. GAO is directed to study access to and quality of counsel in juvenile court proceedings and to compare these results with corresponding rates for juveniles charged in adult court proceedings.

Given skyrocketing acts of violence perpetrated by a small number of juveniles, the committee also directs the Administrator to continue a 3-year study of violence committed by or against juveniles in urban areas including the District of Columbia, Los Angeles, Milwaukee, Denver, Pittsburgh, and Rochester.

#### *Special emphasis prevention and treatment programs*

The committee paid close attention to continued pleas from the American Bar Association and the National Coalition of State Juvenile Justice Advisory Groups for Federal leadership in improving the administration of justice for juveniles. The legislation therefore includes a separate paragraph directing the Administrator to fund advocacy programs to improve the quality of due process and legal representation available for juveniles in the justice system.

#### *Considerations for approval of applications*

Due to concerns raised by Senator Specter with respect to funding for certain projects the bill directs the Administrator to use a competitive process at all times to fund discretionary grants except when the President declares a national emergency or disaster.

By amending this section of the act, the committee's intent is that all grants distributed by the Administrator under the act should be done so based on competition and fairness. This change, however, is in no way to impede upon the appropriation authority of the Congress. This language can not override a program with respect to which Congress specifically sets aside funds as an appropriation.

### *Prevention and treatment programs relating to juvenile gangs*

Senator Simon's proposal to prevent juveniles from joining gangs is included in the legislation. The bill therefore adds a new section to the Part D Gang provisions to prevent youth gangs by (1) targeting elementary school students, (2) providing individual and family intervention services, (3) supporting community education about gangs and gang activity and (4) locating programs within schools or housing projects.

At the request of the Justice Department, the bill also elaborates upon the Administrator's existing authority to fund gang-related intervention programs that hold juveniles accountable for their delinquent conduct.

### *Authorization of appropriations*

The bill increases the authorization of appropriations for part D by \$10 million to a total of \$25 million for fiscal year 1993 and such sums through fiscal year 1996. In an effort to allow States flexibility in improving their juvenile justice systems, the bill further authorizes \$50 million for part F "Challenge Activities" for fiscal year 1993 and such sums through fiscal year 1996.

### *State Challenge Activities*

S. 2792 adds a new State Challenge Program to deter delinquency and violence. Under this challenge program, States may choose from 10 proposed activities and increase their formula grants by 10 percent for each activity chosen. These 10 activities include adopting programs and policies to: (A) provide basic health, mental health, education, and special education for youth in the juvenile justice system; (B) provide access to counsel for all juveniles in the justice system; (C) increase community-based alternatives to incarceration and adopt an objective set of criteria for the appropriate placement of juveniles; (D) provide secure settings for violent juvenile offenders with no more than 50 juveniles per program; (E) prohibit gender bias in placement and treatment; (F) establish a State ombudsman office for children, youth and families to investigate and resolve complaints relating to the treatment of children in out-of-home care; (G) remove status offenders from the jurisdiction of the juvenile court; (H) serve as alternatives to suspensions and expulsions; (I) increase aftercare and family preservation services for juveniles involved in the justice system; and (J) establish a state-wide case review system to oversee and coordinate services for juveniles in the justice, mental health, and social service systems.

## TITLE III

### *Findings*

S. 2792 adds findings focusing on the disproportionate health problems and lack of access to care and the serious emotional and behavioral problems facing runaways. Other new findings stress the need for runaways to receive education, job-training and employment opportunities, street-based services and home-based preventive services. A final new finding emphasizes the need for accurate data and an effective system of care to assist runaways.

*Allotment*

The bill increases the minimum State allotment from \$75,000 to \$100,000 and the minimum allotment to the territories from \$30,000 to \$45,000 to cover additional costs.

*Eligibility*

The bill expands the list of eligible grantees to include projects which serve youth that are not referred to out-of-home care.

*Grants for a national communication system*

The national runaway hotline handles well over 100,000 calls from runaways and concerned family members each year. To further assist the hotline, primarily staffed by volunteers, the bill increases the authorization for a national communications system to \$912,500 of which \$125,000 shall be available for the acquisition of communications equipment in fiscal year 1993. The bill further authorizes \$826,900 for national communications in fiscal year 1994 and not less than \$911,700 in fiscal years 1995 and 1996.

*Approval by Secretary*

In light of inflation, the bill to increase the authorized funding level for those applicants receiving priority for basic center grants from \$150,000 to \$250,000.

*Transitional living grant program*

S. 2792 adds money management skills to the list of skills to be covered in transitional living programs. It also ensures that records on homeless youth in these programs will not be released without the informed consent of the youth involved.

*Street-based services*

Recognizing the serious risks of drug abuse, physical and sexual assault, and HIV and other sexually transmitted diseases facing runaways and other young people living on the streets, the committee believes there is a need for a new program focusing on street-based services. The services to be provided would include crisis intervention and counseling. Also included would be information and referral or housing, transitional living and health care. And prevention services for alcohol and drug abuse, sexually transmitted diseases, and physical and sexual assault are on the list as well. The committee believes such sums as are necessary should be authorized to fund part C for fiscal years 1993 through 1996.

*Research, technical assistance and training*

S. 2792 strengthens the research, technical assistance and training components of title III by incorporating them under a new part D. Such sums are authorized to fund part D for fiscal years 1993 through 1996.

*Administrative provisions*

The bill includes an amendment to ensure that the administrative provisions governing reports and data collection will apply to the entire title.

### *Authorization of appropriations*

The committee believes that such sums as may be necessary should be authorized to fund all provisions of title III for fiscal years 1993 through 1996. Should overall appropriated funds equal more than \$38,000,000 but less than \$42,600,000, the committee has issued new guidelines for enhancement grants to be awarded to programs receiving funding of less than \$85,000. Such enhancement grants are designed to allow programs to achieve higher performance standards, including increasing and retaining staff, strengthening family reunification efforts, providing comprehensive services and improving coordination, after-care, and data collection.

The legislation also includes guidelines for the use of funds should the overall appropriation level total more than \$42,599,999. Fifty percent of such new funds shall be targeted at developing new programs in unserved or underserved communities. And the remaining 50 percent shall be targeted toward the enhancement activities outlined in paragraph (30 above).

#### TITLE IV

The committee agrees that the "Missing Children's Assistance Act" authorized under title IV should be reauthorized for 4 years, with such sums as may be necessary to be appropriated from fiscal year 1993 through 1996.

#### TITLE V

S. 2792 establishes a new Prevention Title, to allow communities to focus on preventing at-risk juveniles from entering the justice system to begin with.

### *Findings*

S. 2792 adds a new findings section on prevention focusing on the 700,000 youth entering the juvenile justice system each year and the Government expenditures of some \$2 billion a year spent on confining many of these juvenile. Additional findings address the effectiveness in human and fiscal terms of delinquency prevention and the inability of half the States to target any juvenile justice formula grant funds toward prevention. Final findings emphasize the lack of Federal resources dedicated to delinquency prevention and the need for Federal incentives to mobilize States and local communities to invest in prevention.

### *Definitions*

The State advisory group in title V is defined as it is in title II, section 223(a).

### *Duties and functions of the Administrator*

The bill directs the Administrator to issue necessary or appropriate rules, coordinate all Justice Department activities related to delinquency prevention, and prepare an annual comprehensive coordination plan. The Administrator is also authorized to provide adequate staff and resources to carry out title V. And the Administrator is to submit annual reports to the chairmen of the House

Committee on Education and Labor and the Senate Judiciary Committee identifying successful delinquency prevention approaches and describing the activities conducted under this title.

### *Purposes*

The purposes of prevention grants authorized by this title include recreation services, tutoring and remedial education, the development of work-awareness skills, health and mental health services, alcohol and substance abuse prevention services, leadership development activities, and accountability. The legislation also outlines the grant-making process, whereby grants to States are to be transmitted through State advisory groups directly to units of general local government meeting certain eligibility requirements.

### *Eligibility requirements*

Recognizing that the purpose of this title is to increase a focus on prevention and not to undermine the original mandates of the JJDP, the legislation requires all communities who wish to apply for these funds to comply with title II, part B. To be eligible for prevention grants, communities must also submit a 3-year front-end investment plan for delinquency prevention and early intervention to the State advisory group and a summary of such plan to the Administrator. Further eligibility requirements include appointment of a local policy board of between 15 and 21 members representing businesses and public and private nonprofit agencies serving children, youth and families. This policy board is to provide all grant and evaluation recommendations. Communities applying for prevention grants must also provide a minimum 50-percent match, which may include in-kind contributions.

### *Priority for applicants*

The legislation establishes three criteria for granting certain communities priority for delinquency prevention grants. The first criteria focuses on the collaboration, coordination, and the collocation of services. The second involves new ways to involve the business and private sector in delinquency prevention. And the third includes the development or enhancement of a statewide subsidy plan for local delinquency prevention and intervention efforts.

### *Authorization of appropriations*

The committee believes \$30 million should be authorized to carry out the provisions of title V for fiscal years 1993 through 1996. After the title V program has been funded for 2 years, the bill directs GAO to conduct a study of its effects in encouraging States and localities to comply with part B of title II.

## TITLE VI

The connection between child abuse and subsequent delinquency is addressed by a new section proposed by Senators Nickles, Heflin, Grassley, Specter, Kassebaum, Inouye and others to expand Senator Biden's "Victims of Child Abuse Act of 1990" focus on multidisciplinary approaches to child advocacy.

### *Total authorized spending levels*

In total, S. 2792 increases authorized spending levels by \$90 million for fiscal year 1993 and by such sums through fiscal year 1996.

#### IV. VOTE OF THE COMMITTEE

On July 30, 1992, with a quorum present and by voice vote, the Committee on the Judiciary ordered S. 2792, as amended, favorably reported. Senator Kohl assured other members of the committee that he would work with them to address any outstanding amendments or concerns before the bill is scheduled for floor action.

#### V. SECTION-BY-SECTION ANALYSIS

##### SECTION 1

Section 1(a) amends section 101(a) to add new findings emphasizing (2) an upsurge in arrests of adolescents for murder, assault and weapon use; (3) evidence that the small number of adolescents committing these serious offenses are becoming more violent; (11) the need for primary prevention programs to combat such crime and violence; and (12) the positive role which public recreation and youth development programs can play in deterring delinquency.

Section 1(b) amends section 102 by expanding the purposes of the act to include paragraphs (8) strengthening families to deter delinquency; (10) assisting State and local governments to improve their juvenile justice systems; and (11) aiding State and local community efforts to prevent juveniles from entering the justice system to begin with.

##### SECTION 2

Section 2(a) amends section 201(b) so that the Administrator of OJJDP shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs.

Section 2(b) amends section 206 to include the Commissioner of Immigration and Naturalization as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention and to ensure that programs caring for juveniles apprehended by the Immigration and Naturalization Service shall be coordinated with other Federal juvenile justice programs.

Section 2(c)(1) amends section 221(b)(2) to correct a technical error in current law by substituting the word "experience" for "existence."

Section 2(c)(2) amends section 222 by changing the allocation formula. If and when appropriations are sufficient to allow larger States to receive no less than they did in fiscal year 1992, small States and territories may receive minimum grants of \$390,000 and \$90,000 respectively. If and when parts D and F of the act are fully funded and the appropriations are sufficient to allow larger States to receive no less than they did in fiscal year 1992, small States and territories may receive minimum grants of \$600,000 and \$90,000 respectively.

Section 2(c)(3) amends section 223 by requiring States to include part F "Challenge Activities" in the plans they submit to OJJDP

in order to receive formula grants. It changes the requirement that each State plan provide for an advisory group by authorizing a group of from 15 to 30 (as opposed to 33) members with training, experience, or special knowledge of the prevention and treatment of juvenile delinquency or the administration of juvenile justice.

Section 2(c)(3) amends section 223 by elaborating upon the advisory group membership such that each group shall include at least (I) one locally elected official representing general purpose local government; (II) representatives of law enforcement and juvenile justice agencies including juvenile judges, prosecutors and counsel for children and youth; (III) representatives of public agencies concerned with delinquency prevention or treatment; (IV) representatives of private nonprofit organizations focusing on providing self-help for parents, strengthening families, and improving social services for children in or at risk of out-of-home placement; (V) volunteers working with delinquents or at-risk youth; (VI) youth workers involved with programs that are alternatives to incarceration; (VII) persons with special experience in addressing school violence and alternatives to suspensions and expulsions; and (VIII) those with expertise in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect and youth violence.

Section 2(c)(3)(D) amends section 223 by specifying that progress related to part F "Challenge Activities" be included in the recommendations each State advisory group submits to the chief executive officer of the State legislature.

Section 2(c)(3)(E) amends section 223 by elaborating upon the purposes for which no less than 75 percent of the formula grant funds are available for, including: (A) community-based alternatives to incarceration; (B) community-based family preservation programs and services; (C) collaborative, comprehensive juvenile justice and delinquency prevention programs; (D) advocacy programs stressing the rights of youth in the juvenile justice system; (E) programs designed to keep youth in school; (F) expanded use of home probation; (G) youth-initiated outreach programs; (H) projects focused on the link between delinquency and learning disabilities; (I) projects to deter gangs; (J) projects to treat alcohol and drug dependencies; (K) law-related education programs for delinquent and at-risk youth; (L) programs for positive youth development assisting those at risk to obtain a sense of safety, belonging, self-worth, independence, closeness in interpersonal relationships, and competence; and (M) programs that hold juveniles accountable for their conduct.

Section 2(c)(3)(E)(v) amends section 223 by including alien juveniles in custody in the group of status offenders to be removed from secure correctional facilities.

Section 2(c)(3)(E)(vii) amends section 223 by updating the equal protection clause to assure that all youth are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions.

Section 2(c)(3)(viii)(B) amends section 223 by reducing formula grant funding by 25 percent for each of the act's four mandates in which a State is not in compliance after January 1, 1993.

Section 2(d)(1) amends section 241(d)(2) by including prosecutors and defense attorneys, recreation and park personnel among those who may receive training and technical assistance.

Section 2(d)(2)(C) amends section 243 by adding a new paragraph (3) to cover research and evaluations of programs holding juveniles accountable for their conduct and providing juvenile judges with a wide range of dispositional options, and (4) to develop programs to identify chronic serious and violent juvenile offenders.

Section 2(d)(3) amends section 244(3) by making defense attorneys and prosecutors eligible for training and technical assistance.

Section 2(d)(4) amends section 248 by adding five studies for the General Accounting Office to conduct within a year after enactment, including studies with respect to: (1) juveniles waived to adult court reviewing the frequency of such waivers, conditions of confinement, and sentencing patterns; (2) admissions of juveniles for behavior disorders to private psychiatric hospitals and other residential programs; (3) gender bias within State juvenile justice systems reviewing the frequency of detaining female status offenders and the appropriateness of placement and conditions of confinement for females; (4) the Native American pass-through grant program reviewing the cost-effectiveness of the funding formula; and (5) access to counsel in juvenile court proceedings including a comparison with access to and quality of counsel afforded juveniles charged in adult court proceedings.

Section 2(d)(4) amends section 248 by directing the Administrator in new paragraph (6) to continue a 3-year study of violence committed by or against juveniles in urban areas including the District of Columbia, Los Angeles, Milwaukee, Denver, Pittsburgh, and Rochester.

Section 2(d)(5) amends section 261 by elaborating upon special emphasis prevention and treatment programs to be funded by the Administrator, including (3) establishing advocacy programs improving the quality of due process and legal representation available for juveniles in the justice system and (4) establishing advocacy programs improving services for juveniles in the justice system.

Section 2(e) amends section 262(d)(1) by requiring that the Administrator use a competitive process at all times to fund discretionary grants except when the President declares a national emergency or disaster.

Section 2(f) amends part D of title II by adding a new section 281(a) to assist families and communities in efforts to prevent youth gangs by (1) targeting elementary school students, (2) providing individual and family intervention services, (3) supporting community education about gangs and gang activity and (4) locating programs within schools or housing projects.

Section 2(f) amends programs authorized to intervene and rehabilitate youth gangs by adding a new paragraph (1) establishing programs that hold juveniles accountable for their delinquent conducts.

Section 2(g) amends section 291(a) by increasing the authorization of appropriations for part D by \$10 million to total \$25 million for fiscal year 1993 and such sums through fiscal year 1996; by authorizing \$50 million for part F "Challenge Activities" for fiscal year 1993 and such sums through fiscal year 1996. It further stipulates that no funds may be appropriated for parts D or F of title II, title V or title VI unless the appropriated funding for the rest of



title II is equal to or greater than that appropriated in the previous fiscal year.

Section 2(h) amends title II by creating a new part F entitled "State Challenge Activities." Under part F, a State may receive a 10-percent increase in allocated formula grant funding for each "challenge activity" it chooses to participate in. There are 10 such activities, including adopting programs and policies to: (A) provide basic health, mental health, education, and special education for youth in the juvenile justice system; (B) provide access to counsel for all juveniles in the justice system; (C) increase community-based alternatives to incarceration and adopt an objective set of criteria for the appropriate placement of juveniles; (D) provide secure settings for violent juvenile offenders with no more than 50 juveniles per program; (E) prohibit gender bias in placement and treatment; (F) establish a State ombudsman office for children, youth and families to investigate and resolve complaints relating to the treatment of children in out-of-home care; (G) remove status offenders from the jurisdiction of the juvenile court; (H) serve as alternatives to suspensions and expulsions; (I) increase aftercare and family preservation services for juveniles involved in the justice system; and (J) establish a statewide case review system to oversee and coordinate services for juveniles in the justice, mental health, and social service systems.

### SECTION 3

Section 3(a) amends section 302 by adding additional findings, including those focused on (5) the disproportionate health problems and lack of access to care; and (6) the serious emotional and behavioral problems facing runaways. Other new findings stress the need for (7) education, job-training and employment opportunities; (8) street-based services; (9) home-based preventive services; and (10) accurate data and an effective system of care to assist runaways.

Section 3(b) amends section 311 to require the minimum State allotment to be \$100,000 (as opposed to \$75,000) and the minimum allotment to the territories to be \$45,000 (as opposed to \$30,000).

Section 3(c) amends section 312 to expand eligible grantees to include projects which serve youth that are not referred to out-of-home care.

Section 3(d) amends section 313(b) to increase grants authorized for a national communications system to \$912,500 of which \$125,000 shall be available for the acquisition of communications equipment in fiscal year 1993; \$826,900 in fiscal year 1994; and not less than \$911,700 in fiscal years 1995 and 1996.

Section 3(e) amends section 316 to increase to \$250,000 (from \$150,000) the authorized funding level for those applicants receiving priority for basic center grants.

Section 3(f) amends section 322(a) to include money management skills in the skills to be covered in transitional living programs. It also ensures that records on homeless youth in these programs will not be released without the informed consent of the youth (striking the provision mandating concomitant approval by a parent or guardian).

Section 3(g) amends title III to add a new part C authorizing grants for street-based services including (3)(A) crisis intervention and counseling; information and referral for (B) housing and (C) transitional living and health care; and (D) prevention services for alcohol and drug abuse, sexually transmitted diseases including HIV and physical and sexual assault. Such sums are authorized to fund part C for fiscal years 1993 through 1996.

Section 3(g) also amends title III to add a new part D authorizing grants for research, technical assistance and training to improve services for runaway, homeless and other street youth. Such sums are authorized to fund part D for fiscal years 1993 through 1996.

Section 3(h) amends section 361 to ensure the administrative provisions governing reports and data collection will apply to the entire title.

Section 3(i) amends section 366 to authorize such sums as may be necessary for parts A, B, E, and F of the title for fiscal years 1993 through 1996. A new paragraph (3) adds new guidelines for enhancement grants to be awarded to programs receiving grants of less than \$85,000 should overall appropriated funds equal more than \$38,000,000 but less than \$42,600,000. Such enhancement grants are designed to allow programs to achieve higher performance standards, including increasing and retaining staff; strengthening family reunification efforts; providing comprehensive services and improving coordination; after-care; and data collection.

Section 3(i) also adds a new paragraph (4) with guidelines for the use of funds should the overall appropriation level total more than \$42,599,999. Fifty percent of such new funds shall be targeted at developing new programs in unserved or underserved communities. And the remaining 50 percent shall be targeted toward the enhancement activities outlined in paragraph (3) above.

#### SECTION 4

Section 4 amends section 407 by authorizing such appropriated sums as may be necessary for fiscal years 1993 through 1996. (Although a technical error in the bill as passed by the committee only authorizes such sums for fiscal year 1993, the committee's intent was to authorize them through fiscal year 1996. The underlying technical drafting error will be corrected when the legislation is considered by the full Senate.)

#### SECTION 5

Section 5(a) adds a new title V authorizing incentive grants for local delinquency prevention programs.

Section 5(a) adds a new section 501 with a short title of "Incentive Grants for Local Delinquency Prevention Programs Act."

Section 5(a) adds a new section 502 with findings, including those focused on (1) 700,000 youth entering the juvenile justice system each year; (2) Government expenditures of some \$2 billion a year on juvenile confinement; (3) the effectiveness in human and fiscal terms of delinquency prevention; (4) the inability of half the States to target any juvenile justice formula grant funds toward prevention; (5) the lack of Federal resources dedicated toward delinquency

prevention; and (6) the need for Federal incentives to mobilize States and local communities to invest in prevention.

Section 5(a) adds a new definitions section 503, to define the State advisory group as it is defined in section 223(a).

Section 5(a) adds a new section 504 outlining the duties and functions of the Administrator, including (1) issuing necessary or appropriate rules; (2) coordinating all Justice Department activities related to delinquency prevention and preparing an annual comprehensive coordination plan; (3) providing adequate staff and resources to carry out title V; and (4) submitting annual reports to the chairmen of the House Committee on Education and Labor and the Senate Judiciary Committee describing activities conducted and identifying successful delinquency prevention approaches.

Section 5(a) adds a new section 505(a) outlining the purposes for title V grants, including (1) recreation services; (2) tutoring and remedial education; (3) the development of work awareness skills; (4) health and mental health services; (5) alcohol and substance abuse prevention services; (6) leadership development activities; and (7) accountability. It also outlines the grant-making process, whereby grants to States are to be transmitted through State advisory groups directly to units of general local government meeting certain eligibility requirements.

Section 5(a) adds a new section 505(b) outlining eligibility requirements for local units of government, including (1) compliance with part B of title II; (2 and 3) submittal of a 3-year front-end investment plan for delinquency prevention and early intervention to the State advisory group and a summary of such plan to the Administrator; (4 and 5) appointment of a local policy board of between 15 and 21 members representing public and private nonprofit agencies serving children, youth and families, and business in charge of all grant and evaluation recommendations; and (6) provision of at least a 50-percent match, including in-kind contributions.

Section 5(a) adds a new section 505(c), outlining priority for applicants with plans focusing on (1) the collaboration, coordination, and the colocation of services; (2) new ways to involve the business and private sector in delinquency prevention; and (3) the development or enhancement of a statewide subsidy plan for local delinquency prevention and intervention efforts.

Section 5(a) adds a new section 506 authorizing \$30 million to carry out the provisions of title V for fiscal years 1993 through 1996. After the title V program has been funded for 2 years, section 506(b) authorizes the General Accounting Office to conduct a study of its effects in encouraging States and localities to comply with part B of title II.

#### SECTION 6

Section 6(a) amends section 211 of the Victims of Child Abuse Act of 1990 by adding new findings pointing out (3) that community agencies and professionals have traditionally had different roles in child abuse prevention, investigation, and intervention; (5) the national need to enhance coordination among actors in the intervention system; and renumbering the other paragraphs to conform.

Section 6(b) adds a new definitions section 212, to define (paragraph 1) the Administrator as in section 201(b); (2) the applicant as a child protective service, law enforcement, legal, medical and mental health agency; (3) the board as defined in section 212(e); (4) the census region as designated by the Bureau of the Census; (5) child abuse as physical or sexual abuse or neglect of a child; (6) the Director as the Director of the National Center on Child Abuse and Neglect; (7) multidisciplinary response to child abuse as mutually agreed upon procedures among professional and agencies handling child abuse intervention, prevention, prosecution, and investigation; (8) nonoffending family member as a family member not accused or convicted of child abuse; and (9) regional children's advocacy program as established in section 213(e).

Section 6(b) adds a new section 213(a), establishing a regional children's advocacy program. This program is designed to assist communities in developing child-focused programs for child abuse victims, provide support for nonoffending family members, improve coordination of services, and train health and mental health professionals in a multidisciplinary approach.

Section 6(b) adds a new section 213(b), outlining the activities of the regional children's advocacy program. The Administrator is charged with establishing and funding regional program centers and freestanding facilities in communities with multidisciplinary programs. Grant recipients are entrusted with helping communities to develop multidisciplinary programs to respond to cases of child abuse and neglect by providing training and technical assistance.

Section 6(b) adds a new section 213(c) establishing eligibility requirements for the regional children's advocacy program. Applicants must meet one or more of the qualifications, which include: a proven track record in the multidisciplinary approach to child abuse and neglect, a freestanding facility for interviews and counseling, appropriately trained staff, experience in providing education and training, and national expertise in providing technical assistance with respect to the judicial handling of child abuse. Proposals must provide evidence of such qualifications and shall be selected on a competitive basis.

Section 6(b) adds a new review section 213(d) authorizing the Administrator regularly to monitor and evaluate the activities of grant recipients on the basis of annual reports and other methods.

Section 6(b) adds a new section 213(e) charging the Administrator, in coordination with the Director, with establishing a children's advocacy advisory board with 12 members experienced in the investigation, prosecution, prevention and intervention in cases of child abuse and neglect. The Board is entrusted with making program and grant recommendations.

Section 6(b) adds a new section 213(f) requiring the Administrator and the Secretary of Health and Human Services to report annually to Congress on the program.

Section 6(c) redesignates section 214A of the Victims of Child Abuse Act to conform with subsection (b)(1) and makes corresponding technical changes.

Section 6(c) amends section 214B of the Victims of Child Abuse Act to authorize \$20,000,000 for fiscal year 1993 and such sums for

fiscal years 1994 through 1996, 90 percent of which is to fund grants under section 213 and 214.

## VI. COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, August 26, 1992.

Hon. JOSEPH R. BIDEN, Jr.,  
Chairman, Committee on the Judiciary, U.S. Senate, Washington,  
DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2792, a bill to amend and authorize appropriations for the continued implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, as ordered reported by the Committee on the Judiciary on July 30, 1992. Enactment of S. 2792 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,  
Director.

### CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2792.
2. Bill title: Juvenile Justice and Delinquency Prevention Act Amendments.
3. Bill status: As ordered reported by the Senate Committee on the Judiciary on July 30, 1992.
4. Bill purpose: To amend and authorize appropriations for the continued implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Juvenile justice and delinquency prevention:	75	77	80	83	.....
Estimated authorization level .....	16	45	73	79	63
Estimated outlays .....	16	45	73	79	63
Juvenile gangs and drug abuse prevention and treatment:					
Estimated authorization level .....	25	26	27	28	.....
Estimated outlays .....	6	15	24	26	21
State challenge grants:					
Estimated authorization level .....	50	52	53	55	.....
Estimated outlays .....	11	30	49	53	42
Runaway and homeless youth:					
Estimated authorization level .....	37	38	39	40	.....
Estimated outlays .....	10	36	38	40	29
Runaway and homeless youth technical assistance and training:					
Estimated authorization level .....	1	1	1	1	.....
Estimated outlays .....	( <sup>1</sup> )	1	1	1	1
Runaway and homeless youth research, demonstration, and service projects:					
Estimated authorization level .....	3	3	3	3	.....
Estimated outlays .....	1	3	3	3	2

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Runaway and homeless youth transitional living:					
Estimated authorization level .....	12	13	13	14	.....
Estimated outlays .....	2	11	13	13	11
Runaway and homeless youth street-based services:					
Estimated authorization level .....	10	10	11	11	.....
Estimated outlays .....	2	9	10	11	9
Missing children:					
Estimated authorization level .....	9	.....			
Estimated outlays .....	2	3	3	( <sup>1</sup> )	.....
Incentive grants for local delinquency prevention programs:					
Estimated authorization level .....	30	31	32	33	.....
Estimated outlays .....	7	18	29	32	25
Children's advocacy program:					
Estimated authorization level .....	20	21	21	22	.....
Estimated outlays .....	4	19	21	21	17
Bill total:					
Estimated authorization level .....	272	272	281	291	.....
Estimated outlays .....	61	190	265	279	220

<sup>1</sup> Less than \$500,000.

Note: Components may not add to total due to rounding.

The costs of this bill fall within budget functions 500 and 750.

Basis of estimate: The estimate assumes that the Congress will appropriate the full amounts authorized for each fiscal year. For programs with specific amounts authorized for 1993 and such sums authorizations for subsequent years, CBO projected the indefinite authorizations by adjusting the 1993 level for inflation. For existing programs with such sums authorizations for all fiscal years, we projected the indefinite authorizations for fiscal years 1993 through 1996 by inflating the 1992 appropriation. For new programs with such sums authorizations for all fiscal years, we estimated the 1993 authorization level and adjusted this figure for anticipated inflation for fiscal years 1994 through 1996. The outlay estimates are based on the historical spending patterns for these or similar activities.

S. 2792 would authorize to be appropriated such sums as may be necessary for fiscal years 1993 through 1996 for juvenile justice and delinquency prevention programs, the Runaway and Homeless Youth Program, and the Transitional Living Program for runaway and homeless youth.

S. 2792 would also authorize to be appropriated specific amounts in 1993 and such sums as may be necessary for fiscal years 1994 through 1996 for the following programs: prevention and treatment programs relating to juvenile gangs and drug abuse and drug trafficking (\$25 million 1993), state challenge activities (\$50 million), new incentive grants for local delinquency prevention programs (\$30 million), and the Children's Advocacy Program (\$20 million).

In addition, S. 2792 would authorize the Secretary of Health and Human Services to make grants for technical assistance and training and for research, demonstration and service projects relating to the Runaway and Homeless Youth Program. The 1993 authorization levels for these grants were estimated by reviewing similar current activities under the Runaway and Homeless Youth Pro-

gram. CBO estimates a cost of approximately \$1 million in fiscal year 1993 for technical assistance and training and approximately \$3 million for fiscal year 1993 for research, demonstration, and service projects.

S. 2792 would create a new grant program for street-based services for runaway and homeless youth and would authorize to be appropriated such sums as may be necessary for fiscal years 1993 through 1996 for this purpose. Based on discussions with the staffs of the Administration for Children and Families, Department of Health and Human Services and the National Network of Runaway and Homeless Youth Services, Inc., CBO estimates this program to cost \$10 million in fiscal year 1993.

This bill would also authorize to be appropriated such sums as may be necessary for fiscal year 1993 to carry out the provisions of the Missing Children's Assistance Act. This authorization level was estimated by adjusting the 1992 appropriation for these activities for inflation.

6. Pay-as-you-go considerations: The budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that the enactment of S. 2792 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: The bill would authorize grants to state and local governments for juvenile justice and delinquency prevention programs. In some cases the state and local governments would be required to fund a portion of the cost of the projects for which the grants are intended.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Joshua Leichter and Mark Grabowicz.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

## VII. REGULATORY IMPACT STATEMENT

Pursuant to paragraph 11(b), rule XXVI, of the Standing Rules of the Senate, the committee, after due consideration, concludes that the act will not have a direct regulatory impact.

## VIII. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in *italic*; existing law in which no change is proposed is shown in *roman*):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 <sup>1</sup>

(Public Law 93-415; 88 Stat. 1109)

## TITLE I—FINDINGS AND DECLARATION OF PURPOSE

## FINDINGS

SEC. 101. (a) The Congress hereby finds that—

(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983;

(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;

[(2)] (4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help;

[(3)] (5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents;

[(4)] (6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

[(5)] (7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

[(6)] (8) State and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

[(7)] (9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency; [and]

[(8)] (10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation [.]

(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

<sup>1</sup> This Compilation reflects amendments made to the Juvenile Justice and Delinquency Prevention Act of 1974 by the Fiscal Year Adjustment Act (Public Law 94-273; 90 Stat. 375), the Crime Control Act of 1976 (Public Law 94-503; 90 Stat. 2407), the Juvenile Justice Amendments of 1977 (Public Law 94-115; 91 Stat. 1048), the Juvenile Justice Amendments of 1980 (Public Law 96-509; 94 Stat. 2750), the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984 (Public Law 98-473; 98 Stat. 2107), and Subtitle F of Title VII of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4434).



(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

PURPOSE

SEC. 102. (a) It is the purpose of the Act—

(1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile **[delinquency]** *justice and delinquency prevention* programs;

(2) to provide technical assistance to public and private **[agencies, institutions, and individuals in developing and implementing juvenile delinquency programs]** *nonprofit juvenile justice and delinquency prevention* programs;

\* \* \* \* \*

(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth; **[and]**

(8) *to strengthen families in which juvenile delinquency has been a problem;*

**[(8)]** (9) to assist State and local governments in removing juveniles from jails and lockups for adults **[.];**

(10) *to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and*

(11) *to assist States and local communities to prevent youth from entering the justice system to begin with.*

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on **[maintaining and strengthening the family unit]** *preserving and strengthening families* so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

## TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

### PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

#### ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby established an Office of Juvenile Justice and Delinquency Prevention (hereinafter in this division referred to as the "Office") within the Department of Justice under the general authority of the Attorney General.

(b) The Office shall be headed by an Administrator (hereinafter in this title referred to as the "Administrator") appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs. The Administrator is authorized to prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title. [The Administrator shall report to the Attorney General through the Assistant Attorney General who heads the Office of Justice Programs under part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968.<sup>1</sup>] *The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.*

\* \* \* \* \*

#### COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Office of Community Services, *the Commissioner of Immigration and Naturalization*, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, Assistant Attorney General who head the Office of Justice Programs, Director of the Bureau of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, the representatives of such other agencies as the President shall designate.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

[<sup>1</sup> (42 U.S.C. 3711-3712).]

(b) The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs *all Federal programs and activities that detain or care for unaccompanied juveniles apprehended by or in the custody of the Immigration and Naturalization Service*, and all Federal programs relating to missing and exploited children. The Council shall make recommendations to the President and to the Congress at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities *and all Federal programs and activities that detain or care for unaccompanied juveniles apprehended by or in the custody of the Immigration and Naturalization Service*. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 223(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

\* \* \* \* \*

## PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

### AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 221. (a) \* \* \*

\* \* \* \* \*

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have **[existence]** *experience* in providing such technical assistance. In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 291(c)(1).

### ALLOCATION

SEC. 222. (a)(1) Subject to paragraph (2) and in accordance with regulations promulgate under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen.

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than **[part D] parts D and F**) is less than \$75,000,000, then the amount **[allotted]** *allocated* to each State for such fiscal year shall be not less than \$325,000, or such greater amount, up to \$390,000, as is avail-

able to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992 except that the amount [allotted] allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000, or such greater amount, up to \$90,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than part D) equals or exceeds \$75,000,000, then the amount [allotted] allocated to each State for such fiscal year shall be not less than \$400,000, or such greater amount, up to \$600,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992 except that the amount [allotted] allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$100,000, or such greater amount, up to \$90,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992 each.

(3) If, as a result of paragraph (2), the amount [allotted] allocated to a State for a fiscal year would be less than the amount [allotted] allocated to such State for fiscal year [1988] 1992, then the amounts [allotted] allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot to such State for the fiscal year the amount [allotted] allocated to such State for fiscal year [1988] 1992.

(b) If any amount so [allotted] allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already [allotted] allocated and available to the State, the Virgin Islands, American Samoa, Guam the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the same period.

(c) In Accordance with regulations promulgated under this part, a portion of any [allotment] allocation to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ per centum of the total annual [allotment] allocation of such State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.

(d) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual [allotment] *allocation* to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act.

#### STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new [programs, and the state] *programs and challenge activities subsequent to State participation in part F*. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency described in section 291(c)(1) as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the state agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

[(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F) and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than 15 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (B) which shall include locally elected officials, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, special education, or youth services departments, (C) which shall include (i) representatives of private organizations, including those with a special focus on maintaining and strengthening the family unit, those representing parents or parent groups, those concerned with delinquency prevention and treatment and with neglected or dependent children, and those concerned with the quality of juvenile justice, education, or social services for children; (ii) representatives of organizations which utilize volunteers to work with delinquents or potential delinquents; (iii) representatives of community based delinquency prevention or treatment programs; (iv) representatives of business groups or businesses employing youth; (v) youth workers involved with alternative youth programs; and (vi) persons with special experience and competence in addressing the problems of the family, school violence and vandalism, and learning disabilities, (D) a majority

of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, (E) at least one-fifth of whose members shall be under the age of 24 at the time of appointment, and at least 3 of whose members shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State agency designated under paragraph (1) and its supervisory board; (ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraphs (12), (13), and (14); (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1), except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; (iv) may be given a role in monitoring State compliance with the requirements of paragraphs (12), (13), and (14), in advising on State agency designated under paragraph (1) and local criminal justice advisory board composition, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan; and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;]

*(3) provide for an advisory group, which—*

*(A) shall consist of not less than 15 and not more than 30 members appointed by the chief executive officer of the State—*

*(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;*

*(ii) which members include—*

*(I) at least 1 locally elected official representing general purpose local government;*

*(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, and counsel for children and youth;*

*(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;*

*(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;*

*(V) volunteers who work with delinquents or potential delinquents;*

(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

(v) at least 3 members who have been under the jurisdiction of the juvenile justice system at some time;

(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

(D) shall, consistent with this title—

(i) advise the State agency designated under paragraph (1) and its supervisory board;

(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part F; and

(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(E) may, consistent with this title—

(i) advise on State supervisory board and local criminal justice advisory board composition; and

(ii) review progress and accomplishments of projects funded under the State plan.

\* \* \* \* \*

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, special education, recreation, health, and welfare within the State;

[(10) provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section

222(d), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to confinement in secure detention facilities and secure correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards, and to provide programs for juveniles, including those processed in the criminal justice system, who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, provide for effective rehabilitation, and facilitate the coordination of services between the juvenile justice and criminal justice systems. These advanced techniques include—

[(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, twenty-four hour intake screening, volunteer and crisis home programs, education, special education, day treatment, and home probation, and any other designated community-based diagnostic, treatment, or rehabilitative service;

[(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

[(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and other youth to help prevent delinquency;

[(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

[(E) educational programs or supportive services designed to encourage delinquent youth and other youth to remain in elementary and secondary schools or in alternative learning situations, including programs to counsel delinquent youth and other youth regarding the opportunities which education provides;

[(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth and their families;

[(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;



[(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

[(i) remove juvenile from jails and lockups for adults;

[(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

[(iii) establish and adopt, based on the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984<sup>1</sup> standards for the improvement of juvenile justice within the State;

[(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention; or

[(v) involve parents and other family members in addressing the delinquency-related problems of juveniles;

[(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles;

[(J) Projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles;

[(K) programs and projects designed to provide for the treatment of juveniles' dependence on or abuse of alcohol or other addictive or nonaddictive drugs; and

[(L) law-related education programs and projects designed to prevent juvenile delinquency;]

*(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—*

*(A) community-based alternatives to incarceration and institutionalization, specifically—*

*(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;*

<sup>1</sup> Division II of chapter VI of title II of Public Law 98-473 (98 Stat 2107) approved October 12, 1984.]

(ii) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

(B) community-based programs and services to work with parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

(E) educational programs or supportive services for delinquent or other youth, provided equitably regardless of sex, race, or family income, designed to encourage them to remain in school, including—

(i) education in settings that promote experiential, individualized learning and exploration of academic and career options;

(ii) assistance in making the transition to the world of work and self-sufficiency; and

(iii) alternatives to suspension and expulsion;

(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

(G) youth-initiated outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency; and

(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

- (i) a sense of safety and structure;
- (ii) a sense of belonging and membership;
- (iii) a sense of self-worth and social contribution;
- (iv) a sense of independence and control over one's life;
- (v) a sense of closeness in interpersonal relationships; and
- (vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation.

(M) programs that hold juveniles accountable for their delinquent conduct and provide juvenile court judges with a range of dispositional options that recognize the needs of juvenile offenders, such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and secure community-based intensive service facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation that assist juveniles to develop into productive, law-abiding adults.

(11) provide for the development of an adequate research, training, and evaluation capacity within the State;

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid court orders, or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

\* \* \* \* \*

(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administration shall, through [1993] 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of non status offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which—

(A) are outside a Standard Metropolitan Statistical Area.

\* \* \* \* \*

[(16) provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;]

(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions;

(17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen [and maintain the family units] *the families* of delinquent and other youth to prevent juvenile delinquency. Such approaches should include the involvement of grandparents or other extended family members when possible and appropriate;

\* \* \* \* \*

[(c)(1) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this part unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional full years.

[(2) Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this part unless the Administrator—

[(A) determines, in the discretion if the Administrator, that such State has—

[(i)(I) removed not less than 75 percent of juveniles from jails and lockups for adults; or

[(II) achieved substantial compliance with such subsection; and

[(ii) made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with a reasonable time, not to exceed 3 additional years; or

[(B) waives the termination of the State's eligibility on the condition that the State agrees to expend all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

[(3) Except as provided in paragraph (2), failure to achieve compliance with the requirements of subsection (a)(14) after December 8, 1985, shall terminate any State's eligibility for funding under this part unless the Administrator waives the termination of the State's eligibility on the condition that the State agrees to expend all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

[(4) For purposes of paragraph (2)(A)(i)(II), a State may demonstrate that it is in substantial compliance with such paragraph by showing that it has—

[(A) removed all juvenile status offenders and nonoffenders from jails and lockups for adults;

[(B) made meaningful progress in removing other juveniles from jails and lockups for adults;

[(C) diligently carried out the State's plan to comply with subsection (a)(14); and

[(D) historically expended, and continues to expend, to comply with subsection (a)(14) an appropriate and significant share of the funds received by the State under this part.]

*(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.*

*(2) If a State fails to comply with the requirements of paragraph (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—*

*(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which non-compliance occurs; and*

*(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—*

*(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or*

*(ii) the Administrator determines, in the discretion of the Administrator, that the State—*

*(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and*

*(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.*

*(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 802, 803, and 804 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,<sup>1</sup> determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allotment under the provision of section 222(a), excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d), available to local public and private nonprofit agencies with such State for use in carrying out [the purposes of subsection (a) (12)(A), subsection (a)(13), or subsection (a)(14)] activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23). The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to*

those States that have achieved full compliance with the requirements under [subsection (a)(12)(A) and subsection (a)(13)] *subsection (a) (12)(A), (13), (14) and (23)* within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c).

## PART C—NATIONAL PROGRAMS

### Subpart I—National Institute for Juvenile Justice and Delinquency Prevention

#### ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

\* \* \* \* \*

(d) It shall be the purpose of the Institute to provide—

(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency; and

(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special educational personnel, *recreational park personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, prosecutors and defense attorneys*, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.

\* \* \* \* \*

#### RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, is authorized to—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which seek to strengthen and [maintain the family unit] *preserve families* or which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) *establish or expand programs that hold juveniles accountable for their delinquent conduct and provide juvenile court judges with a range of dispositional options that recognize the needs of juvenile offenders, such as expanded use of probation, mediation, restitution, community service, treatment, home de-*

*tention, intensive supervision, electronic monitoring, boot camps and secure community-based intensive service facilities linked to other support service such as health, mental health, education (remedial and special), job training, and recreation that assist juveniles to develop into productive, law-abiding adults;*

*(4) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, fire-arms offenses, gang-related crimes, violent felonies, and serious drug offenses;*

[(3)] (5) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

[(4)] (6) provide for the evaluation of any other Federal, State, or local juvenile delinquency program;

[(5)] (7) prepare, in cooperation with educational, institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including—

(A) recommendations designed to promote effective prevention and treatment, particularly by strengthening and maintaining the family unit;

(B) assessments regarding the role of family violence sexual abuse or exploitation, media violence, the improper handling of youth placed in one State by another State, the effectiveness of family-centered treatment programs, special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;

(C) examinations of the treatment of juveniles processed in the criminal justice system; and

(D) recommendations as to effective means for deterring involvement in illegal activities or promoting involvement in lawful activities (including the productive use of discretionary time through organized recreational *activities* on the part of gangs whose membership is substantially composed of juveniles;

[(6)] (8) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

[(7)] (9) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency;

[(8)] (10) develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984; and

[(9)] (11) support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention

facilities, secure correctional facilities, jails, and lockups who are members of minority groups.

#### TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS

SEC. 244. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders, and their families;

(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, *prosecutors and defense attorneys*, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

\* \* \* \* \*

#### SPECIAL STUDIES AND REPORTS

SEC. 248. [(a) Not later] (a) *PURSUANT TO 1988 AMENDMENTS.*—  
(1) *Not later* than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system—

[(1) to review] (A) *to review*—

[(A) conditions] (i) *conditions* in detention and correctional facilities for juveniles; and

[(B) the extent] (ii) *the extent* to which such facilities meet recognized national professional standards; and

[(2) to make] (B) *to make* recommendations to improve conditions in such facilities.

[(b)(1) Not later] (2)(A) *Not later* than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine—

[(A) how] (i) *how* juveniles who are American Indians and Alaskan Natives and who are accused of committing offenses on and near Indian reservations and Alaskan Native villages, respectively, are treated under the systems of justice adminis-



tered by Indian tribes and Alaskan Native organizations, respectively, that perform law enforcement functions;

[(B) the amount] *(ii) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaskan Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and*

[(C) the extent] *(iii) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223(a), applicable to the detention and confinement of juveniles.*

[(2)(A) For purposes] *(B)(i) For purposes of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), any contract, subcontract, grant, or subgrant made under paragraph (1) shall be deemed to be a contract, subcontract, grant, or subgrant made for the benefit of Indians.*

[(B) For purposes] *(ii) For purposes of section 7(b) of such Act and subparagraph (A) of this paragraph, references to Indians and Indian organizations shall be deemed to include Alaskan Natives and Alaskan Native organizations, respectively.*

[(c) Not later] *(3) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under [subsection (a) or (b)] paragraph (1) or (2) as the case may be.*

*(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—*

*(A) conduct a study with respect to juveniles waived to adult court that reviews—*

*(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;*

*(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and*

*(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and*

*(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.*

*(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—*

*(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—*

(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

(A) conduct a study of gender bias within State juvenile justice systems that reviews—

(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

(ii) the appropriateness of the placement and conditions of confinement for females; and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and rec-

ommendations to improve access to counsel for juveniles in juvenile court proceedings.

(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban areas in the United States.

(B) Such urban areas shall include—

- (i) the District of Columbia;
- (ii) Los Angeles, California;
- (iii) Milwaukee, Wisconsin;
- (iv) Denver, Colorado;
- (v) Pittsburgh, Pennsylvania;
- (vi) Rochester, New York; and
- (vii) such other cities as the Administrator determines to be appropriate.

(C) With respect to each urban area included in the study, the objectives of the study shall be—

- (i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;
- (ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;
- (iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;
- (iv) to determine the conditions that cause any increase in violence committed by or against juveniles;
- (v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;
- (vi) to improve current systems to prevent and control violence by or against juveniles; and
- (vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

(D) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (C).

## SUBPART II—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

### AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 261. (a) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals provide for each of the following during each fiscal year.

(1) \* \* \*

\* \* \* \* \*

[(3) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles impacted by the juvenile justice system, including services which encourage the improvement of due process available to juveniles in the juvenile justice system, which improve the quality of legal rep-

resentation of such juveniles, and which provide for the appointment of special advocates by courts for such juveniles.]

(3) *Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.*

(4) *Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.*

[(4)] (5) Developing or supporting model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

[(5)] (6) Establishing or implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.

[(6)] (7) Developing or implementing further a coordinated, national law-related education program of—

(A) delinquency prevention in elementary and secondary schools, and other local sites;

(B) training for persons responsible for the implementation of law-related education programs; and

(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles.

[(7)] (8) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

(b) The Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

(1) \* \* \*

\* \* \* \* \*

(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel, *community service personnel*, and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles;

\* \* \* \* \*

(d)(1)(A) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be selected through a competitive process to be established by rule by the Ad-

administrator. As part of such a process, the Administrator shall announce in the Federal Register—

- (i) the availability of funds for such assistance;
- (ii) the general criteria applicable to the selection of applicants to receive such assistance; and
- (iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

[(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that—

[(i)(I) the proposed program is not within the scope of any announcement issued, or expected to be issued, by the Administrator regarding the availability of funds to carry out programs under this part, but can be supported by a grant or contract in accordance with this part; and

[(II) such program is of such outstanding merit, as determined through peer review conducted under paragraph (2), that the award of a grant or contract without competition is justified; or

[(ii) the applicant is uniquely qualified to provide proposed training services as provided in section 244 and other qualified sources are not capable of providing such services, and included in such determination the factual and other bases thereof.]

*(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that apply to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.*

[(C) If a program is selected for assistance without competition pursuant to the exception provided in subparagraph (B), the Administrator shall promptly so notify the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate. Such notification shall include copies of the Administrator's determination made under such subparagraph and the peer review determination required by paragraph (2).]

\* \* \* \* \*

PART D—PREVENTION, INTERVENTION, AND TREATMENT PROGRAMS  
RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING

AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 281. The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:]

*SEC. 281. (a) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities in*

the prevention of youth gangs through programs that are designed to carry out any of the following purposes:

(1) To target elementary school students, with the purpose of steering students away from gang involvement.

(2) To provide individual and family crisis intervention and counseling to students and their families who are particularly at risk of gang involvement, including cooperation with social service, welfare, and health care programs as needed.

(3) To develop and support community education about gangs and gang activity with the intent of involving the community in dealing with the problems associated with gangs.

(4) To include a special location within a school or housing project for program activities.

(b) The Administrator shall, by making grants to and entering into contracts with public and private non-profit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities in crisis intervention and rehabilitation of youth gangs through programs that are designed to carry out any of the following purposes:

(1) Establish or expand programs that hold juveniles accountable for their delinquent conduct and provide juvenile court judges with a range of dispositional options that recognize the needs of juvenile offenders, such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and secure community-based intensive service facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation that assist juveniles to develop into productive, law-abiding adults.

[(1)] (2) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in elementary and secondary schools.

[(2)] (3) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

[(3)] (4) To reduce juvenile involvement in gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

[(4)] (5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

[(5)] (6) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

[(6)] (7) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is provided under this part.

[(7)] (8) To facilitate Federal and State cooperation with local school officials to assist juveniles who are likely to participate in the activities of gangs that commit crimes and to establish and support programs that facilitate coordination and cooperation among local education, recreation, juvenile justice, employment, and social service agencies, for the purpose of

preventing or reducing the participation of juveniles in activities of gangs that commit crimes.

[(8)] (9) To provide personnel, personnel training, equipment, and supplies in conjunction with programs and activities designed to prevent or reduce the participation of juveniles in unlawful gang activities or unlawful drug activities, to assist in improving the adjudicative and correctional components of the juvenile justice system.

[(9)] (10) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system.

[(10)] (11) To provide drug abuse education, prevention and treatment involving police and juvenile justice officials in demand reduction programs.

#### APPROVAL OF APPLICATIONS

SEC. 282. (a) Any agency, institution, or individual desiring to receive a grant, or to enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 (a) or (b) and specifically identify each such purpose, such program or activity is designed to carry out;

\* \* \* \* \*

#### PART E—GENERAL AND ADMINISTRATIVE PROVISIONS

##### AUTHORIZATION OF APPROPRIATIONS

SEC. 291. [(a)(1) To carry out the purposes of this title (other than part D) there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992. Funds appropriated for any fiscal year may remain available for obligation until expended.

[(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated \$15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

[(B) No funds may be appropriated to carry out part D of this title for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D) for such fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D) for the preceding fiscal year.]

(a)(1) *To carry out the purposes of this title (other than parts D and E) there are authorized to be appropriated such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.*

(2)(A) *Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.*

(B) No funds may be appropriated to carry out part D or F of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D or F of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D or F of this title of title V or VI) for the preceding fiscal year.

(3) To carry out the purposes of part F, there are authorized to be appropriated \$50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

\* \* \* \* \*

#### CONFIDENTIALITY OF PROGRAM RECORDS

SEC. 296. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this title. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

#### PART F—STATE CHALLENGE ACTIVITIES

##### ESTABLISHMENT OF PROGRAMS

SEC. 297. (a) *IN GENERAL.*—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

(b) *DEFINITIONS.*—For purposes of this part—

(1) the term “case review system” means a procedure for ensuring that—

(A) each youth has a case plan, based on the use of objective criteria for determining a youth’s danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents’ home, consistent with the best interests and special needs of the youth;

(B) the status of each youth is reviewed periodically but not less frequently than once every 6 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 18 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

(D) a youth’s health, mental health, and education record is reviewed and updated periodically; and



(2) the term "challenge activity" means a program maintained for 1 of the following purposes:

(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

*(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.*

*(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.*

*(J) Developing and adopting policies to establish—*

*(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and*

*(ii) a statewide case review system.*

### TITLE III—RUNAWAY AND HOMELESS YOUTH

#### SHORT TITLE

SEC. 301. This title may be cited as the "Runaway and Homeless Youth Act".

#### FINDINGS

SEC. 302. The Congress hereby finds that—

[(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;]

*(1) the number of youth who have become homeless or who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and may live on the street, leaving them at high risk for health and other serious problems;*

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated:

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; [and]

[(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective

system of temporary care outside the law enforcement structure.]

(5) runaway youth, homeless youth, and other street youth have a disproportionate share of health problems compared to the general adolescent population but lack access to health care;

(6) increasingly, runaway youth, homeless youth, and other street youth in need of services have more serious emotional and behavioral problems and fewer resources and therefore may need access to longer periods of residential care more intensive aftercare services, and other assistance;

(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment;

(8) to reconnect runaway youth, homeless youth, and other street youth to their communities, street-based services must be provided where they congregate;

(9) home-based services are also needed to prevent youth from leaving home or developing more serious emotional and behavioral problems; and

(10) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures.

\* \* \* \* \*

## PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM

### AUTHORITY TO MAKE GRANTS

SEC. 311. [(a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth center to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and the juvenile justice] (a) *The Secretary shall make grants to non-profit private entities, combinations of such entities, and public entities to establish, renovate, and operate local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of such youth and their families. The centers shall serve as alternatives to the law enforcement, child welfare, mental health, and juvenile justice systems.*

(b)(1) Subject to paragraph (2) and in accordance with regulations promulgated under this title, funds for grants under subsection (a) shall be allotted annually with respect to the States on the basis of their relative population of individuals who are less than 18 years of age.

(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than \$75,000, or such greater amount, up to \$100,000, as is available to be allocated without reducing the

amount of any State or territory's allocation below the amount allocated for fiscal year 1992 except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$30,000, or such greater amount, up to \$45,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, each.

(3) If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year would be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year [1988] 1992, then the amounts allotted to satisfy the requirements of such paragraph shall be reduce pro rata to the extent necessary to allot under paragraph (1) with respect to such State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in such State for fiscal year [1988] 1992.

\* \* \* \* \*

#### ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under section 311(a), an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center, a locally controlled [facility providing] *project that provides temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.*

(b) In order to qualify for assistance under section 311(a), an applicant shall submit a plan to the Secretary including assurances that the applicant—

(1) shall operate a runaway and homeless youth center located in an area which is demonstrably frequented by or easily reachable by runaway and homeless youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contact the [child's] youth's parents or relatives and assuring the safe return of the [child] youth according to the best interests of the [child] youth, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway and homeless youth center, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, *health and mental health care personnel*, school system personnel, and welfare personnel, and the return of runaway and homeless youth from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway and homeless youth and their families within the State in which the runaway and homeless youth center is located and for assuring, as possible, that aftercare services will be provided to those children who are returned

beyond the State in which the runaway and homeless youth center is located;

(6) shall keep adequate statistical records profiling the **[children and family members which it serves,]** *children and family members that it serves, including youth that are not referred to out-of-home shelter services,* except that records maintained on individual runaway and homeless youth shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway and homeless youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway and homeless youth:

\* \* \* \* \*

#### GRANTS FOR A NATIONAL COMMUNICATION SYSTEM

SEC. 313. (a) With funds reserved under subsection (b), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers.

(b) From funds appropriated to carry out this part and after making the allocation required by section 366(a)(2), the Secretary shall reserve—

(1) for fiscal year **[1989 not less than \$500,000]** *1993 not less than \$912,500, of which \$125,000 shall be available for the acquisition of communications equipment;*

(2) for fiscal year **[1990 not less than \$600,000]** *1994 not less than \$826,900; and*

(3) for each of the fiscal years **[1991 and 1992 not less than \$750,000]** *1995 and 1996 not less than \$911,700;*  
to carry out subsection (a).

#### **[GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING**

**[SEC. 314. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under section 311(a), for the purpose of assisting such entities to establish and operate runaway and homeless youth centers.**

#### **[AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS**

**[SEC. 315. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway and homeless youth.**

**[(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—**

[(1) juveniles who repeatedly leave and remain away from their homes;

[(2) outreach to runaway and homeless youth;

[(3) transportation of runaway and homeless youth in connection with services authorized to be provided under this part;

[(4) the special needs of runaway and homeless youth programs in rural areas;

[(5) the special needs of foster care home programs for runaway and homeless youth;

[(6) transitional living programs for runaway and homeless youth; and

[(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

[(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who provide services directly to runaway and homeless youth.]

#### APPROVAL BY SECRETARY

SEC. 316. An application by a State, locality, or private entity for a grant under section 311(a) may be approved by the Secretary only if it is consistent with the applicable provisions of section 311(a) and meets the requirements set forth in section 312. Priority shall be given to grants smaller than [ "\$150,000" ] \$250,000. In considering grant applications under section 311(a), priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.

\* \* \* \* \*

#### ELIGIBILITY

SEC. 322. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) to provide, directly or indirectly, shelter (such as group homes, host family homes, and supervised apartments) and services (including information and counseling services in basic life skills *which shall include money management, budgeting, consumer education, and use of credit*, interpersonal skill building, educational advancement, job attainment skills, and mental and physical health care) to homeless youth;

\* \* \* \* \*

(13) not to disclose records maintained on individual homeless youth without the consent of the individual youth [and parent or legal guardian] to anyone other than an agency compiling statistical records or a government agency involved in the disposition of criminal charges against youth; and

## PART C—STREET-BASED SERVICES

## PURPOSE AND AUTHORITY; DEFINITIONS

SEC. 325. (a) *PURPOSE AND AUTHORITY.*—The Secretary may make grants and provide technical assistance to public and nonprofit private entities and combinations of such entities to establish and operate street-based services to runaway youth, homeless youth, and other street youth.

(b) *DEFINITIONS.*—For purposes of this part—

(1) the term “homeless youth” means a person—

(A) who is not less than 10 years of age and not more than 21 years of age;

(B) for whom it is not possible to live in a safe environment with a relative; and

(C) who has no safe living arrangement as an alternative to living with a relative;

(2) the term “other street youth” means a person under the age of 21 who may be intermittently homeless and spends the majority of his or her time on the street, using it as a primary means of economic survival and socialization; and

(3) the term “street-based services” includes—

(A) street-based crisis intervention and counseling;

(B) information and referral for housing;

(C) information and referral for transitional living and health care services; and

(D) advocacy, education, and prevention services for—

(i) alcohol and drug abuse;

(ii) sexually transmitted diseases including HIV/AIDS infection; and

(iii) physical and sexual assault.

## ELIGIBILITY

SEC. 326. (a) *PLAN AND AGREEMENT.*—To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a street-based services project and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

(1) to identify and frequent areas in which runaway youth, homeless youth, and other street youth congregate, making contact and forming relationships with such youth;

(2) to assess the problems and service needs of such youth and provide appropriate services or information and referral for these services;

(3) to cause its staff to work in teams with on-street supervision or backup and off-street clinical supervision;

(4) to cause its staff to—

(A) develop referral relationships with agencies and organizations, including law enforcement, education, social service, vocational services, training, public welfare, legal assistance, and health and mental health care organizations; and

(B) help integrate and coordinate such services for youth;

(5) to submit to the Secretary an annual report that includes information regarding—

(A) the activities carried out with funds under this part;  
 (B) the achievements of the project under this part carried out by the applicant; and

(C) statistical summaries describing the number and the characteristics of the youth who participated in the project in the year for which the report is submitted;

(6) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(7) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

(8) to keep adequate statistical records profiling the youth that it serves and not to disclose the identity of individual runaway youth, homeless youth, or other street youth in reports or other documents based on such statistical records;

(9) not to disclose records maintained on individual runaway youth, homeless youth, or other street youth without the consent of the individual youth to anyone; and

(10) to provide to the Secretary such other information as the Secretary may reasonably require.

(b) **PRIORITY.**—In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing direct services to runaway youth, homeless youth, or other street youth.

#### **PART D—COORDINATING ACTIVITIES**

##### **GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING**

**SEC. 335.** The Secretary shall make grants to State, regional and other nonprofit organizations and combinations of such organizations to provide technical assistance and training to eligible groups for the purpose of establishing and improving the operation of programs for runaway youth, homeless youth, and other street youth.

##### **GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS**

**SEC. 336. (a) IN GENERAL.**—The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth, homeless youth, and other street youth.

(b) **SPECIAL CONSIDERATION.**—In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

(1) youth who repeatedly leave and remain away from their homes;

(2) outreach to runaway youth, homeless youth, and other street youth;

(3) skill-based HIV/AIDS prevention training for runaway and homeless youth and training for staff to work with such youth;

(4) increasing access to health and mental health care and services for runaway and homeless youth;



(5) increasing access to education for runaway and homeless youth;

(6) staff training in—

(A) the behavioral and emotional effects of sexual abuse and assault;

(B) responding to youth who are showing effects of sexual abuse and assault; and

(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

(7) transportation of runaway and homeless youth, and other street youth in connection with services authorized to be provided under this part;

(8) the special needs of runaway and homeless youth in rural area;

(9) the special needs of family host home programs for runaway youth, homeless youth, and other street youth;

(10) transitional living programs for homeless youth; and

(11) innovative methods of developing resources that enhance the establishment or operation of runaway youth, homeless youth, or other street youth centers.

(c) **PRIORITY.**—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants that have knowledge of or experience in working with runaway and homeless youth.

#### COORDINATION OF ACTIVITIES

**SEC. 337.** With respect to matters relating to health, education, employment, and housing, the Secretary shall coordinate the activities of health agencies in the Department of Health and Human Services with the activities of other divisions of that department and other public and private entities and encourage coordination with other departments.

#### PART [C] E—GENERAL PROVISIONS

##### ASSISTANCE TO POTENTIAL GRANTEES

**SEC. 341.** The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers and transitional living youth projects. Such assistance shall consist of information—

\* \* \* \* \*

#### PART [D] F—ADMINISTRATIVE PROVISIONS

##### REPORTS

**SEC. 361.** (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status, activities, and accomplishments of the runaway and homeless youth centers which

are funded under [part A,] parts A, B, C, D, and E, with particular attention to—

\* \* \* \* \*

(b) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status and accomplishments of the transitional living youth projects which are funded under part B, with particular attention to—

(1) \* \* \*

\* \* \* \* \*

(5) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living; [and]

(6) the ability of such projects to strengthen family relationships, and encourage the resolution of intra-family problems through counseling and the development of self-sufficient living skills[.]; and

(7) plans for the next fiscal year.

\* \* \* \* \*

#### [COORDINATION WITH ACTIVITIES

[SEC. 365. With respect to matters relating to communicable diseases, the Secretary shall coordinate the activities of health agencies in the Department of health and Human Services with the activities of the entities that are eligible to receive grants under this title.]

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 366. (a)(1) To carry out the purposes of part A [of this title there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992] such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

(2) Not less than .90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

(3) In the use of funds appropriated under paragraph (1) that are in excess of \$38,000,000 but less than \$42,600,000, priority shall be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than \$85,000) if the appropriation were equal to or less than \$38,000,000, for the purpose of allowing such programs to achieve higher performance standards, including—

- (A) increasing and retaining trained staff;
- (B) strengthening family reunification efforts;
- (C) improving aftercare services;
- (D) fostering better coordination of services with public and private entities;

*(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and vocational services; and*

*(F) improving data collection efforts.*

*(4) In the use of funds appropriated underserved paragraph (1) that are in excess of \$42,599,999—*

*(A) 50 percent shall be targeted at developing new programs in unserved or underserved communities; and*

*(B) 50 percent shall be targeted at program enhancement activities described in paragraph (3).*

(b)(1) Subject to paragraph (2), to carry out the purposes of part B [of this title, there are authorized to be appropriated \$5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.] *there are authorized to be appropriated such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.*

(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds \$26,900,000.

*(c) There are authorized to be appropriated to carry out part C such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.*

[(c)] (d) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968,<sup>1</sup> as amended.

[(d)] (e) No funds appropriated to carry out the purposes of this title—

(1) may be used for any program or activity which is not specifically authorized by this title; or

(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.

## TITLE IV—MISSING CHILDREN

### SEC. 401. SHORT TITLE.

This title may be cited as the "Missing Children's Assistance Act".

\* \* \* \* \*

<sup>1</sup> (42 U.S.C. 3701 et seq.).

## AUTHORIZATION OF APPROPRIATIONS

SEC. 407. To carry out the provisions of this title, there are authorized to be appropriated such sums as may be necessary for [fiscal years 1989, 1990, 1991, and 1992] *fiscal year 1993.*

\* \* \* \* \*

## **TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS**

### **SEC. 501. SHORT TITLE.**

*This title may be cited as the "Incentive grants for Local Delinquency Prevention Programs Act".*

### **SEC. 502. FINDINGS.**

*The Congress finds that—*

- (1) approximately 700,000 youth enter the juvenile justice system every year;*
- (2) Federal, State, and local governments spend close to \$2,000,000,000 a year confining many of those youth;*
- (3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;*
- (4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;*
- (5) few Federal resources are dedicated to delinquency prevention; and*
- (6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.*

### **SEC. 503. DEFINITION.**

*In this title, the term "State advisory group" means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).*

### **SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.**

*The Administrator shall—*

- (1) issue such rules as are necessary or appropriate to carry out this title;*
- (2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);*
- (3) provide adequate staff and resources necessary to properly carry out this title; and*
- (4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—*
  - (A) describing activities and accomplishments of grant activities funded under this title;*

(B) describing procedures followed to disseminate grant activity products and research findings;

(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

**SEC. 505. GRANTS FOR PREVENTION PROGRAMS.**

(a) **PURPOSES.**—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

(1) recreation services;

(2) tutoring and remedial education;

(3) assistance in the development of work awareness skills;

(4) child and adolescent health and mental health services;

(5) alcohol and substance abuse prevention services;

(6) leadership development activities; and

(7) the teaching that people are and should be held accountable for their actions.

(b) **ELIGIBILITY.**—The requirements of this subsection are met with respect to a unit of general local government if—

(1) the unit is in compliance with the requirements of part B of title II;

(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end investment plan for delinquency prevention and early intervention activities;

(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

(5) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

(6) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

(c) **PRIORITY.**—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

(1) plans for service and agency coordination and collaboration including the colocation of services;

(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

*(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.*

**SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

*To carry out this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.*

\* \* \* \* \*

**TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990**

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Victims of Child Abuse Act of 1990".

**Subtitle A—Improving Investigation and Prosecution of Child Abuse Cases**

**SEC. 211. FINDINGS.**

The Congress finds that—

(1) over 2,000,000 reports of suspected child abuse and neglect are made each year, and drug abuse is associated with a significant portion of these;

(2) the investigation and prosecution of child abuse cases is extremely complex, involving numerous agencies and dozens of personnel;

*(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;*

**[(3)]** (4) in such cases, too often the system does not pay sufficient attention to the needs and welfare of the child victim, aggravating the trauma that the child victim has already experienced;

*(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;*

**[(4)]** (6) multidisciplinary child abuse investigation and prosecution programs have been developed that increase the reporting of child abuse cases, reduce the trauma to the child victim, and increase the successful prosecution of child abuse offenders; and

**[(5)]** (7) such programs have proven effective, and with targeted Federal assistance, could be duplicated in many jurisdictions throughout the country.

**[SEC. 212. AUTHORITY OF THE DIRECTOR TO MAKE GRANTS]**

**SEC. 212. DEFINITIONS.**

*For purposes of this subtitle—*

*(1) the term "Administrator" means the agency head designated under section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b);*

(2) the term "applicant" means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

(3) the term "board" means the Children's Advocacy Advisory Board established under section 213(e);

(4) the term "census region" means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of the date of enactment of this section;

(5) the term "child abuse" means physical or sexual abuse or neglect of a child;

(6) the term "Director" means the Director of the National Center on Child Abuse and Neglect;

(7) the term "multidisciplinary response to child abuse" means a response to child abuse that is based on mutually agreed upon procedures among the community agencies and professional involved in the intervention, prevention, prosecution, and investigation systems that best meets the needs of child victims and their nonoffending family members;

(8) the term "nonoffending family member" means a member of the family of a victim of child abuse other than a member who has been convicted or accused of committing an act of child abuse; and

(9) the term "regional children's advocacy program" means the children's advocacy program established under section 213(a).

#### SEC. 213. REGIONAL CHILDREN'S ADVOCACY CENTERS.

(a) **ESTABLISHMENT OF REGIONAL CHILDREN'S ADVOCACY PROGRAM.**—The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall establish a children's advocacy program to—

(1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families;

(2) provide support for nonoffending family members;

(3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and

(4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

(b) **ACTIVITIES OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.**—

(1) **ADMINISTRATOR.**—The Administrator, in coordination with the Director, shall—

(A) establish regional children's advocacy program centers;

(B) fund existing regional centers with expertise in the prevention, judicial handling, and treatment of child abuse and neglect; and

(C) fund the establishment of freestanding facilities in multidisciplinary programs within communities that have yet to establish such facilities,

for the purpose of enabling grant recipients to provide information, services, and technical assistance to aid communities in establishing multidisciplinary programs that respond to child abuse.

(2) GRANT RECIPIENTS.—A grant recipient under this section shall—

(A) assist communities—

(i) in developing a comprehensive, multidisciplinary response to child abuse that is designed to meet the needs of child victims and their families;

(ii) in establishing a freestanding facility where interviews of and services for abused children can be provided;

(iii) in preventing or reducing trauma to children caused by multiple contacts with community professionals;

(iv) in providing families with needed services and assisting them in regaining maximum functioning;

(v) in maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts;

(vi) in coordinating and tracking investigative, preventive, prosecutorial, and treatment efforts;

(vii) in obtaining information useful for criminal and civil proceedings;

(viii) in holding offenders accountable through improved prosecution of child abuse cases;

(ix) in enhancing professional skills necessary to effectively respond to cases of child abuse through training; and

(x) in enhancing community understanding of child abuse; and

(B) provide training and technical assistance to local children's advocacy centers in its census region that are grant recipients under section 214.

(c) OPERATION OF THE REGIONAL CHILDREN'S ADVOCACY PROGRAM.—

(1) SOLICITATION OF PROPOSALS.—Not later than 1 year after the date of enactment of this section, the Administrator shall solicit proposals for assistance under this section.

(2) MINIMUM QUALIFICATIONS.—In order for a proposal to be selected, the Administrator may require an applicant to have in existence, at the time the proposal is submitted, 1 or more of the following:

(A) A proven record in conducting activities of the kinds described in subsection (c).

(B) A facility where children who are victims of sexual or physical abuse and their nonoffending family members can



go for the purpose of evaluation, intervention, evidence gathering, and counseling.

(C) Multidisciplinary staff experienced in providing remedial counseling to children and families.

(D) Experience in serving as a center for training and education and as a resource facility.

(E) National expertise in providing technical assistance to communities with respect to the judicial handling of child abuse and neglect.

**(3) PROPOSAL REQUIREMENTS.—**

(A) **IN GENERAL.**—A proposal submitted in response to the solicitation under paragraph (1) shall—

(i) include a single or multiyear management plan that outlines how the applicant will provide information, services, and technical assistance to communities so that communities can establish multidisciplinary programs that respond to child abuse;

(ii) demonstrate the ability of the applicant to operate successfully a multidisciplinary child abuse program or provide training to allow others to do so; and

(iii) state the annual cost of the proposal and a breakdown of those costs.

(B) **CONTENT OF MANAGEMENT PLAN.**—A management plan described in paragraph (3)(A) shall—

(i) outline the basic activities expected to be performed;

(ii) describe the entities that will conduct the basic activities;

(iii) establish the period of time over which the basic activities will take place; and

(iv) define the overall program management and direction by—

(I) identifying managerial, organizational, and administrative procedures and responsibilities;

(II) demonstrating how implementation and monitoring of the progress of the children's advocacy program after receipt of funding will be achieved; and

(III) providing sufficient rationale to support the costs of the plan.

**(4) SELECTION OF PROPOSALS.—**

(A) **COMPETITIVE BASIS.**—Proposals shall be selected under this section on a competitive basis.

(B) **CRITERIA.**—The Administrator, in coordination with the Director, shall select proposals for funding that—

(i) best result in developing and establishing multidisciplinary programs that respond to child abuse by assisting, training, and teaching community agencies and professionals called upon to respond to child abuse cases;

(ii) assist in resolving problems that may occur during the development, operation, and implementation of a multidisciplinary program that responds to child abuse;

(iii) carry out the objectives developed by the Board under subsection (e)(2)(A);

(C) to the greatest extent possible and subject to available appropriations, ensure that at least 1 applicant is selected from each of the 4 census regions of the country; and

(D) otherwise best carry out the purposes of this section.

(5) **FUNDING OF PROGRAM.**—From amounts made available in separate appropriation Acts, the Administrator shall provide to each grant recipient the financial and technical assistance and other incentives that are necessary and appropriate to carry out this section.

(6) **COORDINATION OF EFFORT.**—In order to carry out activities that are in the best interests of abused and neglected children, a grant recipient shall consult with other grant recipients on a regular basis to exchange ideas, share information, and review children's advocacy program activities.

(d) **REVIEW.**—

(1) **EVALUATION OF REGIONAL CHILDREN'S ADVOCACY PROGRAM ACTIVITIES.**—The Administrator, in coordination with the Director, shall regularly monitor and evaluate the activities of grant recipients and shall determine whether each grant recipient has complied with the original proposal and any modifications.

(2) **ANNUAL REPORT.**—A grant recipient shall provide an annual report to the Administrator and the Director that—

(A) describes the progress made in satisfying the purpose of the children's advocacy program; and

(B) states whether changes are needed and are being made to carry out the purpose of the children's advocacy program.

(3) **DISCONTINUATION OF FUNDING.**—

(A) **FAILURE TO IMPLEMENT PROGRAM ACTIVITIES.**—If a grant recipient under this section substantially fails in the implementation of the program activities, the Administrator shall not discontinue funding until reasonable notice and an opportunity for reconsideration is given.

(B) **SOLICITATION OF NEW PROPOSALS.**—Upon discontinuation of funding of a grant recipient under this section, the Administrator shall solicit new proposals in accordance with subsection (c).

(e) **CHILDREN'S ADVOCACY ADVISORY BOARD.**—

(1) **ESTABLISHMENT OF BOARD.**—

(A) **IN GENERAL.**—Not later than 120 days after the date of enactment of this section, the Administrator and the Director, after consulting with representatives of community agencies that respond to child abuse cases, shall establish a children's advocacy advisory board to provide guidance and oversight in implementing the selection criteria and operation of the regional children's advocacy program.

(B) **MEMBERSHIP.**—(i) The board—

(I) shall be composed of 12 members who are selected by the Administrator, in coordination with the Director, a majority of whom shall be individuals experi-

enced in the child abuse investigation, prosecution, prevention, and intervention systems;

(II) shall include at least 1 member from each of the 4 census regions; and

(III) shall have members appointed for a term not to exceed 3 years.

(ii) Members of the Board may be reappointed for successive terms.

(2) REVIEW AND RECOMMENDATIONS.—

(A) OBJECTIVES.—Not later than 180 days after the date of enactment of this section and annually thereafter, the Board shall develop and submit to the Administrator and the Director objectives for the implementation of the children's advocacy program activities described in subsection (b).

(B) REVIEW.—The board shall annually—

(i) review the solicitation and selection of children's advocacy program proposals and make recommendations concerning how each such activity can be altered so as to better achieve the purposes of this section; and

(ii) review the program activities and management plan of each grant recipient and report its findings and recommendations to the Administrator and the Director.

(3) RULES AND REGULATIONS.—The Board shall promulgate such rules and regulations as it deems necessary to carry out its duties under this section.

(f) REPORTING.—The Attorney General and the Secretary of Health and Human Services shall submit to Congress, by March 1 of each year, a detailed review of the progress of the regional children's advocacy program activities.

\* \* \* \* \*

**SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.**

(a) IN GENERAL.—[The Director of the Office of Victims of Crime (hereinafter in this subtitle referred to as the "Director"), in consultation with officials of the Department of Health and Human Services.] The Administrator, in coordination with the Director and with the Director of the Office of Victims of Crime, shall make grants to develop and implement multidisciplinary child abuse investigation and prosecution programs.

(b) GRANT CRITERIA.—(1) The Director shall establish the criteria to be used in evaluating applications for grants under this section consistent with sections 262, 293, and 296 of subpart II of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

(2) In general, the grant criteria established pursuant to paragraph (1) may require that a program include any of the following elements:

(A) A written agreement between local law enforcement, social service, health, and other related agencies to coordinate child abuse investigation, prosecution, treatment, and counseling services.

(B) An appropriate site for referring, interviewing, treating, and counseling child victims of sexual and serious physical abuse and neglected *and nonoffending family members (referred to as the "counseling center")*.

(C) Referral of all sexual and serious physical abuse and neglect cases to the counseling center not later than 24 hours after notification of an incident of abuse.

\* \* \* \* \*

(d) *CONSULTATION WITH REGIONAL CHILDREN'S ADVOCACY CENTERS.*—A grant recipient under this section shall consult from time to time with regional children's advocacy centers in its census region that are grant recipients under section 213.

**SEC. [213.] 214a. GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.**

(a) **IN GENERAL.**—The [Director] Administrator shall make grants to national organizations to provide technical assistance and training to attorneys and others instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases.

(b) **GRANTEE ORGANIZATIONS.**—An organization to which a grant is made pursuant to subsection (a) shall be one that has, or is affiliated with one that has, broad membership among attorneys who prosecute criminal cases in State courts and has demonstrated experience in providing training and technical assistance for prosecutors.

(c) **GRANT CRITERIA.**—

(1) The [Director] Administrator shall establish the criteria to be used for evaluating applications for grants under this section, consistent with sections 262, 293, and 296 of subpart II of title II of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5665 et seq.).

(2) The grant criteria established pursuant to paragraph (1) shall require that a program provide training and technical assistance that includes information regarding improved child interview techniques, thorough investigative methods, inter-agency coordination and effective presentation of evidence in court, including the use of alternative courtroom procedures described in this title.

**[SEC. [214.] 214B. AUTHORIZATIONS OF APPROPRIATIONS.**

**[(a) IN GENERAL.**—There are authorized to be appropriated to carry out this chapter—

**[(1) \$20,000,000 in fiscal year 1991; and**

**[(2) such sums as may be necessary to carry out this chapter in each of fiscal years 1992 and 1993.**

**[(b) USE OF FUNDS.**—Of the amounts appropriated under subsection (a), not less than 90 percent shall be used for grants under section 212.]

**SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this subtitle—

(1) \$20,000,000 for fiscal year 1993; and

*(2) such sums as are necessary for fiscal years 1994, 1995, and 1996.*

*(b) USE OF FUNDS.—Of the amounts appropriated under subsection (a), not less than 90 percent shall be used for grants under section 213 and 214.*

**IX. ADDITIONAL VIEWS OF MR. SPECTER IN SUPPORT OF  
S. 2792**

Since 1978, Office of Juvenile Justice and Delinquency Prevention (OJJDP) has funded the Law Related Education Program (LRE). This program provides education to youths by teaching them about the legal process and the legal system; however, since 1988, only five organizations have comprised LRE.

This bill now includes the provision that all organizations providing legal education programs are able to compete on an equal basis with the original five organizations for funding. We need only be reminded of the riots in Los Angeles to recognize that new approaches and new programs are needed to instill in juveniles respect for the law and eventually contribute to the reduction of juvenile delinquency.

ARLEN SPECTER.

○