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JUVENILE JUSTICE AMENDMENTS OF 1977

REPORT

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ON

S. 1021

MAY 14, 1977.—Ordered to be printed

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(95th Congress)

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JUVENILE JUSTICE AMENDMENTS OF 1977

MAY 14, 1977.—Ordered to be printed

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

REPORT

(To accompany S. 1021)

The Committee on the Judiciary, to which was referred the bill (S. 1021) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, 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.

I. COMMITTEE AMENDMENT

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

That this Act may be cited as the "Juvenile Justice Amendments of 1977".

SEC. 2. Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 103(3) is amended by deleting all after the words "other youth" and inserting in lieu thereof the words "to help prevent delinquency;".

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 3. Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 201 is amended as follows:

(a) Subsection (a) is amended by inserting at the end thereof the following sentence: "The Administrator shall administer the provisions of this Act through the Office.";

(b) Subsection (c), and every instance thereafter in Title II where the words "Assistant Administrator" appear, is amended by deleting the words "Assistant Administrator" and inserting in lieu thereof the words "Associate Administrator". In addition, Sections 208(b), and (e), 223(a)(14), (20), and (21), 243(4), 246, 249, 250, and 251 are amended by inserting the word "Associate" prior to the word "Administrator" wherever it appears;

(c) Subsection (d) is amended by inserting the following sentences at the end thereof: "The Associate Administrator is authorized, subject to the direction of the Administrator, to award, administer, modify, extend, termi-

nate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this Act. The Administrator may delegate such authority to the Associate Administrator for all grants and contracts from, and applications for, funds made available under part A of this Act and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The Associate Administrator shall report directly to the Administrator.";

(d) Subsection (e), and every instance thereafter in title II where the words "Deputy Assistant Administrator" appear, is amended by deleting the words "Deputy Assistant Administrator" and inserting in lieu thereof the words "Deputy Associate Administrator";

(e) Subsection (g) is amended by deleting the word "first" and inserting the word "second" in lieu thereof; and

(f) Immediately after subsection (g) insert the following new subsection:

"(h) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"'(137) Associate Administrator, Office of Juvenile Justice and Delinquency Prevention, of the Law Enforcement Assistance Administration.'"

(2) Section 204 is amended as follows:

(a) Subsection (b) is amended by inserting after the words "the Administrator" the words ", with the assistance of the Associate Administrator,", by redesignating paragraph "(7)" as paragraph "(6)", and by deleting paragraphs (5) and (6) and substituting in lieu thereof the following new paragraph:

"(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year the legislation is enacted, prior to December 31, a concise analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system. The report shall include recommendations for modifications in organizations, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and";

(b) Subsection (e) is amended by deleting the word "(6)" and inserting in lieu thereof the word "(5)";

(c) Subsection (f) is amended by inserting after the words "appropriate authority," and before the words "departments and agencies" the word "Federal";

(d) Subsection (g) is amended by deleting all the words after the words "this part" and before the words "to any officer", and by deleting the word "part" and inserting the word "title" in lieu thereof;

(e) Subsection (j) is amended by inserting after the word "agency," the word "organization," and by deleting the word "part" and inserting the word "title" in lieu thereof; and

(f) Subsection (k) is amended by deleting the word "part" and inserting the word "title" in lieu thereof and by deleting the words "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting the words "title III of this Act" in lieu thereof.

(3) The first sentence of section 205 is amended by inserting after the word "advanced" the following words "whenever the Associate Administrator finds the program or activity to be exceptionally effective or for which the Associate Administrator finds there exists exceptional need".

(4) Section 206 is amended as follows:

(a) Paragraph (1) of subsection (a) is amended by deleting the words "the Director of the Special Action Office for Drug Abuse Prevention" and inserting in lieu thereof the words "the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of ACTION";

(b) Subsection (c) is amended by inserting the word "concise" immediately after the words "shall make" and by inserting the following sentence at the end thereof: "The Council is authorized to 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 sections 223(a)(12) and (13) of this title.";

(c) Subsection (d) is amended by deleting the word "six" and inserting the word "four" in lieu thereof; and

(d) Subsection (e) is amended by deleting all of paragraphs (1) and (2) and by deleting the words "(3) The Executive Secretary" and inserting the words "The Associate Administrator" in lieu thereof and by inserting the words "or staff support" after the word "personnel".

(5) Section 207 is amended as follows:

(a) The first sentence of subsection (c) is amended by inserting after the words "community-based programs" the words ", including youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities,". Subsection (c) is further amended by inserting in the fourth sentence the words ", at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system" immediately after the words "their appointment"; and

(b) Subsection (d) is amended by inserting at the end thereof the following new sentence: "Eleven members of the Committee shall constitute a quorum.".

(6) Section 208 is amended as follows:

(a) Subsection (b) is amended by inserting the word "concise" before the word "recommendations", by inserting the words ", the President, and the Congress" after the word "Administrator," and by inserting the following new sentence at the end thereof: "The recommendations of the Advisory Committee shall be included in the annual report submitted under section 204(b)(5) of this title.";

(b) Subsection (c) is amended to read as follows: "(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administrator on particular functions or aspects of the work of the Office.";

(c) Subsection (d) is amended by inserting after the words "subcommittee of" and before the word "five" the words "no less than";

(d) Subsection (e) is amended by inserting after the words "subcommittee of" and before the word "five" the words "no less than" and by deleting the words "the Administration of";

(e) Subsection (f) is amended to read as follows: "(f) The Chairman, with the approval of the Committee, shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee."; and

(f) Immediately after subsection (f) insert the following new subsection:

"(g) The Associate Administrator shall provide such staff and other support as may be necessary to perform the duties of the Advisory Committee.".

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 4. Title II, Part B of such Act is amended as follows:

SUBPART I—FORMULA GRANTS

(1) Section 221 is amended by deleting the words "and local governments" and by inserting after the word "through" the words "grants and".

(2) Section 222 is amended as follows:

(a) Subsection (a) is amended by deleting, in the second sentence, the amount "$200,000" and inserting the amount "$225,000" in lieu thereof and by deleting the amount "$50,000" and inserting the amount "$56,250" in lieu thereof;

(b) The third sentence of subsection (c) is amended by deleting the words "local governments" and inserting the words "units of general local government or combinations thereof" in lieu thereof;

(c) Subsection (d) is amended to read as follows: "(d) Financial assistance extended under the provisions of this section may be up to 100 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall not be required to exceed 10 per centum of the approved costs or activities."; and

(d) Immediately after subsection (d) insert the following new subsection:

"(e) In accordance with regulations promulgated under this part, a portion of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this subpart. At least 5 per centum but no more than 10 per centum of such minimum annual allotment of each State shall be available for such purposes."

(3) Section 223(a) is amended as follows:

(a) Paragraph (3) is amended by deleting all words before "(A)" and inserting in lieu thereof the following: "provide for an advisory group appointed by the chief executive of the State 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 to carry out the functions specified in subparagraph (F)";

(b) Subparagraph (C) of paragraph (3) is amended by inserting after the semicolon following the words "treatment programs" the words "business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities;";

(c) Subparagraph (D) of paragraph (3) is amended by deleting the word "and";

(d) Subparagraph (E) of paragraph (3) is amended by inserting immediately after the words "time of appointment" the words ", at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system, and" and by deleting the semicolon at the end thereof;

(e) Paragraph (3) is further amended by inserting the following new subparagraph immediately following subparagraph (E):

"(F) the advisory group shall, consistent with this title, advise the State planning agency and its supervisory board. The advisory group may advise the Governor and the legislature on matters related to its functions, as requested. The advisory group shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State planning agency other than those subject to review by the State's Judicial Planning Committee established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In addition, the advisory group may be given a role in monitoring State compliance with the section 223(a)(12) and (13) requirements, in advising on State planning agency and regional planning unit supervisory board composition, in advising on the State's maintenance of effort under section 261(a) and section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan;";

(f) Paragraph (4) is amended by deleting the words "local governments" the first time they occur and inserting the words "units of general local government or combinations thereof" in lieu thereof and by adding the words ", provided that nothing in the plan requirements or regulations promulgated thereunder shall be construed as to prohibit or impede the State government from making contracts with or grants to local private agencies or the advisory group" after the words "local governments" the second time they occur;

(g) Paragraph (5) is amended to read as follows: "(5) provide that at least 66⅔ per centum of the funds received by the State under section 222, other than funds made available to the State advisory group under section 222(e), shall be expended through programs of local government or combinations thereof and in conjunction with local private agencies insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if services for delinquent or other youth are organized primarily on a statewide basis;";

(h) Paragraph (6) is amended by deleting the words "local government" and inserting the words "unit of general local government" in lieu thereof and by inserting after the words "local government's structure" and before the words "(hereinafter in this part" the words "or to a regional planning agency";

(i) Paragraph (8) is amended by inserting after the word "programs" in the second sentence a period followed by the words "Programs and projects developed from the study may be funded under section 223(a)(10) provided that they meet the criteria for advanced technique programs as specified therein";

(j) Paragraph (10) is amended by deleting all the words before "(A)" and inserting in lieu thereof the following: "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(e), whether expended directly by the State 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 juvenile detention and correctional facilities, and to encourage a diversity of alternatives within the juvenile justice system. These advanced techniques include,";

(k) Subparagraph (A) of paragraph (10) is amended by inserting after the words "health services," the words "twenty-four hour intake screening, volunteer and crisis home programs, day treatment, home probation,";

(l) Subparagraph (C) of paragraph (10) is amended by deleting the words "youth in danger of becoming delinquent" and inserting in lieu thereof the words "other youth to help prevent delinquency";

(m) Subparagraph (D) of paragraph (10) is amended to read as follows: "(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;";

(n) Subparagraph (G) of paragraph (10) is amended by inserting before the word "assistance" but after the word "by" the words "traditional youth";

(o) Subparagraph (H) of paragraph (10) is amended by deleting all after the word "that" but before the words "(i) reduce" and inserting in lieu thereof the words "are designed to—";

(p) Paragraph (10) is further amended by inserting the following new subparagraph immediately after subparagraph (H): "(I) programs and activities to establish and adopt, based on the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;";

(q) Paragraph (12) is amended to read as follows: "(12) 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 such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities;";

(r) Paragraph (13) is amended by inserting immediately after the word "delinquent" the words "and youths within the purview of paragraph (12)";

(s) Paragraph (14) is amended by deleting the word "and" before the word "correctional" and by inserting the words "and nonsecure facilities" after the word "facilities" the second time it occurs and before the words "to insure";

(t) Paragraph (15) is amended by deleting the word "all"; and

(u) Paragraph (19) is amended by deleting the words ", to the extent feasible and practical,".

(4) Section 223(b) is amended by deleting the words "consultation with" and inserting the words "receiving and considering the advice and recommendations of" in lieu thereof.

(5) Section 223(c) is amended by inserting the following sentences at the end thereof: "Failure to achieve compliance with the section 223(a)(12) requirement within the three year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time. For purposes of this subsection

the term substantial compliance shall mean that 75 per centum deinstitutionalization has been achieved and a reasonable time shall be construed to be no longer than two years beyond that indicated by section 223(a)(12).".

(6) Section 223(d) is amended by inserting after the first occurrence of the word "State" the words "chooses not to submit a plan," and by inserting the following sentence at the end thereof: "The Administrator shall endeavor to make such reallocated funds available on a preferential basis to programs in nonparticipating States under section 224(a)(2) and to those States that have achieved substantial or full compliance with the section 223(a)(12) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c)."

(7) Section 223(e) is deleted.

SUBPART II—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

(8) Section 224(a) is amended as follows:

(a) Paragraph (3) is amended by inserting after the word "system" the following words, ", including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents";

(b) Paragraph (4) is amended by striking all after the words "for delinquents" and inserting in lieu thereof the words "and other youth to help prevent delinquency;";

(c) Paragraph (5) is amended by deleting the words "on Standards for Juvenile Justice" and by deleting the word "and" the last time it occurs;

(d) Paragraph (6) is amended by placing a comma after the words "develop and implement" and inserting thereafter the words "in coordination with the United States Office of Education," and by deleting the word "and" (fourth appearance) and inserting the words "and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism", and by deleting the period at the end thereof and inserting in lieu thereof a semicolon; and

(e) Immediately after paragraph (6) insert the following new paragraphs:

"(7) develop and support programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

"(8) develop, implement, and support, in conjunction with the United States Department of Labor, other public and private agencies and organizations and business and industry, programs for youth employment;

"(9) improve the juvenile justice system to conform to standards of due process; and

"(10) develop and support programs designed to encourage and enable state legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes.".

(8½) Section 224(c) is amended by deleting the words "20" and inserting the words "30" in lieu thereof.

(9) Section 225(c) is amended as follows:

(a) Paragraph (4) is amended by deleting all after the words "to delinquents" and inserting in lieu thereof the words "and other youth to help prevent delinquency;"; and

(b) Paragraph (6) is amended by deleting the words "on Standards for Juvenile Justice".

(10) Section 227 is amended as follows:

(a) Subsection (a) is amended by deleting the words "State, public, or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting the words "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)" in lieu thereof; and

(b) Subsection (b) is amended by deleting the words "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting the words "organization, institution, or individual under this title (whether directly or through a State planning agency)" in lieu thereof.

(11) Section 228 is amended as follows:

(a) Subsection (b) is amended by deleting the words "under this part" and inserting the words "by the Law Enforcement Assistance Administration" in lieu thereof and by deleting the words "25 per centum of.";

(b) Subsection (c) is amended to read as follows: "(c) Whenever the Administrator determines that it will contribute to the purposes of part A, subpart II of part B, or part C, he may require the recipient of any grant or contract to contribute money, facilities, or services."; and

(c) Immediately after subsection (d) insert the following new subsections:

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

"(f) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation under section 224 of this title.".

(12) Immediately after Section 228 insert the following new section heading and section:

"CONFIDENTIALITY OF PROGRAM RECORDS

"SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients."

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5. Title II, Part C of such Act is amended as follows:

(1) Section 241 is amended by deleting all of subsections (d) and (e) and by redesignating subsections (f) and (g) as subsections (d) and (e) respectively and as follows:

(a) Redesignated subsection (e) is amended by inserting after "(4)" and before the words "enter into contracts" the words "make grants and" and by deleting the word "and" following the semicolon at the end thereof;

(b) Paragraph (5) of redesignated subsection (e) is amended by deleting the period at the end thereof and inserting "; and" in lieu thereof;

(c) Immediately after paragraph (5) of redesignated subsection (e) insert the following new paragraph:

"(6) assist, through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.":

(d) The subsection designated "(b)" immediately following redesignated subsection (e) is redesignated subsection "(f)"; and

(e) Redesignated subsection (f) is amended by deleting "(g)(1)" which appears immediately after the word "subsection" and inserting "(e)(1)" in lieu thereof.

(2) Section 243(5) is amended by inserting after the words "effective prevention and treatment" the words ", such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another

State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices".

(3) Section 245 is amended to read as follows: "The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.".

(4) Section 247 is amended as follows:

(a) Subsection (a) is amended by deleting the words "on Standards for Juvenile Justice established in section 208(e)"; and

(b) Immediately after subsection (c) insert the following new subsection:

"(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of the Act and the standards developed by the Advisory Committee.".

(5) Section 248 is deleted.

(6) Sections 249, 250, and 251 are redesignated as Sections 248, 249, and 250 respectively.

(7) Redesignated Section 241(d), Section 244(3), and redesignated Section 248(b) are each amended by inserting after the words "lay personnel" the words ", including persons associated with law related education programs, youth workers and representatives of private youth agencies and organizations".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 6. Title II, Part D of such Act is amended by redesignating the title of Part D "Administrative Provisions" and as follows:

(1) Section 261(a) is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $150,000,000 for the fiscal year ending September 30, 1978, $175,000,000 for the fiscal year ending September 30, 1979, and $200,000,000 for the fiscal year ending September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended.".

(2) Section 262 is amended by deleting the heading "NONDISCRIMINATION PROVISIONS" and all of subsections (a) and (b) and by inserting in lieu thereof the following:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, designated as sections 501, 503, 504, 507, 509, 510, 511, 516, 518(c), 521 and 524(a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(3) Section 263(a) is amended by deleting the words "subsection (b)" and inserting the words "subsections (b) and (c)" in lieu thereof.

(4) Immediately after Section 263(b) insert the following new subsection:

"(c) The amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.".

TITLE III—RUNAWAY YOUTH

SEC. 7. Title III of such Act is amended as follows:

(1) Section 311 is amended by inserting in the first sentence after the words "technical assistance" the words "and short-term training" and by inserting the words "and coordinated networks of such agencies" after the word "agencies".

(2) Section 311 is further amended by inserting the words "or otherwise homeless youth" immediately after the words "runaway youth" where it first appears and by deleting the words "runaway youth" in the third and fourth sentence and inserting the words "such youth" in lieu thereof.

(3) Section 312(b)(5) is amended by deleting the word "aftercase" and inserting the word "aftercare" in lieu thereof.

(4) Section 312(b)(6) is amended by deleting the words between the words "without" and "to anyone" and inserting the words "the consent of the individual youth and parent or legal guardian" in lieu thereof.

(5) Section 313 is amended by deleting the word "State" therein.

(6) Section 313 is further amended by deleting the sums "$75,000" and "$100,000" and inserting "$100,000" and "$150,000" respectively in lieu thereof.

(7) Part B of such Act is amended by redesignating the title of Part B "Records" and by deleting section 321 and redesignating section 322 as section 321 and to read as follows:

"Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.".

(8) Section 331(a) is amended by deleting all after the word "ending" and inserting the words "September 30, 1978, 1979, and 1980, the sum of $25,000,000.".

(9) Section 331 is further amended by deleting all of subsection (b) and inserting in lieu thereof the following:

"(b) The Secretary (through the Office of Youth Development which shall administer this Act) shall consult with the Attorney General (through the Associate 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 Act with those related programs and activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.".

SEC. 8. Title IV of such Act is deleted.

TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

SEC. 9. Title V, Part B of such Act is amended as follows:

(1) Section 521 is amended by deleting the words "Deputy Assistant Administrator for the National Institute for" in chapter 319, section 4351(b) and inserting the words "Associate Administrator for the Office of" in lieu thereof.

SEC. 10. Title V, Part C of such Act is amended as follows:

(1) Section 542 is amended by inserting the number "(1)" after the words "section 203(a)" but before the words "of title I" and by adding the following new sentences following the period after the words "related to delinquency prevention": "The chairman and at least two additional citizen members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.".

(2) Immediately after Section 545 insert the following new section:

"Sec. 546. Section 519 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting after the words 'House of Representatives' the words ', and the Education and Labor Committee of the House of Representatives,', by deleting the word 'and' at the end of paragraph (10), by deleting the period at the end of paragraph (11) and inserting the words '; and' in lieu thereof, and by inserting immediately after paragraph (11) the following new paragraph:

"'(12) a summary of State compliance with sections 223(a)(12)–(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the maintenance of effort requirement under section 261(b) of such Act and section 520(b) of this Act, State planning agency and regional planning unit representation requirements as set forth in section 203 of this Act, and other areas of State activity in carrying out juvenile justice and delinquency prevention programs under the comprehensive State plan.'"

II. Purpose

The committee bill, as amended, provides for a strengthening and 3-year extension of the program established by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93–415. The intent of the 1974 legislation was to provide Federal leadership and coordination of the resources necessary to develop and implement effective programs for the prevention and treatment of juvenile delinquency at the State and local community level. The Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration of the Department of Justice, was given responsibility for implementing this program. Through substantial grants to States, local governments, and public and private agencies, it is the role of the Office to encourage development of economical and comprehensive programs and services.

Although accomplishments have been realized as a result of the program, the Office has not fully met its broad mandate because of policy barriers to implementation. The committee bill legislatively removes some of these barriers. These amendments to the 1974 act, together with a commitment from the new administration to full funding and implementation, should enable the objectives of the program to be achieved. Comprehensive programs and services to prevent juvenile delinquency will be encouraged, increased numbers of juveniles will be able to be diverted from the juvenile justice system, and alternatives to traditional detention and correctional facilities used for confinement of juveniles will be more quickly developed.

The Office's National Institute for Juvenile Justice and Delinquency Prevention is retained, and the scope of its authorized activities strengthened, particularly in the area of training. Increased emphasis and recognition is given to the proper roles of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and the Coordinating Council on Juvenile Justice and Delinquency Prevention. Provision is also made for more significant input at all levels from persons who, by virtue of their training or experience, have special knowledge concerning the prevention and treatment of juvenile delinquency and the administration of juvenile justice.

Title III of the 1974 legislation, the Runaway Youth Act, is also reauthorized by the committee bill.

III. Legislative History

A. INITIATIVES PRIOR TO THE 92D CONGRESS

The first effort by Congress in recent years to deal with the juvenile delinquency problem came in 1961 with the enactment of the Juvenile Delinquency and Youth Offenses Control Act of 1961 (Public Law 87–274). This measure authorized a 3-year, $10 million per annum grant program to demonstrate new methods of delinquency prevention and control. Of this $30 million authorization, $19.2 million was actually appropriated.

The congressional intent was to assist State and local agencies and to coordinate existing Federal, State, and local programs. The program was placed in the Department of Health, Education, and Welfare and the act required consultation by the Secretary of HEW with the Attorney General and the Secretary of Labor on matters of policy and procedure arising out of the administration of the act.

The Juvenile Delinquency and Youth Offenses Control Act of 1961 expired at the end of its 3 years of funding and the next congressional attempt to deal with the problem of juvenile delinquency came with the enactment of the Omnibus Crime Control and Safe Streets Act of 1968 and the passage of the Juvenile Delinquency Prevention and Control Act of 1968.

One of the major problems in defining the Federal role in juvenile delinquency prevention and control has been the confusion in roles between the Department of Health, Education, and Welfare and the Department of Justice. The recent history of the role of the Federal Government in juvenile delinquency prevention and control began with the passage of the Juvenile Delinquency Prevention and Control Act of 1968 administered by the Department of Health, Education, and Welfare and the establishment of the Law Enforcement Assistance Administration (LEAA) of the Department of Justice set up under the Omnibus Crime Control and Safe Streets Act of 1968.

In enacting the Juvenile Delinquency Prevention and Control Act of 1968, Congress assigned to HEW the primary responsibility for national leadership in developing new approaches to the problems of juvenile crime. As the report accompanying the act clearly sets forth, Congress intended that the programs administered under this act serve to coordinate all governmental efforts in the area of juvenile delinquency. Under the 1968 act, HEW was expected to help States and local communities strengthen their juvenile justice programs. This assistance was to be broad in scope including courts, correctional systems, police agencies, law enforcement and other agencies which deal with children and was to include a broad spectrum of preventive and rehabilitative services to delinquent and predelinquent youth. The act also provided for the training of personnel, employed or about to

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be employed in the area of juvenile delinquency prevention and control, and for the development of improved techniques and information services in the field of juvenile delinquency.

Under the Juvenile Delinquency Prevention and Control Act of 1968, HEW was intended to provide assistance to States in preparing and implementing comprehensive State juvenile delinquency plans. Prior to receiving funds under this act, the States were required to submit a satisfactory plan for the use of the funds. HEW was chosen to administer the act because the Department was expected to utilize its particular expertise in dealing with the preventive and treatment aspects of delinquency in assisting States in the development of plans. It was hoped that the placement of this program in HEW would lead to a major commitment on the part of HEW to find solutions to the problem of juvenile crime.

The hopes for accomplishment under the 1968 act were not fulfilled for a number of different reasons including (1) dominance of LEAA in criminal justice planning; (2) weakness in administration; and (3) inadequacies in appropriations. LEAA with vastly larger resources than HEW soon became dominant in the criminal justice planning field.

In 1971, there was no specific juvenile delinquency unit within LEAA, nor any uniform guidelines or mechanism to monitor the content and quality of the juvenile delinquency components of State plans.

While LEAA was not providing leadership in juvenile delinquency planning, few States looked to HEW for assistance in juvenile justice planning. The first 3 years of the administration of the Juvenile Delinquency Prevention and Control Act of 1968 were marked by delay and inefficiency in implementing its broad legislative mandate. More than 1½ years elapsed before a Director was appointed for the Youth Development and Delinquency Prevention Administration (YDDPA), the agency within HEW charged with administering the act. In its first annual report, YDDPA conceded its own failure to implement the goals of the 1968 act. With the exception of the portion of the YDDPA budget spent on State comprehensive juvenile delinquency planning, funds were spread throughout the country in a series of underfunded, scattered, and unrelated projects.

Further, the White House failed to request more than a small proportion of the amounts authorized by Congress for each fiscal year, resulting in pitifully small appropriations for HEW's juvenile delinquency effort. From 1968 to 1971, the White House requested only $49.2 million for the operation of the act out of a total authorized amount of $150 million, and then YDDPA did not expend those resources appropriated. From 1968 to 1971, out of the small sum of $30 million appropriated, only half or $15 million was actually expended. This limited view of the role of HEW in developing a program commensurate with the deliquency program made fulfillment of the original purposes of the 1968 act doubtful.

In an exchange of letters on May 25, 1971, the Secretary of HEW and the Attorney General acknowledged the existing inadequacy in coordinating the juvenile delinquency activities of their respective agencies. The May 25 letters specified that each State should develop a single comprehensive criminal justice plan which would comply with

the statutory requirements of both the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act. The Secretary and the Attorney General agreed that HEW was to concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile correctional system while LEAA was to focus its efforts on programs within the juvenile correctional system. This 1971 letter agreement clearly allocated the responsibility for prevention to HEW. Nevertheless, the scope of HEW's authority combined with its minimal level of funding raised questions about HEW's ability to provide national prevention leadership.

B. THE 92D CONGRESS

In 1971, Congress passed a 1-year extension of the Juvenile Delinquency Prevention and Control Act of 1968.[1] The committee noted in its report on the Juvenile Delinquency Prevention and Control Act Amendments of 1971 that further extension of the act could not be justified unless HEW showed a marked improvement in its efforts to provide national leadership in dealing with the problems of juvenile delinquency. The 1971 amendments gave YDDPA an additional year to prove its effectiveness in the fight against juvenile crime and to develop a strategy which would efficiently deploy the limited resources of HEW. While the 1971 amendments authorized $75 million for the fiscal year ending in June of 1972, the White House requested and HEW received only $10 million for that fiscal year. The year's extension was also viewed as an opportunity for Congress to complete its overview of the programs under that act and to assess the roles of HEW and LEAA in the delinquency field. The concern of Congress about the lack of coordination of the total Federal effort led to the addition in the 1971 amendments of a structured coordinating mechanism. The amendments created an Interdepartmental Council consisting of representatives of Federal agencies involved in the area of juvenile delinquency which were supposed to meet on a regular basis to review Federal delinquency programs and to coordinate the overall Federal effort.

On February 8, 1972, Senator Birch Bayh introduced S. 3148, entitled the "Juvenile Justice and Delinquency Prevention Act of 1972." The bill, which created a National Office of Juvenile Justice in the White House, was referred to the committee after which it was referred to the Subcommittee To Investigate Juvenile Delinquency. Hearings were conducted on May 15, 16, and June 27, 28, 1972, in Washington, D.C. A total of 34 witnesses presented testimony on S. 3148 and the related issues of the adequacy of the response of the Federal Government to the juvenile delinquency problem. The cosponsors of this legislation included Senators Humphrey, Hart, Kennedy, Moss, Bible, Ribicoff, Montoya, McGovern, Eagleton, Inouye, Muskie, Williams, Pastore, McGee, Mondale, and Cranston.

While S. 3148 received strong support from youth-serving agencies and juvenile delinquency experts around the country, the Juvenile Delinquency Prevention and Control Act was extended for 2 years under the name "Juvenile Delinquency Prevention Act."[2] At the re-

[1] Public Law 92–31; 85 Stat. 84.
[2] Public Law 92–381; 86 Stat. 532.

quest of HEW, the act clearly limited the scope of the activities to be undertaken by the agency in the delinquency field. The committee made clear in its report [3] that HEW was to fund preventive programs outside the traditional juvenile justice system. HEW was to continue its concentration on the development of systems to provide coordinated youth services. Efforts to combat delinquency within the juvenile justice system were to be assisted by the Department of Justice through its administration of the Omnibus Crime Control and Safe Streets Act. In extending the HEW program for 2 years, a majority of the committee made clear that the extension was no substitute for vigorous national leadership, coordination, and provision of resources to combat the delinquency problem.[4]

The inadequacy of the HEW effort in the field of delinquency prevention was a continuing cause of concern to the members of Congress and citizens and organizations interested in an effective Federal juvenile delinquency effort. In each of the 2 fiscal years after the extension, the White House requested and HEW received only $10 million. Due perhaps to this level of appropriations, HEW has increasingly restricted its role to the development of youth services systems, which may well be a worthwhile goal, but certainly cannot begin to grapple with the delinquency program in this country. Moreover, the administration of the act has been submerged within HEW under the title of the Office of Youth Development so an outsider cannot even find the locus of HEW's delinquency prevention programs. In passing the appropriation for 1974 for the Juvenile Delinquency Prevention Act, the report of the Committee on Appropriations expressed dissatisfaction with this program and a desire for HEW to mount an effective prevention effort. The Committee on Appropriations said:

> The bill includes $10 million for programs authorized by the Juvenile Delinquency Prevention Act. The committee was deeply concerned about the ineffectiveness of these programs in focusing on the prevention of delinquency. If the Department does not improve its efforts to deal with the delinquency problem, it cannot expect support for these programs in the future.[5]

Over the years since 1968, LEAA with its vast resources and administrative staff, though dominant in the criminal justice field, had never asserted the leadership in the field of juvenile justice. The committee has noted in earlier reports that LEAA had consistently viewed its role in juvenile delinquency prevention and control as a very limited one. Despite the fact that it was the primary Federal crime control agency and juveniles account for almost half of the serious crimes in the country, LEAA had never spent even a quarter of its available funds on juvenile delinquency programs and usually far less. In fiscal 1970, LEAA allocated less than 12 percent of its appropriations on juvenile delinquency programs; in fiscal 1971, it still remained under 20 percent. In fiscal 1972, according to LEAA's

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[3] S. Rept. 92–1003, 92d Cong., 2d sess. To accompany H.R. 15635 (1972).
[4] Id.
[5] Committee on Appropriations, report on Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill, 1974, Rept. No. 93–414, 93d Cong., 1st sess (Oct. 2, 1973), p. 84.

estimate, a possible 21 percent of its total appropriations went to juvenile delinquency.[6]

C. THE 93D CONGRESS

Background

On February 8, 1973, Senator Birch Bayh and Senator Marlow W. Cook reintroduced S. 3148 the White House Office bill with modifications, as S. 821. S. 821 was referred to the committee, after which it was referred to the Subcommittee to Investigate Juvenile Delinquency. The cosponsors of this legislation in addition to Senator Cook included Senators Abourezk, Bible, Church, Gravel, Case, Hart, Humphrey, Inouye, Kennedy, Brock, McGee, Mondale, Montoya, Pastore, Randolph and Ribicoff.

The subcommittee held extensive hearings that demonstrated the desparate need for the legislation. HEW continued to request inadequate funding for implementation of the Juvenile Delinquency Prevention Act. Only $10 million per year was appropriated. Because of this lack of commitment to the program, its objectives went unfulfilled. Similarly, the Interdepartmental Council to Coordinate Federal Juvenile Delinquency Programs suffered from lack of agency support, inadequate staffing, and inability to achieve its coordination goals.

Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners testified on the backruptcy of the juvenile justice system, which provided neither individualized justice not effective help to juveniles or protection for communities. Particular emphasis was placed on the fact that large custodial institutions such as reformatories served as nothing more than "schools of crime."

A clear consensus emerged from the hearings supporting strong incentives for State and local governments to develop community-based programs and services as alternatives to traditional processing. This approach was felt to be particularly advantageous to noncriminal status offenders and neglected or dependent children.

State officials stressed to the subcommittee the need for effective, coordinated Federal funding to assist the States in carrying out programs to assist juveniles in the community. Evidence was presented regarding flagrant mistreatment of juvenile offenders, brutal incarceration of noncriminal offenders, and the ineffectiveness which had marked a grossly inadequate Federal approach to the prevention of juvenile delinquency.

The Mechanism

Since 1968, LEAA has had available considerably larger resources than the juvenile delinquency programs of HEW. While LEAA viewed its role in juvenile delinquency as limited, millions of dollars in programs for juvenile delinquency and juvenile justice improvement had, in fact, been funded.

By the end of 1970, over 40 of the LEAA State planning agencies created to administer the program under the Omnibus Crime Control

[6] The inadequacy of LEAA's response to the juvenile crime problem was recognized when the Senate unanimously accepted the Juvenile Delinquency Prevention Amendment to the Omnibus Crime Control Act of 1973. This amendment would have required States to devote 20 percent the first year, and 30 percent in subsequent years, of their block funds to a comprehensive juvenile justice program. The amendment was, however, deleted in conference.

and Safe Streets Act were also administering the Juvenile Delinquency Prevention and Control Act program. In 1971, amendments to the Omnibus Crime Control and Safe Streets Act [7] were enacted which expressed the intent that LEAA should focus greater attention on juvenile delinquency. Specifically, a new definition of law enforcement was added to the act to include "the prevention, control or reduction of juvenile delinquency." [8] Emphasis was also placed on grants for the development and operation of community-based prevention and treatment programs as alternatives to traditional correctional facilities.[9]

These provisions, together with the failure of HEW to fully implement the Juvenile Delinquency Prevention and Control Act, led to increased LEAA leadership in the juvenile area. LEAA was funding considerably more juvenile programs than HEW, even though it did not have HEW's broader mandate.

The Crime Control Act of 1973 [10] required LEAA to place an even greater emphasis on juvenile delinquency programs. In the declaration and purpose, specific recognition was given to the fact that "(t)o reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified and made more effective at all levels of government." [11] The 1973 act also required for the first time that each State specifically deal with juvenile delinquency in the comprehensive plan which must be submitted as a condition for receiving LEAA funds.[12]

As a result of the 1973 amendments, a number of new initiatives were undertaken at LEAA and the Agency emerged as the leader in Federal juvenile delinquency prevention and control efforts. A network of 55 State planning agencies were able to undertake crime and delinquency oriented analyses necessary to develop a truly comprehensive approach to reducing crime and delinquency.

During the hearings on S. 821, a witness from HEW, in testifying on their juvenile programs, noted that LEAA was the lead Federal agency in juvenile justice and corrections. The witness stated that major support was available from LEAA for juvenile delinquency treatment programs on a continuing basis, while HEW's programs were merely demonstration-types with planned phase out.[13]

The witness also observed that LEAA's legislative authority to undertake delinquency prevention programs in 1973 was "generally equivalent to HEW's," and that "LEAA grants in juvenile delinquency prevention are also grants at a high funding level." [14]

Evidence presented to the subcommittee indicated considerable LEAA involvement is a sweeping range of juvenile delinquency prevention and diversion programs. Prevention efforts included alternate education programs, training programs for parents of delinquent

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[7] Public Law 91-644; 84 Stat. 1880.
[8] Id., sec. 9.
[9] Id., secs. 4 (2) and (6).
[10] Public Law 93-83; 87 Stat. 197.
[11] Id., sec. 2.
[12] Id., sec. 303(a).
[13] Hearings before the Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, "The Juvenile Justice and Delinquency Prevention Act—S. 3148 and S. 821" (92d Cong., 2d sess. and 93d Cong., 1st sess., May 15, 16, and June 27, 28, 1972; Feb. 22, Mar. 26, 27, and June 26, 27, 1973), statement of Stanley Thomas at 740.
[14] Id.

children, drug education in schools, work study and summer employment programs for juveniles, and police/juvenile relations and recreation programs. Primary prevention programs were negligible.

Diversion efforts included youth service bureaus, juvenile court intake and diversion units, drug abuse treatment programs, vocational education and training for diverted juveniles, counseling services, and community-based neighborhood centers for juveniles diverted from juvenile justice system processing.

The committee also noted the substantial expenditures through the LEAA program for improving juvenile corrections. The great majority of these funds went for community-based rehabilitation efforts.

Under the Crime Control Act, annual matching block grants are made to each of the States for planning and implementing programs to improve law enforcement and criminal justice. Funds are allocated among the States on the basis of population. States and localities determine their own expenditure priorities, incorporated in an annual statewide plan submitted to LEAA for approval. The plan must be comprehensive, meaning that it represents a total and integrated analysis of problems, including problems of juvenile delinquency.

It was in this context that the committee considered S. 821.

The Juvenile Justice and Delinquency Prevention Act of 1974

Upon conclusion of hearings, the Subcommittee to Investigate Juvenile Delinquency met in executive session on March 5, 1974, to consider S. 821. The subcommittee unanimously reported to the committee S. 821, as amended.

The committee met on May 8, 1974, to consider S. 821. Senator Roman Hruska offered an amendment in the nature of a substitute, incorporating an amendment of Senator Quentin Burdick which was accepted by an 8-to-5 vote. The committee, on a motion by Senator Bayh, favorably reported S. 821, as amended.

The bill reported by the committee established a broad new juvenile delinquency program within the Department of Justice—LEAA. It was the committee's view that creation of the program in HEW would only further fragment, divide, and submerge the Federal juvenile delinquency effort and delay the development of needed programs. More coordination and less confusion was felt to be essential.

This consideration was emphasized in the committee report:

> LEAA through its programs is the only agency able to provide the leadership and funding for the continuum of response which must be made to deal with juvenile crime. Efforts must be made to prevent juveniles from committing crime; the nonserious juvenile offender must be diverted from the justice system to the social service and human resource networks; and a strong focus is needed on dealing with the problem of the serious juvenile offender. These goals can only be achieved by tying in juvenile and criminal justice efforts with the larger social service and human resource networks of the States and units of local government.[15]

Placing the program in LEAA was felt even more important when there needed to be a focus placed on the serious juvenile offender.

[15] S. Rept. No. 93-1011, 93d Cong., 2d sess. To accompany S. 821 (1974). p. 33.

> The social control of the juvenile and criminal justice system must be applied in dealing with this offender, and LEAA is the only Federal agency providing substantial assistance to the police, the courts, and the corrections agencies in their efforts to deal with juvenile crime.[16]

Placement in the LEAA was felt to be the best possible way to minimize timelag and duplication. LEAA already had an administrative structure in place which would expedite planning and the funding of programs. Because the formula grant, special emphasis grant, and research programs of S. 821 were largely modeled after the LEAA program, LEAA was suited to undertake a major juvenile delinquency effort.

On July 25, 1974, S. 821 was considered by the Senate and passed by a record vote of 88 to 1. On July 31, 1974, S. 821 was considered and passed the House, amended, in lieu of H.R. 15276. H.R. 15276 had passed the House on July 1, 1974, by a record vote of 329 to 20. The Juvenile Justice and Delinquency Prevention Act of 1974 [17] was signed into law by the President on September 7, 1974.[18]

The act created the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice to provide leadership and coordination for all of the juvenile programs scattered throughout the Federal Government. A National Advisory Committee for Juvenile Justice and Delinquency Prevention was created to advise LEAA and representation on State and regional LEAA boards was broadened. This assured input from knowledgeable and experienced persons regarding juvenile delinquency prevention and control policies, including representatives of private agencies.

The act further provided for modified block grants to State and local governments and grants to public and private agencies to develop juvenile programs with special emphasis on the prevention of delinquency, diversion from the juvenile justice system, and community-based alternatives to traditional incarceration.

All of these thrusts were fashioned to stem the high incidence of juvenile crime and recidivism. Similarily, the act provided that status offenders must not be placed in detention or correctional facilities and that juveniles should not be detained with adults.

Assurance was contained in the act that fair and equitable arrangements would be made to protect the interests of employees affected by assistance under its provisions. A National Institute for Juvenile Justice and Delinquency Prevention was created within the office to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations, and evaluations of juvenile justice programs.

To assure proper coordination of Federal effort, the 1974 act established a Coordinating Council on Juvenile Justice and Delinquency Prevention. While LEAA is responsible for implementing overall policy and developing objectives and priorities for all Federal juvenile delinquency programs and activities, the Coordinating Council, com-

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[16] Id., pp. 34–35.
[17] Public Law 93–415; 88 Stat. 1109; 42 U.S.C. 5601.
[18] Presidential statement, Weekly Compilation of Presidential Documents, vol. 10, No. 37, Sept. 8, 1974.

posed of the heads of the major agencies concerned and chaired by the Attorney General, helps assure these objectives are met.

Other provisions of the act amended the Federal Juvenile Delinquency Act,[19] established a National Institute of Corrections within the Bureau of Prisons, and made conforming amendments to the Omnibus Crime Control and Safe Streets Act.

Included as title III of the act was the Runaway Youth Act, which permits local communities to establish temporary shelter care facilities for the estimated 1 million youngsters who run away each year.

The Runaway Youth Act

The Runaway Youth Act authorized the Secretary of Health, Education, and Welfare to provide assistance to local groups to operate temporary shelter care programs in areas where runaways tend to congregate.

Unlike traditional halfway houses, these facilities are designed to shelter young people for a very short period of time rather than on a long-term basis. These facilities could be used by the courts and the police to house runaways temporarily prior to their return home or to another permanent living arrangement. However, their primary function is to provide a place where runaways can find shelter and immediate assistance, such as medical care and counseling. Once in the runaway house, the young person would be encouraged to contact home and reestablish in a permanent living arrangement. Professional, medical, and psychological services would be available to these houses from the community as they are needed.

Most importantly, the shelters established under S. 821 were to be equipped to provide field counseling for both the runaway and family after the runaway has moved to permanent living facilities. If field counseling is not appropriate or feasible, information on where to seek more comprehensive professional help will be supplied. In short, these houses will serve as highly specialized alternatives to the traditional law enforcement methods of dealing with runaways.

S. 821 authorized appropriations of $10 million for each of 3 years. While this amount is not large, temporary shelter care is relatively inexpensive to provide. Furthermore, experience has shown that these houses can serve a large number of people. For those programs now in existence, it is not unusual to provide residential services for more than 500 people a year.

The Runaway Youth Act also authorized funds to conduct research on the scope of the runaway problem in this country, particularly with regard to data on the types of children who run away. The committee believed that reliable statistics rather than broad-based research may be more useful at the present time in developing effective approaches to the runaway youth problem. Thus, the scope of the research is to focus on "the age, sex, socioeconomic background of the runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior."

On January 13 and 14, 1972, hearings were held on the Runaway Youth Act, introduced by Senator Bayh in 1971 as S. 2829. While research on the runaway problem had been conducted and a report

[19] 18 U.S.C. 5031 through 5042.

issued by the committee in 1955, these were the first congressional hearings held on the subject in at least a decade. On July 31, 1972, S. 2829 was passed by the Senate unanimously. At the time of adjournment of the 92d Congress, the Runaway Youth Act had been favorably reported by the General Education Subcommittee of the House Education and Labor Committee. On January 31, 1973, Senator Bayh reintroduced the Runaway Youth Act as S. 645. On June 8, 1973, S. 645 passed the Senate unanimously. It was introduced in the House on July 16, 1973 as H.R. 9298 and was incorporated into S. 821.

The scope of the runaway problem is very large, although its exact dimensions are unknown. It is estimated that at least 1 million young people run away each year. While the primary concern of the subcommittee focused on runaways under the age of 18, several witnesses, including Catherine Hiatt of the Travelers Aid Association of America, made it clear that people of all ages run away and that many are in desperate need of help. S. 2829 does not specify age limits for those who may receive services, although it is assumed that the vast majority will be young people.

The most common age of runaways reported by the witnesses who operate runaway programs is 15. However, the prevalence of younger runaways is increasing. It was noted that a few years ago the most common age was 16 or 17. More recently, 43 percent of the runaways reported in New York were in the 11 to 14 age category.

All of the witnesses representing runaway programs indicated that the majority of runaways are female. John Wedemeyer of the Bridge in San Diego, Calif., noted that female runaways in San Diego outnumber males 2 to 1. The FBI Uniform Crime Reports, the only national statistics in the field, show that the number of arrests for running away among females is significantly greater than the number of arrests among males.

Although the runaway problem is usually seen as particularly prevalent among the white middle class, other groups are also affected. Brian Slattery of Huckleberry House in San Francisco, Calif., testified that their clients from the bay area "reflected the racial composition of the community." One young black witness from the District of Columbia testified that running away was often related to an intolerable home situation which could be found in any racial, social, or economic group.

Many of those who testified emphasized that providing shelter and counseling for runaway youth was an effective method of delinquency prevention. Warren W. Martin, Jr., a judge from a rural Indiana community, Rev. Frederick Eckhardt, a pastor in the Greenwich Village area of New York City, and William Treanor, director of Runaway House in the District of Columbia, noted that running away was often symptomatic of serious problems which, if left unchecked, might lead to serious delinquent behavior and perhaps to a life of adult crime. Moreover, authoritative research on the subject of runaways confirmed the testimony of several witnesses that the runaway event poses a unique opportunity to deal with the fundamental problems of the family. Dr. Robert Shellow, author of the National Institute of Mental Health study, "Suburban Runaways of the 1960's," noted that:

> The runaway crisis offers an opportunity to give assistance to families when they most want it, and to wait at all may be to wait too long.

> Since most people are more willing to seek help when they are hurting, a lot can be accomplished during the runaway crisis. Once the child has returned, however, the crisis is seen as being over, and the families comfort themselves with the belief that everything is all right. In many cases, however, it is not.

When the underlying problems remain unsolved, running away again and again often becomes a means of escape. Young people who habitually run away often have to steal or sell drugs to support themselves. Drug abuse and petty theft are normally the young runaway's next step along the path that all too often leads to a life of adult crime.

Another important function of runaway houses is to divert young people from the traditional criminal justice sytem. Diversion is desirable for several reasons. First, the burden of the runaway problem falls primarily on the shoulders of the police. Jerry V. Wilson, Commissioner of Police in Washington, D.C., noted in a letter to Senator Bayh endorsing the Runaway Youth Act, that the runaway problem results in the expenditure of many hours of police time annually. Similarly, FBI arrest statistics demonstrate that runaways significantly occupy police time. Runaways are the seventh most frequent reason for arrest in a list of 21 categories, even though the runaway category is the only one which applies exclusively to people under 18. Second, the police are not equipped to provide counseling and can only return a runaway to his home.

Maj. John Bechtel of the Montgomery County Police Department testified that the runaway problem is a social problem which unduly burdens the police. Third, arrest for running away often results in detention in a juvenile hall or adult jail and damaging contact with hardened offenders. This point was made dramatically clear by Becky and Cathy, two young witnesses, who were detained in juvenile hall for running away at the ages of 15 and 13 respectively. Both girls were locked up with older girls who were sophisticated in criminal activity and were charged with serious violations. Fourth, running away often results in long-term incarceration in reform school and the permanent stigma of the juvenile delinquent label. It was noted that a recent study of the Indiana Girls' School showed that one-half of the inmates were there for having run away. While incarcerated in reform school the runaway is forced to live with much more serious offenders. Through this relationship the runaway may be abused and will certainly learn of more sophisticated ways to violate the law.

All of the witnesses with the exception of the representatives of the Department of Health, Education, and Welfare supported the legislation. Most witnesses emphasized the seriousness of the problem and the need for immediate action.

Philip Rutledge, Deputy Administrator of Social and Rehabilitation Service, testified that new legislation designed to deal with the runaway problem was not needed since existing legislation was sufficient. He cited the Juvenile Delinquency Prevention and Control Act of 1968 and title IV of the Social Security Act. However, although the Juvenile Delinquency Act became law over 4 years ago, only a few isolated programs have been funded to deal with runaways. Additionally,

the Social Security Act is unsuited to deal with the runaway problem for several reasons. First, while funds are available under title IV(A), that money may only be spent for children on welfare or who are immediate candidates for welfare. This would exclude the bulk of the runaway population who are from middle-class homes. Second, although title IV(B) specifically provides money for temporary maintenance and return home of runaways, these funds can only be spent on interstate runaway. Several of the witnesses testified that a substantial number of runaways, possibly a majority, could not qualify since they never cross State lines. Additionally, title IV(B) provides no counseling services and merely requires the return of the runaway to his home. During the hearings it was frequently noted that counseling is a crucial requirement for a successful runaway program. Moreover, in many cases, to return the runaway home simply exacerbates the problem since it returns him to the situation that caused the run initially.

Another point raised by HEW was that title III was simply another categorical grant program whereas:

> The Department's position is that services to youth should be provided on an integrated, comprehensive basis and provided in a manner that recognizes that interrelatedness of the many manifestations of youth alienation from modern American society.

However, the lack of sufficient concern by the Federal Government for runaways to date indicates that unless individual legislation is addressed to the runaway problems it will continue to be ignored. Moreover, State and regional planning has not been focused on the runaway problem. This lack of planning and coordination has been recognized by the administration in regard to the entire field of juvenile delinquency. In announcing the decentralization of authority to regional offices on May 18, 1971, Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, specified that juvenile delinquency programs would be excepted from this decentralization and that supervisory control would remain in headquarters. Mr. Leonard said:

> This is a real problem area—the apparent inability of all of the programs that we have in the juvenile delinquency field to dovetail and address the problem of a very broad and effective base. That's something that can't be done at the regional or State level; the coordination effort has got to come from the National Government and from Washington.

Similarly, the annual report of the Youth Development and Delinquency Prevention Administration issued in March 1971 described State planning as "spasmodic and ineffective." Finally, it was made clear at the hearings that HEW could effectively administer the Runaway Youth Act. In response to questioning, Robert Foster, Deputy Administrator of YDDPA, indicated that a categorical program like the Runaway Youth Act could be very useful in filling the gaps in services left by presently uncoordinated programs.

The representatives of HEW noted that the facilities to be established under title III appeared to be limited only to runaways whereas they should also be available to other juvenile status offenders. How-

ever, eligibility for services under the act does not depend upon the legal classification imposed by the court or police on the juvenile. The act would provide services for "juveniles who have left homes without the specific permission of their parents or guardians" (sec. 102(a)). Since other juvenile status offenders, such as truants and incorrigibles, are often involved in a runaway situation as defined by the act, services could be provided for them.

The last argument raised by HEW was that the mechanism for awarding grants precluded effective coordination on the local, State or regional level. However, the experience of existing runaway houses shows that this objection is groundless. All of the witnesses who represented runaway programs testified to the importance of developing close working relationships with the police, the courts, social service agencies, and the local community. John Wedemeyer of the Bridge in San Diego estimated that through such coordination his program was able to receive $76,000 in volunteered services last year. Moreover, he noted that such coordination is also beneficial to the community that the runaway program serves:

> We cooperate with the probation department, the welfare department, and the police department. They are eager to have us there, because they feel that they are heavily overworked. If they could have 20 percent of their caseload dispensed to some other social service agency, they would probably be thrilled to death.

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An essential aspect of the Juvenile Justice and Delinquency Prevention Act of 1974 was the "maintenance of effort" provision.[20] It required LEAA to continue funding juvenile programs with Crime Control Act funds at least at the fiscal year 1972 level. It was included to assure that LEAA did not use the new program dollars to supplant ongoing activities, thus guaranteeing that juvenile crime prevention was the priority of the new office.

It was this provision when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

The committee had worked for some time to persuade LEAA to increase its funding of juvenile programs, particularly in light of the fact that youths under the age of 20 were responsible for half the crime in the country. In fiscal year 1972, LEAA spent only 20 percent of its funds for programs directly related to juvenile delinquency. In 1973, the Senate approved an amendment to the LEAA extension bill requiring the Agency to allocate 30 percent of its dollars to juvenile crime prevention. The amendment was dropped, however, in the House-Senate Conference on the legislation.

The 1972 level was chosen for the maintenance of effort base because LEAA officials told the committee in 1972 that nearly $140 million

[20] Public Law 93–415, supra note 15, secs. 261(b) and 544.

had been awarded by the Agency in that year for juvenile programs. It was intended that this level of funding be maintained, together with funds under the Juvenile Justice and Delinquency Prevention Act, so that juvenile programs would be given national priority.

The committee was subsequently informed that actual expenditures by LEAA for juvenile progams in fiscal 1972 were only $112 million, $28 million less than had been contemplated. Thus, annual expenditures under the maintenance of effort provision were considerably less than expected.

When Congress provided, over strong administration opposition, 50 percent of the funding authorized for the new prevention program under the 1974 act, the administration renewed its efforts to prevent its full implementation. In fact, the Ford Crime Control Act of 1976, S. 2212, would have repealed the vital maintenance of effort provision of the 1974 act. The committee's disappointment at the decreased funding of juvenile programs was heightened by this development.

It is interesting to note that the primary reason stated for the Ford administration's opposition to funding of the 1974 act prevention program was the availability of the very "maintenance of effort" provision which the administration sought to repeal in their original version of S. 2212.

The same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Subcommittee To Investigate Juvenile Delinquency held hearings on the repeal proposal on May 20, 1976. Witnesses testified that the repeal of the provision would have a drastic negative impact on juvenile justice programs.

The administration was unable to persuade the committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what the former administration sought and what its supporters diligently pursued was the full emasculation of the program. This intent was clearly evidenced in the original version of S. 2212 and even more importantly in their proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the compromise version was reported from the committee. This new proposal again incorporated sections repealing the key maintenance-of-effort provision.

The repealer was widely debated. The following partial exchange between Senator Kennedy and Representative Claude Pepper who testified before the Criminal Law and Procedures Subcommittee in favor of the retention of the maintenance-of-effort provision was typical of its supporters:

> Senator KENNEDY. I want to thank you for your comments, Congressman Pepper. I must say that I am in strong agreement with the positions you have expressed here, strong agreement. Even if we follow the recommendations that you

have mentioned here we would still be spending woefully little in the area of juvenile crime.

Representative PEPPER. Sure.

Senator KENNEDY. If we follow your recommendation, which is only the bare minimum that should be spent, it is still an extremely small amount, and I could not agree with you more that we must focus on the young people who are dropouts. * * *

Representative PEPPER. Well, I thank you very much, Senator. It is obvious that it is desirable for the Federal Government to encourage the States. Maybe some States do not see this problem with the clarity with which we see it, at the national level, and by encouraging them, we may increase their own effort. They are more likely to buy a new automobile or a radio for their police than they are to initiaate these programs.

Senator, I could not agree more strongly with what you have said.

The LEAA reauthorization bill was considered by the Senate on July 22, 23, and 26, 1976. On July 23, an amendment offered by Senator Bayh was approved by a record vote of 61 to 27 rejecting the administration proposal and a compromise proposal designed to repeal or dilute the key maintenance-of-effort sections of the 1974 act. Instead the Congress voted overwhelmingly to reaffirm the bipartisan congressional commitment to retaining juvenile crime prevention as the Federal crime priority.

Senator Bayh explained during the debate in part as follows:

Mr. BAYH. Let me explore that because I do not wish to damage other programs or categories and my amendment does not, but the fact of the matter is that the only LEAA programs that have had the percentage limitation or the dollar figure limitation have been the grant programs going back to local communities. As to administrative costs, research, technical assistance, court programs, training and other components, there is no priority for juvenile crime. Only the 1972 figure of $112 million was limited for local juvenile crime programs. Other programs are not going to suffer if a minimum of each within its own area must go for juvenile crime efforts. The Senator from Indiana is saying that there ought to be a minimum requirement for all programs. I think it is important for us to take a good, hard look—a realistic look—at what happened yesterday. Forty-five Members of this body voted to decrease the tenure of this bill. Only three votes kept the length of this bill from being decreased from 5 to 3 years. We are having significant criticism directed at LEAA, and I think the reason we have had criticism directed at LEAA is it has not been doing the job, especially with regard to juvenile crime. Many good judges and law enforcement officials are not getting adequate support and resources to deal with juvenile crime or to focus early enough in the life span of a would-be criminal. Too often assistance has only been available when we deal with repeat offenders instead of when

we have a chance for change. We must make LEAA more responsive to juvenile crime.

Illustrative of the broad bipartisan support for this approach was the July 21, 1976, letter to each Senator:

> DEAR SENATOR: The American Legion urges your support of Senator Bayh's amendment to S. 2212, The Crime Control Act of 1976, which is scheduled for floor action Friday, July 23.
>
> The Bayh amendment would require that the Law Enforcement Assistance Administration each year shall maintain from appropriations a minimum level of financial assistance for juvenile delinquency programs that such bore to the total appropriation for the programs funding pursuant to part C and E of this title, or 19.15 percent of the total LEAA appropriation.
>
> It is believed this formula approach affecting every area of LEAA activities provides a more equitable means of allocating crime control funds more nearly in proportion to the seriousness of the juvenile crime problem.
>
> It is interesting to note that while youths within the age group 10 to 17 account for only 16 percent of our population they represent 45 percent of persons arrested for serious crime. More than 60 percent of those arrested for criminal activities are 22 years of age or younger.
>
> The American Legion believes that the prevention of juvenile crime must clearly be established as a national priority, rather than one of several competing programs under LEAA jurisdiction. Your support of the Bayh amendment would help assure this.
>
> Sincerely,
>
> MYLIO S. KRAJA,
> *Director, National Legislative Commission.*

Not only was the concerted effort to modify the maintenance level rejected, but in fact, even with a declining LEAA budget, namely, from $895 million in fiscal year 1975 to $753 million in fiscal year 1977, the Congress increased the level for juvenile crime by $17 million—2 percent of the total fiscal year 1977 budget for LEAA over the original level of $111 million.

Coincidentally, the current level of maintenance of effort for juvenile justice is nearly identical with that set by the 1973 Bayh-Mathias-Cook amendment to the LEAA extension bill, supported by the Senate, without objection, which would have required that 30 percent of LEAA part C and E funds be allocated for improvement of the juvenile justice system.

This provision was retained by the Committee on Conference and was signed into law on October 15, 1977.[21]

Thus, the bipartisan commitment to retaining juvenile crime prevention as the major Federal priority was reaffirmed.

The committee noted with special interest that Attorney General Griffin Bell reiterated strong support for this congressional initiative

[21] Public Law 94-503; 90 Stat. 2407, secs. 126(b) and 130(a).

in his transmittal of the "Juvenile Justice and Delinquency Prevention Amendments of 1977: when he stressed that:

> The maintenance of effort provision, applicable to juvenile delinquency programs funded under the Omnibus Crime Control and Safe Streets Act, would be retained. The retention of this provision underscores the Administration's commitment to juvenile justice and delinquency prevention programing at the Federal level.

Other amendments to the Juvenile Justice and Delinquency Prevention Act of 1974 included in the Crime Control Act of 1976 made it easier for small States with no city with a population over 250,000 to compete for funds and prohibited denial of applications solely on the basis of a city's population.[22]

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On May 14, 1976, former Attorney General Edward Levi transmitted a proposal to Congress which would have extended the juvenile justice and delinquency prevention for 1 year, through fiscal year 1978. The proposal was not introduced in either House of Congress, although the subcommittee to investigate juvenile delinquency did consider it at a hearing on May 20, 1976.

On March 21, 1977, Senator Birch Bayh introduced S. 1021, which was referred to the committee, after which it was referred to the subcommittee to investigate juvenile delinquency. On April 1, 1977, the Attorney General of the United States, Griffin B. Bell, transmitted to the Congress a proposal by the new administration to reauthorize the 1974 act. Senator Bayh introduced the proposal as S. 1218 on the same day. Hearings chaired by Senator John Culver were held on the measures on April 27, 1977. Seventeen witnesses appeared before the subcommittee to testify regarding the need for reauthorization of the act and related issues regarding implementation of the program. Additional constructive comments were contained in numerous other statements submitted to the subcommittee. After the conclusion of the hearings, the subcommittee agreed to favorably report to the committee S. 1021.

The committee met on May 12, 1977, to consider S. 1021. Senator Culver offered an amendment in the nature of a substitute incorporating provisions of both S. 1021 and S. 1218 as introduced, as well as numerous other recommendations received. The amendment was accepted without objection. Following further consideration, the committee, on a motion by Senator Culver, favorably reported S. 1021, as amended.

Summary of Juvenile Justice Act History

On February 8, 1972, Senator Bayh introduced S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972. (White House Office).

Hearings were held by the subcommittee on April 28, May 15, 16 and June 27, 28, 1972 on S. 3148.

On February 8, 1973, Senator Bayh reintroduced the Juvenile Justice and Delinquency Prevention Act of 1973 as S. 821. (White House Office).

[22] Id., sec. 130(c).

Hearings were held by the subcommittee on February 22, March 26, 27 and June 26, 27, 1973 on S. 821.

On March 28, 1973, the House introduced S. 821 as H.R. 6265, which with modifications, became H.R. 15276.

On March 5, 1974, the subcommittee reported S. 821 to Judiciary (HEW Office) and on May 8, 1974, the judiciary reported S. 821 to the Senate (LEAA Office).

On July 1, 1974, H.R. 15276 passed the House by a 329 to 20 vote; on July 25, 1974, S. 821 passed the Senate by an 88 to 1 vote; subsequently a House-Senate Conference was held on the differences of the two passed bills and on August 19, 1974, the Senate passed the compromise version of S. 821 unanimously; on August 21, 1974 the House passed the same version unanimously; and the measure was sent to the President.

Signed into law on September 7, 1974 as Public Law 93-415.

Administered by the office of juvenile justice and delinquency prevention of the Department of Justice.

On September 24, 1975, the President nominated as Assistant Administrator of LEAA to administer the office of juvenile justice and delinquency prevention Mr. Milton Luger of New York. Hearings were held by the subcommittee on October 30 and the Senate confirmed the nomination on November 11, 1975.

Despite stiff Ford administration opposition, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, 1976, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and use $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction over fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral by approving a resolution offered by the chairman of the State, Justice, Commerce and Judiciary Appropriation Subcommittee. On July 14 the President signed a bill appropriating $75 million for fiscal year 1977, or half of the authorization. A bill amending the Omnibus Crime Control and Safe Streets Act which mandated the Law Enforcement Assistance Administration to spend 19.15 percent of their total funds in the area of juvenile delinquency prevention, or approximately $130 million for the 1977 fiscal year, was signed by the President on October 15, 1976.

Carter revised budget requests $75 million for Juvenile Justice Act.

On March 17, 1977, Senator Bayh introduced the juvenile justice amendments of 1977, S. 1021.

On April 1, 1977, Senator Bayh introduced, on request, the Carter administration 3-year extension bill as S. 1218.

On April 27, 1977, Senator Culver chaired subcommittee hearings on S. 1021 and S. 1218.

Summary of Runaway Youth Title History

On November 9, 1971, Senator Bayh introduced S. 2829, the Runaway Youth Act.

Hearings were held by the subcommittee to investigate juvenile delinquency on January 13, 14, 1972, on S. 2829.

On July 31, 1972, S. 2829 passed the Senate unanimously.

On January 31, 1973, Senator Bayh reintroduced the Runaway Youth Act as S. 645.

On June 8, 1973, S. 645 passed the Senate unanimously; was introduced in the House on July 16, 1973, as H.R. 9298 and was incorporated into H.R. 15276 and S. 821 sent to the President on August 21, 1974.

Signed into law on September 7, 1974, as title III of Public Law 93–415, the Juvenile Justice and Delinquency Prevention Act of 1974.

Administered by the Department of Health, Education, and Welfare, Office of Youth Development.

Public Law 93–415 authorizes $10 million for each fiscal year 1975, 1976, and 1977.

Labor-HEW appropriation bill, H.R. 8069, passed the Senate September 26, 1975. Reported out of House-Senate Conference on December 8, 1975, and sent to the President.

Five million dollars appropriated for fiscal year 1975, $7 million appropriated for fiscal year 1976, $1.2 million appropriated for the transmittal period (July 1–October 1).

Labor-HEW appropriations bill was vetoed by the President on December 19, 1975, veto overriden on January 27, 1976, by the House. ($8.2 million for July 1, 1976, to September 30, 1977.)

Nine million dollars appropriated for fiscal year 1977.

Ford budget deletes funding for Runaway Youth Act. Carter revised budget request, restores fiscal year 1977 level to fiscal year 1978.

Senator Bayh introduces S. 1021 extending the Runaway Youth Act for 5 years. No administration bill proposed.

IV. The Need for Federal Action To Help Prevent Juvenile Delinquency

A. Statement of the problem

The hearings and investigations of the committee have led to two important conclusions. The first is that the present system of juvenile justice is geared primarily to react to youthful offenders, rather than to prevent the offense before it occurs. Second, evidence indicates that the system often fails at its most crucial point—when a young person first gets into trouble. The juvenile justice system is frequently incapable of responding in a constructive manner.

Crime by young offenders increased alarmingly from 1960 to 1975. Violent crime by persons under 18 jumped 293 percent. Over the same period, property crimes such as burglary, larceny, and auto theft by youths under 18 increased 132 percent. Persons under 25 account for 59.5 percent of all crimes of violence and for 79 percent of all property crimes each year; those under 21 commit nearly 62 percent of all serious crime; and those under 18 commit 43 percent of all serious crime. Thus, young people remain proportionally the most important contributors to the crime problem.

Approximately 1 million juveniles enter the juvenile justice system each year. Although 50 percent are informally handled by juvenile court intake personnel, 40 percent are formally adjudicated and placed on probation or other supervisory release. Ten percent are incarcerated in juvenile institutions.

The cost of maintaining the juvenile justice system is enormous—over $1 billion a year. This cost is increasing at a rate of $50 million per year. By far, the most expensive and wasteful institutions are those in which juveniles are incarcerated on a long-term basis. The average annual cost per youth of $7,500 is 200 percent higher than the average cost of halfway houses or group homes ($2,500 per youth), and 1,400 percent above probation services ($500 per youth). Yet, it is in these larger institutions that most young people have been placed.

It is also clear that large institutions are where most damage is done. Recidivism among juveniles is far more severe than among adult offenders. While recidivism among adults has been estimated from 40 to 70 percent, recidivism among juveniles has been estimated at 74 to 85 percent.

Juvenile crime comprises only a part, although the most dramatic part, of all delinquency offenses. There is an entire range of juvenile status offenses which subject children to the juvenile court process. The most common of these status offenses include ungovernability (children "in need of supervision" or "out of control"), truancy, and running away. The distinguishing characteristic of these offenses is that if they were committed by an adult there would be no legal consequences. While the effect of status offenses on society is not as serious as criminal offenses, the child often suffers permanently damaging legal and emotional consequences.

On any given day, there are close to 8,000 juveniles held in jails in the United States. It is estimated that more than 100,000 youths spend 1 or more days each year in adult jails or police lockups. In addition, the average daily population held in juvenile detention facilities is over 12,000, with close to 500,000 youths being placed annually in such facilities. These young people are incarcerated prior to any conviction for a wrongful act and frequently have not been accused of a crime—except, perhaps, an offense such as running away. These offenses are only applicable to children because of their youthful status; 70 percent of young females in the juvenile system are there because they are status offenders.

These figures are indeed alarming and highlight the fact that the system previously devised to meet the problem has not only failed, but in many instances succeeds in making first offenders into hardened criminals. A juvenile justice system that resorts to incarceration masquerading as rehabilitation serves only to increase the already critical juvenile crime problem.

Traditional, time worn, antiquated and unimaginative approaches to the problem of crime and delinquency must be rigorously reexamined and restructured. There is not time to argue about solutions while the problems grow. The lives and potential of millions of juveniles are falling between the cracks of our juvenile "justice" system.

At least part of the unequal distribution of crime can be traced to the idleness of many children. The rate of unemployment among teenagers is at a record high. Among minority teenagers it is an incredible 50 percent. Teenagers are at the bottom rung of the employment ladder. Street crime has become a surrogate for employment for many, and vandalism a release from boredom.

In addition to the unemployment of teenagers, unemployment of parents not only deprives a family of income, but contributes to serious instability in households. This in turn has serious implications for the juvenile justice system. Defiance of parental authority (or lack of authority), truancy, and running away are increased substantially by economic difficulties and resulting weakness of the family structure.

While the decline of many of our major urban areas is also a factor in promoting juvenile criminality, this is not merely a city or regional problem. Teenage crime in rural areas has reached a scandalous level. It is difficult for any juvenile to avoid getting into trouble when there is no constructive alternative.

During the course of its work the subcommittee became increasingly concerned with reports from educators and others over the rising level of violence and vandalism in our Nation's public school system.

Because many of the underlying problems of delinquency, as well as their prevention and control, are intimately connected with the nature and quality of the school experience, it became apparent that, to the extent our schools were being subjected to an increasing trend of violence and vandalism, they would necessarily become a factor in the escalating rate of juvenile crime and delinquency. Since no effort to prevent delinquency could succeed by ignoring the tremendous impact such a development could have, in 1973 the chairman of the subcommittee, Senator Bayh, requested that staff expand on their earlier

nationwide investigation and begin an in-depth investigation to determine both the extent of these problems and possible programs to improve the situation.

The subcommittee subsequently conducted a nationwide survey of 757 school systems enrolling approximately one-half of the public elementary and secondary students in the country. In addition the subcommittee corresponded with numerous nationwide school security directors requesting their assistance in this effort. While the primary purpose of this initial survey was to gage the extent and trend of violence, vandalism, and related problems, it also produced a considerable number of recommendations concerning the prevention and deterrence of school crime. In April of 1975, the subcommittee released a preliminary report on the stage of our study which focused on the trends and extent of these problems: "Our Nation's Schools—A Report Card: 'A' in School Violence and Vandalism."

Following the release of the report, Senator Bayh introduced the Juvenile Delinquency in the Schools Act in the 94th Congress. The subcommittee additionally urged the Office of Juvenile Justice and Delinquency Prevention, under the authority provided to it by the school and education related sections of the Juvenile Justice Act, to explore ways in which the Federal Government might help reduce the growing problems of violence and vandalism. The subcommittee also initiated a series of meetings and correspondence with over 70 prominent educational, governmental, and private organizations that have a particular interest and expertise in the solution to these problems. In addition the subcommittee held a series of public hearings with over 30 witnesses including teachers, administrators, students, parents, counselors, school security directors, superintendents, and several educational research groups. In July of 1976, the subcommittee released two volumes developed over the course of the investigation.

These two documents, "Nature, Extent and Cost of School Violence and Vandalism" and "School Violence and Vandalism: Models and Strategies for Change," contain over 1,600 pages of testimony, and articles concerning the nature of violence and vandalism in our schools and the various programs that can be useful in reducing these problems.

In February of this year Senator Bayh announced the release of the subcommittee's final report and recommendations on the problems of school violence and vandalism. This report, "Challenge for America's Third Century: Education in a Safe Environment," is a synthesis of the various models and strategies that have been found useful in schools in preventing violence and vandalism. These strategies are educationally oriented approaches which are helpful in both reducing the scope of existing problems and preventing their growth before they become critical. The subcommittee is opposed to the view that schools must be turned into armed fortresses in order to provide a secure place in which to teach and learn. From the beginning it was the subcommittee's intention to seek out and develop programs that not only make good security sense but also make good educational sense.

The subcommittee's intensive investigation of these problems has found that, in a growing number of schools, acts of violence and vandalism have become serious and at times critical problems. While certainly not every school in the country is staggering under a crime wave, it is clear that in numbers of schools, in urban, suburban, and rural

settings, these problems have escalated to a degree which makes the already challenging job of education immensely more difficult to carry out. As the president of the American Federation of Teachers told the subcommittee, at its initial hearing on these problems:

> Many authorities on education have written books on the importance of producing an effective learning environment in the schools by introducing more effective methods of teaching. None of them, however, seem to understand the shocking fact that the learning environment in thousands upon thousands of schools is filled with violence and danger. Violent crime has entered the schoolhouse, and the teachers and students are learning some bitter lessons.[1]

The president of the National Education Association at the time of the subcommittee's first hearing on this topic expressed the concern of his organization by noting that:

> Incidents of physical assault have increased dramatically; vandalism and destruction of property are even more awesome; and many schools are required to tax already strained resources to meet exorbitant costs of school insurance.[2]

In addition to the membership of these two nationwide teacher organizations, many principals who bear the responsibility for the daily operation of our schools have viewed this trend with growing concern. The executive secretary of the National Association of Secondary School Principals, told the subcommittee:

> Ten years ago, in the secondary schools of this Nation, violence and vandalism were remote problems. Occasionally we would have a so-called "blackboard jungle school," but this was quite unique. This is no longer the case.[3]

Each year the NASSP conducts a nationwide poll of its 35,000 members to determine the educational issues of greatest concern to them. In the 1975 poll one of the primary concerns identified by the principals was the growing problems of school violence and vandalism.

In September of 1975 the board of managers of the 7 million member National Congress of Parents and Teachers voted to make the issues of violence and vandalism a priority item for their attention in this current year.

A survey of State legislatures conducted at the close of the 1975 school year found that more than 15 of these bodies were considering major legislation to deal more effectively with school related crime and vandalism. A number of other States had already enacted such legislation.

At the Judiciary Committee hearings, conducted on the nomination of then Judge Griffin Bell to be Attorney General, Senator Bayh questioned the Attorney General on his perception of the problems of school violence and vandalism and his intentions concerning them,

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[1] Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary, U.S. Senate, hearings of Apr. 16 and June 17, 1975, "School Violence and Vandalism: The Nature, Extent, and Cost of Violence and Vandalism in Our Nation's Schools" (hereinafter cited as hearings), p. 5.

[2] Hearings, p. 17.

[3] Hearings, p. 35.

Senator BAYH. Our committee has given special attention to the problems of vandalism and violence in our public schools where hundreds of millions of dollars are wasted needlessly that could be better used in positive educational programs. The present Office of Juvenile Justice is in the process of commencing in conjunction with the Office of Education a special pilot program involving some 80 communities. There will be a joint effort between school officials, teachers, parents, students, law enforcement officials and community leaders to try to concentrate on this area.

* * * * *

I shall just like to get your opinion as to whether this kind of program shall be pursued * * *

Judge BELL. That is the most critical problem there is in public education. Wherever you will go, you will find that this is a problem. It is not only in violence; it is also other forms of disorder. It is impeding education. All schoolteachers and school administrators will say this. It is a problem that has to be dealt with. It has to be brought under control. I do not know if anybody, any citizen, who is not in favor of doing this. It is like so many other things—nobody is doing anything about it. We are going to get started.

Senator BAYH. You would be willing to proceed to see if you can find an answer?

Judge BELL. Yes. I would want to look for an answer. This is something I would be pledged to do. I have made speeches on this subject to school groups. It is a serious problem in America.[4]

The costs of vandalism pose a staggering expense to educational budgets already under considerable pressure. Los Angeles City schools spent over $7 million on vandalism prevention and control in 1974–5; Chicago's cost was close to $10 million. On a nationwide basis the National Association of School Security Directors estimates that vandalism drains some $590 million from educational efforts in the United States.

The committee recognizes that there can be no purely "Federal" solution to the problems of school violence and vandalism. However it also recognizes that there are steps the Federal Government can take to help such as cooperative efforts between the Office of Juvenile Justice and Delinquency Prevention and the Office of Education. At the encouragement of the Subcommittee a School Violence Resource Center is under way within the Office of Juvenile Justice and Delinquency Prevention. The Center will conduct, with the cooperation of the Department of Health, Education, and Welfare, a variety of information gathering and technical assistance functions. It would, for example, gather information concerning programs and strategies that have been successful in preventing violence, vandalism, or the development of patterns of delinquency and make such information known to local or State education agencies and professional educational organizations. The Center will also conduct short-term training sessions and seminars

[4] Hearings before the Committee on the Judiciary, U.S. Senate, on the nomination of Griffin Bell to be Attorney General, Wednesday, Jan. 12, 1977, p. 99.

upon the request of such groups on the most efficient and cost effective methods of implementing these programs.

The committee notes the responsiveness of the office to its concerns in this area. This receptive attitude and response will be further augmented this year by providing that persons with special experience regarding school violence and vandalism, including for example, representatives of professional educational organizations, school security directors, administrators of State and local educational agencies, involved parents, and students, may be appointed to the National Advisory Committee for Juvenile Justice and Delinquency Prevention and the State advisory groups by the President and the chief executive of the States respectively.

Additionally, the committee has reaffirmed the importance of the school and education section of the special emphasis program and will expand these provisions to specifically encourage the development of new approaches and techniques with respect to the prevention of school violence and vandalism.

There are indications that programs grounded in community school concepts may also help to reduced violence by providing schools with a more positive and active role in community affairs and the solution of student problems. The integration of a variety of social and recreational services within the school allows the school to become involved in a wider spectrum of community activity and also encourages more extensive parental and student involvement.

One program which incorporates many of the concepts of community education is the Tech 300 program originally begun at Arsenal Tech High School in Indianapolis, but since extended to several other schools in that and other cities. The essence of Tech 300 is a coordinated management approach to the delivery of a variety of services to young people. Tech 300 integrates the educational program traditionally provided by schools with many social services that otherwise would be scattered throughout the city and the local governmental structure. Drug abuse education, health counseling, probation and a variety of other programs are all made available to students at the same location and through a coordinated structure. The result is an educational center that is more responsive to the student's needs and more effective at meeting them.

The Tech 300 model has its own educational unit separated from the remainder of the student body at the high school. There is an enrollment of approximately 300 students as well as 12 teachers and 32 supporting staff. A preliminary evaluation of the approaches used by the Tech 300 program has found that participating students had improved both their academic and attendance records and had a more positive feeling for the school they were attending.

The committee believes that an approach that concentrates on producing productive citizens is essential. This makes good sense not only from a humanitarian point of view, but from an economic point of view as well. Alternatives must be developed which attend to the needs of juveniles while neither ignoring their problems not overreacting to them.

Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration of youthful offenders should be reserved for those youth, usually a few violent

offenders, who cannot be handled by other alternatives. Too often in the past, the juvenile justice system has failed to differentiate between serious criminal and minor delinquent or nondelinquent conduct. Many youngsters have been wrongly introduced to penal schools, while others have been permitted to remain free to terrorize our citizens. Once overloaded as the result of such indiscriminate policies, the system is doomed to failure.

This situation demands development of a comprehensive and coordinated focus on the issues surrounding juvenile delinquency prevention and control and improvement of juvenile justice. The Federal Government can and should play a vital leadership role in this area. Assistance should be provided—

To agencies and professions charged with responsibility for developing the potential of young people, thereby reducing the chance of their involvement in the criminal justice system;

To police, courts, and corrections agencies, as well as community organizations, to help control and reduce juvenile crime, to improve the quality of juvenile justice, and to deal effectively and humanely with juvenile offenders;

To State and local mechanisms designed to channel juveniles away from and out of the traditional system into problem-solving alternative.

While most children develop into productive members of society, and while many may not come into contact with the criminal justice system, delivery of social services must be upgraded for all appropriate children. Poverty, illiteracy, unemployment, medical deficiences, and recreational inadequacies can also be seen as factors in possible future delinquency. Systems must be designed and developed which will help all children and youth achieve their full potential and avoid their involvement in the criminal justice system.

It is also well documented that youths whose behavior is noncriminal have occupied an inordinate degree of the attention and resources of the juvenile justice system. Juvenile status offenders are inappropriate clients for form police, courts, and corrections processing. Problematic and troublesome juveniles who are not criminals should be channeled to agencies and professions which deal with the substantive human and social issues involved.

Development of these alternatives will have the further benefit of avoiding children as "delinquent" or "potentially delinquent." Such labels only serve to become self-fulfilling prophecies. Traditional juvenile justice agencies react to such labels with low tolerance if there is any further deviance, with the result that the juveniles are driven into further involvement with the system.

Diverting appropriate juveniles into the social service delivery network has the additional advantage of permitting more attention to be given to those young people who actually need some type of formal processing. Several areas where improvement in the system is needed are obvious. First, the fragmentation and localization in institutional response to delinquency can be decreased. Second, the ineffectiveness of traditional institutionalization in dealing with offenders, needs no further assessment. Third, the development of alternatives to institutionalization of juvenile offenders must be

accelerated, and a greater emphasis placed on community-based and other nonsecure responses. Finally, the agencies and institutions of the juvenile justice system must be made accountable—to the victim, to the offender, and to the community.

Substantial improvements in juvenile justice policies and practices are essential. The Federal Government should use its resources to assist State and local governments and public and private organizations fill critical gaps in the present response. The 1974 act was a meaningful beginning.

B. Coordination of Federal programs

For nearly three-quarters of a century, the Federal Government has been spending money to prevent juvenile delinquency and rehabilitate delinquents. But the overall Federal effort has remained fragmented. The relationships between such programs as "prevention," "enforcement," and 'treatment" have not been clearly drawn or defined. Several expensive and duplicative catalogs listing Federal programs related to juvenile delinquency have been issued in recent years. However, merely cataloging such programs does nothing to assure their coordination or unify the policies under which they operate.

The Office of Juvenile Justice has identified 117 individual Federal programs "related to juvenile justice and delinquency prevention." The amount of funds expended for these programs is difficult to assess. Huge discrepancy exists for primarily two reasons. There is uncertainty because of reporting difficulties. For many programs, only a portion of the projects have a direct relationship to delinquency. When project-by-project data are not available, distorted estimates result from aggregation of expenditure totals.

There is a crucial need to operate all of these programs so that they coincide with uniform priorities for the Federal delinquency program. Priorities need to be developed in many areas. These include functional priorities for services, intervention priorities in the preadjudication, adjudication, and postadjudication phases, corrections priorities regarding residential or nonresidential facilities, corrections priorities regarding community-based facilities, research and planning priorities, and State and local priorities for the use of Federal funds. Of special concern for immediate attention are priorities regarding the nonsecure placement of dependent, neglected, and delinquency children and youth consistent with the mandates of sections 223(a)(12) and (13) of the 1974 act. This is a complex area where increased activity by high-level officials is imperative.

C. Restrictions on the program under the Ford administration

The Ford administration responded to the clear mandate of the Juvenile Justice and Delinquency Prevention Act of 1974 with little more than indifference. When the President signed the act on September 7, 1974, he did so reluctantly, and indicated that no appropriation would be requested to implement the program. To carry out its purposes, the act authorized appropriations of $75 million for fiscal year 1975, $125 million for fiscal year 1976, and $150 million for fiscal year 1977.

The Office of Management and Budget resisted all suggestions by LEAA and the Department of Justice to include funding for the act

in the 1975 and 1976 budgets. Despite stiff opposition from the administration, $25 million was obtained at congressional initiative in the fiscal year 1975 supplemental appropriation bill. For fiscal year 1976, Congress added $40 million for the program to the budget, despite the administration's request for zero funding.

In January 1976, President Ford proposed to defer $15 million from fiscal year 1976 to 1977, and requested only $10 million of the $150 million authorized by the act for that year. If this proposal had been accepted, the program would have been funded at only $25 million per year for 3 years, rather than the $350 million sum that was authorized.

On March 4, 1976, the House of Representatives, on a voice vote, rejected the deferral of funds. Subsequently, $75 million was added to the budget for the program for fiscal year 1977. It is of note that the $10 million administration request for that year was not only far below the actual authorizatiton included in the act, but was only one-fourth of the sum LEAA had requested from the administration to continue the program at its 1976 level. No serious consideration was apparently given to this request, despite the fact that adoption of the administration's proposal would have effectively killed the program by forcing drastic cutbacks in ongoing operations.

While Congress obtained nearly 50 percent of the funding authorized for the program, the administration continued its efforts to prevent implementation. While the administration cited the maintenance of effort provision as a reason no addititonal funds were needed, when a reauthorization bill was proposed for LEAA, it included a repeal of this very provision. As noted previously, the Congress was not persuaded by the administration to take this course.

Other activities of the Ford administration also demonstrated its opposition to implement the 1974 act. LEAA requested authority to use previously appropriated funds to begin implementing the act shortly after it was enacted. The Senate and House Appropriations Committees endorsed this reprograming request. After tentatively approving use of funds in such a manner, the Office of Management and Budget reversed its decision. Congress had to statutorily enforce the original agreement.

The act required clearly that the National Advisory Committee for Juvenile Justice and Delinquency Prevention be established by early December 1974. Yet, the appointments were delayed by the President until March 1975. There was also a delay in starting the coordination central to the act. The Coordinating Council did not meet until more than 8 months after the President signed the measure. Another important appointment—the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention—was not made for a year. The Senate finally was able to confirm Milton L. Luger of New York for this position on November 11, 1975. Thus, resistance to implementation was manifested in a variety of ways.

The committee notes approvingly the commitment to this underimplemented program expressed by the Carter administration. In the fiscal year 1978 budget recommendation of the Ford administration, only $30 million was requested to implement the act, despite urging by LEAA to include a significantly higher amount. The revised budget submitted by the Carter administration increased the budget request

for the act by $45 million, to a total of $75 million, consistent with the amount Congress had appropriated for the program for fiscal year 1977. The President has publicly indicated his desire to have a greater share of LEAA and other Federal funds earmarked for juvenile justice and delinquency prevention.

Similarly, Attorney General Griffin Bell made a strong commitment to giving priority to juvenile programs and to the full implementation of the Juvenile Justice and Delinquency Prevention Act during the committee's hearings on his nomination. At that time, the Attorney General indicated that he would give prior attention to juvenile justice and juvenile crime prevention, and the full implementation of the 1974 act.

D. Accomplishments under the 1974 act

The Law Enforcement Assistance Administration, through the Office of Juvenile Justice and Delinquency Prevention has attempted to build an effective program within the framework provided by the 1974 act, despite opposition from the former administration. The committee has received evidence that with the help of a small but dedicated and competent staff, the Office of Juvenile Justice and Delinquency Prevention has made relatively good use of its limited resources. It has been shown that the program can have a significant impact on certain aspects of delinquency prevention and improving the juvenile justice system.

The functions of the Office are divided among four closely interrelated divisions. Functional areas are the State formula grant programs and technical assistance, special emphasis prevention and treatment programs, the National Institute for Juvenile Justice and Delinquency Prevention, and Concentration of Federal Effort.

Formula grants and technical assistance

One aspect of the act most crucial to success of the program is the provision of formula grants to support State and local projects. Each participating State is entitled to an annual allocation of funds according to its relative population of people under age 18. Funds are awarded upon approval of a plan submitted by each State which meets the requirements of the act.

Of the 56 eligible jurisdictions 46 are participating in the program—$77 million in formula grants was awarded in the first 3 years of the program—$9.25 million in fiscal year 1975, $24.5 million in fiscal year 1976, and $43.3 million in fiscal year 1977. The committee is concerned about the fact that formula funds have not been expended as quickly as desirable, and that there has been delay in getting this money to where it is most desperately needed.

Testimony has been received from LEAA that this situation is being rectified, and the committee understands that some of the delay has resulted from the nature of the new program and requirements which must be met by participating jurisdictions. While the committee bill will correct some of the problems which have delayed use of funds, it is expected that the Office will take any necessary administrative action to alleviate this situation. Activities in this regard will be closely monitored by the committee.

As required by the act, at least two-thirds of each State's formula grant funds are being expended through local programs. Not less than

75 percent of available funds are used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correction facilities.

Sections 223(a) (12), (13), and (14) are central to the act. These deal with deinstitutionalization of status offenders, separation of juvenile and adult offenders and monitoring of facilities. The committee bill contains provisons whch will hopefully encourage fuller implementation of these provisions and participation in the program by additional States. The commitment of the new administration to continue the program at an adequate funding level will also be an important consideration in fulfilling these important mandates.

From the Office reports and other information, the committee is aware of difficulties being experienced in assuring that States meet the monitoring requirements of section 223(a)(14). The content of the monitoring reports submitted by the States on December 31, 1976, was disappointing. Most States did not present adequate hard data to indicate the extent of their progress with the deinstitutionalization and separation requirements.

The committee expects the Office to take action to improve this situation. Data submitted on December 31, 1978, will be used to determine whether States will continue to be eligible for funding under the formula grant program. State plans being submitted in order to receive fiscal year 1978 funds should indicate how accurate and complete data will be provided. Any necessary new guidance and definitions should be quickly developed by the Office, and technical assistance should be provided to those States having difficulty providing required monitoring information.

Technical asistance is used by the Office of Juvenile Justice and Delinquency Prevention to supplement State and local efforts and national initiatives. Help is given in planning, implementation, and evaluation of projects, as well as in adequately assessing needs and resources. While the committee is aware of the technical assistance plan prepared to support the function of the Office, and of its active stance, it is noted that the development of internal capacity generally could facilitate the role contemplated for the Office. Additionally, it is imperative that all personnel should be kept informed of developments in implementing the program and the latest techniques which could be used to improve the program.

Special emphasis prevention and treatment programs

An important element of the act is the discretionary fund which is to be used by the Office for special emphasis prevention and treatment programs. Funds are used for implementing and testing programs in five generic areas: Prevention of juvenile delinquency; diversion of juveniles from traditional juvenile justice system processing; development and maintenance of community-based alternatives to traditional forms of institutionalization; reduction and control of juvenile crime and delinquency; and, improvement of the juvenile justice system. In each area, the committee thinks it most important to use program approaches which will strengthen the capacity of public and private youth-serving agencies.

Four special emphasis initiatives have been announced by the Office. The first, announced in March 1975, involved programs for the deinstitutionalization of status offenders. Grants totaling nearly $12 million were awarded for programs to provide community-based services to status offenders over 2 years. Nearly 24,000 juveniles in 5 State and 6 county programs will be affected.

A second special emphasis program was developed to divert juveniles from the criminal justice system through better coordination of existing youth services and use of community-based programs. The program is aimed at youth who would normally be adjudicated delinquent and who are at greatest risk of further juvenile justice system peneration—11 grants, totaling over $8.5 million, were awarded for 2-year projects. The committee feels it important that this initiative sought coordination with other available Federal resources.

The Office has transferred $3.2 million to the U.S. Office of Education to fund programs designed to reduce crime and violence in public schools. The Teacher Corps received $2 million of this for 10 demonstration programs in low-income areas limited specifically at use of teacher skills to help students plan and implement workable programs to improve the school environment and reduce crime. The Office of Drug Abuse Prevention received funds to train and provide assistance to 66 teams of 7 individuals to initiate local programs to reduce and control violence in public schools. The Office has also informed the committee that it will award a $600,000 grant later this year for a school crime resource center.

The Office has also announced a program to prevent delinquency through strengthening the capacity of private nonprofit agencies serving youth. It is expected that 14 to 18 grants totaling $7.5 million will be awarded. A number of other special emphasis grants have been brought to the attention of the committee. The Office has indicated tentative plans for future initiatives dealing with serious juvenile offenders, youth gangs, neighborhood prevention, restitution, youth advocacy, alternative education, probation, standards, and alternatives to incarceration. While the committee acknowledges that all of these areas are important and may deserve extensive attention in the future, the Office should be cautious not to deviate too quickly from using its limited resources to support those related to the primary focuses of the 1974 act, namely, alternatives to incarceration, youth advocacy, and restitution. Once the priority mandates have been fulfilled, then the Office should certainly explore the possibility of initiatives in other areas. Care must be taken, however, that the available resources not be diluted through programs in tangential areas at this early period of the act's implementation. A targeted focus relative to the act's primary thrust with fewer initiatives each year would serve to clearly state the priorities of the Office. The implementation of standards would, of course, be one vehicle to achieve these goals.

National Institute for Juvenile Justice and Delinquency Prevention

The activities of the National Institute for Juvenile Justice and Delinquency Prevention are closely tied to the funding programs of the Office. The committee feels that the Office's effort to tie its action programs to research and to evaluation criteria in advance of awards being made is commendable, and in sharp contrast to earlier LEAA

research efforts, and should provide a valuable example to other Federal programs. Prior to announcement of any special emphasis program, the Institute provides as assessment of the state-of-the-art in the topic area and develops a concise background paper.

The four major functions of the Institute are information collection and dissemination, research and evaluation, development and review of standards, and training. As an information center, the Institute collects, synthesizes, publishes, and disseminates data and knowledge concerning all aspects of delinquency. A long-range goal is development of a comprehensive automated information system that will gather data on the flow of juvenile offenders throughout the juvenile justice systems of selected jurisdictions. A reporting system regarding juvenile court handling of offenders has already been sponsored.

The broad range of research and evaluation studies sponsored by the Institute will hopefully add to the base of knowledge about the nature of delinquency and success in preventing, treating, and controlling it. In the area of evaluation, the Institute concentrates on maximizing what may be learned from the action programs funded by the Office, on bolstering State ability to evaluate their own juvenile programs, and on taking advantage of unique program experiments that warrant a nationally sponsored evaluation.

Institute staff are engaged in reviewing the recommendations of the Advisory Committee on Standards, a subcommittee of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. Possible action programs implementing the standards are being studied.

Training is a major link in the process of disseminating current information developed from research, evaluation, and assessment activities. National training institutes acquaint key policy and decision-makers with recent and future trends in the field of delinquency prevention and control. Training institutes are also held in local areas to help officials concentrate their youth service efforts and expand program capacities in their communities. Though the effort to date in the area of training has been extremely modest, the committee notes that training for the private and nonprofit sectors, such as those involved in cost-effective collaborative efforts, citizen participation, or law-related education would substantially improve the credibility of this aspect of the program.

Concentration of Federal efforts

Under the terms of the 1974 act, LEAA is assigned responsibility for implementing overall policy and developing objectives and priorities for all Federal juvenile delinquency programs. The Coordinating Council on Juvenile Justice and Delinquency Prevention and the National Advisory Committee for Juvenile Justice and Delinquency Prevention were established by the act to assist in this coordination.

The Coordinating Council, while getting off to a slow start, has met eight times. Meetings have focused on goals and priorities, policy options, and the development of a Federal research agenda. The Council's first "comprehensive plan" describes preliminary steps necessary by member agencies. However, no large scale program and fiscal coordination has been attempted. The second "analysis and evaluation" of Federal programs included criteria for identifying and classifying Federal juvenile programs.

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While integrated funding and programmatic approaches have been initiated among Federal agencies in selected projects, the overall policy guidance hoped for as a result of the 1974 act has not resulted. There are few enforceable policy guidelines to bind Federal program activities. Deinstitutionalization, for example, is clearly a priority of the 1974 act. This priority has mainly been applied, however, to LEAA programs. The Office can exert and help persuade other agencies to eliminate practices which promote or sustain inappropriate incarceration of children or youth. In conjunction with new leadership and direction at the Council, the committee expects that the programmatic policy coordination, which has eluded Federal efforts for so long, will be achieved.

The national advisory committee also got off to a slow start because of delay in making the original appointments. It has met, however, on a number of occasions and completed some very valuable work. The advisory committee along with its subcommittee on standards for the Administration of Juvenile Justice, has been particularly active and has submitted two reports on its activities and findings to Congress and the President. The advisory committee, in response to a request from Senator Bayh, made a number of suggestions for changes in the Juvenile Justice and Delinquency Prevention Act.[1]

The committee believes that the national advisory committee can and will continue to provide valuable assistance to the Office in its implementation of the act. Several amendments are included in the committee bill which will enhance the national advisory committee's leadership role and provide greater opportunity for meaningful contribution to the program.

[1] S. 1021 incorporated the bulk of these recommendations, particularly those related to the authority of the Office.

V. Legislation Considered by the Committee

A. Ford Administration Proposal

On May 14, 1976, former Attorney General Levi transmitted to Congress a proposal which would extend the Juvenile Justice and Delinquency Prevention Act of 1974 for 1 year, with an authorization of appropriation of $50 million for fiscal year 1978.

The proposal prohibited the use of in-kind matching funds and added an assumption-of-cost provision to the act. The maintenance of effort provisions of the act, applicable to LEAA Crime Control Act funds expended for juvenile programs in 1972, were deleted. Additional changes were made in the 1974 act regarding the Coordinating Council, the formula grant program, the special emphasis program, and administrative provisions.

The Subcommittee to Investigate Juvenile Delinquency of the Committee considered the proposal during a hearing held on May 20, 1976.[1] However, the measure was not introduced in either House of Congress and received no further consideration.

B. Carter Administration Proposal—S. 1218

On April 1, 1977, Attorney General Bell transmitted to Congress a proposal which would extend the program for an additional 3 years, with an authorization of appropriation of $75 million for fiscal year 1978, and such sums as necessary authorized to be appropriated for fiscal years 1979 and 1980. Senator Bayh introduced S. 1218, on request, April 1, 1977.

Several amendments were included in the proposal which would strengthen the coordination of Federal efforts. The Coordinating Council would be authorized to assist in the preparation of LEAA annual reports on the analysis, evaluation, and planning of Federal juvenile delinquency programs. LEAA runaway programs would be coordinated with the Department of Health, Education, and Welfare's programs under the Runaway Youth Act.

To insure that each State planning agency received the benefit of input of the advisory groups established pursuant to the act, the bill would amend title I of the Crime Control Act to provide that the chairman and at least two other members of each State's advisory group would have to be appointed to the State planning agency supervisory board.

The Administrator of LEAA would be granted authority to continue funding to those States which had achieved substantial compliance with the deinstitutionalization requirement within the 2-year

[1] See "Ford Administration Stifles Juvenile Justice Program, Part II—1976," hearings before the Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate.

statutory period and had evidenced an unequivocal commitment to achieving the objective within a reasonable time.

The use of inkind match would be prohibited. However, private nonprofit organizations would be authorized to receive up to 100 percent of the approved cost of any program or activity receiving support. In addition, the Administrator would be authorized to waive the cash match requirement, in whole or in part, for public agencies if a good faith effort had been made to obtain cash and such funds were unavailable.

Special emphasis school programs would be required to be coordinated with the U.S. Office of Education. A new category of youth advocacy programs would be added to the listing of special emphasis programs in order to focus upon this means of bringing improvements to the juvenile justice system.

The Administrator would be able to permit up to 100 percent of a State's formula grant funds to be utilized as match for other Federal juvenile delinquency program grants. Match could be waived for Indian tribes and other aboriginal groups where match funds were not available and State liability could be waived where a State did not have jurisdiction to enforce grant agreements with Indian tribes.

The proposal would incorporate a number of administrative provisions of the Crime Control Act as applicable to the Juvenile Justice and Delinquency Prevention Act, permitting the two measures to be administered in a parallel fashion. Incorporated provisions would include formalized rulemaking authority, hearing and appeal procedures, civil rights compliance, recordkeeping requirements, and restrictions on the disclosure of research and statistical information.

C. S. 1021 AS PROPOSED BY SENATOR BIRCH BAYH

Senator Bayh introduced S. 1021 on March 17, 1977. As introduced, the bill would have authorized a 5-year extension of the Juvenile Justice and Delinquency Prevention Act, through fiscal year 1982. Authorized appropriations would be $150 million for fiscal year 1978, $175 million for fiscal year 1979, $200 million for fiscal year 1980, $225 million for fiscal year 1981, and $250 million for fiscal year 1982.

New powers, previously reserved to the Administrator of LEAA, would be given to the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention. The Office and its head would be delegated all the administrative, managerial, operational, and policy responsibilities relative to all LEAA delinquency programs. The importance of the Assistant Administrator would be emphasized by the position being upgraded to level IV of the executive schedule.

Unnecessary reporting requirements would be repealed, others combined, and all reports would have to be concise. The national advisory committee membership would be revised, as would State advisory groups. Both the advisory committee and these State groups would be able to receive funds and make grants, and become more involved in the operational aspects of the program. The national advisory committee would assist State advisory groups and other citizen groups to become more involved with the juvenile justice system.

The bill would provide a waiver of match for nonprofit groups. Advanced techniques under the formula grant program would include

programs designed to assure that youths and their families would be provided necessary services.

The requirement that status offenders be deinstitutionalized within 2 years would be clarified with regard to the permissive, rather than mandatory placement of such offenders and nonoffenders in shelter facilities. State eligibility for formula funds would be terminated only if compliance with the deinstitutionalization requirement is not forthcoming within a reasonable time, and funding for an additional 3 years would be possible for those States which have achieved substantial compliance. As introduced, S. 1021 stated a preference for use of unused formula grant funds for special emphasis grants in the same State.

Special emphasis school programs would be more closely coordinated with the Office of Education. New categories of youth advocacy, due process and programs to encourage the development of neighborhood courts were emphasized. Up to 100 percent of a State's formula grant funds could be utilized for match for other Federal juvenile delinquency program grants. Authority would further be provided to waive match for Indian tribes and other aboriginal groups where match funds are not available and to waive State liability where a State lacks jurisdiction to enforce grant agreements with Indian tribes.

The authority of the National Institute for Juvenile Justice and Delinquency Prevention would be clarified to provide for the preparation of studies in several areas. The importance of the development of adoptable juvenile justice standards would also be emphasized.

The program authorized by the Runaway Youth Act, title III of the Juvenile Justice and Delinquency Prevention Act would also be extended and the maximum size of grants increased. Closer coordination would be provided with the Office of Juvenile Justice and Delinquency Prevention. Programmatic focus on homeless, abused, and neglected youths would be clarified, and the need for short-term training and funding of local programs would be emphasized.

VI. Explanation of Committee Amendment

Office of Juvenile Justice and Delinquency Prevention

The committee has carefully reviewed the role of the Office of Juvenile Justice and Delinquency Prevention and its executive head, the Assistant Administrator. The Congress fully intended in 1974 that the Administration administer the Juvenile Justice and Delinquency Prevention Act program through the new Office and that the assistant Administrator be delegated full authority to carry out the act's mandates.

The oversight hearings, held by the Subcommittee To Investigate Juvenile Delinquency on the implementation of the 1974 act in 1975 and 1976 established that the Administrator failed to delegate sufficient authority for the Assistant Administrator to fully implement the program. This situation was aggravated by the Ford administration's refusal to support the program through adequate appropriations, staffing, and other evidence of commitment to the program's objectives. While the Office did a relatively effective job of getting the new program off the ground under difficult circumstances, it is the committee's view that the mandated support of the Office's administration of the program by the Administration, as well as the Department of Justice, would greatly enhance the future ability of the Office to implement the program as intended by Congress.

The committee does not believe it is appropriate to legislate in excessive detail the management relationships and the authority and responsibility of the Juvenile Justice Office which must implement the program. Therefore, the amendments proposed by the committee have been carefully drawn to clarify management responsibilities and yet retain flexibility to manage programs in the most efficient manner.

As reported by the committee, S. 1021 would clarify the role of the Office and the relationship between the Assistant Administrator and the Administrator. The bill clarifies and reaffirms that the provisions of the act are to be administered through the Office.

The committee believes that section 527 of the Omnibus Crime Control and Safe Streets Act,[1] combined with an amendment to section 201, provides a viable framework within which all Administration juvenile justice and delinquency prevention funds can be properly administered. Section 527 requires that:

> All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

[1] See sec. 545 of the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 201(a) reaffirms that the provisions of the act are to be administered through the Office. The committee fully expects that the new Administration, consistent with Attorney General Griffin Bell's confirmation testimony, will promulgate policies to fully implement these important provisions of the law.

Consistent with the Ford administration opposition to its passage and funding of the program the LEAA Administrator did not delegate the authority necessary for the Assistant Administrator to fully implement the program. Additionally, this situation was exacerbated by the designation of the Office head as Assistant Administrator. Other Assistant Administrators within LEAA have less authority and are subjected to more levels of review than the Congress had contemplated for the head of the Office responsible for all the delinquency programs. It was for this reason that the rank of Assistant Administrator was combined with the status of a Presidential appointment and senatorial approval in order to underscore the importance of the Office and to provide the appropriate status and identity required for the national focus on delinquency prevention and the authority and necessary clout to carry out the act's mandates, unfettered by intermediate review or ratification. The bill ameliorates these problems, most of which would not have developed had the administration supported the full implementation contemplated by Congress and now supported by the Carter administration.

As reported by the committee, S. 1021 elevates the head of the Office of Juvenile Justice and Delinquency Prevention from the general schedule to the executive schedule, level V. This gives recognition to the importance of the position and its status as Presidentially appointed, by and with the advice and consent of the Senate. The committee notes, however, that the level of compensation is not altered by ths change. The title of the position is changed from Assistant Administrator to "Associate Administrator" to emphasize the rank of the Office head within the administration structure and the important programmatic responsibility of the Office head. The titles of the two Deputy Assistant Administrators of the Office are changed to "Deputy Associate Administrator." While the committee did not provide a third deputy, as originally proposed by S. 1021, the committee did not intend thereby to diminish the importance of the concentration of Federal effort function. However, given the number of current permanent employees in the office (41), the committee found that a third deputy position could not be justified at this time. In this regard, the committee notes that the Office is severely understaffed and expects that additional personnel will be allocated to assure that the program can be effectively and fully implemented.

The authority of the Associate Administrator is clarified by the addition in section 201(d) of a provision specifying that part B and part C programs are to be administered by the Associate Administrator subject to delegation and direction by the Administrator. Authority that may be delegated includes the authority to award and administer grant funds. Further, authority to administer part A programs and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968 may be delegated by the Administrator to the Associate Administrator. The Associate Administrator is given a statutory role

in concentration of Federal efforts activities under section 204 and an advisory role in joint funding proposals under section 205. Amendments to sections 208 (b) and (c) provide that the national advisory committee directly advise the Associate Administrator, rather than the Administrator, on Office functions. Amendments to sections 223(a) (14), (20), and (21) vest a direct role in the Associate Administrator for State plan requirements related to monitoring, analysis and evaluation of programs and activities, and formulation of additional terms and conditions of the State plan. Finally, amendments to sections 243(4), 246, 249, 250, and 251 provide a more direct role for the Associate Administrator in Juvenile Justice Institute evaluation, reporting, and training activities.

Furthermore, regarding important aspects of the 1974 act the Office and its Assistant Administrator, who is one of four LEAA officials appointed by the President with the advice and consent of this body, were relegated only marginal or indirect responsibilities. These areas include the responsibility relative to the membership of State planning agencies boards and the regional units; the expenditures under the maintenance of effort provisions; the compliance with section 223(a) (12), (13), and (14); the allocation of funds redirected to special emphasis; and the eligibility for continuous funding under section 228(a). The committee contemplates a direct role for the Office in these matters and encourages a closer liaison with regional management and staff so as to avoid any conflict with the important mandate of section 527. Additionally, it is expected that the Office will exercise a predominate role in exercising its 527 responsibilities on the Grant Contract Review Board.

CONCENTRATION OF FEDERAL EFFORT

General

The activities encompassed by the concentration of Federal efforts provisions of the act are pivotal to the overall success of the other programs established by the act. Testimony received by the subcommittee in hearings has indicated limited progress in this effort. The annual Federal reports submitted under sections 204(b) (5) and (6) have laid the groundwork for future coordination of Federal juvenile delinquency programs. The committee has made several amendments designed to improve upon this activity, including the consolidation of the two annual Federal reports (analysis and evaluation, annual plan) into a single concise document that will focus more directly on Federal delinquency dollars.

Coordinating Council

The Federal Coordinating Council on Juvenile Justice and Delinquency Prevention is mandated by the bill to assist in the preparation of the consolidated annual Federal report. The Council is further strengthened by the addition of two new statutory members, the Commissioner of the Office of Education and the Director of ACTION. In addition, due to a change in agency structure, the Director of the Special Action Office for Drug Abuse Prevention is replaced on the Council by the Director of the Office of Drug Abuse Policy. Additional authority has been given to the Coordinating Council to review the programs and practices of Federal agencies and report on the degree

to which funds are used for purposes consistent with the act's mandates for deinstitutionalization of status offenders and separation of juvenile offenders and adults in institutions. These mandates are among the cornerstones of the act and reflect the commitment of the committee to such priorities. It is important to know whether the Federal Government is engaging in practices or providing funds for any programs or activities that are inconsistent with this commitment.

Subcommittee hearings have further demonstrated that the Coordinating Council's ability to carry out its duties has been hampered by both lack of adequate staff and lack of participation in the Council's activities by individuals exercising significant decisionmaking authority within their respective agencies as required by secton 206(a)(2). Therefore, the committee has included in the bill an amendment designed to assure staff support consistent with the needs of the Council. The minimum number of annual meetings has been reduced from six to four with the expectation that extensive staff work can be accomplished between meetings and that a lesser number of required meetings will encourage greater participation by executive level officials from the member agencies.

National Advisory Committee

A number of amendments to the functions and duties of the National Advisory Committee for Juvenile Justice and Delinquency Prevention were considered by the committee. As reported, S. 1021 affirms that the proper role of the Advisory Committee is to provide advice to the office on juvenile justice-related matters. The committee believes that, while the advisory committee has worked diligently to effectively carry out its assigned role, expansion of its authority to include operational functions such as grant and contract authority would be unwise. However, subcommittee amendments to strengthen and improve the operation of the advisory committee, and to expand its advisory role, have been included in the committee bill.

S. 1021 expands the scope of representation on the advisory committee by providing that the President may appoint youth workers involved with alternative youth programs, and persons with special experience regarding problems of school violence and vandalism the problems of learning disabilities, to the committee. The bill also requires, as did the Senate passed version of S. 821 in 1974, that future appointments to the advisory committee include at least three youth members who either have been or are currently under the jurisdiction of the juvenile justice system. Senator Thurmond made an especially persuasive argument for the retention of this section and similar changes in the State advisory groups, which are intended to help broaden the perspectives of policy makers so as to better understand how young people view their experience in the system.

Section 208(b) of the bill provides that the recommendations of the advisory committee be included in the annual Federal report submitted under section 204(b)(5). This will give the President and Congress the opportunity to review the recommendations in their entirety.

Several amendments increase the flexibility of National Advisory Committee subcommittee membership on statutorily established subcommittees and clearly establish that all subcommittee recommendations, including standards, are subject to review and final submission

through the full advisory committee. In the area of standards for juvenile justice, the committee will directs the advisory committee to refine its recommended standards, if necessary, and to assist by providing information and advice, in the adoption of appropriate standards setting activities at the State and local levels. Insofar as the National Advisory Committee is authorized by the Federal Advisory Committee Act to conduct hearings and meetings to assist it in carrying out its duties, the committee expects and encourages the National Advisory Committee to take a proactive leadership role.

The 1974 act is also amended to assure needed staff support consistent with the requests of the chairman of the advisory committee and to direct the Associate Administrator to provide such staff and other support as may be necessary for the advisory committee to perform its duties.

FORMULA GRANT PROGRAM

As reported by the committee, S. 1021 makes a number of changes to the formula grant program. These changes, based on experience under the act to date, are intended to fine tune this modified block grant program, to clarify ambiguous language in the 1974 act, and to assist the States to more efficiently expend formula grant funds according to the priority areas identified in the State's juvenile justice plan.

Clarifications

The committee has amended the act to clarify that State planning agencies may make formula grant funds available to public and private agencies, organizations, and individuals through subgrants as well as contracts. Several amendments to the act specify that the term "local government" means "unit of general local government" or "combination" as defined by sections 103 (8) and (9) of the act.

The deinstitutionalization and separation requirements of sections 223(a) (12) and (13) are clarified by S. 1021 with respect to the inclusion within their scope of juveniles who are lesser offenders or nonoffenders. It was the intent of the Congress in 1974 that nonoffenders as well as status offenders be removed from detention and correctional facilities and that status offenders and nonoffenders be included, along with delinquent offenders, within the prohibition of regular contact with incarcerated adult offenders. Finally, the committee has deleted confusing language in section 223(a)(12) which appears to direct that all status and nonoffenders be placed in "shelter facilities." The amendment, as originally intended in 1974, would permit States to determine appropriate, nonsecure, small, community-based alternatives to juvenile detention and correctional facilities, such as home probation, or group homes.

Minimum formula grant allocation—Match

As reported by the committee, S. 1021 would establish a minimum formula grant allocation to each State of $225,000, an increase of $25,000 over the minimum established by the 1974 act. The minimum allocation for the smaller territories would be increased from $50,000 to $56,250, a similar proportional increase. The increase reflects the committee's determination that a small portion of the minimum formula grant allocation be made available to assist State advisory groups in carrying out their duties.

The 1974 act established a minimum 10-percent non-Federal match requirement for formula grant programs, with match to be in cash or kind. This was a compromise between a Senate proposal for no match and a House requirement of 10-percent cash match. Subsequently, the LEAA Administrator, despite strong committee objections, established a cash match preference for formula grant funds.

In a January 13, 1976, letter to Representatives James M. Jeffords (R.-Vt.) Senator Bayh explained the committee view, especially as it pertains to private nonprofit entities.

Senator Bayh:

> A 5-year review of LEAA policy made abundantly clear the need to clear redtape away from the mechanism used to provide Federal funds for public and private groups working in the area of juvenile delinquency prevention.
>
> A primary obstacle to such progress was the 10-percent hard match requirement under the Safe Streets Act. It was with this past performance and policy in mind that the Senate bill removed any match requirement. Our legislative history is replete with expression of intent consistent with this objective.
>
> As you know, the House bill incorporated the cash or hard match in its bill and a compromise was reached by the conferees which was designed to allow in-kind or soft match rather than the absolutist approach of the two original bills. Thus the legislative intent is clear that in-kind match should be the general rule, but that in exceptional circumstances the (LEAA) administrator, as you note under section 228(c), could provide for a waiver scheme and require hard match.

The committee recognizes the difficulty that both public and private agencies have had in generating cash matching funds. This has been amply documented by subcommittee oversight hearings.

In light of the finding of the Department of Justice that in-kind match leads to imaginative bookkeeping by recipients of funds and in view of the clearly devastating impact of hard or cash match for nonprofit entities the committee bill eliminates the in-kind match from formula grants, but requires that the non-Federal share not exceed 10 percent of the approved costs. The committee bill provides that all formula grant programs and projects may be funded with up to 100 percent Federal funds. Consistent with the committee's finding in 1974 in support of no-match, especially for private nonprofit agencies, organizations or institutions, and the Senate's strong endorsement of our approach by a vote of 88 to 1, the committee contemplates an overriding preference for no-match for such entities. In addition, the committee encourages States to adopt a policy requiring a cash matching contribution from public agencies unless a State planning agency determines that a good faith effort has been made to obtain cash match and cash match is not available.

Citizen participation

State planning agencies have not been adequately responsive to the need for meeting the crisis of juvenile delinquency and the needs of youth to obtain needed services to prevent delinquent conduct. State

advisory groups, representative of a broad cross-section of citizens and juvenile justice expertise, were established by the 1974 act to advise the State planning agency and review the State's juvenile justice plan prior to supervisory board approval and submission. The committee finds that these groups have made a substantial contribution to the State planning agency in many States. In others, however, they have been given limited duties and staff support and have been largely stifled. It is apparent that additional statutory duties and resources must be built into the act so that these citizen groups can make the contributions envisioned by the 1974 act.

The bill broadens advisory group participation to specifically include the private business sector, youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities, and provides that at least three of the next appointed youth members on the group must have been or must now be under the jurisdiction of the juvenile justice system.

The role ofthe advisory group is expanded to include a role in State plan development, a role in advising the Governor and legislature on juvenile justice matters upon request, and an opportunity to review and comment on all juvenile-related grant applications submitted to the State planning agency. While final authority to approve or disapprove grant applications must remain in the State planning agency, it is expected that advisory group grant review will be of substantial benefit to the State planning agency supervisory board. Permissive authority is granted to the Governor and the legislature, to involve the State advisory group in monitoring State compliance with the mandate of the Act. It is intended that the advisory group will review the progress and accomplishments of juvenile-related projects funded under the State plan.

Finally, in order to assist State advisory groups in carrying out their duties, the committee bill provides that at least 5 percent, but no more than 10 percent of the State's minimum formula grant allocation, will be used to assist the State advisory group in carryout its mandated and assigned functions. It is the committee's expectation that the larger States will make the maximum allowable amount of funds available under this provision.

Local government and private agency participation

In addition to the clarifying amendments detailed above related to the eligibility of units of general local government and private agencies for formula subgrants and contracts, the committee has amended the 66⅔ percent formula grant passthrough requirement to include, in addition to units of general local government and combinations thereof, local private agencies as eligible recipients of passthrough funds. The amendment recognizes the vital role that private nonprofit organizations must play in the fight against juvenile delinquency and is intended to encourage broader participation by the private nonprofit sector in the formula grant program.

Passthrough

In addition to the inclusion of local private nonprofit agencies as eligible for the 66⅔ percent passthrough funds, the committee has amended both this provision and the 75 percent advanced technique

requirement to exclude funds made available to assist State advisory groups in carrying out their duties from the requirements.

State study of needs

Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 requires that each State plan set forth a study of State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. These studies have been done by the States on a 2-year phased approach permitted by guidelines. The committee recognizes the importance of the studies and has consequently provided in the bill that programs and projects developed from the study for funding under the State plan may be funded as "advanced technique" programs under section 223(a)(10) provided that they otherwise meet criteria established for designation as advanced technique programs.

Advanced technique programs

The committee has improved the act's current provisions requiring that not less than 75 percent of the State's formula grant funds be used for "advanced technique" programs. First, programs and services designed to encourage a diversity of alternatives within the juvenile justice system are added as a fifth general area of advanced technique emphasis. Second, new program emphases are included within the scope of community-based programs and services and community-based prevention programing is broadened with regard to the range of youth eligible for services. Third, the listing of advanced technique areas eliminates drug and alcohol abuse programs as an area for special focus and substitutes advocacy projects aimed at improving services for and protecting the rights of youth. This amendment is one of several amendments to the act which encourages a proactive rather than a reactive role for organizations providing services to youths. Fourth, an additional area for advanced technique emphasis is added to encourage the funding of programs and activities to establish and adopt, based on the standards recommended by the National Advisory Committee, standards and goals for the improvement of juvenile justice within the State. The area of standards development and implementation is critical to the improvement of the juvenile justice system. The National Advisory Commission on Criminal Justice Standards and Goals, in its volume entitled "A National Strategy To Reduce Crime" correctly states that:

> . . . operating without standards and goals does not guarantee failure, but does invite it. Specific standards and goals enable professionals and the public to know where the system is heading, what it is trying to achieve, and what in fact it is achieving. Standards can be used to focus essential institutional and public pressure on the reform of the entire criminal justice system.

The committee expects that the Office of Juvenile Justice and the State planning agencies will direct vigorous effort toward implementing the standards and goals process and that tangible improvement in State juvenile justice systems will be the end result. Additional direction and assistance to this important objective is to be provided by

the National Advisory Committee and the National Institute for Juvenile Justice and Delinquency Prevention through their activities under section 247 of the act and through assistance under the special emphasis prevention and treatment program.

Deinstitutionalization, separation, and monitoring

The Juvenile Justice and Delinquency Prevention Act of 1974 called for all States participating in the formula grant program to deinstitutionalize status offenders within 2 years. The committee has very carefully considered the testimony before the subcommittee on the reauthorization of the act. The clear indication is that some additional flexibility must be provided to the States in their efforts to meet the deinstitutionalization requirement. Otherwise, many currently participating States—States that have acted in good faith to meet the 2-year deadline—may be forced to withdraw, or have their eligibility terminated, from participation under the formula grant program. The children of those States would be the losers because many currently funded programs and projects would be discontinued and new programs and projects could not be initiated. The incentive to continue the deinstitutionalization, separation, and other act mandates and objectives would be severely affected.[1]

Further, Congress did not expect the low level of funding provided under the act for fiscal years 1975, 1976, and 1977. The Congress authorized appropriations of $75 mililon, $125 million, and $150 million for each of the 3 fiscal years. Faced with strong opposition from the Ford administration, the Congress was still able to pass appropriations of $2.5 million, $40 million, and $75 million for the 3 fiscal years, representing 40 percent of the authorized level.

It should be emphasized that substantial progress has been made toward the goal of deinstitutionalization since the enactment of the Juvenile Justice Act. Additional States such as California and Virginia have passed legislation requiring the deinstitutionalization of status offenders. Utah has deinstitutionalized and removed status offenders from jurisdiction of the court. Similar bills are pending in a number of State legislatures and 46 out of 56 jurisdictions eligible to participate in the juvenile justice program have made a commitment to compliance with the deinstitutionalization and separation requirements.

The continued participation of these 46 jurisdictions and the participation of the 10 jurisdictions not currently participating is one of the committees' objectives. Reaching this objective would allow the act's resources to be available to all the noncriminal incarcerated children of the United States and the act's deinstitutionalization mandate to be realized in every jurisdiction where they are held in public and private detention and correctional facilities.

Therefore, the committee has amended section 223(a)(12) to provide 1 additional year, or 3 years in total, for States participating in the formula grant program to achieve compliance with the deinstitutionalization requirement. In addition, the committee has included an amendment to section 223(c) to specifically provide that any State's failure to achieve compliance with the deinstitutionalization require-

[1] It is worth noting the Crime Control Act funds, especially those earmarked by sec. 261, are available to help meet the objective of deinstitutionalization.

ment within the new 3 year time limitation shall terminate the State's eligibility for formula grant funding unless it is determined that the State is in substantial compliance with the requirement and has made an unequivocal commitment to full compliance within a reasonable time. The committee bill defines substantial compliance as 75 percent deinstitutionalization and a reasonable time as no more than 2 additional years.

The new substantial compliance standard is consistent with current Office of Juvenile Justice policy and reflects the standard agreed upon with the Subcommittee To Investigate Juvenile Delinquency following passage of the 1974 act. This provision, coupled with the extension of the section 223(a) (12) requirement from 2 to 3 years, and the addition of up to 2 additional years for full compliance, meets the need for flexibility while retaining the strong congressional commitment to the deinstitutionalization effort. The Committee rejected a suggestion which was offered in the House Education and Labor Committee and later withdrawn and modified, that would have inadvertently required the placement of all non-offenders in facilities and thus eliminated a child's return home and other appropriate sensible alternatives.

As noted previously, the committee has also included several amendments in the bill designed to clarify the section 223(a) (12) and (13) deinstitutionalization and separation requirements. The committee has noted that testimony before the Subcommittee To Investigate Juvenile Delinquency on April 27, 1977, indicated that the States' initial submission of monitoring reports to the Office of Juvenile Justice on December 31, 1976, revealed some problems in clarity of data, specifically with regard to the progress achieved, the facilities monitored, and confusion regarding the definition of juvenile detention and correctional facilities.

In response to these concerns, the committee has included in the bill a requirement that all facilities for juveniles be monitored in order to determine whether they are juvenile detention or correctional facilities or other types of facilities where status offenders may be placed. The committee encourages the Office to provide technical assistance to those States that have had difficulty in generating adequate compliance and progress data. Further, the committee has reviewed the Office's proposed definition of juvenile detention and correctional facilities, submitted to the subcommittee, and finds that the definitions fairly reflect congressional expectations of the criteria to be applied in distinguishing juvenile detention and correctional facilities from other types of facilities where status offenders may be placed.

In implementing section 223(a) (12) and (13), the committee expects the Office to follow a "rule of reason." While section 223(a) (12) appears to be an absolute prohibition, the committee recognizes that there may be rare situations in some States where short-term secure custody of status offenders is justified. For example, detention for a brief period of time prior to formal juvenile court action, for investigation purposes, for identification purposes, to allow return of proper custody to the juvenile's parents or guardian, or detention for a brief period of time under juvenile court authority in order to arrange for appropriate shelter care placement may be necessary. This would be a limited exception which the Committee expects should not exceed twenty-four hours. The exception recognizes a balance between com-

peting interests as highlighted by the Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, submitted pursuant to the Juvenile Justice Act. In its September 30, 1976 report, the Advisory Committee recognizes that the juvenile intake officer needs some time to gather information necessary to make proper intake and detention decisions and also recognizes the harsh impact that detention may have on a juvenile:

"On the other hand, there is the harsh impact that even brief detention may have on a juvenile, especially when he/she is placed in a secure facility, and the corresponding need to assure as quickly as possible that such detention is necessary." (Standard 3.155)

It is expected that the maximum twenty-four hour period recommended by the Advisory Committee would be the outer limit and that where a shorter period is appropriate or established by State law, that LEAA would require that the shorter period be used. However, with the development of twenty-four hour intake encouraged by the Committee bill it is expected that such exceptions, if any, would be rare indeed. Such flexibility is particularly appropriate for such sparsely populated States as Alaska or Wyoming where shelter facilities may not be readily available. At the request of the Subcommittee, definitions relevant to these sections were submitted by the Department of Justice. The Committee notes the significance of the definitions in providing the guidance necessary for the States to more appropriately respond to the 1974 Act. Especially noteworthy are the definitions of "shelter facilities" and "juvenile detention or correctional facility". (See appendix Part B for definitions.) The committee expects that Office of Juvenile Justice and Administration guidelines will address such issues.

Reallocated formula grant funds

In order to further encourage the deinstitutionalization effort, the committee has amended the act to provide a preference for reallocated formula grant funds made available under the special emphasis program to those States that have achieved compliance with the deinstitutionalization requirement. Section 223(d), as amended, is intended to give the States an incentive to meet the deinstitutionalization requirement prior to the deadlines established by the act in order that they can focus on the many other program priorities identified by the act and their own State plans for the improvement of the juvenile justice system. Additionally, the Committee amendment included within the preferential category, at Senator Wallop's suggestion, assistance in non-participatory States under 224(a)(2) so as to support and encourage the development of alternatives to institutionalization consistent with the Act under sections 223(a)(12) and (13).

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAM

The committee bill expands upon the areas of special emphasis program authority enumerated in section 224 of the act. The bill encourages the development of programs designed to provide more effective responses to minor delinquent conduct outside the formal juvenile justice system. Office of Juvenile Justice-funded school violence and vandalism programs are strengthened and required to be closely coordinated with the Office of Education. New authority is provided to

fund youth advocacy programs, the development of model youth employment programs, and programs to improve the juvenile justice system to conform to standards of due process. The Committee adopted Senator Wallop's suggestion to include programs designed to encourage and enable State legislatures to consider and further the purposes of the Act. It is intended that the Office expand its efforts in this area and build on those supported by Senator Bayh and the Subcommittee, such as the contract to Legis 50—The Center for Legislative Improvement, which has provided such assistance in States including, Alabama, Florida, Michigan and New Mexico. Additionally, section 224(c) 20 percent earmarking of these funds to private nonprofits is increased to 30 percent. Again, these new authorities reflect the bill's emphasis on proactive programing. The Committee strongly emphasizes and reaffirms the intended role of State planning or local agencies regarding Special Emphasis assistance. Namely, as Senator Bayh explained, that under 225(b)(5) and (8) they have solely an advisory role and under no circumstances do the views of such agencies have a determinative effect. These sections were intended merely to inform those agencies of Special Emphasis grants and contracts.

GENERAL PROVISIONS

The committee bill amends the "general provisions" of title II, sections 226–228. The bill clarifies that use of fund provisions are applicable to all eligible fund recipients. The authority to use formula grant funds to meet non-Federal matching share requirements for Federal juvenile delinquency program grants is restricted to nonadministration program grants but is expanded to include up to 100 percent of a State's formula grant funds. The committee recognizes that Federal funds, including funds available to States for juvenile programing, are often returned to the Federal Government for lack of available State, local, or private agency matching funds. The committee amendment is designed to increase flexibility to the States in using formula grant funds to provide needed matching funds, thus multiplying the impact of the funds available under the act, provided that the funding of the programs is essential to meeting the State's identified juvenile justice needs.

Match

The general match provision used by the administration to establish a cash match preference for formula grant funds under the 1974 act has been amended by the committee to specify that the authority to require a matching contribution is limited to grants for the concentration of Federal efforts, the special emphasis grant program, and the programs of the National Institute for Juvenile Justice and Delinquency Prevention. Witnesses appearing before the Subcommittee to Investigate Juvenile Delinquency felt that the individual States should have the option of requiring cash or in-kind match for the formula grant program. The administration testified that in-kind match failed to accomplish a useful programatic purpose under their program. This committee, which deleted in-kind match under the Crime Control Act of 1973, agrees with both views. Therefore, the bill provides the States with the option of requiring cash match for formula grants in appropriate circumstances and the administration

with the option of requiring any recipient of a grant or contract to contribute match where it will contribute to the purposes of the act.

Indian tribe liability

As reported by the committee, S. 1021 authorizes the Administrator to waive the liability that remains with a State under a State subgrant agreement with an Indian tribe where the State lacks jurisdiction to enforce the liability of the Indian tribe under the subgrant agreement. Upon waiving the State's liability, the administration would then be able to pursue available legal remedies directly or enter into appropriate settlement action with the Indian tribe.

This authority is designed to provide for the increased participation of Indian tribes in the Juvenile Justice Act program. Under the current act, each State is liable for misspent subgrant funds, a liability that cannot be waived by the administration. It is then up to the State to seek indemnification from the subordinate jurisdiction. In some jurisdictions, by virtue of treaty or otherwise, States do not have the legal authority to seek such indemnification from certain Indian tribes. The possibility of being held liable by the administration for subgrant funds misspent by those tribes without the ability to seek indemnification has resulted in a hesitancy on the part of those States to award funds to the tribes. The provision of a statutory waiver authority, allowing these States to avoid liability in these instances will encourage them to increase the amount of funds provided to the tribes and increase Indian participation in the Juvenile Justice Act program. An identical amendment was added to the Omnibus Crime Control and Safe Streets Act by the Crime Control Act of 1976.

Reverted funds

The 1974 act failed to provide a specific disposition for funds granted to an application but not required or expended within applicable time limitations or which become available following administrative action to terminate funding. The committee bill directs that such "reverted" funds would be reallocated as special emphasis prevention and treatment program funds. Such a disposition is equitable and administratively more expedient than other alternative fund dispositions.

Confidentiality of program records

S. 1021 adds a new general provision to the act to provide for confidentiality of program records. Section 229 requires safeguarding of identifiable program records so that only those persons with a "need to know" would have access to such records. Specifically, disclosure is restricted unless otherwise authorized by law; with the consent of the service recipient or legally authorized representative; or as necessary to perform the functions required by the act. The term "except as authorized by law" would include court rules and orders as well as State or Federal law. In determining whether disclosure is necessary to perform the functions required by this title, it is expected that such records, if necessary, may be used for ongoing programs if the funding under the act has been terminated. Confidentiality safeguards must, in such cases, continue to be provided.

This new section applies to all formula, special emphasis, and Institute program records that are maintained on juveniles receiving services. It does not apply to research and statistical information.

Protection of such information is covered by section 524(a) of the Omnibus Crime Control Act of 1968, made applicable to the Juvenile Justice Act by section 262 of S. 1021. Under section 223(a)(16), States are already required to establish procedures to protect the privacy of records of recipients of services provided to any individual under the State plan. It is expected that in establishing such procedures, the provisions of this section would provide the framework within which the State plan would detail applicable safeguards.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

New program emphasis

The oversight hearings held by the Subcommittee to Investigate Juvenile Delinquency have established that the Office's Juvenile Justice Institute plays an important role in the formulation, assessment, and evaluation of special emphasis programs and projects. The research initiatives of the Institute have been geared to laying the groundwork of the future special emphasis initiatives and have brought new knowledge to important areas of the juvenile justice system.

In order to emphasize the committee's concern with the need for further possible research, S. 1021 provides the Institute with specific authority to undertake research that would assess the role of family violence, sexual abuse or exploitation and media violence in delinquency, interstate placement of juvenile offenders, the ameliorating role of recreation and the arts of delinquency prevention, and the extent and ramifications of disparate treatment of juveniles in the juvenile justice system on the basis of gender.

Training authority

In order to assist State advisory groups to effectively carry out their duties and assign responsibilities and to assure citizen participation, the committee has included in S. 1021 authority in the Institute to assist, through training, State advisory groups to accomplish their objectives.

Standards

The Institute, under the direction of the advisory committee, has provided staff assistance for the establishment of advisory committee standards for the administration of juvenile justice. As part of the ongoing standards process, section 247 of the committee bill authorizes the Institute to develop and support model State legislation to implement the mandates of the act and the standards developed by the advisory committee. This effort would be invaluable to the States in their standards-setting activities and provide a benchmark against which existing State juvenile codes can be compared.

Institute fund allocation

It is expected that these additional responsibilities will require an increase in the Institute's allocation from the Juvenile Justice Act appropriation. In 1974, the Conference Report on S. 821 indicated that the Institute allocation should not exceed 10 percent of the annual appropriation for the Act. The committee believes that an increase to 11 percent would be justified in order to permit the Institute to

expand its current program to include these newly authorized areas of focus.

SCOPE OF PREVENTION PROGRAMING

The committee wishes to emphasize that a number of amendments are included in S. 1021 that are designed to accomplish two purposes: (1) To broaden the scope of "prevention" programing to include services made available to youth who are neither delinquent nor identified as "youth in danger of becoming delinquent"; and (2) to eliminate the need to label a juvenile as a potential delinquent in order to provide prevention services. It is the committee view that the labeling of juveniles as potential delinquents is counterproductive because it may lead to a negative self-image and self-fulfilling prophecies in the juvenile. Therefore, the committee has broadened the definition of "juvenile delinquency program" to include prevention programs geared to youth who would benefit from prevention programing, broadened the scope of community-based prevention programs under the formula grant program to include such youth, and similarly broadened the scope of youth eligible for public and private agency services under the special emphasis program.

ADDITION OF CRIME CONTROL ACT ADMINISTRATIVE PROVISIONS

The inclusion by the committee in section 262 of designated administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as applicable to the Juvenile Justice Act, is intended to permit the two Acts to be administered in a parallel fashion. These provisions include specific rulemaking authority, subpena power for hearings, authority to request the use of hearing examiners from the Civil Service Commission, specific inclusion of LEAA hearing and appeal procedures, fund payment authority, prohibitions on discrimination and civil rights enforcement procedures, recordkeeping requirements, and prohibitions on the use and revelation of research and statistical information.

The addition of the civil discrimination prohibitions and enforcement procedures, greatly strengthened by the Crime Control Act of 1976, will permit uniform and consistent action where discrimination occurs under any funded program. Different enforcement procedures are confusing and serve no useful purpose.

AMENDMENTS TO THE RUNAWAY YOUTH ACT

This program is amended to provide closer coordination with the Office so as to avoid costly duplication of purpose and activities. It further clarifies the programmatic focus on homeless youth, the many who have no home from which to run, the few who are so abused or neglected that leaving was a rational alternative, or those who leave home involuntarily. Additionally, the committee bill provides renewed focus on the funding of local programs and the need for short-term training to support the capacity of program administration.

The maximum amount of a grant to a runaway center is raised from $75,000 to $100,000 to programs with budgets of less than $150,000. These slight increases reflect increased expenses generally.

The committee bill authorizes funding at the level of $25 million for fiscal years 1978, 1979 and 1980 respectively. Such an authorization would support an estimated 300 centers as contrasted with the 130 currently funded.

AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

The committee proposes two amendments to the Omnibus Crime Control and Safe Streets Act of 1968. The first of the amendments is designed to further the State advisory group's ability to participate more fully in State planning and priority-setting processes and to represent its views as an integral part of the State planning agency supervisory board. This is accomplished by requiring that the chief executive of the State appoint the chairman and at least two citizen members of the State advisory group to the State planning agency supervisory board. The committee expects that Administration guidelines will require the expeditious appointment of these new supervisory board members. The new requirement only affects those States that are participants in the formula grant program of the Juvenile Justice Act. The Subcommittee was pleased to accept Senator Byrd's suggestion that any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.

The second of the amendments provides that the Administration annual report, submitted under section 519 of the Crime Control Act, will include an Office of Juvenile Justice report on State compliance with the key requirements of the Juvenile Justice Act—deinstitutionalization, separation, monitoring, maintenance of effort, State planning agency and regional planning unit representation, and also other major areas of State activity in carrying out juvenile justice and delinquency prevention activities under the State plan. The committee intends that this information will be included starting with the report for fiscal year 1978, which must be submitted by March 31, 1979. With this information, Congress and LEAA would be in a better position to evaluate the progress of the individual States in implementing the Office of Juvenile Justice programs. The National Advisory Committee may assist the Office in gathering and evaluating the information obtained, particularly with regard to the maintenance of effort required by the Juvenile Justice Act, as amended.

The authorization for juvenile justice programs in fiscal year 1977 is $150 million. The committee bill authorizes funding at the same level for fiscal year 1978 and at $175 million and $200 million for fiscal years 1979 and 1980 respectively.

The committee believes that these authorization levels demonstrate the Senate's continuing commitment to juvenile crime prevention. It is also pleased to report that this commitment is apparently shared by the new administration. Both the President and the Attorney General have expressed strong support for the programs authorized by the 1974 act. In fact at his confirmation hearing, Judge Bell noted that, "If we are going to do anything about crime in America, we have to start with the juvenile."

In order to carry out this commitment, the Attorney General requested $150 million for each of the next three fiscal years to fund JJDPA programs. It is very disappointing, therefore, to note that the Office of Management and Budget reduced the administration's request to $75 million for fiscal year 1978 and such sums as are necessary for fiscal years 1979 and 1980. The committee believes that these authorization levels would be totally inadequate.

In effect the administration's proposal would turn the current appropriation of $75 million into an authorization. At best this would only allow the continuation of existing programs and would certainly cause concern among State and local governments as to the long-range commitment of the Federal Government to the act. At worst it could result in a substantial reduction in the moneys actually appropriated for the program.

In the view of this committee any effort to cut the funding for juvenile justice programs or even to retain the present level would be a tragic mistake. The Senate originally appropriated $100 million for these programs in fiscal 1977, and the committee would urge the Senate to exceed that amount for fiscal 1978.

The need for such increases was clearly established at the recent hearing held by the Subcommittee to Investigate Juvenile Delinquency. Specifically, at the hearing Senator Culver and Senator Bayh asked the Acting Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide the subcommittee with the total number of grant applications made under the act, the number of those grant applications worthy of funding and the portion actually funded. To date the subcommittee has received only a partial response, but even this response indicates the urgent need to expand the existing programs.

In fiscal 1975 and 1976 the Office received 1,128 requests for special emphasis grants. After extensive review, the Office designated 103 of those requests—a total of $96 million—as "finalists". This term means "eligible for funding if the funds existed." Under the fiscal 1975 and 1976 appropriations however, only $27.9 million was available for special emphasis grants, and the Office was able to fund only 39 special emphasis grants during the 2-year period.

Similarly in fiscal 1975 and 1976, the Office received requests for $6.7 million for training in the prevention and treatment of juvenile delinquency. After reviewing these requests the staff determined that requests totaling $4.9 million should be considered "finalists." In fiscal 1975 and 1976, however, the budget for training was only $500,000. Thus the Office was able to provide only about 10 percent of the training funds for which there was a legitimate demand.

The subcommittee is preparing a similar analysis of the other programs administered by the Office—that is, formula grants, technical assistance, the concentration of Federal effort and the National Institute for Juvenile Justice and Delinquency Prevention. Its preliminary analysis reveals that these programs also suffer from a lack of funds.

If one merely looks at the shocking increase in the extent and cost of juvenile crime and at all the needs that are not met by current programs, one could easily conclude that the authorizations levels for this act should be doubled or tripled. It is the responsibility of this com-

mittee, however, to insure that juvenile justice programs are developed in an orderly fashion and that all moneys are spent effectively and wisely. Therefore the committee has suggested authorization levels that provide for the orderly growth of these programs over the next 3 years.

The committee contemplates that the subcommittee will conduct vigorous oversight so as to assure that the Office expends the newly authorized funds in a fiscally sound manner consistent with the primary goals of the 1974 act.

VII. Conclusion

The committee believes that S. 1021, as amended, will strengthen and revitalize the program established by the Juvenile Justice and Delinquency Prevention Act of 1974. The committee bill reflects recommendations included in S. 1021 as originally introduced, S. 1218, the administration bill, and the comments of many interested public and private representatives.

The Federal Government has an important responsibility to provide the leadership and coordination to assist and encourage the development of sensible, humane, and more economical responses to juvenile delinquency. Many of the multitude of factors and influences have yet to be seriously addressed. There are no panaceas. A reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act will be an important step. As Attorney General Bell stressed to the committee earlier this year, the most essential and important ingredient of a national criminal justice policy is the prevention of juvenile crime. There must be a commitment by all our citizens to begin to resolve the legal and social problems and attitudes relevant to children in trouble. Alternatives to unsound policies must be developed and encouraged. Many States, localities and private interests are already beginning to redirect and increase their efforts. The 1974 act has contributed to this progress. The committee believes that S. 1021, as amended, further emphasizes the type of commitment that is requisite. Passage of the bill will refocus this clear product of bipartisan congressional and citizen initiative, and permit what President Carter characterized as the program's "high potential for reducing crime and delinquency" to be realized.

VIII. Cost Estimate Pursuant to Section 252 of the Legislative Reorganization Act of 1970

Pursuant to section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the committee estimates the cost that would be incurred in carrying out this legislation is as follows:

For fiscal year 1978: $175,000,000.

For fiscal year 1979: $200,000,000.

For fiscal year 1980: $225,000,000.

The cost estimates include $25,000,000 for Title III, for each fiscal year.

IX. Tabulation of Votes Cast in Committee

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended by Public Law 91–510, the following is a tabulation of votes in committee:

Roll call vote on Hatch amendment to lower the authorizations by $25 million each fiscal year, defeated by a vote of 9 to 6. Not voting and not present, Senators McClellan and Byrd.

YEA	*NAY*
Allen	Kennedy
Thurmond	Bayh
Scott	Abourezk
Laxalt	Culver
Hatch	Biden
Eastland	Metzenbaum
	DeConcini
	Mathias
	Wallop

Roll call vote on Allen amendment providing that the five year time period for compliance would begin on enactment of this legislation, defeated by a vote of 8 to 5. Not voting and not present, Senators McClellan, Byrd, Abourezk and Hatch.

YEA	*NAY*
Allen	Kennedy
Thurmond	Bayh
Scott	Culver
Laxalt	Biden
Eastland	Metzenbaum
	DeConcini
	Mathias
	Wallop

Motion to report S. 1021, as amended in the nature of a substitute, to the Senate carried unanimously.

X. Section-by-Section Analysis

Section 1 of the bill provides that the act may be cited as the "Juvenile Justice Amendments of 1977."

Section 2 of the bill amends title I of the Juvenile Justice and Delinquency Prevention Act by amending section 103(3) to provide that the term "juvenile delinquency program" includes prevention programs for delinquent youth, neglected, abandoned, or dependent youth, and other youth who would benefit from prevention programing.

Section 3 of the bill consists of six subsections amending title II, part A of the Juvenile Justice and Delinquency Prevention Act in the following ways:

1. Section 201 is amended as follows:

   (a) Subsection (a) is amended to clarify and reaffirm that the provisions of the Act are to be administered through the Office;

   (b) Subsection (c) is amended to change the title of the head of the office from Assistant Administrator to Associate Administrator and to amend several sections of the act to provide that the Associate Administrator shall have responsibility to exercise, subject to the direction of the Administrator, specified statutory functions related to the National Advisory Committee, formula grant plan requirements, and the Juvenile Justice Institute;

   (c) Subsection (d) is amended to clarify that the Associate Administrator is authorized, subject to delegation and direction by the Administrator, to exercise grant and contract authority under parts B and C of the act, and that the Administrator has authority to delegate functions to the Associate Administrator under part A of the act and for funds made available for juvenile justice and delinquency prevention programs funded under the Omnibus Crime Control and Safe Streets Act of 1968;

   (d) Subsection (e) is amended to change the title of the Deputy Assistant Administrator positions in the Office to Deputy Associate Administrator;

   (e) Subsection (g) is the subject of a technical amendment; and

   (f) A new subsection (i) adds the Associate Administrator to the executive schedule, level V.

2. Section 204 is amended as follows:

   (a) Subsection (b) is amended to clarify that the Associate Administrator is intended to have a significant role in the concentration of Federal effort under sections 204–209, to consolidate the two annual Federal reports into a single concise report, and to mandate the assistance of the Coordinating Council in the preparation of the annual report;

(b) Subsection (e) is the subject of a technical amendment;

(c) Subsection (f) is amended to clarify that the Administrator's authority to request information, reports, studies, and surveys is limited to Federal departments and agencies;

(d) Subsection (g) is amended to authorize the Administrator to delegate his functions under all of title II to any officer or employee of the Administration;

(e) Subsection (j) is amended to authorize the Administrator to utilize grants and contracts to carry out the purposes of title II; and

(f) Subsection (k) is amended to require appropriate coordination between LEAA activities funded under title II and Department of Health, Education, and Welfare programs funded under the Runaway Youth Act.

3. Section 205 is amended to clarify the role of the Associate Administrator in joint funding proposals.

4. Section 206 is amended as follows:

(a) Paragraph (1) of subsection (a) is amended to add the Commissioner of the Office of Education and the Director of ACTION as statutory members of the Coordinating Council;

(b) Subsection (c) is amended to assure that the reports of the Coordinating Council are adequate but concise and to authorize the Coordinating Council to review the programs and practices of Federal agencies and report on the degree to which funds are used for purposes consistent with the deinstitutionalization and separation mandates of the act;

(c) Subsection (d) is amended to require a minimum of four annual meetings of the Coordinating Council; and

(d) Subsection (e) is amended to assure staff support consistent with the needs of the Coordinating Council.

5. Section 207 is amended as follows:

(a) Subsection (c) is amended to add youth workers involved with the alternative youth programs, and persons with special experience with school violence and vandalism and learning disabilities as within the range of persons eligible for membership on the National Advisory Committee and to provide that at least three of the seven youth members of the committee must have been or must now be under the jurisdiction of the juvenile justice system; and

(b) Subsection (d) is amended to reflect a quorum as a simple majority of the National Advisory Committee members.

6. Section 208 is amended as follows:

(a) Subsection (b) is amended to assure that the recommendations of the National Advisory Committee are made to the President and Congress and are adequate but precise and that such recommendations are included in the annual Federal report submitted under section 204(b)(5);

(b) Subsection (c) is amended to clarify the intended role of the National Advisory Committee relative to the activities of the Office;

(c) Subsection (d) is amended to increase the flexibility of membership on the Institute Advisory Subcommittee;

(d) Subsection (e) is amended to increase the flexibility of membership on the Standards Subcommittee and to make the title of the Advisory Committee Subcommittee on Standards consistent with the subcommittee title used in section 247;

(e) Subsection (f) is amended to assure staff support consistent with the request of the Chairman of the National Advisory Committee; and

(f) A new subsection (g) directs the Associate Administrator to provide such staff and other support as may be necessary for the National Advisory Committee to perform its duties.

Section 4 of the bill consists of twelve subsections amending title II, part B of the Juvenile Justice and Delinquency Prevention Act in the following ways:

SUBPART I.—FORMULA GRANTS

1. Section 221 is amended to clarify that the Administrator has authority, under section 222, to make formula grants only at the State (State planning agency) level and to clarify that States have authority to make formula grants available to both public and private agencies through subgrants as well as contracts.

2. Section 222 is amended as follows:

(a) Subsection (a) is amended to increase the minimum State formula grant allocation from $200,000 to $225,000 and, in the case of designated territories, from $50,000 to $56,250. The increase reflects the mandatory availability of funds to State advisory groups provided by section 222(e);

(b) Subsection (c) is amended to conform with the definitions of "unit of general local government" and "combination" set forth in section 103 (8) and (9) of the Act;

(c) Subsection (d) is amended to provide that financial assistance extended under the formula grant program may be up to 100 percent of the approved costs of any assisted programs or activities but that non-Federal share shall not exceed 10 percent; and

(d) A new subsection (e) provides that at least 5 percent, but no more than 10 percent, of the minimum annual formula grant allotment of each State shall be made available to the State advisory group to assist in carrying out its mandated and assigned functions.

3. Section 223(a) is amended as follows:

(a) Paragraph (3) is amended to assure that the State advisory group participates in the development as well as review of the State's juvenile justice plan;

(b) Subparagraph (C) of paragraph (3) is amended to provide for the participation of the private business sector, youth workers involved with alternative youth programs, and persons with special experience with school violence and vandalism and learning disabilities, on the State advisory group;

(c) Subparagraph (D) of paragraph (3) is the subject of a technical amendment;

(d) Subparagraph (E) of paragraph (3) is amended to provide that at least three of the youth members of the State advisory

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group must have been or must now be under the jurisdiction of the juvenile justice system;

(e) A new subparagraph (F) of paragraph (3) provides that that State advisory group shall advise the State planning agency and its supervisory board, may advise the Governor and legislature, as requested, and shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State planning agency, except those subject to judicial planning committee review. In addition, a role may be provided in monitoring State compliance with the deinstitutionalization and separation mandates, in advising on State planning agency and regional planning unit supervisory board composition, in advising on maintenance of effort, and in review of the progress and accomplishments of juvenile-related projects funded under the State plan;

(f) Paragraph (4) is amended to conform with the definitions of "unit of general local government" and "combination" set forth in section 108 (8) and (9) of the act and to clarify that formula grant funds may be made available, through grants or contracts, to local private agencies or the State advisory group;

(g) Paragraph (5) is amended to exempt funds made available to the State advisory group from the 66⅔-percent passthrough requirement, and to include local private agencies as eligible recipients of passthrough funds;

(h) Paragraph (6) is amended to conform with the definition of "unit of general local government" set forth in section 103(8) of the act and to clarify that regional planning bodies may be designated by local chief executives as the local agency to perform planning and administration functions on behalf of the unit of general local government;

(i) Paragraph (8) is amended to provide that programs and projects developed from a State's detailed study of needs may be funded as advanced technique programs under section 223(a)(10) provided that they meet the criteria established for designation as advanced technique programs;

(j) Paragraph (10) is amended to exempt funds made available to the State advisory group from the 75 percent advanced technique requirement and to add programs and services designed to encourage a diversity of alternatives within the juvenile justice system as an advanced technique;

(k) Subparagraph (A) of paragraph (10) is amended to include 24-hour-intake screening, volunteer and crisis home programs, day treatment, and home probation within the scope of community-based programs and services for the prevention and treatment of juvenile deliquency;

(l) Subparagraph (C) of paragraph (10) is amended to permit community-based prevention programs to provide services to a broader range of youth and to eliminate the labeling danger under the existing definition of youth eligible for such services;

(m) Subparagraph (D) of paragraph (10) is amended to delete duplicative language regarding drug and alcohol abuse programs from the listing of advanced technique programs and to substitute advocacy programs aimed at improving services for and protecting youth rights;

(n) Subparagraph (G) of paragraph (10) is amended to reflect the encouragement of youth-oriented programs;

(o) Subparagraph (H) of paragraph (10) is amended to focus incentive programs funded by the States on the objectives of the key mandates of the act;

(p) A new subparagraph (I) of paragraph (10) is added to encourage the funding of programs and activities to establish and adopt standards for the improvement of juvenile justice within the State;

(q) Paragraph (12) is amended to provide 1 additional year, for a total of 3 years, after initial plan submission for States to achieve compliance with the deinstitutionalization requirement, to clarify the intent of Congress that nonoffenders are subject to the deinstitutionalization requirement, and to delete confusing and unnecessary language regarding the permissive placement of status offenders and nonoffenders in shelter facilities;

(r) Paragraph (13) is amended to clarify the intent of Congress that juveniles within the purview of section 223(a)(12) are likewise within the purview of the prohibition on regular contact between delinquent offenders and adult offenders incarcerated in institutions;

(s) Paragraph (14) is amended to require that alternative nonsecure placements also be monitored in order to insure that they are properly classified as facilities that are not juvenile detention or correctional facilities;

(t) Paragraph (15) is amended to reflect a more realistic scope of contemplated activities regarding disadvantaged youth; and

(u) Paragraph (19) is amended to prevent the use of formula grant funds in a manner that supplants State and local programs.

4. Section 223(b) is amended to require that the State planning agency receive and consider the advice and recommendations of the State advisory group prior to approval of the State plan and submission to the Administrator.

5. Section 223(c) is amended to provide that a State's failure to achieve compliance with the section 223(a)(12) deinstitutionalization requirement within the 3 year time limitation terminates any State's eligibility for formula grant funding unless the Administrator determines that the State is in substantial compliance with the requirement and has made an unequivocal commitment to full compliance within a reasonable time. Substantial compliance is defined as 75 percent deinstitutionalization and a reasonable time as no longer than 2 additional years.

6. Section 223(d) is amended to require that the administrator endeavor to make reallocated formula grant funds available on a preferential basis to those States that have achieved compliance with the deinstitutionalization requirement.

7. Section 223(e) is deleted consistent with the amendment to section 223(d).

SUBPART II—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

8. Section 224(a) is amended as follows:

(a) Paragraph (3) is amended to encourage the development of neighborhood courts or panels designed to assist victims of

juvenile crime and to provide more rational and economical responses to minor delinquent conduct;

(b) Paragraph (4) is amended to broaden the scope of youth eligible for public and private agency services and to eliminate the labeling danger under the existing definition of youth eligible for such services;

(c) Paragraph (5) is amended to eliminate an inconsistency in the title of the section 247 subcommittee;

(d) Paragraph (6) is amended to mandate coordination with the Office of Education in the development of special emphasis school programs and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism: and

(e) New paragraphs (7), (8), (9), and (10) provide special emphasis authority for youth advocacy programs, model youth employment programs developed in conjunction with the Department of Labor, programs to improve the juvenile justice system to conform to standards of due process, and to develop and support programs designed to encourage and enable state legislatures to consider and further the purposes of the Act.

9. Section 224(c) is amended to increase the share of special emphasis fundings from 20 to 30 percent.

10. Section 225(c) is amended as follows:

(a) Paragraph (4) is amended to conform a criteria for application review to the amendment to section 224(a)(4); and

(b) Paragraph (6) is amended to provide consistency of titles.

11. Section 227 is amended as follows:

(a) Subsection (a) is amended to add public and private organizations to the list of entities affected by this subsection; and

(b) Subsection (b) is amended to add public and private organizations to the list of entities affected by this subsection.

12. Section 228 is amended as follows:

(a) Subsection (b) is amended to prohibit the use of formula grant funds to match LEAA funds and to permit up to 100 percent of a State's formula grant funds to be used as match for other Federal juvenile delinquency program grants;

(b) Subsection (c) is amended to specify that the administrator's authority to require a matching contribution extends to grants for the concentration of Federal efforts, the special emphasis program, and the programs of the National Institute for Juvenile Justice and Delinquency Prevention; and

(c) New subsections (e) and (f) provide new authority with regard to grants to Indian tribes and reallocation of reverted funds: Subsection (e) authorizes the Administrator to waive the non-Federal match for grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administrator may waive the State's liability and proceed directly with the Indian tribe on settlement matters; subsection (f) provides for reallocation, as special emphasis funds, of any funds not required by a State or which become available following administrative action to terminate funding.

13. A new section 229 provides for confidentiality of program records. This section, which complements section 524(a) of the Omnibus Crime Control and Safe Streets Act of 1968, restricts disclosure of program records unless otherwise authorized by law, with the consent of the service recipient or legally authorized representative, or as necessary to perform the functions required by the act.

Section 5 of the bill consists of seven subsections amending title II, part C of the Juvenile Justice and Delinquency Prevention Act related to the National Institute for Juvenile Justice and Delinquency Prevention:

1. Section 241 is amended to delete duplicative subsections (d) and (e) provisions provided for in part A, to redesignate subsections (f) and (g) as subsections (d) and (e), and as follows:

(a) Redesignated subsection (e) is amended to clarify the existing authority of the Institute to make grants as well as enter into contracts for the partial performance of Institute functions;

(b) Paragraph (5) of redesignated subsection (e) is the subject of a technical amendment;

(c) A new paragraph (6) of redesignated subsection (e) provides that the Institute has authority to assist, through training, State advisory groups or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives;

(d) The subsection designated (b) following redesignated subsection (e) is redesignated subsection (f); and

(e) Redesignated subsection (f) is the subject of a technical amendment.

2. Section 243(5) is amended to authorize the Institute to assess the role of family violence, sexual abuse or exploitation, and media violence in delinquency, interstate placement of juvenile offenders, the ameliorating role of recreation and the arts, and the extent and ramifications of disparate treatment of juveniles in the juvenile justice system on the basis of sex.

3. Section 245 is amended to provide that the Institute Advisory Committee advise the Associate Administrator of the Office.

4. Section 247 is amended as follows:

(a) Subsection (a) is the subject of a technical amendment; and

(b) New subsection (d) directs the advisory committee to refine its recommended standards and to assist in the adoption of appropriate standards at the State and local levels. The Institute is authorized to develop and support model State legislation to implement the mandates of the act and the standards developed by the advisory committee.

5. Section 248 is deleted to remove duplicative restrictions on the disclosure or transfer of juvenile records gathered for purposes of the Institute.

6. Sections 249, 250, and 251 are redesignated as sections 248, 249, and 250.

7. Redesignated sections 241(d) and 248(b) and section 244(3) are amended to assure that persons involved with law-related education projects, youth workers, and citizen groups are eligible participants in funded training activities.

Section 6 of the bill consists of several subsections amending title II, part D of the Juvenile Justice and Delinquency Prevention Act. The title of part D is redesignated "Administrative Provisions":

1. Section 261 is amended to provide a 3-year authorization at authorized appropriation levels of $150 million, $175 million, and $200 million, for fiscal years 1978, 1979, and 1980 respectively. Funds appropriated for any fiscal year may remain available for obligation until expended.

2. Section 262 is amended to delete duplicative civil rights provisions and to substitute language that incorporates the administrative provisions of sections 501, 503, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, into the act as administrative provisions.

3. Section 263 is the subject of a technical amendment.

4. Section 263 is further amended to provide that the amendments made by this act shall be effective on and after October 1, 1977.

Section 7 of the bill amends title III, the Runaway Youth Act in the following respects:

1. Section 311 is amended to permit funding for short-term training or to encourage the coordination of relevant programs.

2. Section 311 is further amended to reflect the reality that many youths who need assistance are involuntarily homeless.

3. Section 312(b)(5) is the subject of a technical amendment.

4. Section 312(b)(6) is amended to assure that proper consent precedes the release of statistical records.

5. Section 313 is amended to encourage the funding of local community programs.

6. Section 313 is further amended by increasing the size of grants to be given priority so as to reflect increased program expenses.

7. Part B is amended by deleting section 321 which required a now completed report and by providing appropriate redesignations.

8. Section 331(a) is amended to authorize funding and to substitute a 3-year authorization at an appropriation level of $25 million for each of fiscal years 1978, 1979, and 1980.

9. Section 331(b) is amended to require closer coordination between the Office of Youth Development and the Office of Juvenile Justice and Delinquency Prevention so as to avoid costly duplication of purpose.

Section 8 of the bill deletes expired title IV.

Section 9 of the bill amends title V, part B of the act, National Institute of Corrections, in the following way:

1. Section 521 is amended to provide in chapter 319, section 4351(b), United States Code, that the Associate Administrator of the office shall be an ex officio member of the National Institute of Corrections Advisory Board.

Section 10 of the bill amends title V, part C of the act, conforming amendments, by making two amendments to the Omnibus Crime Control and Safe Streets Act of 1968, as amended:

1. Section 542 amends section 203(a)(1) of the Omnibus Crime Control and Safe Streets Act to require that the chairman and at least two citizen members of the State advisory group established pursuant to section 233(a)(3) of the Juvenile Justice and Delinquency Prevention Act shall be appointed to the State planning agency su-

pervisory board. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.

2. A new section 546 amends section 519 of the Omnibus Crime Control and Safe Streets Act to require that the LEAA annual report be submitted to the House Committee on Education and Labor and that the annual report include a summary of State compliance with the deinstitutionalization and separation mandates, the maintenance of effort requirement, and State planning agency and regional planning unit representation requirements, and a summary of other areas of State activity in carrying out juvenile-related programs under the comprehensive State plan.

XI. Changes in Existing Law

In compliance with subsection (4) of rule XXIX 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 and existing law in which no change is proposed is shown in roman) :

Juvenile Justice and Delinquency Prevention Act of 1974, as Amended

TITLE I—FINDINGS AND DECLARATIONS OF PURPOSE

FINDINGS

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

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

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

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

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

(6) States 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; and

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

(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 this Act—

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and

(7) to establish a Federal assistance program to deal with the problems of runaway youth.

(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; (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.

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or

indirectly, or is assisted by any Federal department or agency, including any program, funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth [who are in danger of becoming delinquent;] *to help prevent delinquency;*

(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

(5) the term "Administrator" means the agency head designated by section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States;

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan;

(10) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders

or individuals charged with or convicted of criminal offenses; and

(13) the term "treatment" includes but is not limited to medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). *The Administrator shall administer the provisions of this Act through the Office.*

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

(c) There shall be at the head of the Office an [Assistant Administrator] *Associate Administrator* who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The [Assistant Administrator] *Associate Administrator* shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration. *The Associate Administrator is authorized, subject to the direction of the Administrator, to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this Act. The Administrator may delegate such authority to the Associate Administrator for all grants and contracts from, and applications for, funds made available under part A of this Act and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The Associate Administrator shall report directly to the Administrator.*

(e) There shall be in the Office a [Deputy Assistant Administrator] *Deputy Associate Administrator* who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The [Deputy Assistant Administrator] *Deputy Associate Administrator* shall perform such functions as the [Assistant Administrator] *Associate Administrator* from time to time assigns or delegates, and shall act as [Assistant Administrator] *Associate Administrator* during the absence or disability of the [Assistant Administrator] *Associate Administrator* or in the event of a vacancy in the Office of the [Assistant Administrator] *Associate Administrator.*

(f) There shall be established in the Office a [Deputy Assistant Administrator] *Deputy Associate Administrator* who shall be appointed

by the Administrator whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

(g) Section 5108(c)(10) of title 5, United States Code [first] *second* occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

(h) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following: "(137) Associate Administrator, Office of Juvenile Justice and Delinquency Prevention, of the Law Enforcement Assistance Administration."

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the [Assistant Administrator] *Associate Administrator* to assist him in carrying out his functions under this Act.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title I of the United States Code.

VOLUNTARY SERVICE

SEC. 203. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator, *with the assistance of Associate Administrator*, shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the

development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

[(5) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs;

[(6) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and]

(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year the legislation is enacted, prior to December 31, a concise analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system. The report shall include recommendations for modifications in organizations, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and

[(7)] *(6)* provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institu-

tions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b)(5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

(d)(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)[(6)] *(5)* shall contain, in addition to the comprehensive plan required by subsection (b)[(6)] *(5)*, a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("1"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, *Federal* departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this [part, except the making of regulations] *title* to any officer or employee of the Administration.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the [Assistant Administrator] *Associate Administrator* finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, *organization*, institution, or individual to carry out the purposes of this [part.] *title.*

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(k) All functions of the Administrator under this [part] *title* shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under [the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).] *title III of this Act.*

(l)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Administrator under section 204(d)(1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("l") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("l"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

JOINT FUNDING

SEC. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced *whenever the Associate Administrator finds the program or activity to be exceptionally effective or for which the Associate Administrator finds there exists exceptional need.* In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

COORDINATION 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 (hereinafter referred to as the "Council") composed of the Attorney

General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, [the Director of the Special Action Office for Drug Abuse Prevention] *the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of ACTION*, the Secretary of Housing and Urban Development, or their respective designees, the [Assistant Administrator] *Associate Administrator* of the Office of Juvenile Justice and Delinquency Prevention, the [Deputy Assistant Administrator] *Deputy Associate Administrator* of the Institute for Juvenile Justice and Delinquency Prevention, and 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.

(b) The Attorney General shall serve as Chairman of the Council. The [Assistant Administrator] *Associate 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. The Council shall make *concise* recommendations to the Attorney General and the President 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. *The Council is authorized to 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 section 223(a) (12) and (13) of this title.*

(d) The Council shall meet a minimum of [six] *four* times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b) (5) of this title.

(e)[(1) The Chairman shall, with the approval of the Council, appoint an Executive Secretary of the Council.

[(2) The Executive Secretary shall be responsible for the day-to-day administration of the Council.

[(3) The Executive Secretary] *The Associate Administrator* may, with the approval of the Council, appoint such personnel *or staff support* as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

ADVISORY COMMITTEE

SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs *including youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities.* The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment, *at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system.*

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. *Eleven members of the Committee shall constitute a quorum.*

DUTIES OF THE ADVISORY COMMITTEE

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make *concise* recommendations to the *Associate* Administrator, *the President and Congress*, at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs. *The recommendations of the Advisory Committee shall be included in the annual report submitted under section 204(b) (5) of this title.*

[(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.]

(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administrator on particular functions or aspects of the work of the Office.

(d) The Chairman shall designate a subcommittee of *no less than* five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

(e) The Chairman shall designate a subcommittee of *no less than* five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for [the Administration of] Juvenile

Justice to perform the functions set forth in section 247 of this title.

[(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.]

(f) The Chairman, with the approval of the Committee, shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee.

(g) The Associate Administrator shall provide such staff and other support as may be necessary to perform the duties of the Advisory Committee.

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States [and local governments] to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through *grants and* contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than [$200,000] *$225,000*, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than [$50,000] *$56,250*.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted 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. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976,

after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration. Not more than 15 per centum of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to [local government] *units of general local government or combinations thereof* within the State on an equitable basis.

[(d) Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261].

(d) Financial assistance extended under the provisions of this section shall be up to 100 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall not be required to exceed 10 per centum of the approved costs or activities.

(e) In accordance with regulations promulgated under this part, a portion of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this subpart. At least 5 per centum but no more than 10 per centum of such minimum annual allotment of each State shall be available for such purposes.

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 consistent with the provisions of section 303(a), (1), (3), (5), (6), (8), (10), (11), (12), (15), and (17) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must—

(1) designate the State planning agency established by the State under section 203 of such title I 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) (hereafter referred to in this part as the "State planning agency") 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 advise the State planning agency and its supervisory board] *provide for an advisory group appointed by the chief executive of the State 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 to carry out the functions specified in subparagraph (F)* (A) which shall consist of not less than twenty-one and not more than thirty-three persons

who have training, experience, or special knowledge concerning the prevention and treatment of a juvenile delinquency or the administration of juvenile justice, (B) which shall include 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, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; *business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience regarding the problem of school violence and vandalism and the problem of learning disabilities;* and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, [and] (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment[;] , *at least three of whom must have been or must now be under the jurisdiction of the juvenile justice system, and (F) the advisory group shall, consistent with this title, advise the State planning agency and its supervisory board. The advisory group may advise the Governor and legislature on matters related to its functions, as requested. The advisory group shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State planning agency other than those subject to review by the State's Judicial Planning Committee established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In addition, the advisory group may be given a role in monitoring State compliance with the section 223(a)(12) and (13) requirements, in advising on State planning agency and regional planning unit supervisory board composition, in advising on the State's maintenance of effort under section 261(a) and section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan;*

(4) provide for the active consultation with and participation of [local governments] *units of general local government or combinations thereof* in the development of a State plan which adequately takes into account the needs and requests of local governments, *provided that nothing in the plan requirements or LEAA regulations promulgated thereunder shall be construed as to prohibit or impede the State government from making contracts with or grants to local private agencies or the advisory group*;

[(5) provide that at least 66⅔ per centum of the funds received by the State under section 222 shall be expended through pro-

grams of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis];

(5) provide that at least 66⅔ per centum of the funds received by the State under section 222, other than funds made available to the State advisory group under section 222(e), shall be expended through programs of local government or combinations thereof and in conjunction with local private agencies insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if services for delinquent or other youth are organized primarily on a statewide basis;

(6) provide that the chief executive officer of the [local government] *unit of general local government* shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure *or to a regional planning agency* (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. The plan shall include itemized estimated costs for the development and implementation of such programs. *Programs and projects developed from the study may be funded under section 223(a)(10) provided that they meet the criteria for advanced technique programs as specified therein;*

(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, 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, whether expended directly by the State or by the local government or through 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, and to provide community based alternatives to juvenile detention and correctional facilities. That advanced techniques include—] *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(e), whether expended directly by the State 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 juvenile detention and correctional facilities, and to encourage a diversity of alternatives within the juvenile justice system. 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, day treatment, 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 [youth in danger of becoming delinquent] *other youth to help prevent delinquency*;

[(D) comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of drug addicted youth, and "drug dependent" youth (as defined in section 2(q) of the Public Health Service Act (42 U.S.C. 201(q)));]

(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 keep delinquents and to encourage other youth to remain in elementary and secondary schools or in alternative learning situations;

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

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

(H) provides for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, that [may include but are not limited to programs designed to—] *are designed to—*

(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

(iii) discourage the use of secure incarceration and detention;

(I) programs and activities to establish and adopt, based on the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;

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

[(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;]

(12) 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 such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities;

(13) *and youths within the purview of paragraph (12)* provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide for an adequate system of monitoring jails, detention facilities, [and] correctional facilities *and non-secure facilities* to insure that the requirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the *Associate* Administrator;

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

(16) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(17) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(18) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(19) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant [, to the extent feasible and practical,] the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(20) provide that the State planning agency will from time to time, but not less often then annually, review its plan and submit to the *Associate* Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(21) contain such other terms and conditions as the *Associate* Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act.

(b) The State planning agency designated pursuant to section 223(a), after [consultation with] *receiving and considering the advice and recommendations of* the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. *Failure to achieve compliance with the section 223(a)(12) requirement within the three year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time. For purposes of this subsection the term substantial compliance shall mean that 75 per centum deinstitutionalization has been achieved and a reasonable time shall be construed to be no longer than two years beyond that indicated by section 223(a)(12).*

(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 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224. *The Administrator shall endeavor to make such reallocated funds available on a preferential basis to programs in nonparticipating States under section 224*

(a)(2) and to those States that have achieved substantial or full compliance with the section 223(a)(12) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c).

[(e) In the event the plan does not meet the requirements of this section due to oversight of neglect, rather than explicit and conscious decision, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to public and private agencies in that State for special emphasis prevention and treatment programs as defined in section 224.]

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, *including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents*;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents [and youths in danger of becoming delinquent] *and other youth to help prevent delinquency*;

(5) facilitate the adoption of the recommendations of the Advisory Committee [on Standards for Juvenile Justice] and the Institute as set forth pursuant to section 247; [and]

(6) develop and implement, *in coordination with the United States Office of Education*, model programs and methods to keep students in elementary and secondary schools to prevent unwarranted and arbitrary suspensions and expulsions *and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism*;

(7) develop and support programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

(8) develop, implement, and support, in conjunction with the United States Department of Labor, other public and private agencies and organizations and business and industry, programs for youth employment;

(9) improve the juvenile justice system to conform to standards of due process; and

(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes.

(b) Not less than 25 per centum or more than 50 per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least [20] *30* per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, 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 such application shall—

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents [or

youths in danger of becoming delinquents] *and other youth to help prevent delinquency*;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency;

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee [on Standards for Juvenile Justice] as set forth pursuant to section 247; and

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

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

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any [State, public or private agency, institution, or individual (whether directly or through a State or local agency)] *public or private agency, organization, institution, or individual (whether directly or through a State planning agency)* may be used for—

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, [institution, or individual under this part (whether directly or through a State agency or local agency)] *organization, institution, or individual under this title (whether directly or through a State planning agency)* may be used for construction.

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded [under this part] *by the Law Enforcement Assistance Administration* the State may utilize [25 per centum of] the formula grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

[(c) Whenever the Administrator determines that it will contribute to the purposes of this part, he may require the recipient of any grant or contract to contribute money, facilities, or services.]

(c) Whenever the Administrator determines that it will contribute to the purposes of part A, subpart II of part B or part C, he may require the recipient of any grant or contract to contribute money, facilities, or services.

(d) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

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

(f) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation under section 224 of this title.

CONFIDENTIALITY OF PROGRAM RECORDS

SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.

PART C—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.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Associate Administrator, and shall be headed by a Deputy Associate Administrator of the Office appointed under section 201(f).

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Law Enforcement and Criminal Justice in accordance with the requirements of section 201(b).

[(d) The Administrator shall have responsibility for the administration of the organization, employees, enrollees, financial affairs, and other operations of the Institute.

[(e) The Administrator may delegate his power under the Act to such employees of the Institute as he deems appropriate.

[(f)](*d*) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, *including persons associated with law related education programs, youth workers and representatives of private youth agencies and organizations* connected with the treatment and control of juvenile offenders.

[(g)](*e*) In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) *make grants and* enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute; [and]

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently[.]*; and*

(6) assist, through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.

[(b)] (*f*) Any Federal agency which receives a request from the Institute under subsection [(g)(1)] (*e*)(*1*) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. 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 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) 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) provide for the evaluation of any other Federal, State or local juvenile delinquency program, upon the request of the *Associate* Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment, *such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices*;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

TRAINING FUNCTIONS

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshop, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, 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;

(3) devise and conduct a training program, in accordance with the provisions of sections 249, 250, and 251, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel), *including persons associated with law related education programs, youth workers and representatives of private youth agencies and organizations* connected with the prevention and treatment of 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.

INSTITUTE ADVISORY COMMITTEE

SEC. 245. [The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention established in section 208(d) shall advise, consult with, and make recommendations to the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of the Institute.] *The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.*

ANNUAL REPORT

SEC. 246. The [Deputy Assistant Administrator] *Deputy Associate Administrator* for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the *Associate* Administrator after the first year the legislation is enacted, prior to June 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The *Associate* Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5).

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee [on Standards for Juvenile Justice established in section 208(e)], shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

(b) Not later than one year after the passage of this section, the Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of the Act and the standards developed by the Advisory Committee.

[SEC. 248. Records containing the identity of individual juveniles gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or other agency, public, or private.]

ESTABLISHMENT OF TRAINING PROGRAM

SEC. [249.] *248.* (a) The *Associate* Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the *Associate* Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, *including persons associated with law related education programs, youth workers and representatives of private youth agencies and organizations*) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. [250.] *249.* The *Associate* Administrator shall design and supervise a curriculum for the training program established by section 249 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

ENROLLMENT FOR TRAINING PROGRAM

SEC. [251.] *250.* (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the *Associate* Administrator, in such form and according to such procedures as the *Associate* Administrator may prescribe.

(b) The *Associate* Administrator shall make the final determination with respect to the admittance of any person to the training program. The *Associate* Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 249(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

PART D—[AUTHORIZATION OF APPROPRIATIONS] *ADMINISTRATIVE PROVISIONS*

SEC. 261. [(a) To carry out the purposes of this title there is authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1975, $125,000,000 for the fiscal year ending June 30, 1976, and $150,000,000 for the fiscal year ending June 30, 1977.] *(a) To carry out the purposes of this title there is authorized to be appropriated $150,000,000 for the fiscal year ending September 30, 1978, $175,000,000 for the fiscal year ending September 30, 1979, and $200,000,000 for the fiscal year ending September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended.*

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

[NONDISCRIMINATION PROVISIONS

[SEC. 262. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such programs specifically provides that no recipient of

funds will discriminate as provided in subsection (b) with respect to any such program.

[(b) No person in the United States shall on the ground of race, creed, color, sex, or national origin be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.]

APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

SEC. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, designated as sections 501, 503, 504, 507, 509, 510, 511, 516, 518(c), 521 and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by [subsection (b)] *subsections (b) and (c)* the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(l) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

(c) The amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.

TITLE III—RUNAWAY YOUTH

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway 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;

(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.

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title.

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance *and short-term training* to localities and nonprofit private agencies *and coordinated networks of such agencies* in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth *or otherwise homeless youth* in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of [runaway youth] *such youth* in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with [runaway youth] *such youth*.

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper rela-

tions with law enforcement personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that [aftercase] *aftercare* services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without [parental consent] *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 youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

SEC. 313. An application by a [State] locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than [$75,000] *$100,000*. In considering grant applictions under this part, priority shall be given to any applicant whose program budget is smaller than [$100,000] *$150,000*.

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 316. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—[STATISTICAL SURVEY] *RECORDS*

SURVEY; REPORT

[SEC. 321. The Secretary shall gather information and carrying out a comprehensive statistical survey defining the major characteristic of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socioeconomic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results of such information gathering and survey to the Congress not later than June 30, 1975.

[RECORDS

[SEC. 322. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 321 may under no circumstances be disclosed or transferred to any individual or to any public or private agency.]

SEC. 321. Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 331. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending [June 30, 1975, 1976, and 1977, the sum of $10,000,000.] *September 30, 1978, 1979, and 1980, the sum of $25,000,000.*

[(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of $500,000.]

(b) *The Secretary (through the Office of Youth Development which shall administer this Act) shall consult with the Attorney General (through the Associate 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 Act with those related programs and activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

[TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

[YOUTH DEVELOPMENT DEMONSTRATIONS

[SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title following new part:

["PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

["SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary's regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

["(b) No demonstration may be assisted by a grant under this section for more than one year."

[CONSULTATION

[SEC. 402. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

["(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968";

and by deleting subsection (b) thereof.

[(b) Section 409 is repealed.

[REPEAL OF MINIMUM STATE ALLOTMENTS

[SEC. 403. Section 403 (b) of such Act is repealed, and section 403 (a) of such Act is redesignated section 403.

[EXTENSION OF PROGRAM

[SEC. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".]

TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

PART B—NATIONAL INSTITUTE OF CORRECTIONS

SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

"CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

"SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

"(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the [Deputy Assistant Administrator for the National Institute for] *Associate Administrator for the Office of* Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

"(c) The remaining ten members of the Board shall be selected as follows:

"(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

"(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years." Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

"(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

"(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

"(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

"SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

"(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

"(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information in corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

"(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

"(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

"(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

"(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

"(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

"(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

"(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

"(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

"(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

"(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

"(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

"(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the

rate authorized for GS–18 by section 5332 of title 5 of the United States Code.

"(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

"(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent, to the grants received under this chapter.

"(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

"SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter."

PART C—CONFORMING AMENDMENTS

SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph:

"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in 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.".

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (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 justice and delinquency prevention.".

SEC. 542. The third sentence of section 203(a)(*1*) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention. *The chairman and at least two additional citizen/members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.*".

SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974, a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act.".

SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "SEC. 520." and (2) by inserting at the end thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972.".

SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections:

"SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

"SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS–16, GS–17, and GS–18 under section 5332 of such title 5.".

SEC. 546. Section 519 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting after the words "House of Representatives" the words ", and the Education and Labor Committee of the House of Representatives,", by deleting the word "and" at the end of paragraph (10), by deleting the period at the end of paragraph (11) and inserting the words "; and" in lieu thereof, and by inserting immediately after paragraph (11) the following new paragraph:

"(12) a summary of State compliance with sections 223(a)(12)–(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the maintenance of effort requirement under section 261(b) of such Act and section 520(b) of this Act, State planning agency and regional planning unit representation requirements as set forth in section 203 of this Act, and other areas of State activity in carrying out juvenile justice and delinquency prevention programs under the comprehensive State plan."

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XII. APPENDIX

APPENDIX A.—J.J. & D.P. APPROPRIATION HISTORY

[In thousands]

Activity	Fiscal year 1975	Fiscal year 1976	TQ	Fiscal year 1977
Formula grants	$10,600	$19,771	$4,876	$47,625
Special emphasis	10,750	15,029	3,824	18,875
Juvenile Justice Institute	3,150	4,000	1,000	7,500
Concentration of Federal effort		500		1,000
Management and operations	[1] 500	[1] 700	[1] 300	
Total	25,000	40,000	10,000	75,000

[1] Administrative funds provided to support positions approved for O.J.J. & D.P.

LEAA APPROPRIATION HISTORY

[In thousands of dollars]

Budget activity	1969 actual	1970 actual	1971 actual	1972 actual	1973 actual	1974 actual	1975 actual	1976 actual	Transition quarter actual	1977 actual
1. Direct assistance (formula grants):										
a. Planning formula grants	19,000	21,000	26,000	35,000	50,000	50,000	55,000	60,000	12,000	60,000
b. Corrections formula grants			25,000	48,750	56,500	65,500	56,500	47,739	10,500	36,838
c. Juvenile justice formula grants							10,600	23,300	5,750	47,625
d. Criminal justice formula grants	24,650	182,750	340,000	413,695	480,250	480,250	480,000	405,412	84,660	313,123
2. Collateral assistance (discretionary grants and contracts):										
a. Criminal justice program (part C discontinued)	4,350	32,000	70,000	73,005	88,750	88,750	84,000	71,544	14,940	55,256
b. Correctional programs (part E discontinued)			22,500	48,750	56,500	56,500	56,500	47,739	10,500	36,838
c. Juvenile justice programs:										
Special emphasis							10,750	11,500	2,950	18,875
Juvenile justice institute							3,150	4,000	1,000	7,500
Concentration of Federal effort								500		1,000
Total juvenile justice							13,900	16,000	3,950	27,375
d. High crime area program										
e. Community anticrime program										15,000
f. Technical assistance		1,200	4,000	6,000	10,000	12,000	14,000	13,000	2,500	13,000
g. Educational assistance and special training programs:										
LEEP	6,500	18,000	21,250	29,000	40,000	40,000	40,000	40,000	40,000	40,000
Educational development			250	1,000	2,000	2,000	1,500	500		500
Internship			500		500	500	500	250		300
Sec 402 training			500	1,000	2,250	2,250	2,250	2,250	600	3,250
Sec 407 training					250	250	250	250		250
Total educational assistance	6,500	18,000	22,500	31,000	45,000	45,000	44,500	43,250	40,600	44,300
h. National institute: Enforcement and criminal justice	3,000	7,500	7,500	21,000	31,598	40,098	42,500	32,400	7,000	27,029
i. Data systems and statistical assistance		1,000	4,000	9,700	21,200	24,000	26,000	25,622	6,000	21,522
3. Public safety officers' benefits program										29,600
4. Management and operations	2,500	4,487	7,454	11,823	15,568	17,428	21,500	23,632	6,560	26,936
Total	60,000	267,937	528,954	698,372	[1] 841,166	870,526	[2] 887,171	809,638	204,960	754,442
Transfer to other agencies	3,000	182	46	196	14,431	149	7,829			
Total appropriated	63,000	268,119	529,000	698,919	855,597	870,675	895,000	809,638	204,960	754,442
Positions (PFT)	225	343	448	546	660	691	[3] 801	822	[4] 822	830

[1] Includes $14,200,000 transferred to DOJ.
[2] Includes $7,829,000 transferred to DOJ, and $10,000,000 transferred to juvenile justice.
[3] Includes 51 positions appropriated through juvenile justice supplemental.
[4] Includes 20 positions transferred from Bureau of Prisons, 1 from HEW.

Note: Congress required in 1974 and again in 1976 under sec. 261 of the act that LEAA allocate 19.15 percent of its non-JJDPA moneys to the area of juvenile justice for each of the above cited components.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DISTRIBUTION OF PARTS B, C, E AND JUVENILE JUSTICE AND DEVELOPMENT PROGRAM FUNDS FOR FISCAL YEAR 1975

[In thousands of dollars]

State	Part B	Part C	Part E	J.J. & D.P. [1]
Alabama	934	8,003	942	(200)
Alaska	268	739	87	200
Arizona	609	4,462	525	200
Arkansas	618	4,564	537	200
California	4,452	46,390	5,460	200
Colorado	693	5,373	632	(200)
Connecticut	842	7,000	824	200
Delaware	319	1,298	153	200
Florida	1,731	16,698	1,966	200
Georgia	1,186	10,757	1,266	200
Hawaii	370	1,855	218	(200)
Idaho	357	1,716	202	200
Illinois	2,543	25,555	3,008	200
Indiana	1,301	12,014	1,414	200
Iowa	801	6,555	772	200
Kansas	672	5,155	607	(200)
Kentucky	889	7,514	884	(200)
Louisiana	979	8,496	1,000	200
Maine	414	2,332	274	200
Maryland	1,043	9,200	1,083	200
Massachusetts	1,407	13,173	1,551	200
Michigan	2,078	20,487	2,411	200
Minnesota	1,008	8,812	1,037	200
Mississippi	670	5,127	604	(200)
Missouri	1,189	10,789	1,270	200
Montana	349	1,627	192	200
Nebraska	518	3,473	409	(200)
Nevada	311	1,211	143	(200)
New Hampshire	361	1,759	207	200
New Jersey	1,731	16,703	1,966	200
New Mexico	424	2,446	288	200
New York	4,027	41,744	4,914	200
North Carolina	1,288	11,866	1,397	(200)
North Dakota	332	1,441	170	200
Ohio	2,434	24,369	2,868	200
Oklahoma	748	5,984	704	(200)
Oregon	655	4,986	585	200
Pennsylvania	2,680	27,058	3,185	200
Rhode Island	402	2,202	259	(200)
South Carolina	760	6,109	719	200
South Dakota	342	1,546	182	200
Tennessee	1,048	9,255	1,089	[2] 200
Texas	2,618	26,374	3,104	200
Utah	435	2,561	302	(200)
Vermont	296	1,046	123	200
Virginia	1,913	10,830	1,275	(200)
Washington	912	7,768	914	200
West Virginia	574	4,080	480	(200)
Wisconsin	1,143	10,287	1,211	200
Wyoming	272	786	93	(200)
District of Columbia	357	1,709	201	200
American Samoa	206	61	7	(50)
Guam	217	191	22	50
Puerto Rico	781	6,343	747	200
Virgin Islands	213	141	17	50
Trust Territory				50
Total	55,000	480,000	56,500	10,600

[1] Figures in parentheses indicate sums that the State did not participate in the J.J. & D.P. Act this fiscal year and did not receive funds.

[2] Tennessee participated only part of the year and actually received only $97,000.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DISTRIBUTION OF PARTS B, C, E AND J.J. & D.P. FORMULA FOR FISCAL YEAR 1976

[In thousands of dollars]

State	Part B	Part C	Part E	J.J. & D.P. [1]
Alabama	1,016	6,753	795	(366)
Alaska	276	628	74	200
Arizona	677	3,948	465	200
Arkansas	668	3,876	456	200
California	4,954	39,332	4,632	1,966
Colorado	768	4,700	553	229
Connecticut	909	5,866	691	303
Delaware	332	1,091	128	200
Florida	1,983	14,751	1,737	625
Georgia	1,309	9,176	1,081	487
Hawaii	394	1,602	189	(200)
Idaho	379	1,478	174	200
Illinois	2,773	21,285	2,506	1,125
Indiana	1,421	10,102	1,189	545
Iowa	859	5,453	642	289
Kansas	721	4,312	508	(221)
Kentucky	966	6,338	746	(330)
Louisiana	1,062	7,134	840	411
Maine	439	1,979	233	200
Maryland	1,138	7,759	914	409
Massachusetts	1,535	11,044	1,301	556
Michigan	2,286	17,257	2,032	963
Minnesota	1,095	7,409	872	409
Mississippi	733	4,413	520	(250)
Missouri	1,297	9,081	1,069	460
Montana	368	1,390	164	(200)
Nebraska	553	2,920	344	200
Nevada	327	1,049	124	(200)
New Hampshire	383	1,512	178	200
New Jersey	1,886	13,951	1,643	707
New Mexico	453	2,093	246	200
New York	4,393	34,689	4,085	1,731
North Carolina	1,420	10,098	1,189	(521)
North Dakota	346	1,209	142	200
Ohio	2,673	20,469	2,409	1,108
Oklahoma	814	5,083	599	(248)
Oregon	711	4,226	498	207
Pennsylvania	2,930	22,591	2,660	1,140
Rhode Island	423	1,842	217	200
South Carolina	827	5,188	611	283
South Dakota	357	1,299	153	200
Tennessee	1,143	7,799	918	(393)
Texas	2,923	22,527	2,653	1,185
Utah	465	2,190	258	(200)
Vermont	307	888	105	200
Virginia	1,315	9,226	1,086	471
Washington	990	6,534	769	344
West Virginia	612	3,405	401	(200)
Wisconsin	1,245	8,645	1,018	469
Wyoming	281	672	79	(200)
District of Columbia	369	1,398	165	50
American Samoa	207	57	7	200
Guam	221	177	21	50
Puerto Rico	851	5,388	634	349
Virgin Islands	217	139	16	50
Trust Territory				50
Totals	60,000	405,412	47,739	23,300

[1] Figures in parentheses indicate sums that the State did not participate in the J.J. & D.P. Act this fiscal year and did not receive funds.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, ALLOCATION OF PART B PLANNING, PART C BLOCK, AND NONDISCRETIONARY PORTION (50 PERCENT) OF PART E CORRECTIONS AND JUVENILE JUSTICE FORMULA FUNDS BY STATE

[In thousands of dollars]

State	Transition quarter July 1, 1976–Sept. 30, 1976			
	Part B	Part C	Part E	J.J. & D.P.[1]
Alabama	204	1,410	175	(90)
Alaska	64	131	16	50
Arizona	140	824	102	50
Arkansas	138	809	100	50
California	947	8,214	1,019	484
Colorado	157	982	122	57
Connecticut	184	1,225	152	75
Delaware	75	228	28	50
Florida	387	3,080	382	154
Georgia	259	1,916	238	120
Hawaii	87	334	42	(50)
Idaho	84	309	38	50
Illinois	536	4,445	551	277
Indiana	281	2,109	262	134
Iowa	174	1,139	141	71
Kansas	148	900	112	(55)
Kentucky	195	1,324	165	(81)
Louisiana	213	1,490	185	101
Maine	95	413	51	50
Maryland	227	1,620	201	101
Massachusetts	302	2,306	286	137
Michigan	444	3,604	447	237
Minnesota	219	1,947	192	101
Mississippi	151	922	114	(62)
Missouri	257	1,896	235	113
Montana	82	290	36	50
Nebraska	117	610	76	(50)
Nevada	74	219	27	(50)
New Hampshire	85	316	39	50
New Jersey	368	2,913	361	174
New Mexico	98	437	54	50
New York	841	7,244	898	426
North Carolina	280	2,109	262	(128)
North Dakota	78	253	31	50
Ohio	517	4,273	530	272
Oklahoma	166	1,061	132	(61)
Oregon	146	883	109	51
Pennsylvania	565	4,718	585	280
Rhode Island	92	385	48	50
South Carolina	168	1,083	134	70
South Dakota	80	271	34	50
Tennessee	228	1,629	202	(97)
Texas	564	4,704	583	291
Utah	100	457	57	(50)
Vermont	70	183	23	50
Virginia	261	1,927	239	116
Washington	199	1,365	169	85
West Virginia	128	711	88	(50)
Wisconsin	247	1,805	224	115
Wyoming	65	140	17	(50)
District of Columbia	82	292	36	50
American Samoa	51	12	2	12
Guam	54	37	5	12
Puerto Rico	173	1,125	140	86
Virgin Islands	53	29	4	12
Trust Territory				12
Total	12,000	84,660	1,500	5,750

[1] Figures in parentheses indicate sums that the State did not participate in the J.J. & D.P. Act this period and did not receive funds.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DISTRIBUTION OE PARTS B, C, E AND J.J. & D.P. FORMULA FUNDS FOR FISCAL YEAR 1977

[In thousands of dollars]

State	Part B	Part C	Part E	J.J. & D.P.[1]
Alabama	1,016	5,100	600	813
Alaska	276	487	57	200
Arizona	693	3,081	363	425
Arkansas	672	2,950	347	432
California	4,968	29,779	3,503	4,373
Colorado	774	3,588	422	510
Connecticut	905	4,402	518	673
Delaware	332	823	97	200
Florida	2,050	11,553	1,359	1,390
Georgia	1,314	6,957	819	1,083
Hawaii	395	1,218	143	200
Idaho	382	1,136	134	200
Illinois	2,749	15,919	1,873	2,501
Indiana	1,413	7,579	892	1,213
Iowa	853	4,076	479	643
Kansas	718	3,232	380	(492)
Kentucky	966	4,784	563	734
Louisiana	1,059	5,366	631	915
Maine	440	1,496	176	227
Maryland	1,134	5,833	686	910
Massachusetts	1,524	8,272	973	1,236
Michigan	2,282	13,005	1,530	2,142
Minnesota	1,092	5,570	655	910
Mississippi	733	3,329	392	(556)
Missouri	1,290	6,807	801	1,024
Montana	368	1,051	124	200
Nebraska	552	2,198	259	(355)
Nevada	331	819	96	(200)
New Hampshire	385	1,153	136	200
New Jersey	1,872	10,445	1,229	1,571
New Mexico	456	1,596	188	268
New York	4,334	25,821	3,038	3,850
North Carolina	1,428	7,667	902	(1,159)
North Dakota	345	907	107	(200)
Ohio	2,654	15,327	1,803	2,463
Oklahoma	812	3,824	450	(551)
Oregon	715	3,217	378	460
Pennsylvania	2,904	16,891	1,987	2,536
Rhode Island	414	1,338	157	200
South Carolina	834	3,959	466	629
South Dakota	356	972	114	200
Tennessee	1,148	5,918	696	874
Texas	2,945	17,142	2,017	2,635
Utah	469	1,682	198	(279)
Vermont	307	668	79	200
Virginia	1,321	7,004	824	1,047
Washington	998	4,984	586	764
West Virginia	607	2,545	299	(382)
Wisconsin	1,243	6,513	766	1,044
Wyoming	283	516	61	(200)
District of Columbia	365	1,029	121	200
American Samoa	260	40	5	50
Guam	223	143	17	50
Puerto Rico	874	4,210	495	776
Virgin Islands	219	118	14	50
Trust Territory				50
Totals	60,000	306,039	36,005	47,625

[1] Figures in parentheses indicate sums that the State did not participate in the J.J. & D.P. Act this fiscal year and did not receive funds.

APPENDIX B—DEFINITIONS REQUESTED BY THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY REGARDING SECTIONS 223(A)(12)–(14)

SECTION 223(A)(12)–(14)

Chap. 3/Par. 52i(4), page 57, is amended to read as follows:

"(4) *Implementation.* The requirements of this section are to be planned and implemented by a State within two years of the date of its initial submission of an approved plan, so that all status offenders who require care in a facility will be placed in shelter facilities rather than juvenile detention or correctional facilities."

Chap. 3/Par. 52i(5), pages 57–58, is amended to read as follows:

"(5) *Plan Requirement.*

(a) Describe in detail the State's specific plan, procedure, and timetable for assuring that within two years of the date of its initial submission of an approved plan, status offenders, if placed in a facility, will be placed in shelter facilities rather than juvenile detention or correctional facilities. Include a description of existing and proposed juvenile detention and correctional facilities.

(b) A *shelter facility*, as used in Section 223(a)(12), is any public or private facility, other than a juvenile detention or correctional facility as defined in paragraph 52k(2) below, that may be used, in accordance with State law, for the purpose of providing either temporary placement for the care of alleged or adjudicated status offenders prior to the issuance of a dispositional order, or for providing longer term care under a juvenile court dispositional order."

Chap. 3/Par. 52k(2) and (3), pages 59–60, are redesignated as Par. 52k(3) and (4) respectively. A new Par. 52k(2) is inserted to read as follows:

"(2) For purposes of monitoring, a juvenile detention or correctional facility is:

1 any *secure* public or private *facility* used for the *lawful custody* of *accused or adjudicated juvenile offenders; or*

2 any public or private facility used primarily (more than 50 percent of the facility's population during any consecutive 30-day period) for the lawful custody of accused or adjudicated *criminal-type offenders* even if the facility is non-secure; or

3 any public or private facility that has the bed capacity to house twenty or more accused or adjudicated *juvenile offenders or non-offenders*, even if the facility is non-secure, unless used *exclusively* for the lawful custody of *status offenders* or non-offenders, or is *community-based*; or

4 any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted *criminal offenders.*

For purposes of monitoring, a juvenile detention or correctional facility is:

Where State law provides statutory distinctions between permissible and impermissible placements for alleged and adjudicated status offenders that are compatible with the above definition, the LEAA Administrator may, at the request of the State planning agency, consider a waiver of the express terms of the definition and substitution of the compatible State statutory provision(s)."

Appendix I, item 4, page 3, is redesignated item 5. A new item 4 is inserted to read as follows:

"4. *Definitions Relating to Par. 52. Special Requirements for Participation in Funding Under the Juvenile Justice and Delinquency Prevention Act of 1974.*

(a) *Juvenile Offender*—an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(b) *Criminal-type Offender*—a juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(c) *Status Offender*—a juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(d) *Non-offender*—a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile.

(e) *Accused Juvenile Offender*—a juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

(f) *Adjudicated Juvenile Offender*—a juvenile with respect to whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

(g) *Facility*—a place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

(h) *Facility, Secure*—one which is designed and operated so as to ensure that all entrances and exists from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which

relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

(i) *Facility, Non-secure*—a facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

(j) *Community-based*—facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

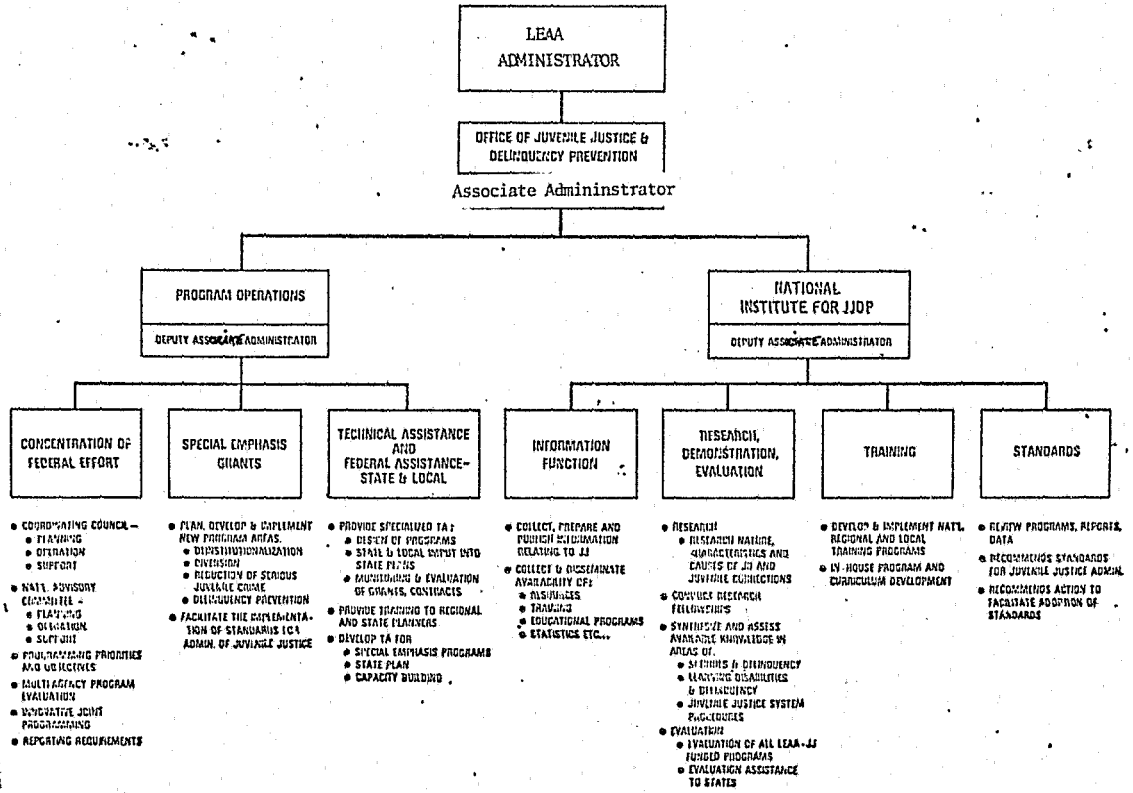
(k) *Lawful Custody*—the exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

(l) *Exclusively*—as used to describe the population of a facility, the term "exclusively" menas that the facility is used only for a specifically described category of juvenile to the exclusion of all other types of juveniles.

(m) *Criminal Offender*—an individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction."

APPENDIX C -

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ORGANIZATION CHART



APPENDIX D

Organizations Endorsing the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415)

American Federation of State, County, and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girls Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Council of Organizations of Children and Youth, Youth Development Cluster: members.
AFL-CIO Department of Community Services.
AFL-CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescence Psychiatry.
Association for Childhood Eduucation International.
Association of Junior Leagues.
Big Brothers of Ameri a.
Big Sisters International.
B'nai B'rith Women.
Boys' Club of America.
Boy Scouts of the USA.
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.

Lutheran Council in the U.S.A.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of State Committee for Children and Youth.
National Jewish Welfare Board.
National Urban League.
National Youth Alternatives Project.
New York State Division for Youth.
Odyssey.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent De Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministeries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Van der Does, William.
Westc'.ester Children's Association.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
National Youth Alternatives Project.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

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